Western Australia

Control of Vehicles (Off-road Areas) Act 1978

Control of Vehicles (Off-road Areas) Regulations 1979

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Western Australia

Control of Vehicles (Off-road Areas) Regulations 1979

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Defined terms

Control of Vehicles (Off-road Areas) Regulations 1979

Part I — Preliminary

1. Citation

These regulations may be cited as the *Control of Vehicles (Off-road Areas) Regulations 1979*.

2. Terms used

In these regulations, unless the context otherwise requires —

form means appropriate form set out in the First Schedule;

identification mark, in relation to the engine of a vehicle, means mark consisting of numerals or letters or numerals and letters assigned to and put on that engine by the manufacturer thereof or allotted to and put on that engine under regulation 15;

label means label issued under section 28A(2)(b);

motor cycle means motor cycle as defined in the *Road Traffic (Vehicles) Regulations 2014* regulation 3;

number plate means number plate issued under section 28A(2)(b);

registered vehicle means vehicle registered under section 28A(2)(a);

registration certificate means certificate of registration issued under section 28A(2)(b);

registration number, in relation to a vehicle, means symbols or numbers or symbols and numbers allotted to the vehicle under section 28A(2)(b);

regulation means regulation of these regulations;

Schedule means Schedule to these regulations;

section means section of the Act;

subregulation means subregulation of the regulation in which the term appears;

the Act means the *Control of Vehicles (Off-road Areas) Act 1978*.

[Regulation 2 amended: Gazette 26 Oct 2007 p. 5655; 8 Jan 2015 p. 123; 18 Sep 2015 p. 3802; SL 2026/100 r. 4.]

Part II — Registration and identification of off-road vehicles

3. Notices relating to suspension of registration

For the purposes of section 28, the prescribed form of the notice referred to in —

(a) section 28(6) is that set out in form 1; and

(b) section 28(8) is that set out in form 2.

4. Proof of ownership and age

The Director General may, before registering a vehicle or transferring the registration of a vehicle under section 28A(2)(a), require the applicant for that registration or transfer to furnish proof of his ownership of the vehicle or of his age or both.

[Regulation 4 amended: Gazette 2 Feb 1982 p. 395; 31 Jan 1997 p. 673; 18 Sep 2015 p. 3802.]

5. Registration fee

The fee payable in respect of the registration of a vehicle under section 28A(2)(a) is, irrespective of the length of the period for which that registration is valid, or of the type of vehicle, a fee of $35.

[Regulation 5 amended: Gazette 8 Jul 1983 p. 2510; 18 Sep 2015 p. 3802; 15 Jun 2018 p. 1928; 10 May 2019 p. 1404; SL 2020/41 r. 4.]

6. Fee for number plate or label

For the purposes of section 28A(2)(b), the prescribed fee is —

(a) for a number plate — $15; and

(b) for a label — $15.

[Regulation 6 inserted: SL 2026/100 r. 5.]

6A. Renewal of registration fee

The fee payable in respect of the renewal of registration of a vehicle under section 28A(2)(a) is a fee of $35.

[Regulation 6A inserted: Gazette 8 Jul 1983 p. 2510; amended: Gazette 18 Sep 2015 p. 3803; 15 Jun 2018 p. 1929; 10 May 2019 p. 1404; SL 2020/41 r. 5.]

7. Certificates of registration to be carried on vehicles

The owner of a registered vehicle shall not drive or use or cause or permit any other person to drive or use that vehicle unless the registration certificate issued in respect of the registered vehicle is carried thereon.

8. Duplicates or certified copies of certificates of registration

(1) The owner of a registered vehicle or, in the event of his death or legal disability, his executor or administrator or legal representative, as the case may be, may, if the registration certificate issued in respect of the vehicle concerned is lost, badly damaged or destroyed, apply to the Director General for the issue to him of a duplicate or certified copy of the registration certificate.

(2) On receipt of an application under subregulation (1), the Director General shall, if satisfied that the registration certificate concerned is lost, badly damaged or destroyed, issue a duplicate or certified copy of the registration certificate to the applicant.

(3) In this regulation —

damaged includes rendered illegible.

[Regulation 8 amended: Gazette 2 Feb 1982 p. 395; 31 Jan 1997 p. 673; 8 Jan 2015 p. 124.]

9. Transfer fee

The transfer fee referred to in section 29(8), and in section 29(10)(a) is, irrespective of the type of vehicle concerned, a fee of $15.

[Regulation 9 amended: Gazette 8 Jul 1983 p. 2510; 10 May 2019 p. 1404.]

10. Refund fee

The fee chargeable for a refund under section 32 is a fee of $3.

[Regulation 10 amended: Gazette 18 Sep 2015 p. 3803; SL 2026/100 r. 6.]

11. Notification of change of address

A person to whom a registration certificate has been issued or transferred shall, within 7 days after changing his address, give notice in writing of that change to the Director General.

[Regulation 11 amended: Gazette 2 Feb 1982 p. 395; 31 Jan 1997 p. 673.]

12. Replacement of lost, damaged or dilapidated number plates

When a number plate —

(a) is lost, the owner of the registered vehicle concerned or, in the event of his death or legal disability, his executor or administrator or legal representative, as the case may be, shall forthwith —

(i) inform the Director General in writing of that loss; and

(ii) return the registration certificate issued in respect of the vehicle concerned to the Director General;

or

(b) is damaged or dilapidated to such an extent as to render it illegible, the owner of the registered vehicle concerned

or, in the event of his death or legal disability, his executor or administrator or legal representative, as the case may be, shall forthwith return that number plate, together with the registration certificate issued in respect of the vehicle concerned, to the Director General,

and the Director General shall thereupon issue a new number plate in respect of that vehicle, and return that registration certificate, to him.

