

# A road safety strategy for Norfolk Island, an Australian external territory [Roed siefti i' Norf'k Ailen, a' ekstirnal teritrii o' Ostrielya]

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## Abstract

Norfolk Island is an Australian external territory in Oceania. The significant road safety reforms in Australia from the 1970s onward bypassed the island, and most road safety 'silver bullets' adopted in other Australian jurisdictions were not introduced. While legislative amendments in 2010 introduced mandatory seat belt wearing for vehicle occupants on Norfolk Island, other critical issues face the community including drink driving by residents and visitors, occupant protection for vehicle passengers, and the provision of a more protective road environment. The release of the first Norfolk Island road safety strategy 2014-2016 proposed, inter alia:

- a lower BAC of 0.05 and the introduction of compulsory driver alcohol and drug testing by police;
- targeted enforcement of occupant protection for vehicle passengers, particularly for passengers riding on vehicle tray backs;
- education interventions to challenge values held by some members of the community that support unsafe road use;
- ensuring that driver information, training and testing is adequate for all drivers;
- identification and rectification of hazardous roadside infrastructure, particularly barrier protection at "high drop locations" within the road network; and
- developing a specification for vehicle standards for vehicles imported into Norfolk Island.

Norfolk Island is engaging in a process of integration with the Australian community, and wider issues relating to funding and resources have impacted on the implementation of the road safety strategy. The response to the strategy will be discussed, particularly in terms of current attempts to address drink driving and the provision of a safer road environment.

## Introduction

Norfolk Island is a small and remote Australian external territory of 34.5 square kilometres located in the South Pacific. It is remote, being 1,471 kilometres from Brisbane, 1,673 kilometres from Sydney, 1,074 kilometres from Auckland, New Zealand, and 934 kilometres from Noumea, in the French territory of New Caledonia. The Territory of Norfolk Island comprises three major islands: Norfolk Island, Philip Island, and Nepean Island. Only Norfolk Island is settled. Norfolk Island has a unique history for Australian jurisdictions. There was discontinuous settlement of the island, by Pacific Islanders probably over the period 1,000-1,500 AD, and several British settlements in 1788-1814, 1825-1855, and from 1856. Of these, the Second Settlement, 1825-1855, left a lasting legacy of substantial infrastructure, including public buildings, roads, jetties and bridges. Norfolk Island became a territory administered by Australia in 1913. The island experienced major change and development during World War 2, when up to 2,000 New Zealand troops were garrisoned on the island, an airfield was constructed, and existing roads were widened and re-built. Burnt Pine has become the primary residential and commercial centre for the island, with an administrative precinct at Kingston and an educational precinct at Middlegate. In 2014, Norfolk Island's residential population was estimated to be about 1,300. It continues to decline as family members leave for Australia and New Zealand for employment and education [1]. At any one time, there may be up to 700 tourists visiting the island (see Note 1 for a brief demographic profile of Norfolk Island).

Norfolk Island is an Australian external territory (see Note 1) and an integral part of the Commonwealth of Australia. From 1979-2015, the island was a self-governing territory under the Norfolk Island Act 1979 (Cth), and the then Norfolk Island Legislative Assembly had wide-ranging powers to make laws, including road transport law and criminal law.

An inquiry by the Joint Standing Committee on the National Capital and External Territories [1] concluded that the current administrative arrangements were no longer tenable. The Committee recommended

“that, as soon as practicable, the Commonwealth Government repeal the Norfolk Island Act 1979 (Cth) and establish an interim administration, to assist the transition to a local government type body, determined in line with the community’s needs and aspirations. This will require the development of a new legislative framework.” (p.42)

This recommendation was accepted and agreed upon by the Commonwealth government.

The Commonwealth government is implementing a radical new policy to better integrate Norfolk Island with Australian institutions and to transform the island from a self-governing territory to a modern local government-type authority [2]. In 2015, the Commonwealth parliament introduced a package of eight bills to reform the legal and governance framework for Norfolk Island [3]. The amendments extended Commonwealth administrative law, health care and social security arrangements to Norfolk Island. The Legislative Assembly was abolished (it has been replaced in the short term by an advisory body appointed by the Minister). The reforms amend the Norfolk Island Act 1979 (Cth) to transition the Norfolk Island Legislative Assembly to an elected Norfolk Island Regional Council from July 2016, similar to arrangements in place for the Indian Ocean Territories - Christmas Island, and the Cocos (Keeling) Islands). Under the reforms, the New South Wales government will deliver state-level services and administer applicable New South Wales laws [3].

### **The road safety situation on Norfolk Island**

The development of a safe, efficient and sustainable road transport system for Norfolk Island has lagged considerably behind the other Australian jurisdictions. Other island communities of a comparable size in Australia have either been subject to State or Territory government road safety policies as a consequence of being directly administered by those jurisdictions or, despite being external territories, are subject to relevant State or Territory laws (e.g., Cocos (Keeling) Islands, and Christmas Island).

