



LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES

Jo Clay MLA (Chair), Suzanne Orr MLA (Deputy), Mark Parton MLA

Submission No 26 – Stephen Dangaard

Inquiry into the impact of revised speed limits in Civic – Petitions 31-21 and 38-21

Received - 14/10/21

Authorised – 04/11/21

Submission to Inquiry into Impact of Revised Speed Limits in Civic – Petitions 31-21 and 38 – 21

From: Stephen Dangaard (registered owner) and [REDACTED] (driver when infringements issued)

Address: [REDACTED]

email: [REDACTED]

Thank you for the opportunity to make this submission on the part of me (registered owner of vehicle and in whose name infringements were issued) and [REDACTED] (who was the driver when the infringements were issued). We were not aware of the public petition that has sparked this inquiry. If we had been, we would also have listed our interest through that petition.

We have had relevant correspondence with Minister Steele’s Office about this matter, and those documents are attached.

Important background

[REDACTED] received two traffic infringements, on consecutive days, at the same set of lights in Civic (corner Barry Drive/Marcus Clarke Street) infringement notices 2776117747 and 2776120849. She was the driver, but I am the registered owner. I have applied many weeks ago to have the infringements transferred to [REDACTED] name, but that has yet to occur. She made the trips to support struggling retailers in the Canberra Centre. The offences relate to 15km over speed limit in newly changed conditions (from 60 to 40). She was not aware of the recent change in the speed limit in that area, which is normally fairly busy in the afternoons. She was clearly within what she thought was the speed limit of 60.

Submission, by Terms of Reference.

Term of reference	Response
a. road user advice and education effectiveness prior to the 5 July implementation;	Road user advice and education effectiveness prior to the 5 July implementation was grossly and manifestly inadequate given that the most important metric of success – that of compliance with the new regime – was not met in any substantial way. [REDACTED] is a regular road user but was not aware of the changes (and neither was I actually);
b. effectiveness of warning signage;	Warning signage was demonstrated to be inadequate because it failed to achieve what it set out to do – have people drive to the new speed limit. This is evidenced by the abnormally number of breaches and by the public outcry over the way the changes were implemented and the unfair penalties that were issued. I don’t understand why the signage and public communications campaign failed. All I know is that it did fail. However, motorists should not be penalised for that.

c. reasons for the continued and abnormally large number of breaches;

The continued and abnormally high number of breaches over the period being examined by the inquiry reflects a failed communication strategy about the change AND the defective way in which infringements were issued using automated camera systems. In [REDACTED] case, had she been issued with an infringement by a police officer then she would have been directly aware of the change of speed conditions and therefore not incurred a second infringement on the next day. We are thankful that she did not go to Civic every day and incur multiple infringements BEFORE being made aware of the first infringement.

This highlights a significant fairness problem with multiple infringements for the same circumstances before those infringements are advised and issued by mail. [REDACTED] incurred infringements on 09/07/2021 and 10/07/2021. The Date of Notice Issued for both infringements was 13/07/2021. However, the Date of the Service was 28/07/2021. That does not include postage time, which in the current Covid environment I would estimate at an additional 5 working days before arriving in my letterbox. This means the elapsed time between the infringement and the motorist being aware of it is at best 23 days.

This is manifestly unfair due to the real risk of motorists (unknowingly) incurring multiple infringements, thousands of dollars in fines and possible loss of licence in the meantime. If a worker in Civic had travelled to and from work over a three week period (15 working days) there is a potential exposure to at least 30 infringements. That equates to 30 points (or more depending on the speed) and \$9000 (or more) in fines. Wow – that is just not fair!

In [REDACTED] case she was given two infringements for travelling within the previous speed limit. This is \$602 in fines and two points. We both feel these are unjust penalties.

There should be a requirement that all infringement notices are issued immediately they are incurred, preferably by SMS messaging so that motorists are aware they have been 'pinged'. The current system is unjust and unreasonable and puts an unfair burden on motorists to try to challenge infringement notices after they have been issued. Grounds for challenge are also very narrow and the process burdensome to individuals.

