



Road Safety Camera Commissioner

REPORT: RECONCILIATION OF RECOMMENDATIONS OF THE ROAD SAFETY CAMERA COMMISSIONER

The Road Safety Camera Commissioner respectfully acknowledges the Traditional Owners of the land of Victoria and pays respect to their culture and their Elders past, present and emerging.

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1. EXECUTIVE SUMMARY

In early 2020, a Review was commenced to understand what recommendations had been made by previous Road Safety Camera Commissioners in published Investigation and Annual Reports. 102 recommendations were identified within scope and analysis was conducted to determine the common themes, repeated recommendations and what recommendations had been actioned.

In total 64 recommendations were identified as requiring follow up. 30 of these related to a report by the Commissioner into the WannaCry Virus in 2017. There were 34 general recommendations against which progress has been made, with 21 now closed.

The Office has implemented a monitoring regime for outstanding recommendations in this report and for others made since. Progress on implementation on recommendations will also form part of future Annual Reports to Parliament.

2. PURPOSE

The purpose of this report is to track the progress of work related to 102 recommendations made by the Office of the Road Safety Camera Commissioner (ORSCC), in published reports until December 2019, to establish the nature of previous recommendations made and progress toward delivery of those that remain open. The report will identify:

1. common themes across the recommendations
2. progress and outstanding recommendations.
3. priorities and opportunities.

3. BACKGROUND

The role of the Road Safety Camera Commissioner (The Commissioner) is to ensure the accuracy and integrity of Victoria's road safety camera system including fixed and mobile road safety cameras. The *Road Safety Camera Commissioner Act 2011* authorises the Commissioner to undertake investigations of the Victorian Road Safety Camera System and

produce reports on findings. Since establishment in 2012 until December 2019, the ORSCC had published 8 annual reports and 14 investigation reports containing 102 recommendations.

In December 2019, Stephen Leane APM was appointed as the new Road Safety Camera Commissioner. At that time the ORSCC began a project to review and reconcile outstanding recommendations that had been made since the commencement of the office in 2012 until February 2020 in order to understand which recommendations:

- had been accepted and implemented
- had not been accepted and implemented
- had been accepted but had not been implemented and any reasons for delay.

A process has been implemented for regular reconciliation of recommendations made after February 2020 and into the future.

4. SCOPE

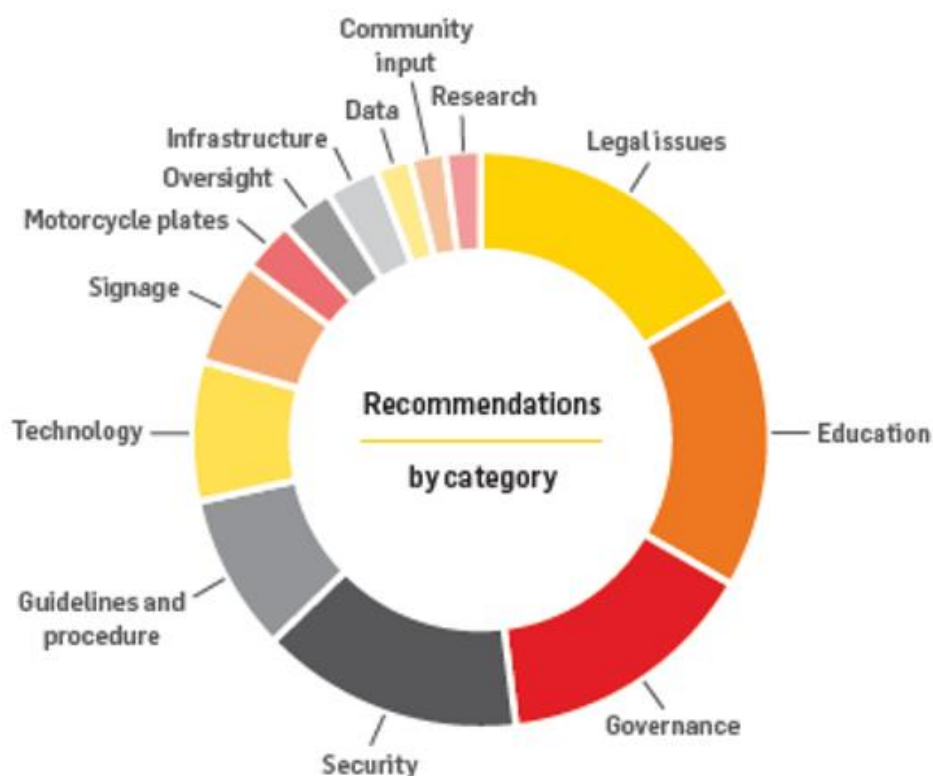
There were 102 recommendations that were the subject of review by this Office in reports published between 2012 and January 2020. After removing duplications and recommendations known to be closed, 64 recommendations remained as outstanding or with unknown status. These 64 outstanding recommendations were divided into 2 categories:

- General Recommendations (34)
- Recommendations arising from the WannaCry malware infection (30)

The 30 recommendations arising from the WannaCry Malware infection of 2017 primarily related to network and physical security of the Road Safety Camera System. Therefore, for cyber-security reasons the progress toward delivery of those recommendations are not included as part of this Review. This report will focus on the remaining 34 outstanding recommendations.

5. COMMON THEMES

Upon commencing the reconciliation, common themes emerged. Some recommendations were repeated over multiple reports and years and on occasions were repeated by more than one Commissioner. To understand the common underlying issues, the recommendations were grouped into themes. Overall, 13 categories were identified with the most common themes relating to legal Issues, education, governance and security.



Across the themes identified some further insights were found into the focus of former Commissioners. Prominent among these included clear advice to government in regard to necessary changes needed to legislation, including the Road Safety Camera Commissioner Act, in order to make the operation of cameras fairer and enhance the oversight of these by the Commissioner.

Additionally, as would be expected, there was a strong focus on the fairness of the system. The provision of information to the motoring public was high on the agenda. Many recommendations made comments around the provision of information to community on various government websites and pushed for greater involvement of the community in recommending camera sites. Transparency of speed setting emerged as a strong theme, which continues to have strong community interest. Commissioners recommended education campaigns and other mechanisms to engage community and work harder on growing community confidence in the system. Fairness issues around the application of

discretion in the review of fines particularly for drivers with long history of good driving also presented.

As part of the remit of the Commissioner's role, accuracy of the camera system was a strong focus of recommendations. Recommendations were directed to Victoria Police to withdraw fines because of investigations conducted. There was also a focus on better auditing and checking of information and greater transparency of the operation of the system. Several recommendations also considered the management of system and made observations of improvements needed in strategy setting and governance frameworks. Data collection and the use of data was also a common theme across recommendations.

Commissioners, in addition to focusing on issues of fairness and accuracy also focused on the need for accountability of some road user groups. For example, the identification of motorcyclists having to have a number plate on the front of their machines was identified as a gap in keeping that group accountable for their behaviours on our roads. The use of corporate registration to protect the accountability of individual drivers (termed un-inhibited drivers) was also identified as an issue that needed attention.

The use of data in the response to road trauma continues to be a focus of many agencies, including a recent Parliamentary Committee Review¹ and road trauma researchers. Commissioners have made a series of recommendations both around what should be collected and how it should be utilised in locating and operation of cameras and also the impact that cameras have on reducing road trauma.

