



Inquiry into Motor Recreational Activities

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Status: Approved

Date: 13 December 2019

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Committee Secretary

Transport and Public Works Committee

Parliament House

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REFERENCE: Transport and Public Works Committee - Motor Recreational Activities Inquiry

Introduction:

It comes as no surprise that for the last 12 months¹, three of the top five new vehicles being sold across the Australian domestic vehicle market, are Dual Cab Four Wheel Drives (4WDs), with Sports Utility Vehicles (SUVs) filling the majority of remaining positions; these sales figures have been increasing steadily for the last several years². It goes without saying that Australians love and embrace the recreational lifestyle we have in this great country, and frequently visit national parks and make use of our numerous public (and private) camping areas across Queensland.

4WD Queensland was formed in 1976 when members from various 4WD clubs across Queensland, got together in an effort to unite the voice of four-wheel drivers in promoting recreational four-wheel driving.

Although 4WD Queensland predominately seeks to promote the requirements and interests of our affiliated clubs and their members, as the peak 4WD motoring body in Queensland, we also represent the interests of all 4WD owners and operators throughout the state, when common issues benefit or tarnish both the association and general 4WDing community.

4WD Queensland currently has in excess of 60 affiliated 4WD clubs which are incorporated under Queensland legislation, with many more 4WD groups operating as social and unstructured clubs.

¹ <https://www.canstarblue.com.au/vehicles/top-selling-cars/>

² <https://www.whichcar.com.au/news/toyota-hilux-is-2018-best-selling-vehicle/>



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Background issues facing recreational 4WDing and tourism:

For over ten years, local governments have jointly worked on legislation as members of Council of Australian Governments (COAG) and Australian Motor Vehicle Certification Board (AMVCB), in order to develop a National Code of Practice (NCOP) in order to align individual state-based vehicle modification standards. However, after all this time, no two state or territory governments have a full alignment of vehicle modification standards, which also includes relevant state standards, regulations, and certification procedures. Unfortunately, it appears state and territory bureaucrats wanted to put their additional limitations and restrictions inside the national code, so all state and territory registration authorities now have their own separate modification standards once again, some vastly different to others; this is impeding a national solution for all Australian motoring community and industry groups.

While the NCOP has fixed limits and measurements for many modification types, some states such as NSW, VIC and SA have engineering and certification procedures allowing certified auto mechanical engineers to safely modify outside of the NCOP limitations, while other states restrict engineering by industry certified professionals. Additionally, many engineered modifications cannot be simply transferred between states for registration purposes, without having to be completely re-engineered in the new state, or removed if they do not comply with the new state's regulations.

Due to local registration standards, every auto-mechanical engineer, automotive workshop and aftermarket product seller across Australia, has no assurance their products will be accepted across the entire Australian marketplace. Further, large national companies have significant fleet management issues due to the indifferent state legislation, registration and movement of vehicles across interstate boundaries.

Australian tourism is also being affected, as motorists who travel from their home state with legal modifications, are being defected by overzealous enforcement agencies when they cross a state border, and their vehicles don't meet the requirements of the jurisdiction they are traveling in. If a vehicle is legally modified and meets compliance in its home state, then it should technically be allowed to travel through all states unhindered, however we are aware enforcement agencies are defecting vehicles in this instance. This is limiting the tourism into Queensland. i.e. Corroboree 2018, normally would have around 400-500 vehicles and families, was lucky to get 100 vehicles in attendance due to QPS's Operation Lift.

Disparate vehicle standards are disruptive to the Australian general population, motoring industry, motoring communities and generates an unnecessary level of bureaucracy, with many



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people losing faith in the necessity of state and territory governments. There is no reason why the state and territory governments cannot transfer vehicle modification regulations and standards to the Commonwealth.

Leading up to the federal election, 4WD Australia Association engaged all federal political parties regarding pre-election commitments in order to nationally align vehicle modification standards across Australia under the "Time To Align" campaign. 4WD Australia Association received pre-election commitments from over 30 federal parties³ supporting the national campaign, which included all the major parties.