I could speculate that another possible reason for the number of infringements is the general chaos of the Civic traffic pattern

	<p>with its plethora of signs and signals and for the section of road in question, the perceived slowness of the new speed compared to the condition of the road, understanding of course that things and circumstances change over time, and there might be good reasons to slow traffic down. Drivers in Civic are watching for hazards all the time, but at the same time they need to be alert to all of the speed cameras and red-light cameras that have multiplied in the zone lest they be infringed. That in itself is a distraction! When traffic is habituated to moving at a particular speed, it is possible that individual cars in the flow of traffic are 'pulled along' at the same speed. However, the speed cameras only see individual cars not the flow of traffic. In this sense the enforcement mechanism does not suit the style of the traffic in the area. If police were on duty with radar guns beside all the new signs and were issuing infringements or warnings, that would have been more effective awareness raising than the methods used by the communications campaign for the change.</p>
<p>d. strategies for rectifying causes of the infringement rate;</p>	<p>In correspondence from the Minister's Office reference we were told: <i>"To give Canberrans time to adjust to the new speed environment, a significant grace period was provided between the introduction of the speed limits in March and the commencement of enforcement in July."</i></p> <p>The Inquiry should examine the point in having a "grace period" if the communication methods don't support the education goal. Indeed, what is the point of a grace period if a driver is not notified via a warning of the infringement? I think 'grace' periods are a great strategy to encourage compliance on changes but ONLY if the driver can be notified that they have been provided an act of grace for the infringement in question by the same mail process that is used to issue infringements! I recall raising this in discussions with the Minister's Office and it was indicated that it would have been 'too expensive' to do that because the system is not set up for it.</p> <p>Imagine if all the people who had been infringed in March-July were told they were 'lucky' but next time they will be booked. Compliance would have been terrific, and the changeover properly supported with sensible suite of communications.</p> <p>Changes should be recommended for the conduct of 'grace' periods.</p> <p>Infringements would also have been reduced if there was visible policing of the new speed limits by actual police rather than relying on "Constable Camera". Officers on the spot have</p>

	<p>the discretion to use a traffic stop to educate motorists, especially in a situation like a changeover like this. It is called community policing.</p>
<p>e. impact on the community of the new fines and whether the level of this impact justifies a fines waiver for the month of July; and</p>	<p>The impact on the community of this botched traffic change is very substantial, and the unjustifiable hardship and stress it is causing to thousands of motorists means that all fines through July or at least the first half of it should be waived, and any money paid so far should be refunded to motorists and point reductions reversed. In the case of [REDACTED] it has made her not want to go to Civic, and I even find myself staying away from there. It has in essence tarnished the appeal of Civic as a place to go. This has a material effect on business in Civic who have been struggling during Covid and the long lockdown we have experienced here in the ACT.</p> <p>[REDACTED] and I feel very sorry for Civic-based workers who may have been issued with dozens of infringements. For some individuals the financial hardship and anguish will be extreme, on top of everything else that has happened this year. In the certainty that the ACT Government will want customers to return to Civic with an open mind, it should step up and waive these infringements as part of post-pandemic recovery.</p> <p>That will achieve three things: support Civic businesses after lock-down; restore some motorists trust in the infringement system; relieve anguish of individual motorists who may be at risk of losing points, their licence or experiencing financial hardship; and finally, most importantly be used as an education channel for people who have been infringed. If there is a waiver, people need to be told there is a waiver – by letter – and reminded of the new speed limits.</p>
<p>f. any other matter relevant to this issue.</p>	<p>Traffic enforcement is about education and making things safer. In this case the ACT fails on both counts.</p>

From: [REDACTED]
To: [STEEL](#)
Subject: Following up -- RE: Responding RE: Contact my Minister - Correspondence: 050821 - 1815246 - Stephen Dangaard
Attachments: [image001.png](#)

Dear Minister Steel,

I'm still waiting for a reissue of the infringements in [REDACTED]'s name after submitting the declarations at least six weeks ago. In the meantime, I've had a chance to re-read your office's reply to me, and find it seriously wanting.

