



## **Legislative Assembly for the Australian Capital Territory**

Standing Committee on Planning,  
Transport and City Services

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

**January 2022**

**Report 9**

Legislative Assembly for the Australian Capital Territory  
Standing Committee on Planning, Transport and City Services

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January 2022



# About the committee

## Establishing resolution

On 2 December 2020 the Legislative Assembly resolved to establish the Standing Committee on Planning, Transport, and City Services.<sup>1</sup>

Under the Resolution the Committee is responsible for examining the following areas:

- City Renewal Authority;
- Suburban Land Agency;
- Planning and Land Management;
- Transport;
- City Services including waste and recycling;
- Housing (excluding service provision); and
- Building and Construction.<sup>2</sup>

You can read the full establishing resolution [on our website](#).

## Committee members

Jo Clay MLA, Chair

Suzanne Orr MLA, Deputy Chair

Mark Parton MLA

## Secretariat

Janice Rafferty, Acting Committee Secretary

Joanne Cullen, Acting Committee Secretary

Lydia Chung, Administrative Assistant

Nick Byrne, Administrative Assistant

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<sup>1</sup> Legislative Assembly for the ACT, *Minutes of Proceedings No 2*, 2 December 2020, pp 17, 20, (as amended 11 February 2021, 30 March 2021, 22 April 2021, 16 September 2021 and 9 November 2021) available at: <https://www.parliament.act.gov.au/data/assets/pdf/0007/1669030/MoP002F.pdf>.

<sup>2</sup> Legislative Assembly for the ACT, *Minutes of Proceedings No 2*, 2 December 2020, pp 17, 20, available at: <https://www.parliament.act.gov.au/data/assets/pdf/0007/1669030/MoP002F.pdf>.

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# About this inquiry

Petitions [31-21](#) and [38-21](#) on the new 40km/hr speed limit zones in Civic were presented to the Assembly on 16 September 2021. They were then referred to the Standing Committee on Planning, Transport and City Services for consideration under Standing Order 99A. This is because the petitions combined had at least 500 signatures. The committee decided to inquire into the petitions on 30 September 2021.

## Background

On 5 July 2021, a number of 40kp/h speed limits became effective in Civic on sections of Northbourne Avenue, Barry Drive, Cooyong Street and the commercial areas of Braddon. The Minister for Transport and City Services announced these on 24 March 2021, and new or existing speed cameras were adjusted to the lower limit on 21 June 2021. In the following 48 hours, the adjusted cameras identified some 5,000 motorists exceeding the new limit with some 20,000 detected during the ‘amnesty period’.

Since infringements became applicable on 5 July 2021, some 18,400 penalty notices were issued in a three-week period with fines amounting to \$1.6m a week in a three-week period.

A petition calling for the waiver of fines for the month of July and to make it clearer as to where the new limits apply attracted 1,303 signatures (1,286 electronic). On 16 September 2021, in accordance with Standing Order 99A, the Clerk referred [petition 31-21](#) and [petition 38-21](#) to the Committee for consideration.

Offices continue to receive pleas for relief from people who have received multiple fines arguing that signage is ambiguous or confusing. Some businesses advise these fines and impact on their drivers’ licence points will push them to the point of collapse.

## Terms of Reference

On 30 September 2021 the Standing Committee on Planning, Transport and City Services resolved to inquire and report on the implementation of the revised speed limits in parts of Civic that became effective on 5 July 2021 with particular reference to:

- a) road user advice and education effectiveness prior to the 5 July implementation;
- b) effectiveness of warning signage;
- c) reasons for the continued and abnormally large number of breaches;
- d) strategies for rectifying causes of the infringement rate;
- 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
- f) any other matter relevant to this issue.

## Acronyms

Acronym	Name
ACT	Australian Capital Territory
km/h	Kilometres per hour
NRMA	National Roads and Motorists Association
VMS	Variable Message Signs

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# Recommendations

## Recommendation 1

- 2.11. The Committee recommends that to support Vision Zero, reduce road deaths and protect vulnerable road users, the ACT Government continue its ACT Road Safety Action Plan policy of expanding 40 km/h speed limit areas.

## Recommendation 2

- 3.37. The Committee recommends that the government consider waiving fines and demerit points for the month of July 2021 in the speed zones under inquiry, where the fines have resulted in financial hardship or similar circumstances. The Government should consider whether all fines and associated penalties be waived, or whether Government should leave the initial fine and demerit points in place but waive subsequent fines and demerit points.

## Recommendation 3

- 3.38. The Committee recommends that the ACT Government consult with Care Incorporated, Canberra Community Law, Legal Aid and ACTCOSS to explore permanent grounds to waive traffic fines where the individual is a vulnerable person due to financial hardship, for mental health reasons or otherwise, similar to and improving on the system in NSW.

## Recommendation 4

- 4.26. The Committee notes that the ACT Government communications were thorough but given the number of fines issued in July 2021, the Government should take an additional step and issue individual warning notices in the first month when significant changes to large areas are made for reduced speed limits in the future, and explore other warning systems, such as those noted by NRMA and other agencies during the committee review.



