

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**GOVERNMENT RESPONSE TO THE STANDING COMMITTEE ON PLANNING, TRANSPORT
AND CITY SERVICES
REPORT No 9 – INQUIRY INTO THE IMPACT OF REVISED SPEED LIMITS IN CIVIC – PETITIONS
31-21 AND 38-21**

**Presented by
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Introduction

The ACT Government is committed to Vision Zero as the central philosophy guiding our 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.

Speeding is a focus area of the Road Safety Action Plan 2020-23 where it is recognised that any level of speeding presents a road safety risk for the driver and other road users. Numerous studies have shown that perceived 'low level' speeding contributes to a significant percentage of road casualties and fatalities.

As Canberra has grown, more streets have evolved to be not only places to move through, but also places for people to stop and spend time. The City and Braddon have changed remarkably in the past decade, with a large increase in the number of people living in these areas. They have become hubs for dining, cultural events and other recreational activities, as well as for public transport use. This has resulted in more public transport users, pedestrians and cyclists using the area than ever before, who have to safely navigate the presence of motorists still using these roads to commute.

As a result, the streets in the City and Braddon have a changed function. Reducing speed limits reflects the changed use of streets and seeks to make the road system safer for all road users, particularly vulnerable road users such as pedestrians and cyclists.

Policy rationale

The implementation of reduced speed limits in the City has been under consideration for almost a decade. In 2013, Roads ACT implemented 40km/h speed limit areas in all town centres within the ACT. This program was extended to include all group centres in 2015. Evaluation of this program found the community were broadly supportive of the reduced speed limit, including in the City and supported the expansion of the 40km/h speed limit to other adjacent streets in town centres.

The ACT Government has since implemented 40 km/h zones in all 18 ACT group centres. The extent of these speed limit zones has been reviewed for five group centres and the expansion of the Belconnen town centre was completed in 2019.

Lower speeds in the City and Braddon, including a 'people first' focus on Northbourne Avenue, formed a key part of design guidance for streets developed with community consultation as part of the City and Urban Gateway Design Framework in 2018. This framework set the principles for development and growth in the city centre and along the gateway corridor of Northbourne Avenue including in relation to access and movement. Further extension of 40km/h zones in these areas also then formed an explicit action under

the ACT Road Safety Action Plan 2020-23 supporting our commitment to Vision Zero, the safe system approach and safer roads.

The ACT Government has particularly recognised that the commencement of operations for the first stage of light rail from Gungahlin to the City in 2019 led to a change in the road environment and function. We saw an increase in pedestrian movements in the city, particularly around Northbourne Avenue near the Alinga Street light rail terminus. Following the commencement of light rail operations, it was considered an appropriate time for the implementation of a permanent reduction to speed limits from 60km/h to 40km/h across the city, including the section of Northbourne Avenue between Barry Drive and London Circuit.

Implementation

During 2019, Ministers from several portfolios worked together to consider the impacts of this measure on traffic, public transport, active travel, emergency services, ACT Policing and enforcement activity associated with the permanent speed cameras installed in the area. The speed limit reduction was intended to be implemented in 2020 but was delayed due to the impact of the COVID-19 pandemic on traffic and pedestrian volumes and public transport patronage. It was agreed to postpone the implementation until all traffic and pedestrian movements were normalised.

Once traffic and pedestrian movements had largely returned to pre-COVID-19 levels, the expansion of 40km/h zones across Northbourne Avenue between McKay Street to Vernon Circle, sections of Barry Drive and Cooyong Street with high pedestrian activity; and a large section of the Braddon commercial precinct was approved for implementation in December 2020 and executed in March 2021. Low speed zones were also expanded in March 2021 around the Tuggeranong Town Centre and Kingston Foreshore precincts.

Government communications

All road users are provided with education about their obligations and the requirements when using roads. The community understands that engaging in unsafe behaviour on our roads may result in an infringement penalty. The committee noted that the ACT Government's communications on the new speed limit were thorough and the community should be aware of their obligation to drive to the speed limit.

To provide guidance and inform all motorists about the changes in speed limit large Variable Message Signs (VMS) were installed in the area two weeks prior to the 40km/h zones being introduced in March 2021. The VMS signs remained in place for an additional two weeks after the completion of the signage installation to reinforce the speed limit for motorists.

