

**Submission
No 585**

MOBILE SPEED CAMERA ENFORCEMENT PROGRAMS IN NSW

Organisation: Wollongong City Council

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The Chair
Staysafe Committee
Parliament House
Macquarie Street
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Dear Sir/Madam

INQUIRY INTO THE MOBILE SPEED CAMERA PROGRAM

Thank you for the opportunity to make a submission to the Staysafe Committee regarding the inquiry into the mobile speed camera program in NSW and for allowing us an extension to provide our submission.

The attached response relates to the changes to the program in November 2020 and the impact in the Wollongong Local Government Area LGA.

Wollongong City Council looks forward to the outcome of this inquiry. If you require further information or clarification please contact [REDACTED].

This letter is authorised by

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WOLLONGONG CITY COUNCIL SUBMISSION MOBILE SPEED CAMERA PROGRAM

We note the Committee's terms of reference for this enquiry and have structured our submission to provide comments and recommendations in relation to each of the terms.

a) The nature and timing of those changes

- The NSW Mobile Speed Camera (MSC) program changes were implemented in November 2020. Opportunity to implement these changes as earliest as possible would have assisted to increase safety outcomes for road users. The changes included:
 1. Increased hours of operation.
 2. Bidirectional enforcement.
 3. Removal of the advanced warning signs.
 4. Removal of the Mobile Speed Camera Vehicle (MSCV) reflective signage.

Anecdotal evidence suggests that measures 1 and 2 generally received support. Reports indicate the lack of communication and engagement with the community and road safety practitioners with respect to changes 3 and 4 has not resonated well with the community¹.

- The Audit Office of New South Wales report into Mobile Speed Cameras, 18/10/2018² outlined the risks to the MSCV operator. This included the risk to an operator of having to physically install the signs within the road environment. Mitigating this risk has allowed for more sites/locations to be suitable for the MSCV and enforcement can now be bidirectional if desired. There is opportunity to have this information communicated to the community more effectively.

Opportunity to improve wider community acceptance and appreciation could have included:

- A grace period implemented, post changes.
- A wider approach to the marketing, education, and promotion.
- A staged approach to the dramatic changes.

When compared to police enforcement, it is noted that there is no degree of discretion with MSC infringement notices. However, when determining the degree of penalty, tickets are issued at the Police officer's discretion. The removal of the MSC warning signs could have incorporated, caution notices issued for first time low range < 10km/h offending licence holders, who had no prior speeding offences.

Recommendation

- R1.** Stay safe committee consider MSC to remain, but with warning signs in place and a safe operating procedure developed for placement of signs for both directions if required. Any changes to be supported by a comprehensive marketing and education program with grace periods and staged approaches.

1. <https://7news.com.au/travel/transport/removal-of-mobile-speed-camera-warning-signs-in-nsw-sees-speeding-fines-skyrocket-in-february-c-2466915>
2. [Mobile speed cameras | Audit Office of New South Wales \(nsw.gov.au\)](#).

b) Research, modelling, and the evidence base of fatality and serious injury reduction

- The Audit NSW report on Mobile Speed Cameras, published in 2018, includes detail of a Transport for New South Wales (TfNSW) report. This reports on the 2016 MSC program ³.

Results included:

1. Comparing changes in vehicle speeds prior to the increase in MSC hours of operation in 2014, there was a reduction in vehicles speeding over 10 km/h and minor changes in average vehicle speeds and vehicles speeding less than 10 km/h.
 2. The compliance rate (i.e. the proportion of vehicles passing a MSC that are not fined) increased to 99.92 per cent, i.e. fewer than one in 1,000 are fined.
 3. Compared to 2014, there was an increase in speed related fatalities (127 to 159) although it is noted that there was a decrease in serious injuries (1,623 to 1,428).
- MSC infringement notice statistics were released 21/6/2021. There has been an increase in low range speeding infringements, up 1600% since the changes ⁴. This increase may indicate that the changes have had minimal impact in achieving the road safety objectives of the program: “Reduce speeding and increase road safety”. Further data analysis of high range infringement notices is required to determine if vehicles have been reducing their speeds to fall in the low range category, hence the dramatic statistical increase. The true effect of the changes requires comprehensive data where high range speeding infringement statistics is not readily available.
 - To date 19/7/2021, 162 lives have been lost on NSW roads compared to 163 this time in 2020 ⁵. COVID restrictions have reduced the number of people travelling throughout NSW. The statistics unfortunately do not reflect the travel movement changes brought on from the pandemic.