# 1. Background

- 1.1. On 16 September 2021 petitions 31-21 and 38-21<sup>3</sup> were tabled in the Assembly, sponsored by Mr Mark Parton MLA, and signed by 1286 and 17 residents respectively. The petitions requested that the Assembly call on the ACT Government to waive fines and penalties incurred in July 2021, and take action to make it absolutely clear where the new 40 km/h speed limited zones in Civic apply.
- 1.2. The full terms of Petitions 31-21<sup>4</sup> and 38-21<sup>5</sup> were, respectively:
  - The following residents of the ACT draw to the attention of the Assembly:
    - the imposition of additional 40 kp/h speed limit zones in Civic has produced extremely perverse outcomes for Canberrans;
    - the so-called grace period combined with lack of effective warning and signage and a massive number of fines demonstrate a callous government failure;
    - thousands of individuals have been penalized for failing to comply with extremely confusing signage regimes in the new speed limit areas;
  - Your petitioners, therefore, request the Assembly to call on the ACT Government to:
    - waive the fines and penalties incurred in the month July 2021 in the new 40 kp/h speed limited zones in Civic; and
    - take action to make it absolutely clear as to where these speed limits apply.
- 1.3. The petition was referred to the Standing Committee on Planning, Transport and City Services under Standing Order 99A.<sup>6</sup> On 30 September 2021, the Committee resolved to inquire into and report on petitions 31-21 and 38-21. The Committee advised the Assembly of this decision through a 246A statement in the Assembly on 6 October 2021.<sup>7</sup>

## Conduct of the inquiry

- 1.4. The Committee resolved that the inquiry would be done on the papers only, submissions would be called but no public hearings would be held.

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<sup>3</sup> Legislative Assembly for the ACT, *Minutes of Proceedings No 24*, 16 September 2021, p 268, available at: [https://www.parliament.act.gov.au/\\_\\_data/assets/pdf\\_file/0008/1854476/MoP024.pdf](https://www.parliament.act.gov.au/__data/assets/pdf_file/0008/1854476/MoP024.pdf).

<sup>4</sup> Legislative Assembly for the ACT, *Petition 31-21*, <https://epetitions.act.gov.au/ClosedEPetitions.aspx> (accessed 13 December 2021).

<sup>5</sup> Legislative Assembly for the ACT, *Petition 38-21*, <https://epetitions.act.gov.au/PaperPetitions.aspx> (accessed 13 December 2021).

<sup>6</sup> The standing orders and continuing resolutions of the Assembly, March 2021, standing order 99A, available at: [https://www.parliament.act.gov.au/parliamentary-business/in-the-chamber/standing-orders/standing\\_orders](https://www.parliament.act.gov.au/parliamentary-business/in-the-chamber/standing-orders/standing_orders).

<sup>7</sup> Legislative Assembly for the ACT, *Minutes of Proceedings No 25*, 6 October 2021, p 299, available at: [https://www.parliament.act.gov.au/\\_\\_data/assets/pdf\\_file/0005/1871015/MoP025.pdf](https://www.parliament.act.gov.au/__data/assets/pdf_file/0005/1871015/MoP025.pdf).

- 1.5. The Committee issued the call for submissions on 6 October 2021, this closed on 18 October 2021, 49 submissions were received by the Committee. A list of these is provided at [Appendix A](#).

## Acknowledgements

- 1.6. The Committee thanks everyone who submitted to and assisted with this inquiry. This includes representatives from the community, the Minister for Transport and City Services, and secretariat staff of the Office of the Legislative Assembly.

## 2. Policy

- 2.1. The Committee noted the ACT Government's commitment to reducing traffic accidents for all road users across Canberra through the introduction of 40 km/h zones in areas with high numbers of vulnerable road users.
- 2.2. The ACT Government is committed to Vision Zero as the central philosophy guiding their approach to road safety, this means:
- no deaths or serious injuries on our road transport network. Vision Zero acknowledges that deaths and serious injuries on our roads are preventable; they are not an inevitability. It is a bold target, but if we all work together, it is possible to reduce road deaths and serious injuries to zero, and for the community to avoid the terrible heartbreak and costs associated with them.
- Road safety is everyone's responsibility, and efforts are required by government, the community and individuals. We are committed to investing in evidence-based road safety measures while being innovative in policy approaches to road safety and advances in road transport technology. Our goals are improved road safety on our road network, a continued reduction in trauma and deaths, and ultimately, the achievement of Vision Zero.<sup>8</sup>
- 2.3. Neki, et. al. (2021) report that cost-benefit analyses employed by many government agencies that build and operate roads show that motorised road users are advocates for the economic benefits of speed, however, pedestrians are not considered by most government agencies to be road users as part of this analysis. Direct evidence of biased economic analysis comes from the inclusion of driver waiting time in economic modelling for road policies, combined with the absence of consideration of waiting time for pedestrians.<sup>9</sup>
- 2.4. The ACT Government notes the strong relationship between speed and injury severity, in particular for vulnerable road users such as pedestrians and cyclists. It has been shown that pedestrians have a 90 per cent chance of survival when struck by a car travelling at 30 km/h or below, but less than 50 per cent chance of surviving an impact at 45 km/h and almost no chance of surviving an impact at 80 km/h.<sup>10</sup>
- 2.5. Research has shown this strong relationship and it is now well accepted that vehicle speed is a component in crash severity. With increased speed there is increased risk of fatalities in vulnerable road users such as pedestrians, as shown in this data from Transport NSW.<sup>11</sup>

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<sup>8</sup> ACT Government Transport Canberra and City Services Directorate, *Road Safety*, <https://www.cityservices.act.gov.au/roads-and-paths/road-safety> (accessed 15 December 2021).

<sup>9</sup> Kazuyuki, Neki, Milly Lumumba, Sudeshna Mitra and R.F. Soames Job, 'Economic impact of 30km/h—Benefits and costs of speeds in a urban environment', *Journal of Road Safety*, vol 32, iss 3, 2021, pp 49–51.

<sup>10</sup> ACT Government Justice and Community Safety Directorate, *ACT Road Safety Action Plan 2020-23*, [https://justice.act.gov.au/sites/default/files/2020-09/ACT%20Road%20Safety%20Action%20Plan%202020-2023\\_New.pdf](https://justice.act.gov.au/sites/default/files/2020-09/ACT%20Road%20Safety%20Action%20Plan%202020-2023_New.pdf) (accessed 14 December 2021).

<sup>11</sup> Pedal Power ACT, *Submission No 28*, p 3.

