

Your reference  
Our reference  
Contact Officer Paul Brisbane-Webb  
Telephone 07 3810 7890

Submission 216



**Ipswich City Council**

45 Roderick St  
PO Box 191  
Ipswich QLD 4305  
Australia

**Tel** (07) 3810 6666  
**Fax** (07) 3810 6731  
**Email** council@ipswich.qld.gov.au  
**Web** www.ipswich.qld.gov.au

CMC Review of Motorbike Noise Laws  
(Attn: Nadine Seifert)  
GPO Box 3123  
BRISBANE QLD 4001

5 August 2008

Dear Madam

**Re: Review of Queensland's off-road motorbike noise laws**

Ipswich City Council welcomes the opportunity to provide feedback to the State Government regarding the issue of off-road motorbike noise. In relation to the current review, there are two key issues which Ipswich City Council would like to bring to the attention of the Crime and Misconduct Commission. These issues are outlined below:

*1) Adequate investigation and resolution of resident complaints*

Residents regularly contact Ipswich City Council with complaints regarding noise from off-road motorbikes. Where the noise is coming from an otherwise legal activity (eg from private land) rather than an illegal activity (eg riding in Council's conservation estate, which is an offence under Ipswich City Council's local law 17), the matter is clearly one for the Police to deal with under the *Police Powers and Responsibilities Act*. In practice, it has been the experience of Council that where it is a Police matter, more pressing Police priorities can lead to a complaint not being investigated, or taking a long time to be investigated. It is acknowledged that Police deal with a large number of matters which are rightfully given higher priority than noise nuisance complaints, however there is a concern that noise nuisance complaints are not adequately addressed through the current process. A mechanism may need to be developed which ensures that in prioritising Police work, noise nuisance complaints are adequately addressed despite their obvious and understandable status as lower priority issues for the Queensland Police Service.

In addition to the demands on Police time, the nature of motorbike riding means that offences can be difficult to investigate and by the time a complaint is responded to, the offender has often moved on to another location, or when located, does not stop for the Police when requested to do so. Due to potential legal liability issues in the event of an accident, this leaves Police in a difficult position as far as engaging in a pursuit is concerned. However to assist the Police in dealing with these issues it is suggested that powers should be broadened to include seizure/confiscation powers, as well as a public reporting mechanism that enables the public to "dob in a noisy bike" by way of its registration details.

Where the original complaint relates to dust rather than noise, Council can investigate and enforce under its Local Law relating to dust nuisance (Local Law 18), however the overwhelming majority of resident complaints relate to noise rather than dust and the issue is therefore outside of Council's jurisdiction. This places Council in the position where it is required to tell its customers that the issue is not Council's responsibility. There is a risk that if the same customer then calls the Police, they may be sometimes referred back to Council. This outcome is unacceptable and should to be guarded against.

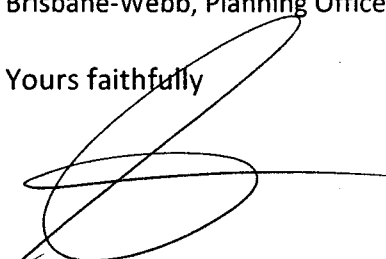
One way to improve the deterrence value of the noise nuisance provisions of the *Police Powers and Responsibilities Act* would be to consider on-the-spot fines for noisy riders. The issue of enforcement tools for offences other than noise nuisance (eg illegal use, trespass, etc) should also be considered so that Police are not enforcing for a secondary offence (ie noise) rather than the primary offence (eg trespass).

*2) Whole of government review of off-road motorbike management*

To the best of Council's knowledge, the Queensland State Government has never developed a whole of government response to the issues of off-road motorbike use. It is suggested that in order to achieve the objective of recreational riders being able to enjoy their chosen activity without impacting on others or the environment, the State Government should review its approach to the issue and develop a strategically driven, coherent and comprehensive whole-of-government approach to off-road motorbike management through engagement with all relevant stakeholders. A review which is restricted to noise nuisance from off-road motorbikes may not be as effective as a more comprehensive review, as off-road motorbike riding often involves issues beyond noise nuisance.

If you would like to discuss any matters raised in this submission, please do not hesitate to contact Paul Brisbane-Webb, Planning Officer (Environmental Protection) on (07) 3810 7890.

Yours faithfully



Craig Maudsley

**CHIEF OPERATING OFFICER (HEALTH PARKS AND RECREATION)**