The permanent warning signage installed when the new speed limit came into effect included:

- 40km speed zone signs at each entry point into the new speed limit zone.
- Repeater signs following each major road that intersects with the zone.
- 40 km/h pavement road markings.

In response to community feedback during and after there was a non-enforcement period prior to enforcement commencing, further signage has been installed, including:

- Additional 40 km/h road signs immediately in advance/on the speed camera poles located on Northbourne Avenue and Barry Drive - installed in July 2021.
- Additional pavement markings at mid-blocks on Northbourne Avenue, Barry Drive and Cooyong Street – installed in September 2021.
- Additional larger size permanent “40km/h Area” signs on the entry to the new speed zones, installed in December 2021.
- Additional VMS were also put in place on 11 May until 4 June 2021 to remind motorists of the reduced speed limit, then again on 21 June 2021 until 14 December 2021. These were placed at:
 - Northbourne Avenue (southbound) near the Veterans Park.
 - Northbourne Avenue (northbound) in centre median between London Circuit and Alinga Street.
 - Barry Drive (westbound) just before Moore Street.
- Additional pavement marking on entry to the 40km zone on Northbourne Avenue and Barry Drive will be installed in early 2022.

The ACT Government undertook extensive communications leading up to the implementation of the new speed zones, throughout the subsequent three-month period, there was a non-enforcement period prior to enforcement commencing, and throughout an additional two-week warning period.

- A Ministerial media release was issued, and media interviews were conducted in March 2021.
- A letterbox drop of 2,000 letters was undertaken in March 2021 to businesses and residences in the Braddon and Civic areas.
- Radio ads on AM and FM stations ran 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.
- 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.
- The amount of public information over a sustained period relating to this 40km/h speed zone change significantly exceeds that for any other change of speed limit implementation in the ACT.

The Government has listened to feedback and we have increased the size of the signage at the entrance to the 40km/h zones in the City beyond the standards required. We are also implementing further pavement markings.

Government response

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.

Response

AGREED

The Government will continue to deliver the ACT Road Safety Action plan and its policy for expanding 40km/h speed limit areas in town and group centres.

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.

Response

NOT AGREED

Speeding presents a serious road safety risk to road users. The infringement notices under inquiry were validly issued in accordance with the *Road Transport (General) Act 1999* (Road Transport Act) when speed cameras detected drivers exceeding the 40km/h speed limit. There are existing options available for drivers to dispute liability or seek a waiver of an infringement notice under the Road Transport Act in cases of financial hardship or similar circumstances.

The Road Transport (General) Waiver of Infringement Notice Penalties Guidelines (Waiver guidelines) must be considered if an application to waive an infringement notice is received. Under these guidelines a person's financial ability to pay an infringement notice penalty is a relevant consideration. If an individual's request for a waiver is approved, the financial penalty will no longer be required to be paid. In accordance with section 31F of the Road Transport Act, demerit points cannot be waived.

When an application for withdrawal is received, it is considered in accordance with the Road Transport (General) Withdrawal of Infringement Notices Guidelines 2019 (No 1). If the application is approved, it has the effect that the offence never happened. That is, all penalties associated with the offence (financial and demerit points) do not apply.

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.

Response

NOTED

There are existing grounds to waive infringement notices under section 31G of the Road Transport Act. The administering authority must waive an infringement notice penalty following an application, if satisfied on reasonable grounds that certain conditions have been met. These conditions include financial hardship matters, mental illness and/or mental disorder, physical or intellectual disability, disease or illness, addiction to drugs, alcohol or another substance, family violence and homelessness, or living in crisis, transitional or supported accommodation.

The Waiver Guidelines must also be considered when deciding on an application to waive an infringement notice. The administering authority has discretion to waive an infringement notice monetary penalty in circumstances where only some conditions are satisfied. A waiver ceases the administering authority's right to take further action in relation to the infringement notice monetary penalty.

There are several other options available to customers, including the Work or Development Programs and payment plans for a minimum fortnightly instalment of \$10 a fortnight.

The ACT Government will consider further opportunities to mirror the NSW waiver system, noting that the criteria currently used differs slightly. For example, in NSW being affected by natural disasters is an eligibility criterion for seeking and being awarded a hardship waiver.

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.

Response

AGREED IN PRINCIPLE

Government will explore options for additional warning messages on street and via media such as those noted by the NRMA and other agencies during the committee's review for inclusion in any future change to speed limits of a similar scale.