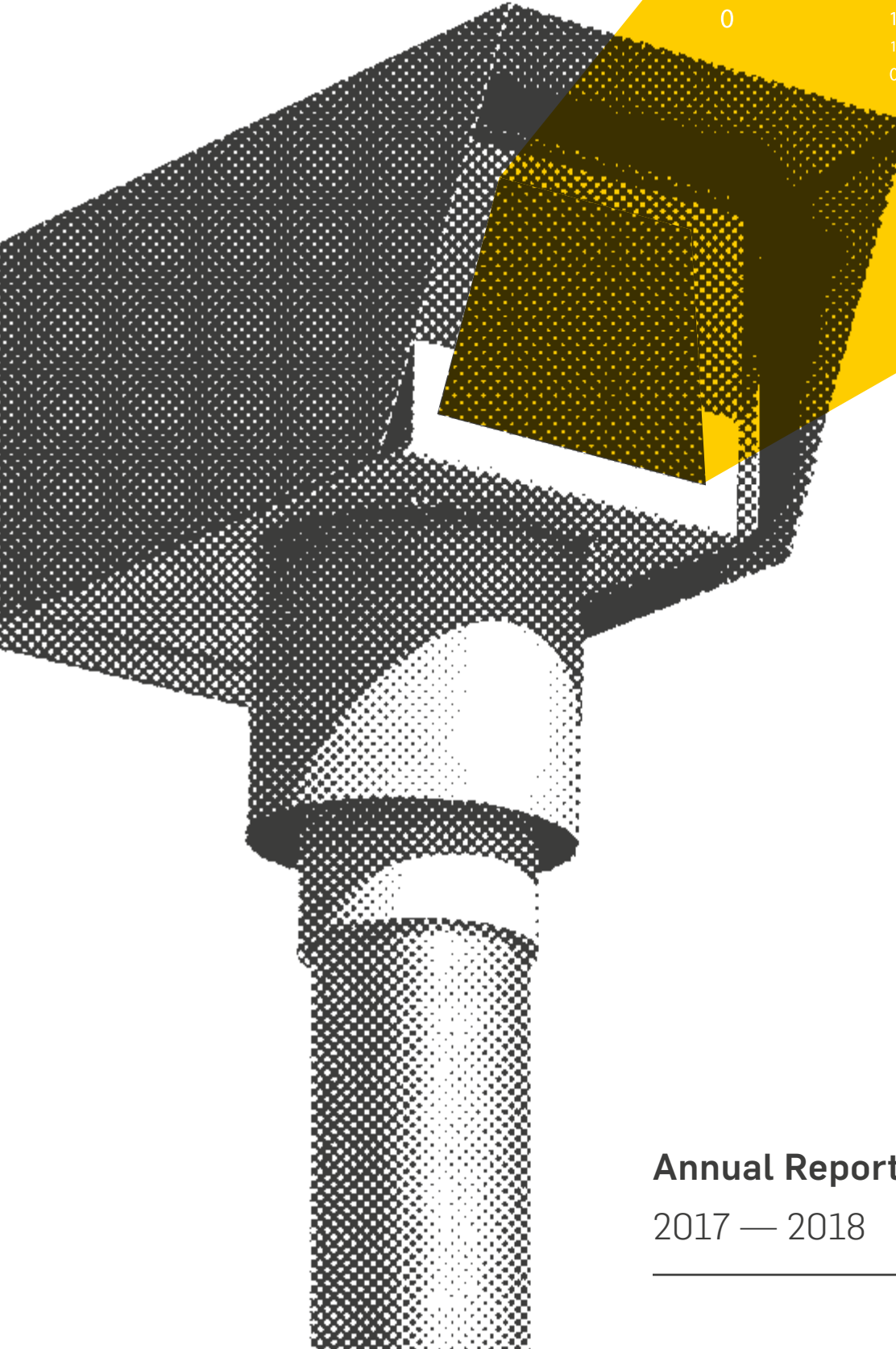




Road Safety
Camera
Commissioner



Annual Report

2017 — 2018





To

**The Honourable the President
of the Legislative Council**

and

**The Honourable the Speaker
of Legislative Assembly**

I am pleased to present to you the Annual Report of the Road Safety Camera Commissioner for the financial year 2017-2018 for presentation to Parliament, in accordance with section 21 of the *Road Safety Camera Commissioner Act 2011*.

Yours sincerely

A handwritten signature in dark ink, appearing to read "John Voyage". The signature is written in a cursive, slightly slanted style.

JOHN VOYAGE
Road Safety Camera Commissioner

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Commissioner's Message



JOHN VOYAGE
Road Safety Camera
Commissioner

This is the seventh annual report of the office of the Road Safety Camera Commissioner, and the third since my appointment. The public rightly expects accuracy integrity and efficiency in the road safety camera system. Any possible compromise of that accuracy or integrity are newsworthy topics.

The road safety camera system represents a key component of the Victorian Government's strategy to save lives and reduce trauma on Victorian roads. Speed remains the biggest road safety issue. Not only is **control reduced**, and **reaction time shortened**, but speed also results in **more severe** outcomes. Road safety cameras play a part in calming traffic speed and ensuring greater compliance with the speed limit and red traffic lights. Speed is the major road safety factor which all members of our community can do something about.

Driving at speed is **high risk behaviour**. Driving through a red traffic light is also **high risk behaviour**. Whilst these offences are more readily captured with road safety cameras it should also be recognised that there is a likelihood that the risky behaviour of these drivers is not limited to these offences.

There remains a preparedness by some people to focus on the revenue generated, rather than the voluntary nature of infringing or the consequences of risky behaviour. For example, no one would ever suggest that drink driving infringements are "only about the revenue". It would be absurd for anyone to say that *a bit over .05* was acceptable. And yet speeders make this argument. It shows a failure

to recognise the complex process of road safety. Indeed, extending the analogy, there would appropriately be outrage if someone was to suggest that *a bit of*, say, shoplifting, was acceptable. Of course it is not.

I repeat my comment from last year that I am satisfied that the existence of this office provides all Victorians with an independent and impartial avenue to raise their concerns.

In previous years I have made reference to academic studies, and to the World Health Organisation, in relation to the significance of speed in the suffering of trauma

on our roads. This year has again seen uninformed people, without any evidence other than an opinion off the tops of their heads, asserting, for example, that speed is not a major factor in road trauma. They are wrong, and evidence continues to show this, such as the World Highways report published during the year: <http://www.worldhighways.com/sections/general/news/australias-road-crashes-identify-speeding-as-major-cause/>

For those interested, another paper on the topic can be found at: <http://www.advanceddrivers.com/2018/01/23/belief-that-speed-doesnt-cause-crashes-is-untrue-deadly/>

THE COSTS OF ROAD TRAUMA

The federal Bureau of Infrastructure Transport and Regional Economics delivered a report *Cost of Road Crashes in Australia* in 2010, based on 2006 data. It can be found at https://bitre.gov.au/publications/2010/files/report_118.pdf

Amongst its conclusions were:

- The social cost of road crashes was an estimated \$17.85 billion in 2006,
- Human losses and related costs were 61.5 per cent of the cost of crashes,
- Fatal crashes cost an estimated \$3.87 billion,
- Injury crashes cost an estimated \$9.61 billion, and
- Property damage crashes cost an estimated \$4.36 billion.

The BITRE has generated and encouraged other investigations. One researcher estimated the (updated) total social cost of road crashes in Australia for 2016 was \$33.16 billion. See: <https://www.aph.gov.au/DocumentStore.ashx?id=a37c13ee-72d4-47a9-904b-360d3e635caa>

Aside from the pain and suffering, the grief and loss caused by road crashes, this financial impact is a further compelling reason for road safety to be a foremost consideration.

High risk driving behaviour is not a victimless crime; **not every time.**

I thank members of the public who have taken the time and effort to write to me to express their concerns in relation to many aspects of the road safety camera system. The public's communication is vital for the vigorous scrutiny of the system. My intention is to continue to welcome questions from the driving public, and to thoroughly investigate their complaints.

ACHIEVEMENTS IN 2017/18

During the 2017/18 year the office of the Road Safety Camera Commissioner has been asked to intervene in, or to investigate, issues relating to instantaneous speed road safety camera systems, point-to-point speed road safety camera systems, and red traffic control signal road safety camera systems. This year there were two significant investigations:

- WannaCry Virus Investigation
- Hume Freeway information

Further, from last year, I had intended to return to the Peninsula Link investigation for issues that it raised in relation to the apparently anomalous statistics of the camera on Peninsula Link at Lodders Road. As will be discussed below, this was not possible during the 2017/18 year.

This year we built on work of this office since inception in 2011. The duties of this office have continued to rotate around assessing the integrity accuracy and efficiency of the road safety camera systems.

Each year this Office has reported that there was no technical or mechanical error found in any of the road safety camera systems. Each time, after careful scrutiny, the road safety camera systems were found to be operating accurately, and their integrity was repeatedly validated. I again say with confidence that there have not been any systemic errors which caused inappropriate infringements to be generated.

This year was dominated by the WannaCry Virus investigation. As described below, the system was fortunate because this

variant of WannaCry was capable only of **(a)** spreading to Windows 7 machines and **(b)** causing Windows XP machines to crash. There was **no compromise** of the integrity of the data, and no inappropriate infringement could have been generated by, or as a consequence of, the virus. But for the WannaCry Virus the road safety camera system might have continued without urgency toward continuous improvement; this and other governance issues were disclosed by the investigation into the virus.

The 2016/17 year contained one extraordinarily detailed analysis of data of all drivers on Peninsula Link, in which an unmistakable pattern of driver behaviour – **all drivers** – was clear. The Peninsula Link investigation showed a pervasive culture of all drivers of slowing at cameras and speeding in between. The digital version of my report contained an animation of data, for each point-to-point speed; the animation paired the average point-to-point speed with instantaneous speeds entering and exiting a point-to-point zone. That animation is repeated below in Animation 1 on page 21. The enormous amount of data on which that animation is based leaves no doubt of the accuracy of the analysis of the behaviour of drivers, speeding between instantaneous points, and then slowing.

