



Minister for Transport and Main Roads

Our ref: PET42648
Your ref: A757401

1 October 2021

Mr Neil Laurie
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Dear Mr Laurie

I refer to petition 3543-21 lodged with the Legislative Assembly on 1 September 2021 about adopting a range of measures to address speeding, hooning and vehicle noise in Caloundra.

I thank the petitioners for their suggestions and can advise that there is existing legislation that captures the elements raised. The legislation is reviewed regularly to ensure it remains appropriate for the offences. Below is a summary of the existing legislation and the Palaszczuk Government's position on the suggestion to reduce noise emissions.

I note the request to increase fines and demerit points for hooning. 'Hooning' refers to a range of traffic offences that demonstrate anti-social behaviour while in a vehicle, such as speeding, dangerous driving, driving without due care and attention, causing unnecessary noise or smoke while driving, and racing on a public road.

There are significant penalties in place for these offences. For example, the Transport Operations (Road Use Management—Road Rules) Regulation 2009 (*Queensland Road Rules*) includes making unnecessary noise or smoke which attracts a maximum penalty of \$2757 and two demerit points. Driving without due care and attention, as a more serious offence, carries a maximum fine of \$5514 or six months imprisonment. Speeding penalties vary but can incur a maximum penalty of \$1286, eight demerit points and a six-month licence suspension for driving more than 40km/h over the speed limit.

Dangerous driving under the *Criminal Code Act 1899* (section 328A) carries a maximum penalty of \$27,570 or three years imprisonment. If at the time of the offence the driver is intoxicated, excessively speeding (including participating in an unlawful race or speed trial), or has previously been convicted of this offence, the penalty increases to a maximum of \$55,140 or five years imprisonment. These traffic-related offences are reviewed by the Department of Transport and Main Roads (TMR) from time to time to ensure the appropriateness of the penalties under transport legislation.

Hooning offences provide additional penalties in certain circumstances over and above those provided by the offence itself. These additional penalties are provided for under police legislation. If the driving offence is regarded as hooning by the Queensland Police Service (QPS), they can impound, immobilise and confiscate the vehicle under the *Police Powers and Responsibilities Act 2000* (PPRA). Repeated offences can result in longer impoundment periods or confiscation. I note the petitioners call to broaden hooning to include noise emissions. I can advise that provisions already exist in the PPRA to prescribe noise offences as type 2 vehicle-related offences.

Offences for defective vehicles under the Transport Operations (Vehicle Standards and Safety) Regulation 2021 (VSS Regulation) are also captured as hooning offences when they involve a vehicle that is defective because it does not comply with the vehicle standards or it has a non-compliant modification. A non-compliant modification includes modifications to the vehicle's exhaust system that reduces, or is likely to reduce, the effectiveness of the system. These offences can apply to the driver, owner or now the modifier of the vehicle and enable police to impound or confiscate repeat offenders' vehicles.

The Palaszczuk Government is committed to maintaining a robust regulatory framework to ensure vehicles used on Queensland roads are in a safe condition and meet regulatory requirements, including requirements relating to noise emissions.

From 1 September 2021, there were increases in penalties for illegal modifications to silencing systems on vehicles under the VSS Regulation. The penalty for an individual increased from \$78 to \$275, and a new penalty of \$1375 was introduced for a corporation which illegally modifies an exhaust system. The new penalty is to deter businesses that profit from selling and fitting loud or polluting exhaust systems.

The current standards relating to vehicle noise levels are set by the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications under the *Road Vehicle Standards Act 2018* (Cth) (the Act). The Act requires all road vehicles to comply with the relevant Australian Design Rules (ADR) at the time of manufacture and supply to the Australian market. Maximum noise limits for motor vehicles and motorbikes are set under *Australian Design Rule 83/00 – External Noise* (ADR 83/00) which applies to all vehicles manufactured from 2005 onwards. All in-service or registered vehicles must continue to meet ADR 83/00 under the VSS Regulation which prescribes the same requirements that are specified in ADR 83/00.