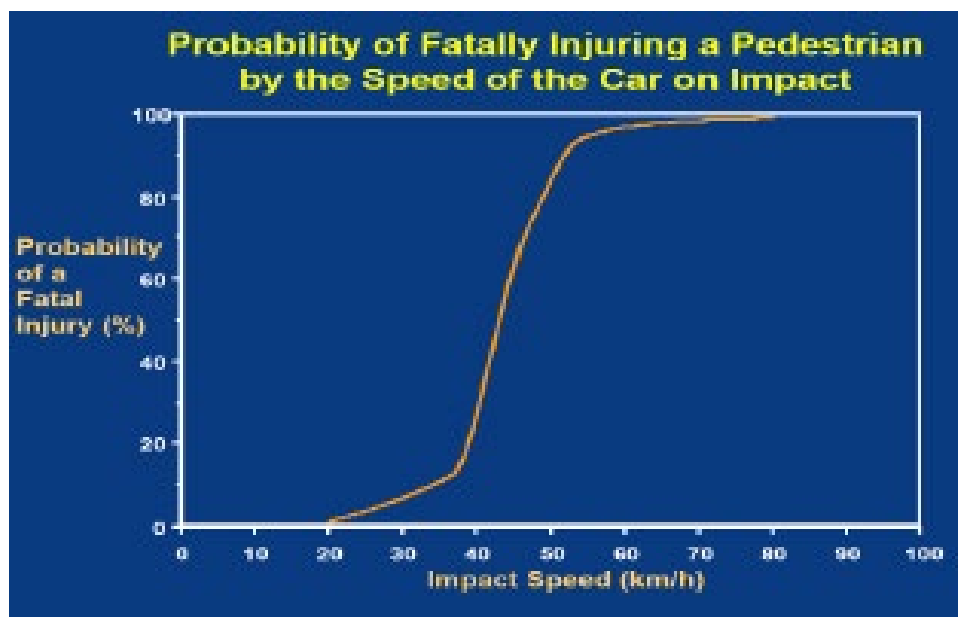


Image 1: Vehicle speed and the probability of pedestrian fatality [Source: Transport NSW Fact Sheet 4 [https://roads-waterways.transport.nsw.gov.au/saferroadsnsw/speeding\\_and\\_crashes.pdf](https://roads-waterways.transport.nsw.gov.au/saferroadsnsw/speeding_and_crashes.pdf) ]

- 2.6. Terrill, Burfurd and Fox (2021) noted that when states changed speed limits from 60 km/h to 50 km/h in built-up areas, there was a 41 per cent reduction in fatal and serious crashes involving pedestrians in Victoria, and a 51 per cent reduction in WA. They also noted that a trial in 2018 of 30 km/h speed limit reduced pedestrian injury risk by four per cent in the local streets in the City of Yarra, Melbourne.<sup>12</sup>
- 2.7. In a submission to the inquiry, the Minister for Transport and City Services, Mr Chris Steel MLA states that:
- the City and Braddon have more people living in the area and have become hubs for dining, cultural events and other recreational activities, as well as for public transport use resulting in more pedestrians and cyclists using the area than ever before who need to safely navigate areas where many motorists still using these roads to commute;
  - in 2013, Roads ACT implemented 40 km/h speed limit in all ACT town centres;
  - in 2015 speed limits were reduced to 40 km/h in all 18 group centres; and
  - evaluation of this speed reduction program found the community were broadly supportive of the reduced speed limits.<sup>13</sup>
- 2.8. Pedal Power ACT in their submission to the inquiry provided ACT Government data (<https://www.data.act.gov.au/d/6jn4-m8rx/visualization>) showing Civic (including Northbourne Ave) as Canberra's highest collision area.<sup>14</sup>

<sup>12</sup> Terrill, M., Burfurd, I., and Fox, L. (2021). *The Grattan car plan: practical policies for cleaner transport and better cities*. Grattan Institute, p 44.

<sup>13</sup> ACT Government, *Submission No 49*, p 2.

<sup>14</sup> Pedal Power ACT, *Submission No 28*, p 1.



### 3. Expansion of lower speed zones in Civic

- 3.1. Submissions noted a range of impacts on drivers due to the change in speed zones in Civic. Submissions reported a lack of communication by the Government, a lack of awareness of the change resulting in multiple fines, poor signage and traffic congestion in other areas of Civic after the change.
- 3.2. Several stakeholder organisations made submissions.
- 3.3. The National Roads and Motorists Association (NRMA) in its submission stated that it supports evidence-based road safety initiatives that are considered holistically. However, the NRMA notes that the 2021 expansion of 40 km/h speed zones in the ACT was progressed without adequate industry and community consultation, and that the NRMA was not consulted on the expansion of 40 km/h in these zones.<sup>17</sup>
- 3.4. The NRMA also noted that:
- ‘Northbourne Avenue, Barry Drive, Cooyong Street and London Circuit are not presently or satisfactorily designed to support a speed limit of 40 km/h, primarily due to a lack of traffic calming devices. In the current environment, there is no demonstrated precedent for introducing 40 km/h speed limits on thoroughfare roads with no traffic calming device installations or streetscape works’;
  - ‘road design engineering articulates that in low speed environments, the general feel of a road should match the posted speed limit – that is to say best practice road design relies on speed limits being self-enforcing’;
  - ‘it is generally difficult to have a street function as both a major thoroughfare (high movement) while prioritising active transport safety (high place)’;
  - ‘to support low speed environments, elements for consideration include traffic calming measures and streetscape measures, which can act as speed management tools’;
  - ‘*Austroads’ Guide to Traffic Management: Local Street Management* presents a section on [traffic calming] device spacing and speed-based design. Resulting from literature and various studies, the Guide generally suggests that in order to achieve speeds of approximately 40 km/h, traffic calming devices should be placed recurrently every 100 metres’; and
  - ‘given the width and geometry of these roads in particular, the feel now well exceeds the posted speed limits’.<sup>18</sup>
- 3.5. Pedal Power ACT stated that without significant road redesign and traffic calming measures in the area, enforcement through speed limits is the only apparent means of educating drivers about the need to slow down in shared environments.<sup>19</sup>

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<sup>17</sup> NRMA, [Submission No 47](#), p 2.