The 2017/18 year contained analysis of driving on the Hume Freeway and in particular the point-to-point system involving Amaroo Road. It had some aspects in common with the Peninsula Link investigation, but the complaining group was revealed to be much smaller and their complaints were not consistent.

SOCIAL MEDIA

Last year I expressed alarm at the readiness of members of the public to undermine the integrity of the road safety camera systems and the people who work with them.

This year has seen another Facebook group form, and generate apparent disquiet and public uncertainty, agitation and perhaps cynicism in relation to the road safety camera system on the Hume Freeway. This year's Hume Freeway (Facebook) group behaved in a way consistent with seeking to undermine confidence in the road safety camera system by alleging they had been inaccurately assessed as speeding. As it turns out, they did so in circumstances which were unconvincing, and for which there was no evidence in support, and strong evidence against. As described below, the Hume group was a very small one who asserted they were a big one; and all members refused to permit their data to be independently assessed for a report.

Whilst freedom of speech, and the public's right to expect scrutiny transparency and communication are vital, the fact is that many of the complaints were wholly unjustified, and the people making them knew they were wholly unjustified.

Many of the complainants must have been knowingly insincere in their complaints, and behaved in a fashion as if following what they apparently considered to be a template to attack the integrity of the road safety camera system and the people who work in it. Regrettably, this group found some limited support in the mainstream media, some of whom treated social media performances as if they were scrutinised facts, and which were willing to create sensational stories in preference to rigorous analysis of the facts. Their behaviour reflected an attitude of forsaking the consequences both of their illegal driving and of their subsequent actions.

Indeed there have been occasions where the existence of a few posts or tweets on social media being treated by one or more journalists as a source to generate a story. This has societal consequences. The possibility that the content is fabricated seems to have not been a concern for the journalist(s) involved. There is good reason to consider the International Fact Checking Network's Code of principles, see <https://ifcncodeofprinciples.poynter.org/>

On the other side of the ledger, this year has also seen an increase in the number of editorial comments on the topic, such as the Bendigo Weekly 12 January 2018:

Social media is one of the great inventions of our time, and being able to share thoughts, stories, photos and a whole lot more with the rest of world has never been easier to do. That's a good thing, but when that ease of access is used for a purpose detrimental to society, it's also extremely harmful and dangerous.

There are few aspects of civil society where mischievous dishonesty is acceptable conduct. It seems many people consider social media to be a performance rather than a documentary. In light of various social media issues it may be that the tide is turning regarding its credibility. I would

nevertheless encourage authorities to consider the possibility that these people should be made accountable for their outright dishonesty.

We have again this year seen that social media can provide a platform for unjustified, sometimes worthless, complaints to grow and to impede the respect of the road safety camera systems and those who operate them. Authentic and important concerns of the public must continue to be regarded as a fundamental of this office, and transparency of processes will continue to be the crucial.

I repeat my comment from last year that I am satisfied that the existence of this office provides all Victorians with an independent and impartial avenue to raise their concerns.

SIGNAGE

In 2016/17 the Western Ring Road investigation highlighted public concerns about signage, in relation to road works or hazards in Lane Use Management System ("LUMS") for variable speed limits.

A continuing repeated problem reported by drivers is what is alleged to be insufficient signage, both in road works zones and at hazards. Whilst there may be many sound reasons for the reduced speed signage, the road works signage problem has the effect of causing uncertainty and difficulty to drivers who assert they are unaware of the applicable speed limit. In turn, the presence of significant non-compliance can cause

confusion to would-be compliant drivers. This should not be an issue if the road work oversight bodies are requiring strict compliance with Traffic Management Plans. Further, as recommended in 2016/17, this compliance could be corroborated by performing and recording a drive through of the works zone before and after each session, using a dash-cam to capture the driver's experience. The existence of any uncertainty continues to raise a problem for all involved in road safety, and could lead to the position that if the signage is wrong or confusing then it is teaching drivers to ignore the signage.

OPENNESS, COLLABORATION AND CONTRIBUTION

One lesson which became apparent during the WannaCry investigation was the enthusiastic support, including fresh ideas and state-of-the-art practices, from the many expert contractors who support the system. I have recommended that there be prompt changes to ensure that they have a clear process to contribute their ideas. I have recommended cultural changes with a view to improving the integrity of the system. I am pleased with the enthusiasm with which the Department of Justice and Regulation has moved to implement these recommendations.

CONTINUOUS MONITORING OF ROADS

I repeat my comments from last year, that road authorities, and in particular VicRoads, have considered many factors in determining the appropriate speed limit. Many drivers were surprised when my office advised them that the roads are constantly monitored in real time, and as hazards are observed, lanes are closed and speed limits are reduced. Further, VicRoads engages the public to report hazards, by telephone or online. This is a **superb** effort by VicRoads, and one which, in my opinion, does not receive the credit which is due. Last year I recommended that VicRoads review its traffic

management plan guidelines and approval processes for roadworks located at or near road safety camera installations to ensure that motorists are provided with conspicuous speed limit signage before, within, and at the end of the roadworks site. In addition, there be consideration of installing signage at roadworks with the purpose of advising drivers of the anticipated distance of the reduced speed limit; and clearly stating what speed limit applies at the end of the reduced speed limit zone.

STATISTICS

During this year the office of the Road Safety Camera Commissioner has monitored and requested clarification of statistics which the Department of Justice and Regulation distributes. This clarification shall continue to be an ongoing function of this office.

The integrity of the road safety camera system requires that the public must be given data and reports which are accurate, unbiased and informative. No one would contend that there is any place for inaccurate or misleading analyses. The public has a right to expect the road safety camera system to be operated in the public interest and to be seen to be operating in the public interest.

The Department of Justice and Regulation is to be congratulated on its website <https://www.camerassavelives.vic.gov.au/> for the significant information which it provides the public. There may be further opportunities for improvement in the manner of communication from the Department of

Justice and Regulation.

During this year I had the unfortunate experience of witnessing a fatal collision. It was a shocking reinforcement of how suddenly one error of judgement can have terrible and unforgiving consequences. For me, as a witness, it was of course an unexpected and unwanted experience. However it gave me a first hand view of the outstanding work of our Emergency Services Telecommunications Authority and first responders Ambulance and Police.

Subsequently I have tracked the recording of that incident in various authorities' databases, and it has highlighted the need to improve, and standardise, nomenclature (as recommended in previous years' annual reports). Until that occurs, there will be ongoing uncertainty vagueness or inaccuracy in the data. In turn, data-based decision making might possibly be compromised until authorities can comfortably be "comparing apples with apples".

COMMISSIONER'S POWERS

The WannaCry investigation was made more difficult, and was slower and less efficient, as a consequence of limited current powers of investigation of this office. A review of those powers of investigation should assist with future work of this office.

The governance of the Fixed Digital Road Safety Camera Network was seen in the context of the WannaCry Virus investigation and the attempt to review the Peninsula

Link investigation. I am greatly appreciative of the support which I received from the Minister for Police, the Hon Lisa Neville, including her prompt and complete acceptance of recommendations set out in paragraphs 16 to 30 of the report.

COLLABORATIVE ROADCRAFT

Last year the Community Perception Survey reported of a substantial road safety compromise through **poor driver attitude**. Again this year I was alarmed at some of the driver attitudes, including the number of people who drove in a closed lane. I was surprised by the number of that group who complained about receiving an infringement notice for driving in a closed lane. And like last year's Peninsula Link investigation, the Hume Freeway led me to be alarmed at the number of people who have unquestionably been caught speeding point to point and yet complained of their innocence.

Like last year, the message to the impartial observer is that there is a **widespread lack of recognition of the risks** associated with speeding.

Last year I suggested that the car has become an instrument of competition. In 2017/18 I again suggest that we need to make collaboration a cornerstone of driving and roadcraft values. The lesson that needs to be understood is that

speed limits apply to everyone. It is not for individuals to determine what they consider to be appropriate in the circumstances.

I am grateful to members of the public who have taken the time and effort to write to me to express their concerns. My intention is to continue to welcome uncertainties from the driving public, and to fully investigate complaints. I also hope to share the lessons that may be learnt from each report.

In summary there is good reason to be pleased with this office's achievements during this year.

There might be a further message for the drivers of Victoria: **Your car is not your friend**.

The message remains: **don't speed**

I am satisfied with the integrity accuracy and efficiency of the road safety camera systems in Victoria.

HOW THE VICTORIAN PUBLIC PERCEIVES THE ROAD SAFETY CAMERA SYSTEM

I regret that some media outlets did not acknowledge that in my previous reports I observed the inconsistency between the significant number of requests from members of the public for cameras to be installed in particular locations, as against adverse media/ social media comments and sensational media stories about the revenue generated.

In 2017/18 the picture was further complicated by the findings of driving behaviour in point-to-point zones of Peninsula Link as against the instantaneous speeds on the same highway; and by

large numbers of drivers apparently being aware of the reduced speed limit on Western Ring Road but choosing to determine where they think the reduced speed limit should end and choosing their own idea of speed limit in the circumstances.

This year has seen the WannaCry infection, and further social media issues. Ultimately there is no doubt that the public accepts the accuracy and integrity of the road safety camera systems and the role they play in calming vehicle speeds and ensuring compliance with red traffic lights.

TRANSPARENCY

The office of the Road Safety Camera Commissioner has had a strong policy of transparency since its inception. The staff of the office understand the culture needs to be, and needs to be seen by the public to be, one of a consumer-oriented fair and accessible organisation.