While it would be easy at this stage to declare a federal election victory for the wider Australian motoring community, which would provide alignment of vehicle modification standards nationally, unfortunately, under the current constitution individual state and territory governments have remit to self-manage and regulate vehicle modification standards within their own jurisdictions, however state and territory governments have so far not supported the activity of federal alignment.

On 2 January 2019 we meet with QPS Commander of Road Policing Unit and several staff to discuss vehicle modifications being classified as Type 2 Offence under the Anti-Hooning Legislation, as many 4WD owners were being defected for just driving down the road, without undertaking any antisocial typing type behaviour. This was not the original intent of Anti-Hooning Legislation, however the government committee introducing the bill and legislation, only allowed QPS to address the committee; the public were not allowed to present at the public hearing, nor ask QPS any questions on their verbal briefing to committee. We also raised concern that traffic infringement tickets were not being issued with relevant details and enough information for a member of the public to be able to legally defend an infringement. For example, we've been informed that on 12 December 2019, a member of the public received Infringement Number: [REDACTED] with offence of "Drive/Park Defective Vehicle" with the officer's signature being initials [REDACTED], the driver states he was never pulled over, nor has the vehicle been defected previously and is unaware what is supposed to be defective with his vehicle.

On 23 February 2019, we meet with The Hon Mark Ryan MP Minister of Police and discussed the Anti-Hooning issues and details of a NSW registered 4WD who was holidaying in Queensland and was incorrectly defected for vehicle modifications. We raised the issues of QPS traffic infringements and our concerns of some tickets being issued by QPS staff were incorrect;

³ <https://www.timetoalign.org.au/federal-party-responses/>



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we met with The Hon Shane Black MP the same day, and discussed the same topics of concern. We provided Mark Ryan MP with some documentation of concern, and it was forwarded to CCC as reference: CO-19-0679. CCC advised this submission was outside their delegation and referred the matter to QPS internal affairs; no further feedback has been provided from QPS.

TMR Right To Information (RTI/336)⁴ - 4WD Queensland recently submitted a Right To Information request to Transport and Main Roads. These requests were designed to identify the amount of illegal and unsafe modifications which may contribute in some form to road vehicle accident statistics in Queensland, as these are the main reasons that both TMR and QPS state certain modifications should not be allowed on 4WD based vehicles. The RTI response from TMR indicated that only very minor numbers of component types (suspension / brakes) had contributed to a road vehicle accident over the last seven years. Further, there was absolutely no correlation to a component type failure which was either aftermarket, or factory fitted as an OEM part which was poorly maintained by the vehicle owner. As a result, there were no statistical evidence available by TMR which indicated any modification type, or change in ride height of a vehicle, was a cause in road vehicle accidents and should be restricted as an aftermarket and recreational opportunity for the motoring industry and community motoring groups.

QPS Right To Information (RTI/26811)⁵ – 4WD Queensland also submitted a Right To Information to the Queensland Police Service, which was meant to identify the processes used by officers in order to inspect, measure and issue infringements to vehicle which may not comply with the state modification laws, resulting in tickets, demerit points, financial penalties, and in some cases being impounded against the Anti-Hooning Legislation.

We have many people complaining via social media that vehicle is being inspected using certain processes, which are inconsistent with TMR guidelines, and would indicate they are issued in error. The RTI was meant to get an understanding of the QPS inspection processes, identify areas of inconsistency, in order to address the processes. For example, QPS officers regularly issue infringement notices on tyres being either too big or too small, by referencing the vehicle tyre placard located on the inside of the driver's door – however this is not the authoritative source manufacturer tyre sizes for all vehicle make and models, and all references should be looked up against the DOTARS (Department of Transport and Regional Services) website.