<sup>18</sup> NRMA, [Submission No 47](#), pp 2–3.

<sup>19</sup> Pedal Power ACT, [Submission No 28](#), p 4.

- 3.6. Pedal Power ACT also noted that people tend to drive instinctively at or above the speed for which a road is designed, regardless of the posted speed. Canberra is a city designed for cars and Canberrans are used to being able to drive at relatively high speeds on major arterial roads. Pedal Power ACT states that ‘cultural change is required for people to accept that the city and town centres are places for people rather than for cars, and where cars are the ‘guests’ among the people’.<sup>20</sup>
- 3.7. 30 Please noted that ‘slower streets are safer for everyone, whether they are in motor vehicles or not - and don’t make a material difference to driving times’ and that a 60 km/h speed in roads through the city centre is incompatible with Vision Zero and the ACT campaign for zero traffic deaths.<sup>21</sup>
- 3.8. Submissions from individuals expressed a range of views.
- 3.9. Dr Gareth Knapman noted that while the science behind the change is strong, there are social ramifications and fairness to the people who have years of driving experience making a quick transition from 60 km/h down to 40 km/h in the area, which is a very different regime to the past.<sup>22</sup>
- 3.10. Mark Prasopa-Plaizer noted that there is a disconnect between speed limits in surrounding suburbs and the introduction of 40 km/h limits on major thoroughfares such as Northbourne Avenue and Barry Drive. The slow speed does not allow a driver to cover a distance before the next light changes, resulting in even slower traffic in some of the busiest intersections in Canberra. It also has not been tested with the return of students and academics to ANU after lockdown.<sup>23</sup>
- 3.11. Leela Ross fully supported the 40 km/h speed limit in Civic, noting that ‘since its implementation I have felt much safer in Civic as both a pedestrian and cyclist who frequents the area’. Leela Ross also noted that ‘Civic is not just a place for cars to drive though, it’s a place of life and activity’ and strongly supported the Civic 40 km/h speed zones remaining in place for the safety of Canberra’s community.<sup>24</sup>
- 3.12. Ashley Carruthers also supported this view and would like to see the 40 km/h limits extended to other parts of the city centre.<sup>25</sup>
- 3.13. Ian Fletcher stated that the changes to the speed zones in Civic are ‘clearly a Government revenue raising exercise’ and that the limits should go to 50 km/h which is safe for pedestrians and motorists alike.<sup>26</sup>

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<sup>20</sup> Pedal Power ACT, [Submission No 28](#), p 4.

<sup>21</sup> 30Please, [Submission No 27](#), p 1.

<sup>22</sup> Dr Gareth Knapman, [Submission No 24](#), p 1.

<sup>23</sup> Mark Prasopa-Plaizer, [Submission No 20](#), p 1.

<sup>24</sup> Leela Ross, [Submission No 44](#), p 1.

<sup>25</sup> Ashley Carruthers, [Submission No 45](#), p 1.

<sup>26</sup> Ian Fletcher, [Submission No 13](#), p 1.

- 3.14. Narelle McArthur noted that, as a visitor to Canberra who does not drive regularly in the area, no warning was given and speed limit signs were not visible when travelling down the middle lane of Northbourne Avenue. Narelle McArthur also reported difficulties in navigating the system for submitting an Infringement Notice Declaration and applying for a withdrawal for non-ACT residents. An ACT digital account needed to be created, responses are not received or are very slow, and there are additional costs in obtaining driving records from home states that need to be submitted as part of required documentation.<sup>27</sup>
- 3.15. Martin Barlow observed that there is now added congestion around the ANU streets that coincides exactly with the new 40 km/h speed limits in Civic. Many drivers are avoiding the traffic lights around the 40 km/h zones by "rat running" through the ANU noting that:

The city bound right turn from Barry Drive into Kingsley Street is now heavily congested, particularly during the morning peak, and the stop sign at Rimmer Street is causing a queue of cars which is also impacting buses being able to turn right at the Barry Drive "B" light into Kingsley Street. Drivers are now utilising Kingsley Street, Kingsley Place, Hutton Street, Childers Street and University Avenue to avoid the intersections monitored by the traffic cameras. These streets are all heavily utilised by vulnerable road users. The irony is that the reason given for the reduction in speed limits on Barry Drive and Northbourne Avenue is for the protection of vulnerable road users.<sup>28</sup>

- 3.16. Antony Burnham stated that:

In my opinion the 40 limit is excessively low and in the E-W direction continues for an unjustifiable distance. This stretch of Barry Drive has few pedestrians, two lanes in each direction (with a concrete central divider to prevent head-on collisions), traffic lights regulating all right turns and excellent visibility owing to the width and straightness of the road, and the lack of parked vehicles. In short it has none of the characteristics of a road where one should go slow and many safety features to prevent accidents.<sup>29</sup>

## Multiple fines

- 3.17. The Committee noted the impact of multiple fines on motorists when the speed camera enforcement commenced in July 2021.
- 3.18. Jason Lindell reported in the *Canberra Times* that:
- three drivers had received 12 fines each in July 2021 since the introduction of new speed limits;
  - the majority of fines were for motorists travelling below the old 60 km/h limit but above the new 40 km/h limit;

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<sup>27</sup> Narelle McArthur, *Submission No 8*, pp 1–2.

<sup>28</sup> Martin Barlow, *Submission No 15*, p 1.

<sup>29</sup> Antony Burnham, *Submission No 34*, p 1.