The VSS Regulation also includes additional information for vehicles that are either certified to older national requirements, or that are not certified at all (pre-ADR requirements). ADR 83/00 requires a vehicle to firstly meet a set maximum noise limit, with the limit varying depending on the purpose of use and size of the motor vehicle or motorbike. This is known as a 'Drive by Maximum Noise Test', as the vehicle noise test is carried out when the vehicle is in motion and driven past a testing device. Once a vehicle passes the drive by test, the ADR secondly requires the vehicle to undergo a 'Stationary Noise' test. This test is carried out with the vehicle stationary next to the testing device. While stationary noise test results can vary, it should be recognised that the vehicle has already passed the prescribed drive by maximum noise test specified in ADR 83/00.

The maximum noise limit for each vehicle is detailed on the www.greenvehicleguide.gov.au website, which is maintained by the Commonwealth Government, so that members of the public can check the documented maximum noise level applicable for their vehicle. For motorcycles manufactured post-2005, the noise data can be found on a label on the motorcycle itself. Importantly, if a vehicle exhaust system is modified or exchanged, the system must remain compliant with the noise standard. Vehicle owners whose vehicles are modified contrary to these requirements are liable for prosecution.

The option proposed by petitioners to set a uniform standard noise (stationary) limit of 70 dB(A) is not feasible. As described in ADR 83/00, most vehicle manufactures' stationary noise test limit is above that proposed reading. For this reason, the Palaszczuk Government does not support the introduction of a limit outside of what the ADRs state, particularly as doing so would create a conflict between Commonwealth law and laws of other States and Territories.

The QPS and TMR compliance officers regularly undertake compliance and enforcement activities throughout Queensland and respond to noise and emission issues on a regular basis. TMR is also progressing legislation changes to simplify the evidentiary requirements when enforcing noise and emission issues.

Enforcement of the road rules is the responsibility of QPS. Motorists are encouraged to report concerns to police through PoliceLink. This service can be contacted at any time either online at www.police.qld.gov.au then clicking on (1) 'About us', then (2) select 'PoliceLink' from the drop-down menu; or via the PoliceLink app; by emailing policelink@police.qld.gov.au; or by telephone on 131 444. Information on the Hoon Hotline is available on the QPS website www.police.qld.gov.au by clicking on (1) 'See all initiatives/campaigns', (2) the arrows '>>' next to Page 1 at the bottom of the page (to go to the next page), (3) 'Road safety', then (4) 'Vehicle impoundment'.

Reporting helps to inform police on where to conduct specific enforcement activities, particularly if it repeatedly occurs in the same location. The police have a state-wide traffic complaints database that enables them to make informed decisions about enforcement activities.

Regarding police enforcement matters raised in the petition, I can advise the Caloundra Road Policing Unit (RPU) is responsible for speed camera deployment management within its district, including management of available authorised operators based on competing service priorities and community safety.

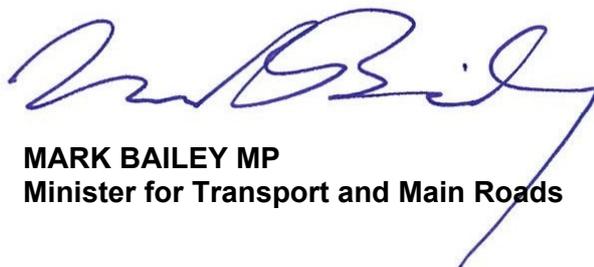
For the period 1 January 2021 – 31 August 2021, additional speed camera hours have been provided to all QPS districts, including the Caloundra RPU. These additional hours will assist to promote speed compliance with posted speed limits and contribute to reducing the frequency and severity of road crashes. There have been 82 mobile speed camera deployments (270 hours, 208,891 vehicles monitored and 2222 detections) and there are 15 active mobile camera sites within the Caloundra Police Division.

On 12 August 2021, the Minister for Police and Corrective Services and Minister for Fire and Emergency Services, the Honourable Mark Ryan MP, announced additional staff for the Caloundra area, with a further commitment when the new Caloundra police facility is completed. These additional staff will be deployed to address community safety issues (including hooning) based on local information and intelligence.

Lastly, I can advise that the QPS within the Sunshine Coast Police Region has been informed of the contents of the petition.

I trust this information is of assistance.

Yours sincerely



MARK BAILEY MP
Minister for Transport and Main Roads