The QPS subsequently denied our RTI request, stating there were 3780 documents containing the information we requested, some of it was “commercial in confidence”, and it wasn't in the

⁴ <https://www.tmr.qld.gov.au/About-us/Right-to-Information/Disclosure-log.aspx>

⁵ <https://www.police.qld.gov.au/rights-information/2019-disclosure-logs>



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public interest. 4WD Queensland most certainly doesn't want access to this many documents, however we feel QPS over-extended their search on our RTI, and preventing an opportunity to remedy current process issues on incorrectly issued infringement notices. They also denied our request for statistical information on their infringements, which does not require access to any internal QPS documents or processes.

Transport Minister refusing to meet with 4WD Queensland / Community – Following the QPS campaign Operation Lift, we attempted several times to meet with the Transport Minister, and meet with many state MPs. The Hon Don Brown MP later advised 4WD Queensland he had consulted with The Hon Mark Bailey MP, however the Minister for Transport advised "he has no intention of meeting" with our association to discuss issues on modification legislation. This is unfortunate as the Transport Minister has argued with other MPs on our Facebook pages, voted against our polls, and also sent friend requests to an association management official, yet won't sit down to discuss the issues we have under his portfolio.

While 4WD Queensland are developing relations with TMR on vehicle modification standards, TMR have advised that increases in vehicle over a certain ride height will only be approved under "operational" circumstances, there is no possible avenue to approve similar types of modifications for recreational purposes, yet these can be achieved by other state jurisdictions, and NSW specifically states "extreme offroad activities" are a suitable reason for vehicle owners to undertake larger modifications. The mindset of restricting modifications in Queensland for recreational purposes must change in order to cater for wider safety and capability requirements. More so, larger and more liberal modifications can be undertaken on brand new vehicles and certified against the Australian Design Rules under the Second Stage Manufacturer program, yet these exact same modifications can not be applied to the exact same type of vehicle once it has been registered in Queensland, as the modification may not meet the TMR mandated restrictions.

Access to public lands:

Our community is very concerned when the government gives land access away without due process, public and stakeholder engagement, such as the Bligh government's 99-year lease agreement for forestry areas in Glasshouse Mountains and other commercial entities.

In October 2019, the 4WD community learned from the media that Stradbroke Island vehicle fees were due to increase from approximately \$47 per annum, to \$158. We also learned the increase was linked to the handover of control from Queensland Government of Stradbroke Island to Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC). In our investigation,



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we found no evidence of any public or stakeholder consultation in this process. Of further concern is QYAC's annual report⁶ which advises receiving approximately \$25M in government grants, and now the government is also handing over control of a major land asset without any public or stakeholder engagement.

We have also learned that Moreton Island is also under native title application⁷ which will provide QYAC with both exclusive and non-exclusive rights over all of the island (excluding a small portion of freehold land and current leases). Again, there has been no public consultation with any of the public land applications as a community stakeholder.

The Queensland Government Indigenous Business Development Fund for North Stradbroke Island⁸ covers many indigenous business activities, however 4WD Queensland is concerned the recent government increase in fees will restrict tourism numbers, and access to 4WDing and camping facilities; which we have been excluded as there was no public consultation process.

4WD Queensland wants to ensure that the fees paid for permits and camping are put towards providing better facilities for the public land users at Stradbroke Island and Moreton Island. We would also like to ensure that no access is lost and no further fee increases occur without consultation. The current government is providing significant financial grants to QYAC while also handing over major land parcels without any public input or consultation, 4WD Queensland is seeking that public consultation occurs before the Queensland government hand over any publicly accessible, or publicly owned lands.

Tourism issues with local councils:

Southern Downs Regional Council – a petition was recently provided to the council regarding their planned work to concrete fourteen river crossings through the Cambanoora Gorge (Condamine River). At a recent council meeting, it was decided that no further work would be undertaken on the Condamine river. Yet, subsequently the council laid road base and bitumen throughout the fourteen river crossings, going against the decisions of the local council. This was not supported by the local and 4WD recreational groups, additionally, recent rain has seen most of this road work washed away into the natural creek pools where the platypus live.