- prior to 5 July 2021, the camera averaged three infringements a day, however in the first four days of operation with the new speed limits they were averaging 391 infringements per day; and
  - the 2021-22 budget papers indicated that traffic infringement revenue was expected to rise from the interim outcome of \$26.8 million to \$58.9 million<sup>30</sup> due to expansion of the lower speed limits, however the Government also noted that they expected this to decline as motorist behaviour changed.<sup>31</sup>
- 3.19. Several submitters reported receiving multiple fines during July, sometimes incurring a subsequent fine before receiving the first fine.
- 3.20. Monica Kyburz reported receiving multiple fines for travelling at 46 km/h and 47 km/h as someone who has never before received any speeding fines. She noted that this part of Northbourne Avenue in Civic is an extremely chaotic area that has seen the introduction of the tram services, two electronic scooter providers and heavy construction activity. Changes to road rules need to be 'PROMINENTLY displayed in order to grab the attention of motorists'.<sup>32</sup>
- 3.21. Cathy Ryan works in Civic for an emergency crisis housing support service and reported that 'myself and the team of 10 of us have received at least one speeding fine for driving between 45 km/h and 53 km/h in the 40 km zone since July 1'. Cathy Ryan noted that they provide crisis support and accommodation to women and families at risk of homelessness and are always out and about in our cars doing our work. None of the staff are high income earners who can afford the fines, rather they are committed to their clients and the work that they do.<sup>33</sup>
- 3.22. Dr Tulika Saxena works for a Domestic Violence Support Service also reported this same experience:
- In month of July, many of my work colleagues received fines, few of them 2-3 fines within space of a week. This impacted significantly our wellbeing. Most of the fines were on our work cars, on our way to support a vulnerable person. Many of us use public transport to come into city as we cannot even afford to pay expensive parking in the city. We received fine when we used work cars to support vulnerable persons. Even though I had not yet received a fine, as I had driven a work car, whole week I was dreading receiving a ticket and there was a sombre atmosphere at work.<sup>34</sup>
- 3.23. Chris McGrane noted the receipt of four separate infringement notices resulting in the requirement to pay a staggering amount (\$1,204) in fines. As someone with an average income and limited savings – most of which are needed to meet routine expenses over the

<sup>30</sup> [Budget 2021-22: Budget Outlook](#), p 260.

<sup>31</sup> Jason Lindell, 'Civic Speed cameras ping three 12 times', *Canberra Times*, 10 October 2021, p 1.

<sup>32</sup> Monica Kyburz, [Submission No 4](#), pp 1–2.

<sup>33</sup> Cathy Ryan, [Submission No 6](#), p 1.

<sup>34</sup> Dr Tulika Saxena, [Submission No 9](#), p 1.

next 12 months – he noted that his financial position will be significantly eroded by paying these fines.<sup>35</sup>

- 3.24. Robyn Exton outlined the negative impact on her business because of the changed speed limits:

We are a family owned local catering business and have been completely unable to trade in this latest lockdown and had yet to recover from the last one. Our business vehicle, registered in our business name received 4 fines, each \$1,299. The fines were for infringements on the 5/8,10/8,12/8 and 14/8. Our driver has been using this regular access road for catering deliveries for the past 6 years and was clearly unaware of the changed conditions. By the time the notices of infringement were received in the mail the four offences had already occurred so there was no opportunity to advise the driver that traffic conditions had changed. The business is unable to pay the fines and if we identify the driver he will lose his licence and be unable to work.<sup>36</sup>

- 3.25. Stuart Watts noted that there was a clear oversight in terms of communications as Civic and Braddon received mail outs, people in this area generally don't drive through there, notifications needed to go to surrounding suburbs that commute through this area daily. Stuart Watts also stated that:

In 25 years of driving I have never had a speeding fine. In July I received eight(!) in two weeks thanks to the new speeding cameras around Northbourne/Barry Drive. This is not right evidenced by the sheer number of drivers being caught. I did not just start speeding in July. None of my speeds were over 60km and most were in the 40s!<sup>37</sup>

- 3.26. Jackie Wilson reported receiving five infringement notices in the month of July and was not aware of the changes at all until articles started appearing on the front page of the Canberra Times towards the end of July. After receiving the first fine:

I went back into town and parked my car in the usual space and walked along Rudd St to Northbourne Avenue and down to London circuit. I turn right from Rudd into Northbourne and stay in the inside lane on the light rail side. There were absolutely no signs there indicating a change in the speed limit or a 40km limit. On the other side of Northbourne I saw two signs which said Roadwork and had a 40km sign. There was no announcement of changes to speed limits at all.<sup>38</sup>

- 3.27. Daniel Sanford also had the same experience, stating that:

When I received my fine I went back into town and parked my car and walked along Rudd St to Northbourne Avenue and down to London circuit. There were absolutely no signs there indicating a change in the speed limit or a 40km limit.

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<sup>35</sup> Chris McGrane, *Submission No 41*, p 1.

<sup>36</sup> Robyn Exton, *Submission No 22*, p 2.

<sup>37</sup> Stuart Watts, *Submission No 14*, p 1.

<sup>38</sup> Jackie Wilson, *Submission No 35*, p 1.

On the other side of Northbourne I saw two signs which said Roadwork and had a 40km sign.<sup>39</sup>

3.28. Avril Thambyah noted the receipt of three notices consecutively, stating that the second and third infringements could have been avoided if the first notice had been received in a more timely manner.<sup>40</sup>

3.29. Mary Harwood supported this view, stating:

I and many of my colleagues who work in or near Civic, most of whom had ‘clean’ licences with no points lost, were shocked and surprised to receive infringement notices. In my case I received two notices, the infringement date of the first one I received being days AFTER the second one. Both arrived in the mail. Had they arrived the right order and quickly I might have been able to respond and avoid the second one, knowing then that a speed limit change had occurred.<sup>41</sup>

## Infringements

3.30. The Committee noted the significant increase in road infringements issued to motorists after the introduction of 40 km/h limits in Civic and the subsequent enforcement.