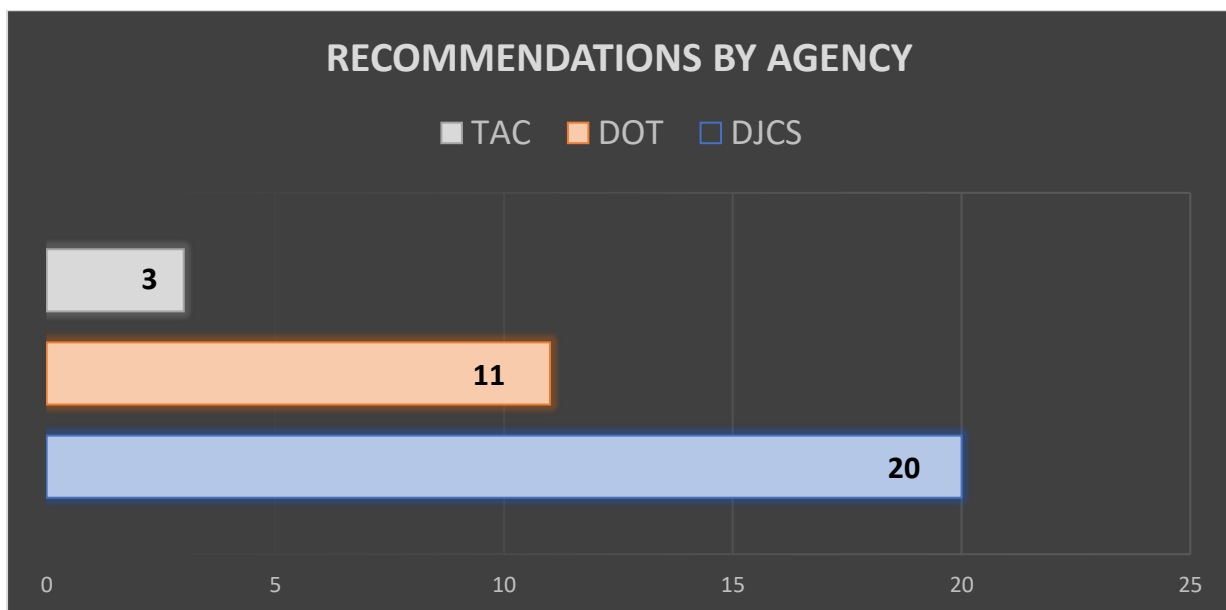
The changing of speeds zones across the system is a topical issue today and was also common across Commissioner recommendations. The use of speed reductions to 40km/h in work zones and at the scene of collisions and incidents is critical to the safety emergency services and other workers who need to be present on the roadside on major roads. However, notice to motorists through signage at the point of speed cameras and the attitudes of drivers to complying with these speed reductions is still problematic and continues to be a focus of this Office today.

System focused recommendations included improvements needed in cybersecurity, the broadening of the use of existing technology including point to point systems and the exploration of new technologies were also represented across recommendations. The upgrading of the aging technology of the system was also been identified for priority action.

¹ Parliament of Victoria, Legislative Council, Economic and Infrastructure Committee. Inquiry into the increase in Victoria's road toll. March 2021

6. PROGRESS AGAINST OUTSTANDING RECOMMENDATIONS

The ORSCC regularly consults with and works with agencies and contractors that contribute to the road safety camera program and road safety more broadly. Of Victoria’s road safety partners, the Office works particularly closely with the Department of Justice and Community Safety (DJCS), the Department of Transport (DOT), and Victoria Police. These agencies received the bulk of recommendations made by previous Commissioners and will be the focus for the remainder of this Report.



In March 2020, the Commissioner wrote to the Departments and the TAC seeking to understand their intention to implement and status for each outstanding recommendation. During 2020 communication was ongoing in order to follow up on progress, discuss the challenges faced by the agencies and understand reasons for implementation delays.

7. RECOMMENDATIONS BY AGENCY

1. Department of Justice and Community Safety (DJCS) Recommendations

As the agency responsible for administering the road safety camera program, the majority of recommendations, 17 of the 34 open recommendations were addressed to DJCS. This number

