

[Redacted]

From: Jeanne Sheridan [Redacted]
Sent: Tuesday, 18 June 2019 1:09 PM
To: NI Legislation
Subject: Submission to Consultation Paper on Traffic Laws - Norfolk Island
Attachments: Submission to Consultation Paper on Traffic Laws.docx

Please find attached my submission to the Consultation Paper on Traffic Laws for Norfolk Island.

Regards

Tim & Jeanne Sheridan

[Redacted]

Submission to the consultation paper titled "Traffic Laws in Norfolk Island" by the Australian Government department, Department of Infrastructure, Regional Development and Cities.

My submission to this consultation paper reflects my life-time living on the Island and experiencing the Australian traffic laws whilst residing in Australia for a period. My experience covers many years and for the period 2010-2013 I was the Minister in the Norfolk Island Legislative Assembly, responsible for the introduction of the Road Traffic amendments in December 2010. These amendments did not take effect until some 6-7 months later, after a long period of community discussion and representation in regards to the proposed changes, which included the compulsory wearing of seatbelts, defining prescribed concentration of alcohol, the provisions for "P" plate licences and how a person must travel in a vehicle, just to note a few. During the community consultation period it was very clear that changes did need to happen but it was re-enforced to me strongly that Norfolk Island is different from Australian mainland precincts and that the Islands requirements for road traffic laws should be coached with this in mind. This was re-enforced in the paper prepared by Ian J. Faulks, "A road safety strategy for Norfolk Island, an Australian Territory", when he discusses preserving the "country lanes" aspect of Norfolk Island roads where the road itself is "self-enforcing" for low vehicles speeds, while improving the roads to reflect Australian standards; Some aspects, such as the introduction of random breath testing and drug testing for impaired drivers, and reducing the permissible BAC level to less than 0.05% for general drivers are desirable. Other aspects, such as the unique occupant protection laws, driver licensing and vehicle registration laws, and standards relating to vehicle construction, the management of roads, footpaths and bridges, and the provision of street lighting, would seem to merit a more considered judgement.

After reading the Departments Consultation paper I note that it is the intent NOT to conduct a comprehensive rewrite of the legislation including appropriately adapted Australian Road Rules but to address current identified issues in Norfolk Island's continued laws, including those raised by the Coroner.

The issues that I would like to discuss from the consultation paper are the proposed changes 2.1 Recognising Australian Provisional Licences (P Plates) in Norfolk Island; 2.2 Preventing injuries from ute tray riding; 2.5.1 Dangerous driving; 2.5.2 Drink driving

2.1 I believe that this issue of allowing P plate drivers from Australian states and territories to drive on Norfolk Island is long overdue particularly when there is no or very limited public transport system in place on Norfolk Island. I am not aware of the actual provisions for licence holders of P plates drivers of Norfolk Island and whether they are entitled to drive in Australian states and territories holding this type of licence but may need to be reviewed as part of these considerations.

2.2 The issue of allowing for persons to ride on the tray of a ute was a very contentious issue back in 2010/11 and the provisions that were decided at the time was a compromise position reached to ensure that persons could not stand, sit on the side of the tray etc, and I

am mindful that it is viewed on the Island to be one of Norfolk's traditions, esp. when it is summer time and the family packs up on the back of the ute and spends the day at the beach, also utilising largely and fondly for Christmas light viewing by families, and also utilising for Friday the 13th Halloweens, trick or treat practises. This ability to allow for persons to sit on the tray of a ute, allows for families to spend time together whilst undertaking social activities. I am well aware of the Coroners report where his recommendation was to revoke these existing provisions and to apply the provisions in the Australian Road Rules (ARR) which was attached to the consultation paper as Attachment A. In the paragraph 1.2 Proposed way forward, the Department states that it is their intent to take the first option, that is to review identified issues and NOT to introduce legislation based on the ARR. The issue at hand here is whether or not sitting on the tray of a vehicle, such is the current practice, is safe to do with the certain provisions in place to limit the danger. I believe that current statistics would support that there have been few incidents from this practice over the past 8-9 years and therefore the law should not be changed. In regards to the person who fell (or jumped) of the tray of a ute and was killed (subject of Coroners recommendation), I believe that his BAC reading was very high, some 6 times over the legal limit, and therefore would have been a danger to himself in any situation, even walking down the road and falling over a hitting his head on the curb or rock and killing himself. Will we enact a law for such, NO. Therefore, there is no reason to change the practice of riding on the back of a ute as it stands today.

2.5.1 The intended changes to Dangerous Driving to where the offence actually takes place, i.e. on a road, to include a public place and/or off-road areas such as in a private field. I support the public place changes but believe that to include a private property opens a can of worms and may be utilised by persons to victimise others and could have some serious unforeseen consequences, such as when a person who is under the age to legally drive is practising in a rural paddock, may then find themselves before the Courts, esp. if a complaint was made by another person etc.

2.5.2. I don't believe that the mandatory disqualification of a driver's licence after a guilty plea or finding for a PCA offence should be mandatory but left to the Courts to decide on the severity of the sentence, depending on the circumstances. As it appears already on Norfolk Island, if a person fronts the Court for a PCA offence, then they all seem to be disqualified from driving for a period. This is specially so when considering the lack of public transport that a person can utilise to travel to/from work etc. and may mean that a person who is disqualified may be unnecessarily forgotten and be home-bound esp. when life threatening situations occur.

It must be re-enforced (as the Consultation paper states at Attachment A), that the ARR contain the basic rule of the road for motorists etc. These are model laws that have no legal effect and form the basis of Road Rules for each Australian State and Territory. However not every provision of the Rules has been copied exactly by each State and Territory. The States and Territories enact certain laws to reflect their own unique circumstances, Norfolk Island should be able to do the same.

I believe then that it is up to the people who reside on Norfolk Island to decide what laws are best suited for them and their particular circumstances and not just to have other jurisdictions laws applied.

Sincerely

Tim Sheridan

Resident

Norfolk Islander