2013–14

Annual Report

Road Safety Camera Commissioner

To: The Honourable the President of the Legislative Council

And: The Honourable the Speaker of the Legislative Assembly

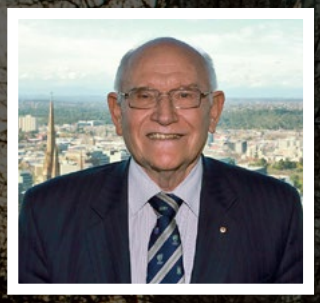
I am pleased to present to you the Annual Report of the Road Safety Camera Commissioner for the financial year 2013-2014 for presentation to Parliament, in accordance with section 21 of the *Road Safety Camera Commissioner Act 2011.*

Yours sincerely

HIS HONOUR GORDON LEWIS AM
Road Safety Camera Commissioner

CONTENTS

THE COMMISSIONER'S MESSAGE



This report is submitted after the completion of my initial term of appointment, which was two years, and almost six months into the term of my reappointment. While I am satisfied that the existence of the office provides motorists with an impartial avenue to voice their complaints and seek information, because of the pioneering nature of the legislation, the statutory powers of the Road Safety Camera Commissioner (the Commissioner) are still being considered and examined with a view to possible legislative amendment.

HIS HONOUR GORDON LEWIS AM
Road Safety Camera Commissioner

I AM RESPONSIBLE FOR THREE ESSENTIAL FUNCTIONS:

ONE – REPORTING AND QUALITY ASSURANCE

This involves independently monitoring compliance of the road safety camera system with the requirements of the *Road Safety Act 1986*. I am also required to review and assess the operation of the road safety camera system at least annually, in addition to regularly reviewing the information made available to the public by the Department of Justice.

TWO – INVESTIGATION AND REVIEW

The *Road Safety Camera Commissioner Act 2011* empowers me to undertake investigations requested or agreed to by the Minister for Police and Emergency Services 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. I am required to publish the findings of any investigation and recommendations in my annual report.

THREE – COMPLAINTS MANAGEMENT

Any motorist who has a complaint concerning an aspect of the road safety camera system itself, can lodge it with me, although it is not my role to intervene in cases of individual infringements. I may investigate an issue where any complaint points to a systemic problem with the road safety camera system.

The result of these three functions is an independent statutory office which provides quality assurance in respect to the State's road safety camera system. This role includes all aspects of the automated camera system including all fixed and mobile cameras, but excluding hand held radar devices.

In respect of the first of the three statutory functions listed above, I have devoted additional time this financial year to the statutory responsibility of undertaking reviews and assessments of the information about the road safety camera system, that is made available to the public by the Department of Justice. Section D of this report deals separately with the steps I have taken and the conclusions I have reached.

An indication of just how the role of the office of Road Safety Camera Commissioner is still being explored and developed, is my proposal to the Minister for Police and Emergency Services (the Minister) that one of the day to day functions of my office should be recognised by an amendment to section 10 of the *Road Safety Camera Commissioner Act 2011*. My office receives many requests seeking information about the road safety camera system. While my office currently responds to any reasonable request for information about the road safety camera system, the amendment I have proposed will remove any doubt as to the extent my office can provide information to assist the motoring public.

This annual report contains the results of the three formal investigations, which my office carried out in this financial year. Two of these investigations were in direct response to the concerns of the motoring public about the use of speed cameras and red light cameras. The third investigation was instigated by me, with the approval of the Minister, to ascertain what effect, if any, advisory speed signs have on motorists' behaviour. That investigation was limited to only one speed advisory sign out of a potential six, as I was confident that the sign on the Princes Highway, facing traffic travelling from Geelong to Melbourne, was accurately displaying the speed of approaching vehicles.

During the year, I believe there has been a marked shift in the motoring public's attitude to road safety cameras. While the service record and thus the accuracy of individual cameras is still sometimes challenged, correspondence from the motoring public suggests that the accuracy of road safety cameras is now generally accepted. In this regard, EastLink provides an interesting example. When I was first appointed Road Safety Camera Commissioner in February 2012, a considerable proportion of correspondence received by my office queried the accuracy of the cameras installed on EastLink. I carried out an investigation into camera accuracy throughout the 2012/2013 financial year and furnished a report on 15 July 2013. My report emphasised that every primary speed measuring device was supported by an independent secondary speed measuring device. I stressed that if the two independent speed measurements did not correlate, any image taken by the camera was rejected. When that aspect of the report received publicity, it was as though a tap had been turned off. Indeed, to such an extent that during this financial year, only two complaints have been received at my office concerning a camera on EastLink.

Reassuringly for the motoring public, I can still say that I have not found evidence of a malfunctioning or inaccurate road safety camera. Human error yes, but a defective electronic device, no. Indeed all those associated with the selection, installation and maintenance of Victoria's road safety cameras are to be congratulated for producing a first class system. The integrity of Victoria's road safety camera system has come a long way since the Western Ring Road fiasco in 2003 and the Hume Freeway point-to-point cameras glitch in 2010.

However, a perception by a percentage of the motoring public that road safety cameras are revenue raising devices, is still alive and well. The irony of course is yes, road safety cameras do raise revenue which is applied exclusively to road maintenance and improvement. However, if Victorian roads are to be the subject of speed limits, there must be sanctions to enforce those speed limits. I am confident almost all road users would prefer to pay a monetary penalty and incur demerit points in preference to serving a short term of imprisonment or performing community service orders!

In this regard, I can only reiterate my message in last year's report, where I observed;

"The link between excessive speed and the road toll is inarguable. The road safety camera system represents just one means to deter motorists from driving at excessive speeds. This in turn involves the imposition of speed restrictions, their enforcement, a fair, accurate and reliable method of measuring the speed of vehicles and an appropriate system of sanctions."

In reviewing the activities of my office in the past twelve months, this report contains a number of recommendations and reports relating to:

- A reiteration that motorcycles should have frontal identification, a recommendation that is supported by chilling statistics,
- A streamlined method for motorists to view images of their alleged offences, free of charge, in line with New South Wales, South Australia and Western Australia,
- In conjunction with the previous recommendation, the format of infringement notices be reviewed, with the intention of providing space for more relevant information, particularly in respect of the siting of mobile speed cameras,
- Speed advisory signage,
- Point-to-point cameras being installed on all major Victorian highways and freeways, and
- The completion of the testing of all fixed road safety cameras in Victoria.

I am asked from time to time, what am I seeking to achieve in my role of Road Safety Camera Commissioner. I will be content if I am regarded by the motoring public as an honest broker in respect of complaints involving the accuracy of the road safety camera system and the subsequent imposition of penalties. With that goes a recognition that my statutory office is independent of government, the Victoria Police and the Department of Justice. That status in turn can only be achieved and maintained by total transparency, and an emphasis on over-riding fair play where road safety cameras are concerned.

I thank Mr Neil Robertson, the Executive Director of Police and Emergency Management and his successor Ms Marisa De Cicco, Deputy Secretary of Criminal Justice, both in the Department of Justice, for their unfailing support and assistance throughout the year. I also thank Assistant Commissioner Robert Hill of Road Policing Command, and Mr Brendan Facey, the Director of Infringement Management and Enforcement Services in the Department of Justice, for their cooperation.

Finally, I thank my staff for their dedication to the role my office performs.

RECOMMENDATIONS

Investigation into 991 infringements detected on 30 June 2013 from the Keilor Park Drive Bridge, Western Ring Road

This investigation recognised that all 987 traffic infringement notices issued for speeding offences detected between 12:09 pm and 1:22 pm on 30 June 2013 were issued correctly and that each of those motorists did commit an offence. However, I was not satisfied that the continuing temporary speed restriction was properly promulgated, and in the interests of fairness,

I recommended that:

- Victoria Police withdraw those 987 traffic infringement notices and issue Official Warnings in their place. Any infringement penalty already paid in relation to those notices should be refunded and any demerit points reversed,
- In relation to the four infringement notices issued for the offence of driving an unregistered vehicle, these traffic infringement notices remain valid and should not be withdrawn,
- VicRoads review the traffic management plans of future roadworks located at or near installations of road safety cameras to ensure that there is clarity regarding the applicable speed limit along that length of road,
- VicRoads ensure that future roadworks conducted at or near installations of fixed road safety camera systems should have conspicuous signage to remind motorists of their obligations to stay within the temporary speed limit applicable to that length of road until advised otherwise,
- VicRoads ensure that surveillance of roadworks and associated signage always be undertaken, irrespective of the duration of those roadworks, and
- VicRoads undertake a public campaign to promulgate the obligation of motorists to remain within any temporary speed limits applicable to roadworks zones, until they pass signage that defines the end of the roadworks site and the beginning of the next posted speed limit.

Investigation into the fixed road safety camera at the intersection of The Boulevard and Princes Highway, Norlane

As a result of the investigation into the operation of the fixed road safety camera installed at the intersection of The Boulevard and Princes Highway in Norlane, I found that the road safety camera and the traffic light sequence were operating correctly.