I am pleased that the office has continued to enjoy regular exposure in the media. In this regard I am indebted to Mr Neil Mitchell and Ms Heidi Murphy of Radio 3AW for their interest in road safety, and in transparency and scrutiny of the road safety camera system. The integrity, accuracy and efficiency, and general fairness, of the road safety camera system must be transparent to facilitate scrutiny for all.

I am pleased that representatives of the media recognise the independence of the office by seeking clarification in respect of the facts when controversy about road safety camera issues arose. I will endeavour to ensure this liaison with the media continues, in the public interest.

My predecessor, His Honour Gordon Lewis has previously noted in past annual reports:

"The independence of this statutory office is, of course, paramount, and by monitoring the overriding concept of fairness in the context of the use of road safety cameras, this office will continue to serve the motoring public well."

I continue to endorse those comments.

NO SYSTEMIC CONCERNS

The integrity accuracy and efficiency of the road safety camera systems is non-negotiable. All reasonable steps must be taken to remove any reasonable doubt in the minds of Victorians of the integrity accuracy and efficiency of the systems.

Every year since the commencement of this office we have reported that there is no evidence of anyone who obeyed the law receiving an inappropriate infringement notice due to malfunction of the road safety cameras. This is again the situation in the year 2017/18. There has not been any evidence

of any inappropriate infringement notice to be sent out as a result of any malfunction in the detection or processing of infringement data from the road safety camera system.

It should be acknowledged that there have been a very tiny number of examples where human error may have led to a wrong course; but the accuracy and integrity of the road safety camera systems remains of the highest standard. Further, the scrutiny of decisions, and opportunities for review, continue to support the integrity of the system for all Victorians.

REQUESTS FOR ROAD SAFETY CAMERAS

In both 2015/16 and 2016/17 I noted that I had been surprised at the number of requests for road safety cameras at new sites which are received from the public at this office. Putting aside the fact that placement of cameras is not a statutory function of the office, I said then and I repeat that I see the requests as a public **vote of confidence** in the efficacy of cameras as a road safety tool. I see the requests as confirmation in the eyes of the general public that road safety cameras, (and implicitly the consequent enforcement of transgressions) have resulted in a calming of driver speeds and reduced running of red lights,

directly resulting in safer roads.

Members of the public request the cameras because the public know that the cameras do play an active role in reducing speed and its consequences. This shows the regard of the Victorian public has as to the effectiveness of the road safety camera system. This is a reflection on the good work of many authorities, including (but not limited to) Victoria Police, VicRoads, the Department of Justice and Regulation, the Transport Accident Commission, and many other agencies and community groups.

HOW TO MEASURE THE SUCCESS OF THE OFFICE?

Each year the road safety camera system is involved in well over a million infringements, resulting in fines of hundreds of millions of dollars. By any measure it is an activity that demands scrutiny.

The Victorian public require this office to provide a service that independently checks the accuracy integrity and efficiency of the road safety camera system. This office must be community focussed, and open to community input. In my view it must be accessible available and independent.

In my opinion in 2017/18 that independence has been shown

by the nature and extent of investigations and findings, and subsequently recommendations, in the WannaCry Investigation.

However, defining some more objective metrics is difficult. Would a year of zero complaints signify no problems by the public? Would a large number of inquiries signify confidence in this office? Each year the balance must be analysed as objectively as possible. I am confident that this office has done much to present an opportunity for inquiries to be independently investigated.

EFFICIENCY

It might not be widely known that independent experts with significant international experience in Enforcement Camera Systems, from the United Kingdom, were brought to Victoria by the Department of Justice and Regulation to look at the road safety camera system. Apparently they advised that Victoria has the highest standards in the world for checking, double-checking and further re-checking the accuracy of enforcement cameras from the road safety camera network.

This is something that deserves to be better known in the community. There may be an argument that the checking goes too far, that it is an avoidable expense, and could be replaced by a system of visually verifying each and every infringement as is done in the UK. This would have the added transparency benefits. This will be a question for others.

ACKNOWLEDGEMENTS

This has been a year where the functions of this office have been utilised to perform a thorough analysis of aspects the Fixed Digital Road safety Camera Network, and of the Department of Justice and Regulation. Whilst the WannaCry Virus caused no damage to the network, it exposed some opportunities to improve practices regarding the Network. I am thankful to many members of the numerous contracting firms who provided their time and expertise to assist the investigation. I am grateful to Mr Cameron Crofts and Mr Paul Wilson of Blue Connections for their work into analysing the virus. I am grateful to Mr Jeeva Maistry and his group at KPMG for their guidance and enthusiasm in particular regarding governance of the network. And I am particularly grateful to Mr Stuart McCormack of ByteSmart for his genius in analysing huge amounts of data and in assisting this small office to perform functions which might otherwise have been beyond our reach.

I thank Mr Sal Perna for his insightful support throughout the year and for participating as Acting Road Safety Camera Commissioner in my absence.

I have many colleagues in the Department of Justice and Regulation to thank for their support of this office including Ms Kate Houghton and Mr Ryan Phillips.

I thank Assistant Commissioner Doug Fryer of Victoria Police Road Policing Command and the staff of the Victoria Police Traffic Camera Office, especially Superintendent Donald

Downes and Inspector Damien Madden for their availability and their dedication to road safety in Victoria.

I also thank colleagues at VicRoads for their support during the year.

I thank the leading journalist and broadcaster Mr Neil Mitchell, and Ms Heidi Murphy, for their continuing active interest in road safety, in integrity of the systems, and in transparency and fairness of process.

I thank Mr Joshua Wells of the North Central Review / The Free Press / Whittlesea Review for his curiosity, tenacity and fairness in relation to reporting the Hume Freeway road safety camera issues to his local readers and to the wider community.

I thank Mr Ken Chong, senior finance analyst, DJR, for his enthusiasm and tenacious professionalism.

I am grateful to many other journalists on radio, television and in print for the reporting of issues and the opportunities to explain and clarify any concerns from the public.

I thank colleagues at Linfox Transport and Road Safety Support (United Kingdom) for their interest and involvement in road safety.

I sincerely thank Ms Melanie McShane and Mr Zhi Peng Ye for their contribution to the quality of the service the office provides.

JOHN VOYAGE

Road Safety Camera Commissioner

Recommendations

In addition to the recommendations contained in my reports delivered during this year, I recommend:

1. There be prompt changes to ensure that contractors to the system have a clear process to contribute their ideas for the continuous improvement of the road safety camera system.
2. That, further to Recommendation 1, an avenue should also be found for members of the public also to have an opportunity to contribute their road safety experiences and to contribute ideas.
3. There be recognition of the efforts towards cultural change, including but not limited to the Department of Justice and Regulation, but also to Telstra and VicRoads, with a view to improving the transparency and integrity of the system.
4. There be renewed efforts to make collaboration a cornerstone of driving and roadcraft values, to improve courtesy on the roads and help all road users to have better awareness of all other road users.
5. That VicRoads consider requiring contractors to drive through a roadworks site, and video record the experience in order to confirm the adherence to the Traffic Management Plan and to show the view that a driver would have, from before entering a roadworks zone until after leaving.
6. That there be clear scrutiny of the repeated issue of people who knowingly make baseless allegations that impugn the integrity of the road safety camera systems and the people who work in those systems to achieve improved safety on our roads. This has ongoing consequences for the Towards Zero imperative. I recommend that there be definition and assessment of the extent of the problem and of what options government has to manage this behaviour.
7. That there be road safety education focussing on speeding in 40km/h zones.

Inevitably this speed limit applies in places where the risk for vulnerable road-users is accentuated, such as school zones, shopping and high-pedestrian districts, construction zones, at the scene of hazards including collisions, or when passing a stationary or slow-moving police, emergency, enforcement or escort vehicle with flashing blue, red or magenta lights and/or sounding an alarm in Victoria.

There remains an attitude of drivers self-assessing an appropriate speed limit. Many drivers need to understand that their driving is dangerous, and the speed limit is not inconvenient.



I reiterate my recommendations from previous annual reports of 2015/16 and 2016/17 that:

8. There be efforts, including a public campaign, to stamp out poor driver attitude, exemplified in 2016/17 by the investigations into Peninsula Link and Western Ring Road, and in 2017/18 by Hume Freeway. Speeding between point-to-point camera sites, driving in closed lanes, administering their own idea of appropriate speed limit, all need to be addressed. Drivers need to more readily recognise the situation as “dangerous” rather than “inconvenient”.
9. There be prompt consideration to locating new point to point road safety camera systems on Victorian regional and country roads, and in particular those with a history of road trauma. There have been repeated calls for more country roads to have road safety cameras to augment the existing road safety message.
10. I repeat my recommendation from 2016/17 that there be education of the way in which point-to-point road safety camera systems accurately assess the average speed between two points. The public have shown they do not adequately understand that the one inevitable outcome of speeding between point-to-point cameras is a traffic infringement notice.
11. * The current scenario of people with good driving record being treated as hoons because of a single mistake of judgment in a variable speed zone may be beyond the community's expectation.
12. * I recommend that the reduced speed limits continue to be enforced but that there be consideration given to amending legislation to provide Victoria Police or the courts with an opportunity for some discretion to be available for some limited circumstances to refrain from suspending licences when imposing the law.
13. There be improved efforts towards greater public understanding of the role road safety cameras play in **revenue saving** through enforcing safer driving behaviour, compared with the high financial cost, and physical and emotional costs, of road trauma.
14. There be ongoing public engagement in road safety discussions. There should be opportunities made for improved discussion of the point that everyone involved in a collision that causes injury or death had thought “This happens to other people. This is not going to happen to me.” It does happen, and the risk factors need to be understood.
15. There is a need for **uniform terminology**, for data collection and integrity. This ideally should be agreed nationally.

