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Office of the
Director-General

Department of **Local Government,
Sport and Recreation**

15 AUG 2008

Dr Margot Legosz
Director of Research and Prevention
Crime and Misconduct Commission
Level 3, 140 Creek St
BRISBANE QLD 4000

Dear Dr Legosz

The Department of Local Government, Sport and Recreation (the Department) is aware of the growing popularity of trail bike riding or off-road motorbike riding in Queensland. A 2007 study conducted by Griffith University, *South-East Queensland (SEQ) Outdoor Recreation Demand Study*, estimates that riders of off-road motorbikes increased by approximately 100,000 between 2001 and 2007 to approximately 233,076 people. The study also identifies that thirty percent of riders participate more than 10 times a year.

The increasing popularity of trail bike riding is resulting in an increase in demand for trail bike riding venues and off-road areas where licensed and unlicensed riding, on either registered or unregistered bikes, is lawful. At the same time, many facilities in SEQ suitable for off-road motorcycle riding face closure as a result of competing demands for land for residential and infrastructure development. Riding opportunities on State land are limited as riding by unlicensed persons on unregistered bikes is prohibited in national parks, forest reserves, State forests, State owned plantations and recreation areas.

The Department is also aware of the strong views and concerns being raised by residents, landowners and local governments regarding trail bike noise, illegal riding, safety and the adverse impacts of this activity on the environment and residential amenity.

Queensland Government response

In response to the growing demand for suitable places to ride, in 2006 the Queensland Government announced a commitment under its "*Living the Queensland Lifestyle*" election policy, to take trail bikes out of urban areas and onto private properties, through a three year \$250,000 grants scheme and to seek to identify State-owned land suitable for trail bike use. The Department is responsible for progressing both these commitments.

The Department is also responsible for chairing an inter-departmental working group on trail bike riding. The Interdepartmental Trail Bike Working Group (ITBWG) was established in 2005 to progress the non-legislative recommendations made by the Police and Corrective Services Portfolio Sub-Committee on Trail Bikes (the Police Portfolio Sub-Committee).

Legislation relating to off-road motorbike noise falls outside the scope of the ITBWG (as the ITBWG was established to progress the non-legislative recommendations of the Police Portfolio Sub-Committee report).

Local government enforcement responsibilities

Queensland local governments are enforcement agents for noise nuisance provisions of the State's *Environmental Protection Regulation 1998* (the Regulation). This legislation creates offences of specific types of minor noise produced in either residential or commercial precincts. The Regulation also provides local governments with various enforcement tools including issuing noise abatement notices. Regulated devices include mulchers, compressors, leaf-blowers, generators and power tools. The Regulation also gives local governments powers to enforce restrictions on air-conditioning and refrigeration equipment, spa blowers and pool pumps, power boat engines at premises, as well as amplifier devices and open-air events.

The noise nuisance provisions enforced by local governments under the *Environmental Protection Act 1994* do not encompass noise from trail bike riding as this is enforced more appropriately by the Police under the *Police Powers and Responsibilities Act 2000* (PPRA).

Queensland local governments also enforce noise restrictions through their local laws. The *Local Government Act 1993* requires local laws to be consistent with State laws and reflect the overall policy intent of State and local government. The Department is not aware of any local government that has introduced a local law relating to trail bike noise as trail bike noise is regulated under the PPRA.

Complaints relating to trail bike noise

The Department is aware local governments are receiving numerous complaints relating to trail bike riding, including noise from this activity, from residents who are not aware that this is a Police responsibility or who are not satisfied with Police enforcement efforts.

The Department has also received a number of complaints from residents relating to noise from off-road motorbikes. The nature of these complaints indicates that:

- legislation relating to noise from-off road vehicles is not well understood;
- residents are unsure of whom to contact in relation to trail bike noise, in particular whether noise complaints should be made to the Police or the relevant local government;
- residents feel that the current legislation relating to noise is not workable; and
- 'authorities' are unable to address their complaints.

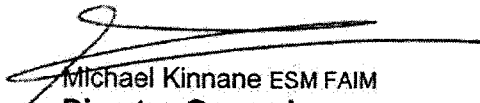
As part of the work of the ITBWG, the Department has developed a process for recording trail bike impacts. This process includes capturing data from local governments on trail bike related complaints. These data will be available after September 2008. However, the lack of a central point, known to the public, for collecting noise complaints implies the complaints data collected from local governments will be an undercount.

Stakeholder Engagement

The Department recognises significant value in developing relationships with key stakeholders involved in trail bike riding, such as Motorcycling Queensland, in order to promote safe and legal trail bike riding and to develop appropriate trail bike riding options. An Industry Reference Group has also been established by the ITBWG, consisting of representatives from motorcycle retailers/distributors, local government and trail bike riders. Contact has also been made with CARRS-Q (QUT) regarding trail bike safety.

Should you require any further assistance regarding this matter please contact Ms Kathy Kingsford on telephone number 3405 3288, or Ms Deirdre Lawrence on telephone number 3225 8643, of the Department of Local Government, Sport and Recreation.

Yours sincerely


Michael Kinnane ESM FAIM
Director-General