



NATIONAL ROAD TRANSPORT ASSOCIATION

**Submission to the NSW Joint Standing Committee
on Road Safety**

**Inquiry into Mobile speed camera enforcement
programs in NSW**

8 July 2021

Executive Summary

This submission reinforces that education of drivers must be a key component of enforcement of speeding laws. Because of this essential element of enforcement, NatRoad opposes the removal of warning signs where mobile speed cameras are placed.

In essence, every enforcement camera tackling speed in NSW must have a warning sign to remind all drivers to do the right thing and check their speed.

NatRoad calls for consistent and better signage for all speeding warnings. This step is vital for heavy vehicle drivers in NSW which has significant roads applying a lower speed limit for trucks, such as the notorious Mount Ousley descent near Wollongong. Variable speed limits can lead to inadvertent non-compliance where signage isn't at key decision points or is inadequate in warning heavy vehicles of a different speed limit applying to them when compared with light vehicles.

NatRoad also calls on the NSW Government to separate data on heavy vehicle and light vehicle enforcement numbers. Measuring the effects of mobile and other speed detection devices should be undertaken using data that is specific to the heavy vehicle industry.

NatRoad also reinforces that reducing speed is not a silver bullet for road safety but must be accompanied by other improvement such as improvements in infrastructure.

If speed cameras are to be deployed, mobile speed cameras should be placed at the lead up to sharp corners, especially where evidence shows they are 'black spots'. Making necessary infrastructure adjustments, particularly where off-camber incidents are prevalent, should be a high priority for governments.

Introduction

1. This submission responds to the terms of reference¹ relating to the Committee's decision to inquire into and report on matters concerning mobile speed camera enforcement programs in New South Wales (NSW).
2. NatRoad is Australia's largest national representative road freight transport operators' association. NatRoad represents road freight operators, from owner-drivers to large fleet operators, general freight, road trains, livestock, tippers, car carriers, as well as tankers and refrigerated freight operators.

Changes to mobile speed camera enforcement

3. The Committee's terms of reference relate to recent changes made to speed camera enforcement in NSW.
4. In mid-November 2020, the NSW Government announced changes to the state's mobile speed camera program², including:
 - A reduction in high visibility markings on mobile speed camera vehicles;
 - The removal of warning signs;
 - Enforcement in both directions of travel; and
 - A significant increase in the hours of operation.

NatRoad's position: opposition to removal of warning signs

5. NatRoad commends the position taken by the NRMA on the issue of the removal of warning signs. NatRoad takes the same position as expressed by NRMA thus:

(A)ll enforcement cameras in NSW that tackle speed must have warning signs because warning signs act as an important educational tool to remind drivers to do the right thing. The warning signs also crucially display the speed limit where they operate, which enables motorists to check their speed. This helps reduce confusion as drivers often find

¹ <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2816#tab-termsofreference>

² Discussed, with the rationale, here:

<https://roadsafety.transport.nsw.gov.au/speeding/speedcameras/mobile-speed-cameras.html>

*themselves in areas where they may not be aware of the speed limit, or where the speed limit changes frequently.*³

6. The point about the display of the speed limit and the necessity for warning signs is particularly important for heavy vehicle drivers. First this is because there are roads in NSW where there is a different, lower speed limit for trucks.⁴ Secondly, there are roads where variability in speed is commonplace. That variability can lead to inadvertent non-compliance. For example, recently, a member whose driving record had been unblemished by a speeding fine for decades received a speeding infringement for traveling in the NorthConnex tunnel system at the normal speed when a lower variable speed limit was, allegedly, posted on flashing notices.⁵ NatRoad recommends a greater emphasis of warning signs that are suitably large and placed at decision points along freight routes as well as the reinstatement of warning signs for mobile speed cameras.
7. The differential speed limits for trucks discussed in the prior paragraph, are a poor way to deal with safety concerns. They cause frustration, and at times anger, expressed by light vehicle drivers. These drivers often overtake trucks in a dangerous manner where a truck has a lower speed limit, and is travelling at that lower speed, making the heavy vehicle appear to be taking a carefree attitude to reaching a destination efficiently. Where heavy vehicles are required to proceed at a lower speed than light vehicles on the same road many problems arise, inclusive of the stimulus for poor light vehicle behaviour.⁶ The NatRoad solution is, wherever possible, for separation of heavy and light vehicles, an issue incorporated in a proposed upgrade of the Mount Ousley road network,⁷ together with development of programmes that reinforce appropriate driving behaviour around heavy vehicles.
8. With the changes in the operation of mobile speed cameras members are not convinced that the issue of deterrence against speeding via the current fines system has been reinforced. Many members (and members of the community) view speeding fines as revenue raising. One member indicated that this message is underlined by the fact that