3.31. The Minister, Mr Chris Steel MLA, advised that on 21 June 2021, the existing fixed road safety cameras were adjusted to capture vehicles driving above 40 km/h and the enforcement of vehicles driving above 40 km/h commenced on 5 July 2021.<sup>42</sup>

3.32. The Minister, Mr Chris Steel MLA, reported that between 5 July and 1 August 2021 over 20,000 infringement notices were issued to speeding motorists in the area. The Minister also noted that many people had paid, entered a payment plan, sought withdrawal or disputed their infringement.<sup>43</sup>

3.33. The [\*Road Transport \(General\) Withdrawal of Infringement Notices Guidelines 2019\*](#) sets out the grounds for infringement withdrawals which are considered under the following categories:

- administrative or technical reasons;
- insufficient evidence;
- defence or exemption applies;
- exceptional circumstances;
- child;
- deceased or moved permanently overseas;

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<sup>39</sup> Daniel Sandford, [\*Submission No 43\*](#), p 1.

<sup>40</sup> Avril Thambyah, [\*Submission No 36\*](#), pp 1–2.

<sup>41</sup> Mary Harwood, [\*Submission No 40\*](#), p 1.

<sup>42</sup> ACT Government, [\*Submission No 49\*](#), p 5.

<sup>43</sup> ACT Government, [\*Submission No 49\*](#), p 6.

- prior good driving record; and
  - prior good behaviour.<sup>44</sup>
- 3.34. One of the core provisions of the guidelines is that ‘disagreeing with a law, or finding it inconvenient, to adhere to it are not grounds for having an infringement notice withdrawn’.<sup>45</sup>
- 3.35. Access Canberra is responsible for decisions on waiving infringements under the guidelines as the delegate of the Road Transport Authority.<sup>46</sup>
- 3.36. The Committee notes that Ministers are not empowered under legislation to waive fines and that this is an important integrity measure to ensure community confidence in the ACT’s enforcement framework. The Committee understands that if Government chooses to waive fines and demerit points in this instance, Government may need to pass legislation or take other steps to implement this decision.

### Recommendation 2

- 3.37. The Committee recommends that the government consider waiving fines and demerit points for the month of July 2021 in the speed zones under inquiry, where the fines have resulted in financial hardship or similar circumstances. The Government should consider whether all fines and associated penalties be waived, or whether Government should leave the initial fine and demerit points in place but waive subsequent fines and demerit points.

### Recommendation 3

- 3.38. The Committee recommends that the ACT Government consult with Care Incorporated, Canberra Community Law, Legal Aid and ACTCOSS to explore permanent grounds to waive traffic fines where the individual is a vulnerable person due to financial hardship, for mental health reasons or otherwise, similar to and improving on the system in NSW.

<sup>44</sup> *Road Transport (General) Withdrawal of Infringement Notices Guidelines 2019 (No 1)*, Disallowable Instrument DI2019-211, pp 1–6.

<sup>45</sup> *Road Transport (General) Withdrawal of Infringement Notices Guidelines 2019 (No 1)*, Disallowable Instrument DI2019-211, p 1.

<sup>46</sup> ACT Government, *Submission No 49*, p 7.

## 4. Government community education campaign

- 4.1. The Committee noted the following education campaign undertaken by the ACT Government in relation to the expanded 40 km/h zones in Civic.
- 4.2. Minister Chris Steel MLA issued a media release on 24 March 2021 announcing the Government would be expanding 40 km/h zones to include:

- Sections of Barry Drive and Cooyong Street;
- Northbourne Avenue between McKay Street and Vernon Circle; and
- A large section of the Braddon commercial precinct.<sup>47</sup>

- 4.3. The Minister, Mr Chris Steel MLA, also noted that:

There were over 20 media articles including ABC News, Canberra Times and the Riot ACT as well as most major radio stations and via radio ads across multiple time slots, and either side of the news during peak hour, including either side of the news, to alert motorists to the speed zone changes. The radio advertisements ran on AM and FM radio. Advertisements also included social media posts, which were run across ACT Government Facebook, with more than 170,000 impressions, over 1500 reactions and almost 1500 comments. Updates were also provided through the digital Our Canberra newsletter, and ministers and officials from Transport Canberra and City Services and Access Canberra also gave multiple media interviews.<sup>48</sup>

- 4.4. Jason Lindell reported in the *Canberra Times* that ACT Government officials recommended writing to every licenced driver informing them of the changed limits when the number of speeding motorists detected in the amnesty period exceeded expectations. However, this recommendation was rejected by Minister for Business and Better Regulation, Ms Tara Cheyne MLA and Minister Mr Chris Steel MLA due to the cost, estimated to be more than \$370,000.<sup>49</sup>
- 4.5. Ministers, Ms Tara Cheyne MLA and Mr Chris Steel MLA, issued a joint media release to remind motorists to slow down in the city, stating that all motorists travelling above the speed limits in the area would be issued with infringement notices from 5 July 2021.<sup>50</sup>
- 4.6. The Minister, Ms Tara Cheyne MLA, in an answer to a question on 4 August 2021, told the Assembly that a total of \$78,065.71 had been spent on the new and variable signage and public information campaign for the 40 km/h speed zones in the city including:
- \$54,240.31—New signage (including pavement markings);

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<sup>47</sup> Mr Chris Steel MLA, Minister for Transport and City Services, 'Expansion of 40km/h zones to make business precincts better places for people, *Media Release*, 24 March 2021.

<sup>48</sup> ACT Government, *Submission No 49*, p 3.

<sup>49</sup> Jason Lindell, 'Civic Speed cameras ping three 12 times', *Canberra Times*, 10 October 2021, p 1.

<sup>50</sup> Ms Tara Cheyne, Minister for Business and Better Regulation and Mr Chris Steel MLA, Minister for Transport and City Services, 'Canberrans reminded to slow down as over 5,000 motorists identified speeding in the City 40km/h zones in 48 hours, *Joint Media Release*, 23 June 2021.

