

[REDACTED]

From: Howard Martin [REDACTED]
Sent: Wednesday, 19 June 2019 8:18 PM
To: NI Legislation
Subject: Submission relating to Proposed Traffic Law changes on Norfolk Island - Howard Martin

Dear Sir/Madam, thank you firstly for the opportunity to provide commentary on the some of the proposed changes and I trust your review of these comments will be undertaken in good faith.

In conducting research for this submission I located some interesting statistical information prepared by your Department in 2016. The link to this information is below.

https://www.bitre.gov.au/publications/ongoing/international_road_safety_comparisons.aspx

The data provides Road Death Rates per 100,000 of population both by Australia's States/Territory and by Australia's Remoteness Areas. Particularly with the "Very Remote"(34.58) and "Remote" areas (17) it was very interesting to note the unfortunate relative Death Rates compared particularly to the Major Cities (2.64) . Partly due I'd suggest to a number of variables including vehicle ownership rates, population density, public transport availability as well as driving behaviours.

Comparing this to Norfolk with a population size of 1600 and an anecdotal Road Death rate of 1 death every 7 years approx. (everyone on the island is aware when there's been a fatality) the equivalent Death Rate (per 100,000) projects out to be 8.92. This is less than Australia's "Inner Regional" Death Rate of 10.

The point I make is that in Australia Remoteness equates to higher Road Death Rates however on Norfolk Island this is quite simply not the case . A quick snapshot of the unique driving environment on the island will hopefully help you understand why as follows;

- 1)Island Speed Limit ranges from 30klm per hour to 50klm per hour
- 2)Average driving time from start to finish is 5 to 10mins
- 3)Norfolk is 8 by 5klms – there are no highway bypasses running beside our community
- 4)Motorists wave to fellow oncoming motorists and most people are familiar with what make of vehicle people drive – including visitors to the island. Suffice to say there is no road rage.
- 5)There are no traffic lights, no multi lanes, one roundabout, no parking restrictions and livestock have right of way – this is not a road safety weakness, it's just everyone takes ownership for their own actions, there's no anonymity and residents have this as part of our cultural mindset.

I'd ask that you digest the above particularly in relation to a couple of the proposed recommendations that I wish to make comment on.

"Preventing injuries from ute tray riding"

The current legislation is adequate as it applies to Norfolk (in contrast to Australia's Remote Areas) and should not be changed for the reasons outlined above. Additionally in my 56 years of growing up on Norfolk I can recall just 2 incidents of people falling off ute trays with the second being the 13 December 2018 fatality referenced in the Coroners Report which the island is now being held accountable for. The first important point I would make is that the island does feel for the family involved and despite the deceased being a visitor we still see it as a tragedy. I therefore don't wish in any way to sound impersonal when I raise the 2 following relevant circumstances concerning the death;

"(ii) XXXXX was significantly intoxicated with a blood alcohol content of .328; "

University of Notre Dame have published the following “Blood Alcohol Concentration(BAC) Specific Effects”. I have highlighted the BAC level corresponding to the deceased – note the corresponding Specific Effects. I’m not suggesting the deceased lost consciousness but this does provide an indication of the extent of the intoxication. It’s manifestly unfair to link this death directly to riding on utes when the extent of intoxication is this high. Compare this to the suggestion we now take away the short harmless rides Norfolk kids enjoy on the back of utes with their mums or dads to or from the beach. The 2 situations could not be further apart and cannot be linked.

BAC-Specific Effects

BAC Level	Generalized Dose Specific Effects
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0.020-0.039%	No loss of coordination, slight euphoria, and loss of shyness. Relaxation, but depressant effects are not apparent.
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0.040-0.059%	Feeling of well-being, relaxation, lower inhibitions, and sensation of warmth. Euphoria. Some minor impairment of judgment and memory, lowering of caution.
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0.06-0.099%	Slight impairment of balance, speech, vision, reaction time, and hearing. Euphoria. Reduced judgment and self-control. Impaired reasoning and memory.
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0.100-0.129%	Significant impairment of motor coordination and loss of good judgment. Speech may be slurred; balance, peripheral vision, reaction time, and hearing will be impaired.
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0.130-0.159%	Gross motor impairment and lack of physical control. Blurred vision and major loss of balance. Euphoria is reducing and beginning dysphoria (a state of feeling unwell)
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0.160-0.199%	Dysphoria predominates, nausea may appear. The drinker has the appearance of a sloppy drunk.
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0.200-0.249%	Needs assistance in walking; total mental confusion. Dysphoria with nausea and vomiting; possible blackout.
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0.250-0.399%	Alcohol poisoning. Loss of consciousness.
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0.40% +	Onset of coma, possible death due to respiratory arrest.
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(iii) There is no evidence that the driver’s manner of driving contributed to XXXXX death. In particular, there is no evidence that he was speeding or otherwise driving dangerously;

This indicates the driver was travelling at 40klms per hour and that poor driving behaviour was not a variable to consider. This narrows the key cause down to the significant level of intoxication and/or the ute tray – I think it’s reasonably clear where the balance of probabilities lie.

“Reviewing Laws applying to electric scooters and other mobility devices”

As I’ve mentioned earlier Norfolk has a speed limit that ranges from 30klm - 50klm per hour. This is not even a remote issue on Norfolk Island and to suggest we need to respond to Public Safety issues with legislation is akin to breaking an egg with a jack hammer. It’s a non-issue and to align Norfolk

purely for alignment sake is completely unnecessary and if anything drastically unfair on those individuals with special needs or the elderly who are so dependent on these devices.

I suspect you will have heard in other submissions that Norfolk is different culturally (which it most certainly is) and I've tried to take the emotion out of this by providing some statistical comparisons as well as factual differences. Please do not automatically assume that you need to introduce these changes because we're a "Remote Area" and all Australian Remote areas will benefit as a result. Statistically for Norfolk this is quite simply not the case and in particular the changes I mentioned are not necessary.

Thanks again for this opportunity to provide commentary and please feel welcome to contact me should you require any additional information.

Kind regards – Howard Martin.