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Trail Bikes – Issues and Challenges

Recently, there has been a general trend for trail bike riding to be regarded as a legitimate pursuit, attracting people from all age groups interested in competitive or recreational riding. Unfortunately, the activity does raise a range of problems for nearby landholders, state and local government, and for the riders themselves. Noise, dust, safety, environmental impact, and finding safe and legal places to ride are among the issues discussed in this Research Brief. While many riders do the right thing, irresponsible riders tend to harm the reputation of all riders in general.

There are few places where one can ride a trail bike legally. A minefield of legislation applies to trail bike riding and law enforcement is divided between state and local governments. It has been observed that, because so little planning has gone into providing opportunities for safe and legal trail bike riding in the past, it has now become a major headache for government and developers to fit the activity into the local environment and to ensure that it causes minimal disturbance. This Research Brief outlines some existing legislative measures regulating trail bike use and alternative non-legislative proposals suggested in various studies and surveys, particularly those canvassed in the August 2003 Police and Corrective Services Portfolio Subcommittee on Trail Bikes Final Report.

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EXECUTIVE SUMMARY

In recent years there has been a general trend for trail bike riding to be regarded as a legitimate pursuit, attracting people from all age groups interested in competitive or recreational riding. Unfortunately, the activity does raise a range of problems for nearby landholders, state government agencies and local councils, and for the riders themselves. Noise, dust, safety, environmental impact, and finding safe and legal places to ride are among the issues faced. While many riders do the right thing, irresponsible riders tend to harm the reputation of all riders in general.

This Research Brief firstly explains the activities and disciplines that constitute 'trail bike riding' and the venues at which they can be undertaken: **pages 1-5**.

While there are many problems associated with trail bike use, this Brief seeks to explore those identified by most of the recent studies and surveys. In recognition that legislation and enforcement measures are only one part of the solution – as regulations and bans merely move irresponsible riders to another area – a range of practical solutions has also been canvassed in some government studies, particularly in the Report by the Police and Corrective Services Portfolio Subcommittee on Trail Bikes, published in August 2003: **pages 6-7**.

A significant issue that confronts trail bike riders – and is related to other problems also considered in this Brief – is difficulty in finding safe and legal **places to ride**. Apart from facilities offered by motorcycling clubs and associations and opportunities to ride on private property, there are few places where a trail bike can be lawfully ridden. The biggest legal problem for trail bike riders is that many areas are, in fact, 'roads', as broadly defined under the *Transport Operations (Road Use Management) Act 1995* (Qld) and under the *Land Act 1994* (Qld). Thus, a 'road' can include roads or tracks in national parks and state forests as well as public or private land accessed by the public for riding. A 'road' can be driven upon *only* by registered bikes and *only* by a rider with the appropriate licence for the type of bike: **pages 7-13**. All levels of government and other stakeholders face considerable challenges in trying to find safe and legal places for trail bikes to be ridden, particularly by junior riders: **pages 13-14**.

Noise from trail bike riding has been identified by some studies as the matters about which police and local governments receive the most complaints. The laws controlling noisy trail bikes are contained in the *Police Powers and Responsibilities Act 2000* (Qld) and were introduced in 2005. The scheme is complaint-oriented and, like the 'anti-hooning' laws relating to noisy motor vehicles, it enables the impoundment and forfeiture of a trail bike if noise orders are breached: **pages 14-19**. However, it has been recognised that punitive measures alone will not solve noise and related problems but will merely move them on. Thus, broader, non-legislative solutions are needed to enable trail bike riders to pursue their activities on legal sites where they do not disturb local residents: **page 19**.

Another major issue has been that of riders **trespassing** onto private and public land. With respect to public land, an offence provision, recently inserted into the *Summary Offences Act 2005* (Qld), forbids unlawful driving of a motorbike on

public land. However, taking up the overall approach that legislative initiatives will not solve all trail bike issues and that more planning had to go into providing legal opportunities for safe riding, the *Summary Offences Regulation 2006* (Qld) allows government entities to make an application for public land to be prescribed as ‘motorbike control land’ upon which a person may ride if he or she has the appropriate authority: **pages 20-22**.

Other issues discussed in this Brief concern confusion about the division of **enforcement responsibilities** between government agencies and councils (**pages 22-23**); the **environmental impact** of trail bike riding (**pages 23-24**); and **risks and safety** (**page 24**).

Solutions and opportunities suggested by the Trail Bike Subcommittee to tackle the various problems facing all stakeholders involved with trail bike riding are discussed on **pages 24-29**. Following that, various local and state government strategies and proposals are briefly considered. These include: the *South East Queensland Regional Outdoor Strategy* (**pages 29-30**); the *Active Trails Strategy* (**pages 30-31**); the *Regional Trail Bike Site Survey* (**pages 31-34**); and the *Regional Trail Bike Facilities Needs Plan* (**pages 34-35**).

A list of **acronyms** used in this Research Brief is provided at **page 37**.

1 INTRODUCTION

Recently, there has been a general trend for trail bike riding to be regarded as a legitimate pursuit, attracting people from all age groups interested in competitive or recreational riding. Unfortunately, the activity does raise a range of problems for nearby landholders, state government agencies and local councils, and for the riders themselves. Noise, dust, safety, environmental impact, and finding safe and legal places to ride are among the issues discussed in this Research Brief. While many riders do the right thing, irresponsible riders tend to harm the reputation of all riders in general.¹

There are few places where one can ride a trail bike legally. A minefield of legislation applies to trail bike riding and law enforcement is divided between state and local governments. It has been observed that, because so little planning has gone into providing opportunities for safe and legal trail bike riding in the past, it has now become a major headache for government and developers to fit the activity into the local environment and to ensure that it causes minimal disturbance. This Research Brief outlines some existing legislative measures regulating trail bike use and alternative non-legislative proposals suggested in various studies and surveys, particularly those canvassed in the Police and Corrective Services Portfolio Subcommittee on Trail Bikes *Final Report*.

The constraints of this Research Brief allow consideration only of those studies and surveys outlining proposals to accommodate and manage trail bike riding in South East Queensland. There is no doubt that the issues discussed in this Brief are statewide, but they are accentuated in the south east corner by the growing population and the resulting pressure on land and infrastructure.

2 WHAT IS A 'TRAIL BIKE' AND 'TRAIL BIKE RIDING?'

The term 'trail bike' generically describes any number of types of motorcycles used for recreational and competitive off-road activities. The term actually refers to a motorcycle that can be used on-road and off-road (having tyres fitted which allow off-road use), is registrable, and complies with Australian road rules.²

¹ Trail Bike Subcommittee, 'Police and Corrective Services Portfolio Subcommittee on Trail Bikes', *Final Report*, 19 August 2003, (*Subcommittee Report*), pp 7-8, <http://www.parliament.qld.gov.au/ConcordDocs/E05/E050721LA01.PDF>.

² CPR Group, *Regional Trail Bike Facilities Needs Plan*, prepared for the Pine Rivers Shire Council, Caboolture Shire Council, Redcliffe City Council, Kilcoy Shire Council, Sport & Recreation Queensland, September 2005, p 10.

However, not all trail bikes fit the latter description. In particular, many are not registrable and cannot be used on the road.

Engine capacities for off-road motorcycle engines range from around 50cc for ‘fun’ type bikes for young riders to approximately 650cc for larger recreational bikes. Trail bikes come in ‘two-stroke’ and ‘four-stroke’ engines. The difference between them is a technical one³ – but, basically, two-stroke engines burn oil during the combustion cycle, meaning more exhaust fumes. Two-stroke bikes appear to be louder when up close but the noise from four-stroke bikes seems to travel further. While a muffler can reduce the amount of noise being emitted from a bike, this tends to reduce power output from the engine.⁴

Trail bike riding is a competitive or recreational activity undertaken on structured tracks or in natural settings. It creates employment for tens of thousands of people engaged in sales, marketing, manufacture, repairs and design of all sorts of trail bikes.⁵ In 2006, almost 200,000 new on-road and off-road motorbikes were sold with the number of off-road bikes sold being just over 48,000, a rise of 16.6% on the previous year. The on-road bike sales of almost 53,000 were bolstered by a 43% increase in scooter sales.⁶

It has been observed that the culture of off-road riders is very diverse – comprising riders interested in competitive riding, those interested in the ‘mateship’ the activity offers, riders who are in it for the noise, speed and challenge, and others who just want to ride for the enjoyment of being out in the natural environment. It appears that the activity attracts all age groups but more males are drawn towards it than are females.⁷

A 2001 study indicated that 7% of the South East Queensland (SEQ) population aged 15 and over participated in recreational trail bike riding at least once a year, with a median frequency of five times per year.⁸ Thus a number of Queenslanders ride trail bikes and meeting their needs may prove a significant challenge for all levels of government, private providers and land managers.

³ A four-stroke motor has four strokes between the spark plug firing while a two-stroke motor fires at the top of each stroke.

⁴ *Regional Trail Bike Facilities Needs Plan*, pp 10-11.

⁵ *Subcommittee Report*, p 7.

⁶ Royal Automobile Club Queensland, ‘Bike Sales Jump’, *Road Ahead*, April/May 2007, p 22.

⁷ *Subcommittee Report*, p 8.

⁸ Queensland Outdoor Recreation Foundation, *South East Queensland Outdoor Recreation Demand Study*, 2001, p 10.

Many trail bike disciplines require large amounts of open space, particularly if there is a need to provide a buffer to minimise the impact of dust and noise on surrounding land uses.⁹

2.1 MOTORCYCLE SPORT

The most sensible thing to do if one is new to trail bike riding is to join a motorcycling club. Most clubs cater for a number of trail bike disciplines but there are some that specialise in just one.¹⁰

The controlling body for motorcycle sport in Australia is [Motorcycling Australia \(MA\)](#).¹¹ The State Controlling Body (SCB) for Queensland is [Motorcycling Queensland](#).¹² MA's website states that it and the SCBs '*are concerned with the well-being of riders, officials, venue and track standards, risk management, all aspects of safety, the administration of safe, free and fair competition in accordance with the principles of natural justice and the development of the sport in Australia.*'¹³ The bodies will help new riders get started and to find a club. For junior riders (aged 7 to under 16), MA has created a Junior Coaching Program to ensure that young riders learn to ride safely.

