

**TRANSPORT ADMINISTRATION AMENDMENT (COMMUNITY ROAD SAFETY
FUND) BILL 2012**

PROOF

6 SEPTEMBER 2012

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Bill introduced on motion by Ms Gladys Berejiklian, read a first time and printed.

Second Reading

Ms GLADYS BEREJIKLIAN (Willoughby—Minister for Transport) [3.27 p.m.]: I move:
That this bill be now read a second time.

I am very pleased to introduce this money bill on behalf of my colleague the Minister for Roads and Ports in the other place. The main purpose of this bill is to establish a dedicated fund—the Community Road Safety Fund—that will receive fine revenue from camera recorded speeding and traffic light offences. The bill provides that the fund will be used to meet the cost of delivering road safety initiatives in New South Wales. Last November a petition signed by 13,500 NRMA Motoring and Services in support of the hypothecation of fine revenue from driving offences to fund road safety measures was tabled in the Parliament. This Government has listened to NRMA Motoring and Services members and the wider community. The petition requested the New South Wales Government to commit revenue from traffic fines to improve road safety, and that is exactly what it is doing.

Importantly, and as recommended by the NRMA, the Government will spend the money on road safety engineering works, enhanced high-visibility policing and road safety education. The Road Safety Advisory Council, which represents key industry stakeholders such as the NRMA and government agencies such as the NSW Police Force, will advise the Government on the important road safety initiatives that should be funded. Today I have the privilege of introducing this bill knowing that it reflects broad community sentiment and that it will be yet another measure designed to strengthen the integrity of speed camera programs in New South Wales.

Responsibility for the strategic direction and funding of the road safety program in New South Wales rests with the Centre for Road Safety within Transport for NSW. Road safety programs are delivered by the Centre for Road Safety in partnership with operating agencies such as Roads and Maritime Services and other partners including the NSW Police Force, the Department of Education and Communities and local government. For this reason, the bill provides that the Community Road Safety Fund will be administered by Transport for NSW. These financial provisions are being introduced as an initiative of the NSW Speed Camera Strategy, announced on 1 June 2012, and have come about following feedback from the New South Wales community. It is important to understand the context of and reason for this new funding arrangement.

The cost of road trauma in New South Wales is high. Each year approximately 400 people are killed and more than 26,000 people are injured on our roads. While much has been done to reduce the road toll since the 1970s, ongoing commitment and funding is vital to reducing the cost of road trauma to the community. The New South Wales Government is currently finalising the development of a comprehensive NSW Road Safety Strategy which will highlight its road safety priorities for the next 10 years. This strategy has been developed in consultation with community groups and stakeholders to ensure it reflects best practice road safety and community priorities. As the single biggest contributing factor to the road toll, speeding is a key area for action. On average, about 40 per cent of road fatalities, or approximately 170 deaths each year, can be attributed to speed. Speed-related crashes also cost the community approximately \$1.7 billion annually.

Addressing this challenge will include, together with other measures, the implementation of the overarching New South Wales speed camera strategy. The NSW Speed Camera Strategy was developed following the Auditor-General's review of speed cameras, which found that the right speed camera in the right location can save lives. The strategy outlines how speed and red light speed traffic cameras are used in New South Wales to supplement traditional enforcement conducted by the NSW Police Force to reduce speeding and improve safety on our roads. Camera programs are delivered in a partnership between Transport for NSW and Roads and Maritime Services. There is also close collaboration with the NSW Police Force to ensure cameras are used strategically in locations where there is a known road safety issue.

This targeted enforcement is part of the broader strategy to improve road safety and is delivered alongside other measures in the road safety program, which include engineering works, public education campaigns, education programs and enhanced police enforcement. Together these road safety initiatives are critical to achieving the NSW 2021 State plan commitment to reduce deaths on our roads. The Auditor-General's review of speed cameras, which was completed in July last year, also made a number of recommendations to strengthen transparency and improve public confidence in the road safety benefits of camera programs. The Government accepted all of the audit recommendations and the NSW Speed Camera Strategy outlines the range of measures introduced in New South Wales to ensure that camera programs deliver road safety benefits and meet community expectations.

The goal of our camera programs is very simple: to slow down drivers to reduce the likelihood and severity of crashes. For that reason, we have changed the name of these cameras to reflect the fact that they enforce both red light running and speeding; we have implemented enhanced warning signage on the approach to red light speed cameras; and we have enhanced the warning signage on the approach to mobile speed camera sites to ensure drivers are aware of enforcement locations. This is about achieving a balance between fairness and ensuring drivers who do the wrong thing are called to account.