[Regulation 12 amended: Gazette 2 Feb 1982 p. 395; 31 Jan 1997 p. 673; SL 2026/100 r. 7.]

12A. Replacement of lost, damaged or dilapidated labels

(1) If a label is lost, or damaged or dilapidated to such an extent as to render it illegible, the owner of the registered vehicle concerned or, in the event of their death or legal disability, the executor or administrator of the estate or their legal representative, as the case may be, must —

(a) inform the Director General in writing of the loss, damage or dilapidation, as the case may be; and

(b) return the registration certificate issued in respect of the vehicle to the Director General.

(2) If the Director General is satisfied that the label is lost, or damaged or dilapidated to such an extent as to render it illegible, the Director General must issue a new label in respect of that vehicle and return the registration certificate to the owner.

[Regulation 12A inserted: SL 2026/100 r. 8.]

13. Position and legibility of number plates and labels

The owner or person in charge of a registered vehicle must fix to the vehicle, and keep fixed, the number plate or label issued in respect of the vehicle so that —

(a) the registration number displayed on that number plate or label is clearly visible and legible; and

(b) in the case of a vehicle that is not a motor cycle — the number plate or label is in an upright position in a conspicuous place on the back of the vehicle; and

(c) in the case of a motor cycle —

(i) for a number plate — the number plate is in a conspicuous place on the back of the motor cycle and, if possible, in an upright position; or

(ii) for a label — the label is in a conspicuous place at the rear (back or side) of the motor cycle and, if possible, in an upright position.

[Regulation 13 amended: SL 2026/100 r. 9.]

14. Authorised person may seize and take possession of number plates and remove labels

An authorised person may seize and take possession of a number plate, or remove a label, which the authorised person has reasonable grounds to believe —

(a) has not been issued in connection with a registration certificate which is in force at the time of

(i) in the case of a number plate — the seizure and taking of possession of the number plate; or

(ii) in the case of a label — the removal of the label;

or

(b) is affixed to a vehicle other than that in respect of which it was issued; or

(c) should have been returned or delivered up to the Director General in accordance with the Act or these regulations.

[Regulation 14 amended: Gazette 2 Feb 1982 p. 395; 31 Jan 1997 p. 673; SL 2020/213 r. 7; SL 2026/100 r. 10.]

15. Allotment of identification marks

(1) When, in relation to the engine of a registered vehicle —

(a) there is no identification mark on that engine; or

(b) the identification mark on that engine has been altered, defaced, obliterated or removed,

the Director General may, if it considers that an identification mark is necessary for identifying that engine, allot an identification mark to that engine.

(2) When an identification mark has been allotted under subregulation (1), the owner of the vehicle concerned shall put or cause to be put the identification mark on the engine of that vehicle in such manner, in such position and within such period as the Director General directs in writing.

[Regulation 15 amended: Gazette 2 Feb 1982 p. 395; 31 Jan 1997 p. 673.]

16. Notification of change of identification mark

The owner or person in charge of a registered vehicle of which the engine or a part thereof, bearing an identification mark, is replaced shall within 7 days after that replacement inform the Director General in writing of —

(a) the date of that replacement;

(b) the make and the registration number of the registered vehicle;

(c) the name and address of that owner;

(d) the identification mark on the engine or part thereof, which engine or part has been replaced; and

(e) the identification mark, if any, on the engine or part thereof which has been substituted for the engine or part thereof which has been replaced.

[Regulation 16 amended: Gazette 2 Feb 1982 p. 395; 31 Jan 1997 p. 673.]

17. Duties in connection with identification marks

(1) A person shall not use or cause or permit to be used a registered vehicle the engine of which —

(a) does not bear a clear and legible identification mark; or

(b) bears an identification mark which has been altered, defaced, obliterated or removed.

(2) Subject to regulation 15, a person shall not, except with the prior approval in writing of the Director General —

(a) alter, deface, obliterate or remove an identification mark on or from; or

(b) put on the engine of a registered vehicle any mark, number or letter which purports or is intended to be, or is a colourable imitation of, an identification mark put on,

the engine of a registered vehicle.

[Regulation 17 amended: Gazette 2 Feb 1982 p. 395; 31 Jan 1997 p. 673.]

Part III — Detention and disposal of off-road vehicles

18. Period for recovery of detained vehicles

The prescribed period referred to in section 42(2)(c) is a period of 3 months.

19. Sale or disposal of unclaimed vehicles

(1) The Director General or a local government shall serve on the owner of a vehicle ordered to be detained under section 42(1) at his last known address notice in writing advising him that he is entitled to claim that vehicle when the period of detention thereof expires.

(2) When the Director General or a local government is empowered by section 42(2) to dispose of or sell a vehicle referred to in subregulation (1), the Director General or the local government may cause that vehicle to be offered for sale by public auction or by public tender and may thereupon accept the best offer made for the purchase of that vehicle.

(3) If an offer for the purchase of a vehicle offered for sale under subregulation (2) is not made at the time of public auction of that vehicle or within a reasonable time after the making of that offer for sale by public tender, as the case may be, the Director General or local government may cause the vehicle to be —

(a) sold by private treaty; or

(b) disposed of, otherwise than by sale, as economically as possible.

[Regulation 19 amended: Gazette 2 Feb 1982 p. 395; 31 Jan 1997 p. 673; 8 Jan 2015 p. 124.]

20. Proceeds of sale of unclaimed vehicles

(1) The Director General or a local government shall apply the proceeds of a sale effected by it under regulation 19 —

(a) first, in meeting the costs of that sale; and

(b) second, in meeting the costs of any conveyance of the vehicle concerned to a place of safe custody and the costs of safe custody at that place.