* In relation to recommendations 11 and 12 I thank VicRoads for considering a draft of this report and for providing the following response:

Inadvertent non-compliance with speed limits in scenarios where roadworks speed limits or incident-related speed limits are in place is best addressed by improving signing practices for worksites (as referenced in other recommendations) and for incident situations to continue to be dealt with by Police before infringements are issued on a case by case basis where it is not possible for siting of signing to be tailored to the specific situation. All other variable speed zone sites are signed to standard and there is no warrant for changes to current practice.

Speeding at levels significantly above the speed limit is associated with very high crash risk. Providing for discretion will undermine the penalty system, and suggest that speeding is unimportant or not a significant safety risk. It also risks unequal treatment before the law.

Further, it would be problematic for courts to determine which cases are genuine, and at a time when courts are under extreme pressure, allowing this discretion will result in a very high volume of appeals.

Year In Review



WANNACRY AND ITS FALLOUT

This year has seen a very significant investigation in relation to the WannaCry Ransomware virus. Whilst the virus itself was inept, and did not cause any damage to data or hardware of the road safety camera network, it was opportune to cast a close scrutiny on methods and practices of the road safety camera network. Many opportunities for improvement were found.

This year has been taken up largely with the investigation of the consequences of the WannaCry ransomware infection. The news of the infection was unknown to the Minister for Police, the Hon Lisa Neville, until 22 June 2017 when she received a telephone call from radio journalist and broadcaster Mr Neil Mitchell. In fact the virus had been affecting computers in the system from at least as early as 6 June 2017. The Minister requested me to investigate this infection, and an interim report was delivered 7 July 2017. My interim investigation confirmed that there were no inappropriate infringements generated (indeed the only effect was to hinder the processing of a number of infringements). The **interim report** may be found at: <http://cameracommissioner.vic.gov.au/663-2/>

The interim report focussed on the questions of the integrity of the fixed digital road safety camera network and of infringements detected by the network. I was pleased that Victoria Police immediately withdrew infringements, pending my report. In the interim report I found that the virus was incapable of effecting data or hardware. Prior to the delivery of my interim report the Victoria Police had accumulated evidence of many potential infringements, some had been issued and withdrawn, pending my report. There was general uncertainty about the integrity of those potential

infringements. Further, once the report was released, there was a potential for many public enquiries or uncertainty about the status of infringements.

I thank members of Victoria Police, including Assistant Commissioner Douglas Fryer, Superintendent Donald Downes and Inspector Damian Madden, for proactively considering the administrative issues which my report might have created, and the opportunities to communicate with infringing drivers of the validity of these infringements. There was the potential for confusion by members of the public, and this could be avoided by a message from my office.

The Victoria Police held large numbers of infringements pending my interim investigation, and I was pleased to accept their offer to provide a letter which was to be included with the freshly issued infringements, confirming that my investigation had cleared the process.

A sample of that **letter dated 7 July 2017** is set out on page 15. I understand that a copy of that letter was sent out with each of **89,324** infringement notices. There was a pleasingly very small number of calls to my office regarding these infringements, which in my view reflects a combination of the success of this letter and the good effort of the media to keep the public informed. Again I congratulate members of Victoria Police for having the initiative and foresight to enclose such a letter with the infringement notices.

I am advised that this communication contributed to a situation where there was general acceptance of the validity of the notices. I again thank all concerned for the opportunity to assist the public in understanding what had been investigated and the findings from the interim investigation.

7th July, 2017

Dear Sir/Madam,

My role as the Road Safety Camera Commissioner is to independently monitor the road safety camera system in Victoria, ensuring all fixed and mobile road safety cameras are operating with integrity and accuracy.

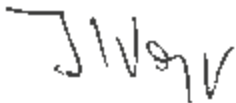
As a result of communications from the Minister for Police, the Hon Lisa Neville, I commenced an investigation into a malware/ransomware virus infection in the Fixed Digital Road Safety Camera network. Today I released an interim report which is available at www.cameracommissioner.vic.gov.au

I have reached the following conclusions as part of my interim report;

- There is no evidence that the WannaCry infection has affected the integrity of Speed and Red-Light camera infringements.
- I am satisfied that the mechanisms that construct and communicate the infringement data are unaffected by the virus.
- I am satisfied that there is **no evidence** of any infringement data being in any way compromised.
- I am satisfied that devices which measure and record speed are external to the infected computers and are unaffected by the virus.
- I am satisfied with the accuracy and integrity of the infringements dated 6 June 2017 to 22 June 2017 (and thereafter).
- I am satisfied that there is no evidence of any ongoing impact to the systems.

My recommendation is that there is no reason for the subject infringements to continue to be withheld.

Yours sincerely



Road Safety Camera Commissioner

Whilst the virus was inept, and did not cause any loss of integrity to the infringements issued through the road safety camera system, the virus nonetheless cast light on processes which need improvement.

Amongst the key improvements urgently required were:

- Establishing of a baseline of what constitutes "service as usual",
- Establishing of a disaster plan of action, to identify tasks to be performed and communications to be made,
- Introducing a change of culture within Department of Justice and Regulation.

The issues of governance of the fixed digital road safety camera network have been greater than anticipated.

This is the year in which the Victorian Auditor-General's Office, following on from reports such as Managing Public Sector Records and ICT Disaster Recovery Planning delivered a report Assessing Benefits from the Regional Rail Link Project which concluded in part:

The lack of a methodical evaluation culture in the Victorian public sector means there is no systematic and objective collection of lessons learned from past projects, to better inform the planning and execution of future projects.

My investigation into the WannaCry Cyber-Virus infection of the Fixed Digital Road Safety Camera Network was initially an investigation into what had occurred and why it occurred. I found that all but one of the contractors to the network were co-operative with my investigation, but that parts of the Department of Justice and Regulation ("DJR") were less so. I found that members of DJR had run a scan, accompanied by a contractor, but that no notes were kept, no emails were created, no minutes were retained, and the scan log was allegedly overwritten. A meeting was held after the scan had run, but again, no minutes of that meeting were kept.

The Department of Justice and Regulation did not have any standardised recognition of "business as usual". There were no stated rules or benchmarks, and so the misbehaviour of some parts camera system was not observed until pointed out by a contractor. Neither did there appear to be a Disaster Plan, so there was no immediate assignment of tasks; instead those involved, both DJR staff and contractors, had to create their way through the issues as they presented during what could have been a crisis.

In what is similar to the findings of the Auditor-General, I was struck by the absence of a methodical evaluation culture in DJR.

By contrast, I am impressed by the attitude of members of Department of Justice and Regulation to grab the opportunities for improvement which this event has highlighted.

My investigation could have been speedier if the DJR had retained records in accordance with its own *Records Management Policy* and *Records Creation and Capture Procedure*, and the Public Records Office Victoria Factsheet *Recordkeeping Responsibilities for Public Sector Employees*, and further if DJR had shared that information in a timely fashion.

It is certain that the virus did not compromise data or hardware, other than cause a reduction in the number of infringements detected. This will necessarily have in some way impeded progress in the *Towards Zero* road safety objective, but it is certain that no one received an inappropriate infringement as a result of the virus. Important opportunities for improvement have been revealed, and I am pleased with the enthusiasm shown, at all levels of DJR, for the improvements. I thank in particular the Minister for Police, the Hon Lisa Neville, for her prompt acceptance of my recommendations in my final report.

My final report can be found at: <http://cameracommissioner.vic.gov.au/wannacry-investigation-report/>

As a consequence of the WannaCry investigation, the office has been monitoring the long term deactivated camera sites on the fixed digital road safety camera network. It is trite to say that any period of deactivation must correspond to a period where there are lost opportunities for improvement of driver behaviour through lessons learnt. We have seen several sites which might have been dealt with more efficiently. As at the end of June 2018 there was no conclusion in this regard, but a number of issues will be investigated and discussed as appropriate in the 2018/19 report. And whilst road safety is foremost of the reasons for the camera system, there are also financial consequences of long term deactivations.

CONCLUSIONS

My investigation has confirmed that the variant of the virus that infected the FDRSC:

- was incapable of encrypting data. It follows that the performance impact on infected machines was negligible;
- was incapable of infecting machines running older versions of MS Windows (XP & 2000). Such "affected" systems failed (crashed) within minutes of coming under attack;
- was incapable, without human intervention, of propagation via portable USB devices;
- often attacked IP addresses in a sequential fashion;
- spread very quickly when 'nearby' IP addresses were detected.
- I have found no evidence of any malicious intent.
- I have been unable to conclusively establish the source of the infection. It is plausible that any of a number of sites were the original source of the infection.
- Fixed Digital Road Safety Camera ("FDRSC") network security relies totally on the professionalism of nine bodies (plus Telstra) external to IMES. While this reliance has proved effective until quite recently, I cannot recommend that such a (non-)system continues.
- That some vendors and testers have "remote" access to the FDRSC while others do not (i.e. are "air-gapped") makes no sense. A more modern and defensible network design is required.
- The FDRSC system requires specialist network redesign. I have not seen evidence that IMES has such capability.
- In the event of another virus infection, some basic steps need to be undertaken.
- Consideration should be given to whether or not detection system computers should be continuously patched and upgraded against known malware exploits.

→ In particular in relation to IMES, I have concluded:

- that there was insufficient attention to prevention strategies;
- that once a site computer became infected, there was gratuitous spread of the infection;
- that there was no adequate incident response plan, including levels of escalation / who should be contacted, how to contact key people and service providers; apparently no checklist of processes to follow, or functions to be performed, of notification to staff stakeholders and the public;
- that there is no evidence of any network security assessment or testing on business critical systems, which could have identified, weighted, and remediated any vulnerabilities;
- that there was a limited recognition or awareness of the risks, understanding of the risks, assessment of the risks;
- that there was limited clarity of stated roles and responsibilities, and of education and training;
- that there was an apparent absence of a plan to identify and prioritise opportunities for improvement;
- that there was limited communication to stakeholders of the cyber-security risk, steps taken, plans in place, involvement by stakeholders;
- that the risk mitigation strategy of the FDRSC system appears to have been piecemeal and without an owner.

