Focus Article 2

The Fine State of South Australia

There is no doubt that serious driving offences such as excessive speed, drink driving, failure to wear a seat belt, speeding in school zones and distracting behaviours such as use of a hand held mobile telephone while driving should attract serious penalties. Hoon driving, tailgating and road rage behaviour each illustrate discourteous behaviour and a lack of respect for other road users and are appropriately subject to severe penalties.

But what really is the contribution of speed cameras, red light cameras and associated technologies, including random alcohol and drug testing to an observed reduction in road crash fatalities and serious injuries? Does the level of fines (i.e. severity) represent a further incentive (i.e. deterrent) to impact driver behaviour? It is not disputed that "speed can kill" and that red light and speed cameras do have an impact for the better on driver behaviour. Equally road deaths resulting from accidents where the driver recorded a high blood alcohol content are well documented. But is the improvement in road fatality and serious injury statistics simply (or principally) the result of detection technology and associated fines?

Figure 2.1 presents a time series of road fatalities in South Australia from 1950 to 2012 with the inclusion of some road safety initiatives.

Road fatalities in South Australia were on an upward trend since the commencement "age of the motor vehicle" in the 1950s, peaking in the mid-1970s (382 fatalities in 1974), before entering a phase of gradual trend decline, which is still continuing today.

The beginning of the "age of the motor vehicle" saw a significant increase in the level of vehicle ownership, mass car production and a reduction in investment in public transport, including the closure of a number of tram lines in metropolitan Adelaide. By 1958 only the Glenelg tram line remained with some train services and with buses competing with the surge in private motor vehicle ownership. The period 1950 to 1974 witnessed a significant increase in private vehicle traffic volumes and arguably, the level of investment in road improvements and road safety could not keep pace.

One of the first and most significant road safety measures was the introduction of seat belts. The changeover of vehicle stock meant that while legislation making seat belts compulsory in all new vehicles was introduced in 1967 and the wearing of fitted seat belts made compulsory in 1970 it was probably not until the mid-1970s and thereafter that the value of seat belts was felt in the reduction of road fatalities and serious injury.