As noted, over the period 1979-2015 Norfolk Island was unique amongst the Australian external territories as it was self-governing. The relevant road transport legislation is the Norfolk Island Traffic Act 2010.

As at October 2013, there were 2,365 vehicles registered on Norfolk Island, and a further 564 unregistered motor vehicles.

The minimum age for driver licensing on Norfolk Island is 15 years for a motorcycle rider licence (with a maximum engine capacity 185cc), and 15 years 9 months for a learner driver licence to drive a car.

The permissible blood alcohol concentration for Norfolk Island drivers is 0.08% (0.08 grams per 100 millilitres of blood) for full licence holders, 0.00% (zero) for novice licence holders.

The speed limits for roads on the island are low: a maximum speed of 50 km/h in the rural areas, 40 km/h in Burnt Pine, 30 km/h near the school at Middlegate and along the Kingston foreshore, 30 km/h in the Norfolk Island National Park, and 10 km/h within the car park at the airport. All livestock roaming the roads have the right of way. As with the other Australian jurisdictions and in New Zealand, driving is on the left hand side of the road. There is a cultural tradition for drivers to wave to all approaching vehicles, and often to pedestrians at the roadside (the “Norfolk wave”).

Currently, there is no formal public transport provision on the island. A taxi service is available, and a free shuttle bus is available to most accommodation providers on the island. Provision of a shuttle bus can also be applied as a condition of approval for major community events.

The most recent GIS survey of roads on Norfolk Island indicates that there are 77.8 kilometres of paved roads. This figure excludes unformed roads and property access. Previous estimates were 67 kilometres of urban and rural roads [4], and 121 km of roads (comprising 90 kilometres of paved roads and 31 kilometres of unpaved roads) [5].

Norfolk Island roads present drivers with a ‘country lanes’ feel, where the road itself is “self enforcing” for low vehicle speeds. Where improvement of roads has been undertaken to reflect Australian standards, including improving road aspects such as lines of sight, removing roadside structures and vegetation, and improving pavements, the road environment has been altered so that it can be perceived by drivers as supportive of driving at higher speeds. Mission Road and Collins Head Road, both locations of fatal road crashes, present as such higher speed roads.

There are no railways, waterways, ports or harbours on the island. Jetties are located at Kingston and Cascade to support lighterage to ships offshore, usually transferring cargo but upon occasion passengers ashore for day trips from visiting cruise ships). When ships are visiting the island there is an increase in heavy vehicle movements on Taylors Road and into Burnt Pine if the lighter service is operating from Kingston, or more commonly on Cascade Road through Middlegate and thence Queen Elizabeth Avenue into Burnt Pine. As needed, a temporary pier is built at Ball Bay to allow for the landing of heavy motorised machinery and vehicles, see Figure 1.

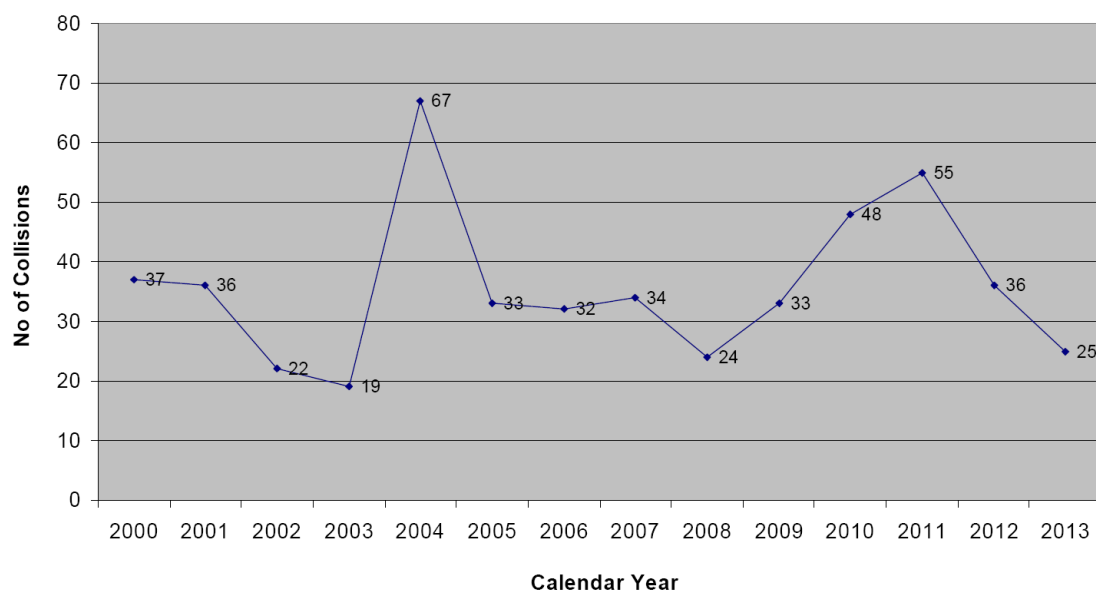


*Figure 1. A temporary pier constructed at Ball Bay to allow for the landing of heavy machinery and vehicles.  
Photograph by the authors.*

After consideration of Norfolk Island's post-war history and the nature of the population change, it seems that the influx of Australian and New Zealand migration occurred at the same time as those countries were engaged in vigorous debate regarding what are now known to be highly successful and necessary road safety measures.

