

Memorandum of Understanding

Between

Track Care Western Australia Inc,



**West Australian Four Wheel
Drive Association Inc**



and

**West Australian Department of
Environment and Conservation**



Department of
Environment and Conservation

(August 2006)

Memorandum of Understanding between Track Care Western Australia Inc, the West Australian Four Wheel Drive Association Inc and the Department of Environment and Conservation

(10th July 2006 Draft)

1. Preamble

This Memorandum of Understanding (MOU) is between Track Care Western Australia Inc (Track Care WA Inc), the West Australian Four Wheel Drive Association Inc (WA 4WD Association Inc) and the Western Australian Department of Environment and Conservation (DEC). The MOU seeks to clarify and maintain the highest standards of cooperation and understanding between and within the resources available to all three organisations, in order that each can complement the other's activities in areas of common interest and ultimately achieve their own organisational goals.

The MOU is not intended to be a legal document. Rather it is an administrative document that seeks to ensure mutually beneficial working arrangements, and to clarify the relationship between Track Care and the WA 4WD Association and DEC, given the latter's responsibility for conservation and land management in Western Australia.

The MOU does not restrict any of the parties from participation in similar activities or arrangements with other public or private agencies or parties.

2. Background

Track Care WA (Inc) is a not for profit volunteer organisation dedicated to the care and preservation of four-wheel drive tracks throughout Western Australia and to maintaining access to these tracks for the future. Its membership comprises individual four-wheel drive owners, members of four-wheel drive clubs, industry partners and representatives of other organisations and government agencies. Originally formed in late 1996 in response to concerns about the ongoing management and maintenance of the Canning Stock Route, Track Care members have subsequently taken on a wide range of track rehabilitation projects and have actively worked with the WA 4WD Association and DEC to promote responsible four-wheel drive travel throughout Western Australia.

The WA 4WD Association (Inc) is the peak body representing the majority of organised four-wheel drive clubs in Western Australia. The Association is a member of the Australian National 4WD Council (ANFWDC) that represents respective Australian State and Territory 4WD Associations. Formed in 1982, the Association currently has a membership of 39 clubs representing over 1,300 persons. In addition to four-wheel driving excursions and social events, the Association and its member clubs regularly undertake volunteer activities ranging from litter clean-ups along beaches and in park and forest areas to track rehabilitation and educational initiatives. In recent years, some clubs have also adopted specific four-wheel drive tracks or areas of the public conservation estate to look after. The Association also

operates a nationally accredited driver training program and has a code of ethics (refer to Attachment 1) that supports the ANFWDC's recreational vehicle policy.

On behalf of the community, DEC is responsible for managing Western Australia's national parks, marine parks, conservation parks, regional parks, State forests and timber reserves, nature reserves, marine nature reserves and other lands and reserves. DEC is also responsible for wildlife conservation throughout the State. DEC aims to provide a range of recreation opportunities and a high standard of visitor facilities and services throughout the lands and waters under its management, to enable these areas to be used and enjoyed by all Western Australians and visitors to this State. This involves the construction and maintenance of a vast array of park infrastructure and visitor facilities, along with associated information and interpretive programs and products.

Track Care WA, the WA 4WD Association and DEC wish to continue their collaboration that has evolved over a number of years and which was formalised by way of a memorandum of understanding in 2000. This latest MOU provides the framework for the continuing partnership between the three organisations.

3. Purpose, Scope and Term of the MOU

The purpose of the MOU is to put in place a framework to support the management and maintenance of sustainable four-wheel driving opportunities on the lands managed by DEC. In particular, it seeks to:

- facilitate partnership opportunities of mutual benefit to all three organisations;
- identify the areas of common interest and opportunities for collaboration between Track Care WA, the WA 4WD Association and DEC.

The MOU cannot restrict any of the organisations in the performance of their functions or exercise of their legal powers and it has no authority in law. Notwithstanding this, Track Care, the WA 4WD Association and DEC agree that identifying mechanisms for cooperation and liaison through the MOU will benefit all parties as well as the general community who participate in and enjoy sustainable four-wheel driving.

The MOU will remain in place from the date of signature by the parties until its replacement with a revised MOU or cancellation. It will be formally reviewed and ratified by each party on a bi-annual basis. The MOU may be cancelled by mutual agreement or by written notification by any of the parties.

4. Common Aims and Interests

As part of its responsibilities for conservation and for providing for the use and enjoyment of the lands and waters that it manages, DEC provides and maintains visitor services and facilities including an extensive network of public roads and four-wheel drive tracks across the State. There is therefore a significant opportunity for DEC, Track Care and the WA 4WD Association to bring together their common aims and interests to provide and maintain sustainable four-wheel driving opportunities on public lands and to promote minimal impact driving techniques to users of the public conservation estate and the wider community, resulting in benefits for both West Australians and visitors alike.