→ I also found that my powers were inadequate to ensure timely and complete cooperation with my enquiring by both Government and non-Government bodies.

RECOMMENDATIONS

General:

16. That the Department of Justice and Regulation in conjunction with other key stakeholders:
 - Implement a strategic governance framework, in particular defining the future strategy of the Program, and thereafter implement a governance framework to support the strategy;
 - Subsequently review the Program's operations model to ensure that it is being delivered in the most economic efficient and effective way. These and related activities will need to be underpinned by a strong change management program.
17. That the Department of Justice and Regulation in conjunction with other key stakeholders work to develop a strong Program-wide, positive, open, collaborative, transparent and values-based culture. Improvements should include:
 - Open and transparent culture;
 - Values and behaviours;
 - Continuous improvement.
18. There is a need for enhanced risk management capability. This should occur through:
 - Enhancing risk management Program wide;
 - Formalising risk management and reporting, especially in DJR.
19. That there be greater scrutiny over the reporting and escalation of issues, incidents and performance of the Program. This should include:
 - Incident identification escalation;
 - Use of data and information, and monitoring and evaluation of overall Program performance;
 - Enhancing the role of the Office of the Road Safety Camera Commissioner;
 - Enhancing the scrutiny regarding reporting on the performance of the Program.
20. That there be greater streamlining of processes to reduce data integrity risk, and inefficiency of manual process on already constrained resources:
 - Move to greater automating and streamlining;
 - Improve capital and procurement processes.
21. Network practices be enhanced:
 - Need for improved physical security;
 - Need to ensure that the network operator is continuously improving;
 - Determine if IMES should continue to be the network operator.
22. That there be segmentation of the Fixed Digital Road Safety Camera ("FDRSC") network from all third parties and contractors.
23. That FDRSC dedicated centralised firewalls be put in place to protect the network. All traffic to the FDRSC network will be controlled by firewall policies where full packet inspection and threat prevention profiles will be configured.
24. That a specialist organisation oversee the reconfiguration of the FDRSC network and then periodically review its operation.
25. That there be regular security auditing of the FDRSC contractors.
26. That in the event of a future infection, for every infected system:
 - copies of the Windows Event logs are retained. (System, Application and Security logs) and,
 - for each class of infected hardware, a hard drive should be removed and "bagged"; that is, removed from use and maintained in an unmodified state.
27. That there be improvements to SiteTrak:
 - That SiteTrak be modified to ensure that records clearly categorise the reasons for site deactivations;
 - That SiteTrak be modified to ensure it maintains a transparent accurate historical record.
28. System Security recommendation, redacted.
29. That there be improved emphasis in IMES on Good Management Practice, including the need for continuous improvement, and a plan of action.
30. That the powers of investigation of Road Safety Camera Commissioner need clarification. I recommend that the powers should include power to compel prompt thorough cooperation from within the Victorian public sector. Any behaviour inconsistent with the Victorian Public Service Code of Conduct should result in relevant consequences

Specific

31. DJR, and in particular IMES should review its internal management practices, including record keeping.
 - IMES should aim for improvement in its compliance with the Victorian Public Service Code of Conduct and DJR's mandatory requirements for the administration of its functions, including its Records Management Policy and Records Creation and Capture Procedure.

- every meeting involving decisions or directions which could impact the Program should be minuted;
 - where there is a change of course, varying from a previously written direction, then that should be minuted and confirmed by email;
 - where the RSCC has requested an action, a written confirmation of the distribution of that instruction should be minuted.
32. There should be a full review of Windows devices on the network to validate the subnet mask configuration on each device.
33. That the reporting and fixing of problems requires that IMES establish a collaborative relationship with its contractors.

Network design

34. I make the following specific recommendations about the FDRSC network design:
- there be segmentation of the FDRSC network from all third parties and contractors by leveraging Telstra's IP WAN networking capabilities;
 - FDRSC dedicated centralised firewalls be applied to protect the network;
 - all traffic to the FDRSC network will be controlled by firewall policies where full packet
 - inspection and threat prevention profiles will be configured;
 - all communications traffic is routed through dedicated firewalls;
 - the firewalls be equipped and maintained with state-of-the-art security features including intrusion prevention, packet inspection, threat detection and Wildfire zero-day threat detection;
 - all parties — vendors, testers, DJR, Serco, etc — may connect to the FDRSC. That is, no contractors are "air-gapped".
 - test-related software be maintained on a dedicated OoB server. All testing parties connect to camera sites via and by using software on this server;
 - out-bound communications from a camera site be strictly limited. A camera site may communicate with its vendor, Serco, IMES and the OoB Server. With possible minor exceptions such as Point-to-Point servers, few other connections are necessary or permissible;
 - in the event of a future infection, for every infected system, copies of the Windows Event logs be retained (System, Application and Security logs). For each class of infected hardware, a hard drive should be removed and "bagged"; that is, removed from use and maintained in an unmodified state;

- there be regular security auditing of IT security of the FDRSC contractors;
35. It is evident that the design of the FDRSC network needs to be updated to modern, high-security standards. Specialist capability separate to IMES should be developed to perform such a task. I have not seen evidence that IMES in its current form could perform this task. However, day-to-day management, monitoring and reporting on the FDRSCN and the ongoing management of the OoB systems should continue to be delivered by IMES.
36. I recommend that a specialist organisation oversees the reconfiguration of the FDRSC and then periodically reviews its operation.

Network Configuration and Out-of-Band Server(s)

37. All outbound communications from FDRSC camera sites should traverse a central firewall. These connections should be limited to a handful of specific target addresses. Attempts to reach other addresses should trigger an immediate alarm.
38. One of these permitted sites might, for example, be a one-way file "DropBox" equivalent. This would allow contractors to recover site data in a highly controlled environment. Serco may be an exception here.
39. All network communication incoming at a site must also traverse the central firewall. Most if not all communication would be controlled from virtual sessions via the OoB Servers.
40. The proposal is that to reach the FDRSC a party must first "log-in" to the OoB Server. A virtual environment, very much like a remote Citrix login to the DJR, is then constructed. In these circumstances software and connection methods to the FDRSC would be those preconfigured and pretested on the OoB Server.
41. Under the suggestion in the previous paragraphs, testers on site and physically connected to the site router would be unable to connect to any other site hardware except via the OoB.
42. My office has discussed this concept with some of the testing contractors. Their response was very positive. As well as describing the concept as a more "modern technology", some have pointed out that on-site safety, all-weather testing and out-of-hours maintenance would also improve.
43. Additionally, precise incident rejection times (site being accessed) would always be automatically available to SiteTrak.

The following matters associated with the governance of the Program need to be considered by Government:

44. Improving the governance structure to direct and give oversight to the Program;
45. Improving the design of systems to manage and monitor the FDRSCN network including (in order that the Program transparently deliver on its objectives in an economic, efficient and effective way):
 - a. business processes: to manage the Program on a "business as usual basis";
 - b. processes to identify when the Program is not providing business as usual;
 - c. processes to respond effectively and efficiently to a crisis (such as a virus attack on IT systems associated with the Program);
 - d. Key Performance Indicators (KPIs) to enable objective assessment of whether the Program is achieving its objectives. These should be linked to Towards Zero, Victoria's Road Safety & Action Plan. Some of the KPIs could include:
 - community satisfaction of road safety measures;
 - camera availability;
 - camera achievement against maintenance plan;
 - infringements rejected for compliance reasons; and
 - the number of collisions or fatalities at key intersections with cameras.
46. My investigation has revealed that there are further opportunities for improvement within the Program, such as:

- the introduction of governance strategies that encourage and allow contractors to have a greater say and recognition of their ideas within regulatory and legislative boundaries;
 - enhancing risk management capability Program-wide;
 - formalising risk monitoring and reporting;
 - scrutiny over reporting on the Program's performance to the Minister and the RSCC;
 - incident identification and escalation;
 - automating and streamlining processes;
 - workforce capability;
 - capital and procurement processes;
 - better alignment the service of contractors, with the objectives of the Program through KPIs with financial penalties should these not be met; and
 - consideration of whether IMES should continue to be the network operator.
47. The current culture needs to be rapidly addressed to encourage more frank communication between IMES and contractors.

Other

48. The powers of the RSCC should include the power to compel prompt co-operation from within the Victorian public sector.
49. There should be a legislative indemnity for the holder of the office of Road Safety Camera Commissioner in relation to the discharge of its function.

HUME FREEWAY

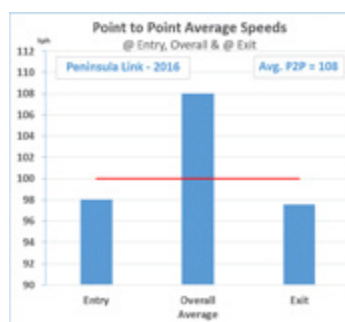
On 28 November 2017 "Cathy" telephoned radio journalist and broadcaster Mr Neil Mitchell to say that she had received a speeding infringement on Hume Freeway; that a Facebook group had been formed and had already 255 members allegedly all with infringements at the same speed; and she alleged they had all written to my office. In fact only 12, not 255, had made contact with my office. They had a spread of speeds, not a single recurrent speed as stated on air. Not one of the group would agree to allow my office full access their driving record, or any dash-cam or GPS logs. In this situation we trawled through data available, and we prepared Information on 15 December 2017. It can be found at: <http://cameracommissioner.vic.gov.au/information-hume-fwy-road-safety-cameras/>

The 2016/17 year's two large investigations had examples of speeding drivers who protested their innocence, where the data showed otherwise. We saw repeated examples of poor driver attitude, and in particular, an attitude that speeders considered themselves to be "better than average" drivers. This attitude was repeated in the current year's Hume Freeway report.