Before being allowed to participate in club riding, the rider needs a suitable motorcycle, the right protective clothing for the discipline chosen, and a helmet which is in good condition. Joining a club enables a new rider to learn basic skills and techniques and to practise what has been taught. A coach will assist a rider to prepare for being up to racing standard, if the rider wishes to enter competitions.

Once a rider has joined a club, he or she will be given a licence application form which will allow the rider to participate in competitions. However, a competition licence is not required merely to be a club member. Before issuing a competition licence, the SCB has to be satisfied that the applicant can competently control the motorcycle (for example, the applicant has attended an accredited training course or school; or has received an endorsement by an authorised official rider). The

⁹ *Regional Trail Bike Facilities Needs Plan*, p 26.

¹⁰ The information in this section is adapted from Motorcycling Australia's booklet *Starting Out in Motorcycle Sport*, Motorcycling Australia Limited, 2004, <http://www.ma.org.au/Content/MA/AboutUsLinks/HowdoIgetstarted/GettingStartedInMotorcycleSport.doc>.

¹¹ At <http://www.ma.org.au/AM/Template.cfm?Section=Home>.

¹² At <http://www.mqld.org.au/>.

¹³ At <http://www.mqld.org.au/>. Click on 'About Us/Links then 'State Controlling Bodies'.

applicant must also hold a current road motorcycling licence. Licence costs vary according to the type. An insurance policy should also be obtained that covers racing as well as just riding the motorcycle.

It is also important for a rider to be aware of the basic rules of motorcycle competition. These are designed to ensure safety. The basic rules include that a Steward or Clerk of the Course can stop a race if it would be dangerous for it to continue and the Steward or Clerk may exclude a competitor who appears to be guilty of foul, unfair or dangerous conduct. MA has adopted the Australian Sports Commission's Anti-Doping Policy so riders must be drug free and can be tested for the presence of banned substances. For example, alcohol, marijuana and anabolic steroids are banned.

At all race meetings, the motorcycle will be scrutinised by a machine examiner to ensure it is safe and rule compliant. All participants must observe MA's Code of Conduct or can be penalised by way of a fine or suspension. The Code provides a guide to appropriate conduct by competitors, officials and parents. For example, competitors must neither argue with officials at the race meeting nor abuse officials or other competitors. Parents should also behave at events and not use foul or derogatory language, or argue with officials.

2.1.1 Motorcycle Riding Disciplines

Trail bike disciplines, and the type of terrain and land needed for each, include the following –¹⁴

- **Motocross** – a very physically demanding type of motorcycle sport requiring a special motocross bike. It is a club type activity where competitions take place on purpose-built tracks shaped from the natural terrain or using landfill imported from elsewhere. Around 50 hectares (ha) to 400ha of land is needed to allow for a track between 1,400m and 2,500m in length. Land is also needed for buffer zones and to provide areas for spectators.
- **Supercross** – a 'smaller' type of motocross that is held at both outdoor and indoor stadiums. It involves a number of big and demanding jumps and attracts spectators to club/competition events. There is often commercial organisation behind it.
- **Dirt track racing** – undertaken on closed flat tracks of various shapes with left and right hand turns around 1,800m in length. A small to medium amount of

¹⁴ The following information is taken from the CPR Group, *Regional Trail Bike Site Survey*, Final Draft, prepared for the Redland Shire Council, Brisbane City Council, Beaudesert Shire Council and Logan City Council, June 2004, pp 20-21.

land is required (50ha to 400ha) and the track surface can be graded dirt or grass. It is a club/recreational type of activity.

- **Enduro riding** – longer distance cross-country racing on trails which have fast open segments and tight bush segments, thus requiring a large amount (usually more than 400ha) of land. Road registered motorcycles are usually required for this discipline.
- **Observed Trials** – a competitive discipline requiring skill in overcoming obstacles (e.g. steep hills, boulders) rather than speed. Only small amounts of land (less than 50ha) are required and the type of machine used is generally light and nimble without a seat.
- **Freestyle riding** – a competitive activity which is commercially organised. It features very skilful jumps and obstacle clearance. It requires a small amount of land – up to around 50ha.
- **Supermotard** – a competitive pursuit which takes place on circuits of between 800m and 1,700m in length. The racing focuses on heavy braking and sliding into tight corners. The surface is mostly bitumen but, also, partly dirt and the discipline sometimes takes place on road race tracks. The type of machine used is an off-road motorcycle or motocross bike that often has on-road type wheels and brakes but fitted with lowered suspension. Around 50ha to 400ha of land is needed.
- **Speedway** – competitive racing on speedway bikes with no brakes and only simple suspension. A fully-fenced, oval dirt circuit is required on around 50ha to 400ha of land.
- **Recreational Trail Riding** – informal off-road riding that tends to need large amounts of land as it caters for exploration and enjoyment of the natural environment. It tends not to involve racing. Participants use road registered motorcycles to explore the trails – roads (sealed or unsealed), natural land areas, bush and forests.
- **Minikhana** – an organised recreational activity for junior riders on easily traversable trails of different lengths and types. It requires only a small amount of land and younger participants ride small, lower-powered motorcycles.

3 MAIN ISSUES ABOUT TRAIL BIKES

During the debate in the Queensland Parliament on the *Police Powers and Responsibilities and Another Act Amendment Act 2002* (Qld) (often referred to as the ‘anti-hooning’ laws) concerning noisy motor vehicles, a number of Members

raised issues about trail bikes, such as noise and lack of places to ride.¹⁵ Prompted by this, the then Minister for Police and Corrective Services, the Hon Tony McGrady MP, established a Trail Bike Subcommittee. The Subcommittee was tasked with gathering information from stakeholders and other sources in order to advise the Minister about legislative and other responses to address the misuse of trail bikes.¹⁶ On 19 August 2003, the ['Police and Corrective Services Portfolio Subcommittee on Trail Bikes' Final Report](#) (*Subcommittee Report*) was released, setting out a number of recommendations for consideration by the Minister.

The *Subcommittee Report* identified a number of issues associated with trail bikes, many of which will be discussed throughout this Research Brief. However, it was found that the greatest concern of all was that of excessive noise – particularly exhaust noise.¹⁷

Although the Subcommittee began with legislative sanctions in mind and, in fact, recommended that the regulatory regime be tightened, it considered non-legislative measures to address trail bike problems were also needed.¹⁸ It commented that trail bike riding was, except in certain circumstances, a legitimate recreational activity that uses the natural or artificial environment as a setting or venue and that riders were increasingly looking for places to lawfully ride. The *Subcommittee Report* said that it was important for State Government agencies, local governments, recreational organisations, clubs and the industry to work together to develop facilities and opportunities for people to participate in trail bike riding legally and safely. Each type of riding (as explained above) needs a different place in terms of area, track length and design, buffer zones, terrain, slope, distance from people, forms of access, onsite management and regulation.¹⁹

Thus, the essential issue identified by the Report was *'how to accommodate lawful use of trail bikes in a way that will protect natural resources and minimise conflicts with other community interests.'*²⁰

¹⁵ See, for example, Mr RJ Mickel MP, Second Reading Debate, Police Powers and Responsibilities and Another Act Amendment Bill 2002 (Qld), *Queensland Parliamentary Debates*, 7 August 2002, p 2752.

¹⁶ *Subcommittee Report*, p 6.

¹⁷ *Subcommittee Report*, p 9.

¹⁸ *Subcommittee Report*, p 7.

¹⁹ *Subcommittee Report*, p 12.

²⁰ *Subcommittee Report*, p 12.

3.1 DIFFICULTIES IN FINDING PLACES TO RIDE

The number of trail bikes sold annually continues to increase while the amount of open space and facilities for riding are declining.

Unfortunately for trail bike riders, their pursuit competes for space with many other land uses such as residential, commercial, agricultural, forestry, grazing, conservation, horse riding, and walking, particularly in highly populated areas.²¹ Other forces include –²²

- the fact that local government planning schemes often allocate open space for other purposes;
- those State Forests where the ‘protected area tenure’ (explained later) does not allow for trail bike use;
- incompatible surrounding land use (e.g. hospitals);
- negative public perception that can result in complaints to police and local councils; and
- legislative restrictions.

In a letter to the Premier of Queensland, published in the *Courier Mail* in September 2006, the President of Lakeside Motor Racing Enthusiasts Inc. pleaded for more dedicated and safe amateur motorsport facilities between the Brisbane River and the Sunshine Coast, similar to that at the Willowbank precinct near Ipswich used for motor racing and which is open day and night.²³

In February 2006, a group of 259 trail bike riders from Brisbane, Logan and Ipswich wrote to the Ipswich City Council to ask that a designated trail bike riding area be established within Ipswich City.²⁴ However, the rising price of land in that area and demand for housing may well make such a prospect an unlikely one.

²¹ *Regional Trail Bike Site Survey* p 7.

²² *Regional Trail Bike Site Survey*, pp 12-13.

²³ Letter to the Premier from Mr Ian Milton, ‘Give the “hoons” somewhere safe to use their cars’, *Courier Mail*, 9 September 2006, p C13.

²⁴ ‘Trail Bike Riders Search for Ipswich Base’, *Ipswich City Council Media Release*, 22 February 2006.

3.1.1 Clubs and Venues

A number of clubs and associations around Queensland have facilities which members can use for trail bike riding. As mentioned earlier, some are discipline specific and others cater for a number of disciplines.