Importantly, while the mobile speed camera program is being expanded to 7,000 enforcement hours per month, this is 40 per cent less than the 12,200 hours of mobile speed camera operation that the former Labor Government intended to implement. We also want the

community to be confident that we are enforcing in the right place. We are determined not only to say that cameras are effective at improving road safety but to provide the evidence. Transport for NSW recently published the first annual speed camera review, which evaluated all speed cameras in New South Wales to ensure they were actually delivering the promised road safety benefit. All of this information has been made available online. This review highlighted how effective our fixed speed camera program has been, delivering an 87 per cent reduction in fatalities, 38 per cent reduction in crashes and 37 per cent reduction in injuries in the last five years. This is a saving of 53 lives.

This bill is the next step in delivering on the Auditor-General's recommendations and increasing the transparency of speed camera enforcement in New South Wales. This bill will ensure that revenue from speed cameras is directly assigned to the vital road safety program in New South Wales that is overseen by the Centre for Road Safety in close consultation with key stakeholders and the community. Motorists who are detected speeding or running red lights face both a fine and demerit points on their licence. This provides a strong deterrence to drivers who would otherwise jeopardise the safety of our roads. To date, revenue collected from automated speed and traffic light enforcement has been paid into the Consolidated Fund. These funds have been directed to the delivery of all government programs, including, but not limited to, road safety. We know that there is broad community support for penalising drivers who do the wrong thing. However, the community also wants assurance that revenue generated in the name of road safety is being used in a targeted way to improve our roads, educate road users and reduce the road toll.

Hypothecation of fine revenue is common practice in most Australian jurisdictions, including Queensland, Western Australia, Victoria and South Australia. It also has been used in a different context in New South Wales. The Marine Rescue NSW contribution from boaters in New South Wales is used in its entirety to fund Marine Rescue NSW, a volunteer-based organisation whose aim is to improve safety on waterways in New South Wales. As noted, this bill will establish a special fund to be administered by Transport for NSW and dedicated to meeting the costs of delivering road safety in New South Wales. The bill defines the type of fine revenue to be paid into the fund with reference to the Road Transport (Safety and Traffic Management) Act 1999. This is the key piece of legislation that defines and provides authority to conduct camera-based speed and traffic light enforcement in New South Wales.

All revenue generated from speeding offences detected by an approved speed-measuring device and recorded by an approved camera recording device and traffic light offences detected by an approved camera detection device will be paid into the fund. This includes offences detected by fixed devices, including school zone fixed, mobile and red light speed cameras. The provisions also specifically allow for revenue from heavy vehicle speeding offences detected by an approved average speed detection device used in point-to-point speed enforcement to be paid into the fund. This means that all revenue generated by the four types of cameras used in New South Wales will be directed into the fund. It includes fines paid by individuals and the higher penalty amounts paid by companies who refuse to nominate the driver responsible for a camera-detected driving offence. The effect is simple: Drivers who ignore the law and put other road users at risk will be paying for road safety in New South

Wales.

The bill also includes a regulation-making power to allow for revenue from other speeding and red light offences to be paid into the fund. Any regulation of this kind requires the concurrence of Treasury. This is a measure to ensure efficiency and to futureproof the fund in the event of changes to speed or traffic light enforcement practices or adoption of new technologies. This is consistent with the intent of the bill and will enable a more flexible and timely process for minor changes. At this time revenue from speeding, red light or other traffic offences that are detected by the NSW Police Force while on patrol will not be directed into the fund. As noted, the fund will be used to meet the cost to government of delivering road safety initiatives.

This bill includes a broad definition of the road safety functions of Transport for NSW. This definition reflects the diverse work delivered by the Centre for Road Safety and its implementation partners. Key functions include developing programs, projects, strategies and campaigns to promote or improve road safety, providing advice and assistance to public and local authorities to improve road safety and conducting road safety research and testing. In 2011-12 the cost to the State Government of delivering these road safety functions was \$231 million. This figure excludes additional funds provided by the Federal Government to deliver road safety improvements under the Federal Black Spot Program. This represents a record investment by the State Government in road safety in New South Wales and is money well spent.

The intent of the establishment of the Community Road Safety Fund is to maintain State road safety funding to at least this level of \$231 million, indexed for consumer price index increases. Each and every year the broad range of initiatives delivered within the road safety program are prioritised by Transport for New South Wales by considering evidence-based analysis of issues and risks that lead to crashes in New South Wales. The initiatives combine engineering solutions with proven enforcement and education programs. Community and stakeholder input is sought on an ongoing basis through the Road Safety Advisory Council and consultation in the development of road safety strategies.

Ensuring kids are safe near and on the road is always raised as a priority for the community. The Government shares this concern. Initiatives in the road safety budget to ensure the safety of children include the Government's \$17 million commitment to install flashing lights in school zones over the next four years. This commitment includes both the original funding of \$13 million plus a further \$4 million to install flashing lights in country and regional school zones. This is in addition to the ongoing funding for school crossing supervisors and other safety initiatives around schools. These measures are combined with school education programs delivered in partnership with the Department of Education and Communities.