The reply ducks the substantive issues at hand with these infringements and those of the thousands of other people who were booked in the same period. It simply puts its hands up and points me to a web link to lodge an objection. As the responsible Minister surely you can make recommendations to your public servants in terms of implementing a policy, in this case a change of speed limit that was a disaster for Canberra drivers? I'm not seeking a personal intervention solely on my behalf. But I do expect the right intervention for all Canberra drivers adversely impacted.

Despite your claim of informing the community by way of a communications campaign, by the very measure of compliance – the most critical element - the campaign FAILED to do its job. No less than 18,000 infringements were issued! On that basis it is simply not right that the driving public gets slugged with unfair infringements and in the name of fairness you have a responsibility to rectify the situation. The stupidity of mindless speed cameras, rather than police on the ground who actually educate drivers and have discretion is really amplified in this situation.

I would appreciate a response to my 12:17pm 6/8/21 email, forwarded below. In particular the matters of multiple (therefore unfair) infringements issued in a very short time but not notified for weeks. Secondly how the application of a so called "grace" period helps public education if people don't know they have been 'let off' under a grace period.

Please also advise me of what changes your department is making or going to with the implementation of speed changes as a result of this debacle.

I also wish to know what outcome measures were used in the communications campaign for this particular change. I'm not interested in knowing where your advertising was; I'm interested in knowing what measurements of 'success' were accorded to the campaign by your department. And finally what was the internal evaluation of the communication campaign for the change.

Please do not consign this communication to the 'cranky citizens' folder. My questions are very legitimate and deserve a more useful answer than the one I have received. I have three ACT registered vehicles and pay my annual rates without complaint.

Yours sincerely

Stephen Dangaard

From: Stephen Dangaard

Sent: Friday, 6 August 2021 12:17 PM

To: STEEL <STEEL@act.gov.au>

Subject: Responding RE: Contact my Minister - Correspondence: 050821 - 1815246 - Stephen Dangaard

Thank you for the reply below.

By the most important communication measure – that of compliance – the communication plan for this change was a FAILURE.

When many thousands of infringements are issued to the target market of the campaign in a very short time there is NO WAY that the campaign was effective. It may have a lot of communication outputs – but the outcome falls short.

When these sort of changes occur, and it is the most significant speed limit change in Civic for decades, then alternative education measures should be employed in ADDITION to standard public notices.

It is very unfair when multiple infringements within a short period of time are applied BEFORE advice of the first infringement is given. Surely SMS could be deployed to assist people to know if they have had an infringement.

Also warning notices by mail could be issued instead of infringement notices. This would be a much fairer way to implement a change. It would also serve to EDUCATE and INFORM the target market about a change not just punish drivers and generate more revenue from drivers who have among the most expensive registration in Australia.

There is no real point in having a “grace period” if the communication methods don’t support the education goal. Also what is the point of grace period if a driver is not notified via a warning of the infringement?

How many warning notices were sent out during the grace period? How do people who benefit from a grace period know they have been let off?

I hope your department overhauls the way it makes these speed limit changes.

██████████ will appeal her infringements, but it is difficult to feel optimistic because of the rigidity of the appeal process. The appeal process serves to distance it from your ministerial decision. However it does not absolve your office from better and more effective policy around speed limit changes.

Your office also phoned me today, and we discussed these matters, so in advance I thank you for your time in replying to me.

Yours sincerely

Stephen Dangaard.

From: STEEL <STEEL@act.gov.au>

Sent: Friday, 6 August 2021 8:52 AM

To: [REDACTED]

Subject: RE: Contact my Minister - Correspondence: 050821 - 1815246 - Stephen Dangaard

Dear Stephen,

Thank you for your email regarding the introduction of 40km/h zones in the city precinct. I am sorry to hear that [REDACTED] has received 2 infringements for speeding in these areas.

Speed limits were lowered to 40km/h in March 2021 on sections of roads including Northbourne Avenue, Cooyong Street, Barry Drive and around the Braddon dining precinct. This reduction was undertaken to improve safety for all road users in these areas. With the introduction of light rail and ongoing growth of our city, these roads are increasingly being used in a mix of different ways. Reducing speeds limits supports a friendlier environment for people to walk, cycle and take public transport.