- \$17,570.00—Variable Message Signs (as at 5 August 2021);
- \$5,793.40—Public information campaign (radio and social media); and
- \$462.00—Letterbox drop - printing and delivery of 2,000 letters in March 2021, to businesses and residences in the Braddon and Civic areas.<sup>51</sup>

4.7. Several submitters commented on the impact of Government communications.

4.8. Chris McGrane noted that:

The public information campaign regarding the speed limit changes was completely inadequate. The ACT Government sent letters of notification to people in the suburbs surrounding Civic. However, no letters were sent to residents in other parts of the ACT ... Northbourne Avenue is a major arterial highway. Like many who live in Northern Canberra, I use this highway regularly. Thus, failing to send notification letters to people in Northern Canberra was a serious mistake, and one that severely undermined the effectiveness of the public education campaign.<sup>52</sup>

4.9. Evangelos Adoniou wished 'to register my dismay at the poorly announced and poorly signed change to the speed limit on that very small section of Northbourne Ave'. A \$301 fine for speeding at 46 km/hr in what was assumed to be a 50 km/h zone for someone who is semi-retired is a lot to pay. Evangelos Adoniou also noted that:

I had been unaware of the speed limit change, and do not recall seeing any signage or hearing any public announcements. I do not travel this route very often, as I usually stay in my local area and rarely 'cross the lake', but in all my years here in Canberra – since 1984 – this had not been a 40 km zone.<sup>53</sup>

4.10. Michael Cawley supports the change in speed limit to 40 km/h in the Canberra City area, however, was of the view that the change was poorly implemented from a community education perspective. While an education program was conducted, 'it was clearly deficient, indeed arguably it failed, as evidenced by the significant quantity of speeding tickets issued to motorists'. Michael Cawley noted that:

It is my opinion that the key failure lay with the traffic signage currently placed along the main roads leading into the city area. The traffic speed signage is too small for the effect that needs to be achieved insofar as pedestrian safety is concerned. Larger signage, for example, similar in size to those on Barton Highway, need to be erected. Such signage need not be placed in every street, more-so on the key entry points to the 40 km/h area. For example, on Barry Drive, Northbourne Avenue at both the northern and southern (City Hill) entrances to

<sup>51</sup> Ms Tara Cheyne MLA, *Hansard* 16 September 2021, p 2731.

<sup>52</sup> Chris McGrane, *Submission No 41*, p 1.

<sup>53</sup> Evangelos Adoniou, *Submission No 3*, p 1.

the city, the northern entrances to Lonsdale & Mort Streets, and the southern entrances to London Circuit and Marcus Clarke Streets.<sup>54</sup>

- 4.11. Graeme King noted that even though he only uses the road infrequently ‘I was fully aware of the upcoming speed limit change weeks before it was changed and found the signage after the change more than sufficient to inform me’. Graeme King also noted that while driving in the area adhering to the speed limit, many drivers sped past, and he was unsurprised by the large number of infringement notices being issued, and in his view:

The petition to the Legislative Assembly seems to be solely the result of speeding drivers acting in their own self-interest and not wanting to take responsibility for their own behaviour. They were provided with more than adequate warning of the forthcoming change and signage afterwards.<sup>55</sup>

## Signage

- 4.12. The Committee received numerous submissions on the lack of and confusing nature of signage in the area, one submission even calling it ‘signage litter’ as there were so many different signs in a small area.
- 4.13. Stephen Dangaard stated that signage was inadequate because it failed to achieve its purpose, that is for people to drive to the new speed limit. The abnormally high number of breaches and public outcry over the change and unfair penalties is evidence of this failure. Stephen Dangaard also stated that ‘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.’<sup>56</sup>
- 4.14. The Minister, Mr Chris Steel MLA, stated that ‘it is the responsibility of each motorist to be aware at all times of the speed limits in the location they are driving in accordance with *Road Transport (Road Rules) Regulation 2017 SL2017-43* made under the *Road Transport (Safety and Traffic Management) Act 1999*.’<sup>57</sup>
- 4.15. Variable Message Signs (VMS) were erected prior to the change in speed limits introduced in March 2021, additional VMS were put in place between 11 May until 4 June and again from 21 June 2021 to remind motorists of the change that are still in place now.<sup>58</sup>
- 4.16. The ACT Government installed permanent signage when the new speed limits came into effect, including:
- a pair of 40 km speed zone signs of standard sizing at each entry point into the speed limit zone;
  - repeater signs following each major road that intersects with the zone;

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<sup>54</sup> Michael Cawley, *Submission No 23*, p 2.

<sup>55</sup> Graeme King, *Submission No 31*, p 1–2.

<sup>56</sup> Stephen Dangaard, *Submission No 26*, p 1.

<sup>57</sup> ACT Government, *Submission No 49*, p 4.

<sup>58</sup> ACT Government, *Submission No 49*, pp 3–4.

- additional 40 km/h ‘roundel’ road markings;
  - additional repeater speed limit signs prior to each of the camera sites to assist driver awareness; and
  - large pavement markings on Northbourne Avenue, Barry Drive and Cooyong Street.<sup>59</sup>
- 4.17. In response to community feedback the ACT Government has installed further signage, including:
- additional 40 km/h road signs immediately in advance/on the speed camera poles located on Northbourne Avenue southbound and Barry Drive westbound to remind drivers of the reduction in speed limits, installed in July 2021; and
  - additional pavement markings at mid-blocks on Northbourne Avenue, Barry Drive and Cooyong Street, installed in September 2021.<sup>60</sup>

