



3 November 2011

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Mr Mark Goldsworthy MP
Shadow Minister for Road Safety
Parliament House
North Terrace
ADELAIDE SA 5000

and via email: Kavel@parliament.sa.gov.au

Dear Shadow Minister

Road Traffic (Average Speed) Amendment Bill 2011

I refer to an email of 26 October 2011 from your Assistant, Ms Kranixfeld, inviting the Society to consider the above Bill and two motions that have been moved by the Honourable Bob Such MP.

The Bill has been considered by the Society's Criminal Law Committee (albeit in a somewhat limited fashion due to the short timeframe within which comment was requested). We provide the following comments.

The Society holds some concerns in relation to point to point camera systems. In some respects such systems may be a valuable tool however the provisions in the legislation for proof and safeguards appear to be inadequate. For example, who checks the clocks on both ends are synchronised? What certificates are produced and made available? How often are these checked?. If the system is to be the same as for other laser or radar information, the certificates will be deemed to be proof in the absence of proof to the contrary, yet a person will not be able to get proof to the contrary if the information or equipment is not made available for independent review. Before such legislation is introduced, the Government must be confident that the machinery is accurate and will be able to be maintained as accurate.

I attach a couple of short articles showing the problems interstate. The Victorian example is very embarrassing for its Government and undermines the integrity of the machinery and the whole average speed concept.

We oppose the deemed offence of travelling at an average speed for the whole of the distance between the two cameras. If a person has not been speeding for 50km then he/she should not be "deemed" to have been speeding for that distance. The criminal law should only punish for proven unlawful acts.

In respect of average speed machinery, a person can be charged with (or receive an expiation notice) for speeding without the legislation creating a fiction of a person having travelled at an average speed for a certain distance when it is well known that the person did not so travel at that speed for that distance.

The speeding offence could be made out by establishing that the person must have sped between the two cameras. The speed alleged could be expressed as a "not less than" speed. That is, that at some point the driver must have travelled at a speed of not less than x kph. That speed will vary depending on the calculation of the average speed.

We provide the following comments in relation to the motions by the Honourable Bob Such

First motion – *"That this House calls on the State Government to implement better and clearer road signage"*.

This motion appears to be of merit. In general, improved signage is valuable. No society should promote punishment without making the consequences and rules clear. We have all seen the difficulty with road work signage being unclear or obstructed by work vehicles etc. Obstructed signage due to lack of maintenance of foliage growth also creates a problem.

Second motion– *"That this House calls upon the State Government to moderate its harsh financial revenue-raising regime impacting on motorists and other road users"*.

We agree that the Government has used the motorist as a source of revenue and on some occasions there may be a tenuous connection between road safety and financial penalties.

We note concerns about the level of financial penalties and impost and would welcome a review of them. We do not, however, support any increase in demerit points. The motion to increase demerit points appears to be more out of a desire to "trade-off" something for lower fines/imposts rather than because of an assessment that demerit points are inappropriately low.

There does not appear to be any proper basis to increase the current level of demerit points. If, after a comprehensive review of the points demerit system, it is considered that demerit points should be raised then that should be considered on its own merits rather than as a trade-off for lower fines/imposts.

I trust these comments are of assistance. Thank you for providing the Society with the opportunity to consider this matter.

Yours sincerely



Ralph Bönig
PRESIDENT