(2) Subject to subregulation (3) any surplus funds remaining after the Director General or a local government has applied the proceeds of the sale of a vehicle in meeting the costs referred to in subregulation (1) shall —

(a) in the case of a sale effected by the Director General, be held by or on behalf of the Director General; or

(b) in the case of a sale effected by a local government, be paid by the local government into its trust fund as defined in the *Local Government Act 1995* section 6.1,

in trust for the owner of the vehicle.

(3) The Director General or a local government shall —

(a) if within a period of one year from the date on which the vehicle concerned was sold under regulation 19 any person satisfies it that he was the owner of that vehicle at the time of that sale, pay to him any surplus funds held in trust for him under subregulation (2); or

(b) if no person satisfies it that he was the owner of the vehicle concerned at the time of the sale thereof within the period referred to in paragraph (a), pay any surplus funds held in trust for the owner of that vehicle under subregulation (2) —

(i) in the case of the Director General, into the Consolidated Revenue Fund; or

(ii) in the case of a local government, into its municipal fund as defined in the *Local Government Act 1995* section 1.4.

[Regulation 20 amended: Gazette 2 Feb 1982 p. 395; 31 Jan 1997 p. 673; 8 Jan 2015 p. 124-5.]

21. Recovery of costs through court proceedings

The Director General or a council may recover in a court of competent jurisdiction from the owner of a vehicle which has been removed, detained and sold or disposed of pursuant to the Act and this Part —

(a) in the case of a vehicle which has been so sold, the amount by which the costs referred to in regulation 20(1) exceed the proceeds of that sale; or

(b) the costs of conveying that vehicle to a place of safe custody, of detaining that vehicle in safe custody and of disposing of that vehicle otherwise than by sale.

[Regulation 21 amended: Gazette 2 Feb 1982 p. 395; 31 Jan 1997 p. 673.]

Part IV — Safety requirements

22. Prescribed safety requirements

For the purposes of section 28A(1)(b), the prescribed safety requirements for vehicles —

(a) in relation to vehicles which are not motor cycles, are those requirements set out in Part I of the Second Schedule; or

(b) in relation to vehicles which are motor cycles, are those requirements set out in Part II of the Second Schedule.

[Regulation 22 amended: Gazette 18 Sep 2015 p. 3803.]

22A. Seat belts

For the purposes of section 9A, a vehicle to which that section applies —

(a) must be equipped with seat belts and seat belt anchorage points as required under the *Road Traffic (Vehicles) Regulations 2014* Part 10; or

(b) if the vehicle is not required under the *Road Traffic (Vehicles) Regulations 2014* Part 10 to be equipped with seat belts prescribed under those regulations and is not so equipped, must be equipped with —

(i) lap belts conforming to the standards and specifications in Australian/New Zealand Standard AS/NZS 2596 — 2003 *Seat-Belt Assemblies For Motor Vehicles*, jointly published by Standards Australia and Standards New Zealand; and

(ii) seat belt anchorage points located so as to provide for the effective operation of the seat belt including adequate torso support and otherwise conforming to the standards and specifications in that Australian/New Zealand Standard.

[Regulation 22A inserted: Gazette 8 Jan 2015 p. 125-6.]

22B. Protective helmets

For the purposes of section 9C, a protective helmet that is, or is of a standard or type that is, approved by notice in the *Gazette* for the purposes of the *Road Traffic Code 2000* regulation 244 is prescribed.

[Regulation 22B inserted: SL 2026/100 r. 11.]

*[**22C.** Deleted: Gazette 8 Jan 2015 p. 125.]*

Part V — Control of noise

23. Interpretation in Part V

(1) In this Part —

ambient noise means noise, other than noise emitted by a vehicle being tested under this Part, recorded at the test site concerned at the time of that test;

dB(A) means reading in decibels on a sound level meter using the A-weighting network specified in standard B;

standard A means Australian Standard 1259, Part 1 — 1976, "Sound Level Meters — Type 1, General Purpose", published by Standards Australia;

standard B means Australian Standard 1259, Part 2 — 1976, "Sound Level Meters — Type 2, Precision", published by Standards Australia.

(2) Whenever the dB abbreviation is used in this Part, a value relative to a sound pressure of 20 micropascals is implied.

[Regulation 23 amended: Gazette 8 Jan 2015 p. 126.]

24. Prescribed noise requirements

For the purposes of section 28A(1)(b), the prescribed noise requirements for vehicles are those requirements set out in regulation 25.

[Regulation 24 amended: Gazette 18 Sep 2015 p. 3803.]

25. Maximum permissible noise levels

The level of the noise emitted by the type of vehicle specified in the second column of the Third Schedule shall not exceed the maximum level specified opposite thereto in the third column of that Schedule.

26. Excessive noise penalised

The owner or person in charge of a vehicle which emits noise at a level in excess of the appropriate maximum level specified in regulation 25 commits an offence against these regulations.

27. Sound level meters to be used

A person testing under this Part the noise emitted by a vehicle shall use a sound level meter —

(a) having an A-weighting network;

(b) complying with standard A or standard B or both; and

(c) calibrated in accordance with regulation 28.

28. Calibration of sound level meters

(1) A sound level meter used for the testing of vehicles under this Part shall be calibrated before each such test by means of an acoustical calibrator with an accuracy of ± 0.5 dB.

(2) A wind screen may be used with a microphone employed during a calibration referred to in subregulation (1) for the purpose of reducing the influence of wind noise on the readings produced by the acoustical calibrator concerned.

(3) A sound level meter used for the testing of vehicles under this Part and the means employed for checking its accuracy shall be calibrated not less than once in each period of 12 months at a laboratory registered in respect of the calibration of sound level meters by the National Association of Testing Authorities, at the Noise Laboratory of the Department of Public Health [1] or at any other laboratory approved by the Minister in writing.

29. Test sites

(1) A site used for the testing of vehicles under this Part shall consist of a clear flat space 15 metres in diameter.

