

CHARTERS TOWERS REGIONAL COUNCIL

Exceptional Service for an Exceptional Community



Submission 134.

11 July 2008

Your Ref: AD-06-0201/NS

Our Ref: 223490

Enquiries: Ramon Jayo

The Director
Research and Prevention
Crime and Misconduct Commission
GPO Box 3123
BRISBANE QLD 4001

Dear Sir/Madam

Re: Review of Queensland's Off-Road Motorbike Noise Laws

Thank you for the opportunity to provide Council's views concerning the abovementioned legislation.

In the simplex, Council's ability to control the nuisance of motorbike noise has always been a difficult issue and the introduction of the *Police Powers and Responsibilities (Motorbike Noise) Amendment Act 2005* has made a significant impact towards mitigating such problems since introduction.

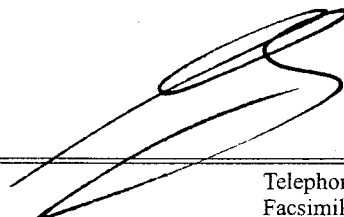
There are options for Council to regulate environmental nuisance under the nuisance by-laws or Section 6Q of the Environmental Protection Regulation. However, in either circumstance, Council is required to prove that the noise emission criteria or emission criteria (dust) listed in the Environmental Protection Regulation is excessive in all its circumstances.

In the past Council has taken proactive steps to try and minimise the number of noise complaints by suggesting new areas to ride, hampering access to motorbikes by installation of fences or organising Police patrols for known areas of concern. All such options have met with some success, however there are times when the Police are left with little option than to enforce their Act in relation to noisy off-road motorbikes.

Council's stand on this issue is that the Police are best placed to deal with this issue due to the fact that:-

- Police can enforce misdemeanours after work hours and on weekends when most infringements occur;
- Police warnings carry more weight than a warning from a Council employee;
- Police are permitted by legislation to act immediately; and,
- Police have the ability to confiscate.

From a Local Government perspective, the only real issue arising is Police indicating to the general public that they have no jurisdiction as to motorbike complaints arising from activity on non-public lands and advising that the matter is a Local Government issue. This action alone causes frustration among complainants who are referred from Local Government to the Police and back again.

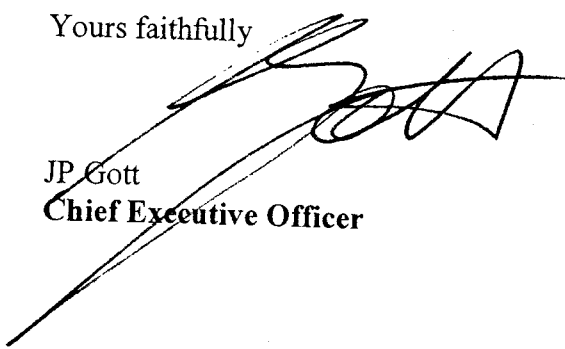


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In summary, Council believes that a significant gain has been made towards mitigating nuisances since Police powers were extended and that such powers should be maintained in the interests of health, safety and amenity of the general public.

Yours faithfully



JP Gott
Chief Executive Officer