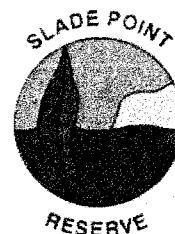


**FRIENDS OF THE RESERVE, SLADE POINT
ASSOCIATION INC.**
5 LYREBIRD ST
SLADE POINT, QLD, 4740



CMC Review of Motorbike Noise Laws
Attention: Nadine Seifert
GPO Box 3123
Brisbane
Queensland 4001

27 July 2008

Dear Nadine

Re: Submission for Motorbike noise laws

The Slade Point Reserve is an Environmental Reserve and was gazetted in December 1993. The Friends of the Reserve are a volunteer workforce, which works on the preservation of this Reserve for future generations. The inaugural meeting of Friends of the Reserve Slade Point was held on 9th January 1995.

Friends of the Slade Point Reserve have been around now for 13 years. We have worked tirelessly in the Slade Point Reserve for Natural Resource Management at Slade Point, Mackay, Queensland constructing public walkways for the community to enjoy this wonderful and educational 73-hectare environmental asset. Half of the reserve is a dunal area and the rest is a melaleuca swamp lands

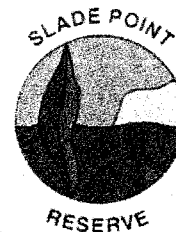
Thirteen years has certainly seen its trials and tribulations but yet we have never given up. Firstly having the finances to undertake the work required was certainly our first challenge. A National Landcare Grant was approved and we received our first grant of \$45,000 from Pioneer International Limited through the Landcare Foundation. Since then we have received more than \$100,000 to enable us to undertake the work we have to date and most of this funding was received from **government** in one way or another.

Our next biggest issue in the beginning and still now remains 13 years later is we have had to put up with motorbikes in our environmental reserve. There is only one vehicle that has approval from the trustee's to be in the reserve and that is a quad bike used by the Friends of the Reserve to undertake working bee's. The terrain as such makes it extremely difficult for any other vehicle to access the reserve unless it is a motorbike; here lies one of our problems. This 73-hectare reserve is an easy target being only 10 mins drive from the CBD of Mackay and is not easily accessible to the police unless they are on a trail bike.

Another issue is Mackay Police for many years have had a huge area to police and only one bike with one police officer and quite often **his** priorities are else where due to staffing issues.

So we have an environmental reserve we have not been able to protect. We have fenced off every aspect to keep the bikes out but they just find ways of getting in

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which usually means that they cut fences or kick them down and pull out posts just to be able to get in. All the while they are doing this it is costing the government more money in grants and the Friends more time on their weekends to fix the fences and repair the damage to the walking tracks so that there are no tripping hazards and replant vegetation that has been damaged.

Motorbikes also access the reserve from the southern boundary. The Mackay Port Authority owns the neighboring property and access occurs at their end.

However the friends just keep fixing fences. Our persistence in doing this is not just about protecting the reserve but also about protecting the community that walk in the reserve. So often we get reports from the community that they were in walking on our 1-meter wide tracks when they have had to jump out of the way to let a motorbike past for fear of getting hit. This is extremely dangerous to the public, as the bikes don't know the community are there and are going quite fast. Too fast to stop in time.

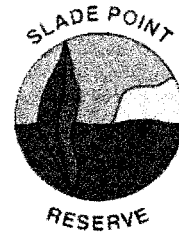
One year we had a young man fall off his motorbike and he had to be airlift out of the reserve because an ambulance could not physically drive in the reserve, as it would get bogged. This is why there is not access to vehicles, as they would destroy this pristine area by trying to get out of a bog. Not even a 4-wheel drive could get in there and out again without lots of trouble, its all sand dunes and extremely challenging.

Over the years through our frustrations we have put stories in our community newsletter. We have done stories in the media to try and shame people. We have called a stakeholder meeting to see what else could be done and invited the trustee's of the reserve who are Natural Resources and Water, Environmental Protection agency and Mackay City Council, The Mackay Port Authority and the Mackay Police. After much discussion it was decided that the problem again is lack of police resources. So we decided to try and assist the police by asking people to dob in a rider which some members of the community did. The purpose of this was so that the Mackay Police could develop a data base to see for example when a red bike at approx 2pm on most Sundays enters the reserve at Magpie street, the police would be able to minimize their resources as catching them can be quite hard.

I know that this whole submission is about noise. If you look at the map that we have attached you will see that the Slade Point Reserve is surrounded by urban residential properties. How do you think that these bikes get access into the reserve? Via our streets. The black lines are the fences we have erected.