In fulfilling its obligations DEC seeks to -

- promote responsible and sustainable four-wheel driving opportunities on the lands it manages;
- build and maintain partnerships with agencies and groups responsible for land management and pursue opportunities with recreation groups and land user groups in order to educate the Australian public and visitors to Australia in sustainable four-wheel driving practices;
- protect natural and cultural heritage resources from preventable impacts and minimise impacts that are not preventable;
- promote the appreciation of the natural environment and the interpretation of the natural and cultural values to four-wheel drive groups and individuals.

This MOU will help to reaffirm the mutual value and benefits that have and can be achieved by the organised four-wheel drive movement working in partnership with the State's primary protected area management agency.

5. Respective Roles and Responsibilities

In seeking to fulfil the purpose and aims of this agreement,

Track Care WA will:

1. Work to maintain open and cooperative communications with DEC and the WA 4WD Association at all levels to ensure we:
 - identify four-wheel driving opportunities;
 - provide volunteer support in maintenance of vehicular tracks, including those of cultural heritage significance in WA; and
 - facilitate continued access for four-wheel drivers.
2. At every opportunity promote responsible use of tracks in Western Australia and where possible seek to educate four-wheel drivers on sustainable practice to ensure access for the future.
3. Provide input as requested for management plans and policy development relating to recreational four-wheel driving and camping on DEC-managed lands.
4. Continue to seek funding to facilitate Track Care WA projects.
5. Continue to promote and facilitate four-wheel drive user groups' adoption and **voluntary** maintenance of four-wheel drive tracks within Western Australia.
6. Continue to promote through the media positive action/direction generated in concert with DEC and the WA 4WD Association.
7. Promote and educate four-wheel drivers on sustainable care of track environs and the interpretation of the environment on DEC-managed lands.

The WA 4WD Association will:

1. Abide by the rules laid out for access to areas of Western Australia under DEC management and/or control and assist in the promotion and development of policies and education with regard to the responsible use of this land.
2. Where appropriate provide assistance and advice to DEC when formulating land management policy.
3. Encourage members of the Association, where and when possible, to carry out and assist in the maintenance of areas of Western Australia under DEC management and adopt and use DEC project notification and volunteer registration forms.
4. Inform local DEC managers where and when possible of the Association's intentions with regard to accessing areas of Western Australia under DEC management.
5. Assist in the formulation and promotion of a network of sustainable four-wheel drive tracks within DEC-managed lands.
6. Assist both DEC and Track Care WA in notifying both Association members and the public at large of access closures on DEC-managed land.
7. Make itself available to assist during consultation and planning phases with regard to DEC-managed land. This includes discussions with other interest groups.
8. Assist DEC to identify opportunities whereby use of restricted access tracks may be made available to four-wheel drive clubs and other responsible users on a permit basis.
9. Promote safe work practices when involved with volunteer work on DEC-managed land. The Association will abide by all DEC safe work requirements when on DEC-managed land.
10. Comply with the Western Australian Road Traffic (Vehicle Standards) Regulations 1977 with regard to all Association vehicles used on DEC-managed land. All drivers will comply with relevant provisions of the Road Traffic Act 1974.
11. Work alongside both DEC and Track Care WA in the promotion of safe and responsible use of four-wheel drive vehicles touring in remote areas.
12. Assist DEC by reporting illegal and/or dangerous acts observed within DEC-managed land.
13. Seek assistance from DEC and Track Care WA to promote its Driver Training Program.
14. Actively promote minimal impact use of DEC-managed land through specific 'Leave No Trace' policy and will assist DEC in formulating and maintaining a responsible 'camping guide'.

15. Actively promote the code of ethics for both off road and on road as formulated by the Australian National Four Wheel Drive Council (see Attachment 1).
16. Formulate and promote a 'Recreational 4WD Vehicle Policy' (this policy to be ratified by both DEC and Track Care WA).

DEC will:

1. Work cooperatively with both Track Care WA and the WA 4WD Association to identify, manage and maintain sustainable four-wheel driving opportunities on DEC-managed lands throughout the State.
2. Actively support Track Care WA and WA 4WD Association members who are prepared to assist DEC in:
 - helping to record and report on four-wheel drive track conditions;
 - undertaking track rehabilitation and related environmental care activities;
 - conducting in-field educational and driver awareness programs;
 - undertaking litter clean-ups; and
 - acting as campground and/or homestead hosts.
3. Establish and maintain effective two-way communications and ensure that Track Care WA and the WA 4WD Association members are advised of any changes to four-wheel drive tracks (eg seasonal track closures; closure of areas due to wildfire events or flooding) that are likely to impact on the activities of their members.
4. Support Track Care WA and the WA 4WD Association in pursuing funding opportunities that will facilitate the management and/or promotion of sustainable four-wheel driving opportunities to the public and visitors to Western Australia.
5. Recognise Track Care WA and the WA 4WD Association's role as the peak bodies representing sustainable four-wheel driving in Western Australia and actively support both organisations in dealings with other State and local government agencies and provide letters of support on request.
6. Support Track Care WA and the WA 4WD Association in promoting sustainable four-wheel driving practices and/or undertaking training initiatives.
7. Promote the work of Track Care and the WA 4WD Association in DEC publications, visitor information and interpretive materials, media press releases and through the Department's website NatureBase where appropriate.
8. Recognise and reward the efforts of Track Care and the WA 4WD Association volunteers in keeping with DEC's community involvement program. The Department will waive park entry fees for Track Care WA and WA 4WD Association members involved in track maintenance or other volunteer activities and provide an annual park pass for every 50 hours of work contributed.