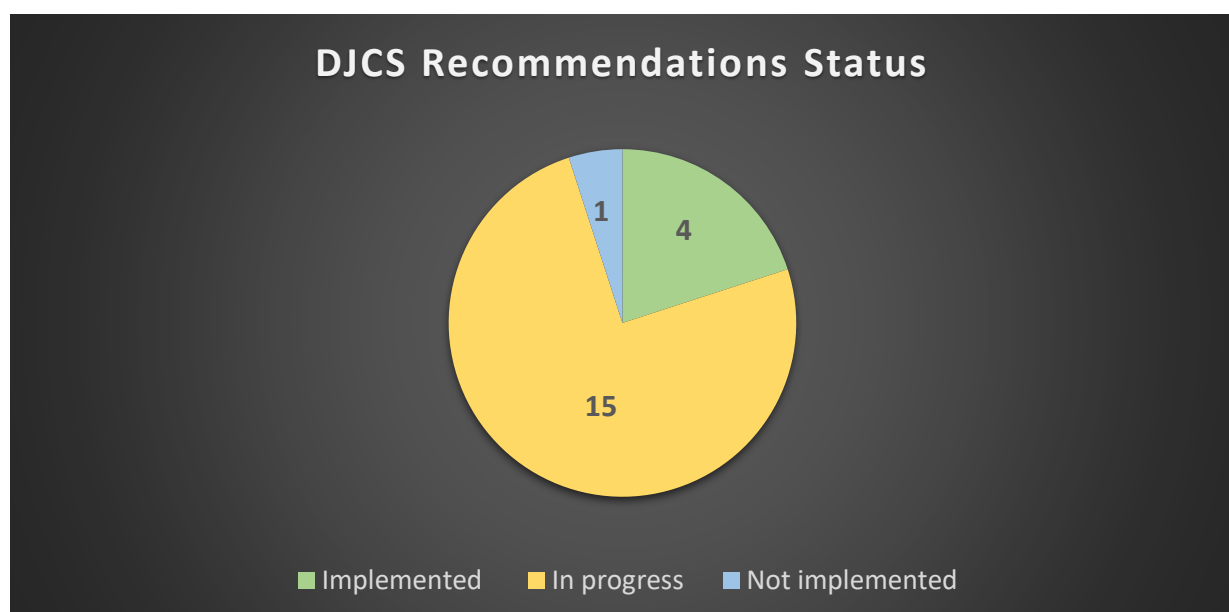
later increased to 20 as DJCS had also assumed responsibility for implementing 3 recommendations that had originally been addressed to DOT.

ORSCC identified 4 common themes arising in the recommendations made to DJCS:

1. Modernisation of the program - including point to point expansion.
2. Stakeholder & contractor engagement
3. Community engagement
4. Communication including data and statistics

During 2020, the Victorian community and the public service were faced with many challenges as working arrangements were impacted by Covid-19 lockdowns. Structural and senior management changes within DJCS were also being navigated at this time. DJCS was however able to make progress against many of its open recommendations throughout 2020.

ORSCC had received advice from DJCS that of the 20 outstanding recommendations three relating to the improvement of communications and messages around road safety were completed. DJCS also advised that it was on track to complete a further seven of the outstanding recommendations by December 2021. Work flagged for completion by the end of 2021 included the completion of a mobile Point-to-Point pilot. There remained 10 recommendations that have been accepted but delivery will not occur during 2021. However, within days of settling this report further advice was received that at least 3 of the projects to be delivered in 2021 will not be achieved until 2022. This includes the replacement of the fixed analogue cameras, the replacement of which was first recommended by the Commissioner in 2012. All analogue cameras have now been decommissioned due to the fact that the wet film used is no longer manufactured anywhere in the world. This continued slipping in delivery timelines is disappointing.



2. Department of Transport (DOT) Recommendations

VIC Roads (now part of DOT) develops and manages the arterial road network safety initiatives and customer focused registration and licensing services. VIC Roads broad responsibilities include management of road works site speed limits and signage. The ORSCC has worked closely with VicRoads since 2012 engaging on various topics and on occasion making recommendations for improvements. On 1 July 2019, VicRoads and Public Transport Victoria came together with DOT to create the integrated transport department. As such the recommendations formerly made to VIC Roads were directed to the DOT.

11 of the 34 remaining outstanding recommendations were addressed to the DOT. This takes into account the 3 recommendations later assumed by DJCS.