For many residents of Norfolk Island, the road safety reforms occurring in the rest of Australia and in New Zealand seemed superfluous for a small and remote island community. Norfolk Island thus lagged behind in mandatory occupant protection laws requiring the wearing of seat belts (dating from the early 1970s in Australia), and in targeting drink driving through random breath testing and lowering the permissible blood alcohol concentration (BAC) levels for driving (dating from the 1980s in Australia). The possible introduction of such measures was not accepted as part of the values of the Norfolk Island community, and, indeed, islanders expressed some pride that these measures were not implemented on the island, for example, advocating that some tourists were attracted by the absence of mandatory seatbelt laws and the absence of random breath testing.

The road safety challenge on Norfolk Island is considerable for a small and remote community, and has been problematic for some time (see Figure 2).



*Figure 2: Motor vehicle crashes reported to Norfolk Island police, 2000-2013. From [5])*

The financial cost of road crashes on Norfolk Island is of particular concern. For the individual, there can be loss of wages (both for the individual and the family), medical costs if an injury was incurred, the potential voiding of comprehensive insurance (creating liabilities for costs of damage to other property and for medical treatment and psychological injury to other persons), and repair or replacement costs for the vehicle. The financial cost to the island community can be considerable, for example, the cost of medivacs from the island over the period January to July 2013 was \$276,000 (of which a portion of the overall costs was attributable to trauma arising from motor vehicle crashes) [5].

Drink driving on Norfolk Island is at crisis level (see Figure 3) [5]. The mean blood alcohol concentration (BAC) in drink drivers over the period 2009-2013 was 0.177% (0.177 grams per 100 mls of blood). Thus over half the drink drivers caught on Norfolk Island over the period 2009-2013

were at levels of alcohol impairment considered high range in other Australian jurisdictions (i.e., above a BAC of 0.15%) .

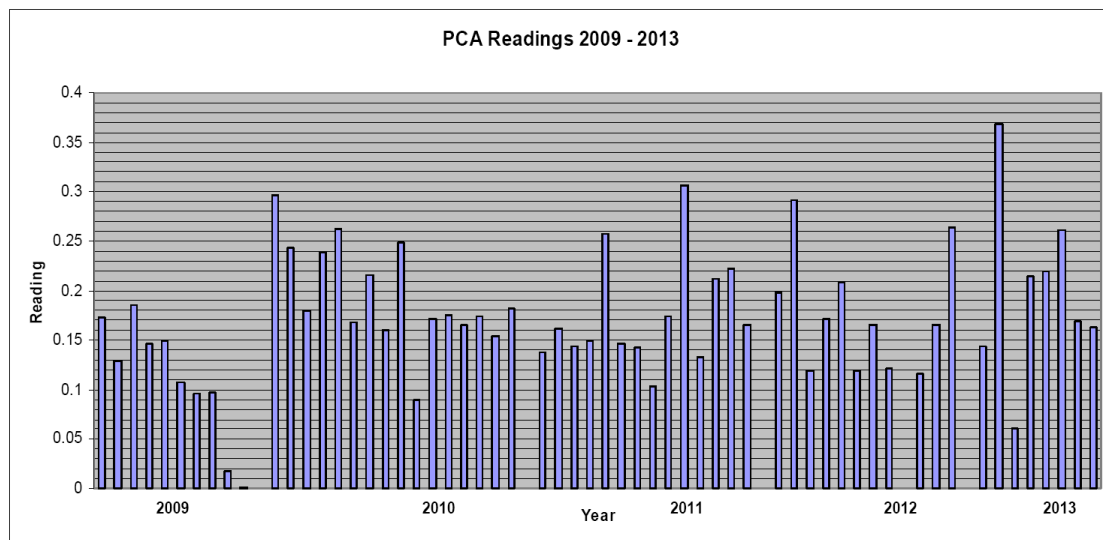


Figure 3: Blood alcohol concentration (BAC) for drink drivers on Norfolk Island, 2009-2013. The red line indicates the permissible BAC level for drivers holding a full driver licence (BAC = 0.08%). From [5]

Such high BAC levels are considered a major driving offence in all other Australia jurisdictions (and can constitute an aggravating factor for prosecutions for driving causing death or grievous bodily harm). The Norfolk Island Police note that these figures do not include the drug readings that were also obtained, of which there were 3 out of the 9 PCA detections in 2013. Evidence of drug use arises when police conduct a blood test as opposed to a breath screening of a driver. This happens when blood tests are used following a collision where the driver is injured (i.e., hospitalised) and/or the breath testing equipment is off island for calibration. Arguably, this indicates that it is likely that a number of drug detections of impaired drivers are missed as police use breath analysis predominantly to screen for impairment.