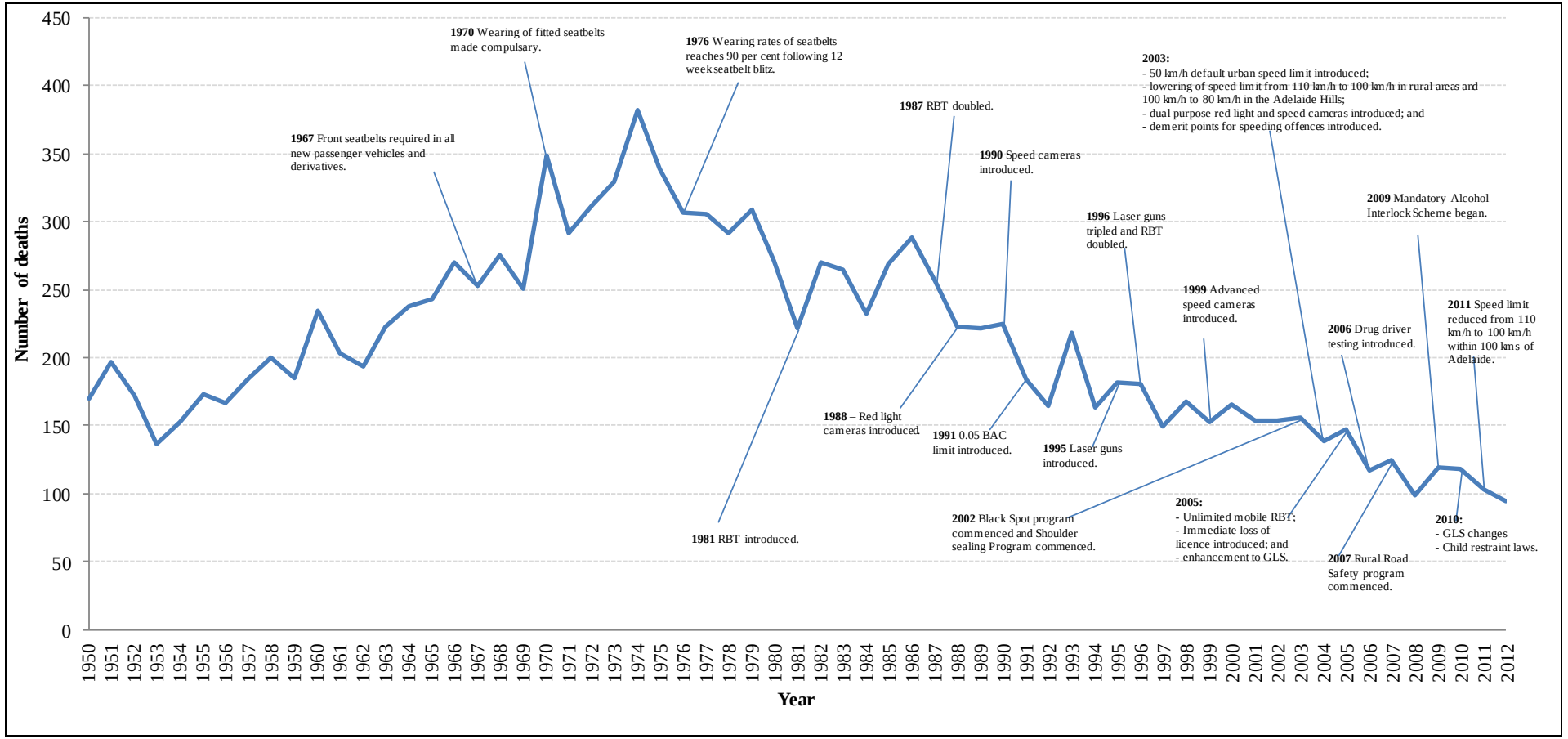
And that is evidenced in Figure 2.1, where from the peak of road fatalities in 1974 a sustained long-term gradual decline is revealed. The data in Table 2.1 showing the consistent fall in fatalities and serious injuries helps to inform the story.

Table 2.1
Road Crash Fatalities and Serious Injuries, 1951 – 2011, South Australia

	Fatalities	Serious Injuries
1951	197	
1961	203	
1971	292	3,573
1981	222	3,165
1991	184	2,058
2001	154	1,603
2011	103	931

Source: DPTI (2012).

Figure 2.1
Road Crash Fatalities, 1950-2012: South Australia



Source: Department of Planning, Transport and Infrastructure (2012) "Road Fatalities and Serious Injuries in South Australia" and SACES.

The long-term decline in road fatalities is the result of a combination of factors, most notably improvements in vehicle design, technology and safety features such as ABS braking systems, airbags, seat belts and child restraint devices, improvements in the road and traffic management network, the introduction of urban speed limits, graduated licensing schemes for young drivers and surveillance and enforcement systems such as random breath and drug testing.

Cost of Road Crashes

The cost of each road fatality and serious injury to the South Australian community is significant. Other than the obvious costs of police, ambulance and emergency services, the most costly impacts are the implicit costs of 'human and personal' tragedy, including the trauma of recuperation and lost productivity to the economy.