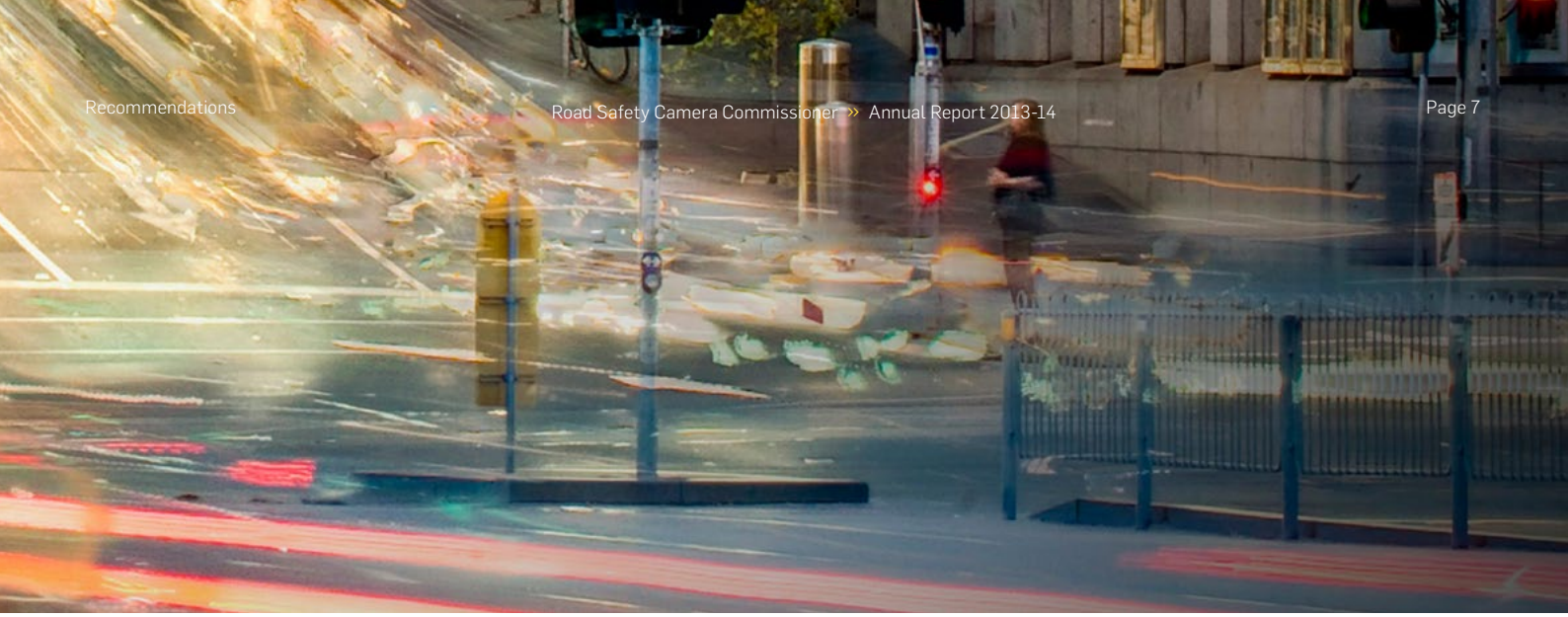
I recommended that:

- The adequacy of the signage recently erected by VicRoads along The Boulevard, approaching the intersection with Princes Highway depicting changed traffic conditions, be monitored, especially in respect of the apparent awareness of motorists of the availability of the left lane to effect a right hand turn.

Investigation into the effect of electronic speed advisory gantries on motorist behaviour

I recommend that:

- The electronic speed advisory signs should be well maintained and calibrated to the same level of accuracy and reliability as Victoria's fixed road safety camera systems. These systems are clearly of assistance to motorists in driving within the relevant speed limit and assessing the accuracy of their speedometers.



» Speed on all major Victorian highways should be measured by point-to-point road safety camera systems, similar to those currently installed on the Hume Highway and Peninsula Link. I am satisfied that camera surfing is prevalent on our roads and that point-to-point road safety camera systems are the only practical method of ensuring compliance with the speed limit over a considerable stretch of road, and the fairest method of speed measurement for motorists.

Recommendation regarding free access to images of offences detected by road safety cameras

I recommend that:

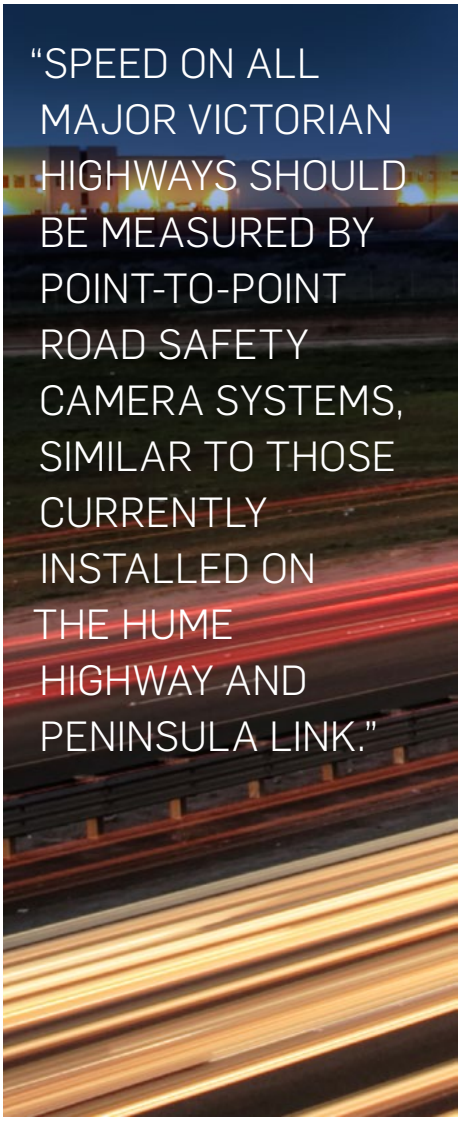
Images of infringement offences detected by road safety cameras be made available to the public free of charge, by way of a secure website.

» Consideration also be given to redesigning the form of infringement notices to streamline the manner in which information relating to the alleged offence can be obtained.

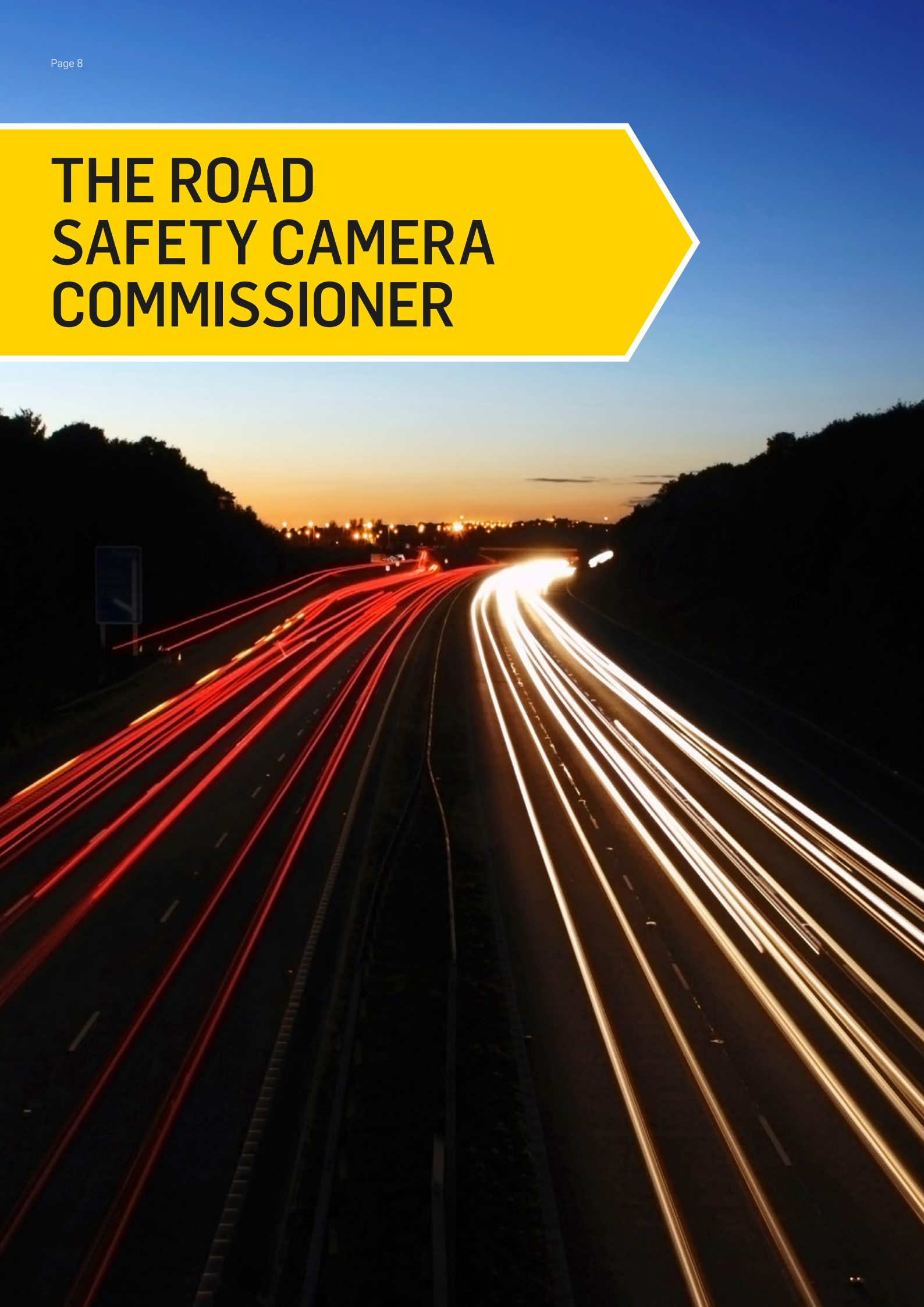
Recommendation regarding Road Safety Cameras and Motorcycles

I recommend that:

» Legislation be enacted to amend *Road Safety (Vehicles) Regulations 2009*, Regulation No. 48(1)(g) to require frontal identification of some kind on motorcycles and motor scooters, together with any consequential amendments.



THE ROAD SAFETY CAMERA COMMISSIONER



THE ROAD SAFETY CAMERA COMMISSIONER

The position of the Road Safety Camera Commissioner was established by section 4 of the *Road Safety Camera Commissioner Act 2011.*

The role of the Road Safety Camera Commissioner is to provide an independent, impartial and objective office to monitor compliance of Victoria's road safety camera system with the *Road Safety Act 1986.* The office has the statutory responsibility to receive complaints in relation to the road safety cameras and to investigate any systemic issues in relation to the road safety camera system.

His Honour Gordon Lewis AM was appointed the inaugural Road Safety Camera Commissioner in December 2011 for a term of two years. The Office of the Road Safety Camera Commissioner began operating on 6 February 2012. He was reappointed on 5 February 2014 for one year.

His Honour began legal practice in 1958, and was the Director of the Law Institute of Victoria from 1975 until 1986. After serving as the Victorian Government Solicitor for three years, he was appointed as a County Court judge in 1990. He served on the bench for eighteen years.