In part, the reluctance to introduce such known road safety measures as seat belts and random breath testing reflected a wider belief that Norfolk Island was a safe community that was unaffected by issues of violence and crime, unlike other communities in Australia and New Zealand. This belief underpinned, in fact, the promotion of the island as a timeless and safe tourist destination. The last decade, however, has challenged and ultimately negated such a belief, and Norfolk Island has recognised that it is a community that, like others, can be subject to serious crime.

As a result, significant legislative reform occurred. A new Traffic Act 2010 was enacted. Some of the road safety reforms introduced included:

- the introduction of occupant protections laws relating to use of seat belts and the carriage of passengers;
- laws relating to driving under the influence of drink or drugs, the conduct of breath analysis and the powers of the police;
- the introduction of more stringent novice driver licensing provisions;
- laws relating to the use of bicycle helmets; and,
- sundry provisions relating to motor vehicles and driving.

The legislative changes also provided for the establishment of a Road Safety Committee. The committee is a group comprising six persons drawn from the community, the Administration, and

emergency services and is established under the Traffic Act 2010 Section 52B. The Registrar is the Chair of the committee and reports to the Minister for Roads (currently a function under the Minister for the Environment). The Act specifies that the Road Safety Committee is to inquire into and make recommendations concerning road safety and such other matters. The committee is required to provide an annual report to the Minister on the operation of the Traffic Act for the preceding year ending 30 June, and its effectiveness. The committee may make recommendations for changes to the Traffic Act 2010 or the Traffic Regulations that may make it more effective in regulating road traffic for the purpose of improving road safety for persons on Norfolk Island.

### **The strategy development process**

The occurrence of serious road crashes resulting in deaths and injuries, together with issues raised as a consequence of police enforcement of illegal behaviour by drivers and their passengers, saw the conduct of a Road Safety Forum in 2013 as a community consultation.

In the Norfolk Island Legislative Assembly, the Hon Ron Ward MLA, Minister for the Environment, stated:

#### Road Safety Forum

MR WARD: ... Mr Speaker, on the 17th July this year I announced in this house that a Road Safety Forum would be held to seek public input into a full review of road safety issues on this island. The public forum will be held on Wednesday, 23 October 2013 at Rawson Hall between 5.00 and 6.30 pm to discuss road safety issues on the island and to seek community input as to what measures, if any, are considered necessary to adopt or legislate for, to make our roads safer for all road users. This initiative has been put forward by the Road Safety Committee for a community based forum to actively seek input from the public. I urge as many people as possible to attend and be involved. The views of the community are critical to the success of any road safety program. Matters to be addressed at the meeting will include the provision of a driver education program at the school; review of the current restrictions of the 'L' and 'P' plate driver's licences; drink driving issues, enforcement of road rules and motor vehicle registration and licensing. This forum is an opportunity to raise awareness of the issues and work through them to find solutions that are acceptable and workable in the Norfolk Island context. The forum will present input from medical officers, ambulance, police and rescue services and actively seeks input from all who have road safety concerns or ideas they wish to have considered. Many in the community may be unaware of the Road Safety Committee. The Committee is group of voluntary local members who give freely of their time to bring a range of expertise and experience together to guide the enhancement of safe road use for all road users. As well as the regular members of the Committee, considerable assistance has been freely given by Mr Ian Faulks who is a nationally recognised expert in road safety matters. I take this opportunity thank Mr Faulks and the registrar Mr Allen Bataille, the emergency services personnel and all who have been working on this project and to those who have agreed to conduct the forum. (Proceedings of the Norfolk Island Legislative Assembly, 16 October 2013, Pages 317-318).

Two goals of the Road Safety Forum were to clearly define community standards and expectations, and to underscore that action must to be taken to address the escalating financial, physical and emotional cost of road crashes and related road trauma. The Forum was held at Rawson Hall, Burnt Pine, on October 2013 and was attended by some thirty concerned local residents.

The forum commenced with the presentation of road safety facts and figures on Norfolk Island, and suggestions based upon academic research and strategies employed in other states and territories as to what a road safety strategy should consider. The Forum was addressed by many speakers, including members of the Legislative Assembly, Norfolk Island Police, St John Ambulance Service, Volunteer Rescue Squad, Legal Services Unit, and the Road Safety Committee. An open and robust debate ensued, with a range of topics discussed and views expressed (for a summary, see Table A).

*Table A: Summary of Road Safety Forum attendees' views on questions relating to road safety and the operation of the road transport system on Norfolk Island.*

Driver education:

1. poor attitudes towards drink driving
2. poor driving practices, for example, street racing of vehicles
3. improved awareness of the potential dangers involved in driving
4. support for the current development of a school-based driver and road safety program

Conditions of local roads must improve and we must consider more safety features in their design, such as the installation of 'Armco' barriers, redesigning of identified dangerous corners and intersections.

The government needs to ensure that the various road/vehicle/driver based taxes and levies are put back into road maintenance.