(2) The area surrounding a site referred to in subregulation (1) shall be as nearly level as is practicable and there shall not be any buildings, parked vehicles, signboards, walls or other objects with large sound reflecting surfaces within a radius of 50 metres of that site.

30. Ambient noise

The level of ambient noise during the testing of a vehicle under this Part shall be not less than 10 dB(A) below the level of noise emitted by the vehicle.

31. Weather conditions

Measurement of the noise emitted by a vehicle being tested under this Part shall —

(a) be carried out in fine weather; and

(b) be discontinued if the wind velocity at the site concerned exceeds 24 km/h.

32. Persons permitted near vehicle being tested

During the measurement of the noise emitted by a vehicle being tested under this Part, a person shall not be within a radius of 3 metres of that vehicle or of the microphone employed during that test unless he is —

(a) the driver or rider of that vehicle; or

(b) the person who is measuring that noise.

33. Engine of vehicle to be at normal operating temperature

The engine of a vehicle which is to be tested under this Part shall, before the measurement of the noise emitted by that vehicle begins, be brought to its normal operating temperature.

34. Vehicle testing methods

The methods to be used in the testing of vehicles under this Part shall be those set out in the Fourth Schedule.

Part VI — General and penalties

35. Modified penalties, infringement notices and withdrawal notices

For the purposes of section 37 —

(a) the modified penalty prescribed in respect of an offence specified in the second and third columns of the Fifth Schedule is the modified penalty specified opposite thereto in the fourth column of that Schedule;

(b) the prescribed form of infringement notice is that set out in form 3; and

(c) the prescribed form of the notice of withdrawal referred to in subsection (5) of that section is that set out in form 4.

36. Endorsing or altering infringement notice an offence

A person who makes any endorsement on, or alteration to, an infringement notice commits an offence against these regulations unless the person is an authorised person or a person required or permitted to make such an endorsement or alteration in the course of the person's employment by the local government to which the infringement notice refers.

[Regulation 36 amended: Gazette 8 Jan 2015 p. 127; SL 2020/213 r. 8.]

37. Certificates of appointment and notices prohibiting use of vehicles

For the purposes of section 38 —

(a) the prescribed form of certificate of appointment of an authorised person referred to in subsection (4)(d) of that section is that set out in form 5;

(b) the prescribed form of certificate of appointment of an honorary inspector referred to in subsection (5) of that section is that set out in form 6; and

(c) the prescribed form of notice prohibiting the use of a vehicle referred to in subsection (8) of that section is that set out in form 7.

[Regulation 37 amended: SL 2020/213 r. 9.]

38. General penalty

(1) A person who contravenes or fails to comply with regulation 7, 11, 12, 13, 15, 16, 17 or 32 commits an offence against these regulations.

(2) A person who commits an offence against these regulations is liable to a penalty not exceeding $500.

[Regulation 38 amended: SL 2026/100 r. 12.]

First Schedule

[Regulation 2]

Prescribed forms

Form 1

Western Australia

Control of Vehicles (Off-road Areas) Act 1978

SUSPENSION OF REGISTRATION

Date:

To: .....
(name and address of registered owner)

Vehicle: Make: ..... Type .....

Registration No.: .....

WHEREAS it appears to the Director General that the above vehicle is so constructed or in such a condition that it is likely to occasion danger to any person or damage to property, the registration of that vehicle is hereby suspended under section 28(6) of the *Control of Vehicles (Off-road Areas) Act 1978*.

Signed on behalf of the Director General .....

Designation of signatory .....

WARNING

During the period of any suspension of the registration of a vehicle under the *Control of Vehicles (Off-road Areas) Act 1978*, the vehicle shall for all purposes of that Act be deemed to be an unregistered vehicle.

[Form 1 amended: Gazette 2 Feb 1982 p. 395; 31 Jan 1997 p. 673.]

Form 2

Western Australia

Control of Vehicles (Off-road Areas) Act 1978

WITHDRAWAL OF SUSPENSION OF REGISTRATION

Date: .....

To: .....
(name and address of registered owner)

Vehicle: Make: ..... Type: .....

Registration No.: .....

The suspension of registration (effected by notice dated ..... 20 .....) of the above vehicle is hereby withdrawn under section 28(8) of the *Control of Vehicles (Off-road Areas) Act 1978*.

Signed on behalf of the Director General .....

Designation of signatory .....

[Form 2 amended: Gazette 2 Feb 1982 p. 395; 31 Jan 1997 p. 673; SL 2026/100 r. 13(1).]

Form 3

Western Australia

Control of Vehicles (Off-road Areas) Act 1978

INFRINGEMENT NOTICE

To: (1) The owner of the vehicle specified below;* or — Serial No. ..... Date .....

(2) Name* ..... — Date of birth .....

Address .....

Vehicle: Make:..... Type .....

Registration No. .....

and/or engine identification mark .....

You are hereby notified that it is alleged that on the ..... day of ..... 20 ..... at about ..... you did*/the driver or person in charge of the above vehicle did* .....

.....

.....

.....

in contravention of the *Control of Vehicles (Off-road Areas) Act 1978*, or of the *Control of Vehicles (Off-road Areas) Regulations 1979*.

The modified penalty prescribed for the above offence is $ .....

Unless within 21 days after the date of service of this infringement notice —

(a) the above modified penalty is paid; or

(b) the owner of the above vehicle —

(i) informs the Town*/Shire* CEO of the City*/Town*/Shire* of ..... or the authorised person designated below as to the identity and address of the person who was the driver or person in charge of that vehicle; or

(ii) satisfies the Town or Shire CEO of the local government mentioned in (i) above that that vehicle had been stolen or unlawfully taken, or was being unlawfully used,

at the time the above offence is alleged to have been committed,

the owner of that vehicle is, in the absence of proof to the contrary, deemed to have been the driver or person in charge of that vehicle at the time of the above offence.