As an example, the Fort Lytton Motocross (FLMX) Club Inc. has a 12 monthly lease over a site at Lytton, currently owned by the Port of Brisbane Corporation. The site occupies around 3ha, is bounded by a quarry and is within 100m of the Brisbane River. The site has motocross tracks, including a junior track and is fully serviced with water, sewerage and electricity. There is a fee for membership, a fee for a recreational rider licence, a ride fee and an administration fee (for insurance administration). The FLMX Club, as of 2004, rotated access to its site to allow for practice sessions (mainly weekday afternoons), racing and some recreational riding. The FLMX Club is a registered Motorcycle Riders Association of Queensland venue and offers insurance to its riders.²⁵

The future of the FLMX Club is uncertain because it only has a year by year lease (which is the maximum that all businesses on the Port can obtain). There is also a long term possibility that the Port may eventually want to redevelop the land for another purpose.²⁶ The uncertain nature of the tenure means that the FLMX Club cannot apply for grants.²⁷ It does, however, have some private sponsorship from within the industry and from local businesses.

The Trail Bike Subcommittee noted the popularity and utilisation of clubs and associations. It commented that it is becoming increasingly difficult for these bodies to acquire land that is close to residential areas at reasonable prices and that does not create adverse impacts on other land users.²⁸ It gave the example of a Gold Coast club which had to close, after 20 years of operation, when urban expansion near to the club's boundaries led to numerous complaints by the new residents.²⁹

Lists of, and links to the websites of, organisations and facilities in SEQ that cater for trail bike riding, either generally or for a particular discipline, can be found on

²⁵ CPR Group, *Regional Trail Bike Site Survey*, Final Draft, prepared for the Redland Shire Council, Brisbane City Council, Beaudesert Shire Council and Logan City Council, June 2004, Appendix 2, pp 2, 17.

²⁶ *Regional Trail Bike Site Survey*, Appendix 2, p 3.

²⁷ Fort Lytton Motocross Club Manager's Report, Issue 2, February 2007, p 1.

²⁸ *Subcommittee Report*, p 12.

²⁹ *Subcommittee Report*, p 12.

some local government websites. For example, the [Logan City Council](#) website provides contact information for bodies such as the Albert District Motorcycle Club Inc.; Dalby Moto Trail Rides; and Gold Coast Motocross.

3.1.2 Private Providers

Some private providers allow trail bike riding on their property on payment of an entry fee. Camping facilities, toilets and other amenities are generally provided. Examples of private parks or land upon which people can ride are [Black Duck Valley Motorbike Park](#) at Gatton; Dirt Down Under Recreation Park at Laidley; and Arcot Station, a sheep property approximately 70km west of Stanthorpe.

A mounting difficulty for this type of use is that nearby residents may object to the trail bikes and make complaints to their council. Further, private providers' land may face urban encroachment similarly to that described regarding club venues. Additionally, changes to local government planning laws may result in land uses that are incompatible with trail bike riding activities.³⁰

As will be discussed below, these riding areas on private land may fit within the broad definition of a 'road' in the applicable legislation, unless the area has been established for trail bike or motorsport use. This means that riders need to have road registered motorcycles and hold the appropriate licence for the type of motorcycle being ridden.³¹

3.1.3 Riding on Other Land Tenures

Outside of the structured venues provided by clubs and associations and land provided by private operators, it is increasingly difficult for riders to find safe and legal places to ride, especially if the particular trail bike discipline requires a certain type of physical environment and terrain and/or needs a large amount of land.

³⁰ *Subcommittee Report*, pp 12-16.

³¹ South East Queensland (SEQ) Trail Bike Management Forum, 'Laws, land tenure and trail bikes in Queensland', 2003 Series Workshops, p 4, http://www.qorf.org.au/dbase_upl/Laws%20and%20Trail%20Bikes.pdf.

Roads

A significant impediment, particularly for young riders, is the definition of a ‘road’ in Schedule 4 of the [Transport Operations \(Road Use Management\) Act 1995 \(Qld\)](#) (*TORUM Act*). A **road** ‘includes an area that is –

- (a) open to or used by the public and is developed for, or has as 1 of its uses, the driving or riding of motor vehicles, whether on payment of a fee or otherwise; or
- (b) dedicated to public use as a road, but

does not include an area declared under a regulation not to be a road.’

Thus, any land – public or private – could be a ‘road’ if open to, or used by, the public for trail bike activities, whether or not payment of a fee is necessary. Examples of places are roads or tracks in national parks and State forests, beaches, or any other public or private freehold land.³²

The [Land Act 1994 \(Qld\)](#) also defines ‘road’ very broadly.³³ It means land taken under an Act for the purpose of a road for public use or land that is dedicated, notified or declared to be a road for public use. It includes streets, esplanades, reserves for esplanades, highways, pathways, thoroughfares, causeways, bridges, culverts, tracks, parts of roads, and stock routes.³⁴

In Queensland, motorbikes travelling on ‘roads’ have to be registered (see s 10 of the [TORUM – Vehicle Registration Regulation 1999 \(Qld\)](#) (the *Regulation*)). Unfortunately, some types of trail bikes cannot be registered because they do not comply with Australian Standards. Further, s 4 of the *Regulation* states that a motorbike being used in a freestyle motocross area or a motorbike being used in an observed trial in an observed trial area is exempt from registration.

Thus, many trail bikes cannot be driven on a ‘road’ – which includes many of the sorts of areas trail bike riders actually seek to go, like tracks in parks and in forests, beaches, and on private land. Bikes that cannot be registered have to be used off-road.

The Queensland Police Service (QPS) has power to deal with unlicensed riders and unroadworthy trail bikes driven on roads.³⁵

³² SEQ Trail Bike Management Forum, ‘Laws, land tenure and trail bikes in Queensland’, p 1.

³³ See Chapter 3, Part 2.

³⁴ SEQ Trail Bike Management Forum, ‘Laws, land tenure and trail bikes in Queensland’ p 1.

³⁵ Chapter 3, *Police Powers and Responsibilities Act 2000 (Qld)*.

Some trail bikes may be able to obtain ‘conditional registration’ which provides limited access to roads – such as just riding across a road from one off-road property to another.³⁶ One benefit of conditional registration is that it provides access to compulsory third party insurance to cover the rider against death or injury to another person.

In addition, to drive on a ‘road’, all riders must hold the appropriate licence for the type of vehicle used, meaning that young riders below licensable age are effectively excluded from being able to ride in many places.³⁷

There is no need for registration if a bike is not ridden on a ‘road’ but the broad meaning of ‘road’ makes it hard for trail bike riders to find a public or private area where registration and a licence are not required in order to ride.

A possible answer, as provided by the definition of ‘road’ under the *TORUM Act*, is for an area to be ‘declared under a regulation not to be a “road”’. The effect could be to make an area a trail bike facility or ‘racetrack’ for practice and racing by those holding a Motorcycling Queensland licence, regardless of age and whether or not the bike is road registered.³⁸

Another possibility is found under s 85 of the *TORUM Act* which gives the Police Commissioner the power to issue a permit for persons to organise a race or a speed trial on a road (e.g. a trail bike event).³⁹ However, permission may also have to be obtained from the local government controlling the road in the particular area. Section 915 of the [Local Government Act 1993 \(Qld\)](#) enables a local government to close a road for a temporary purpose but, unless the road is declared not to be a road, the *TORUM Act* still applies and registration and licensing requirements may still operate.

It is little wonder that confusion abounds – particularly among young riders – about where one can ride a trail bike without breaking the law.

³⁶ See the Queensland Transport website at http://www.transport.qld.gov.au/Home/Registration/Conditional_registration/.

³⁷ *Regional Trail Bike Facilities Needs Plan*, p 35.

³⁸ *Regional Trail Bike Facilities Needs Plan*, pp 35-36.

³⁹ See also SEQ Trail Bike Management Forum, ‘Laws, land tenure and trail bikes in Queensland’, p 6.

Stock Routes

A stock route is a 'road' under the *TORUM Act* and the *Land Act*, even if it does not seem to be physically formed as a road, unless it has been declared by Regulation not to be a road. Stock routes are sometimes available for trail bike riding with the permission of the relevant local government responsible for their management but, because they are 'roads', the bike must be registered and riders must have the right licence for the type of bike used. It is also necessary that any use within a stock route comply with the relevant provisions of the applicable local government planning scheme.⁴⁰

Parks and Forests

Roads of many types are found in Queensland's National Parks – a number of which pre-date the dedication of the Park – and can even include major highways. Many roads have not been gazetted, particularly roads and tracks used as forestry roads before the area became dedicated as a Park. Management plans generally specify which, if any, roads can be used for visitor access and should also provide for some roads to be closed to allow revegetation.⁴¹

South East Queensland (SEQ) Forests Agreement land which has been transferred to 'protected area tenure' continues to accommodate most recreational activities. These include four-wheel driving, trail bike riding, and camping, provided the activities are sustainable in accordance with provisions and principles of the [Nature Conservation Act 1992 \(Qld\)](#). The protected area tenures (see Part 4 of the Act) upon which trail bike riding are permitted, where appropriate, are national parks; national parks (recovery);⁴² conservation parks;⁴³ and resource reserves.⁴⁴ Riding is allowed only on roads (unless there is a sign or management plan prohibiting

⁴⁰ SEQ Trail Bike Management Forum, 'Laws, land tenure and trail bikes in Queensland', p 2.

⁴¹ National Parks Association Queensland, 'Policy on Roads and Vehicles in National Parks, adopted 12 July 1999.

⁴² National Parks (recovery) contain areas of degradation which require manipulation of natural resources to restore conservation values.

⁴³ Conservation Parks allow a greater range of activities than do national parks and are often managed by local government.