There needs to be more public education and road safety awareness campaigns.

Do we have adequate assessment of our drivers, particularly elderly drivers?

More police and more patrols, particularly at night.

Our police need to be supported in their road safety enforcement efforts by the public and government.

Responsible Service of Alcohol policy in our licensed premises should be better enforced so as to have a positive impact upon road safety, in particular drink driving.

Speed limits should be reviewed and enforced.

Seat belts...do or don't we need them? Have they been effective?

The Assembly should consider the introduction of random breath testing legislation

Our Compulsory Third Party insurance (CTP) scheme does not provide the coverage that most people believe that it does and we need to address this.

Public transport. Why can't we have public transport in some form? There was support for the introduction of a 'Booze Bus' for weekends.

Fluorescent tags to be fitted to cows that use grass verges for grazing, so they are easily seen at night.

Parents should accept more responsibility for teaching our kids the right driver behaviour and attitude.

Road safety legislation should be aimed at deterring dangerous practices and attitudes, specifically speeding and driving whilst intoxicated, and not merely impact upon the civil liberties of safe drivers.

Road safety campaigns should focus on promoting self-compliance with road safety and punish dangerous and intoxicated drivers severely.

It was also noted to the forum that whilst there are many areas of road safety that we can improve on, there are also a number of positives about the road safety culture on Norfolk Island, such as excessive speed – we don't see the prevalence of it on Norfolk that other small jurisdictions do; seatbelts – given their history on Norfolk and the relatively short time since

their introduction, compliance levels are reasonable (with room for improvement).

Following the Road Safety Forum, and with the support of the Road Safety Committee, it was determined that a road safety strategy for Norfolk Island was required. It was agreed that the road safety strategy would be aligned with the National Road Safety Strategy 2011-2020, and thus would reflect the Safe System approach.

### **A review of road safety in small island communities in Australasia**

To assist the development of a road safety strategy for Norfolk Island, a scan of small Australasian island jurisdictions was conducted to identify any road safety strategies that may have been developed. The small Australasian island communities included:

- the Australian external territories of Cocos (Keeling) Islands and Christmas Island
- Kangaroo Island in South Australia;
- King Island, Flinders Island (Furneaux Group), and Bruny Island in Tasmania;
- Magnetic Island, Fraser Island and Palm Island in Queensland; and
- the New Zealand islands of Stewart Island and the Chatham Islands

No island community had a road strategy of the form envisaged for Norfolk Island, but there were relevant aspects of a road safety strategy that were identified.

For example, the Flinders Council and the Flinders Island District High School developed a Transition program to assist island children in their transition away from the island and to lessen the impact on the community [5]. Students undertake many activities that will provide them with the skills to enable them to live independently once they leave the island. There are life skills programs in road safety; financial literacy; budgeting; a Party Safe program; personal safety; job applications; mock interviews and social skills. The island's Year 10 students visit the University of Tasmania and socialise with Newstead College students in Launceston. There is an orientation trip to metropolitan areas, linking students to support services; driving lessons, public transport, college orientations, sport and recreation and regular drug and alcohol free social events. Newstead College students act as mentors to the island students during their first term at the College to help them make the transition. The overall objective is to help the Island students successfully transition to further education and training and to adapt to living away from home at a young age.

On King Island, the King Island Council and the Tasmanian Department of Infrastructure, Energy and Resources established a community road safety partnerships (CRSP) program [5]. The King Island Safety Committee was identified as the key advisory body to coordinate projects. The committee had already developed a community safety plan 2007–2010, which had road safety issues included. The King Island safety committee's main focus has been awareness campaigns to address road safety involving motorcycles, drink driving and driving to conditions. A formal Memorandum of Understanding was signed between the council and the Department in September 2008. With regard to school education, "Road Risk Reduction" teaching resources for pre-learner driver education were shared with the school and a "Keys to Ps" parent session for supervisors of learner drivers was conducted. The community road safety partnerships program provided motorcycle safety posters and brochures for use by the King Island Safety Committee's community education program. During the 2008-09 Christmas holiday period King Island experienced several crashes with drivers using hire cars, particularly while driving on the island's gravel roads. The King Island Safety Committee developed a new initiative to promote driving to conditions using rear vision mirror tags. The tags which display the messages "Drive to Conditions, Keep Speed Low on Gravel Roads" and "Buckle Up", were placed in hire car vehicles and fleet vehicles.