If you do not wish to have a complaint of the above offence heard and determined by a court, you may pay the amount of the above modified penalty to the office of the local government mentioned in (i) above —

(a) by posting this form, together with that amount, to the Town or Shire CEO of that local government; or

(b) by taking this form to, and paying that amount at, the office of that local government,

within 21 days after the date of the service of this infringement notice.

Signature of authorised person .....

Designation .....

* Cross out underlined passage if inapplicable.

[Form 3 amended: Gazette 8 Jan 2015 p. 127; SL 2020/213 r. 10(a); SL 2026/100 r. 13(2).]

Form 4

Western Australia

Control of Vehicles (Off-road Areas) Act 1978

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

To .....

.....

..... Date .....

Infringement Notice Serial No. ..... Date .....

for the alleged offence of .....

.....

..... Modified Penalty .....

is hereby withdrawn .....

Signature of person authorised by the local government

.....

Designation .....

[Form 4 amended: SL 2020/213 r. 10(b).]

Form 5

WESTERN AUSTRALIA

Control of Vehicles (Off-road Areas) Act 1978

CERTIFICATE OF APPOINTMENT OF AUTHORISED PERSON

[Photograph of authorised person]	This is to certify that ..... *[name of authorised person]* whose signature appears below has been appointed by the Minister for Local Government as an authorised person under the *Control of Vehicles (Off-road Areas) Act 1978*, and that the area of jurisdiction entrusted to the person under that Act is .....

.....

Signature (authorised person)

....

Signature (Minister for Local Government) Date

[Form 5 inserted: SL 2020/213 r. 10(c).]

Form 6

Western Australia

Control of Vehicles (Off-road Areas) Act 1978

CERTIFICATE OF APPOINTMENT OF HONORARY INSPECTOR

This is to certify that * ..... whose signature appears hereunder has been appointed by the Minister for Local Government to be an honorary inspector under the *Control of Vehicles (Off-road Areas) Act 1978*, and that the area of jurisdiction entrusted to him by that appointment is .....

Signed .....
(Minister for Local Government).

Signature of honorary inspector .....

Dated .....

* Insert name of honorary inspector.

Front

Form 7

Western Australia

Control of Vehicles (Off-road Areas) Act 1978

NOTICE PROHIBITING USE OF VEHICLE

WHEREAS I, ..., being an authorised person under the *Control of Vehicles (Off-road Areas) Act 1978*, have reason to believe that the vehicle referred to on the back of this notice is so constructed or in such condition that it is likely to occasion danger to any person or damage to property or does not comply in the following respect(s) .... with the prescribed requirements for vehicles registered under that Act, the use of that vehicle is hereby prohibited forthwith*/on or after the ..... day of ..... 20 .....* except for the purpose of presenting it for inspection by or on behalf of the Director General*/ for the following purpose(s)* —

.....

.....

.....

until —

(a) the defects specified on the back of this notice have been remedied or the requirements specified on the back of this notice have been met; and

(b) that vehicle has been presented for further inspection at .... and this notice has been removed by or on behalf of the Director General after an inspection of that vehicle has been made.

* Cross out underlined passage if not applicable.

Back.

Vehicle: Make ..... Type .....

Registration No. .....

and/or engine identification mark .....

Defects and/or requirements: .....

.....

.....

.....

.....

Signature of authorised person .....

Designation .....

Date issued .....

Warning

A person who uses the abovementioned vehicle while this notice is in force otherwise than for a purpose specified on the front of this notice or for the purpose of presenting that vehicle to the Director General for inspection by or on behalf of the Director General, or who wilfully removes, damages or obliterates this notice attached to that vehicle, commits an offence.

Penalty: a fine of $5 000.

[Form 7 amended: Gazette 2 Feb 1982 p. 395; 31 Jan 1997 p. 673; SL 2020/213 r. 10(d); SL 2026/100 r. 13(3).]

Second Schedule

[Regulation 22]

Prescribed safety requirements for vehicles

Part I

Vehicles other than motor cycles

Dangerous fittings

1. All mechanical components and fittings of a vehicle shall be safe and in a serviceable condition.

2. All exposed components of a vehicle shall be free of any sharp or jagged edges or projections likely to occasion danger or risk of bodily injury.

3. The passenger compartment of a vehicle shall be free of any components or protrusions likely to increase the risk of bodily injury under all driving conditions.

Noise or vibration

4. A vehicle shall be so constructed that no undue or avoidable noise or vibration is caused.

Steering equipment

5. A vehicle shall be capable of being safely steered, with —
   (a) all steering mechanisms so designed as to eliminate the danger of any accidental detachment or overlocking; and
   (b) all steering connections secured with bolts which are locked or pinned.

6. Unless the Director General otherwise permits in writing, any component of the steering mechanism of a vehicle, which component is essential to the operation of steering the vehicle, shall be designed to transmit energy by mechanical means only.

Braking equipment

7. A vehicle shall be fitted on all wheels with efficient brakes capable of readily stopping the vehicle.

8. All brake rods and linkages on a vehicle shall be in good condition.

9. All brake hoses and pipes in or on a vehicle shall be in good condition, free from leakage and adequately secured.

Tyres and rims

10. Every tyre and rim fitted to a vehicle shall be free from any apparent defect likely to render the use of the vehicle unsafe.

11. The fitting of a tyre to a rim used on a vehicle shall be in accordance with the recommendation of the manufacturer of the tyre.

Safety glass

12. All glass fitted to a vehicle shall be safety glass.

13. Transparent material, other than safety glass, used in the windscreen or the windows of a vehicle shall not be fitted to the vehicle unless that material offers clear vision and is shatterproof.