There were 4 recurring themes in the recommendations made to DOT. These were Motorcycle safety - in particular number plate positioning and the accountability of riders, road signage, the setting of speed limits and also speed management at road works sites.

DOT have advised that as part of their ongoing work to improve road safety 8 Recommendations have been implemented, 1 is under consideration and 2 would not be implemented.

The 2 recommendations that DOT have not implemented are: -

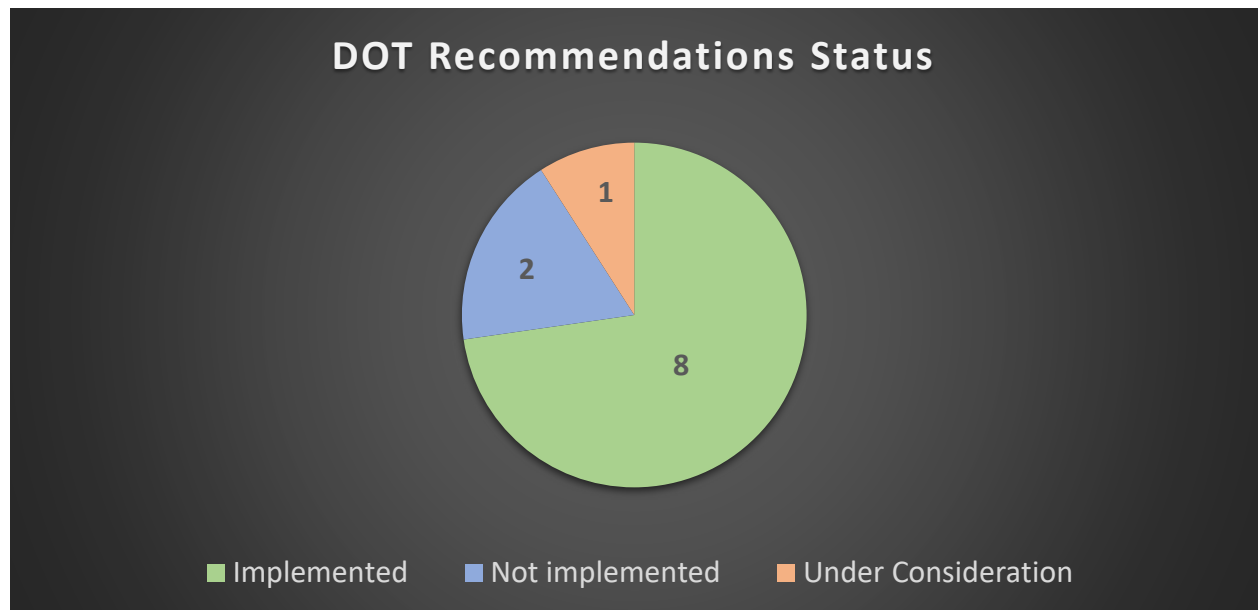
- Motorcycles and motor scooters should be required to be equipped with the means to enable road safety cameras to identify the registered number of a motorcycle from a front perspective, thus bringing motorcycles and motor scooters into line with all other registered motor vehicles.
- The electronic speed advisory signs positioned on some motorways 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.

Recommendation to require motorcycles to be equipped with front facing number plates.

DOT advised the issue has been addressed by making changes to the camera position to allow capturing of number plates on the rear of a motorcycle. It is disappointing that this issue has not been fully addressed. This recommendation was raised by the first Road Safety Camera Commissioner, His Honour, Gordon Lewis AM in his annual report of 2013-14> Unfortunately, there are still circumstances continuing today where front on facing road safety cameras will not identify a motorcycle registration.

Recommendation to calibrate speed advisory signs to the same level as fixed road safety camera systems.

DOT has not implemented this recommendation. Advice provided from DOT was that the different technologies used to establish the speed advice meant that the electronic speed advisory signs cannot be calibrated with Victoria’s fixed road safety camera systems.