Like the 2016/17 Peninsula Link group, the 2017/18 Hume group claimed to have been wrongly assessed, many of them multiple times. Not one of the group would volunteer their data for publication, but the evidence we found was entirely consistent with the Peninsula Link group.

We obtained access to data of many millions of journeys by all drivers on the Hume Freeway.

I **attach** to the digital version of this report "Animation 1" a copy of the analysis of driving on Peninsula Link from my 2016/17 annual report. It shows a different image for each average speed, from aggregates of large numbers of vehicle passing through, point-to-point. And for each point-to-point speed, it shows the average entry speed and the average exit speed, in which average entry and exit speeds from each zone are grouped against each point to point speed. It indicates that it is not until a point-to-point speed of around 112km/h before the instantaneous speed averages begin to breach 100km/h. All drivers are shown to be slowing at the cameras, accelerating in between, and then slowing again at the next camera.



CLICK TO OPEN ANIMATION

Animation 1

The driver behaviour on Hume over millions of journeys appeared consistent with this behaviour on Peninsula Link

The Hume Freeway information could not become a full investigation because of the refusal of the complainants to agree to participate.

Whilst the media were apparently told that 255 people were all wrongly accused of driving at the speed of 108km/h, and although the media were told that all (i.e. all 255) of the participants disagreed with the assessed speed, the facts were shockingly different. Barely a dozen people made contact with this office. Not one of them agreed to permit their data to be investigated independently. There was a range of speeds, and no suggestion of any predominant speed, with some exceeding 120km/h. Further, a limited analysis of the data showed over **130** instances of group members **overtaking** other vehicles, and **zero** instances of the group members **being overtaken**. I was grateful that one local newspaper was careful to publish facts, whilst another appeared to source its story from social media.

CONCLUSIONS

- There is no evidence of inappropriate infringements being issued by the fixed digital road safety cameras at Amaroo Road on Hume Freeway. We have been unable to replicate the asserted experience of being wrongly assessed at illegal speed.
- I am of the view that the complaints are without basis. A collection of people has set out to question the validity of their infringements, and in doing so, to attack the integrity of the fixed digital road safety camera system and the people who work in it. I have no evidence to suggest any basis to do so. Regrettably these kinds of complaints are easy to make and Facebook and social media again appears to be an avenue for unmerited non-factual assertions. Facebook appears in this context as a performance, not a fact basis.
- If a more detailed investigation is carried out in this context in the future, I recommend that complainants be asked: "Do you agree that (say) 105km/h in a 100 km/h zone is speeding?" and "Do you agree that 105km/h in a 100 km/h zone is dangerous?"

Several local media covered the Hume Freeway camera issue. I thank Mr Joshua Wells of the North Central Review / The Free Press / Whittlesea Review for doing drivers the courtesy of checking the facts before publishing. By contrast I was disappointed that the Mayor of Hume City chose to seek sensational publicity from a different media which did not check its facts.

REVIEW OF CAMERA AT LODERS ROAD

As foreshadowed in 2016/17, following the Peninsula Link investigation, this year the office sought to further investigate the anomalous numbers of infringements detected on Peninsula Link at Loders Road, heading northwards. Regrettably, the curious statistics for infringements on Peninsula Link at Loders Road Bridge could not be reviewed during this year.

The return to operation of the site after the vandalism of December 2016 took until November 2017. This raises additional questions of governance and efficiency. These will be followed up in 2018/19. As a result of the delay in re-

activating the camera site the analysis is incomplete. There were a number of factors which combined to cause what at first blush appears to have been an unexpected delay. In some parts, there were communication problems between the Department of Justice and Regulation and contractors. There remains good reason to continue to monitor this site.

That delay in re-activation was viewed in the context of other opportunities for improvement of the governance of the fixed digital road safety camera network. **The efficiency of the system is crucial for its ongoing public support.**

HUME FREEWAY CAMERA COMPLAINANT 26 JUNE 2018

On 26 June 2018 the Neil Mitchell program reported that a driver asserted that infringement notices that he had received from when he had driven on the Hume Freeway were inaccurate. Appropriately, such allegations receive public attention and this office is pleased to investigate any concerns. I thank Ms Heidi Murphy of the Neil Mitchell program for putting the driver in touch with my office. I spoke on the telephone to the man who identified himself as the driver, and I invited him to authorise me to investigate the matter in detail. However, he had not provided any such authorisation by 30 June 2018.

In the circumstances I was unable to investigate the complaint. I note that contrary to what he had said on the radio the man told me that he was not the driver but that another person was nominated as the driver.

Administration



FINANCE ISSUES

Since inception, the Office has required and been grateful for the assistance of parts of the Department of Justice and Regulation in internal compliance, governance and transparency requirements. This has included the sourcing of various services. During this year we identified costs which had been charged to this office but belonged elsewhere, namely, to Civic Compliance. This issue was first identified in April/May 2013, and at that time this office drew the anomaly to the attention of DJR. After investigation by DJR this office had been informed at that time, in May 2013, nearly 5 years prior, that the issue had been resolved. During the ensuing period, the finances of the Office of the Road Safety Camera Commissioner were managed by the DJR. During the 2017/18 year the administration of this Office's finances were transferred within DJR. The financial reports which are now provided to this office are appropriately particularised and we now receive pleasing clarity of information. The

support received now provides detailed reports and guidance to investigate and reduce costs. Investigation by our Office Manager confirmed that this office has been paying an account which had always belonged elsewhere, resulting in a substantial financial weight being imposed incorrectly, of the order of an aggregate sum of \$243,940.47 since December 2013. The small size of the Office of the Road Safety Camera Commissioner means that our expenses should be able to be readily traced; we leave for others to determine if this was a one-off for the Department of Justice and Regulation or whether the finances need a careful audit and I am pleased that such audit has commenced. It was not until the 2018 intervention, investigation and efforts that the matter was resolved. Again we thank and acknowledge DJR's efforts to assist us to trace, reveal and repair this inappropriate expense.

The Office of the Road Safety Camera Commissioner

THE ROAD SAFETY CAMERA COMMISSIONER ACT 2011

The Office of the Road Safety Camera Commissioner was established with the intention of promoting increased transparency in the road safety camera system and enhancing accountability for that system.

Section 10 of the *Road Safety Camera Commissioner Act 2011* provides for the Road Safety Camera Commissioner to perform various functions. These functions are:

- to undertake, at least annually, reviews and assessments of the accuracy of the road safety camera system in order to monitor compliance of the system with the requirements of the *Road Safety Act 1986* and regulations made under that Act
- to undertake, at least annually, reviews and assessments of the information about the road safety camera system that is made available to the public by the Department of Justice and Regulation
- to undertake investigations requested or agreed to by the Minister into the integrity accuracy or efficiency of the road safety camera system
- to receive complaints concerning any aspect of the road safety camera system and:
 - if appropriate, to refer a complaint to an appropriate person or body for further action, or
 - to provide information on the available avenues for resolution of a complaint,
- to investigate complaints received by the Commissioner that appear to indicate a problem with the road safety camera system and to make recommendations to the Minister to address any systemic issues identified
- to investigate any matter in relation to the road safety camera system that the Minister refers to the Commissioner
- to provide information about the road safety camera system in response to a request for information from a person or body
- to provide advice to the Minister on any matter in relation to the road safety camera system
- to refer appropriate matters to the Reference Group for research and advice
- to keep records of investigations undertaken and complaints received by the Commissioner and the action taken in response, if any
- to make available to the Minister, on request, the records of investigations undertaken and complaints received, and
- any other function conferred on the Commissioner by or under this or any other Act.

THE OFFICE'S MAIN ROLES

Review

The office independently reviews and assesses the accuracy of the road safety camera system in order to monitor compliance of the road safety camera system with the requirements of the *Road Safety Act 1986*. In addition, the office must regularly review the information made available to the public by the Department of Justice and Regulation.

Manage complaints

Any person who has a complaint concerning an aspect of the road safety camera system itself, can lodge it with me. I may investigate an issue where any complaint points to a systemic problem with the road safety camera system.

Conduct Investigations

The *Road Safety Camera Commissioner Act 2011* (the Act) empowers me to undertake investigations requested or agreed to by the Minister for Police into the accuracy and efficiency of the road safety camera system. The Minister may also refer to me for investigation, any matter in relation to the road safety camera system.

Provide advice and information

The Act authorises me to provide information about the road safety camera system following a request from a person or body. I am also authorised to provide advice to the Minister for Police on any matter in relation to the road safety camera system, if requested, or if it is required.

VISION, MISSION AND VALUES

Vision

To provide a safe environment for all Victorian road users and increase the public's confidence in the accuracy, reliability, efficiency and integrity of the Victorian road safety camera system.

Mission

To collaborate with other agencies and service providers, including state and local government as well as non-government organisations, to provide Victorian motorists with ongoing support in relation to the state's road safety camera system, providing an alternative avenue for complaints, quality assurance and investigations.

Values

The Commissioner is committed to:

- **Independence and Integrity** – be impartial and act without fear or favour, carry out functions with honesty, accuracy, consistency and respect.
- **Transparency and Accountability** – provide expert and objective information about the road safety camera system to Parliament and the community; monitor and review the accuracy, integrity and efficiency of Victoria's road safety camera system.

- **Stakeholder Engagement** – develop successful partnerships and create a shared understanding between key stakeholders to complement one another's collective impact on road safety for the people of Victoria.
- **Advancing Knowledge** – support advancement of knowledge, factors, and technological understanding to ensure the accuracy, reliability, and integrity of the Victorian road safety camera system.

GOVERNANCE AND ORGANISATIONAL STRUCTURE

The Road Safety Camera Commissioner is a statutory office holder appointed by the Governor in Council and reports to Parliament.