⁶ <http://www.qyac.net.au/docs/17-18AnnualReport.pdf>

⁷ <https://www.redlandcitybulletin.com.au/story/6422023/moreton-island-native-title-process-progresses/>

⁸ <https://www.ditid.qld.gov.au/tourism/tourism-policy-strategies/minjerribah-futures/economic-development-growth/indigenous-business-development>



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A Teewah and Cooloola working group was recently formed and reviewed vehicle access in the Teewah Beach and Cooloola Recreational areas. The working group decided to reduce the vehicle beach permits via Noosa by 50%; they were cut from 2,300 to 1,150. There were also further caps placed on camping sites and an increase in fees. This was also not discussed in consultation with all 4WD groups.

Duck Creek road is another very popular 4WD and tourism destination in the Scenic Rim area. The road is a mix of public and private land access. During extreme storms in 2017, the roads were damaged to a point they needed to be closed to general traffic. Unfortunately, at this point the Scenic Rim council do not have any funds available to repair the road within the next 10 years. This is a great loss to the tourism of that area, it also plays a keep safety role in providing an additional road access into Lamington National park, which was recently hit with a major bushfire.

Other state government 4WD tourism initiatives

Four Wheel Drive Northern Territory have worked with the government to open brand-new recreational driving and camping areas throughout Litchfield National Park. Similarly, Four Wheel Drive Western Australia have also opened a significant state tourism opportunity through the creation of a 4,000 KM 4WD track⁹ throughout many areas including Great Southern, Goldfields, Wheatbelt, Mid West.

Both activities will bring significant tourism activities to their states and territories. These are the types of activities we need to work in conjunction with the government and other communities to achieve significant tourism opportunities.

Media issues effecting 4WD tourism support:

Channel Seven¹⁰ has announced it will axe The Great Day Out (formerly The Great South East), Creek to Coast and Queensland Weekender. These are great programs to promote the tourism of Queensland to the rest of Australia which are now opportunities lost and outside our control.

4WD Queensland is a registered training organisation with aim to promote responsible use of public and private lands and we could encourage users to seek training to ensure they are

⁹ <https://thewest.com.au/news/kalgoorlie-miner/epic-new-4000km-4wd-track-opens-up-great-southern-goldfields-wheatbelt-mid-west-ng-b881270863z>

¹⁰ <https://www.brisbanetimes.com.au/national/queensland/media-experts-slam-seven-s-short-sighted-decision-to-axe-qld-shows-20191128-p53f2s.html>



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operating their vehicles in a safe manner. Especially considering there has been several fatalities over the recent years for the incorrect use of recovery equipment and we also note that the skills IQ recently deleted a lot of 4WD specific training, including the use of snatch straps. This needs to be addressed as a matter of urgency in the aim of reducing further fatalities.

4WD Queensland is currently working with several US manufactures in order to import some of their certified high light suspension kits as they meet American (FMVSS126) electronic stability testing standards which are not automatically accepted by Australian certification standards. The vehicle testing undertaken to achieve ESC certification for the US, UNECE and ADR standards are all exactly the same, however Australia does not automatically accept the US standard in our ADRs, this creates additional levels of testing and certification in order to have these kits legally fitted in Australia. While 4WD Queensland supports good engineering practices and safe vehicle modifications, the additional costs involved in getting some modifications completed in Queensland, are driving people to look for cheaper overseas counterfeit / inferior products. We need to review how much additional testing and certification is required in order to balance the cost and keep safer modifications and components available to from within Queensland.

4WD Queensland are aware that some of the vehicle permit fees have recently been increased, yet out current fees are higher than those of other states fee's and permits. We highly recommend that the Queensland Government undertake a study across all state and territory recreational fees in order to bring out fees down to the level of the other jurisdictions. 4WD Queensland is of the opinion that funding to maintain facilities and areas should be the responsibility of the Queensland government and local councils, capped through legislation preventing local fees being increased out of control.