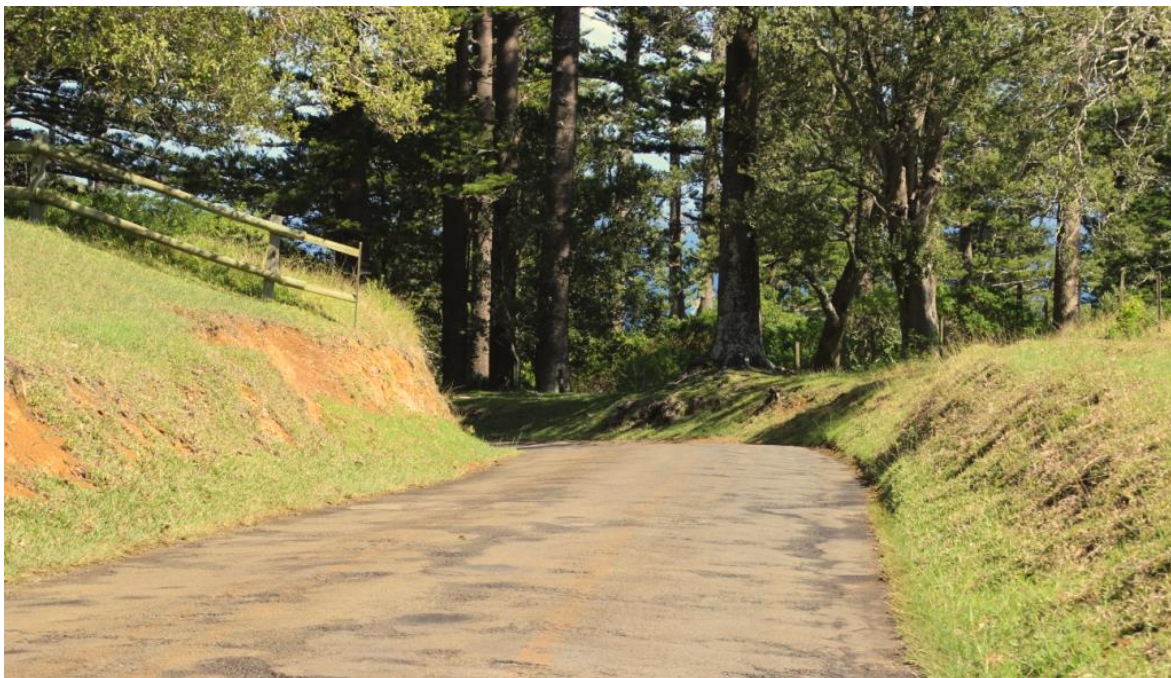
The New Zealand Transport Agency produced a road safety issues report for the Chatham Islands Council [6]. The report was produced to provide the evidence base to enable the Council to develop ways to reduce road deaths and injuries in the Chatham Islands, and is a good example of road safety data collection and reporting.

### **The Norfolk Island Road Safety Strategy 2014-2016**

The road safety strategy for the next few years on Norfolk Island – the Norfolk Island Road Safety Strategy 2014-2016 [5] – recognises that despite our best efforts, several people will be injured severely in road crashes, and perhaps an islander or visitor may be killed. The strategy outlines the critical issues facing the Norfolk Island community, including:

- Collection and reporting by annual publication of statistics for road safety performance and reporting on the general operation of the road transport system;
- Continuing use of the Road Safety Committee and the Youth Assembly as primary consultative mechanisms to address road safety issues, including the Road Safety Committee's role in the collation of annual road safety and road trauma statistics, and the Youth Assembly's role in reviewing and redrafting the Norfolk Island Road Handbook;
- Drink driving by Norfolk Island residents and visitors, particularly drink driving at excessively high blood alcohol levels (over 0.15 BAC);
- Addressing drink driving in the context of a general public health strategy relating to alcohol use on Norfolk Island, including responsible service of alcohol in licensed premises, provision of alternative transport (shuttle bus), and development of health and judicial interventions for problem drinkers;
- The need for targeted enforcement of occupant protection for vehicle passengers, particularly for children and adults riding on vehicle tray backs;
- The need for targeted enforcement of speeding by drivers, particularly for drivers of vehicles where children and adults are riding on vehicle tray backs;
- Ensuring that driver information, training and testing on Norfolk Island is adequate for all drivers, including novice drivers and riders, older drivers, and visitors to the island;
- Introducing a traffic offenders intervention program as a pre-sentencing option for use by magistrates in determining appropriate punishment for traffic offences;
- Using school-based education and public education and awareness interventions to challenge values held by some members of the community that support or promote inappropriate and unsafe road use on Norfolk Island;
- Using school-based education and public education and awareness strategies to promote the positive benefits of safer road use for the island community and for visitors to Norfolk Island;
- 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;

- Conduct and maintain a road safety audit of the Norfolk Island road transport system, including signage, lane markings and other road markings;
- Identification and rectification of hazardous roadside infrastructure through replacement, relocation, and provision of barrier protection;
- Ensuring that adequate roadside barrier protection systems are installed at locations within the Norfolk Island road network where there are embankments and hillsides with high or steep drop offs;
- Ensuring that where the Norfolk Island road network is adjacent to vulnerable community venues or historic sites there is provision of appropriate and adequate roadside barrier protection systems;
- Passage of a legislative reform package that includes, but is not necessarily limited to:
  - (a) a lowering of the legal blood alcohol level to 0.05 BAC, commensurate to other Australian jurisdictions, and providing for a mandatory requirement for drivers to submit to alcohol and drug screening as directed by police;
  - (b) provision of a general power for police to stop vehicles, without prior suspicion of an offence occurring;
  - (c) reform of the compulsory third party (CTP) insurance scheme to address problems relating to the availability of insurance for personal liability for all road users, and the viability of the CTP scheme;
  - (d) reform to the driver licensing law to allow for recognition of non-Norfolk Island learner and provisional (probationary) driver licences; and
  - (e) developing a specification for vehicle standards for vehicle imported into Norfolk Island, based on what is considered acceptable for importation and use within the island's road transport system.