From 2008 to 2011, His Honour was a Deputy Chairman of the Victorian Commission for Gambling Regulation. In 2008, he conducted an inquiry into integrity in the racing industry in Victoria, leading to the establishment of the Office of the Racing Integrity Commissioner. In 2011, he was also appointed to the Anti-corruption and Integrity Consultation Panel to advise on the establishment of the Independent Broad-based Anti-corruption Commission for Victoria.

FUNCTIONS

The Office of the Road Safety Camera Commissioner was established to promote increased transparency in the road safety camera system and to enhance accountability for that system.

Section 10 of the Act 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
- 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 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 ANNUAL REPORT

This is the third annual report of the Office of the Road Safety Camera Commissioner and covers the full financial year 2013 to 2014.

Section 21 of the *Road Safety Camera Commissioner Act 2011* requires the Road Safety Camera Commissioner to provide a report to Parliament relating the performance of his functions under that Act during the financial year ending 30 June 2014.

Section 21 of the *Road Safety Camera Commissioner Act 2011* provides that the annual report must include:

- A report on the activities of the Road Safety Camera Commissioner's Reference Group during the financial year, and
- The findings of investigations conducted by the Road Safety Camera Commissioner during the financial year and any recommendations made, and
- Any other information or recommendation that the Road Safety Camera Commissioner considers appropriate, and
- Any information requested by the Minister for Police and Emergency Services (The Minister).

VISION, MISSION AND VALUES

Vision

To increase the public's confidence in the accuracy, reliability and integrity of the Victorian road safety camera system.

Mission

To provide Victorian motorists with ongoing support in relation to the state's road safety camera system and to provide an alternative avenue for complaints, quality assurance and investigations.

Values

The Commissioner is committed to four values, which guide and inform his work:

- Integrity – the Commissioner will carry out his functions with honesty, accuracy and consistency
- Transparency – the Commissioner will provide credible expert information about the road safety camera system to Parliament and the community
- Accountability – the Commissioner will monitor and review the accuracy, integrity and efficiency of Victoria's road safety camera system
- Independence – the Commissioner will act impartially and objectively in the fulfilment of his functions under the *Road Safety Camera Commissioner Act 2011.*

PART A.
THE YEAR IN REVIEW

KEY ACHIEVEMENTS FOR THE FINANCIAL YEAR 2013-2014

Relationship development

Although it is a subjective assessment, I am satisfied that the most significant change during this financial year has been in respect of the relationship between the office of the Road Safety Camera Commissioner and the motoring public. Almost two and a half years after this office came into being, my staff and I are seldom called upon to defend the accuracy and reliability of road safety cameras. This is a dramatic change from the early days.

There has been little change in the relationship my office has with the major stakeholders in road safety. My office continues to receive satisfactory support from the Department of Justice generally and from Infringement Management and Enforcements Services (IMES) in particular. I continue to meet on a regular basis with representatives of IMES to discuss both actual and potential problems. During this financial year both Mr Neil Robertson and Ms Marisa De Cicco, as the senior administrators responsible for the support services to my office, have been unfailingly helpful.

Similarly, I have appreciated the frank discussions I have had with Assistant Commissioner, Robert Hill. These meetings, involving direct personal communication, have been invaluable. Importantly we share a common stance as to whether speed kills and a total commitment to minimising the road toll.

I have appreciated the cooperation and assistance of the senior personnel at VicRoads during this financial year. The responses my office received to requests for data or general information, were uniformly prompt and helpful. I am satisfied that VicRoads could not have done more to assist me.

In addition to maintaining contact with the wider Australian road safety community this year, in September I attended two road safety conferences in Manchester, United Kingdom. I was a speaker at the National Safer Roads Partnerships' Conference and also attended and participated in discussions at the European Traffic Police Network Conference. The first of these conferences was attended by representatives of all the police constabularies in the United Kingdom. At the second, the attendees represented most European countries and the exposure to the wealth of knowledge and experience possessed by the participants, was invaluable. Both conferences provided useful opportunities to discuss how to best tackle the road toll. During both of the conferences, it was evident that the Victorian road safety camera system is held in high regard throughout the United Kingdom and European countries.

My office was also represented at two very useful interstate road safety conferences, one in Brisbane and the other in Adelaide. These represented opportunities to exchange information and ideas and to discuss common problems.

As I observed last year, for the office of the Road Safety Camera Commissioner to fulfil the public's expectations it is dependent on full cooperation from the bodies I have already mentioned as well as the Transport Accident Commission (TAC), Serco Group Pty Ltd, SGS Australia Pty Ltd, ConnectEast Pty. Limited and similar bodies. I am grateful to all these organisations for their help.

Monitoring the road safety camera system

The *Road Safety Camera Commissioner Act 2011* requires the Commissioner to undertake 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 the regulations made under that Act. The reviews and assessments are required to be undertaken at least annually.

The objectives of the technical analysis and monitoring of the road safety camera system are:

- To find any potential systemic issues with the camera network or technologies
- Performance monitoring of the cameras and the camera system as a whole, and
- An oversight of the testing and maintenance activities performed on the camera system.

In the 2013-2014 financial year, I enlisted the services of an experienced electrical and IT systems engineer to assist my Senior Technical Officer to complete the monitoring of all fixed digital road safety camera systems in Victoria not assessed and reported on in the 2012-2013 annual report.

By the end of this financial year, all fixed digital road safety cameras in operation as at 1 July 2013, have now been monitored. In the coming financial year, my office will give attention to the newly commissioned cameras and will revisit approximately half of the entire camera network to ensure their continued accuracy and reliability.

Media

During this past year the office of the Road Safety Camera Commissioner has received fair and generous media coverage. With the support of the Herald Sun, Radio 3AW and local television channels, I have received great assistance in raising public awareness of the road safety camera system and making it more transparent. Particularly I thank them for helping me put to rest, some long standing 'urban myths'.

The Reference Group

The Road Safety Camera Commissioner is empowered under the *Road Safety Camera Commissioner Act 2011* (the Act) to establish a group of advisers to be known as the Reference Group. The Reference Group is required to consist of the Commissioner and not less than three and not more than seven other members, appointed by the Minister for Police and Emergency Services on the recommendation of the Commissioner.

Reference Group members were initially appointed in the first half of 2012, and three of those members continued to serve on the Reference Group throughout this financial year. The Reference Group, which is made up of experts in their respective fields, provides information and advice to the Commissioner.

The Reference Group met on ten occasions during the 2013-2014 financial year. At the commencement of the financial year Professor Drummond, Ms. Fenton and Mr. Jones continued on as members of the group. In addition, Mr. Mark Kelly was appointed a member on 25 February 2014 as an expert in driver training.

Section 21 of the Act provides that the annual report must include a report on the activities of the Reference Group during the financial year. I have found the Reference Group to be a most useful sounding board and the diverse experience each member brings to his/her statutory role, has proved invaluable in achieving a balanced consideration of many contentious issues.

THE MEMBERS OF THE REFERENCE GROUP ARE:

Professor Tom Drummond
Department of Electrical and Computer Systems Engineering, Monash University

Tom is a professor of Electrical and Computer Systems Engineering at Monash University. His research specialisation is in real-time processing of sensor information, in particular computer vision with application to robotics, augmented reality and assistive devices for the visually impaired. He has a BA in mathematics and an MA from the University of Cambridge, UK and a PhD in computer science from Curtin University, WA.

David Jones
Manager, Roads and Traffic, RACV

David leads RACV's advocacy on roads and traffic issues, and represents RACV's members on government and industry advisory committees. His background is in managing transport research and in transport planning and traffic engineering.

Jane Fenton AM
Non-executive director and expert in communications

Jane is the Chair of the Queen Victoria Women's Centre Trust, Deputy Chair of the Queen Victoria Market Pty Ltd and of the Cancer Council Australia Pty Ltd., and a trustee of the Melbourne Cricket Ground. She is a Fellow of the Australian Institute of Company Directors and the Public Relations Institute of Australia, a Life Governor of Very Special Kids and a consultant to the business she founded in 1987, Fenton Communications.

Mark Kelly
General Manager, Murcotts Driving Excellence Pty Ltd

Mark manages Murcotts' nationally accredited driver education and training programs including forensic programs. He has been involved in road safety since the mid 1980s and was Principal Researcher to the Parliamentary Road Safety Committee in their Inquiries into Speed Limits in Victoria and Motorcycle Safety. He is also President of the Victorian Association of Drink & Drug Driver Services, the peak body in Victoria representing 43 accredited agencies.

Powers of investigation

The Commissioner has the power to conduct investigations into matters requested or agreed to by the Minister into the integrity, accuracy or efficiency of the road safety camera system pursuant to section 10(c) of the *Road Safety Camera Commissioner Act 2011*. The Commissioner also has the power to investigate any matter in relation to the road safety camera system that the Minister refers to the Commissioner pursuant to section 10 (f) of the Act.

In addition to this, the Commissioner has the power to investigate complaints that he has received concerning any aspect of the road safety camera system that appear to indicate a systemic or technical problem with the road safety camera system and to make recommendations to the Minister to address any issues identified, pursuant to section 10(e) of the *Road Safety Camera Commissioner Act 2011*.

I completed three major investigations during this financial year:

- 991 infringements at the Keilor Park Drive Bridge, along the Western Ring Road
- Investigation into the road safety camera at the intersection of The Boulevard and Princes Highway, Norlane
- Effect of electronic speed advisory signage on motorist behaviour

A summary of each investigation and the relevant recommendations are set out in Part C of this Report.

Complaints and correspondence

During the financial year 2013-2014 my office received 400 pieces of correspondence from the public, and assisted approximately 480 motorists who telephoned my office with queries about the operation of the road safety camera system.

Because so much of the correspondence received by my office are requests for information, I have sought and obtained the support of the Minister for Police and Emergency Services for a proposed amendment to section 10 of the *Road Safety Camera Commissioner Act 2011*, along the following lines:

"To provide information about the road safety camera system in response to a request for information from a person or body."

While the proposed amendment may involve an abundance of caution, its inclusion in the legislation will remove any doubt as to how far my statutory powers extend beyond merely dealing with complaints and carrying out requested investigations.