⁴⁴ Resource Reserves have a high conservation value but cannot be reserved as a national or conservation park. For example, areas subject to fossicking or mining.

their use).⁴⁵ A number of State Forests in SEQ are open to trail bike riders with a permit to use roads and fire trails. Before obtaining a permit, all riders have to be licensed and have a registered bike.⁴⁶

Another issue for trail bike riders in State Forests is that they must share the area with other users including four-wheel drivers, bushwalkers, and horse riders.

Reserves for Community Purposes

Under the [Land Act 1994 \(Qld\)](#) (ss 30-92), unallocated State land can be dedicated as a reserve for community purposes (such as for recreational use, open space, or natural resource management) and managed in a way commensurate with such purposes. Local governments are often appointed as trustees to manage reserves within their local government area.⁴⁷ Because use of a reserve must be consistent with the purposes for which it is reserved, some reserves accommodate motorbike riding but not those where motorbike riding may have environmental or resource management implications. In those reserves dedicated to recreation or sport – where trail bike riding is allowed – permission will generally be required from the trustee (e.g. the local council) or, in the absence of a trustee, from the Department of Natural Resources and Water (NRW). Conditions of use can be imposed on the permission.

Again, it is likely that a reserve will come within the definition of a ‘road’ under the *Land Act 1994 (Qld)*, unless declared otherwise, making it necessary for bikes to be road registered and riders appropriately licensed. It is possible – in some cases – that the Minister for Natural Resources and Water might change the purposes for which the reserve is dedicated to enable it to be dedicated for motorsport.⁴⁸

3.1.4 Challenges for Stakeholders

Unfortunately, illegal trail bike riding on public and private land does occur – fuelled by the diminishing places available for safe and legal riding and the confusing state of the law about what is a ‘road’. Providing space for trail bike

⁴⁵ Queensland Parks and Wildlife Service, ‘Authorised Uses in Protected Area Tenures, Wet Tropics Forest Transfer’, <http://www.epa.gov.au>

⁴⁶ *Subcommittee Report*, p 13.

⁴⁷ The Department of Natural Resources and Water (NRW) appoints trustees.

⁴⁸ SEQ Trail Bike Management Forum, ‘Laws, land tenure and trail bikes in Queensland’, p 3.

riding and similar activities is providing a considerable challenge for State and local governments. Planning decisions have to balance – often conflicting – residential, commercial, industrial, recreational, and environmental needs within decreasing open spaces.

The Trail Bike Subcommittee believed a statewide framework was required for the use of trail bikes on public and private land within which impacts of trail bike riding could be managed. It appears that there may need to be more understanding of the types and attributes of places needed to ride, in terms of size, track length and design, terrain, proximity to home and so on, to meet the needs of participants in various types of trail bike riding.⁴⁹

Most of the legal sites for trail bike riding are more than two hours drive from the Brisbane CBD, posing a difficulty for young riders who rely on parents or others to drive them to places where they can ride. A study has found that many young riders like spaces where they can ride spontaneously close to home.⁵⁰

The Trail Bike Subcommittee found that little planning had gone into providing space for trail bike riding in the past to the point where it had now become a large problem for councils and planners.⁵¹ It commented that the issues of land use planning, site management and legal issues had not been addressed since 1969 when mass sales of trail bikes began.⁵² And the problem will not merely ‘go away’. If it is penalised or restricted in one area, it will just shift to another area. One example provided in the *Regional Trail Bike Facilities Needs Plan* (discussed later) is the disused Narangba Quarry which has been an illegal riding ‘hotspot’ for some time. There has been a considerable amount of residential development near to the Quarry, leading to more and more complaints to the Caboolture Shire Council and to ‘blitzes’ by police and Council officers. While this has resulted in a short-term reduction in illegal riding in the Quarry, it has increased illegal usage of other areas in the Shire.⁵³

⁴⁹ *Subcommittee Report*, pp 15-16.

⁵⁰ Dr R Hibbins, School of Leisure Studies, Griffith University, ‘The Needs of Underage, Unlicensed and Unregistered Trail Bike Riders in South East Queensland’, Report for Logan City Council, Brisbane City Council, Redland Shire Council, Caboolture Shire Council, Ipswich City Council, Gold Coast City Council, Sport and Recreation Queensland, Motor Traders Association (Qld), TreadLightly! Australia, SEQ Trail Bike Management Forum, March 2002, p 68.

⁵¹ *Subcommittee Report*, p 8.

⁵² *Subcommittee Report*, p 8.

⁵³ *Regional Trail Bike Facilities Needs Plan*, p 32.

3.2 NOISE

During the course of its information gathering, the Trail Bike Subcommittee found that the biggest concern was in relation to excessive noise – particularly from ‘two-stroke’ bikes or bikes which have been modified or fitted with a free flowing exhaust.⁵⁴ Noise was the issue about which police and local governments appeared to receive the most complaints.

The Minister for Police and Corrective Services, the Hon Judy Spence MP, said that in the first six months of 2006 (just prior to the commencement of the new laws to control excessive noise from trail bikes, discussed below), the QPS had received 138 trail bike related complaints from members of the public.⁵⁵

The noise nuisance issue is often a result of urban encroachment and is closely linked to the problem of finding places to ride. People who live, work or undertake recreation in areas of legal or illegal bike use tend to notice noisy trail bikes, bad behaviour, and inappropriate riding that causes noise and dust. Areas that may have provided good riding for enthusiasts, even legally, may have new residential development advancing upon it. This soon leads to complaints about bike noise from nearby residents.

3.2.1 Legislation Dealing With Excessive Noise

The provisions controlling the irresponsible riding of noisy trail bikes are located in the [Police Powers and Responsibilities Act 2000 \(Qld\)](#) (*PPR Act*). The scheme was introduced as an amendment to the *PPR Act* in 2005.⁵⁶ It is complaint-oriented and enables the impoundment and forfeiture of trail bikes if orders are breached.

The laws are consistent with recommendations by the Trail Bike Subcommittee that the ‘anti-hooning’ provisions of the *PPR Act* be extended to cover excessive noise from trail bikes. However, when suggesting these punitive measures, the Subcommittee noted that the real issue was how to accommodate trail bike use and said that broader, non-legislative solutions were needed to enable trail bike riders to pursue their activities on legal sites and where they do not disturb local residents.⁵⁷

⁵⁴ *Subcommittee Report*, p 9.

⁵⁵ Hon JC Spence MP, Minister for Police and Corrective Services, ‘Trail Bike Riders’, Ministerial Statements, *Queensland Parliamentary Debates*, 9 August 2006, p 2675.

⁵⁶ *Police Powers and Responsibilities (Motorbike Noise) Amendment Act 2005 (Qld)*.

⁵⁷ *Subcommittee Report*, p 12.

The trail bike noise laws gave effect to a 2004 election policy commitment by the Beattie Government to take action against irresponsible trail bike riders who affect the reputation of legal recreational riders and disturb the peace of other people. The Government pledged to extend the anti-hooping laws that then applied to motor vehicles to cover trail bikes.⁵⁸

Powers relating to motorbike noise are found in **Chapter 19, Part 3** of the *PPR Act* (excessive noise emissions); and **Chapter 4** (impounding of motorbike because of a motorbike noise direction offence or a motorbike noise order offence). For the purposes of Ch 4, a ‘motor vehicle’ includes a motorbike: s 70. This enables the motorbike noise powers to be incorporated into the vehicle impoundment scheme that existed prior to the introduction of the motorbike laws.

A ‘motorbike’ is defined in the *TORUM Act* as a 2-wheeled motor vehicle (defined as a vehicle propelled by a motor that forms part of the vehicle), whether or not a sidecar is attached to it. It is also a 3-wheeled motor vehicle that is ridden in the same way as a 2-wheeled motor vehicle.⁵⁹

A brief outline of the scheme to curb excessive noise from motorbikes under the *PPR Act* (omitting the detail) is as follows –⁶⁰

Complaint Investigation

- A person may make a complaint to the police about noise emitted by a motorbike being driven on a place that is not a road, which is clearly audible at or near the person’s residential or commercial premises, if the person reasonably believes the noise is excessive. The complaint must be investigated as soon as practicable by a police officer (unless considered to be frivolous or vexatious). In deciding whether the motorbike noise is excessive, the police officer may have regard to relevant matters including the degree of interference being caused, or likely to be caused, to the conduct of activities ordinarily carried on in the vicinity of the place from which the noise is being emitted, and the nature of the lawful uses permitted for premises in that vicinity.
- The excessive noise emission provisions do not apply if the noise is being emitted from a place while being used by motor vehicles under a permit: s 576(2).

⁵⁸ Peter Beattie & Labor, ‘Trail Bikes – Extending Anti-hooping Laws’, *Keeping Queensland Moving Policy 2004* (Election Policy 2004).

⁵⁹ *TORUM Act*, Schedule 4 (Dictionary). The *PPR Act*, Schedule 6 says that it also includes a 4 wheeled motor vehicle that is ridden in the same way as a motorbike.

⁶⁰ The following will discuss only those provisions relating to motorbike noise not, for example, excessive noise emitted by an electronic appliance, such as a CD player, from a car on a road or in a public place.

Noise Abatement Directions and Noise Abatement Orders

- If the police officer is reasonably satisfied that the noise is excessive in the circumstances, the officer may issue a **noise abatement direction** (the direction) to direct the rider to immediately abate the excessive noise for 48 hours: s 581. The direction must also include the details specified in s 581(6).⁶¹ The rider must immediately comply with the direction or face a penalty of up to \$750.⁶²
- If the direction is breached,⁶³ a police officer has the power to **impound** the motorbike for 48 hours (s 74) and may exercise various powers pursuant to s 75 to effect the impoundment, such as stop the bike or direct that the key of the bike be given to the officer, and then move the motorbike to a holding yard: s 76.⁶⁴
- As soon as reasonably practicable after the impoundment, a police officer must give an **impounding notice** to the motorbike driver and/or owner.⁶⁵ It must contain the prescribed information⁶⁶ and state that an application will be made to the court for a noise abatement order within 48 hours after the impoundment period ends.⁶⁷
- Where a police officer applies to the Magistrates Court⁶⁸ for a **noise abatement order**, the court can make the order if it is satisfied that the direction has been contravened. The order can last for up to 2 years and includes conditions

⁶¹ The direction can limit the driving of the motorbike to a particular part of the place if, having regard to matters like the topography or size of the place in question, it is unlikely that another complaint will be made if the driving is limited just to that part: see s 581(8).