As at 30 June 2018, the office has three full time positions of which two are currently permanently occupied, to enable the Road Safety Camera Commissioner to perform his functions and exercise his powers under the *Road Safety Camera Commissioner Act 2011*. The two permanent staff include an Office Manager and a Senior Technical Officer.

The staff of the Office of the Road Safety Camera Commissioner are appointed by the Commissioner, but

are employed under Part 3 of the *Public Administration Act 2004*, as Department of Justice and Regulation employees. For the purposes of their work with the Commissioner, the Commissioner's staff work independently of the Department of Justice and Regulation.

The Road Safety Camera Commissioner is committed to applying merit and equity principles when appointing staff. The selection processes employed ensure that applicants are assessed and evaluated fairly and equitably, based on the key selection criteria and other accountabilities, without discrimination.

FINANCIAL REPORTING OBLIGATIONS

The Office of the Road Safety Camera Commissioner's annual financial statements and report of operations have been consolidated into the Department of Justice and Regulation annual financial statements and report of operations, pursuant to a determination made by the Minister for Finance under section 53(1)(b) of the *Financial Management Act 1994*.

In addition the Minister for Finance has granted the Office of the Road Safety Camera Commissioner full exemption from the Standing Directions of the Minister for Finance for

the 2017/18 compliance year and successive compliance years. As part of the approval of the exemption, an alternate governance process is in place for the Office of the Road Safety Camera Commissioner and it is reporting under the Department of Justice and Regulation Portfolio Entity Financial Management Compliance Framework 2017.

This report contains only the reporting requirements under Part 3 of the *Road Safety Camera Commissioner Act 2011*.

FREEDOM OF INFORMATION

The *Freedom of Information Act 1982* allows the public a right of access to documents held by the Office of the Road Safety Camera Commissioner. During the financial year 2017/18, one application under this Act was received.

MAKING A REQUEST

Access to documents may be obtained by making a written request to the Freedom of Information Officer, as per section 17 of the *Freedom of Information Act 1982*.

The requirements for making a request are that:

- it should be in writing,
- it should identify as clearly as possible, which document is being requested, and
- it should be accompanied by the appropriate application fee (the fee may be waived in certain circumstances).

Requests for information in the possession of the office should be addressed to:

Freedom of Information Officer
Office of the Road Safety Camera Commissioner

✉ Locked Bag 14
Collins Street East
MELBOURNE VIC 8003

or

✉ commissioner@cameracommissioner.vic.gov.au

Access charges may also apply once documents have been processed and a decision on access is made, for example, photocopying and search and retrieval charges.

Further information regarding Freedom of Information may be found at www.foi.vic.gov.au

PROTECTED DISCLOSURES

The *Protected Disclosure Act 2012* encourages and assists people in making disclosures of improper conduct by public officers and public bodies. The legislation provides protection to people who make disclosures in accordance with its provisions and establishes a system for the matters disclosed to be investigated and rectifying action to be taken.

REPORTING PROCEDURES

The office cannot receive disclosures under the *Protected Disclosures Act 2012*. Disclosures of improper conduct or detrimental action by the Commissioner or employees of the office may be made directly to the Independent Broad-based Anti-corruption Commission at:

Independent Broad-based Anti-corruption Commission

Level 1, North Tower
459 Collins Street
MELBOURNE VIC 3000

✉ GPO Box 24234
MELBOURNE VIC 3000

☎ Toll free: 1300 735 135

🌐 Website: www.ibac.vic.gov.au

ENQUIRIES AND COMPLAINTS

The financial year 2017/18 has been one of ongoing activity for the Office of the Road Safety Camera Commissioner.

The integrity of the road safety camera system requires a reasonably prompt accurate response to each enquiry. In that regard I am grateful to the cooperation and assistance which my office has received from the Victoria Police, the Department of Justice and Regulation, and VicRoads.

During the year the office received 390 written enquiries or complaints each of which initiated a sequence of communication. These enquiries or complaints dealt with or were related to various issues regarding Victoria's fixed and mobile road safety cameras. In addition, 577 people telephoned the office with general enquiries, and I am happy to report the information the office provides to its customers is accurate and ultimately helpful in resolving their enquiries. The numbers are down on the previous year (863 written, 683 telephone).

Once again I thank Mr Neil Mitchell of 3AW for giving a voice to people, indeed very large numbers of people, who reasonably felt aggrieved at receiving a traffic infringement and who otherwise might have been unable to obtain satisfaction in their concerns.

In 2016/17 I reported that for the Western Ring Road investigation I had called for members of the public to provide any dash-cam footage which they might have, to show some error or irregularity on the part of the roads safety camera system. Zero dash-cam received.

In 2016/17 I reported that for the Peninsula Link investigation I had called for members of the public to provide any dash-cam footage, or data from a GPS tracker, or data from a specialised smart phone app, or any other independent data which they might have, to show some error or irregularity on the part of the roads safety camera system. Two sets of data were received, both were significantly edited, and on analysis neither showed error on the part of the road safety camera systems.

This year I called on members of the so-called 255 Hume Facebook group to provide any dash-cam footage, or data from a GPS tracker, or data from a specialised smart phone app, or any other independent data which they might have, to show some error or irregularity on the part of the roads safety camera system. Yet again, no corroboration was provided. Further, when compared with the analysis which I was able to undertake it was apparent that the cameras had operated correctly, and the only suggestion of error was unmerited. As at 30 June 2018 I had yet to receive any dash cam or other data which in any way called into question the accuracy of the road safety camera system.

After reviewing the types and numbers of correspondence this office receives, I am pleased with the way this office and its staff continue to assist the public with information that is both helpful and timely.

USE OF THE COMMISSIONER'S WEBSITE

The Road Safety Camera Commissioner's website, www.cameracommissioner.vic.gov.au, is a major part of how this office goes about helping the public. It contains all of the Office of the Road Safety Camera Commissioner's annual reports and all investigation reports. Further it is a resource for the public to find assistance, either through looking through the "How Can We Help" section, or by filling out an online enquiry.

The website invites public feedback through telephone and written communications. In turn, these public concerns and complaints can point to potential technical or systemic issues with the road safety camera system.

Transparency of the road safety camera system requires public access and use of the website. It is pleasing to see that website use is increasing. An ongoing project to update the website to ensure that it provides current, accessible, helpful and timely information to Victorians is continuing.

The website continues to be utilised by members of the public. During this financial year, the website was visited 11,391 times by 10,383 people. This is a reduction in numbers from the 2016/17 financial year's numbers of 12,495 visits by 11,226 people, a drop of 7.6 per cent and 8.8 per cent respectively.

This financial year there have been spikes in interest in the website which have coincided with significant events, particularly investigation announcements, media interest in topics related to road safety and cameras, and the annual report. The interim WannaCry report (July 2017) and final report (May 2018) discussed the effect of the ransomware virus on the accuracy, integrity and efficiency of the road safety camera system and resulted in significantly increased traffic to the site. The December 2017 complaints about the Hume Freeway cameras also coincided with increased visits. Frequent media attention throughout the financial year in relation to variable speed limits on highways also contributed much attention to the office.

There are many steps in place to ensure that no inappropriate infringements are generated; against this the office often has received queries from drivers who have seen a camera flash feared they might receive an inappropriate infringement, or felt confused by its activation, or believed the camera was "faulty". The public should be confident in that there are steps in the infringements process to ensure the integrity of any fines. Questions about flashing cameras should be directed to the Department of Justice and Regulation at this link: camerassavelives.vic.gov.au/how-cameras-work/camera-accuracy/flashed-but-not-speeding. During this year the website has added a link to this DJR website page.

The way the website is accessed by the public has remained consistent. The proportion of people visiting the website using mobile devices was approximately 53 per cent during this financial year, similar to the 52 per cent figure of the previous year.

THE REFERENCE GROUP

The Commissioner is authorized under the *Road Safety Camera Commissioner Act 2011* to establish a group of advisers selected for their expertise in their respective fields to provide information and advice to the Commissioner. They are known as the Reference Group. The Reference Group consists of the Commissioner and not less than three and not more than seven other members, appointed by the Minister for Police on the recommendation of the Commissioner.

I have convened two meetings with the Reference Group in the last financial year. In addition to these meetings at times I called on members for their expertise. Each member has shown enthusiasm to find ways they can contribute towards the office fulfilling its functions under the Act and best serve the Victorian public. I thank each member for their contribution.

The Reference Group members in the 2017/18 year were:

PROFESSOR BRIAN FILDES

Accident Research Centre, Monash University

Brian is head of the Traffic Engineering and Vehicle Safety Consortium and a foundation member of the Monash University Accident Research Centre (MUARC) since its formation in 1987. He has a PhD in behavioural research and also has qualifications in Science and Engineering. Brian is also a Visiting Professor at the Transport Safety Research Centre at Loughborough University in the UK. His research interests include vehicle safety, speeding, driver perception, and injuries to older people, both on the road and in the home.

TIA GAFFNEY

Principal Forensic Engineer, Hindsight Forensic Engineering

Ms Tia Gaffney is the Principal Forensic Engineer with independent safety consulting firm Hindsight Forensic Engineering. Ms Gaffney graduated from the University of California (S.B.) with a B.S. degree in Mechanical Engineering and has over 15 years' experience evaluating the behaviour of vehicles and occupants in crashes. Ms Gaffney's major specialisation has concerned the application of the physical and engineering sciences to safety in many areas ranging from transport through to occupational health and safety in the workplace. Ms Gaffney has conducted extensive work in road safety, crashworthiness, accident and incident investigation, biomechanical analysis and mitigation for injury prevention. Prior to working in Australia, Ms Gaffney was employed by General Motors in Detroit, Michigan, and subsequently by leading automotive safety research firms Safety Analysis and Forensic Engineering (Santa Barbara, CA) and Delta-V Experts (Melbourne, VIC). Her career has encompassed extensive analysis, testing and research related to severe vehicle collisions.