## Warning letters

- 4.18. The Committee noted the lack of warning letters for motorists prior to the enforcement period commencing on 5 July 2021.
- 4.19. The NRMA noted that the ACT Government’s decision to not provide warning letters to motorists during the amnesty period (21 June to 4 July 2021) has undermined confidence around the expansion of 40km/h zones as the letters play an important educational role and support adherence while also increasing community awareness and confidence.<sup>61</sup>
- 4.20. The Minister, Mr Chris Steel MLA, stated that issuing warning letters to motorists:
- would require that each individual matter be adjudicated to determine that an offence had been detected and which then required a manual process to divert only those matters captured through the specific cameras to a warning while continuing all other matters to enforcement;
  - is not an option under the legislation;
  - would be received at the same time as any future infringements; and
  - would create timeliness issues across the whole road network.<sup>62</sup>
- 4.21. The Minister, Mr Chris Steel MLA, also noted that ‘given the high numbers involved, such a process would not have resulted in the timely provision of these warning letters. As the process would be manual, there would have been a significant resourcing impost that would have required the diversion of staff from other critical areas of essential government priorities for Access Canberra’.<sup>63</sup> The Minister also indicated that speed limits are regularly

<sup>59</sup> ACT Government, [Submission No 49](#), pp 4–5.

<sup>60</sup> ACT Government, [Submission No 49](#), p 5.

<sup>61</sup> NRMA, [Submission No 47](#), p 2.

<sup>62</sup> ACT Government, [Submission No 49](#), p 11.

<sup>63</sup> ACT Government, [Submission No 49](#), p 11.



changed, including at roadwork sites and it is not standard practice to send letters to Canberrans notifying them of these changes.<sup>64</sup>

- 4.22. The Minister, Ms Tara Cheyne MLA, in an answer to a question taken on notice on 4 August 2021, told the Assembly that:

Each warning letter would cost over \$1 per letter in postage and stationery. In order to send warning letters, Access Canberra staff would have been required to first adjudicate each offence so as to retrieve data from the Rego ACT system to allow populating the warning letters with personalised information. Accordingly, the staffing costs are estimated to have been in the vicinity of \$300,000, including significant diversion of resources.<sup>65</sup>

- 4.23. The Chief Minister, Mr Andrew Barr MLA, on ABC radio during Chief Minister talkback told listeners that warning letters had been sent to Canberra motorists who exceeded the 40km/h speed limits in Civic. However, during an answer to a question without notice in the Assembly on 4 August 2021, he apologised for the incorrect information after the Minister, Ms Tara Cheyne MLA, informed the Assembly that no warning notices had been issued.<sup>66</sup>

- 4.24. Keith Baker asked where was the community consultation, and noted that the 'Chief Minister's apology for not issuing warnings due to a system error was also inadequate, and lacked any compassion for families struggling with income during the COVID period.'<sup>67</sup>

- 4.25. Chris McGrane noted that other jurisdictions use grace periods to issue warning notices to those in breach of the new limits however the ACT Government opted not to do this, meaning motorists who breached the new limits during the 'grace period' received no notification that they had exceeded the limit. Consequently, the first notification received regarding the new limits was an infringement notice.<sup>68</sup>

#### Recommendation 4

- 4.26. The Committee notes that the ACT Government communications were thorough but given the number of fines issued in July 2021, the Government should take an additional step and issue individual warning notices in the first month when significant changes to large areas are made for reduced speed limits in the future, and explore other warning systems, such as those noted by NRMA and other agencies during the Committee review.

<sup>64</sup> ACT Government, *Submission No 49*, p 5.

<sup>65</sup> Ms Tara Cheyne MLA, *Hansard* 16 September 2021, p 2731.

<sup>66</sup> Mr Andrew Barr, *Hansard* 4 August 2021, pp 2292–2293.

<sup>67</sup> Keith Baker, *Submission No 10*, p 1.

<sup>68</sup> Chris McGrane, *Submission No 41*, p 1.

Jo Clay MLA  
Chair  
20 January 2022

## Appendix A: Submissions

Submission Number	Name	Date received
1	Rhod McDonald	07/10/2021
3	Evangelos Adoniou	08/10/2021
4	Monica Kyburz	08/10/2021
5	John Harriot	08/10/2021
6	Cathy Ryan	08/10/2021
7	Irma Simon Briggs	08/10/2021
8	Narelle McArthur	08/10/2021
9	Dr Tulika Saxena	08/10/2021
10	Keith Baker	08/10/2021
11	David Gruber	08/10/2021
12	Pauline Lovitt	09/10/2021
13	Ian Fletcher	10/10/2021
14	Stuart Watts	10/10/2021
15	Martin Barlow	10/10/2021
16	Mackenzie Gibb	10/10/2021
17	Luke Barton	10/10/2021
18	Samantha Briggs	11/10/2021
19	Vijay Dubey	11/10/2021
20	Mark Prasopa-Plaizer	11/10/2021
21	Hamish Gamble	11/10/2021
22	Robyn Exton	12/10/2021
23	Michael Cawley	12/10/2021
24	Dr Gareth Knapman	11/10/2021
25	Name withheld	13/10/2021
26	Stephen Dangaard	14/10/2021
27	30 Please	15/10/2021

Submission Number	Name	Date received
28	Pedal Power ACT	15/10/2021
29	Alex Turini	16/10/2021
30	Penelope Upward	16/10/2021
31	Graeme King	16/10/2021
32	Joanne Fitzpatrick	16/10/2021
33	Name withheld	17/10/2021
34	Antony Burnham	17/10/2021
35	Jackie Wilson	17/10/2021
36	Avril Thambyah	17/10/2021
37	Naga Aditya Koneru	17/10/2021
38	Murali Krishna Koneru	17/10/2021
39	Frances Freeman	17/10/2021
40	Mary Harwood	17/10/2021
41	Chris McGrane	17/10/2021
42	Rohan Fox	18/10/2021
43	Daniel Sandford	18/10/2021
44	Leela Ross	18/10/2021
45	Ashley Carruthers	18/10/2021
46	Matthew Sandford	18/10/2021
47	NRMA	18/10/2021
48	Jim Culvenor	18/10/2021
49	ACT Government	19/10/2021
50	Professor Yue Gao	23/10/2021