Recommendations

- R2.** The evidence base of fatality and serious injury reduction to determine road safety treatments should also be coupled with other influences and contributing factors. MSC data could also be considered such as average 50th, 85th and 100th measured speeds on all different hierarchy roads and areas of known speeding.
- R3.** Council would welcome increased consultation with the MSC program and TfNSW. It may assist the MSC program to determine if MSC program data is helping to reduce speed and speed related fatality and casualty crashes.
- R4.** A robust independent study be undertaken to evaluate the effectiveness of the MSC program along with and assessment of the impact of the recent changes.

3. <https://www.audit.nsw.gov.au/our-work/reports/mobile-speed-cameras>

4. <https://www.abc.net.au/news/2021-06-21/sydney-news-mobile-speed-camera-plan-slammed/100229668>

5. <https://roadsafety.transport.nsw.gov.au/statistics/index.html>

6. <https://towardszero.nsw.gov.au/campaigns/speed-cameras-save-lives>

R5. Similarly, public opinion should be garnered through statistically representative surveys. The surveys should preface questions on speed camera changes with benefits of reduced speeds on roads. For example:

- Do you agree slower speeds reduce crashes?
- Do you agree people should drive at or below the posted speed limit for everyone's safety?
- What would deter you from speeding?

The questions regarding speed enforcement should be framed in a way as to positively view how governments control road speed through enforcement. This form of survey could be incorporated into the package that is sent to offending licence holders plus the wider community. Currently surveys simply ask people for their opinion on the MSC changes with minimal detail and information on the program is not readily available

R6. The Staysafe committee to consider a request for statistical significant evidence that MSC are saving lives. All published reports and models should include projected cost to life benefits, compliance benefits and revenue. Including high range speeding MSC speeding offence statistics.

R7. The Staysafe committee to consider a request for a review and update of the marketing campaign for MSC.

c) The views of key road user groups, including the community views towards these changes

- There is opportunity for councils to inform the MSC program pre and post changes. Council is the conduit to the local community; council works at the grass roots level to investigate and address identified areas of concern on local roads and support TfNSW regarding state roads. This submission is the first time Wollongong Council has been given an opportunity to be involved with any component of the MSC program. Consultation with key stakeholders regarding the MSC program has not met local expectations. Wollongong Council is willing to provide continued support to the program.
- NRMA has published an article regarding the removal of the advanced warning signs ⁷.

The views in this article resonates with the wider community and include the following ideas and facts:

- The warning signs removed crucially display the speed limit where they operate, which enables motorists to check their speed. This helps reduce confusion as drivers often find themselves in areas where they may not be aware of the speed limit, or where the speed limit changes frequently.
- Signs form part of the educational tool to remind drivers to do the right thing.
- The NSW Government has pointed to the experience of other states, such as Queensland, that do not have warning signs, as justification for the removal of signs in NSW. In 2020, Queensland recorded 276 deaths on the state's roads. This was an increase of 57 deaths on the year before. And despite the impact of COVID on reduced traffic volumes.
- The NRMA wants to see more clearly marked visible highway patrols on the state's roads and especially across regional NSW, where more than two-thirds of the deaths on the state's roads occur.

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

- Community views garnered through media, council community forums, council workshops and council engagements include:
 - Belief MSC program is associated with revenue raising.
 - 5 - 10km over the posted speed limit is still accepted and drivers have been unfairly targeted.
 - Dangerous, warning signs on approach allow people to slow down safely. Removal of signs has increased drivers erratic braking behaviour.
 - Private contractors motivated by profit.
 - It is common for people to only be concerned about their street and not the broader road network.
 - If speeding is a known occurrence in an individual's street. Residents don't want to be at risk of receiving an infringement themselves for driving a small amount over the posted speed limit <10km/h. Therefore, are deterred from nominating their street for a MSC location.
 - Introducing the changes in November 2020 during the ongoing COVID - 19 pandemic has not resonated well with the community.

Recommendations

R8. Key road safety stakeholders, including Council to be consulted to inform further changes to the program.

R9. Research, reviews, feedback, and surveys regarding the changes to the MSC program need to be statistically representative.

d) The nature and oversight of compliance or enforcement contracts with government and private companies

- All MSC and fixed camera locations should be informed by State Government officers with relevant road safety skills who interact directly with other stakeholders such as Council's road safety officers. The prepared rollout locations should be appropriately managed and adhered to ensure consistency and compliance.
- The Audit NSW report on Mobile Speed Cameras, published in 2018, states TfNSW have limited resources to check whether MSC sessions are delivered in accordance with operational procedures and contract requirements. The report outlined that there was one inspector state-wide to gauge compliance on whether contracts operation was acceptable or unacceptable. It is unknown if TfNSW has improved this resourcing and the way it collects and processes this information⁸.