Once the bikes access our beaches and reserve which they are also not allowed to do, the loudness of a dirt bike can be heard all over our suburb as the south easterly winds are our predominant winds and it carries all over Slade Point. The other problem is that once on the beach as you can see they then have another access point into the Slade Point Reserve

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Some times the police can get the motorbike riders on the road as they are just exiting or entering the reserve but only if the bike is unregistered. If the bike is registered they can't get them as they are allowed to be on the road. In the 13 years the Friends have been in existence I am aware that there has only been two occasions where the police have been able to fine someone. This will not deter others. There needs to be a successful long-term blitz on the area to show people that this reserve is not for motorbikes and out of bounds

We do not just have a problem with bikes that come from Slade Point. We have heard stories where residents have spoke to juveniles and asked them if they knew they were not allowed in the reserve, and most play dumb and say no, mind you there is signage everywhere. The residents have asked the kids where they live and they say they live over the other side of town and that their dads have dropped them off with his trailer or Ute.

This takes me to my next point. There is **nowhere** in Mackay legally for a person to ride a bike, unless they join a motor cross club. Do you know how many people just **don't** want to ride around in circles on a formed competitive track? My research tells me that an unregistered bike and unregistered rider can only legally ride on private property or join a motor cross club. If you have a registered bike and have a license you are allowed to ride in the state forest but only on gazetted tracks

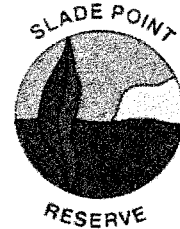
Are you aware that Mackay has a high population of people that work in the mining sector and because of that we have a lot of disposable income? Add this to the fact that in recent years cheap Chinese branded bikes have entered the market and now you can get a new bike on ebay very cheaply but still have **no where to ride**. I have spoken to local motorbike businesses about their sales and they tell me that 2/3 of the bikes they sell are dirt bikes and of that 2/3 would not be used for competition so as you can see there are a large number of bikes due to the mining sector and our disposable income and cheaper versions on the market that have **no where to ride**.

So in answer to what issues you will consider

1 Do the new laws provide police with sufficient powers to deal with noisy off road motorbikes

The likelihood of catching a bike once are one in a million so to be able to catch them twice is never gonna happen. I feel that the police need to be given serious powers to allow a major fine or discipline the first time so that they don't have to catch them a second time. Also quite a few are juvenile and under the JJA, kids could just about get away with murder so to speak. I am led to believe that there are a number of ticket books that a police officer needs to carry to be able to give a ticket for a particular offence and this might be OK in a car but on a motorbike a police officer has limited space to carry them all, so on the one chance a police officer has to catch someone, whats the chance that he has the correct ticket book with him. This could end up as a lost opportunity and a bike rider gets away with a warning again, our police officer would need a filing cabinet to carry them all.

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Whats the chance of making one ticket book? Mackay District covers 150km to the north and 100km to the south and 300km to the west so how can 1 (one) trail bike cover this area. The lack of police resources in the traffic branch are as such that priorities in the traffic branch are given to reducing the road toll so noisy motorbikes are not seen as a priority

2 Could improvements be made to the way in which complaints are responded to

We need more police with motorbikes.

3 Do the new laws provide the courts with sufficient power to deal with off road motorbikes

I am unable to provide comment regarding this question, as I have no data. I am unaware of any successful prosecutions in the magistrate's court in Mackay, is it possible to get any data in relation to this. My generalisation is that the laws are too lenient

4 How are off road motorbike issues managed in local communities

Our community constantly report noisy off road bikes to the police. Local police have vented their frustrations at the lack of powers contained within the legislation. This is in reference to trying to catch the culprit more than once and the restrictions around the restrictive pursuit policy. An example of this would be, if a bike rider were in a situation to be caught a second time he would likely to try and run away rather than being caught and his bike being taken off him, hence no pursuit can be undertaken. We have a monthly NHW meeting and motorbike s are always on the agenda and our concerns reported to the police and ministers.

5 Are there any other issues that impact on dealing effectively with noisy off road motorbikes

Yes. The age of the offenders are quite often juveniles and under the JJA it says that the police are not allowed to put them before the courts nor are they allowed to pursuit them due to the pursuit policy. Another issue is most dirt bikes are ridden on dirt or park land that police cars cannot get access to so there for again it is reliant on 1 (one) motorbike and very rare that a car can catch the offenders. Basically there is **nowhere** to ride. Why can't the police do a media campaign where by they advertise and shame the riders so that people get the gist that it is not OK to ride in the Slade Point Reserve or anywhere for that matter. Please give the police more bikes and police bike riders to help us protect one of the last remaining paperbark stands in the region of this size.

Regards


Linda Williams

Secretary

Friends of the Slade Point Reserve Assoc Inc