PAULINE KOSTIUK

Victorian Commission for Gambling and Liquor Regulation

Pauline served 35 years with Victoria Police in areas including traffic, liquor licensing, training and prosecutions. Pauline is currently the Deputy Director, Compliance Division, at the Victorian Commission for Gambling and Liquor Regulation, responsible for liquor and gambling compliance, enforcement, investigation and intelligence functions. Pauline has recently worked as a volunteer, teaching English to Asylum Seekers in Dandenong. She also has been a casual lecturer in leadership, management and criminal law at TAFE. She spent 19 years in senior management positions representing Victoria Police in both national and international forums.

PROFESSOR CAROLYN UNSWORTH

Professor of Occupational Therapy, Central Queensland University, Melbourne

Carolyn is Professor of Occupational Therapy at Central Queensland University and holds Adjunct Professor appointments at La Trobe University, Melbourne, Jönköping University, Sweden, and Curtin University in Perth, Australia. Carolyn's expertise is the occupation of community transport mobility among older adults and people who have disabilities. Her research and publications are on the assessment and rehabilitation of older and/or functionally impaired drivers, and scooter and powered wheelchair mobility use and access on public transport. Carolyn is also a registered Occupational Therapy Driver Assessor.

Annual Reviews and Assessments

ANNUAL REVIEW OF ROAD SAFETY CAMERAS

BACKGROUND

In accordance with section 10(a) of the *Road Safety Camera Commissioner Act 2011*, I am obliged to conduct, at least annually, a review into the accuracy of the road safety camera system. This is to ensure compliance with the system with the *Road Safety Act 1986*.

To accomplish this, my office has examined the accuracy, integrity and efficiency of every fixed camera operating in Victoria in the twelve month period from 1 May 2017 to 30 April 2018, inclusive. This review included any new cameras that were installed and/or activated during this period.

EXISTING ROAD SAFETY CAMERAS

Victoria has 387 fixed road safety cameras in operation at 281 locations. The majority of these camera locations are concentrated in and around the Melbourne metropolitan area, with some systems along rural freeways and at intersections in regional centres.

There are three suppliers of fixed road safety cameras in Victoria; Redflex, Jenoptik and Gatsometer. All of the road safety cameras operating in Victoria must be a prescribed device contained in the *Road Safety (General) Regulations 2009* ("the Regulations"), and must operate in accordance with the accuracy and reliability requirements set out in those regulations.

A road safety camera system can only become a prescribed

device in the regulations after undergoing thorough testing on Victoria's roads for a significant period. The tests must demonstrate that the camera operates continuously in accordance with stringent requirements for accuracy and reliability.

NEW ROAD SAFETY CAMERAS

During this financial year, there were no new installations of road safety cameras in Victoria. A previously installed camera located at the intersection of King Street and Latrobe Street in Melbourne (a permanent 40km/h speed zone) began enforcement in this financial year.

This annual review examined the commissioning, testing and maintenance activities undertaken on this road safety camera was equivalent to those that were already in operation.

METHOD OF REVIEW

The Department of Justice and Regulation provides my office with all testing and maintenance reports of the state's fixed road safety cameras. My technical staff examined the testing and maintenance activities for all fixed road safety cameras operating in Victoria for a period of twelve months. The objectives of the annual review are:

- To establish trends and monitor the road safety camera systems in operation for any systemic or technical issues,
- Monitor the accuracy and reliability of each camera site and the road safety camera network in Victoria as a whole, and

→ Scrutiny of the regular testing and maintenance activities carried out on the road safety cameras.

→ Unscheduled events such as vehicles colliding with camera equipment, or vandalism.

RESULTS OF ANNUAL REVIEW

During this financial year, two investigations were conducted by my office into the accuracy integrity and efficiency of road safety cameras. These are detailed above.

There was also continued general concern in relation to the way cameras operated in variable speed limit zones, particularly along the Western Ring Road, and to a lesser extent, the Westgate Freeway.

In all cases, analysis by this office revealed that the detections by the road safety camera systems were found to be operating correctly at all relevant times.

As detailed in the interim investigation report of 7 July 2017 into the WannaCry virus infection, there was no evidence that any infringement data was compromised by the virus. While it caused some of the road safety cameras to reboot more than usual, this behaviour did not result in incorrect measurements or inappropriate infringements.

Not every road safety camera was in continuous operation for the twelve month period. There were various factors affecting the operation of cameras, including but not limited to:

- Software changes including those made due to the WannaCry infection,
- Scheduled testing and annual calibration,
- Routine maintenance,
- Camera equipment upgrades, and
- Disruptions to operations due to roadworks, or

The operation and maintenance of a geographically widespread and complex road safety camera system to the highest standards is a challenging exercise. My office has been provided with access to all documentation related to the testing and maintenance of Victoria's fixed road safety camera systems. The documents are comprehensive, and I commend the staff of Infringement Management and Enforcement Services and the Road Safety Camera Program of the Department of Justice and Regulation for the quality of the work that they perform in relation to ensuring the state's cameras are accurate and reliable.

Following the completion of my annual review, I concluded that there were no technical issues with any individual road safety camera operating in Victoria, or the Victorian road safety camera network as a whole. I found that all of Victoria's road safety cameras operated accurately, reliably and effectively throughout the year, within the requirements set out in the Regulations, the manufacturer's specifications and the rigorous technical requirements set out by the Department of Justice and Regulation.

However, as outlined in the WannaCry investigation, there are opportunities for improvement in the way the program is administered. I stress that the recommendations contained in my report have no impact on the accuracy of the road safety cameras or their detections.

The annual review for the 2017/18 financial year found no evidence of any traffic infringements being issued during the 2017/18 financial year as a result of any incorrectly operating fixed road safety camera.

PUBLICLY AVAILABLE INFORMATION ABOUT THE ROAD SAFETY CAMERA SYSTEM MADE AVAILABLE BY THE DEPARTMENT OF JUSTICE AND REGULATION

Section 10(b) of the *Road Safety Camera Commissioner Act* 2011 states that the Commissioner must:

"undertake, at least annually, reviews and assessments of the information about the road safety camera system that is made available to the public by the Department of Justice"

The review of publicly available information about Victoria's road safety cameras for the financial year 2017/18 follows revisions made to two websites administered by the Department of Justice and Regulation ("DJR"):

- Fines Victoria, and
- Cameras Save Lives.

The review also examined information on the DJR's own website, justice.vic.gov.au, and the department's official YouTube channel, VictoriaGovDOJTV, which is found at this link: youtube.com/user/VictoriaGovDOJTV.

This review looked at the nature of information provided, and currency, of links on each of these websites. It also examined whether the information is presented in a clear, accessible manner. Finally, recommended actions for improvement were made where relevant.

DEPARTMENT OF JUSTICE AND REGULATION WEBSITE

Information on the DJR road safety page is general in nature. It provides appropriate information about Victoria's roads, its road safety strategy, the government authorities involved and the road safety camera program to members of the public. It also provides links for users to visit the relevant websites for more detailed information about those topics.

The review found some minor issues with information to the public, including one link from the Cameras Save

Lives website, one of the links on the DJR website was not appropriately updated, and some content issues. These were minor in nature and were advised to DJR.

As at 30 June 2018, some of these issues remain unresolved.

DEPARTMENT OF JUSTICE AND REGULATION YOUTUBE CHANNEL

The DJR YouTube channel hosts nine videos specifically related to road safety cameras. There are a large number of videos about many other aspects of the Department's functions. Only the road safety camera videos were examined.

The nine videos range in duration from around 30 seconds to 4 minutes. The most recent videos were published in February 2014 as part of a media campaign about road safety cameras.

The longer videos that provide detailed information on yellow lights, testing, maintenance and a basic understanding on how Victorian road safety cameras work are accurate and relevant.

There were some minor issues in relation to the video titled "How are camera locations chosen?" These were advised to DJR.

An issue was found in the three advertisements that were parts of media campaigns in 2012 and 2014, and which remain available online. Again, these were advised to DJR.

As at 30 June 2018 no changes have been made to any videos.

CAMERA SAVE LIVES WEBSITE

Cameras Save Lives is a website that distributes a large amount of information to the public including camera locations, how cameras work, details regarding fines and infringements, statistics and other news.

One issue which required clarification had been a prominent feature on the landing page/front page. A pie graph accompanied a statement which asserted that there was 99.93 per cent driver compliance over the "last 3 months".

I considered that this lacked clarity. The statement had potential to misleadingly imply that 99.93 per cent of drivers did not speed or run a red light. Also, it did not define as to what was meant by "last 3 months". This statement was removed on 13 March 2018.

Members of the public seeking the Cameras Save Live website are now met with a landing page with a direct link to the camera locations page, containing the interactive map and other information.

The website is now the subject of continuous improvement.

Finally, there were a number of minor cosmetic issues with the website, along with links that did not work correctly.

As at 30 June 2018 a number of issues remain unresolved.

FINES VICTORIA WEBSITE

The Fines Victoria website (www.fines.vic.gov.au) is a web portal designed to help the public perform common tasks associated with their infringements easily online, such as paying fines, nominating a responsible person, or seeking a review. This review only examined the website from the perspective of the road safety camera system.

The Fines Victoria website is well-designed and easy to use. The choices for most common tasks are presented for people on a prominent menu with clear iconography. When performing a task, the processes and interface of each online form is easy to use for people familiar with the internet.

The website also provides information about the fines system and how to deal with a fine. This information is provided in a helpful, succinct and easy to understand manner. It uses plain language and avoids complex terms.

The Fines Victoria website also provides links to the primary sources of various information. It also directs people to the relevant agencies if they need more information.

Some minor issues were found with the website which did not impact on its overall functionality.

As at 30 June 2018 these issues remained unresolved.

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