

EXECUTIVE SUMMARY

After significant public disquiet over the issuing of speeding infringements following detection by the fixed digital road safety cameras for motorists travelling southbound on the Nepean Highway through the intersection of Davey Street, Frankston, the Road Safety Camera Commissioner ('the Commissioner') initiated an investigation vide the powers provided under section 10(e) of the *Road Safety Camera Commissioner Act 2011*. In particular, people who contacted the Commissioner claimed that they had not been afforded sufficient opportunity to adjust their driving behaviour when the speed limit reduced from 60 km/h to the lower and safer limit of 40 km/h.

During 2021, two overlapping projects were underway to reduce the speed limit along the Nepean Highway in Frankston from 60 km/h to 40 km/h. Frankston City Council managed one of the projects, which was a temporary speed limit reduction event to support the introduction of outdoor roadside dining. The other project was for a permanent speed limit reduction as a part of a broader safer speed limit strategy to reduce road trauma, particularly with pedestrians, on the Nepean Highway. This project was managed by the Department of Transport. Both projects incorporated a speed limit reduction for southbound traffic through the Davey Street intersection that is the site of the fixed digital road safety camera system enforcing speed, red-light, and unregistered vehicles offences.

The investigation was conducted for the purpose of identifying if those road users, who received speeding infringements in the period following the speed limit change, should have their infringements excused. Furthermore, the Commissioner sought to identify any gaps in the system and processes utilised to implement the speed limit reductions in the proximity of road safety cameras. Finally, what, if any, learnings could come out of this Nepean Highway Investigation to improve these systems and processes.

The investigation found that there were significant complexities brought about due to the unique nature of the two overlapping and concurrent speed limit reduction projects, along with less than effective collaboration, information sharing, and communication within and amongst the agencies involved, to be fully aware of the impact of these circumstances on the enforcement by the road safety cameras. It was also found there was less than effective communication to the community to sufficiently inform road users of the two projects and the timing for implementation of the new lower 40 km/h speed limit.

Notwithstanding these complexities, the Commissioner has concluded that at the time of these infringements in question, the speed limit was lawfully and appropriately set at 40 km/h and road users detected travelling through the intersection in excess of 40 km/h were exceeding the speed limit. The Commissioner has concluded that based on the exceptional circumstances that these complexities presented, those motorists detected in excess of 40 km/h but below the former speed limit of 60 km/h should have their offending conduct excused.

Based on the conclusions, the Commissioner has made a number of recommendations and referred to them to the appropriate department and/or agency to consider and advise in due course on the action that has been taken to address them.