



NORFOLK ISLAND COUNCIL OF ELDERS

A TERRITORY UNDER THE AUTHORITY OF THE COMMONWEALTH OF AUSTRALIA

The Norfolk Island Council of Elders propose the following submission for the proposed amendments to the *Traffic Act 2010*.

- The consultation paper (DIRTDC) published on Friday the 24th of May 2019 will change our culture and traditions. The proposed changes will impact greatly on every-day life which is first and foremost the home of its residents.
- The consultation paper published on Friday the 24th of May 2019 with comments due first on the 21st of June, then extended to the 30th of June is an insufficient timeframe to make comment on the proposed changes to the legislation.
- DIRTDC framework says that “The Administrator will provide fact sheets, newspaper articles and radio announcements” This has not been done. And is telling in that it has not been done.
- One person from Australia and not part of the permanent population of approx 1200 people is not a large enough statistic to change laws that have served the community well for over 80 years.
- Since the introduction of the *Motor Car Ordinance 1929* most families travel on the back of trucks or utility, this for some of our community is a necessity. And especially for cultural events such as Bounty Day, Christmas, Lighting events at certain times of the year, family gatherings and functions.
- Most long- time residents of Norfolk have at one time or another travelled on the back of a truck or utility and have knowledge in how to do so. We know not to stand whilst the vehicle is in motion or to deliberately jump of the back of an open truck whilst in motion.
- In the last 90 years of travelling in this fashion only one fatality on a public road and as a direct consequence of not doing as was requested repeatedly by the driver, to sit down.

- Strongly object to the changes to *Section 40A and 44G (2B)* of the *Norfolk Island Traffic Act 2010*.
- Just because you can't do it in Australia is not reason enough to change the laws that have served us in a safe and adequate fashion thus far.
- DIRTDC has said on record that "our roads are quaint country lanes"
- A speed limit of 50 km applies. To initiate a programme of laws that over manage or future proof in the case of an onslaught of maybe events. In the environment of Norfolk Island is highly improbable. The community already have sound arrangements.
- To change drastically the fabric of how we transport local residents because one visitor did not obey what was required of him. The evidence does not support changing the law and is not reason enough to do so.
- Travelling on the back of an open truck is another aspect of our Island life that makes us unique, different and is integral in our culture.
- If Norfolk Island laws must be amended to a larger Australian state, then may we use the legal precedent of the larger State of Texas, USA, where travelling on the back of utility and trucks is legal.
- Many local families on Norfolk Island only own one truck. This would greatly disadvantage low income families. Assistance cannot be provided to persons requiring aid if the only available vehicle is a truck.
- An impact on the transferring of persons to and from the wharfs, the friendly way that offering a lift in Norfolk style is memorable.

Dangerous driving in a private field.

- This law could be used indiscriminately against anyone on Norfolk Island. Personalities can quickly play out in such a small community. This can be substantiated by repeated court appearances of targeted individuals. This law is unnecessary and we object to the proposed changes in the *Traffic Act 2010*. There are other laws that have application to open paddocks. To implement this amendment is regressive.

Suspension of licence.

- Suspension of licence should only be done by the court process. There is no need to change this arrangement. The appropriate action in due process already works perfectly. To change this would be reinventing the wheel.

Final comment.

Commonwealth legislation does not transfer so well on Norfolk Island. Norfolk Island is different to Australia and application of these changes is not necessarily the right action. A more community style of enforcement of the already applied laws of the *Traffic Act 2010* is already sufficient.

The Norfolk Island Council of Elders understand that the Ministers briefing **advised** that the Pitcairn stronghold be broken. The Council of Elders are saddened and disappointed that representatives of the Commonwealth of Australia have an outlook which portrays a disregard for inalienable rights of all men. The community of Norfolk Island would be greatly disadvantaged in our culture by these amendments.

Cordially,

Norfolk Island Council of Elders.