3. The Transport Accident Commission (TAC) Recommendations

The TAC is a Victorian Government-owned organisation whose role is to promote road safety, support those who have been injured on our roads and help them get their lives back on track. TAC are funded through the TAC charge which is a component of the payment made by Victorian motorists when they register their vehicles each year with DOT (VicRoads).

A key role of the TAC is to promote road safety. The agency works closely with Victoria Police, DJCS and DOT, developing campaigns that increase awareness of road safety issues in order to change behaviour and ultimately reduce the incidence of road trauma.

3 of the 34 open recommendation were addressed to the TAC. All 3 recommendations related to community information and education. All had been addressed or were being addressed in media campaigns underway.

The TAC was able to provide detailed responses of their public communication campaigns or contribution to campaigns delivered with other Road Safety Partners that addressed the recommendations. These included:

- Several school education programs funded by the TAC that focus on speed and the impacts and dangers of travel at speeds above 30km/h to unprotected users.
- Education programs focused on speed and physics for years 9, 10 and VCAL students at Road to Zero.
- Encouraging greater collaboration and awareness between road users by building the theme into relevant campaigns, such as the Motorcycle Safety ‘Driver think rider, rider think driver’ campaign and the Cycling Safety ‘Drivers, give the space to ride safe’ campaigns.

- Supporting DOT and Victoria Police’s campaigns relating to the introduction of 40km/hr passing limits around emergency vehicles.

8. CONCLUSIONS

At the commencement of this review it was established that only a small number of recommendations made by the Office had been completed prior to the end of 2019. However, it was disappointing to find that while there had been adoption of the vast majority recommendations, there was limited, or slow progress into completing them. It was also clear that this had been the case for some time with some recommendations, particularly around issues of governance and oversight, modernisation of technology, the collection and use of data had not been addressed.

Much of 2020 was spent working with Departments and agencies to understand the status of progress and any clarification that was needed or barriers to implementation. As the year progressed many of the unresolved recommendations were found to be sitting with DJCS. During 2019 and 2020 it must be noted that DJCS had gaps and vacancies in key management roles responsible for operation of the camera program. It is pleasing to note that as the year came to a close, and now early in 2021, newly appointed executive managers have consolidated progress towards recommendations and in addition to settling a clear pathway forward for delivery of recommendations have also have settled a Strategic Framework with underpinning strategies in the key areas of asset management; data management and sharing; procurement and delivery; research and development and business process activities. Additionally, the Department has merged the management of both fixed and mobile camera programs under the one Director who is now responsible for delivery of the Road Safety Camera Program. While there is considerable work still to be done, these actions have led to progress of several key recommendations made by successive Commissioners within the scope of this Review and in more recent contemporary Reports. This progress is pleasing.

Reflecting on the process of this Review there were lessons learnt on how the Office can be more effective in influencing change. While it is important to make recommendations, part of the role of an oversight body such as RSCC is to, on behalf of community, ensure those recommendations are progressed. A mechanism has now been developed to track Departments and agencies progress against recommendations in a reasonable timeframe.

A lack of responsiveness has led to successive Commissioners making recommendations on the same issues. Taking an approach to negotiate the best solution to delivering recommendations while ensuring the community safety outcomes proposed by the recommendations, has seen the resolution or the soon to be resolved status of a considerable number of recommendations change over the last 12 months.

There are still some challenges regarding resolving recommendations. Tracking delivery on promised progress of implementation of recommendations will require ongoing monitoring by this Office. Clearing the backlogs of recommendations will take some time but will enable this Office to focus on strategic issues and whole of system issues affecting the proper operation of the road safety camera program.

The recently published Victorian Road Safety Strategy 2021-2030 recognises the success of fixed and mobile road safety cameras in addressing road trauma. The inclusion of the focus on camera technology as a stronger and smarter enforcement practice as a short term response to meeting trauma reduction targets set in the Strategy means that it is critical that the reforms identified in outstanding recommendations be resolved as soon as possible to ensure the effectiveness of the system is not undermined.

Of the 34 recommendations that were open at the start of this reconciliation, 18 are now closed. 16 remain open. With substantial work already underway many of these are flagged for completion by December 2021.