8. [Mobile speed cameras | Audit Office of New South Wales \(nsw.gov.au\)](https://www.audit.nsw.gov.au/reports/mobile-speed-cameras)

- Section 2.2 of the Audit Office report 'MSC location selection and prioritisation': Outlines a list that Roads and Maritime Services developed regarding procedures for selecting sites in locations identified by Transport for NSW. Procedures include:
 - 1. Must have a minimum 100 metres straight section of road in front of the intended parking position of the speed camera vehicle.**
 - Observed non-compliant example in Wollongong LGA: 2021 - Five Islands Road Unanderra location. MSCV parked 20 metres left and parallel of the travel lane on the verge with vegetation and trees within 100 metres of the MSCV.
 - 2. Not use the surrounding area to disguise or conceal the MSC vehicle.**
 - Observed non-compliant example in Shellharbour LGA: 2019 - Illawarra Highway Albion Park. Identified regularly, an MSCV parked in the shaded area of trees and blocked by shrubbery. Deliberate concealment of MSCV with broken branch hanging down from tree on approach.
 - 3. Generally, not be operating during peak traffic periods.**
 - Observed non-compliant example in Shellharbour LGA: 2021 WSCV North bound regularly parks in the outside travel lane on Terry Street Albion Park (on approach to the Illawarra Highway) during peak AM school travel times. It's the busiest street in Albion Park. MSCV parked 30 metres south from the Russell Street traffic signals. Drivers are forced to brake sharply, not to slow down, but to move into right lane to overtake MSCV. 15 minutes delays experience daily on this stretch of road. See Appendix A for list of Wollongong LGA MSC locations.
- Noncompliance of MSCV operating procedures may compromise legality of infringement notices issued. If a driver was fined and took the case to court and it was determined that the operator did not follow guidelines, the infringed driver may be acquitted.
- The Audit Office report also outlines that vehicles recorded by the MSC program that have number plates obscured and have infringements culled are not analysed by TfNSW or Police. This directly identifies that the program is not making an impact on the driving behaviour of vehicle owners that can't be detected and identified.

Recommendations

- R10.** The Staysafe committee to consider a request for, investigation into the storage, collection and culling of infringement data.
- R11.** The Staysafe committee to consider a request for, investigation of direct on-site safety audits, operation, and compliance of the operating procedures of MSC.
- R12.** To ensure the best road safety benefits for the community MSC operator training requires extensive auditing to ensure operators are fit, functional and compliant
- R13.** The Staysafe committee to consider a request for an investigation into whether MSCV have caused or been involved in crashes.

e) The projected impact on revenue generated by these changes

- In June 2021, media published stories regarding the rise in revenue from the current MSC program. There has been an increase in low range speeding infringements, up 1600%^{9,10}. This increase in revenue and the impact on the road networks and society is unknown. There is a community expectation that we will see a greater channelling of funds for road safety infrastructure and education.
- Increased fines equal increased revenue and equates to more funding for road safety, the MSC program still needs to operate in a fair and equitable manner. When done so, the MSC program should not solely be relied on to fund ongoing road safety.

Recommendation

R14. The Staysafe Committee consider a request for an investigation into how best the state government can forecast the use of the proposed MSC program revenue for Road Safety benefits. Consultation with Councils should occur to design this funding program in order to ensure timeframes to design, construct and deliver road safety programs or infrastructures are appropriately considered.

f) The ongoing funding of road safety and the Community Road Safety Fund, both through fines and enforcement activities, and future government contributions

- Ongoing funding through MSC revenue is fundamental for continued road safety education, road network infrastructure and operational treatments.
- MSC revenue for road safety and road safety education should be coupled with alternative government grant contributions. Safer people form part of the four pillars of the safe systems approach adopted in NSW to target road safety (safer roads, vehicles, speed, and people). Education remains pivotal in helping reduce road trauma.

Recommendation

R15. Revenue should be channelled into increasing road safety and not be 'banked on' and should only be an addition to state and federal funds sterilised for road safety

R16. The Staysafe committee consider a request for all road safety benefits to be outlined, clear and transparent for the community. General statements advising the community that revenue will go towards road safety without a broader explanation may contribute to the high level of resentment.