PART B.
ABOUT THE OFFICE

GOVERNANCE AND ORGANISATIONAL STRUCTURE

The Road Safety Camera Commissioner is a statutory office holder appointed by the Governor in Council and reports to Parliament through the Minister for Police and Emergency Services.

As at 30 June 2014, there were two full time employees employed under Part 3 of the *Public Administration Act 2004* to enable the Road Safety Camera Commissioner to perform his functions and exercise his powers under the *Road Safety Camera Act 2011*. The two permanent staff include an Acting Manager, Operations and a Senior Technical Officer.

The staff of the Office of the Road Safety Camera Commissioner are appointed by the Commissioner, but are employed by the Department of Justice. For the purposes of their work with the Commissioner, the Commissioner's staff work independently of the Department of Justice.

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's 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*.

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 2013-2014, no applications under this Act were received.

MAKING A REQUEST

Access to documents may be obtained by making a written request to the Freedom of Information Manager, 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 Manager
Office of the Road Safety Camera Commissioner
Locked Bag 14
Collins Street East
MELBOURNE VIC 8003

Requests may also be lodged online at www.foi.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

COMPLIANCE WITH THE PROTECTED DISCLOSURE ACT 2012

On 10 February 2013, the *Protected Disclosure Act 2012* replaced the *Whistleblowers Protection Act 2001*. 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, 459 Collins Street (North Tower)
MELBOURNE VIC 3000

GPO Box 24234
MELBOURNE VIC 3000

Toll free: 1300 735 135
Website: www.ibac.vic.gov.au

Alternatively, disclosures of improper conduct or detrimental action by employees of the office may be made to the Protected Disclosure Coordinator of the Department of Justice at:

Protected Disclosure Coordinator – Department of Justice
GPO Box 4356
Melbourne VIC 3001
Tel: 03 8684 0090

PART C. INVESTIGATIONS AND RECOMMENDATIONS

IN THE FINANCIAL YEAR 2013 TO 2014, I CONDUCTED THE FOLLOWING INVESTIGATIONS AND MADE APPROPRIATE RECOMMENDATIONS:

Summary of investigations and recommendations:

- Investigation into the 991 infringements at the Keilor Park Drive Bridge, along the Western Ring Road,
- Investigation into the road safety camera at the intersection of The Boulevard and Princes Highway, Norlane,
- Investigation into the effect of electronic speed advisory signage on motorist behaviour,
- Recommendation regarding free access to images of offences detected by road safety cameras, and
- Recommendation regarding road safety cameras and motorcycles.

INVESTIGATION INTO THE 991 INFRINGEMENTS AT THE KEILOR PARK DRIVE BRIDGE, ALONG THE WESTERN RING ROAD

Background

On 26 July 2013, a member of the public spoke to Mr Neil Mitchell of radio 3AW on his program, regarding an infringement notice the motorist had received, which was recorded on 30 June 2013, during a period of roadworks at Keilor Park Drive Bridge along the Western Ring Road.

Later that day, Superintendent Dean McWhirter of the Victoria Police Traffic Camera Office spoke to Mr Mitchell on air, and confirmed that 991 traffic infringements were detected during a 73 minute period, between 12:09 pm and 1:22 pm, on 30 June 2013. During this time, the speed limit along the roadworks, and at the Keilor Park Drive Bridge was lowered from 100 km/h to 40 km/h to accommodate roadworks. Due to the media attention, I also appeared on Mr Mitchell's radio show and subsequently received fifty complaints from the public expressing their concerns about their infringement notices. Due to the number of complaints, I carried out an investigation into the circumstances of those 991 traffic infringements pursuant to section 10(e) of the *Road Safety Camera Commissioner Act 2011*.

A large proportion of the fifty complaints I received was from people who were seniors or had never received an infringement notice prior to this event. They expressed their surprise that they had received speeding infringements at all, because they had not seen any roadworks or signage. Some of the infringements were classified as excessive speed infringements, where the alleged speed was at least 25 km/h over the applicable speed limit, which carried a period of mandatory licence suspension.

In my investigation, I examined the technical accuracy and reliability of the road safety cameras and associated systems in operation at Keilor Park Drive Bridge. I also examined all the images of infringements referred to me by the public, as well as any other factors that might have contributed to such a large number of infringements being recorded during such a short time.

The road safety camera system at Keilor Park Drive Bridge

The fixed road safety camera system installed at Keilor Park Drive Bridge comprises two independently operating components. The primary speed calculation unit, or primary device, is installed on a lane-by-lane basis, and is a Gatso DRCS-Parabolic, a prescribed device within the *Road Safety (General) Regulations 2009*. The second major component is the independently operating and calibrated secondary speed calculation unit, or secondary system. The secondary speed calculation unit used at Keilor Park Drive Bridge is an inductive loop system.

Speed measurements of any vehicle made by the primary system, are compared to those made by the secondary system to ensure the two measurements correlate. If the two measurements do not correlate, then the detection is rejected and an infringement notice cannot be issued.

Because the area around Keilor Park Drive Bridge has variable speed limits set by VicRoads, the road safety camera is also programmed to monitor variable speed limits. When a vehicle is detected speeding, images of the nearest bank of fixed electronic variable speed limit signs are recorded a short time before and at the time of the detection. These images are examined during manual processing and, if any image of speed limit signage does not match the speed limit as recorded by the road safety camera, the detection is rejected and an infringement will not be issued.

Roadworks and traffic management

Prior to the commencement of any roadworks in Victoria, a traffic management plan must be submitted to, and approved by VicRoads. Once approval is given, the works are authorised to take place during the time specified in the approval. During my investigation, I was again grateful for the cooperation of VicRoads, which furnished me with a copy of the traffic management plan used for the roadworks that were carried out on 30 June 2013 near Keilor Park Drive Bridge. The traffic management plan showed:

- Approximately one kilometre from Keilor Park Drive Bridge, a temporary static sign reduced the speed limit from 100 km/h to 80 km/h,
- Approximately 800 metres from Keilor Park Drive Bridge, a temporary static sign alerted motorists there was an upcoming 40 km/h speed limit,
- Approximately 600 metres before Keilor Park Drive Bridge, a temporary static sign denoting the beginning of a 40 km/h speed limit was displayed,
- Approximately 450 metres before Keilor Park Drive Bridge, a temporary static sign advised motorists to begin merging from three lanes into one,
- Approximately 300 metres before Keilor Park Drive Bridge, the merge of traffic lanes began,
- Approximately 250 metres before Keilor Park Drive Bridge, the illuminated electronic speed limit signs were showing a speed limit of 40 km/h,
- The roadworks zone was between the final set of speed limit signs and Keilor Park Drive Bridge,
- The roadworks zone, including traffic management devices such as bollards, ended shortly before Keilor Park Drive Bridge and both lanes were then opened for traffic, and

» The temporary static sign signalling the end of roadworks and the speed limit increasing to 100 km/h was displayed approximately 200 metres after the Keilor Park Drive Bridge.

Results of the investigation

After examining data recorded by the road safety camera at Keilor Park Drive Bridge provided by the Department of Justice, I found that the road safety camera was operating accurately and reliably between 12:09 pm and 1:22 pm on 30 June 2013. The Department of Justice advised me that, of the two road safety cameras installed at Keilor Park Drive Bridge, only the camera in the left hand lane was operational during this period and that the camera in the right hand lane had been deactivated for maintenance.

I also viewed all images relating to each infringement referred to me by the public. The images of the electronic variable speed limit signs accompanying images of vehicles recorded exceeding the speed limit showed that between 12:09 pm and 1:22 pm on 30 June 2013, the speed limit was set at 40 km/h for the safety of the workers present and that there were roadworks conducted during this time.

On examining the traffic management plan presented to me by VicRoads, it was clear that it satisfied the standards published by VicRoads. It was designed to maximise the safety of the workers present during that time and at that place, and to minimise the level of disruption experienced by motorists on what is undoubtedly one of the busiest arterials in Melbourne.

However, both the traffic management plan and the images recorded of the two electronic variable speed limit signs showed that the traffic management and roadworks zone ended just before the Keilor Park Drive Bridge, with both lanes then open, with light traffic ahead, and no additional signage until the "end of roadworks sign" approximately 200 metres after passing the bridge. This sign was erected on a curve in the Western Ring Road, which effectively obscured the end of roadworks sign until vehicles travelling north had passed under the bridge. This abrupt end to the roadworks zone and traffic management and the invisibility of the derestriction sign are, in my view, the primary causes of the large number of traffic infringements recorded during this short, 73 minute period.

I concluded that this abrupt change in the driving environment was a deficiency in the way the traffic management was conducted, despite meeting the requirements set out in the VicRoads standards. It led to the assumption by some motorists, however mistaken, that as they had passed the roadworks zone, it was now safe to accelerate to the "normal" speed limit of 100 km/h along the Western Ring Road. This behaviour led others to accelerate, in a very expensive demonstration of the herd mentality.

Because of this deficiency, I did not accept that there was sufficient signage displayed at the end of the roadworks zone to ensure motorists would comply with the applicable speed limit. As I stated initially, in my report dated 8 August 2013, the "proof of the pudding", in regards to the adequacy of any signage is "surely in the eating". That there was such a startling number of motorists detected speeding, as well as the magnitude of that speeding, in such a short period of time called for some common sense and discretion. In short, had there been an additional temporary speed limit sign just after the roadworks zone, before the road safety cameras, reminding motorists of the 40 km/h speed limit, the conclusions of this investigation would have been very different.

The conclusions I reached in my report were not based on any assumption that motorists were "not guilty" of an offence, or that there was any technical deficiency in the road safety camera system, but on the fundamental concern regarding clarity in signage, and the unique location of the work site. This is especially important in a situation where motorists exiting a work site, are presented with an unobstructed freeway where there is no sign of roadworks or traffic management and light traffic, a very short distance from a road safety camera. Indeed, the stakes were very high in this case, where the normal speed limit of 100 km/h was far higher than the temporary roadworks speed limit of 40 km/h. This speed limit differential resulted in serious sanctions for some motorists involved, including potential convictions and mandatory licence suspensions.