Mudguards

14. When mudguards are fitted to a vehicle, they shall —

    (a) be adequately secured to the vehicle; and

    (b) cover the wheels of the vehicle so that they deflect downwards, so far as is practicable, any mud, stones, water or other objects or substances thrown upwards by the rotation of those wheels.

Exhaust systems

15. An exhaust system —

    (a) shall be securely fitted to the engine of the vehicle concerned;

    (b) If it is so situated on or in the vehicle concerned that persons can accidentally come into contact with it, shall be so shielded as to prevent that contact; and

(c) shall include an efficient silencing device, so constructed that all exhaust from the engine of the vehicle concerned is projected through that device in such a manner as effectively to prevent the creation of undue noise,

Seats

16. Every seat in a vehicle shall be —

(a) soundly constructed; and

(b) securely fixed to the floor structure of the vehicle.

17. Every seat belt fitted to a vehicle shall be —

(a) correctly mounted and operate effectively; and

(b) of a type that conforms to the standards and specifications prescribed in these regulations.

Roll bar

18. A roll bar shall —

(a) be fitted to a vehicle unless the vehicle has a roof capable of offering; and

(b) when fitted to a vehicle, be firmly secured to the permanent body structure of the vehicle so as to give,

adequate protection to the occupants of the vehicle in the event of the vehicle rolling over.

Floor pan

19. The floor pan of a vehicle shall extend under the entire passenger compartment of the vehicle.

Door latches and hinges

20. When door latches and hinges are fitted to a vehicle, they shall be sufficiently robust to prevent the accidental opening of the doors concerned when the vehicle is in motion.

Fuel tanks, fuel lines and fuel caps

21. The fuel tank of a vehicle shall be —
    (a) correctly secured to the vehicle;
    (b) free from leaks;
    (c) in a sound condition; and
    (d) protected from damage by objects external to the vehicle.

22. The fuel lines of a vehicle shall be adequately secured and free from leaks.

23. A fuel cap shall be affixed to the fuel tank of a vehicle or to the inlet pipe of that fuel tank so as to prevent the spillage of fuel from that fuel tank or from that fuel tank and inlet pipe, as the case may be.

Lighting systems

24. When a vehicle is driven during the hours of darkness, it shall be provided with —
    (a) 2 efficient headlamps on the front thereof; and
    (b) on the rear thereof 2 efficient tail lamps, 2 efficient stop lamps and 2 efficient reflectors or a single efficient combination consisting a tail lamp, stop lamp and reflector and having a total diameter of not less than 100 mm.

25. The light from the 2 headlamps of a vehicle shall be capable of illuminating and rendering easily discernible a person who —
    (a) is dressed in dark clothing; and
    (b) is straight ahead of the vehicle and at a distance of not less than 50 metres therefrom.

Cooling systems

26. When a water cooled engine is fitted to a vehicle, all hoses forming part of the cooling system of that engine shall be adequately secured and there shall be sufficient shielding interposed between the driver of the vehicle and the engine compartment or water cooling system thereof to protect the occupants of the vehicle from any risk of harm from that system.

Moving components

27. All moving components in a vehicle shall be adequately guarded against coming into accidental contact with any person.

Electrical systems

28. The battery of a vehicle shall be securely mounted.

29. All electrical wiring in a vehicle shall be adequately insulated and secured.

Part II

Motor cycles

Dangerous fittings

1. All exposed components of a motor cycle shall be free of any sharp or jagged edges or projections likely to occasion danger or risk of bodily injury.

Steering equipment

2. A motor cycle shall be capable of being safely steered, with all steering mechanisms so designed as to eliminate the danger of any accidental detachment or over-locking.

Braking equipment

3. A motor cycle shall be fitted on both the front and rear wheels with efficient brakes capable of readily stopping the motor cycle.

4. All brake rods and linkages on a motor cycle shall be in good condition.

5. All brake hoses and pipes in or on a motor cycle shall be in good condition free from leakage and adequately secured.

Tyres and rims

6. Every tyre and rim fitted to a motor cycle shall be free from any apparent defect likely to render the use of the motor cycle unsafe.

7. The fitting of a tyre to a rim used on a motor cycle shall be in accordance with the recommendation of the manufacturer of the tyre.

Mudguards

8. Every mudguard fitted to a motor cycle shall be in good order and condition and free from tears and sharp or jagged edges.

Exhaust systems

9. An exhaust system —

   (a) shall be securely fitted to the engine of the motor cycle concerned; and

   (b) if it is so situated on or in the motor cycle concerned that person can accidentally come into contact with it, shall be so shielded as to prevent that contact.

Fuel tanks, fuel lines and fuel caps

10. The fuel tank of a motor cycle shall be —

   (a) correctly secured to the vehicle;

   (b) free from leaks; and

   (c) in a sound condition.

11. The fuel lines of a motor cycle shall be free from leaks and in a sound condition.

12. A fuel cap shall be affixed to the fuel tank of a motor cycle or to the inlet pipe of that fuel tank so as to prevent the spillage of fuel from that fuel tank or from that fuel tank and inlet pipe, as the case may be.

Lighting systems

13. When a motor cycle is ridden during the hours of darkness, it shall be provided with —

(a) an efficient headlamp on the front thereof; and

(b) on the rear thereof an efficient tail lamp, an efficient stop lamp and an efficient reflector or a single efficient combination consisting of a tail lamp, stop lamp and reflector.

[Second Schedule amended: Gazette 2 Feb 1982 p. 395; 8 Nov 1985 p. 4294; 31 Jan 1997 p. 673.]

Third Schedule

[Regulation 25]

Maximum permissible noise levels

Item	Type of Vehicle	Maximum Noise Level (dB(A))
1	Vehicles other than motor cycles	104
2	Motor cycles with —	
	(a) a piston displacement of less than 170 cc	107
	(b) a piston displacement equal to or greater than 170 cc	110

Fourth Schedule

[Regulation 34]

Vehicle testing methods

1. Testing vehicles other than motor cycles

(1) The vehicle under test shall be positioned in the centre of the test site and shall be stationary.