9. <https://www.abc.net.au/news/2021-06-21/sydney-news-mobile-speed-camera-plan-slammed/100229668>

10. <https://www.9news.com.au/national/nsw-secret-speed-camera-punishing-families-and-tradies-labor-claims/39c637ed-787a-400a-b266-2671c1a14482>

g) Enforcement activities, including the balance between direct police enforcement and camera enforcement

- There is a community expectation that enforcement is coupled with education and communication. An example of a coupled enforcement activity includes: the NSW Police educational component of their enforcement. NSW Police advise and promote to the community via print and social media when they will be conducting speed blitzes, double demerits, random breath tests, mobile drug test and increased enforcement. This can occur during long weekends, school holidays or known locations when increased vehicular activity is identified. Currently the educational component for the MSC program is limited to the statement that 'mobile speed cameras save lives.
- It's apparent that increased police enforcement activity only occurs when resources allow. Police have limited highway patrol staff. One example includes: Shellharbour Local Area Command have not had an increase in the number of their highway patrol officers in 20 years. This lack of strong enforcement task force should be a prioritised and addressed.

Recommendation

R17. The Staysafe committee to request that direct police enforcement and camera enforcement should remain a shared responsibility

R18. The MSCV program changes have seen an improvement with more sites and more vehicles. To ensure drivers are making safe real time behavioural changes, advanced warning signs should be re-instated.

R19. The Staysafe committee consider a request for a review and update of marketing campaign for the MSC program to reflect a fairer approach to enforcement which includes education. Revenue from the MSC is claimed to be injected directly into road safety initiatives. This could include: direct messaging in the form of a survey issued at the traffic offender intervention programs (TOIP). Invitation for offenders to provide feedback to be included with infringements notices. Directly targeting those who are committing offences could help to identify nature of offenders, their driving habits and contribute to a review into identifying how to combat speeding and reduce repeat offences.

R20. The Staysafe committee consider a request for Centre for Road Safety (CRS) to develop new localised advertising and marketing. CRS developed specific messaging for the pedestrian road safety campaign 'Look Out Before You Step Out' ¹¹. Specific LGA poster and media tiles designs were developed i.e.

✓ Poster message: *(Number of pedestrians) were injured in (LGA) - Look Out Before Step Out.*

The education for the MSC program could utilise a marketing campaign identifying the results of the program and available for specific LGA's. Development of new MSC marketing collateral could follow the pedestrian 'Look Out Before You Step Out' campaign outlined above. i.e.

✓ Poster Message: *MSC caught (Number of people) speeding in (LGA). Slow down in (LGA).*

R21. The community can access a list of streets that MSC enforce ¹². An equitable approach to education and slowing speed on local streets should be adapted. This could be similar to the enforcement blitzes that the NSW police promote. Encompassing a localised promotional aspect to the campaign i.e. radio, web, Service NSW promoting the roads and or suburbs that are being targeted in a particular month.

h) The impact to people living in regional and rural areas

- It's unclear how the specific changes have impacted regional and rural areas. It is known, the greater distances travelled by individuals for social, work and business activities increase the chance for people to experience driver error.
- Changing and inconsistent speed zones in rural council areas causes confusion and increases the chance of infringement notices issued.
- The impact may also relate to the lack of MSC resources being tasked to regional and rural areas, due to distance and smaller populations.

Recommendation

R22. The Staysafe committee to consider a request for a greater level of enforcement in regional and rural areas. The roll out of the MSC program should be fair and equitable across the state and to consider that an urban approach may have to differ from a rural approach.

l) Those of low socio-economic backgrounds and Indigenous people

- For people of low socio-economic backgrounds and indigenous heritage, minor offences do have a greater impact. Financially the ownership of a vehicle, registered and licensed can become compromised. This affects independence, access to employment and better health. Economic status does poorly benefit the higher socio-economic society who can easily pay fines and defend their infringement notices in court. An option is to revise how fines are given and their value. The European model, where fines are a percentage of income/wealth as opposed to flat fines would address disparity and variance between lower socio-economic groups and wealthier community.

11. <https://roadsafety.transport.nsw.gov.au/stayingsafe/pedestrians/index.html>

12. <https://roadsafety.transport.nsw.gov.au/speeding/speedcameras/current-locations.html>

Recommendation

- R23.** The Staysafe committee consider an investigation into better support for low socio-economic backgrounds and Indigenous licence holders who have been issued infringements for low speed <10km/h offences. Example: A two strikes low range <10km/h over the speed limit offence type disciplinary system.
- R24.** An alternative fine assistance scheme could be introduced to support licence holder of low socio-economic backgrounds or people of Indigenous and Torres Strait Islander heritage plus new refugees, cultural and linguistically diverse community (CALD). It could, for example, include community volunteer work.
- R25.** The Staysafe committee consider a request into research and implementation of the European fines system.