³ <https://www.mynrma.com.au/cars-and-driving/driver-training-and-licences/resources/mobile-speed-camera-warning-signs>

⁴ Mount Ousley is the most notorious in NSW <https://www.illawarramercury.com.au/story/4802342/mt-ousley-rd-among-worst-in-nsw-for-speeding/>

⁵ Note in response that Transport for NSW indicated that these changes are part of the NorthConnex system with the following explanation: *Tunnel signage includes an Integrated Speed and Lane Use (ISLUS) sign above each lane, with a single Tunnel Message Sign at approximately 180 metres spacing. The tunnel message sign can display messages to motorists and the ISLUS can:*

- *Display whether a lane is open with the speed limit;*
- *Prepare for lane closure with cross flashing;*
- *Lane closure with a red cross; and*
- *Indicate merge with an arrow showing direction of merge.*

⁶ This is often a surprise to light vehicle drivers: see for example the plea of a motorist here: <https://forums.whirlpool.net.au/archive/2729979>

⁷ <https://roads-waterways.transport.nsw.gov.au/about/news-events/news/ministerial/2020/201130-21-million-for-mount-ousley-interchange.html>

operation of mobile speed cameras is outsourced by Transport for NSW.⁸ Feedback is strong in relation to the issue of fines that are disproportionate to risk and feedback is clear that many petty infringement notices are issued that are disconnected from actual safety issues. Government needs to reinforce to the community how the changes may and, ultimately, have affected safety. Criteria against which to measure safety outcomes should have been contemporaneous with the announced changes, including reinforcement of the fact that fine revenue from all mobile camera detected speeding offences is directed to the Community Road Safety Fund (CRSF) to support road safety programs.⁹ Otherwise, a solely fiscal motive is attributed to the changes under investigation. Feedback is also that more clarity and better reporting on the way that hypothecation is applied and results achieved would reinforce the utility of the outworkings of the CRSF.

9. The latter point was reinforced in an article that was published in March 2021 by a law firm¹⁰ which reported that following the removal of warning signs “monthly fines have skyrocketed.”¹¹ That law firm reported that “whereas 32,637 speeding camera fines were issued in January 2020, January 2021 saw 80,110 fines issued.” This is an important element in the issue raised by the Committee’s term of reference which asks about “the projected impact on revenue generated by these changes.”¹²
10. Because the statistics quoted in the last paragraph were unsourced and did not disaggregate the number for heavy and light vehicles, NatRoad wrote to Transport for NSW on 25 May 2021 seeking confirmation of these statistics and a break down of the numbers for heavy and light vehicles.
11. On 11 June 2021 Transport for NSW responded to NatRoad’s inquiry by indicating that Revenue NSW, which issues the penalty notices for speeding offences, referred Transport for NSW and NatRoad to the Open Data Hub¹³ which includes information on all speeding and red light camera detected offences. We were informed that Revenue NSW do not split data between light and heavy vehicles. That is not a situation which should prevail.
12. Heavy vehicle operators and their representatives should be able to access data on enforcement tailored to the industry. It is difficult, if not impossible, to measure the effects of enforcement on the sector’s road safety record or to chart revenue raised from the sector when the basic data is not collected. **Accordingly, we would ask the**

⁸ Noted in the FAQ section per question 3 of above note 2

⁹ Confirmed at note 2 above. In addition, in October 2020 Transport for NSW confirmed to NatRoad that revenue from heavy vehicle fines categorised under the point to point system go into the Community Road Safety Fund.

¹⁰ P Morandin and J Singh *Speed Camera Warning Signs Removed in NSW* Criminal Defence Lawyers Australia 13 March 2021

¹¹ Ibid

¹² Above note 1

¹³ <https://www.revenue.nsw.gov.au/help-centre/resources-library/statistics>

Committee to recommend that the data collected by Revenue NSW be disaggregated to show the number and value of heavy vehicle offence payments.

13. The statistics cited by the law firm show a trend that is confirmed by the material on the Data Hub. The latest speed camera monthly data at the time of writing this submission is for April 2021. The value and number for that month are shown as \$17,162,158 and 68,526, respectively. For April 2020, the value and number were \$9,340,347 and 37,317. Each recorded month for 2021 shows substantially higher numbers and volumes when compared with the prior period in 2020. In essence, the warning signs should be reinstated because education of drivers is a necessary component of enforcement of the law, particularly in light of the increased revenue raised and number of fines issued.