Based on figures from the Bureau of Infrastructure, Transport and Regional Economics (BITRE) in 2006, the cost of each fatality on South Australian roads in 2012 was $2.83 million[1], meaning that road fatalities alone in 2012 cost the South Australian economy approximately $265.5 million. In contrast at the peak in 1974 (382 fatalities) road fatalities cost over $1 billion (in 2012 dollars). These figures provide an indication of the impact that road safety programs and improvement in automotive technologies have had.[2]

The total cost of motor vehicle accidents is far more than the figures above. The cost of road accidents include not only vehicle repair costs but also costs of injury, both permanent and temporary. In 2006 BITRE estimated that road injuries in Australia cost the Australian economy $7.14 billion. The estimate for vehicle costs (comprising of towing costs, repairs and vehicle unavailability) was $4.4 billion.[3]

Road Safety Interventions

Road safety policies have played an important role in reducing the number of road fatalities in South Australia. The major policy interventions are mapped against the trend of fatalities in Figure 2.1 What is mostly missing from these contributing factors to the reduction in fatalities are improvements in vehicle technology and road improvements and specific actions to improve driver capability and behaviour.

The South Australian picture (as shown in Figure 2.1) of an increase in road fatalities commencing in the 1950s and reaching a peak in 1974-76 is very similar to the national picture with a continuing trend decline right up to the present time. Comparing Western Australia and South Australia for example, fatalities whether measured by fatalities per 10,000 vehicles, per 10,000 licenced drivers or per 100,000 population show the same downward trend post 1974-76 (e.g. Victoria peaked at 1,061 in 1970 and declined thereafter).

What this suggests, for the nation as a whole, is that the principal contributing factors to the trend decline are equally applicable across the States and that they are the result of, *inter alia*, improved safety features and embodied technology in the automobile, all States introduction of random alcohol and drug testing and improvements in the quality of roads such as road shoulder sealing, the national black spots program, passing lanes on major highways and road safety campaigns.

Although the exact timing of their introduction may vary, all States have introduced random breath testing (e.g. Victoria 1976, South Australia 1981), and all have progressively lowered permissible blood alcohol readings, instituted drug

1 BITRE estimates the cost of a fatality at $2.4 million in 2006 dollars so this figure has been adjusted for inflation.

2 These figures are calculated as a hybrid of human capital costs, for explanation of elements included see BITRE "Cost of Road Crashes in Australia 2006". Calculation using willingness to pay estimates will result in much higher figures

3 These estimates have not been adjusted for inflation.

testing, 'booze buses', hand held laser guns and fixed and mobile cameras. All of these policy initiatives have generally been welcomed by the public at large and each has played some role in helping to reduce road fatalities and serious injury.

But there is one sticking point and this is evident in community reaction to the lack of harmonisation across States of the level of fines for the same offence; that the level of fines often do not reflect the potential seriousness of an offence; that inconsistent speed limits create unnecessary confusion and the level of tolerance (or allowance) for above a specific speed limit is ill-defined and/or unstated. Motorists with a clean driving record are not rewarded. These and other reasons have cemented in the minds of the general public that particularly mobile speed and fixed cameras are employed as revenue raising devices for the government.

Resistance to the payment of traffic fines and/or the inability to meet payment is reported to have resulted in 23,000 people having their licence suspended in 2012/13[4]; fine-related revocations of a licence do not necessarily result in people not driving, but continuing to drive without compulsory third party insurance (which carries its own risk).

The fine for driving an unregistered vehicle in South Australia at or about the time registration stickers were no longer issued increased from $335 to $1,000 and the fine for driving uninsured increased from $600 to $1,500 (see Table 2.2). It is questionable whether government conducted a sufficient information campaign (similar to drink driving) to inform the community of the subtle change in responsibility to ensure a vehicle is registered and the penalties for not doing so.[5] It was always the case – with or without registration stickers – that for a variety of reasons individuals may not have received a renewal notice (e.g. people shifting rental properties, in long-term hospitalisation). In our view the level of the fine **does not** reflect a proper balance between individual responsibility and government responsibility.

There should be provision for every citizen to easily record a change of address not simply for the purposes of motor vehicle registration, but at the same time and online, for utility services, local council, drivers licence (when no photo was required), seniors card, the electoral roll and for other purposes. The Tasmanian Government is the most advanced in this regard.[6]

Table 2.2
Driving Unregistered/Uninsured, 2014 ($)

	Unregistered	Uninsured
South Australia	1,000	1,500
New South Wales[1]	472	472
Queensland	800	800
Victoria	722	N/S
Tasmania	200	200

Note: [1] Further $472 for unpaid MV Tax.
N/S = Not Shown.
Source: Compiled by SACES.