(2) The gear selector of the vehicle under test shall —

(a) in the case of a vehicle having manual transmission, be in the neutral position; or

(b) in the case of a vehicle having automatic transmission, be in the "park" or "neutral" position.

(3) The speed of the engine of the vehicle under test shall be brought to 75% of its speed at maximum power and kept within ± 3% of that speed while noise level measurements are made.

(4) If the speed of a particular engine at maximum power is not known that speed shall be deemed for the purposes of subitem (3) to be 4 000 r.p.m.

2. Testing motor cycles

(1) The rider of the motor cycle under test shall sit astride that motor cycle in the normal riding position.

(2) The motor cycle under test shall be positioned in the centre of the test site and shall be stationary.

(3) Subject to subitems (4), (5) and (6), the rider of the motor cycle under test shall, with the gearbox thereof in neutral, keep the speed of the engine of that motor cycle at a speed equal to 50% of the maximum engine speed recommended by the manufacturer of that motor cycle.

(4) If the gearbox of the motor cycle under test cannot be operated in neutral, that motor cycle shall be tested —

(a) with its rear wheel raised to between 5 and 10 cm above the ground; or

(b) with its drive chain or belt removed.

(5) If the manufacturer of the motor cycle under test has not recommended a maximum engine speed or the recommended maximum engine speed is not known, then the rider of that motor cycle shall maintain the speed of the engine thereof at a speed equal to 60% of the speed at which maximum power is developed by that engine.

(6) If the manufacturer of the motor cycle under test has not recommended a maximum engine speed or the recommended maximum engine speed is not known and the speed at which maximum power is developed by the engine of that motor cycle is not known, the speed at which that engine is to be maintained during the testing of that motor cycle shall be calculated in accordance with the following formula:

$$\text{r.p.m.} = \frac{306\,000}{\text{stroke in mm}}$$

3. Tachometers

Notwithstanding that the vehicle under test may be provided with an engine speed tachometer, a portable engine speed tachometer of the vibrating reed or moving coil type with a steady state accuracy of ± 5% may be used for the purpose of determining the engine speeds referred to in items 1 and 2 of this Schedule.

4. Positioning and use of microphones

(1) The height above the ground of a microphone used in the testing of the vehicle under test (in this item called "the test microphone") shall be equal to that of the exhaust outlet of that vehicle, unless the height above the ground of that outlet is less than 200 mm, in which case the height above the ground of the microphone shall be 200 mm.

(2) The test microphone shall be pointed towards, and at a distance of 0.5 m (± 0.01 m) from, the orifice through which the exhaust gas is emitted.

(3) The axis of maximum sensitivity of the test microphone shall —

(a) be parallel to the ground; and

(b) make an angle of 45° (± 10°) with the direction of flow of the exhaust gas.

(4) In the case of a vehicle under test provided with 2 or more exhaust outlets at intervals of 0.3 metres or less and connected to a single silencer —

(a) the test microphone shall be positioned in relation to the exhaust outlet nearer or nearest to an external side of that vehicle or, if there is no such exhaust outlet, in relation to the exhaust outlet which is higher or highest from the ground; and

(b) measurements of noise level shall be made at one point only in relation to the appropriate exhaust outlet referred to in paragraph (a) of this subitem.

(5) In the case of a vehicle under test provided with 2 or more exhaust outlets spaced at intervals of more than 0.3 metre or not connected to a single silencer —

(a) the test microphone shall be positioned in relation to each of those exhaust outlets in turn;

(b) measurements of noise level shall be made at one point only in relation to each of those exhaust outlets; and

(c) the point at which the highest noise levels are measured shall be deemed to be the point at which noise levels are measured for the purposes of these regulations.

(6) In the case of a vehicle under test provided with a vertically inclined exhaust outlet —

(a) the test microphone shall be placed —

(i) at a height above the ground of 1.2 m; and

(ii) at a distance of 0.5 m from the external side of that vehicle nearest to that exhaust outlet;

and

(b) the axis of maximum sensitivity of the test microphone shall be vertical and oriented upwards.

5. Measurement of noise levels

(1) The sound level meter used in the testing of a vehicle under test (in this item called "the test sound level meter") shall be set for the A-weighting network and "slow response".

(2) The noise level recorded shall be that measured during steady state operation at the engine speed required by item 1 or 2 in respect of the type of vehicle under test.

(3) Not less than 3 measurements of noise level shall be carried out at each point at which measurements of noise level are made and those measurements shall be treated as valid for the purposes of these regulations only if the range of the noise levels measured as a result of 3 of those measurements made in immediate succession is not greater than 5 dB(A).

(4) The lowest noise level resulting from the measurements referred to in subitem (3) shall be deemed to be the noise level measured in respect of the vehicle under test for the purposes of these regulations.

(5) Fractional parts of decibels shall be ignored when taking readings from the test sound level meter and all such readings which are not integral shall be rounded downwards to the nearest whole decibel.

6. Contents of test reports

Every report on the testing of a vehicle under Part V of these regulations shall set out —

(a) the registration and type of the vehicle and the date of expiry of that registration;

(b) details of the equipment used during that testing;

(c) the sound levels, including the level of ambient noise at the measuring point, measured during that testing; and

(d) the engine speeds at which that testing was carried out.

Fifth Schedule

[r. 35]

[Heading inserted: SL 2026/100 r. 14.]