General Policy on Speed Management

14. The prior comments require context and concern the “related matters” part of the Committee’s terms of reference. NatRoad policy on issues of speed management is that it is not a silver bullet for road safety improvement. Whilst speed must be appropriate to the road conditions, there needs to be a more holistic examination of road safety issues for optimal solutions.
15. For example, Wramborg’s Model for Fatality¹⁴ does not provide an adequate basis for founding a major policy shift. In support of that view, we note in particular the work of Jurewicz et al¹⁵. This detailed scholarly work indicates in formal terms, the feedback that NatRoad members have provided on the issue of speed management i.e., that separation and preferencing of heavy vehicles to minimise the probability of road conflicts is more important than speed management per se:

Safe System performance of road infrastructure cannot be wholly achieved by controlling impact speeds and angles (i.e., geometry and layout), especially where high speeds are desired to meet the mobility function. This means that more weight should be placed on minimising probability of road user conflicts. Road user separation, minimisation of number of conflict points, and greater management of road user movements can all be used to provide solutions supporting the Safe System vision.

16. NatRoad policy especially emphasises separation of vulnerable road users, such as pedestrians and cyclists, from heavy vehicles, given the higher likelihood of a fatality at increased speeds for vulnerable road users.¹⁶

¹⁴ This was a central component of the consultation draft of the national road safety strategy 2021-2030 <https://www.officeofroadsafety.gov.au/sites/default/files/documents/draft-national-road-safety-strategy.pdf>

¹⁵ Jurewicz, Sobhani, Woolley, Dutchske and Corben *Proposed vehicle impact speed - severe injury probability relationships for selected crash types* (2015)

https://digital.library.adelaide.edu.au/dspace/bitstream/2440/98594/3/hdl_98594.pdf

¹⁶ <https://www.officeofroadsafety.gov.au/nrss/resources-fact-sheets/vulnerable-road-users>

17. The essence of NatRoad's concern about speed management and the very large numbers of camera fines, as a major priority is, however, one of misplaced priority given the need to simplify/change road design so that users are led into compliance. This is summed up by Williamson¹⁷ where she says:

Unfortunately, there is considerable evidence that simply setting lower speed limits is a poor approach to safety as compliance often presents problems for drivers. Compliance is especially difficult when roads communicate conflicting information about appropriate speeds to drivers. To be effective, speed limits need to be creditable to drivers.¹⁸

18. The NatRoad feedback is therefore that enforcement must be credible and speed limits creditable. Again, as summed up by Williamson:

*In summary, the problems for drivers in managing speed suggests that speed limits must be compatible with the characteristics of the road system and be credible. **Road safety problems should not be solved by only reducing speed limits but must be accompanied by modifications to the road system such as traffic calming and self-explaining roads.** These signal to drivers that a slower speed is needed and, even better, encourages them to do so as they naturally drive at lower speeds and do not require constant checking of speedometer.¹⁹*

19. In this context we believe that the core of member feedback on speed management has been encapsulated in this comment received from a member:

The continuing reliance on speed enforcement as the primary manageable influence in safety outcomes is disappointing. Increasingly this is nothing more than a revenue raising scheme 'harvesting' the traffic flow with disproportionate fines for minor over-speeds. Contributing to this is the plethora of speed limit changes on an otherwise consistent stretch of highway; in the absence of GPS speed limit monitoring, it is remarkably easy to lose track of the prevailing speed limit, and point to point cameras embracing multiple speed zones with no indication of what the target travel time or average speed set for the section leaves drivers unsure of what they should be doing. This leads to inconsistent speeds as each driver tries to guess whether they are compliant or not.

20. We note in addition that speed management is part of the chain of responsibility obligations imposed in NSW. In NSW, the speed compliance component of the *Road Transport (General) Regulation 2013* per Regulation 11 places duties on parties in the

¹⁷ A Williamson *Why do we make safe behaviour so hard for drivers?* Journal of Road Safety Vol 32, 1 2021 24 36

¹⁸ Id at p 27

¹⁹ Ibid our emphasis

supply chain to take steps to ensure that their activities, schedules or arrangements do not cause heavy vehicle drivers to exceed the 100 kilometre per hour maximum speed limit. Separately, a driver who drives a heavy vehicle in excess of 100 kilometres per hour will commit an offence against Rule 20 of the NSW Road Rules 2014.