Road penalties – policy solution or revenue raising

Road traffic fines in South Australia appear higher than those in other States. To what extent do they reflect 'dangerous' driving? Are South Australian drivers dangerous? Road fatalities and serious injury are a complex 'policy problem' for government – we do not dispute that – but the reliance on heavy financial penalties in South Australia indicates an overly strong preference for revenue raising in the pursuit of greater road safety. By comparison, for the same offences the level of fines in South Australia and Western Australia are shown in Table 2.3. South Australian drivers are also sanctioned with

[4] Year and Suspensions – 2010/11: 14,000; 2011/12: 22,000.

[5] Whilst the authors are aware of an online facility (a 'smart phone app') is available to check a vehicle registration expiry date, we feel that more could be done to publicise the availability.

[6] See https://clientupdate.service.tas.gov.au

an additional $60 fee that is paid to the victims of crime levy fund.

Table 2.3
Fine Differences between South Australia and Western Australia (2012 fine levels)

	Traffic Fines ($)	
	South Australia	Western Australia
Speeding no more than 9km/h	150	75
Speeding, 10-19km/h	330	150
Speeding 20-29km/h	670	330
Speeding by 30-40km/h	-	700
Speeding by 30-44km/h	800	-
Speeding by 41km/h or more	-	1,000
Speeding by 45km/h or more	900	-
Running a red light	404	150
Overtaking when not safe to do so	265	100
Using mobile phone	291	250
BCA < 0.8[1]	532	250
Increasing speed while being overtaken	263	100

Note: [1] Driving whilst having prescribed concentration of alcohol in blood: Contravention involving less than 0.08 grams of alcohol in 100 millilitres of blood.
Source: Government of Western Australia Road Traffic Code 2000 and Government of South Australia Road Traffic (Miscellaneous) Regulations 1999.

Commenting further on these two State comparisons, while the level of fines are much higher in South Australia, the rate of fatalities per 10,000 licenced drivers (2010) was almost the same at 1.03 in South Australia and 1.15 in Western Australia; fatalities per 100,000 of population (2012) were lower in South Australia at 5.7 (Western Australia 7.5 and Victoria 5.0).

We note again that 'speed kills' so that we are not disputing this message; it is as relevant on an open country road, a freeway, a school crossing or a 40 kilometre urban/council residential street. But equally, is 4-5 kilometres over the speed limit on an open freeway the same as 4-5 kilometres on Anzac Highway between 5:00 and 6:00pm any weeknight? Are there occasions when short-speed acceleration is in fact safe driving? Who is really speeding?

How should we interpret the information in Table 2.4 by reference to the offence category and the fact that the overwhelming majority of people adhere to the relevant speed limit? Table 2.4 only reports the offenders – not the thousands of non-offenders.

Table 2.4
Exceeding the Applicable Speed Limit (2012)

	Per cent of speeding offences	
Offence	South Australia	Western Australia
By no more than 9km/h	50.24	48.86
By 10-19km/h	46.97	45.39
By 20-29km/h	2.39	4.89
Greater than 30km/h	0.40	0.85

Source: SAPOL and WA Police. SACES calculations.

More than half the offenders are recorded at above the limit but not more than 9 kilometres an hour. Less than 3 per cent of all speeding offences were detected at greater than 20 or 30 kilometres an hour and could unequivocally be argued to be in 'wilful disregard' of community standards and endangering life. To what extent, in the 50 per cent recorded as between 1 and 9 kilometres over the limit, does the data include motorists with an exemplary driving record who have made one simple mistake in years of safe and considered driving?

