

**Submission
No 21**

INQUIRY INTO SPEED ZONING AND ITS IMPACT ON THE DEMERIT POINTS SCHEME

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Greg Aplin, MP
Chair, Staysafe

Parliamentary Joint Standing Committee on Road Safety

Dear Mr Aplin

Inquiry into Speed Zoning and its impact on the Demerit Points Scheme

In line with a Safe Systems approach, adopted in NSW and by the Australian Government, management of speed on our roads is important in providing a safe environment for all road users. As the terms of reference state, there is no doubt that speed, including drivers travelling at inappropriate speeds for the conditions, significantly contributes to a high proportion of road deaths. The challenge for Government is setting appropriate speed limits and importantly, ensuring compliance with these limits.

Speed limits are set after consideration of a wide variety of factors, including safety rating of the road, number of lanes, volume of traffic, traffic mix, safety of roadside, sightlines, access to housing or other buildings, and crash data. However, it is also crucial that mobility for those travelling in motorised vehicles is balanced against safety for all road users, including vulnerable road users such as pedestrians, cyclists, motorcycle riders and those on public transport. As our urban areas become more densely populated, there will be more discussion required about the trade-off between mobility and safety. This is particularly important when we consider that in Australia, speed limits are often higher than in OECD countries (Australian Transport Council 2011), particularly in urban areas (Fildes et al 2005). Additionally, on Australian rural roads, speed limits are very frequently set at higher levels than what is dictated by the safety of the road, and roadside, in order to facilitate faster travel times for motorists. Importantly however, Australian road safety data highlights enduring high crash rates in rural regions (Australian Transport Council 2011), resulting in significant loss of life and serious injury.

Some of the challenges for Government therefore are about setting speed limits to manage safety, and ensuring drivers comply with the speed limits. Significant work needs to be done with members of the community, and motoring organisations, to ensure there is better acceptance of the need for lower speeds on higher risk roads, and about compliance with speed limits in all settings.

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The members of the Parliamentary Joint Standing Committee on Road Safety are encouraged to carefully read through the section on speed management in the National Road Safety Strategy 2011-2020 (Australian Transport Council 2011, pp59-67), which provides very sensible guidance on speed management, and is a document endorsed by all road safety ministers, including the Honourable Duncan Gay, Minister for Roads and Ports, NSW.

Please find below some further comments about several of the reference points to be considered by the enquiry.

f) the appropriateness of current thresholds in the Demerit Points Scheme for speeding offences

Under the Demerit Points Scheme in NSW drivers who commit certain driving offences such as speeding offences are charged with demerit points. Unrestricted licence holders have their licence suspended or rejected for licence renewal when they accumulate 13 or more demerit points within a three year period. The Demerit Points Scheme is generally good for road safety. However, the key problem with the current thresholds in the Demerit Points Scheme for speeding offences is that unrestricted licence holders receive only one point for speeding up to 10km/h above the speed limit.

One of the critical aims of the Demerit Points Scheme is to deter drivers from committing traffic offences that are harmful for road safety. The Demerit Points Scheme is based on an underlying principle of classical deterrence theory which posits that perceived consequences of engaging in illegal behaviour dissuade the illegal behaviour (Homel, 1988). The evidence to support this theory is strong. Specifically when individuals perceive the certainty, severity, and swiftness of punishment to be high they are deterred from committing offences (Homel, 1988). Certainty of the Demerit Points Scheme would depend on the effectiveness of enforcement as well as the law sanction processes when drivers commit a traffic offence they need to perceive that they will certainly receive demerit points and that they will certainly lose the privilege to drive once they accumulate 13 demerit points. Severity of the demerit point scheme would depend on the number of demerit points drivers receive when they commit an offence as well as the level of consequences of accumulating demerit points (i.e. licence suspension). Swiftness of the demerit point scheme would depend on how quickly drivers receive the points after they commit the offence and have their licence suspended after committing traffic offences.

