



Queensland Police Service Submission:

CMC review of Queensland's off-road motorbike noise laws

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

While the laws reflect the Government's policy commitment in relation to policing noisy off-road trail bikes enforcement of the laws has identified some operational difficulties, particularly when police are not able to find the motorbike rider offending.

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

Currently, the legislation requires that the responding officer must hear the offending motorbike (i.e. the offender must be 'found offending'). While this requirement is consistent with the other noise abatement powers in the *Police Powers and Responsibilities Act 2000* (PPRA), police often respond to off-road motorbike noise complaints after the noise has abated. This limits the opportunity for officers to take enforcement action under the PPRA.

It has also been identified that an offending rider may sometimes have access to more than one noisy motorbike. This has the ability to impede timely enforcement action. To improve service delivery a minor amendment could be made to enable officers to give a noise direction that applies to all motorbikes used by the offender.

These issues have been included in the current review of the PPRA. This will allow the Service to undertake detailed consideration of the issues, including consultation with other Government agencies.

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

Sufficient penalties are available to the courts.

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

Unable to comment.

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

Occasions do arise when police officers, usually in police cars but at times on police motorcycles, attempt to intercept noisy off-road motorbikes when the rider of the noisy trail bike refuses to stop and 'races' away. In these circumstances, and subject to specified policy conditions, the QPS Pursuits policy does not allow the officer to give chase.

The QPS Pursuits policy is contained in Commissioner's Circular No. 24/2007. The policy restricting pursuits, which came into effect on 21 July 2006, is underpinned by the knowledge that '*...pursuit driving is inherently dangerous*' and that therefore pursuits '*...should only be commenced or continued where the benefit to the community of apprehending the offender outweighs the risk.*' This policy has been developed to protect police officers, members of the public and suspect persons.

The QPS Pursuits policy is particularly specific in relation to chasing trail bikes: '*...pursuits of trail bikes by four wheel units, other than on formed roads, should only be conducted in extreme circumstances*'.

Research indicates that riders of offending noisy off-road motorbikes are often young and inexperienced, and the offence(s) committed leading to a pursuit is usually relatively minor (e.g. excessive noise, unregistered or unlicensed).

The QPS Pursuits policy therefore effectively, but justifiably, precludes police officers from engaging in the pursuit of a noisy off-road motorbike. However, this Policy does create an understandable degree of frustration on the part of members of the public who complain to police about noisy off-road motorbikes only to discover that the police cannot pursue the offending rider.

In situations where the offending rider can be identified by the officer, action may later be taken against the rider for the offence of 'evade police' under section 754 of the PPRA. This section includes 'owner-onus' provisions and post-court vehicle impoundment or forfeiture. The 'evade police' offence therefore supports the restrictive Pursuits policy by providing police with an alternative enforcement option.