Recommendation

As a result of this investigation, I recognised that all 987 traffic infringement notices issued for speeding offences detected between 12:09 pm and 1:22 pm on 30 June 2013 were issued correctly and that each of those motorists did commit an offence.

I recommended that:

» Victoria Police withdraw those 987 traffic infringement notices and issue Official Warnings in their place. Any infringement penalty already paid in relation to those notices should be refunded and any demerit points reversed,

» In relation to the four infringement notices issued for the offence of driving an unregistered vehicle, these traffic infringement notices remain valid and should not be withdrawn,

» VicRoads review the traffic management plans of future roadworks located at or near installations of road safety cameras, to ensure that there is clarity regarding the applicable speed limit along that length of road,

» VicRoads ensure that future roadworks conducted at or near installations of fixed road safety camera systems should have conspicuous signage to remind motorists of their obligations to stay within the temporary speed limit applicable to that length of road until advised otherwise,

» VicRoads ensure that surveillance of roadworks and associated signage always be undertaken, irrespective of the duration of those roadworks, and

» VicRoads undertake a public campaign to promulgate the obligation of motorists to remain within any temporary speed limits applicable to roadworks zones until they pass signage that defines the end of the roadworks site and the beginning of the next posted speed limit.

INVESTIGATION INTO THE ROAD SAFETY CAMERA AT THE INTERSECTION OF THE BOULEVARD AND PRINCES HIGHWAY, NORLANE

Background

The road safety camera on the eastbound approach of the intersection of The Boulevard and Princes Highway in Norlane has been in operation since 2005. The Boulevard has a speed limit of 60 km/h for vehicles approaching the intersection, heading towards North Shore Road.

In June 2012, VicRoads made changes to the layout and traffic light sequence of the intersection, in anticipation of the opening of a new Bunnings Warehouse on the site of the former Ford Australia Product Engineering Office.

The eastbound approach of the intersection is made up of two lanes, the left lane allowing vehicles to turn left or travel straight through and the right lane allowing vehicles to travel straight or turn right. Originally, the traffic lights were a "partially controlled" sequence, where vehicles effecting a right hand turn would not face a red arrow, and were permitted to wait within the intersection to complete the turn safely.

The changes VicRoads made were to change the right hand lane into an exclusively right turn lane while keeping the configuration of the left lane the same. It then altered the traffic light sequence into a "fully controlled" sequence, where motorists turning right had to wait for a green arrow before being allowed to move into the intersection. These changes were made as VicRoads projected an increase in the traffic volume with the opening of the new Bunnings Warehouse and a desire to ensure that right turns from The Boulevard into Princes Highway, were completed as safely as possible.

Complaints about the road safety camera

Following the changes made by VicRoads, the *Geelong Advertiser* published an article about the large number of infringements recorded by the road safety camera, which averaged approximately 200 per quarter prior to the changes made by VicRoads, and increased to over 1,000 per quarter after June 2012. Motorists, who had received traffic infringements recorded at this location, also wrote to the *Geelong Advertiser* and the *Geelong Independent*, expressing their concerns about the operation of the traffic lights and the road safety camera.

After motorists began to write to the two Geelong newspapers, I received forty individual complaints from motorists about the infringement notices they had received. All of the complaints to my office were regarding red light infringements for turning right against a red arrow. There were no complaints from motorists who received infringements for exceeding the speed limit, turning left against a red light or travelling straight through the intersection against a red light.

The nature of the complaints included, but were not limited to the following issues:

- The duration of the green arrow was not long enough,
- The duration of the yellow arrow was not long enough,
- There was no yellow arrow at all,
- The motorist was "stuck in the intersection" when the light turned red, and
- The directional arrows painted on the road were not sufficiently clear for the right turning lane.

Due to the number of complaints I received about the camera, I conducted an investigation into the operation, accuracy and reliability of the road safety camera at the intersection of The Boulevard and Princes Highway in Norlane, pursuant to my powers under section 10(e) of the *Road Safety Camera Commissioner Act 2011*.

The road safety camera at the intersection of The Boulevard and Princes Highway, Norlane

The road safety camera system installed at the intersection of The Boulevard and Princes Highway in Norlane is a Robot Traffipax Traffistar SR520, a prescribed device under the *Road Safety (General) Regulations 2009*. This road safety camera system uses a set of two inductive loops per lane to detect a vehicle's presence and calculate its speed. Inductive loop sensors measure change in inductance as ferrous objects pass over them.

To ensure that red light infringements are recorded accurately, road safety cameras are required to be calibrated and certified to comply with the requirements set out in the *Road Safety (General) Regulations 2009*. The Department of Justice and the relevant manufacturer also set out stringent regular testing and maintenance specifications for road safety cameras in Victoria, to ensure continued compliance with the *Road Safety (General) Regulations 2009*.

Victorian road safety cameras monitoring red lights and arrows are programmed to ensure that two images of a vehicle are recorded, when it is detected entering the intersection more than half a second after the relevant

traffic lights or arrows have turned red. For an infringement to be recorded, the two images should show:

- The vehicle's rear most axle crossing the road safety camera's sensor area against a red light or arrow in the first image,
- The vehicle within the intersection against a red light or arrow in the second image, therefore
- Demonstrating the vehicle proceeding through the intersection against a red light or arrow with continuity shown between the two images.

Scope of investigation

My investigation focused on several aspects of the road safety camera and associated systems. These aspects were:

- Testing, maintenance and certification of the camera before and after the VicRoads changes,
- The operation of the camera before and after the VicRoads changes,
- The changes made to the design and operation of the intersection,
- The changes in traffic volume and behaviour as a result of the changes implemented by VicRoads, and
- Any other external influences on the number of complaints about infringements.

To understand the road safety camera's behaviour before and after the changes made by VicRoads, I analysed raw data recorded by it during the periods 1 January 2012 to 31 May 2012 and 1 July 2012 to 31 December 2013. These two periods were selected because of the distinct differences in the design and operation of the intersection and its traffic light sequence.

In addition, I viewed the images recorded by the road safety camera of every individual traffic infringement notice referred to my office by the public. I also visited the road safety camera site with a member of my technical staff and an independent engineer to determine if there were any external factors that may have influenced the high number of complaints from motorists.

Results of the investigation

After examining the testing and maintenance reports of the road safety camera, I was satisfied that it was functioning correctly, accurately and reliably before and after the changes to the intersection made by VicRoads. The road safety camera met all the legislative and regulatory requirements set out in the *Road Safety (General) Regulations 2009*, as well as the requirements and specifications set out by the manufacturer and the Department of Justice.

After examining the images of each infringement referred to my office, I was satisfied that each infringement was issued correctly, as they showed the vehicle in question entering the intersection against a red arrow and effecting a right hand turn. In addition, analysis of the road safety camera data showed that the camera was operating correctly, applying the half second grace period to all detections.

In my analysis of the camera data, I also examined the duration of the yellow arrow afforded to motorists. Each motorist detected entering the intersection against a red arrow was afforded at least three seconds of yellow arrow, which meets the guidelines set out in the Austroads standards and the VicRoads *Traffic Engineering Manual*. I am satisfied that the changes made by VicRoads to the design and operation of the intersection, met the guidelines and were operating correctly.

Where motorists complained to me about the duration of the green arrow, that is purely a matter for VicRoads, which designs the traffic light cycles at Victoria's intersections.

On the wholly separate issue of directional road markings in the right turn lane, I was unconvinced that was a factor in any motorist receiving an infringement notice. Every infringement referred to me showed the particular vehicle turning right against a red light in the right turn lane. There were no infringements issued to motorists for vehicles travelling straight through the right turn lane. Those claims are, in short, fatuous, and have no merit.

In terms of the numbers of vehicles detected exceeding the speed limit or entering the intersection against a red light or arrow, the camera detected a combined total of approximately 2.2 per day, before the changes made by VicRoads, compared with a combined total of approximately 18.8 per day after the changes. This dramatic increase was solely attributable to an increase in the number of vehicles turning right at the intersection against a red light.

While the volume of traffic travelling through the intersection did increase by approximately sixty per cent per day, as a result of the opening of Bunnings Warehouse, this increase in volume could not explain the increase in the number of infringements issued.

When I examined the images of infringements referred to me in further detail, they showed that the vehicles entering the intersection against the red arrow were, in the vast majority of cases, the last or second last vehicle waiting in the lane. The images showed that driver impatience, not camera malfunction or traffic light durations, was the primary cause of the increased number of infringements recorded and issued by Victoria Police at this intersection.

I am concerned that some motorists exhibited this level of impatience at this intersection, choosing to treat the yellow arrow as an extension of the green, rather than heeding it as the warning that they should stop if it were safe to do so, before the traffic arrows became red.

Further changes made by VicRoads

While I was conducting my investigation, representatives of VicRoads advised me that it had also received complaints regarding the intersection and that there would be further changes to its design and operation. VicRoads believed that these changes would improve traffic flow and safety, as well as lower the number of complaints it received and the number of infringements issued by Victoria Police.