*Figure 4: The 'country lanes' aspect of Norfolk Island (Anson Bay Road). From the authors.*

## **The outcomes**

### ***The Traffic Act Amendment Bill 2014 (Traefik (Chienjen) Bil 2014)***

The Norfolk Island Road Safety Strategy 2014-2016 was Tabled in the Legislative Assembly of Norfolk Island in September 2014, but was not debated at that time.

In line with the strategy, the Traffic Act Amendment Bill 2014 was introduced in October 2014. The Bill was an initial step towards bringing the road traffic laws of Norfolk Island more in line with accepted principles of safety applied in the Commonwealth. The Bill made provision for random breath and oral fluid testing of drivers, and provides police with the powers to stop a driver and administer an alcohol or other drug test. In particular, Section 32A provides a power to conduct random breath testing. A police officer can request any person to take a breath test if the officer is satisfied that the person is or was driving a motor vehicle on a road or otherwise in a controlling position with respect to the vehicle or the driver. Before a breath test is done a police officer may require a person to take a preliminary breath test to ascertain if there is any indication of alcohol in the person's breath. A police officer may require a person to stop a vehicle and if the driver does not do so an offence is committed. Section 32B provides that a person may be arrested if as a result of the testing the alcohol concentration exceeds those set out in the section. Section 32C provides for the conduct of random testing of oral fluids for prescribed illicit drugs. The provision mirrors that for alcohol testing. Section 32D provides for the arrest of persons testing positively for illicit drugs and mirrors the provision for alcohol testing. Section 32 E makes provision for having oral fluid samples tested following the arrest of a person. Section 32F provides for the taking of a blood sample in order to determine the presence of illicit drugs.

The introduction of the Bill was contentious, and it was referred to the Impact of Bills and Subordinate Legislation Committee to enable further public consultation on the proposals for the introduction of random breath testing of drivers for alcohol and illicit drugs and the lowering of the acceptable blood alcohol threshold from 0.08 to 0.05. The Committee tabled an interim report in early 2015 [7], and its final report in March 2015 [8].

The community responses received in written submissions or public hearings opposed some or all of the proposed amendments. The introduction of drug testing was the exception, as most expressed approval of this proposed legislative measure. The consistent theme of concern was that changes to drink driving laws on Norfolk Island would significantly affect commercial tourism and hospitality operations, as well as islander social practices.

Nonetheless, the Committee did support the introduction of random breath testing and drug testing of drivers.

However, it did not support the proposed reduction in the permissible BAC from 0.08% to 0.05%. The Committee commented:

The advice of the NI Police to revise the acceptable PCA threshold at a later stage once the community has adjusted to RBT is supported on the basis that there is an evaluation after a period of 2-3 years when specific data has been collated to allow an informed assessment of the risk profile to determine whether a reduced PCA is actually necessary. This will require a more robust system be put in place that records all testing information, including readings below the prescribed thresholds, and information regularly published for wholesale access. Stakeholder representation before the Committee signalled potentially serious consequences for commercial operations, events that support the islands tourism industry, as well as unique island activities including community fundraising efforts. Safety nets to protect against or offset the

consequences spoken of need to be addressed before policy changes are introduced.  
(p.20) [8]

The Traffic (Amendment) Bill 2014 was passed in amended form in April 2015, providing for the introduction of random breath testing and drug testing, but retaining the existing legal BAC level for drivers (less than 0.08%).

The Norfolk Island Road Safety Strategy 2014-2016 was also formally adopted by the Legislative Assembly of Norfolk Island in April 2015.

### ***Roads strategy development***

A second important development from the strategy is the conduct of a road safety audit and development of a roads strategy. Action in this area reflected the Commonwealth government's concern about the standard of the current road infrastructure as well as endorsement by the Commonwealth of a recommendation of the Joint Standing Committee on the National Capital & External Territories to complete an upgrade of the Cascade Pier. Two projects are underway: a review of roads on Norfolk Island by WorleyParsons; and a project to extend Cascade Pier to provide a safer operating environment for passenger and freight movements as well as providing a launching point for commercial and recreational fishers (also by WorleyParsons). Of the two piers on Norfolk Island, Cascade Pier is used for the majority of shipping operations.