⁶² See s 5 of the *Penalties and Sentences Act 1992* (Qld). 1 penalty unit is currently \$75.

⁶³ Or the rider has been given 2 directions within a period of 1 month in relation to excessive noise.

⁶⁴ Unless it is being unlawfully used, is stolen or is a rental motor vehicle. The costs of impounding for this initial 48 hour period are borne by the State: s 111.

⁶⁵ If the driver is a child, the impounding notice must also be given to the parent or guardian, if reasonably practicable to do so.

⁶⁶ Defined in s 69 to mean information such as (but see s 69 for the full requirements) how the owner may recover the vehicle.

⁶⁷ Note that where the breach is committed by a child, provision is made to allow for other alternatives to charging the child with an offence (e.g. issuing a caution) in accordance with the principles of the *Juvenile Justice Act 1992* (Qld): see *Police Powers and Responsibilities (Motorbike Noise) Amendment Bill 2005* (Qld), *Explanatory Notes*, p 4.

⁶⁸ If against a child, a Children's Court constituted by a magistrate.

restricting the use of the motorbike such as the hours during which the motorbike can be driven on private property, manoeuvres that must not be performed, and areas (e.g. boundaries near to homes) that must be avoided. It is an offence, carrying a fine of up to \$300, to contravene the order and further impoundment of the bike for 48 hours under s 74 may occur.⁶⁹

- If the noise abatement order has been breached by the driver (noise order offence), the motorbike can again be impounded. As soon as reasonably practicable after the impoundment, a police officer must give an **impounding notice** to the motorbike driver and/or owner.⁷⁰ Within 48 hours of charging the driver with a noise order offence, the police officer must apply to the Magistrates Court for an **impounding order** that the bike be held for up to **3 months**: s 86.
- The court may order that the motorbike be impounded for **3 months** if the driver has been found guilty of a noise order offence. However, if the court is satisfied that the impoundment will cause severe financial or physical hardship to an owner or usual driver, the court may, instead, order up to 240 hours of community service. If the driver was a child when the offence was committed, the court must consider whether the child has the capacity to pay the impoundment costs. If the child does have such capacity, the costs order may be made but, if not, the court may call on the parents to show cause why the parents should not pay the costs of impoundment.⁷¹ After the show cause process, the court may order that the parents pay the impoundment costs.⁷²
- If the driver of the motorbike commits a second or subsequent noise order offence⁷³ within 2 years after the noise abatement order is made, application can be made for an order that that the motorbike be **forfeited** to the State:

⁶⁹ Appeals can be made against the order pursuant to s 591.

⁷⁰ It must state that the motorbike is impounded for 48 hours and that an application will be made to the court for an order that the motorbike be impounded for **3 months** if the driver is found guilty of the offence.

⁷¹ Sections 258-259 of the *Juvenile Justice Act 1992* deal with when the court can order a parent of a child to pay compensation after the parent has been called to show cause and those provisions are applied, with modification, to the impoundment and forfeiture proceedings by s 104 of the *PPR Act*.

⁷² Sections 100-104 deal with applications and costs orders for noise order offences.

⁷³ That is, the driver has been found guilty of an offence on at least 1 previous occasion and charged with having committed another noise order offence but the charge has not been decided; or has been charged with an offence on at least 2 previous occasions.

s 84.⁷⁴ If the court orders that the motorbike be **forfeited** to the State, the motorbike becomes the property of the State.⁷⁵

It is a defence in a proceeding for an impounding order or forfeiture order for an owner to prove that the offence happened without his or her knowledge and consent: s 107. An appeal can be brought against any of the above orders of the court or magistrate to the District Court within 28 days after the order is made: s 109.

3.2.2 Possible Non-Legislative Solutions to Noise Issues

Possible non-legislative solutions for reducing noise and dust problems include –⁷⁶

- ensuring that new trail bike facilities are not established near to noise or dust sensitive land uses (for example, any new sites have to be located at least 300m from existing or proposed urban or residential areas and/or that natural or built features should exist to mitigate noise impacts);
- providing incentives for riders to use four-stroke rather than two-stroke bikes as the former are perceived to be less noisy;
- imposing noise limitations at established facilities; and
- track and trail irrigation to minimise dust disturbance, but alternative water sources may be needed – such as treated grey water – given current water supply problems.

3.3 TRESPASS

Often, as a result of the dwindling number of places to ride, there has been a tendency for some trail bike riders to trespass onto private land (such as land owned by primary producers and graziers) or public land owned by the State or local governments (such as parks, State Forests, railway easements, stock routes

⁷⁴ Again, the police officer must do this within 48 hours of charging the person. The application must be in relation to at least 2 noise order offences: s 91. See s 92 re advising of the hearing and s 93 regarding when the court must, if the driver has not yet been found guilty of at least 2 offences, adjourn proceedings and when it can order a 3 months impoundment. Section 97(3) provides for situations where the driver is found not guilty of 1 of the offences or the matter is not proceeded with.

⁷⁵ As with impoundment orders, the court can also order community service instead on financial or physical hardship grounds (see above) and the same considerations regarding costs for child drivers apply for forfeiture as for impoundment.

⁷⁶ *Regional Trail Bike Facilities Needs Plan*, pp 32-33.

and beaches). The police and/or rangers or council officers have powers over illegal riding of trail bikes, according to the tenure of the place.

3.3.1 Trespass on Private Land

Unauthorised riding on private land is a major concern in rural areas where primary production occurs. This is a particularly dangerous practice in areas where heavy farm machinery is being used. Police can take action against a person trespassing on private property with their trail bikes if asked to do so by the landowner.

However, detecting a trespass can be difficult in relation to properties with absentee landlords, especially in the case of land held by foreign interests where a complaint cannot be made by the landowner and nobody would know whether the landowner is allowing the riding to take place or not.⁷⁷

3.3.2 Trespass on Public Land

The 2005 amendments to the *PPR Act*⁷⁸ also inserted a new offence provision into the [Summary Offences Act 2005 \(Qld\)](#) concerning unlawful driving of a motorbike on public land. However, taking up the overall approach of the *Subcommittee Report* that legislative initiatives will not solve all trail bike issues and that more planning had to go into providing legal opportunities for safe riding, the [Summary Offences Regulation 2006 \(Qld\)](#) allows government entities to make an application for public land to be prescribed as ‘motorbike control land’ upon which a person may ride if he or she has the appropriate authority.

The development of the [Summary Offences Regulation 2006 \(Qld\)](#) was also foreshadowed in the Minister for Police and Corrective Services’ Second Reading Speech introducing the 2005 legislation. During her speech, the Minister indicated that, while proscribing trail bike riding on public land, a Regulation would be developed to regulate and enable the declaration of identified public land as land upon which approved riding could occur. The Minister said that she intended writing to the Local Government Association of Queensland and to all members of Parliament to ask them to nominate public land that could be included in the Regulation.⁷⁹

⁷⁷ *Subcommittee Report*, p 18.

⁷⁸ By the *Police Powers and Responsibilities (Motorbike Noise) Amendment Act 2005 (Qld)*.

⁷⁹ Hon JC Spence MP, Minister for Police and Corrective Services, Second Reading Speech, *Police Powers and Responsibilities (Motorbike Noise) Amendment Bill 2005 (Qld)*, *Queensland Parliamentary Debates*, 4 October 2005, pp 3181-3183, p 3182.

Section 11A of the [Summary Offences Act 2005 \(Qld\)](#) prohibits a person from driving a motorbike on public land in contravention of the [Summary Offences Regulation 2006 \(Qld\)](#) or a local law that regulates such access, unless the person has a reasonable excuse. The maximum penalty is a fine of \$1,500 and, in addition, an infringement notice can impose an on-the-spot fine of \$150. 'Public land' means land that is controlled or managed by the State, or as defined under a local law, but does not include a road. Section 11A(2) envisages that a person may be authorised to ride on public land but must be in possession of that authority at all times when doing so.

3.3.3 Authority to Access Public Land

The [Summary Offences Regulation 2006 \(Qld\)](#) (the Regulation) was made under the authority of s 11A of the [Summary Offences Act 2005 \(Qld\)](#). It sets out the requirements for prescribing public land to be 'motorbike control land' (which include a consultation process) and the requirements for a motorbike access authority that allows a person to lawfully ride on motorbike control land. The Regulation commenced in July 2006.

Pursuant to s 4 of the Regulation, a person must not drive a motorbike on public land unless it is an area prescribed as motorbike control land and the person is in possession of a motorbike access authority.

Before the Minister prescribes the land as motorbike control land, the Minister must ensure that ss 9 to 11 have been complied with. These sections set out the process for a government entity (e.g. a government department or agency)⁸⁰ to apply to the Minister for a stated area of public land to be prescribed as motorbike control land. The provisions also establish a consultation requirement.⁸¹

The requirements of the application are set out in s 9. The application must state information including –

- a description of the land;
- how the land is currently used;
- why the land should become motorbike control land;
- possible noise impacts;

⁸⁰ See s 21 of the *Public Service Act 1996* (Qld).

⁸¹ Section 11 sets out the information that must be included in the notice. Section 10(3) provides that the applicant must take other reasonably necessary steps to ensure that persons who may be affected by the proposal are suitably notified so that they can make a submission if they wish to.