Modified penalties

Item	Provision	Nature of offence	Modified penalty $
1.	s. 6(1)	Driving or use of off-road vehicle in area other than private land by consent or permitted area	200
2.	s. 6(2)	Driving or use of vehicle in prohibited area	500
3.	s. 6(4)(a)	Using or driving an off-road vehicle in a manner which creates or causes undue or excessive noise	200
4.	s. 6(4)(b)	Using or driving off-road vehicle not fitted with an efficient silencing device	200
5.	s. 7(2)	Failure to register vehicle or driving or use of unregistered vehicle	300
6.	s. 9	Driving or using vehicle which is in dangerous condition	500
7.	s. 9A	Driving or using vehicle contravening prescribed safety requirement	500
8.	s. 9B(1)	Failure to wear seat belt as required in this section	500
9.	s. 9B(2)	Failure to travel as a passenger in a seat for which a seat belt has been fitted	500
10.	s. 9C	Failure to wear protective helmet	500
11.	s. 10	Knowingly permitting under-age person to be in charge of vehicle	500

Item	Provision	Nature of offence	Modified penalty $
12.	s. 19(3)	Destroying notice or mark identifying permitted or prohibited area	300
13.	s. 34	Failure to affix number plate or label	300
14.	s. 34	Failure to affix number plate or label in proper manner	300
15.	s. 35(a)	Altering or defacing number plate or label	300
16.	s. 35(b)	Affixing number plate or label to wrong vehicle	300
17.	s. 35(c)	Failure to deliver up number plate of vehicle within 15 days of expiry of registration of vehicle	200
18.	s. 35(d)	Using wrong or counterfeit number plate or label	300
19.	s. 37(8)	Illegal removal of infringement notice from vehicle	300
20.	s. 38(10)	Use of vehicle contrary to prohibition of use notice	300
21.	s. 38(10)	Removal, damage or obliteration of or to prohibition of use notice attached to vehicle	300
22.	r. 7	Failure to carry registration certificate on vehicle	50
23.	r. 11	Failure of holder of registration certificate to notify change of address	50
24.	r. 12	Failure to inform Director General of lost number plate and to return	50

Item	Provision	Nature of offence	Modified penalty $
		registration certificate or to return damaged or dilapidated number plate and registration certificate to Director General	
25.	r. 12A	Failure to inform Director General of lost, damaged or dilapidated label and to return registration certificate	50
26.	r. 13(a)	Number plate or label not clearly visible and legible	50
27.	r. 16	Failure to inform Director General of change in engine identification mark	50
28.	r. 17(1)	Using registered vehicle not having legible engine identification mark	50
29.	r. 17(2)	Altering or putting on engine identification mark without approval of Director General	50

[Fifth Schedule inserted: SL 2026/100 r. 14.]

Notes

This is a compilation of the *Control of Vehicles (Off-road Areas) Regulations 1979* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
Control of Vehicles (Off-road Areas) Regulations 1979	5 Oct 1979 pp.3127-41	5 Oct 1979
Control of Vehicles (Off-road Areas) Amendment Regulations 1982	2 Feb 1982 p.395	2 Feb 1982 (see regulation 2)
Control of Vehicles (Off-road Areas) Amendment Regulations 1983	8 Jul 1983 p.2510	30 Sep 1983 (see regulation 2)
Control of Vehicles (Off-road Areas) Amendment Regulations 1985	8 Nov 1985 p.4294	1 Dec 1985 (see regulation 3)
Control of Vehicles (Off-Road Areas) Amendment Regulations 1993	17 Sep 1993 pp.5163-6	17 Sep 1993
Control of Vehicles (Off-Road Areas) Amendment Regulations 1997	31 Jan 1997 p.673	1 Feb 1997 (see regulation 2 and *Gazette* 31 Jan 1997 p.613)
Reprint 1: The *Control of Vehicles (Off-road Areas) Regulations 1979* as at 19 May 2000 (includes amendments listed above)		
Control of Vehicles (Off-road Areas) Amendment Regulations 2007	26 Oct 2007 p. 5655	r. 1 and 2: 26 Oct 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Oct 2007 (see r. 2(b))
Control of Vehicles (Off-road Areas) Amendment Regulations 2014	8 Jan 2015 p. 123-7	r. 1 and 2: 8 Jan 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Apr 2015 (see r. 2(b) and *Gazette* 17 Apr 2015 p. 1371)
Control of Vehicles (Off-road Areas) Amendment Regulations 2015	18 Sep 2015 p. 3801-3	r. 1 and 2: 18 Sep 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Oct 2015 (see r. 2(b))
Control of Vehicles (Off-road Areas) Amendment Regulations 2018	15 Jun 2018 p. 1928-9	r. 1 and 2: 15 Jun 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2018 (see r. 2(b))

Citation	Published	Commencement
Control of Vehicles (Off-road Areas) Amendment Regulations 2019	10 May 2019 p. 1403-4	r. 1 and 2: 10 May 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2019 (see r. 2(b))
Control of Vehicles (Off-road Areas) Amendment Regulations 2020	SL 2020/41 17 Apr 2020	r. 1 and 2: 17 Apr 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2020 (see r. 2(b))
Local Government Regulations Amendment Regulations (No. 2) 2020 Pt. 3	SL 2020/213 6 Nov 2020	7 Nov 2020 (see r. 2(b) and SL 2020/212 cl. 2)
Control of Vehicles (Off-road Areas) Amendment Regulations 2026	SL 2026/100 10 Jun 2026	28 Jun 2026 (see r. 2)

Other notes

[1] Under the *Alteration of Statutory Designations Order 1984*, references to the Department of Public Health are to be read as references to the Health Department.

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
ambient noise	23(1)
AS 1698-1980	22C
AS 2596-1983	22C
damaged	8(3)
dB(A)	23(1)
form	2
identification mark	2
motor cycle	2
number plate	2
registered vehicle	2
registration certificate	2
registration number	2
regulation	2
Schedule	2
section	2
standard A	23(1)
standard B	23(1)
subregulation	2
the Act	2

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