

# SafeRoads 2008

## THE ROLE OF DOJ IN DELIVERING

*arrive alive 2008-2017*

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# The role of DOJ in delivering *arrive alive 2008-2017*



- The Department of Justice is responsible for the speed camera program and wider infringement system
- The camera program is critical to achieving the *Arrive Alive* 30 percent casualty reduction target.

# Legislation



- Road safety programs that are underpinned by enforcement measures - almost all those related to driver issues - ultimately rely on legislation.
- The drafting of this legislation is complex and involves consideration of issues that stand outside traditional road safety concerns.

The logo for the Department of Justice, featuring the text "DEPARTMENT OF JUSTICE" in white capital letters on an orange rectangular background with a white border. Below it is the State Government Victoria logo, which includes a stylized 'V' with stars and the text "State Government Victoria".

DEPARTMENT  
OF JUSTICE

- DOJ's unique and critical contribution relates to road safety policies or proposals that involve punitive sanctions or restrictions on personal behaviour.

# Legislation

- Fundamental legal precepts of fairness, reasonableness, and equity are balanced by a need to ensure prosecutability within a context of logistical and funding constraints.
- Getting this right is critical to the safety of millions of road users and to the smooth functioning of our democratic system.



# Legislation

- Effective legislative drafting is complex. The latest bill to amend the *Victorian Road Safety Act* and related legislation (now at least an annual event), ran to some 219 pages, while the current version of the act itself, which was some 80 odd pages when introduced in 1986, is now about 600 pages long.



# Legislation



- All 1.75 million road safety related infringements issued can be challenged in court. Strict rules of evidence are required. There is a real necessity to get this process right.
- On the whole we are successful. We don't lose many challenges to the road rules – and there are a few challenges.

# Working collaboratively

- The key to this success is to seek the early involvement of various specialist units within the department and externally



# An example

- *Arrive alive 2008-2017* stated - on excellent research and policy grounds – that young drivers would be limited to one peer passenger other than a defined relative.



# Example continued



- Sounds simple enough.
- In fact it has proved extraordinarily difficult to describe legislation that accounts for the exemption of relatives. How, for example, can you fairly demand that a young person prove a step-sibling relationship?

# Example continued

- What documents would cover this and could you reasonably expect passengers to produce them ? The answer is probably none, and no
- Yet police will still prosecute this offence following the development of processes that strike a reasonable balance between fairness and practical policing.



# Speed cameras



- DOJ provides an end-to-end infringement and enforcement service, including:
  - selecting and managing camera installation contracts
  - overseeing technical compliance and certification contracts
  - managing infringement processing contracts.

# Speed cameras



Victoria currently has over 110 fixed digital camera sites:

- Western Ring Road (8)
- Geelong Road (8)
- EastLink (6)
- CityLink (3)
- 10 point to point sites on the Hume Highway
- 82 intersections sites.
  
- There are 26 wet film red light cameras rotated around 63 sites.
  
- *Serco* is contracted to deliver 72,000 mobile camera hours annually using some 70 plus wet film mobile speed cameras.

# Camera program



- The camera program is critical to achieving the *Arrive Alive* 30 percent casualty reduction target.
- This ambitious target will require a proactive approach on a number of fronts; not a business-as-usual approach.
- Amongst other requirements, the target requires increased dividends from speed enforcement. Luckily there is a precedent.

# Precedent - 2001-2004

## Victorian speed enforcement package

- A package of speed enforcement measures introduced in 2001-02 reduced fatalities by 15 percent and effect sustained by:
  - 50 percent increase in mobile hours
  - lower tolerance
  - default 50 km/h urban limit)
- The has contributed to a saving of about 60 lives per year.



# Camera operations

- Increased speed enforcement does not necessarily mean more cameras. By being smarter, deterrence can increase without increasing infringements by:
  - Improved location selection for mobile cameras
  - Improved location selection for intersection cameras
  - Consider new camera operational modes.



# Camera operations

- An optimal mix of camera operations is required
- Successful camera operations require close working relations with other government departments, police, equipment suppliers and contractors.



# Infringement Management & Enforcement Services



- A totally new unit - Infringement Management and Enforcement Services - established to manage speed camera operations has developed specialised technical expertise on speed camera systems and related legislation.
- Top level staff with relevant expertise, includes engineers, project and contract managers, and lawyers.

# Engineers

- Develop test and acceptance plans that specify the criteria for both initial site acceptance and routine tests for fixed cameras
- Are assisted by independent testing agencies, road authorities, and equipment suppliers
- Review and update on a regular basis.



# Testing & Maintenance



- Installed and commissioned systems must be periodically tested and subject to preventative maintenance; and incorporate an early warning system that alerts the operator to an impending system problem to avoid or reduce the amount of system downtime.
- Sensor testing is undertaken monthly, accuracy and reliability testing is undertaken every three months, and calibration is undertaken either annually or every second year, depending on the relevant manufacturer's instructions. Mobile cameras are calibrated annually by the contractor.

# Secondary Speed Verification



- We have adopted a policy of including secondary speed verification technology in all fixed speed cameras. Infringements are only issued if the two speed measurements are consistent.
- In short our processes are defensible against the high levels of evidence required in the courts.

# “Technical/legal interface”

- An equally critical component of our success with cameras is the effort we devoted to managing the “technical/legal interface”.



# Technical/legal interface: What is required?

- A deep knowledge of not only the technology, but also the legal implications of that technology in areas such as data handling, contract management, case-flow across public and private entities, privacy provisions, and secondary sanction regimes.
- A particular issue is that technology is changing quickly, but “bolt on” legislative amendments to take advantage of these improvements often lead to unintended anomalies, compromised outcomes, and downstream problems in these and other ostensibly un-related areas.



# Technical/legal interface



- Paying close attention to these and other issues is required to ensure the legal system is able to adequately deal with camera originated infringements.
- Must be managed effectively to avoid issues (Eg. ignoring or circumventing law) which would inevitably lead to road casualties

# The need to get it right

- All this is both time consuming and expensive. But we need to get it right – deterrence only works if the sanction is real.
- And failure is not just a waste of money and effort. In this business it costs lives.



# Public perceptions of speed cameras

- There is another side to managing speed cameras and that is the requirement to actively promote speed enforcement programs within the wider government.



# Public perceptions of speed cameras



- Speed camera programs are not by definition necessarily popular with governments. If the media and the public complain enough, then politicians will start to ask questions.
- Often very hard questions. And I should point out that I consider that a good thing.
- Agencies like DOJ must be capable of convincing politicians, and the other public agencies, that its programs are wise, based on credible arguments, properly managed, and defensible.
- If we can't show this we should not be running camera programs.
- In relation to public perceptions, DOJ focus group testing suggests widespread suspicion and scepticism of camera program – but the public can be turned around with the right message.

# Public education & awareness

- The TAC “Pictures of You” campaign is excellent. A new speed campaign is currently under production. I understand that it will focus on factual aspects of the camera program to build on the emotive ground work of the “Pictures of You” campaign.
- DOJ also has an advisory role in relation to drug driving policy and works closely with VicRoads, Victoria Police and the Victorian Institute of Forensic Medicine on managing what is proving to be a substantial road safety problem. (Again, this is an important Arrive Alive initiative).