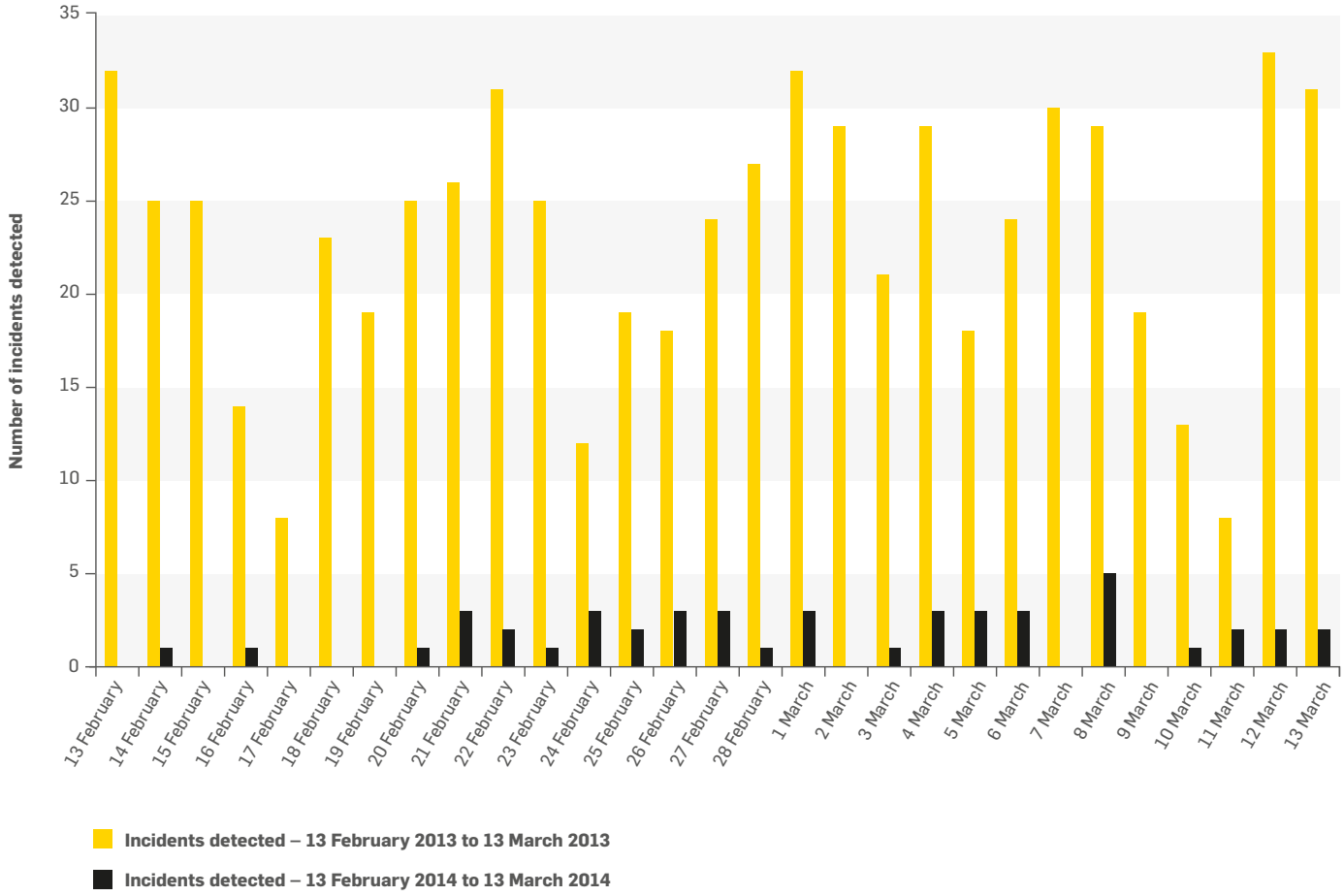
The proposed changes were implemented on 12 February 2014 and consisted of the following:

- Vehicles travelling in the left hand lane were now permitted to effect a right hand turn, in addition to turning left and travelling straight,
- The traffic light sequence was altered to allow vehicles travelling along The Boulevard to cross the intersection in isolation, before
- Allowing vehicles travelling along North Shore Road to cross the intersection in isolation.

These changes ensured that motorists turning right from The Boulevard into Princes Highway, would have more time to cross the intersection as the traffic lights and arrows were now the same duration. The change in lane markings is promulgated by a new sign erected near the rear of the Bunnings Warehouse.

Analysis of camera data recorded after 12 February 2014, showed that the new configuration of the intersection has resulted in a decrease in the number of vehicles detected entering the intersection against a red light or arrow, as shown in Figure 1, below. The level of detections is now similar to that recorded by the road safety camera before any alterations were made by VicRoads in June 2012. I am confident that this will be a permanent reduction in the number of detections and infringements.

Figure 1: Comparison of number of incidents detected between periods 13 February to 13 March 2013, and 13 February to 13 March 2014



Recommendation

I recommended that:

- The adequacy of the signage erected by VicRoads promulgating the altered traffic conditions at the intersection of The Boulevard and Princes Highway in Norlane be monitored.

INVESTIGATION INTO THE EFFECT OF ELECTRONIC SPEED ADVISORY SIGNAGE ON MOTORIST BEHAVIOUR

Background

In my annual reports for the financial years of 2012-13 and 2013-14, I made recommendations to VicRoads to ensure all six installations of electronic speed advisory signage (ESAS) along major highways, should be maintained to the accuracy level of the fixed road safety cameras in Victoria.

VicRoads is to be commended for making these devices available to Victorian motorists, to assist them in monitoring and controlling their speed on the road network and adhere to the relevant speed limit. The six ESAS installations are located at:

- Princes Freeway, Lara,
- Western Freeway, Ballarat,
- Western Freeway, Ballan,
- Hume Freeway, Beveridge,
- Hume Freeway, Barnawartha North, and
- Calder Freeway, Diggers Rest.

However, VicRoads has advised me that of the six ESAS installations, only the installation along the Melbourne-bound carriageway of the Princes Freeway between Melbourne and Geelong is as accurate as the fixed road safety camera systems in Victoria.

My recommendation to VicRoads, to increase the level of accuracy of the other ESAS installations, is based upon the premise that installing such equipment on Victoria's road network should increase motorists' level of confidence in the road safety camera system, as long as the ESAS systems are accurate and reliable. Otherwise, they could become a trap for motorists who may rely on a misleading speed reading they observe whilst driving past ESAS.

In light of the recommendations I made in my annual reports, the Minister for Police and Emergency Services directed me to undertake an investigation, under section 10(c) of the *Road Safety Camera Commissioner Act 2011* into the effects of electronic speed advisory signage on motorists' behaviour.

Scope and method of investigation

The electronic speed advisory sign installed along the Melbourne-bound carriageway of the Princes Freeway between Melbourne and Geelong, was chosen as the test site, as it is the only ESAS installation to have the same level of accuracy and reliability as the fixed road safety cameras in Victoria. It has been in operation since 2007.

The installation is located near Lara, at the Beach Road overpass, approximately 3.7 kilometres north of the fixed road safety camera at the Avalon Road overpass and approximately seven kilometres south of the road safety camera at the Point Wilson Road overpass.

The ESAS in Lara uses the same basic components and speed measurement method as the fixed road safety cameras installed along the Princes Freeway. It is calibrated, tested and maintained to the same level of accuracy and reliability as the fixed road safety cameras. This means that the speed measurements made by the cameras and the speed advisory sign are directly comparable.

To measure the effect of speed advisory signage on motorist behaviour, three independently calibrated speed measurement devices were temporarily installed by SGS Australia Pty Ltd on the Melbourne-bound carriageway of Princes Freeway from 1 February to 28 February 2014, inclusive, at the following locations:

- Approximately 900 metres before the Beach Road overpass,
- Approximately 160 metres before the Beach Road overpass, at the location of the ESAS sensors, and
- Approximate 550 metres after the Beach Road overpass.

The temporary speed measurement devices used are also calibrated and maintained to the same level of accuracy as Victoria's fixed road safety cameras. A temporary speed measurement device was needed at the location of the ESAS sensors, as the ESAS does not retain records of speed measurements it has made.

Since there is signage installed at the sensors where the speed measurement takes place, motorists would naturally be inclined to make any alterations to their behaviour before the sensors, in anticipation of receiving a measurement of the accuracy of their vehicle's speedometer.

Data recorded by the three speed measurement devices was analysed to determine what effect, if any, the speed advisory sign has on the behaviour of motorists along the length of road close to the advisory sign. This data was also used to determine whether those behavioural changes affected the likelihood of motorists being detected exceeding the speed limit by fixed road safety cameras along Princes Freeway. This was accomplished by analysing and comparing data recorded by the road safety cameras on the Melbourne-bound carriageway of the Princes Freeway at Avalon Road Bridge in Lara and Point Wilson Road Bridge in Point Wilson, with data from the temporary speed measurement devices, for the dates 1 February to 28 February 2014. This analysis was performed to determine if there was any residual effect from the ESAS on motorist behaviour.

These two camera locations were selected as a comparison because there was minimal variation in traffic volume and more homogeneous speeds, along this section of the Princes Highway due to low numbers of vehicles entering and exiting the freeway from other roads. The fixed road safety cameras installed closer to Melbourne would be unsuitable for this type of analysis because of the lane layout changes and more entry and exit ramps leading to much higher traffic volumes. The five data measurement locations have a consistent, three lane layout and a speed limit of 100 km/h.

Results of investigation

During the period 1 February to 28 February 2014, the temporary speed measurement devices recorded a total of:

- 802,095 vehicles approaching the ESAS,
- 780,174 vehicles at the ESAS, and
- 808,928 vehicles past the ESAS.

The difference in the number of vehicles recorded by the temporary speed measurement devices is due to vehicles entering and exiting the freeway at Beach Road. The distribution of traffic volume by lane is set out below.

Table 1: Distribution of traffic volume
(Note: Any apparent discrepancies are due to rounding)

LOCATION	TRAFFIC VOLUME & PERCENTAGE		
	LEFT LANE	CENTRE LANE	RIGHT LANE
900 metres before Beach Road	280,492 (34.97%)	369,827 (46.11%)	151,776 (18.92%)
Speed advisory sign sensors	255,060 (32.69%)	364,060 (46.66%)	161,054 (20.64%)
550 metres after Beach Road	255,060 (32.69%)	366,758 (45.34%)	159,613 (19.73%)

The average speeds recorded by the temporary speed measurement devices are at their highest during the weekdays and lowest during weekends. This effect is most pronounced in the right hand lane, where the average speed on Sundays is approximately 3 km/h slower than that recorded during weekdays.

In general, the average speed of motorists is seen to be slower at the speed advisory sign than when they are approaching it. Once past the speed advisory sign, motorists increased their speed to a level slightly higher than their approach speed. This is shown in Figure 2, to the right. The traffic in each lane, however, behaves differently. Motorists in the left hand lane, which is normally seen as the slow lane have an average speed that is 3 to 4 km/h slower than the speed limit. Traffic in the centre lane travels just under the speed limit and that in the right hand lane is usually travelling slightly faster than the speed limit, as shown to the right.

