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CMC Review of Motorbike Noise Laws
GPO Box 3123
BRISBANE QLD 4001

Attention: Nadine Seifert

Dear Ms Seifert

CMC REVIEW OF MOTORBIKE NOISE LAWS

Please find attached Logan City Council's submission to the Crime and Misconduct Commission Review of Off-Road Motorbike Noise Laws.

Council appreciates the opportunity to provide input into this significant issue and looks forward to working in partnership with the State Government in developing resolutions for this matter.

Should you require any further information, please contact Melissa Coates, Crime Prevention Coordinator on (07) 3412-4760.

Yours faithfully

Luke Baker
Acting Community Services Manager
(on behalf of Chris Rose, Chief Executive Officer)



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Logan City Council Submission

Do the new laws provide police with sufficient power to deal with noisy off-road motorbikes?

Without qualitative data, it is difficult to advise if the new laws are effective to deal with the numerous trail bike complaints received by Council.

In reality there are a number of issues which affect the policing of off-road motorbikes such as:

- Police availability and lack of priority to address noisy off-road motorbike complaints.
- Knowledge and interpretation of the new laws. Interpretation of the law is difficult. It is suggested that additional training and a Police information card for easy reference could assist?
- The perceived 'no pursuit' police policy adds to the ineffectiveness of on-the-ground policing.
- Sections 581 and 582 are pointless. A noise abatement direction notice is required for the "First Offence". It requires the offender to "stop" for 48 hours, however the possibility of repeat offending every 3rd day or importantly every weekend is not negated.
- Off-road motorbike noise offences should incur the same penalties as the vehicle impoundment laws.

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

Local Police need to be provided with adequate resources and intelligence sources to enable them to police and target hotspot areas. There are a limited number of formally trained Police Officers available to ride/patrol the Logan Police District to provide a proactive response to addressing motorbike complaints.

Council receives complaints from residents that have been referred by the Police regarding noisy motorbikes. Council is not, and should not be responsible for the enforcement of State laws. The reality is, however, that the Logan community does not see Police as responding adequately to noisy off-road motorbikes and therefore demands a response from Council.

It is recommended that the State Government be responsible for funding and coordinating a state-wide 'Hoon Hotline' as per the Victorian Government to capture off-road motorbike complaints. This also enables the analysis of data to target Police responses to hotspot locations as well as adequate promotion of laws and motorbike information to problem areas.

Do the new laws provide the courts with sufficient power to deal with noisy off-road motorbikes?

Without qualitative data, it is difficult to advise whether offenders are being processed through to the court stage for their offence. The question is how many offenders have been processed past the Noise Abatement Direction Notice? How many, if any, have been to court for a forfeiture order?

Processing minors is difficult. Approximately half of the complaints and riders stopped and questioned by Council's Park Rangers are under the age of 17. A recommendation is to review the level of responsibility of the parent/guardian of offending minors. The parent/guardian is generally responsible for providing the motorbike, petrol, upkeep costs etc, but bears no responsibility for the safe and legal riding of the off-road motorbike for their minor.

One suggestion to address this common complaint is the introduction of the loss of demerit points and/or fines for parents/guardians for offending (or recidivist offending) minors. Alternatively, an option may be that the bikes that minors are caught riding off-road are seized for a period of 48 hours etc (similar to the new anti-hooping legislation penalties).

How are off-road motorbike issues managed in local communities?

All complaints are referred to the Logan District Police for enforcement. Because Logan City Council receives several complaints a day referring to off-road motorbike complaints, a number of strategies have been adopted to handle the complaints:

- The Customer Service Branch refer all direct complaints to the Logan District Police Communications Number.
- Councillors receive motorbike complaints direct from the community and refer all complaints to the Police as well as the Council "TrailBike" email address developed specifically to ensure relevant Council staff are aware of the hotspot locations. This also ensures that the relevant Police Division is aware of where the major complaints are and to ensure residents are responded to in a timely fashion.
- The Council Crime Prevention Unit has commenced an informal mapping initiative (using Easimaps) of the location of complaints in order to provide Police Intelligence with target areas for motorbike enforcement.
- Council has a Local Law to enable an 'on the spot' fine of \$375.00 for riders caught riding in a Council Park.
- Council has a number of Park Rangers (who wear appropriate safety gear whilst riding and helmet cams) who have the ability to patrol the city's parks weekdays and weekends on trail bikes. Their responsibility is to ensure the safety of park users, not to solely respond to community complaints of motorbikes. Although the rangers work closely with the Logan Police, the sole responsibility of the enforcement of the off-road motorbike laws on private property lies with the Police.
- Council provides detailed information on the Council website and information is handed out to offenders caught riding in parks on the motorbike laws and available spaces to legally ride off-road bikes (none of which are located in LCC).

Are there other issues that impact on dealing effectively with noisy off-road motorbikes?

The issue of finding an adequate space/facility for the riding of off-road motorbikes is one that is being addressed and should be led by the State Government. It is not the responsibility of local authorities to find a space for riders in each LGA, although considerable pressure is placed on Council's to do so. Resources have been invested over many years and continue to be provided by Councils through site surveys, meetings and trail bike taskforces to address this issue, which should be led and directed at the State Government level with cooperation by all Councils. Any site location which may be identified will be accessed by residents from many Councils. A whole of government approach should be adopted.

Onus should be on the manufacturers and sellers of off-road motorbikes to provide machines that cannot be easily modified to create more noise, to provide adequate and safe locations and information on motorbikes for minors and parents/guardians.