The appropriateness of the current thresholds in the Demerit Points Scheme for speeding offences can be assessed in relation to the severity and swiftness of punishment. Under the current Demerit Points Scheme for speeding offences unrestricted licence holders receive only one point for speeding up to 10km/h above the speed limit (henceforth referred to as 'less than 10km/h speeding offence'). This means a driver must be *caught* for less than 10km/h speeding offence 13 times before they receive a licence suspension. This suggests the current thresholds in the Demerit Points Scheme for speeding offences are neither severe nor swift. While some may argue that less than 10km/h speeding offence is inadvertent behaviour, if a driver can be caught for less than 10km/h speeding offence 13

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times before receiving a licence suspension such speeding behavior is no longer 'inadvertent' but in fact habitual.

An extension of the classical deterrence theory considers the impact of experiencing punishment avoidance on future offending behavior (Stafford and Warr 1993). The experience of punishment avoidance has been found to have a positive relationship with the propensity to offend (Freeman and Watson 2006; Paternoster and Piquero 1995; Piquero and Pogarsky 2002; Piquero and Paternoster 1998). The appropriateness of the current thresholds in the Demerit Points Scheme for speeding offences can also be assessed with respect to these research findings. Under the demerit points scheme the real consequence of demerit points (i.e. punishment) occurs when the driver accumulates 13 points. As a result, point accumulation up to 13 points may be experienced as punishment avoidance by the offending driver. Drivers who get caught for less than 10km/h speeding offence can avoid the punishment of licence suspension 13 times and this has the risk of increasing the likelihood of speeding by the offending driver in future.

All the research findings highlighted here suggest that the current thresholds in the Demerit Points Scheme for less than 10km/h speeding offences for unrestricted drivers are inappropriate to effectively deter drivers from speeding and higher demerit points are recommended. Specifically three points for less than 10km/h speeding offence and grading upwards for subsequent speeding offences are recommended.

g) The impact of demerit points in reducing speeding behaviour

A meta-analysis of the Demerit Points Scheme across 11 countries has shown that implementation is associated with a 50% reduction in accident related hospital admissions and surgeries (Castillo-Manzano & Castro-Nuno, 2012). Further, there was a 15-20% reduction in accidents, fatalities and injuries and a 30% reduction in traffic violations and risky driving behaviours. From 26 suitable studies, only seven studies reported effects beyond 12 months, and these were largely from Spain and Italy where the Demerit Points Scheme introduction was accompanied by ongoing mass media coverage (Castillo-Manzano & Castro-Nuno, 2012). The authors concluded that the Demerit Points Scheme was effective in reducing road trauma and impacting driver behaviour. However, these effects rapidly diminished when not in conjunction with additional enforcement measures or media activity, highlighting the importance of complementary activities to maximise the effects of the Demerit Points Scheme.

Research also indicate 75% of drivers considered the accumulation of demerit points as a deterrent to speeding (Mitchell-Taverner et al., 2003). The appropriateness of speeding sanctions and the Demerit Points Scheme was generally well regarded, with most penalties considered appropriate or too lenient, and the practice of double demerit points during holiday periods was also viewed favourably (Hatfield & Job, 2006).

In a review of Queensland offence data, speeding drivers were classified as a non-homogenous group with high, mid and low range offenders; high range offenders are those

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who commit more than one speeding offence with a recorded speed of 30km/hr or more. This review indicates that compared to low and mid-range offenders, high-range offenders are more likely to be: (i) male (ii) younger than 30; (iii) provisional licence holders; (iv) also hold a motorcycle licence; (v) have a history of previous offences including unlicensed driving, dangerous driving, seatbelt violations (Watson, Watson, Siskind, & Fleiter, 2009). Further, this review determined that drivers who commit high range speeding offences are significantly more likely to commit other driving offences. Due to the multiple offending behaviours, modifying the behaviour of this problematic group can be challenging and the deterrent effect of the Demerit Points Scheme may prove insufficient with this group (Watson et al., 2009).

Overall, the DPS is effective in reducing speeding behaviour. However, effects may diminish over time unless accompanied by media activity and/or enforcement practices that reinforce the severity and certainty of demerit point sanctions. Further, low and high range speeding may require different approaches. While low range speeding may be amenable to demerit point sanctions, the unique characteristics of high range offenders render the behaviour of this group multifactorial and may thus require additional strategies to reduce high range speeding behaviour.

Thank you for consideration of our submission.
Kind regards,



Professor Rebecca Ivers

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