- possible environmental damage and how it may be minimised (e.g. through a management strategy);
- how access will be regulated;
- whether there is anything in the area that may create a serious health or safety risk and what can be done to minimise the risk; and
- the outcome of consultation undertaken by the applicant.

A plan of the location and boundaries of the land must accompany the application.⁸²

A person may apply for a motorbike access authority to drive on the motorbike control land under s 5.⁸³ When deciding whether to issue or to refuse the authority, the chief executive responsible for the control or management of the motorbike control land must consider a number of matters in s 5(3) (e.g. consistency with management strategy in terms of minimising noise and environment impacts).

The authority can take the form of a document or a label that is able to be attached to the motorbike. The label etc. must state the currency period, the land to which it applies, the motorbike to which it applies, the unique identifying number, and any conditions upon which the authority is issued: s 7.

At least every 3 years, a review must be conducted to decide whether the number and location of the prescribed areas of the motorbike control land are sufficient to meet the needs of the community: s 14.

3.4 ENFORCEMENT AND MANAGEMENT ISSUES

Much confusion exists about which entity has enforcement responsibilities in relation to a particular trail bike problem. For example, the police are responsible for dealing with excessive noise from bikes on land (as discussed above when considering the *PPR Act* noise abatement and impoundment scheme), or fining riders if they ride unlicensed on public roads and/or ride unroadworthy trail bikes. On the other hand, council officers deal with illegal riding in public places (as seen when considering the motorbike control land provisions under the *Summary Offences Regulation 2006*). Councils also have responsibility over town planning scheme matters regarding racetrack work. It may be difficult, however, for members of the public to appreciate these fine distinctions.

⁸² Once the land has been prescribed as motorbike control land, the government entity must publish a notice in the newspaper complying with s 12 and display a sign near to the land.

⁸³ Under s 6, if the application is refused, reasons must be provided and the person has 14 days within which to ask for reconsideration of the application.

A recent project undertaken on behalf of some councils north of Brisbane found that there were often blurred lines of responsibilities between local government and the police which compounds the frustration of local residents and other land users. It was found that some councils did not have standard complaint-logging procedures, so some matters were referred to the police while others were actioned internally.⁸⁴

The *Subcommittee Report* observed that no single government agency has the resources to manage and solve trail bike issues. It believed that effective management and regulation of trail bike riding required cooperation and coordination among government agencies, local governments, private providers, the motorbike industry, trail bike riders and trail bike riding organisations.⁸⁵

3.5 ENVIRONMENTAL IMPACT

Vehicles, including trail bikes, can indeed have adverse impacts on parks and forests, such as damage to roads and tracks and to natural bushland. Soil may be washed away and plants damaged. Soil erosion can result and wildlife may be driven from the area because it becomes less habitable. Irresponsible riders can leave oil or fuel behind them, litter forests and reserves, and interfere with gates.

During the cognate debate on the Police Powers and Responsibilities Act Amendment Bills 2005 (Qld) (discussed earlier), it was reported that a conservation officer for the Ipswich City Council had found that State forests were being damaged by illegal riding. For example, fences have been pulled down or cut with pliers to enable access.⁸⁶

Adverse environmental impacts can be minimised if designated trails are kept to and new trails are not started.⁸⁷ However, there is always the issue of needing to deal with irresponsible users of the type discussed above.

⁸⁴ *Regional Trail Bike Facilities Needs Plan*, p 34.

⁸⁵ *Subcommittee Report*, p 15.

⁸⁶ Mr I Rickuss MP, Cognate Debate, Police Powers and Responsibilities Amendment Bills 2005 (Qld), *Queensland Parliamentary Debates*, 24 November 2005, p 4320.

⁸⁷ J Bowden, *Living with the Environment in Pine Rivers Shire*, Pine Rivers Shire Council, Queensland, 1999, pp 123-124.

3.6 RISK AND SAFETY

The *Regional Trail Bike Facilities Needs Plan* suggested that, given the inherent dangers of the activity, there should be effective risk management strategies in place at locations where trail bike riding is conducted.⁸⁸ A Griffith University study has found that some underage riders use poorly built and dangerous bikes without their parents' knowledge. Many buy their bikes second-hand and, therefore, do not receive information about the appropriate machine for the particular terrain, proper safety equipment or clubs that they can join.⁸⁹

It has been reported that some operators on properties (e.g. grazing properties) who used to host trail bike events had stopped doing so due to the fear of litigation and the rising cost of insurance. There was also concern about possible harm to stock.⁹⁰ During its inquiries, the Trail Bike Subcommittee observed the potential for litigation against landholders on whose land trail bike riding takes place whether with or without permission.

A quite troubling aspect of trail bike riding is where other people – particularly angry nearby residents – try to stop nuisance or trespassing trail bikes by placing 'traps', such as wire, across trails. There have been instances in southeast Queensland of riders of various ages being killed or badly injured by snares of this type.⁹¹

4 SOLUTIONS AND OPPORTUNITIES⁹²

It has been observed by a number of studies, reports and forums – some of which are discussed below – that punitive measures need to be used in conjunction with strategies for finding and providing safe and legal places to ride in order to address trail bike issues. The rate at which trail bikes are purchased every year reinforces

⁸⁸ *Regional Trail Bike Facilities Needs Plan*, p 37.

⁸⁹ Dr R Hibbins, 'The Needs of Underage, Unlicensed and Unregistered Trail Bike Riders in South East Queensland', p 68.

⁹⁰ CPR Group, *Feasibility Study – Off Highway Vehicle Riding Opportunities in Southeast Queensland*, Federation of Off Highway Vehicles Australia, Qld Inc., 2004, p 20.

⁹¹ *Regional Trail Bike Facilities Needs Plan*, p 37.

⁹² Other solutions, such as provision of funding by major motorcycle manufacturers/retailers for facilities for riders and law reforms, such as resolving various inconsistencies etc. in jurisdictional responsibilities and obligations are set out on p 22 of the *Subcommittee Report*.

the Trail Bike Subcommittee's comment that the various problems regarding trail bike riding will not simply 'go away'.⁹³

4.1 TRAIL BIKE SUBCOMMITTEE PROPOSALS

The *Subcommittee Report* recommended a tightening of the regulatory regime to enable the police to deal with noisy trail bikes (as effected by the 2005 amendments to the *PPR Act*, discussed earlier) and to allow action to be taken to stop trespass upon State or local government land (as discussed above in relation to the *Summary Offences Regulation 2006*). As indicated throughout this Brief, the Trail Bike Subcommittee believed that while better regulation and enforcement was needed, broader non-legislative measures were also essential.

The possible strategies canvassed by the Trail Bike Subcommittee include those considered below.⁹⁴

4.1.1 Coordinating Regulation and Management of Trail Bike Riding

As described above, the Trail Bike Subcommittee identified the difficulties in achieving cooperation and coordination between various stakeholders. Such cohesion was necessary to effectively manage trail bike issues. Relevant stakeholders include State agencies and local governments (involved in the regulation and management of trail bike activities and in land use planning), the motorbike industry, trail bike riders, private providers and organisations representing trail bike interests. The Subcommittee observed that there was, at the time of reporting, no existing mechanism for engaging all these stakeholders, apart from the South East Queensland Trail Bike Management Forum (see below).⁹⁵

The *Subcommittee Report* suggested that measures should be taken to clearly define the various legislative powers, responsibilities and jurisdictions of all agencies with responsibility over aspects of trail bike riding and to address inconsistencies and overlap in the regulatory environment.⁹⁶

The Subcommittee reported that education and training was integral to an effective regulatory system. It strongly recommended that education be provided for riders

⁹³ *Subcommittee Report*, p 15.

⁹⁴ *Subcommittee Report*, pp 12-16.

⁹⁵ *Subcommittee Report*, p 16.

⁹⁶ *Subcommittee Report*, p 22.

about suitable places for legal riding, on responsible riding to cause minimal impact, and on riders' legal obligations regarding road rules and registration.⁹⁷

4.1.2 Registration Scheme

The Trail Bike Subcommittee suggested that a special registration scheme could be adopted for trail bikes, given that many bikes cannot be road registered thereby limiting the places where they can be lawfully ridden. It was believed that a registration scheme would have three benefits – firstly, it would allow for roadworthiness/noise standards to be introduced for all off-road vehicles (these currently apply just to on-road vehicles) which could reduce noise complaints and improve bike safety. Secondly, registration would help police enforcement activities in the same way as having a registration database for other vehicles does. Finally, registration of off-road bikes would enable riders to obtain third party insurance cover.⁹⁸

The Queensland Department of Transport proposed two options for a special registration scheme. The first was to extend the conditional registration scheme for recreational motorcycles – as discussed earlier – that currently allows access only to very limited areas. The Subcommittee saw the potential for adopting the Tasmanian 'conditional – restricted registration' scheme which allows motorcycles to be registered for use in certain designated areas. Those areas must be specified in the application for registration as must the distance to be travelled and the frequency of trips. The cost is reasonable and the rider receives insurance discounts. Certain conditions are imposed on the registration, including that the rider must be appropriately licensed and the bike must comply with recognised manufacturer requirements. To ride on public land a 40km/h speed limit must be observed, there is no riding at night, and the rider must transport the bike to and from the approved area by truck or trailer. The bike must not be driven on roads other than those specially mentioned in the authorisation.⁹⁹

A second option was to vary the Club/Association registration scheme model applying to vintage cars where people who are Club or Association members can seek special registration for a vintage car when used for specific events (e.g. car club rallies or processions).¹⁰⁰

⁹⁷ *Subcommittee Report*, p 24. It also strongly recommended that a comprehensive rider training and accreditation system be linked to the normal licensing system.

⁹⁸ *Subcommittee Report*, p 19.

⁹⁹ *Subcommittee Report*, pp 20-21.

¹⁰⁰ *Subcommittee Report*, pp 19-21.