Road safety messages also reach local communities through the Centre for Road Safety's partnership and funding support for council road safety officers. The local government program operates in regional and remote areas, as well as towns and cities. This enables us to

address different road safety concerns at a grassroots level. All these initiatives contribute to keeping children and local communities safe and will be funded by the Community Road Safety Fund. As the Government has consistently maintained, speed cameras are in place to supplement, not replace, hands-on police enforcement. In a practical way, this fund will strengthen and ensure increased police presence on our roads. The road safety budget includes an allocation to fund additional high visibility enforcement by the NSW Police Force, such as, random breath testing and roadside drug testing operations. This cost will be met by the fund, ensuring an even greater police presence on our roads in high-risk periods.

The budget also includes ongoing delivery of the targeted road safety engineering projects that have been established under the Road Toll Response Package. This program of works was developed to address the spike in the road toll in 2009. It has provided ongoing funding for high priority engineering and review works delivered by Roads and Maritime Services and local governments. Works include the installation of roadside safety barriers, route safety reviews of State highways, the installation of pedestrian fencing, targeted motorcycle safety works and the development of pedestrian and motorcycle safety strategies. Under the proposed arrangement, money to deliver this and other road safety engineering works will continue to be provided by the fund. The Centre for Road Safety is also funding the newly established central business district motorcycle squad to address congestion and road safety issues in the Sydney central business district. This will continue to be resourced through the Community Road Safety Fund.

Last but not least, Transport for NSW develops targeted public education campaigns to raise awareness of unsafe driver behaviours, including speeding, drink-driving, fatigue and the non-use of seatbelts. These campaigns are high profile and effective. Most recently, Transport for NSW launched the Plan B campaign, targeting drink-driving. This campaign was launched with the full support of the NSW Police Force and is yet another example of the type of initiative that the fund will support. The road safety program is a priority of the Government and is delivering real benefits for the community. The introduction of this fund will enable State funding of the road safety program to be maintained into the future at the record high 2011-12 level of \$231 million, indexed for consumer price index increases.

The bill also provides for funds other than fine revenue to be directed into the Community Road Safety Fund to ensure that the road safety budget is maintained at current levels. In the 2013-14 financial year speed camera programs in New South Wales are expected to generate \$137 million. This money will be paid into the fund but is less than the current road safety budget. It is important to note that projected revenue is based on current speeding behaviour. Speed and red light cameras in New South Wales are designed and have been proven to change driver behaviour through increased compliance. As outlined in the New South Wales Speed Camera Strategy, the mobile speed and red light speed camera programs will expand over the next two years. In the short term, greater enforcement will result in a higher number of infringements and higher revenue. Over time we will see the number of infringements issued at camera locations decrease and associated revenue decrease. The recent annual review of speed cameras clearly shows this downward trend at most fixed speed camera

locations. This is consistent with international research and infringement trends in other jurisdictions.

It is a good outcome for road safety. We neither expect nor desire the initial increase in revenue to be ongoing. For this reason, the bill enables additional funds to be directed from Transport for NSW to the Community Road Safety Fund. This will ensure that there will be enough in the fund to maintain State Government road safety expenditure at least at current levels. The bill also includes a provision for money in excess of that required to deliver road safety programs to be paid from the fund into consolidated revenue. I make it clear that the purpose of this fund is to finance road safety. The community can be confident that no payment will be made out of the fund without an assurance from Transport for NSW and the concurrence of Treasury that all State road safety programs are funded. If that assurance is provided, this provision will allow excess revenue to be directed to the Consolidated Fund where it will contribute to the delivery of other priority government programs such as health and education.

Consistent with the financial duties of Transport for NSW under the Transport Administration Act, a full account of income and expenditure of the Community Road Safety Fund will be produced each financial year. This will be publicly available through the annual report of Transport for NSW and will provide the community with a transparent account of how much revenue is generated by camera enforcement and how it is being spent. This will be in addition to the up-to-date infringement rates and revenue information for each and every camera site that is already made publicly available on the State Debt Recovery Office website. The Centre for Road Safety also will continue to annually report on speed camera performance.

The measures I have proposed today, which were put forward by my very capable colleague in the other place, will provide a direct funding source for road safety initiatives in New South Wales. They send a clear message that road safety is a high priority for the Government. The public will receive a transparent account of how funds generated from cameras are being used and can have confidence in the road safety goals of New South Wales speed camera programs. If drivers are concerned about having to pay fines they just need to slow down and observe the road rules. If they do, it is a win for the community because fewer lives will be lost on our roads. I congratulate my colleague in the upper House on putting this bill forward. I commend the bill to the House.

Debate adjourned on motion by Mr Robert Furolo and set down as an order of the day for a later future day.