



Changes to the *Traffic Act 2010* (NI)

The Norfolk Island *Traffic Act 2010* (NI) (the Traffic Act) and the Traffic (General) Regulations (the Traffic Regulations) have been amended. The main changes are summarised below.

The information in this fact sheet is general advice only and cannot be relied on in legal proceedings. Please seek legal advice if you are unclear about the application of the changes in relation to your own circumstances.

This fact sheet was updated on 17 February 2021.

What changes commence on 20 March 2021?

New safety measures for ute tray riding

The following new safety measures will apply:

- Only full licence holders will be permitted to have passengers in the open ute or truck tray.
- Drivers must pass a written test about the rules applying to ute tray riding to get a licence endorsement before they can transport passengers in the open tray.
- Drivers must maintain zero blood alcohol content if transporting passengers in the open ute or truck tray.
- Ute tray riding will be subject to a night-time curfew between 8 pm and 6 am.
- People must be at least 8 years of age to legally travel in an open ute or truck tray.

The Norfolk Island Regional Council (NIRC) will be conducting the tests and providing licence endorsements at the Registry Office – contact details are below.

What changes commenced on 19 December 2020?

Allowing P-platers from other jurisdictions to drive in Norfolk Island

Drivers with valid full licences from other jurisdictions can drive in Norfolk Island for up to 3 months under the Recognised Licence Scheme without having to apply for a Norfolk Island licence. Drivers under the Recognised Licence Scheme must comply with Norfolk Island road rules.

The Recognised Licence Scheme now covers provisional licence holders (P-platers) from other jurisdictions. These P-platers will be subject to equivalent conditions, restrictions and penalties as Norfolk Island P-platers, including (but not limited to):

- The drink and drug driving laws applicable to *novice drivers*, who are drivers under the age of 18, learner drivers or P-platers.
- The night-time curfew from 10 pm to 6 am.
- Requirement to display a "P" sign affixed to the inside of the front and the rear windows.
- If a P-plater from another jurisdiction accrues 6 or more demerit points, this will result in the cancellation of their driving privileges under the Recognised Licence Scheme. Disqualification periods may also apply.

Roadside mobile drug testing

Norfolk Island Police Force (NIPF) officers will be able to commence roadside mobile drug testing, consistent with arrangements in other Australian jurisdictions. Driving under the influence of drugs is illegal and roadside mobile drug testing will enable NIPF officers to detect drivers breaching the law.

The procedures for roadside mobile drug testing are similar to random breath testing. NIPF officers can require a driver to stop a vehicle on the road and request the driver submit to saliva testing to ascertain whether the driver is driving under the influence of drugs.

If a person's saliva test indicates the presence of a drug or psychotropic substance, the NIPF officer can arrest the person without warrant and require the person to undergo saliva analysis or have a blood sample taken. Failure to submit to a saliva test as required by the NIPF officer, or failing to following the instructions for the test, can lead to arrest without warrant.

If charged with driving under the influence of drugs, automatic licence suspension will apply.

Automatic licence suspension for high risk driver behaviour

Automatic licence suspension applies in the following circumstances:

- If the person refuses to submit to a breath or saliva test, a breath or saliva analysis, or to have a blood sample taken – their licence is automatically suspended for 24 hours from the time of the refusal until the person is either charged with a *major driving offence* or the 24 hours ends.
- If a person is charged with certain *major driving offences*, including driving under the influence of drugs or psychotropic substances or high range drink driving – their licence is suspended from the time they are charged until either the charge is withdrawn or the person is acquitted or convicted of the offence.

A *major driving offence* is defined in the Traffic Act to mean a range of serious offences, including (but not limited to) culpable driving, murder or manslaughter caused by the manner of driving, reckless and dangerous driving, driving while disqualified.

Under certain circumstances, a person whose licence has been suspended or who is disqualified from driving may be able to apply to the Court of Petty Sessions for a special licence to enable travel from home to and from employment.

Changes to offences and other provisions

Various other amendments have been made, including:

- Remedying an inconsistency in the legislation that omitted *novice drivers* and commercial drivers from the high range drink driving offences.
- Creating a minor offence where a person drives a motor vehicle with an "L" or "P" sign affixed to it without holding a corresponding licence.
- Providing that a court determining the sentence for a traffic offence would be able to take into account a previous finding of guilt for another traffic offence, whether or not a conviction had been recorded for that offence, in determining the appropriate penalty.

Consultation

Extensive community and stakeholder consultation was undertaken on the proposed changes during 2019 and 2020.

Where can I get further information?

For law enforcement matters:

- Norfolk Island Police Force, phone 22222, email ACT-NORFOLK-ISLAND@afp.gov.au

For registry matters:

- NIRC Registry Office, phone: +6723 23691, or Customer Care on local free call 0100 or email customercare@nirc.gov.au