The *Subcommittee Report* recommended that the Minister for Transport and Main Roads examine the potential of the above options to apply to trail bikes.

4.1.3 Providing Places to Ride

The *Subcommittee Report* commented that, when trying to provide places to ride trail bikes, the aim was to have –

- a fair, reasoned and transparent land use planning process for provision of places to ride;
- enough diverse places for each type of trail bike activity and to cater to the needs of riders;
- provision of places to ride in locations near to demand;
- proper identification and protection of areas providing places to ride in local government planning schemes; and
- proper management for long-term environmental and financial sustainability.¹⁰¹

It was thus recommended that private landowners looking to provide riding opportunities to trail bikes riders (for a fee or otherwise) be supported through planning schemes, and a regulatory environment that included protection from civil liability. It also recommended that local governments incorporate planning for trail bike riding into their sport and recreation strategic plans.¹⁰²

4.1.4 Other Law Reforms Relating to Trail Bike Use

The *Subcommittee Report* suggested that laws be reformed to establish a framework enabling young riders under the licensable age to ride legally in specified areas and/or circumstances.¹⁰³ This would cater for riders under 16 years of age who are not members of a club at which facilities and supervision are specially tailored to this group.

The *Subcommittee Report* also suggested that the management of trail bike issues would be improved by legislation clearly defining the meaning of a public ‘road’.¹⁰⁴

¹⁰¹ *Subcommittee Report*, p 23.

¹⁰² *Subcommittee Report*, p 23.

¹⁰³ *Subcommittee Report*, p 22.

¹⁰⁴ *Subcommittee Report*, p 22.

4.2 MAIN RECOMMENDATIONS OF THE TRAIL BIKE SUBCOMMITTEE

The main recommendations made by the Subcommittee (apart from legislative changes already discussed) were –¹⁰⁵

- that the State Government establish a policy framework for developing trail bike riding. The framework should establish guidelines for land use, planning and access to funding, and clarify the role of government agencies;
- that the Minister for Transport and Main Roads examine possible registration schemes for trail bike riders;
- that the State Government encourage local governments to establish strategic plans that take into account the various disciplines of off-road motorcycling;
- that an Interdepartmental Committee of relevant agencies be established to address emerging issues (such as finding private entities that could be encouraged to develop suitable riding areas); and
- that Sport and Recreation Queensland target the sport to improve funding access, and that manufacturers and retailers establish a funding foundation.

5 STRATEGIES AND PROPOSALS FOR PROVIDING LEGAL PLACES TO RIDE

Some government strategies and plans have been, or are being, developed to deal with managing outdoor recreation in general. Trail bike riding is considered in the course of some of these policies. In addition, some studies and surveys have been commissioned by local governments specifically relating to trail bike riding issues, particularly those issues impacting on planning and land management. The scope of this Research Brief prevents a comprehensive discussion of all strategies, studies and plans and also means that only those pertaining to South East Queensland (SEQ) will be discussed.¹⁰⁶ It is recognised, however, that the concerns are statewide (in fact, nationwide) but are heightened in the SEQ corner by rapid population growth and demand for land.

¹⁰⁵ *Subcommittee Report*, pp 25-26.

¹⁰⁶ For this purpose, the area falling within the meaning of SEQ will be the same as that covered by the SEQ Regional Plan (see p 2) incorporating 18 SEQ local government areas, stretching 240km from Noosa to the Gold Coast and 140km west to Toowoomba. See also s 2.5A.2 of the *Integrated Planning Act 1997* (Qld).

5.1 SOUTH EAST QUEENSLAND REGIONAL OUTDOOR RECREATION STRATEGY

The *SEQ Regional Outdoor Recreation Strategy* is designed to deliver on the [SEQ Regional Plan 2005-2026](#) Principle 3.4 – ‘[to] provide a range of outdoor recreation opportunities which meet the diverse needs of the community and enhance the liveability of the region.’¹⁰⁷ The [South East Queensland Regional Outdoor Recreation Strategy Discussion Paper](#) (the *Discussion Paper*) sought input from the community on the concepts proposed to be addressed in the Strategy by 30 March 2007, and it is intended that the Strategy will be finalised by late 2007.¹⁰⁸

The *SEQ Regional Outdoor Recreation Strategy* will seek to ensure that outdoor recreation¹⁰⁹ is planned for at a local level, will establish the framework to coordinate efforts for developing and managing activities, and make certain that places in which they occur are sustainably managed. It will also seek to foster partnerships between authorities involved in managing open spaces and other stakeholders.¹¹⁰

The *Discussion Paper* noted that outdoor recreation activities require natural, rural and urban open space like beaches, bushland and mountains but may also require built facilities such as toilets, camping sites and tracks for off-road vehicles and for horse riding. Such activities are integral to Queensland lifestyle, provide opportunities for family fun, and have benefits for people’s health and wellbeing. There are growing and diverse recreation demands from the increasing population and tourism in SEQ which need to be addressed.

In relation to trail bike riding, the *Discussion Paper* commented that the need for providing appropriate places to ride was an emerging issue.¹¹¹ Among the various actions and outcomes for future planning and delivery of sustainable outdoor recreational opportunities, one proposed action was to identify the needs of

¹⁰⁷ Queensland Government, ‘South East Queensland Regional Outdoor Recreation Strategy’, *Discussion Paper for Public Comment*, Office of Urban Management and Department of Local Government, Planning, Sport and Recreation, January 2007, <http://www.oum.qld.gov.au/?id=36>.

¹⁰⁸ *SEQ Recreation Strategy Discussion Paper*, p 9.

¹⁰⁹ Embracing numerous activities such as camping, off-road motorcycle riding (e.g. trail bikes, motocross), power boating, surfing, swimming, hunting, horse riding, fishing, 4-wheel driving.

¹¹⁰ *SEQ Recreation Strategy Discussion Paper*, p 3.

¹¹¹ *SEQ Recreation Strategy Discussion Paper*, p 5.

‘difficult to locate’ activities such as trail bike riding. It was also noted that an Activity Sub-Strategy would be needed for difficult to locate activities.¹¹²

5.2 ACTIVE TRAILS STRATEGY

The *Active Trails: A Strategy for Regional Trails in South East Queensland (Active Trails)* was prepared by the Queensland Outdoor Recreation Federation Inc. for the Queensland Government and the Council of South East Queensland Mayors and was released in January 2007.¹¹³

Active Trails details how the *SEQ Regional Plan* policy for recreation trails could be achieved, with the long-term aim of developing a network of regional and district trails for recreational use on publicly accessible land in SEQ. It does not specifically address trail bike sites, given that the complex issues involved were being investigated by other projects (see below).¹¹⁴ In total, of the 3100 km of existing trails in SEQ, it was determined that 320km of these were trail bike trails.¹¹⁵ Trails are found within a variety of lands and tenures such as private freehold land, rivers and creeks, community reserves, national parks, forest reserves, State forests and other State lands. They are managed by numerous agencies, including 19 local government authorities, the Queensland Parks and Wildlife Service, and DPI Forestry. It was noted that there was no effective coordination in planning, development and management between the various agencies, with each body tending to adopt its own approach to such matters.

The *Active Trails Strategy* project developed a process offering a methodology for state and local governments to assess a potential new trail’s suitability against certain criteria – protection of environmental, scenic, cultural and recreational values; feasibility of the trail development, management and use; provision of high quality recreation opportunities; and provision of community benefits.¹¹⁶

¹¹² *SEQ Recreation Strategy Discussion Paper*, pp 11, 14.

¹¹³ Queensland Outdoor Recreation Federation Inc., *Active Trails: A Strategy for Regional Trails in South East Queensland*, prepared for the Council of SEQ Mayors and the State of Queensland, January 2007. It had funding from the SEQ Council of Mayors and some State Government agencies and received input from a number of stakeholders with an interest in recreation trails.

¹¹⁴ *Active Trails: A Strategy for Regional Trails in South East Queensland*, p 4.

¹¹⁵ *Active Trails: A Strategy for Regional Trails in South East Queensland*, p 10, citing Recreation Trails Inventory.

¹¹⁶ *Active Trails: A Strategy for Regional Trails in South East Queensland*, p 12.

5.3 REGIONAL TRAIL BIKE SITE SURVEY

The *Regional Trail Bike Site Survey* Final Draft was released in June 2004. It was prepared exclusively for the Redland Shire Council, Brisbane City Council, Beaudesert Shire Council and Logan City Council (the Project Partners), and financial assistance was provided by the Queensland Government.¹¹⁷ The *Site Survey* was undertaken to find regional solutions to the issues caused by illegal and inappropriate use of trail bikes on public and private land in the Project Partners' communities.¹¹⁸

The purpose of the *Site Survey* was to identify, assess and recommend sites in the relevant local government areas that could be developed as off-road recreation areas where trail bike riding could be conducted.¹¹⁹ From the start, trail bike riding was taken to be a legitimate land use. The *Site Survey* recognised that there were different types/disciplines of trail bike riding on a range of types and sizes of bikes. It confirmed that the first step in providing facilities was to locate suitable sites. However, the sites need to accommodate the needs of young (9-17 year old) riders with all the various skill levels, social needs, codes, styles, licensing and registration that this age group requires.¹²⁰

As the need to identify appropriate sites was seen to be the first step in planning for trail bike riding, the *Site Survey* considered that local governments needed to have a tool for assessing the potential of a site for such riding. Accordingly, it developed the Trail Bike Site Assessment Tool which can be applied to possible sites to assess their suitability for trail bike riding against specific criteria. The Tool could also be used for future potential sites whenever the Project Partners' Councils were considering an application over land for trail bike use and whenever councils want to purchase land for this purpose.¹²¹

The application of the Tool included *logical assessment* (so if the site was too near a sensitive land use, such as a hospital, it was not considered further); *macro-*

¹¹⁷ CPR Group, *Regional Trail Bike Site Survey*, Final Draft, prepared for the Redland Shire Council, Brisbane City Council, Beaudesert Shire Council and Logan City Council, June 2004. Consultation was undertaken with relevant stakeholders.

