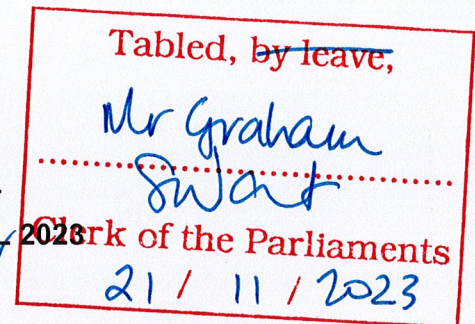


**TRANSPORT LEGISLATION AMENDMENT  
(AUTOMATED SEATBELT ENFORCEMENT) BILL 2023**  
Statement of Public Interest



**Need: Why is the policy needed based on factual evidence and stakeholder input?**

The Bill implements a key action in the government's 2026 Road Safety Action Plan (Plan) and will contribute to road safety targets of a 50 per cent reduction in fatalities and 30 per cent reduction in serious injuries by 2030, and a long-term target of zero trauma by 2050, consistent with the National Road Safety Strategy 2021-2030 targets.

Most people (approximately 99 per cent) fasten their seatbelt as soon as they get in their vehicle. The small numbers who do not, double their risk of dying in a crash. Between 2018 and 2022, 142 drivers and passengers have been killed not wearing a seatbelt. This is an average of 29 lives were tragically lost each year and another 76 people seriously injured in crashes where they weren't wearing seatbelts. A concerning increase in the percentage of fatalities involving the non-use of available seatbelts has also been observed with an increase from 13 per cent in 2019 to 16 per cent in 2022.

Evidence shows that a person is twice as likely to survive a car crash if they are wearing a seatbelt. This program is designed to encourage behaviour change and increase correct seatbelt use. Automated enforcement focuses on encouraging deterring drivers from illegal behaviour by enabling anywhere, anytime detection; if people believe they are likely to get caught and penalised, they are less likely to commit an offence.

**Objectives: What is the policy's objective couched in terms of the public interest?**

The Bill will amend road transport and other legislation to introduce camera-based seatbelt enforcement. This is intended to reduce non-compliant behaviour and better address the 15 per cent of vehicle occupants who died on NSW roads that have seatbelt non-use as a contributing factor.

Specifically, the Bill will:

- Authorise the Governor to approve cameras (that have the capabilities outlined in the legislation) to detect certain seatbelt offences
- Enable photographs of vehicles taken by an approved traffic enforcement device to be used as evidence of a seatbelt offence
- Provide that a camera device approved for detecting seatbelt offences must be capable of recording the registration number of the vehicle
- Amend the definition of 'detectable traffic offence' detected by a camera to include 'seatbelt offences'
- Apply 'operator onus' provisions to camera detected seatbelt offences to enable registered operators to nominate the driver of the vehicle at the time
- Amend the *Transport Administration Act 1988* to require fines from camera detected seatbelt offences, like other camera detected road safety offences, to be paid into the Community Road Safety Fund to be used for road safety purposes.

**Options: What alternative policies and mechanisms were considered in advance of the Bill?**

The amendments are required to give effect to the NSW Government's commitment to reduce trauma from seatbelt non-compliance as part of the Plan.

Alternatives include continuing with existing enforcement by NSW Police only, which would not be expected to achieve the same reach, deterrence and road safety outcomes as camera-based enforcement.

**Analysis: What were the pros/cons and benefits/costs of each option considered?**

Seatbelt enforcement is currently dependent on on-road Police observation and enforcement. By using both Police and automated enforcement, road safety outcomes can be optimised. Police enforcement is highly visible and is important in the overarching enforcement of road laws including drink and drug driving which cannot be enforced using cameras. Automated camera enforcement complements Police activities by ensuring efficient, cost-effective enforcement of high risk behaviours across the network including locations and where on-road policing is more difficult. Camera-based enforcement aims to reach close to 100 per cent of the driving population and deliver an annual rate of over 20 checks per registered vehicle across all vehicle types.

Independent modelling estimates that improved enforcement of seatbelt use could prevent around 17-26 fatalities and 41-62 serious injuries over a five-year period.

The cost of automated seatbelt compliance is relatively low as it makes use of existing camera systems and is forecast to be offset by revenue from fines.

All fines will be directed to the Community Road Safety Fund to offset program costs and fund other road safety initiatives.

**Pathway: What are the timetable and steps for the policy's rollout and who will administer it?**

The legislative provisions will commence on assent of the Bill, however an implementation period of approximately six months will be required which will include road rule clarifications, approval of camera devices and systems changes.

Detection of seatbelt offences will likely begin around mid-2024. Enforcement will be preceded with a warning letter period before issuing infringements and a communication and education campaign to increase awareness and promote compliance with road rules.

**Consultation: Were the views of affected stakeholders sought and considered in making the policy?**

Government agencies were consulted on the development of the Plan including the proposal for automated seatbelt enforcement. More recently, impacted agencies have been engaged throughout the development of the Bill.

Plan development included consultation with the NSW Government's Road Safety Advisory Council, expert workshops, stakeholder meetings including with local government and NSW Police, community forums with over 380 people, and online surveys in early 2021 with over 3,600 community respondents. Around two thirds of those surveyed agreed that using existing cameras to enforce other road rule offences would help to improve road safety and only 12 per cent disagreed.

**MINISTER FOR ROADS  
MINISTER FOR REGIONAL TRANSPORT AND ROADS  
October 2023**