j) The impact on P plate drivers

- License holders aged 17 – 25 years of age are statistically the most at risk and overrepresented road user group. It is not well documented or known if the impact of MSCV is helping to save lives on our roads for this group. What is well documented is that P1 and P2 speed restrictions, reduced demerit point system (P1 – four demerits and P2 - demerits 7), and passenger restrictions has ensured improved compliance and reduction in road trauma since implemented.
- Speeding is an offence and license holders especially P1 and P2 must face the consequences. Infringements and fines issued from MSC for offences at low seed <10km/h will have huge financial implications for P1 and P2 drivers. If this continues to happen loss of licence, equalling loss of independence, potential unemployment and associated implications is concerning and will have far greater impact and burden on families and society.
- The current CRS speed related marketing campaign focuses on tactics that tell drivers what they should and should not do. For example, ‘Stop It, Or Cop It’. This hard line, finger pointing approach, has been shown to resonate with our younger generation and indigenous community.
- The NRMA and similar agencies do conduct surveys focussing on road safety. However, they historically access the older generation of drivers and that ‘squeaky wheel’ contingent of license holders.

For example: Service NSW could conduct surveys as part of licence renewal process either online and/or face to face. People can be invited to complete a MSCV survey that includes questions relating to:

- Do you agree slower speeds reduce crashes?
- Do you agree people should drive at or below the posted speed limit for everyone’s safety?
- What would deter you from speeding?

The incentive to complete could include participant receives 5% off licence renewal or in draw to win \$100 fuel voucher.

Recommendation

- R26.** The Staysafe committee to consider a broader approach to researching the views of all road user groups. Especially ways to target and survey the newer generation of license holders. Youth may suggest differently about the perceived risk of police enforcement compared to MSCV enforcement and this influence this has their driving habits.

R27. The Staysafe committee to consider a request for an improved approach into how to market road safety for this generation of road users, needs immediate review. A working 'with you' approach instead of 'against you' is the first step for this impressionable, age group.

R28. The Staysafe committee to consider an investigation into how to better support P1 and P2 licence holders who have been issued infringements for low speed <10km/h offences. Example: two strikes low range <10km.

k) Any other related matters

- To tackle speeding it would be beneficial to investigate how a collaborative approach to the MSC program can be enhanced to improve engagement with communities. Councils do apply speed strategies (collect traffic data, share this with police, deploy speed trailers for courtesy speed checks and review if any changes can be made in other pillars for speed). Council traffic and transport units regularly promote the Safer Roads NSW website and recommend residents nominate their roads for MSC enforcement.
- Wollongong LGA has not had any new mobile sites identified for numerous years. What remains as identified sites in the LGA are a key group of roads that the community see receiving repetitive MSC activity. For other residents their speed concerns don't appear to be addressed by MSC nominations. The repetitive MSC action on other roads, perceived by the community as revenue raising.
- MSCV are regularly deployed to Council roads. There is no coordination or consultation with Council over this or any mechanism for MSC deployment to respond to Council requests. The NSW Audit Office Report into Mobile Speed Camera (2018) notes MSC deployment is coordinated with Police patrols to ensure their enforcement schedules are shared and not operating within 1 kilometre of each other. The MSC deployments respond to NSW police requests and consultation with NRMA.
- Council operates a speed management program utilising Vehicle Message Signs (VMS) funded by TfNSW through the LGRSP. Coordinating locations and the deployments with MSC could improve compliance. This could include the use of tube counts when MSCV are not in operation. It could help determine if there has been a change in driver behaviour as a direct result of the MSCV enforcement prior.
- When and if road works occur on identified MSC roads, council is not consulted, nor have the avenue to relay details of scheduled road works to the MSC program facilitators. For both parties, the impact is unknown. Council does not know if past scheduled road works have indirectly affected scheduled enforcement and if MSCV have been redeployed to other sites as a result?
- Marked vehicles and signage help to deter speeding immediately in real time. Drivers that don't identify that an unmarked MSCV is tasked to a particular street are unfairly targeted. As a result of infringements sent up to 3 weeks post offence, motorists have received multiple infringements, after continuing to commit the same offence on the same street.
- Removal of the signs removes the opportunity to educate drivers about speeding and speed zones in real time.

Recommendation

R29. The Staysafe committee to consider a request for enhanced communication and collaboration with Councils about camera locations within their LGA including identification of new locations. At the local level Council can investigate and determine if, network upgrades, infrastructure improvements, signage installation and or behavioural campaigns targeting specific suburbs and locations could compliment the MSC program.

R30. The Staysafe committee to consider a request for speed data and infringement numbers/notices be made available to Councils.