6. Administration and Liaison

Each party will bear their own costs of administration and management of activities undertaken in support of this MOU, but may identify and implement those projects that the parties have agreed to jointly fund.

As soon as practicable after the adoption of the MOU, each organisation will appoint an MOU Liaison Officer to assume primary responsibility for the implementation of the MOU. The MOU Liaison Officers will be responsible for promoting the MOU to their respective organisations and will act as a contact point for any members or staff who seek clarification on the MOU. They will also be responsible for facilitating the implementation of joint projects or initiatives that may be undertaken under the terms of the MOU.

The MOU Liaison Officers from all three organisations will meet on a quarterly basis or as required to review the operations of the MOU and to make recommendations to the Working Group. These officers will also formally review the MOU bi-annually and will communicate any changes or concerns they may have about how the agreement is working and a bi-annual workshop will also be held to raise and discuss relevant issues.

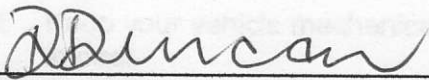
7. Disputes

It is recognised that on occasion there may be differences of opinion on issues, but that in the main cooperative action is likely to lead to the outcomes each of the respective organisations desire. Any disputes that arise will be dealt with constructively and in the spirit of this MOU initially by the Liaison Officers appointed under this MOU but if a dispute is not resolved within 14 days by the Liaison Officers then it shall be referred to the respective Chairpersons of Track Care and the WA 4WD Association and to DEC's Director of Parks and Visitor Services or Director General for resolution. In the unlikely event that a dispute cannot be resolved, then any of the affected parties may withdraw from the MOU upon written notification to the other parties. The remaining parties may continue to support the MOU until the next scheduled review date.

**Memorandum of Understanding between
Track Care Western Australia Inc, the West Australian
Four Wheel Drive Association Inc and the
Department of Environment and Conservation**

This Memorandum of Understanding clarifies arrangements between Track Care Western Australia Inc (Track Care WA Inc), the West Australian Four Wheel Drive Association Inc (WA 4WD Association Inc) and the West Australian Department of Environment and Conservation (DEC). The MOU seeks to clarify and maintain the highest standards of cooperation and understanding between Track Care WA, the WA 4WD Association and DEC within the resources available to all three organisations, in order that each can complement the other's activities in areas of common interest and ultimately achieve their own organisational goals.

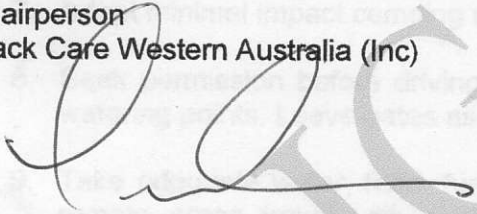
The Chairpersons of Track Care WA and the WA 4WD Association and the Director General of the Department of Environment and Conservation endorse the MOU below.



 Debbie Duncan
 Chairperson
 Track Care Western Australia (Inc)

12/8/06

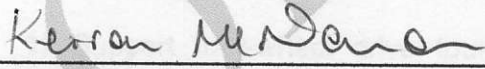
 Date



 Terry Machin
 Chairman
 West Australian Four Wheel Drive Association (Inc)

12/08/06

 Date



 Keiran McNamara
 Director General
 West Australian Department of Environment and Conservation

12 August 2006

 Date

ATTACHMENT 1

Australian National Four-Wheel Drive Council's On and Off Road Code of Ethics

Off Road Code:

1. Obey the laws and regulations for recreational vehicles that apply to public lands.
2. Respect the cultural, heritage and environmental values of public/private lands by obeying restrictions that may apply.
3. Respect our flora and fauna. Stop and look, but never disturb.
4. Keep to formed vehicle tracks.
5. Keep the environment clean. Carry your own and any other rubbish out.
6. Keep your vehicle mechanically sound and clean to reduce the environmental impact.
7. Adopt minimal impact camping and driving practices.
8. Seek permission before driving on private land. Do not disturb livestock or watering points. Leave gates as found.
9. Take adequate water, food, fuel, basic spares and a first aid kit on trips. In remote areas travel with another vehicle and have Royal Flying Doctor Service, or equivalent, radio contact.
10. Enjoy your recreation and respect the rights of others.
11. Plan ahead and lodge trip details with a responsible person.
12. Support four-wheel drive touring as a responsible and legitimate family recreational activity.