Table 2.5
Exceeding Applicable Speed Limit[1]
South Australia, 2001-2012

Year	Less than 9km/h	By 10 to 19km/h
2001	8,564	253,435
2003	17,300	186,418
2005	18,149	220,603
2006	20,682	193,901
2007	64,205	210,362
2008	159,747	172,567
2010	135,079	138,327
2012	78,474	85,223

Note: [1] Data for fixed and mobile cameras and police expiation notices.
Source: SAPOL (2013).

Question: What explains the increase in traffic offences less than 9 kilometres an hour between 2006 and 2007 and again 2007 to 2008 as shown in Table 2.5; more points of detection; greater technological sophistication in segmenting actual speeds; changes to unban and town speed limits; an unannounced change to the level of tolerance? It surely cannot be a sudden wilful disregard of speed limits, particularly as the data for 10-19 kilometres and all speeds above were generally trending downwards.

Answer: a lower level of tolerance.

In mid-2007 police cut the secret speed limit tolerance margin that they allow motorists before issuing a ticket or expiation notice from camera detection but the size of the reduction in the tolerance level and the new, lower tolerance level were not revealed.

A reduction in the tolerance level should be announced. If people drive to that tolerance level and SAPOL then considered it needed to be lowered then this should be announced and enforced. It can reasonably be argued that this targeting in the absence of full information offends key principles of good public policy; the argument cannot be sustained that the targeting is to capture the road user who deliberately offends with a significant potential for harm. It might reasonably be argued that there is an element of revenue raising from fundamentally law abiding citizens.

There would be no reason, for example, that an offence at the lower end of the scale could not result in a warning notice and a second offence attract a penalty for at least a period after the reduction in the tolerance level. Such practices would be internally consistent with good public policy where the objective is to achieve and reinforce behavioural change sought through improved driver training, graduated licences, media/publicity blitz regarding drink driving and the dangerous use of mobile telephones when driving. Behavioural change is facilitated as much through information and reward, if not more so, than sanctions and penalties.

In Victoria good driving behaviour is rewarded. A motorist with a clean driving record in the past three years can apply for an official warning instead of being fined. This extends to travelling up to 14 km/h over the limit (which in our view is generous). In New South Wales there is a 10 year clear driving provision for a range of traffic offences, but not all, such as speeding in a school zone. Where safety is a clear, unequivocal issue, then there is no provision for leniency. This is as it should be. For example, "speeding offences of more than 30km/h over the speed limit incur an automatic licence suspension period and leniency will not be considered".[7]

Conclusion

Public policy in seeking to influence behaviour is essentially based on the rational choice model of which one important element is the provision of information such that the individual/ consumer/driver is then able to make a choice (in the face of rewards, punishments, sanctions, pleasure) that maximises their net benefit.

The provision of information has a role to play in the behaviour individuals chose to engage in. Don't drink and drive as the likelihood of getting caught is high. However, traffic fines are most often delivered to a person after the event and they may in fact not even remember the occasion which led to the infringement and therefore may not change their behaviour.

Information on demerit points may also help to change driver behaviour. It should be easy and it would be informative to be able to access information on the number

[7] NSW State Debt Recovery Office: Review Guidelines 2013.

of demerit points. We are aware of three Australian States in which drivers are able to access their demerit point history online, contributing to making a driver more aware that their driving behaviour needs to be modified and/or they are at risk of losing their licence. In South Australia information about how many demerit points a driver has is provided by letter when a driver has accrued over six demerit points and is therefore at risk of losing their licence. For the general public they are required to pay a fee of $22 to obtain a copy of their driving history.

Again, good public policy should intend to provide information to all consumers/ citizens to encourage them to make rational choices. It is not good public policy to impose a financial barrier to access personal information which could readily be made available to all drivers. A sophisticated approach to enable costless and easy access to information on driver demerit points should be adopted, the access fee should be dispensed with and much greater information should be publicly available to all drivers on road safety measures.