There is currently an organised activity by several state / territory associations, clubs and individuals in order to formalise the development and launch a new national recreational association. It is anticipated this association will be ready to launch in Q1 of 2020. The new national recreational association will play a pivotal function in pulling together and representing land managers, recreational communities, legislators and aftermarket industry companies to provide a high level of collaboration and empowerment. We can't elaborate on it further at this point however, it will be future opportunity for engagement with the Queensland Government.



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4WD Queensland recreational activities:

4WD Queensland, like many state associations, help local rangers and councils through "Adopt A Track" programs where local clubs help sponsor work and maintain recreational tracks and fire trail within their local areas. Collaborations activity and access too lands that are not normally open to general public.

4WD Queensland has been cleaning up Fraser Island (K'gari)¹¹ since 2001 with the event held annually over a weekend with 4WD Queensland affiliated clubs, their members and sponsored visitors volunteering their time to clean and weed this World Heritage Island. 4WD Queensland works closely with Queensland Parks and Wildlife Service as the driving force behind this event. 4WD Queensland Fraser Island K'gari Clean Up does not receive government funding and therefore we solely rely on support from Sponsors to ensure the events continuation into the future. We also work with their local landowners and managers for many events like clean up Australia Day. 4WD Queensland and its clubs good work and responsible use of lands is welcomed by land managers and we have formal agreements in place with most land managers regarding access.

4WD Queensland maintains a hall at Moorooka. This can be hired by the public and has done so for over 20 years. We are recognised for our good work in the area and have received several grants to help with the maintenance and upkeep of the hall.

4WD Queensland assists the South East Queensland Deaf 4WD Club through supporting and conduct training for them. Although require government assistance to be able to provide continued support for this group and other groups with disabilities. I.e. Translation services, access services & re-writing training material to accommodate people with disabilities.

4WD clubs and communities for many years, have always adopted a Pink lady theme day where clubs dress up and make money to support breast cancer awareness and foundations.

Recreational motoring opportunities:

The US Market in consultation with numerous Australian groups and the American consulate are seeking opportunities to expand side-by-side recreational vehicles / activity, such as Polaris and Cam-Am recreational buggies. While 4WD Queensland are not actively involved in this

¹¹ <https://www.ficu.org.au/>



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venture, we are aware of the key players and support this endeavour to increase these recreational groups and vehicle types.

4WD Queensland supports child riders and drivers of recreational vehicles in public areas if they are accompanied by appropriate adult. In order to achieve this, we recommend wearing high visibility garments or markings on vehicles.

4WD Queensland recommends government funding in order to establish a topographical land and track management internet platform in order to share with multiple agencies and other recreational groups, and easily identify tracks open, closed access to recreational lands. Creation and sharing of vehicle driving track data, rating track difficulty and to log areas for rehabilitation and conservation.

4WD Queensland suggest a government sponsored program to create driver awareness and training videos on recreational issues, such as safe vehicle recovery practices, use of snatch straps, driving in sandy terrain and tyre pressure etc. for use on Government and recreational association web sites, radio and TV medium. These are all issues that non experienced drivers who aren't members of recreational clubs fall victim to on a regular occurrence and unsafe vehicle recovery practices have often resulted in death; this needs to be addressed through an education program.

New koala environmental habitat reserve should be co-managed by recreational groups such as 4WD Queensland, allowing access to greater public land and allows program where motor recreational groups can assist in Koala conservation activities (counting, tracking, research assistance).

Analyse Park / Vehicle Permit Fees across all States and Territories. The Queensland fees are far higher in comparison to other states and territories, which does not favour Queensland as the choice for many tourists. Government should review funding allocations across all locations and place caps on vehicle access and camping permit fees.

Assistance to state emergency and police activities:

Create a state-based program to enable emergency and police services to be able to call upon recreational motoring groups to help with time critical or resource dependant activities. Allows recreational groups to work on training, mentoring and RTO opportunities, to ensure volunteer personnel have relevant skillsets to help support state emergency and police activities.

--- ENDS ---