¹¹⁸ *Regional Trail Bike Site Survey*, p 12.

¹¹⁹ Other objectives of the *Site Survey* included reporting on outcomes in a way that the Survey could assist in future land use planning processes for sites identified and to support funding applications for the establishment and operation of trail bike facilities: pp 15-16.

¹²⁰ *Regional Trail Bike Site Survey*, p 8.

¹²¹ *Regional Trail Bike Site Survey*, p 15.

assessment (to look at specific outcomes); *micro-assessment* (to address details likely to impact on establishing trail bike facilities); and *discipline-specific assessment* (to determine the type of discipline(s) that could be accommodated on the possible site, given the discipline's specific requirements and user demand for each discipline).¹²²

Applying this Tool, and after undertaking consultation with stakeholders, seven sites were recommended for either continued use as trail bike riding sites or for further assessment for possible use for trail bike riding. These included three existing sites in the Brisbane area.

A number of recommendations were made, including that when new sites were established, measures be adopted within the local government planning schemes to protect the sites and their buffer zones from future encroachment of sensitive land uses which could end up seeing them closed.¹²³

5.3.1 Example of Application of the Site Assessment Tool – Fort Lytton Motocross Track

The Fort Lytton Motocross Track (discussed earlier as an example of a club venue) was identified by the *Site Survey* as a possible site for expansion of the discipline as no new sites were identified in Brisbane City.¹²⁴ The Fort Lytton site, owned by the Port of Brisbane Corporation, was then the subject of a 5 year lease to the Fort Lytton Motocross (FLMX) Club Inc.¹²⁵ The site is on Lytton road and accessed via that road.

Applying the Tool, the *logical assessment* aspect identified opportunities for expanding the existing site for motocross. However, the precarious nature of the Club's tenure was noted.

The *macro-level site assessment* looked at site assessment criteria in terms of outcomes sought and possible solutions to achieve them. Not every outcome and solution can be discussed here. For example, in terms of protecting conservation values, it was found that the site was not near to World Heritage listed areas or those identified in the local planning scheme as having environmental values. Nor was it near to species protected by legislation or by international conventions. In

¹²² *Regional Trail Bike Site Survey*, pp 8-9.

¹²³ *Regional Trail Bike Site Survey*, pp 9-11.

¹²⁴ The information following is taken from the *Regional Trail Bike Site Survey*, Appendix 2.

¹²⁵ It is now a year by year lease.

relation to noise, it was found that the site was at least 300m from existing or proposed residential or noise sensitive areas and there had been no history of noise complaints from surrounding industry operators. The Club operated under MA's rules regarding noise emission limits and was subject to random MA checks.¹²⁶ In relation to dust, it was similarly found that the site was at least 300m from any dust sensitive areas and that dust was currently managed onsite by MA's prescribed irrigation procedures.¹²⁷

The *micro-level site assessment*, to address more detailed issues that might impact on the site, considered a number of matters (again, not all can be discussed here). In summary, it was found that, in relation to surrounding land use, there was a National Park nearby but it was adequately buffered from the site; corridors of wildlife should be protected and enhanced; and the site was within a waterway and Brisbane River Corridor and subject to the relevant Local Plan pertaining to this. The site was found to have trail bike opportunity, albeit limited. It was around 13km from the CBD and easily accessible from Lytton Road. The site was strictly managed in accordance with MA rules and processes and the Club took an active role in educating and reprimanding riders.

The *discipline-specific assessment* found that the restricted area available to the FLMX Club limited opportunities for the introduction of other trail bike disciplines to the site.

The recommendations of the *Site Survey* were that the Brisbane City Council should assist the Club in its negotiations for extra land to expand its activities, and help it with compliance issues that may arise from intensification of development (such as proximity to wetlands and native vegetation). It was further recommended that the FLMX current management structure be retained and that the site continue to accommodate the needs of motocross riders.

An example of a site that was rejected for further assessment after initial identification was a private property in the Logan City Council area that had been put forward by the Council's Parks Branch. However, after consideration and consultation, the Council asked that assessment not be undertaken because the owner was not 'fond of trail bikes', having had experience of people riding on his land without permission. The land also had high order environmental values.¹²⁸

¹²⁶ In addition, future development would have to comply with the Brisbane City Council's (BCC) Noise Impact Assessment Planning Scheme Policy.

¹²⁷ For discussion of other matters, see Appendix 2 of the *Regional Trail Bike Site Survey*.

¹²⁸ *Regional Trail Bike Site Survey*, p 32.

Another privately owned property was identified by the authors of the *Site Survey* (CPR Group) because it had been used previously by families for recreational riding, with informal permission from the owner. However, further assessment was not undertaken due to the site's proximity to commercial, industrial and residential developments.¹²⁹

5.4 REGIONAL TRAIL BIKE FACILITIES NEEDS PLAN

The *Regional Trail Bike Facilities Needs Plan (Facilities Needs Plan)* was commissioned by the Pine Rivers, Caboolture and Redcliffe Councils and Sport & Recreation Queensland (the Project Partners) to identify sites in the relevant local government areas as possible areas for trail bike riding in one or more of its various disciplines.¹³⁰ The assessment employed the Trail Bike Site Assessment Tool, referred to earlier, and the above *Site Survey* provided a model for the *Facilities Needs Plan* to help the Project Partners find regional solutions to the various trail bike issues as they applied to the area studied.

During the preparation of the *Facilities Needs Plan*, stakeholders requested a multi-faceted approach, including education and training, particularly for young riders (e.g. covering aspects of safety, skills, laws, places to ride, etc.), and innovative transport options (e.g. offering bike and rider transport for unregistered vehicles to and from trail bike facilities) to solve issues relating to illegal trail bike use.¹³¹

The *Facilities Needs Plan* commented that its study found that riders do not understand their rights and obligations regarding access to public land and that many thought that such access – especially to State Forest areas – was unrestricted. This was said to highlight the need for rider education and for police and councils to continue to control illegal and nuisance behaviour in conjunction with providing safe, legal and managed places to ride. Such sites should also have risk management strategies in place in order to protect riders and visitors.¹³²

The *Facilities Needs Plan* found that formalising the use of trail bikes within the study area and establishing relevant facilities needed a focus on planning to address

¹²⁹ *Regional Trail Bike Site Survey*, p 32.

¹³⁰ *Regional Trail Bike Facilities Needs Plan*, p 14.

¹³¹ *Regional Trail Bike Facilities Needs Plan*, p 21.

¹³² *Regional Trail Bike Facilities Needs Plan*, pp 37-38.

accommodation of popular trail bike riding disciplines while taking account of their impact on the site and surrounding areas.¹³³

Of the original sites considered in the *Facilities Needs Plan*, two were prioritised as potentially suitable for the establishment of trail bike facilities and as requiring assessment against the Assessment Tool.¹³⁴

On the release of the *Facilities Needs Plan*, the Pine Rivers Shire Council issued a media release stating that it joined the other councils in endorsing the Plan. However, it was noted that while the Plan had identified potential suitable sites, these had not been endorsed for development by their respective councils. It was up to the private or public property owner to make a development application to the council if the owner wished to develop the site for trail bike riding and the council would consider it under the relevant legislation.¹³⁵

5.5 OTHER PROCESSES

In 2005, an inter-departmental **Trail Bike Working Group** was set up to address various non-legislative options arising from the recommendations of the Police and Corrective Services Portfolio Subcommittee for Trail Bikes *Subcommittee Report*.

The **South East Queensland Trail Bike Management Forum** (the Forum) was established in 1999 with Terms of Reference that included assisting communication between parties interested in the management of trail bike riding in SEQ; and assisting with the resolution of issues regarding provision and management of trail bike riding in SEQ while recognising the rights, obligations and responsibilities of landholders and interests of other users.¹³⁶

In a submission to the Subcommittee on Trail Bikes, the Forum proposed a State Strategy for trail bike riding on public and private lands which would involve a

¹³³ Including a focus on planning documents such as Business Plans, Risk Management Plans, Environmental Management Plans, and Feasibility Studies: see *Regional Trail Bike Facilities Needs Plan*, pp 38-39.

¹³⁴ However, prior to release of the study, one site became unsuitable due to an industrial fire in the area and subsequent site contamination.

¹³⁵ Pine Rivers Shire Council, 'Regional Trail Bike Study Released', *Media Release*, <http://www.prsc.qld.gov.au/c/prsc?a=da&did=1070075&pid=1132701835&template=32>.

¹³⁶ South East Queensland Trail Bike Management Forum, Queensland Outdoor Recreation Federation, 2003. Membership includes representatives of stakeholders such as relevant State Government agencies, local governments, the Queensland Outdoor Recreation Federation, trail bike riders, retailers and manufacturers.

coordinated and cooperative approach between relevant State Government agencies, user groups, local government and the community. It was also proposed that there be a system for education and training for riders and service providers.¹³⁷

¹³⁷ South East Queensland Trail Bike Management Forum, 'Solutions to Unlawful Trail Bike Riding in South East Queensland – Submission to the Police and Corrective Services Portfolio Caucus Subcommittee for Trail Bikes', *Report by the SE Queensland Trail Bike Management Forum*, March 2003.

ACRONYMS

BCC	Brisbane City Council
FLMX	Fort Lytton Motocross Club Inc.
MA	Motorcycling Australia
MQ	Motorcycling Queensland
NRW	Department of Natural Resources and Water
PPR Act	<i>Police Powers and Responsibilities Act 2000 (Qld)</i>
QPS	Queensland Police Service
SCB	State Controlling Body
SEQ	South East Queensland
TORUM Act	<i>Transport Operations (Road Use Management) Act 1995 (Qld)</i>

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