Research shows that the introduction of 40km/h zones significantly reduces the risk of death for vulnerable road users like cyclists and pedestrians. The risk of death for a vulnerable road user drops from approximately 80 per cent when a vehicle is travelling at 50km/h to 50 per cent when the vehicle is travelling at 40km/h.

Low speed zones were also expanded in March 2021 around the Tuggeranong Town Centre and Kingston Foreshore. This follows the implementation of 40 km/h speed limit precincts in all ACT town centres in 2013 and all group centres in 2015.

The ACT Government took a range of steps to inform Canberrans about the change in speed limits prior to implementation:

- Large Variable Message Signs were put in place beside the relevant roads for a four-week period from March to April, and then again in June and July, to inform motorists about the upcoming speed zone change.
- 40 km/h road signage was installed in March 2021 and is prominently displayed before each intersection within the 40km/h speed zone.
- 2,000 stakeholder letters were issued to businesses and residences in the Braddon and Civic areas.

In addition, the change in speed limit was communicated through radio ads that ran across multiple time slots and channels, paid social media posts across ACT Government Facebook accounts, updates through the Our Canberra newsletter, and media interviews by ministers and officials from Transport Canberra and City Services.

To give Canberrans time to adjust to the new speed environment, a significant grace period was

provided between the introduction of the speed limits in March and the commencement of enforcement in July.

Minister Steel is not able to assess or grant applications for speeding fine waivers. If you would like to query or dispute a speeding fine please contact Access Canberra by visiting: <https://www.accesscanberra.act.gov.au/s/article/traffic-and-parking-infringements-tab-overview> or calling 13 22 81.

I trust this provides further information on why the ACT Government has made this change, and the steps that were taken to inform Canberrans about it before enforcement commenced.

Office of Chris Steel MLA

Minister for Transport and City Services

Minister for Skills

Special Minister of State

ACT Legislative Assembly

GPO Box 1020, CANBERRA, ACT 2601 Australia

steel@act.gov.au | 02 6205 1470



From: minister@act.gov.au <minister@act.gov.au>

Sent: Thursday, 5 August 2021 4:43 PM

To: STEEL <STEEL@act.gov.au>

Subject: Contact my Minister - Correspondence: 050821 - 1815246 - Stephen Dangaard

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.



Chris Steel, MLA

The following correspondence has been submitted via the Contact my Minister website.

The constituent has indicated that they would like a response to their correspondence.

UNFAIR TRAFFIC INFRINGEMENTS IN CIVIC

██████████ recently received two traffic infringements, on consecutive days, at the same set of lights in Civic (corner Barry Drive/Marcus Clarke Street) infringement notices ██████████ and ██████████. She made the trips to support retailers in the Canberra Centre. The offences relate to 15km over speed limit in newly changed conditions (from 60 to 40). She was not aware of the recent change in the speed limit in that area, which is normally fairly busy in the afternoons. She was clearly within what she thought was the speed limit of 60. It is extremely unfair (not to mention expensive with \$602 worth of fines) that you permit a change of speed limit without adequate driver awareness publicity especially in an area with such a high traffic flow and which has been at a particular speed for decades. There must be a period where warnings can be provided before fines are handed out. I understand that some 15000 fines have been handed out because of this change. Clearly INADEQUATE PUBLICITY. It is also unfair that in a situation like this that weeks go by before the driver is even alerted of an offence. If ██████████ was stopped by a police officer, she would be aware of the new limit. As it turns out, her infringements were made on July 9 and 10. The date of service of the infringement notice is 28 July. If she had continued to travel through that lights it is conceivable that she could have collected thousands of dollars in fines and loss of licence on points because she was not made aware of the issue. I always note that traffic enforcement is about education and making things safer. In this case the ACT fails on both counts. In my opinion the new speed limit is excessively slow for the area. Also when almost 14 days can pass before a driver is advised of an offence is not fair -- especially when multiple offences can be incurred by an unknowing driver. Inadequate publicity. I urge you to look into this urgently in the interest of justice for drivers.

Correspondence Reference # 050821 - 1815246

Submission date: 05 Aug 2021 4:42pm

Contact Information

Mr Stephen Dangaard

Email: ██████████

Phone: ██████████

Postcode: ██████████

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.