*Figure 5: The intersection at Middlegate. The freight routes from Cascade Pier and Kingston Pier use this intersection. Cattle have right of way on Norfolk Island roads. From the authors.*

The WorleyParsons review of Norfolk Island roads [9] confirmed the concerns raised by Faulks [5], particularly for the Middlegate precinct where freight movements and school travel intermix with general road use by islanders. The road infrastructure was found to be in good condition generally, but the road audit did identify serious structural defects with the Bay Street Bridge within the Kingston and Arthurs Vale Historic Area, and the bridge was closed immediately for repair work.

### **The future**

As noted, the Norfolk Island Road Safety Strategy 2014-2016 was formally adopted by the Legislative Assembly of Norfolk Island in April 2015, together with passage of the amended Traffic Act Amendment Bill 2014. However, the Traffic Act Amendment Act 2015 was not promulgated prior to the passing of reform legislation in the Commonwealth parliament to amend the Norfolk Island Act 1979.

The introduction of random breath testing and drug testing for impaired drivers on Norfolk Island has thus been left ‘stranded’, and further action will be required by the Norfolk Island Administrator by Ordinance to progress these matters. At this point, there is no indication as to when such an action may be taken.

There are significant changes facing Norfolk Island following the passage of the amending Commonwealth legislation, including determining the form of the Norfolk Island Regional Council and the phasing in of New South Wales laws as necessary. The Hon. Jamie Briggs MP, Assistant Minister for Infrastructure and Regional Development, noted that the application of state law necessitated:

“... keeping in mind the need to prioritise economic development, community safety and sustainable government while responding to the unique circumstances on Norfolk Island.” (Letter to Norfolk Island residents about the reforms, 14 May 2015, p.1)

It would seem that the Commonwealth Government’s policy on Norfolk island is in line with that of the Indian Ocean Territories (Christmas Island, and the Cocos (Keeling) Islands, namely for incorporation into an existing State or Territory. In the case of the Indian Ocean Territories, this is with Western Australia; for Norfolk Island, it is with New South Wales. Legislative, administrative and institutional frameworks in these territories will likely be generally aligned with those in place for remote communities on the Australian mainland.

The Traffic Act 2010 (Norfolk Island) will, at the least until 1 July 2016, continue to be in force. The new Section 16A of the Norfolk Island Act 1979 (C’th) ensures that any Legislative Assembly laws that were in force immediately before the interim transition time continue in force. However, a mechanism for applying New South Wales laws has been created. A new Section 18A allows for the application of New South Wales laws to Norfolk Island. Norfolk Island laws can be amended or repealed by a section 19A Ordinance (Madden, 2015). Whether New South Wales will amend or repeal the existing road transport legislation is unknown at this time. 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 judgment.

The existing road safety strategy [5] has a putative concluding date of 2016, and it would thus be expected that an evaluation of the strategy and the development of a new replacement road safety strategy would be scheduled for after 1 July 2016, when New South Wales laws will begin to be phased in and an elected Norfolk Island Regional Council has been established.

## **Acknowledgements**

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## Notes

1. The Australian external territories are the Ashmore & Cartier Island, the Australian Antarctic Territories, Christmas Island, the Cocos (Keeling) Islands, the Coral Sea Islands, and Norfolk Island. Of these, Christmas Island and the Cocos (Keeling) Islands (together termed the Indian Ocean Territories) and Norfolk Island are the only territories to have permanent residential settlements, a road transport system, and the legal infrastructure of an inhabited state (such as police or courts). The remainder have only transient inhabitants.

2. Norfolk Island has retained an impressive Georgian architecture associated with the Second Settlement, 1825-1855. The Kingston and Arthur's Vale Historic Area on Norfolk Island is an outstanding example of Australian colonial landscape, and has World Heritage listing. Kingston is the administrative centre on the island, while Burnt Pine has developed as the major commercial area. A smaller educational precinct is located at Middlegate. Norfolk Island Airport is the sole airport on the island. With the development of commercial air travel in the 1960s, there was an influx of new residents from Australia and New Zealand, and a regulatory immigration system was imposed from the late 1960s until 2013. The influx of “mainland” settlers (bringing their financial capital) saw tourism develop as a new industry, with a focus on colonial penal history, the Bounty Mutiny historiography, and duty-free shopping. The age profile of the Norfolk Island community is notably older than the rest of Australia, with a median age of 46 years, as compared to 37 years on the mainland. The main age differences were for those aged between 15-34 years, and those between 55-74 years [10]. About two-thirds of the population were born in Australia, including about one-third who were born on Norfolk Island itself. A survey of more than 80% of the island population in 2011 found significantly higher labour force participation and significantly lower unemployment than in Australia generally. Females were proportionately greater participants in the labour force than elsewhere in Australia. A greater proportion of persons on Norfolk Island were employed full-time, and, again, females were better represented among the fulltime employed, compared to elsewhere in Australia. However, the levels of financial stress on Norfolk Island were higher than elsewhere in Australia, with 51% reporting that they were ‘just getting by’; 27% reporting that they had missed a utilities bill; and 11% stating that they could not pay their rent or mortgage on time. Despite this financial stress, overall, Norfolk Island residents reported a high level of overall satisfaction with life – noting the financial situation and employment opportunities.

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