Figure 2: Princes Freeway, between Melbourne and Geelong
Number of vehicles recorded and their speeds between three speed measurement points (Graph shows data for all 3 lanes)

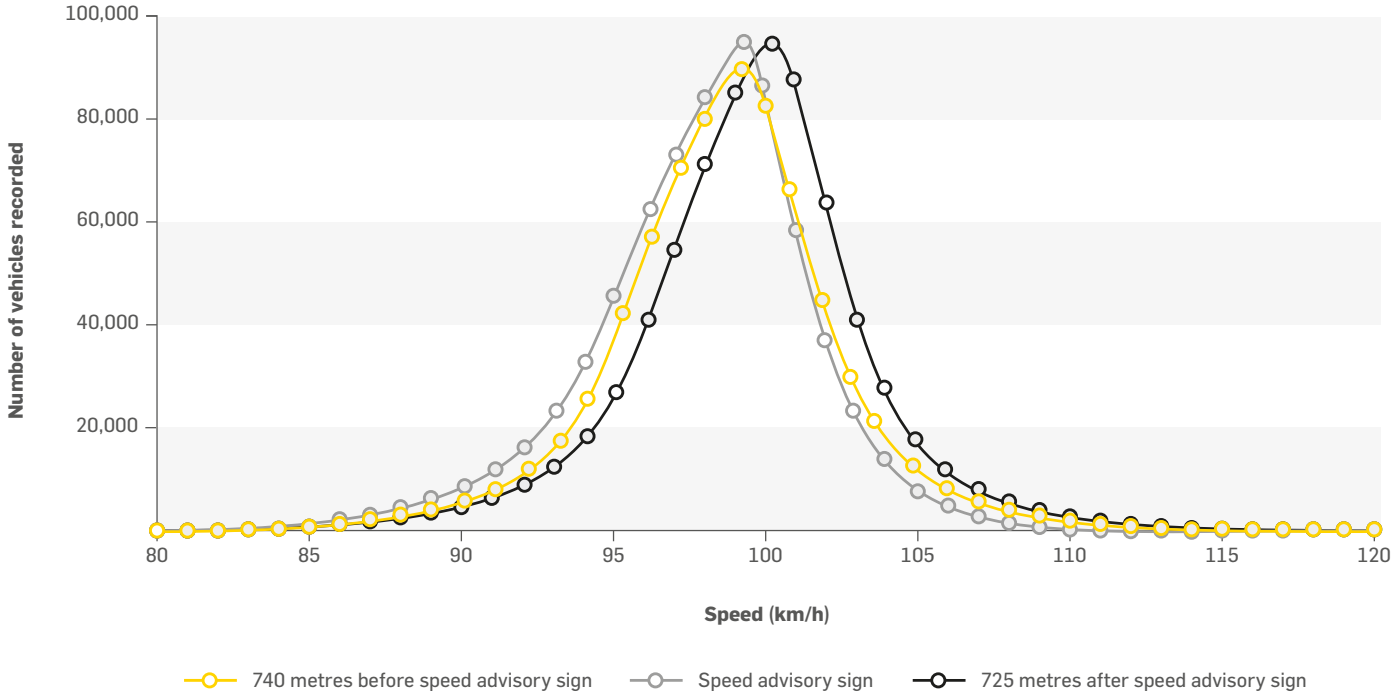


Table 2: Average speed statistics

LOCATION	AVERAGE SPEED (KM/H)			
	OVERALL	LEFT LANE	CENTRE LANE	RIGHT LANE
900 metres before Beach Road	99.10	95.58	99.42	103.01
ESAS sensors	98.38	96.43	98.50	101.18
550 metres after Beach Road	99.53	96.79	99.92	103.46

An interesting aspect of the study, concerns the "standard deviation" of the speeds recorded by the temporary speed measurement devices. A standard deviation is an attribute of a set of data denoting the degree of variation, or spread, from the average value of that data. A larger standard deviation means the data has a higher amount of spread, while a smaller standard deviation means data is clustered very close to the average. The standard deviations are presented below:

Table 3: Standard deviation in speed statistics

LOCATION	AVERAGE SPEED (KM/H)			
	OVERALL	LEFT LANE	CENTRE LANE	RIGHT LANE
900 metres before Beach Road	5.14	5.43	3.97	4.44
ESAS sensors	4.68	5.17	3.84	4.05
550 metres after Beach Road	5.46	6.17	4.02	4.23

The results showed that motorists will generally converge to a lower average speed at the ESAS sensors, compared to their approach speed, before diverging again. It should be noted that the left hand lane consistently recorded the highest standard deviation from the average speed. This may be influenced by vehicles joining or leaving the freeway from the Beach Road overpass. The lower standard deviations recorded for the other lanes suggest that motorists in those lanes decelerate on approach to the ESAS and then accelerate once past it, with broadly the same magnitude.

The data recorded by the road safety cameras also showed a very similar degree of variation in speed with standard deviations of 4.09 km/h at Avalon Road Bridge and 4.29 km/h at Point Wilson Road Bridge. However, the average speeds recorded by the road safety cameras of 95 km/h, were significantly lower than the 98 km/h at the speed advisory sign.

The road safety cameras recorded approximately 770,000 vehicles and 1,350 vehicles exceeding the speed limit during the period 1 February to 28 February 2014. This showed that the speed advisory signage did not affect the behaviour of motorists over a long distance, as the number of vehicles detected exceeding the speed limit did not change overall between the two road safety cameras over a distance of approximately eleven kilometres.

I am encouraged that motorists do appear to take advantage of the presence of the electronic speed advisory sign on the Princes Freeway, using it to assess the accuracy of their speedometers. This study has cemented my opinion that ESAS systems that are well maintained, reliable and calibrated to the same accuracy level as fixed road safety cameras, will be of assistance to motorists in driving within the speed limit on Victoria's roads.

It is somewhat disappointing that the average speed of motorists in free-flowing traffic, as calculated by the two temporary speed measurement devices before and after the ESAS, is significantly higher than that recorded by the fixed road safety cameras. While this confirms that the number of motorists detected exceeding the speed limit does not differ between one camera and another, it is symptomatic of the behaviour known as "camera surfing", where motorists slow down just before a known camera location, before accelerating back to their previous speed, once past the camera's detection area.

Recommendation

I am satisfied that electronic speed advisory signs that are well maintained and calibrated to the same accuracy level as Victoria's fixed road safety cameras, are of assistance to motorists in driving within the relevant speed limit and assessing the accuracy of their speedometers.

After considering data produced by this investigation, which again shows motorists are consistently camera surfing, I am convinced that speed on all major Victorian highways should be measured by point-to-point road safety camera systems, similar to those currently installed on the Hume Highway and Peninsula Link.

I am satisfied that point-to-point road safety cameras are the only practical method of ensuring compliance with the speed limit over a considerable stretch of road, and the fairest method of speed measurement for motorists.

FREE ACCESS TO IMAGES OF OFFENCES

In the period 1 January 2013 to 30 June 2014, I have been advised that approximately 42,200 people viewed images of their traffic offences at Civic Compliance Victoria. In addition, approximately 33,000 people requested copies of images relating to their traffic offences to be sent to them. In the latter case, a fee of $7.50 was payable

It remains my view (see my annual report for 2012-2013) that images of infringements should be available online without charge, subject to satisfactory proof of identity.

It continues to be my belief that free access to images of alleged offences provides greater fairness, transparency and certainty for motorists.

Victoria now lags behind all other states which provide images of alleged offences, without any charge to motorists. New South Wales, South Australia and Western Australia all provide an online service. Queensland includes an image of the alleged offence on the infringement notice itself.

I can only refer to and repeat what I wrote in last year's report:

"The New South Wales experience has shown that over the last two years there has been a reduction by approximately 40 per cent in the number of matters where a person who has received an infringement notice, has elected to go to Court. This figure relates to elections to go to Court in relation to all infringements notices that are issued, including those issued as a result of a camera detection, those issued "on the spot" by New South Wales Police and parking infringement notices.

I have been advised that the reduction in the number of people electing to have their matter heard in Court is due to a number of initiatives, including the provision of free online images of infringement offences.

While I acknowledge that there will be an initial increased cost associated with setting up a similar system now existing in New South Wales and South Australia, I believe that there will ultimately be significant benefits. I believe that the ability to access images on-line will help members of the public to better understand the circumstances surrounding their offences, would enhance the transparency and fairness of the road safety camera program in Victoria and expedite the infringement process."

If indeed, there are significant technical reasons for not providing an online service for viewing infringement images, there is always the option to place the images of alleged offences on the infringement notice itself, as is done in Queensland. This is not my preference, as in my view, the present forms of the infringement notices, both personal and corporate, are cluttered and confusing. The facility that I propose, for electronic access to images relating to infringements, could be extended to related documentation, allowing the infringement notices to have more space for provision of information and less need for procedural explanation.

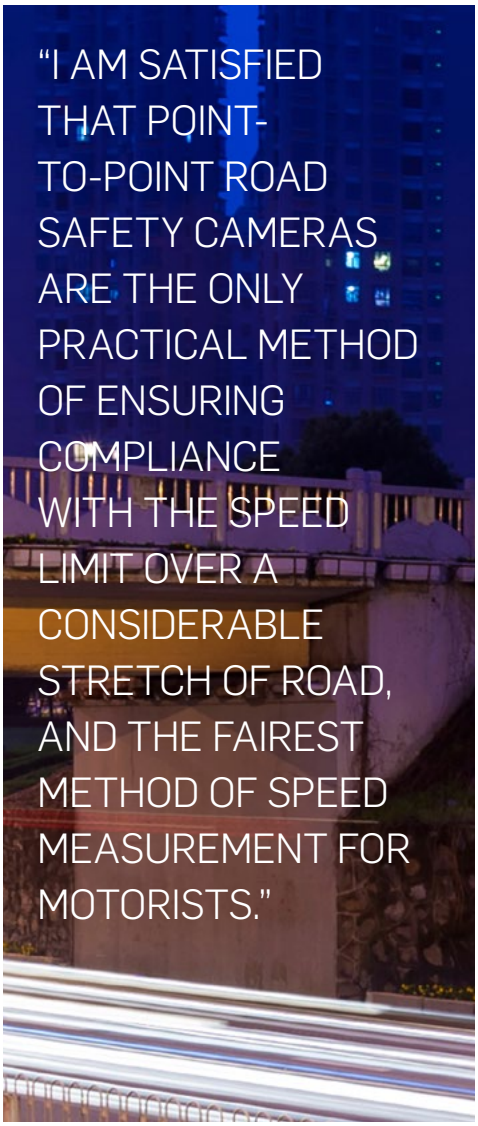
If the nomination statement and application for action by a court were removed from the back of the infringement notice and provided electronically, this would leave more space for relevant information in respect of the alleged offence.