Incidents Caused by Inappropriate Speed

21. In recent years, the proportion of heavy vehicle incidents caused by inappropriate speed had been declining to 2019. This was made clear in a report about major heavy vehicle incidents released by the National Transport Accident Research Centre (NTARC) on 10 June 2021.²⁰ That report shows the trend did not continue in 2020, with the same percentage of losses attributable to inappropriate speed in 2020 as 2019: 13.8%.²¹
22. Two important findings from the NTARC work are critical in linking speeding issues with road safety outcomes. First, the report shows that over three quarters of inappropriate speed crashes (77.1%) are “off path on curve” crashes. These are essentially roll over incidents. The report says:

*Any crash where the vehicle does not remain upright is a critical concern due to the vastly increased risk of serious injury or death to the driver (and any other occupants). Consequently, given the high proportion of rollovers resulting from inappropriate speed, prevention of this type of crash needs to be given the highest priority within the transport industry.*²²
23. The issue of the best means to prevent these crashes is not mentioned in the report. But according to an industry expert consulted in the current context, if speed cameras are to be deployed, mobile speed cameras should therefore be placed at the lead up to sharp corners, especially where evidence shows they are ‘black spots’. Secondly, making necessary infrastructure adjustments, particularly where off-camber incidents are prevalent, should be a high priority for governments. Again infrastructure adjustments must be made, not just penalties for speeding imposed. Working to improve infrastructure would better enable heavy vehicle drivers to predict appropriate speeds on corners (e.g. through better accuracy on yellow speed corner warning signs which are not always reflective of heavy vehicle appropriate speeds, especially where “hanging” or uniform density loads are carried.)
24. In addition, most inappropriate speed crashes appear likely (in the absence of hard data or a full forensic investigation) to occur at less than the posted speed limit. Accordingly, increased enforcement of the speed limit is unlikely to significantly reduce the incidence of these types of crashes. So, if speed enforcement is to be undertaken, it is better that it occurs on or adjacent to bends than on straight sections of road.
25. These comments also highlight the issue of mobile speed camera placement a topic on which we have received member feedback. One member has commented that the

²⁰ NTI/NTARC *Major Accident Investigation 2021 Report*

²¹ Ibid p9 (noting reported losses are \$50k and above)

²² Id p10

industry's perception is that current locations appear not to be correlated with placement that is designed to directly affect safety but instead boosts revenue. The comment made was:

If an improved safety outcome is the objective, it would be expected that speed monitoring locations would align with high incident locations. However, it would appear that in most instances the locations are selected on the basis of the most likely chance of inadvertent over speed such as on down grade runs, even when there is no accident history for that location.

26. These comments lead NatRoad to recommend to the Committee that it seeks from Government greater transparency in the rationale for mobile speed camera placement and data on, for example, how much of the revenue share from these cameras relates to over speed on roads that are not considered unsafe. Greater transparency is called for: the public needs reassurance that revenue from speed cameras has not merely reduced funding from traditional sources, ultimately achieving a return to consolidated revenue, just by indirect means. In addition, a policy about the placement of cameras should be made public in draft and open for comment.

27. The other issue highlighted in the report also points to better roads assisting with fewer inappropriate speed incidents. The report says in relation to evaluation of speed zones in which these incidents occur:

While it is unlikely to be a surprise that the largest proportion (36.4%) of inappropriate speed crashes occur in 100km/h zones, when compared to the distribution of speed zones for all incident causes, it is 80km/h and 90km/h zones which are over-represented, with 22% of Inappropriate Speed crashes occurring in these speed zones compared to 13.1% for all crash types.²³

28. The report therefore indicates that B-roads are likely to present an elevated risk of inappropriate speed crashed when compared with highways.

29. Accordingly, NatRoad supports current government measures to better shape roads to prevent incidents as the preferred method of reducing inappropriate speed incidents for heavy vehicles.

Conclusion

30. NatRoad recommends to the Committee that it asks Government to reinstate warning signs in relation to the operation of mobile speed cameras. At the same time, better identification of problematic stretches of roads, especially where roll overs of heavy vehicles occurs, should be identified. That identification should guide placement of mobile speed cameras, the policy on which should be made public in draft for comment.

²³ Ibid

31. NatRoad also recommends that the Committee ask Government to provide better records relating to heavy vehicles and that light and heavy vehicle statistics in all offence categories be separately shown in the Revenue NSW data.