

[REDACTED]

---

**From:** Duncan Evans [REDACTED]  
**Sent:** Tuesday, 18 June 2019 2:23 PM  
**To:** NI Legislation  
**Subject:** Traffic Laws in Norfolk Island  
**Attachments:** Traffic Laws in Norfolk Island.pdf

Please find attached my submisison to the proposed changes to Traffic Laws in Norfolk Island

16<sup>th</sup> June 2019

## **Traffic Laws in Norfolk Island**

I operate a large rental car fleet (60+ vehicles) on Norfolk Island. I have had 44 years' experience with Norfolk Island traffic legislation, and I have previously made many submissions to the former Norfolk Island Government on changes to Traffic legislation. I would like to make the following comments on the Consultation Paper on Traffic Laws in Norfolk Island.

### **Proposed Changes**

#### **2.1 Recognising Australian provisional licences (P plates) in Norfolk Island**

I support this proposed change.

#### **2.2 Preventing injuries from ute tray riding.**

I do not support this proposed change

#### **2.3 Reviewing laws applying to electric scooters and other mobility devices**

I support this proposed change.

#### **2.4 Enabling removal of abandoned vehicles**

I support this proposed change.

##### **2.5.1 Dangerous driving**

I support this proposed change.

##### **2.5.2 Drink driving**

I support this proposed change.

##### **2.5.3 Drug driving**

I support this proposed change

#### **2.6.1 Authority for police to immediately suspend a driver's licenced**

I support this proposed change

#### **2.6.2 National recognition of licence suspension and disqualification**

I support this proposed change

#### **2.7 Improving data collection for research purposes**

I support this proposed change

## 2.8 Reviewing penalties for traffic offences

I support this proposed change

### **Further changes required**

While I support the majority of the proposed changes, there are a number of other changes that are urgently required to Norfolk Island Traffic Laws.

### **Third Party Insurance**

*Traffic Act 2010* (NI) Section 8 (1)(ab) & Section 9 (3)

While the *Traffic Act 2010* (NI) requires the owner/driver of a motor vehicle to have third party Insurance there is no definition of third party Insurance.

As a result, Insurers on Norfolk Island have in small number of cases denied third party claims particularly for persons who were passengers in the vehicle being operated by the driver who caused the accident.

There is clear & demonstrated need to insert a definition of "Third Party" so as to clarify exactly who is covered by this insurance.

There is also a drafting error in Section 8(5A) of the *Traffic Act 2010* (NI). This section requires a driver to have third party personal injury insurance in accordance with paragraph 8(1)(b). This paragraph appears to be a numbering error as there no such paragraph in the Act.

### **Vehicle Standards**

Paragraph 56 of the *Traffic Act 2010* (NI) allows the Administrator to make regulations for the standard a vehicle must comply with while being inspected for registration. There are only some very limited standards in the *Traffic (General) Regulations* (NI) – Paragraphs 3, 4 & 5. As a result, the inspection standards between vehicle inspectors on Norfolk Island vary greatly with some inspectors being very lenient on the standard of a vehicle that is passed for registration.

There is urgent need to put in place a broader number of minimum vehicle inspection standards.

### **Definition of Vehicle Registration Categories**

The *Traffic (Fees) Regulations* (NI) provide for separate fees for various categories of vehicles. For example, Private vehicles, Commercial Vehicles.

The only vehicles that are defined in the *Traffic Act 2010* (NI) are Private Hire Vehicles & Public Hire Vehicles. As a result, a large number of commercial vehicles are registered as Private Vehicles with a resulting revenue loss.

There is a clear & demonstrated need to provide definitions of the various Vehicle Registration categories.

### **Motor Vehicle Register**

One of the issues is that the Norfolk Island Motor Vehicle Register does not list the VIN or Chassis numbers of vehicles. The only identification of the vehicle that is required is the engine number. And as engines do get swapped when they are beyond economical repair this is not an ideal way to identify vehicles.

This makes it impossible for the ACCC & Motor Vehicle suppliers to identify Norfolk Island vehicles that are subject to recall such as the current Takata Airbag recall

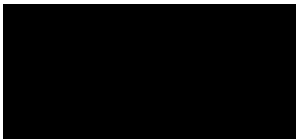
The Norfolk Island Motor Vehicle Register should be changed so that the identification of the vehicle that is required is the VIN or Chassis number of the vehicle. This will greatly assist in future vehicle recalls.

I should also point out that many vehicles on Norfolk Island do not have Vehicle Identification Numbers (VIN) as used in mainland Australia. As the majority of our vehicle are imported directly from Japan, they only have a Chassis or Frame number.

**Drivers Licence Recognition**

There is an urgent need to ensure that a Norfolk Island Drivers Licence is a recognised identity document by other Australian Government agencies. For example, Centrelink, Australian Electoral Commission.

Yours faithfully

A solid black rectangular box used to redact the signature of Duncan Evans.

Duncan Evans