For example, in respect of an offence detected by a mobile camera, details of the physical location of the camera vehicle could be included. This would enable a motorist who had received an infringement notice to revisit the scene, to allay any concerns he or she might have about the positioning of the camera vehicle and the potential for interference from immediate surrounds.

Recommendation

I recommend that:

- Images of infringement offences detected by road safety cameras be made available to the public free of charge, by way of a secure website, and
- Consideration also be given to redesigning the form of infringement notices to streamline the manner in which information relating to the alleged offence can be obtained.



ROAD SAFETY CAMERAS AND MOTORCYCLES

In my annual report for the financial year 2012-2013, I reiterated my recommendation that motorcycles and motor scooters should be required to be equipped with means to identify the registration number of the vehicle from a front perspective, thus bringing motorcycles and motor scooters in line with all other registered motor vehicles.

In the intervening twelve months since that recommendation was made, it has not been adopted despite quite alarming statistics for the financial year 2012-2013 and the financial year 2013-2014, up to and including April 2014.

Set out below are the relevant statistics provided by the Department of Justice relating to detections of motorcycles and all other vehicles from 1 July 2009 until 30 April 2014 by the automated road safety camera system:

Table 4: Motorcycle infringements (only)

MOTORCYCLE INFRINGEMENT STATISTICS

Financial year	Total incidents detected	Rejections due to "no number plate"	Rejections due to unreadable number plate"	All rejections for other reasons	Total incidents rejected	Total incidents accepted as infringements
2009-2010	17,730	5,856 (33.03%)	5,174 (29.18%)	324 (1.83%)	11,354 (64.04%)	6,376 (35.96%)
2010-2011	16,693	6,527 (39.10%)	4,562 (27.33%)	223 (1.34%)	11,312 (67.76%)	5,381 (32.24%)
2011-2012	17,665	7,355 (41.63%)	4,424 (25.04%)	384 (2.17%)	12,163 (68.85%)	5,502 (31.15%)
2012-2013	15,938	7,422 (46.57%)	3,329 (20.89%)	485 (3.04%)	11,236 (70.50%)	4,702 (29.50%)
2013-2014	12,888	6,242 (48.43%)	2,739 (21.25%)	419 (3.25%)	9,400 (72.94%)	3,488 (27.06%)

Table 5: All other vehicle infringements

OTHER VEHICLE INFRINGEMENT STATISTICS

Financial year	Total incidents detected	Rejections due to "no number plate"	Rejections due to unreadable number plate"	All rejections for other reasons	Total incidents rejected	Total incidents accepted as infringements
2009-2010	1,423,775	3,914 (0.27%)	77,300 (5.43%)	221,656 (15.57%)	302,870 (21.27%)	1,120,905 (78.73%)
2010-2011	1,440,485	5,156 (0.36%)	68,302 (4.74%)	213,258 (14.80%)	286,716 (19.90%)	1,153,769 (80.10%)
2011-2012	1,444,531	5,243 (0.36%)	57,621 (3.99%)	205,571 (14.23%)	268,435 (18.58%)	1,176,096 (81.42%)
2012-2013	1,307,847	5,888 (0.45%)	41,784 (3.19%)	158,616 (12.13%)	206,288 (15.77%)	1,101,559 (84.23%)
2013-2014*	1,096,775	4,527 (0.41%)	36,264 (3.31%)	176,935 (16.13%)	217,726 (19.85%)	879,049 (80.15%)

**Note: statistics for the 2013-2014 financial year are for the period 1 July 2013 to 30 April 2014.*

Initially, when I made my recommendation in the 2011-2012 Annual Report, approximately one third of all motorcycles detected speeding were able to avoid a penalty due to a lack of number plates or other means of identification. In the intervening time, this issue has only become more pronounced. Approximately 48 per cent, or nearly half of all motorcyclists detected speeding from 1 July 2013 to 30 April 2014, avoided a penalty because the image recorded did not contain a number plate or other method of identification. Overall, the total proportion of motorcyclists receiving infringements, after being detected committing traffic offences in Victoria, has declined from just over one third, to just over one quarter in the last five financial years.

In comparison, statistics for all vehicles, excluding motorcycles, show that vehicles detected committing offences with no number plates is less than 0.5 per cent of the total, and that, overall, the proportion of those motorists detected committing an offence and receiving an infringement notice as a result, is relatively consistent, at approximately eighty per cent.

These are alarming statistics, which are emphasised by data provided by the Transport Accident Commission (TAC) for the calendar year 2013. Of 242 road fatalities in Victoria, motorcyclists accounted for forty, or 16.53 per cent. Motorcyclists also comprise 18.02 per cent of serious injury claims paid out by the TAC in its most up to date data from 1 January 2013 to 30 November 2013. When these statistics are considered in the context of motorcyclists being approximately four per cent of motorised road users, it is my view that something must be done to encourage motorcyclists to ride within speed limits on our roads.

Recommendation

I recommend that:

» Legislation be enacted to amend *Road Safety (Vehicles) Regulations 2009*, Regulation No. 48(1)(g) to require frontal identification of some kind on motorcycles and motor scooters, together with any consequential amendments.

PART D. ANNUAL REVIEWS

ANNUAL REVIEW OF THE ROAD SAFETY CAMERA SYSTEM

Under the *Road Safety Camera Commissioner Act 2011*, the Road Safety Camera Commissioner is required to undertake, at least annually, reviews and assessments of the accuracy, reliability and effectiveness of the road safety camera system. These reviews and assessments are conducted in order to ensure that the system complies with the requirements set out in the *Road Safety Act 1986* and the *Road Safety (General) Regulations 2009.*

In the financial year 2012-2013, I monitored a representative sample of fifty fixed digital road safety camera sites throughout Victoria and found that all complied with the requirements set out in the relevant acts and regulations.

In the financial year 2013-2014, I undertook to monitor the remaining 157 Victorian fixed digital camera sites that were already in operation, over a full twelve month period, with the assistance of a qualified, independent electrical engineer.

All fixed digital road safety cameras sites commissioned prior 1 July 2013 were included in the review. However, new fixed road safety camera sites commissioned after this date were not included in the annual review.

The review of fixed road safety cameras included detailed examination of the testing, maintenance and certification activities carried out on the cameras during the twelve month period to ensure compliance with the requirements set out in the *Road Safety Act 1986* and the *Road Safety (General) Regulations 2009.*

The review is aimed at:

- Finding any potential systemic issues with the road safety camera system,
- Monitoring performance of the cameras and the camera system as a whole,
- Overseeing testing, maintenance and certification activities performed on the camera system, and
- Establishing a trend in data and statistics gathered during the operation of road safety camera systems.

Having completed the annual review of 157 fixed digital road safety camera sites, I am satisfied that there were no instances where infringement notices were issued by a faulty road safety camera. All the cameras were tested, maintained and calibrated in the manner prescribed by the *Road Safety Act 1986* and the *Road Safety (General) Regulations 2009*, and were accurate, reliable and effective during this period

ANNUAL REVIEWS AND ASSESSMENTS OF THE INFORMATION ABOUT THE ROAD SAFETY CAMERA SYSTEM MADE AVAILABLE TO THE PUBLIC BY THE DEPARTMENT OF JUSTICE

Section 10(b) of the *Road Safety Camera Commissioner Act 2011* (as amended) requires me to undertake, at least annually, the above reviews and assessments.

The information in question is provided by the Department of Justice in two ways:

- By means of its website, Cameras Save Lives, and
- By responses to correspondence which Infringement Management and Enforcement Services (IMES) receives from the public.

Until this year, I have limited my reviews and assessments to the adequacy of the information available on Cameras Save Lives. However, the response by IMES to correspondence received from the public is an important part of the provision of information, and during 2014, IMES has very helpfully provided me with a representative sample of relevant correspondence.

The correspondence emanating from IMES is, in my view, of the highest standard. It is helpful, courteous and provides any information sought, subject to accepted privacy constraints.

During the second half of the financial year 2013-2014, when I undertook this survey, the response time of IMES to incoming correspondence was on average, two months.

In my view, that delay was quite unacceptable and fell short of normal business practice

Clearly, IMES was aware of the problem. I have been advised that as recently as the end of the calendar year 2013, the average response time was approximately four to five months. In view of the time limits applicable to the payment of penalties and cancellation of licences, one wonders what was the point of providing such a delayed response to correspondence?

To the credit of IMES, from the end of 2013 it has made a concerted effort to clear the backlog, and this effort is reflected in the subsequent reduction in the average response time to correspondence, and represents a tribute to the quality of the staff now attending to correspondence.

I raised my concern at a senior level in the Department of Justice and was advised that the backlog was due, in part, to a significant increase in the volume of correspondence received. In June 2014 I asked for and received a week's correspondence from the first and final weeks of the month. A quite dramatic improvement had continued and as at 30 June 2014 the response time was an average of about five weeks.

At the close of the financial year, this average of five weeks to respond to correspondence from the public was, in my view, borderline acceptable compared with normal business practice. I consider the goal should be fourteen days from the date of receipt of the correspondence at IMES.

In short, what was a totally unacceptable delay six months ago, has been reduced to borderline acceptable and represents an excellent achievement by the staff of IMES. I will continue in the coming financial year, to monitor both the Department of Justice website and correspondence received by IMES from the public.

Notes

www.cameracommissioner.vic.gov.au

OFFICE
121 Exhibition Street
MELBOURNE VIC 3000
Telephone 1300 651 838

POST
Locked Bag 14
Collins Street East
MELBOURNE VIC 8003