

**ROAD SAFETY COMMITTEE**

**Inquiry into driver distraction**

Melbourne — 30 January 2006

Members

Mr B. W. Bishop

Mr J. H. Eren

Dr A. R. Harkness

Mr C. A. C. Langdon

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Deputy Chair: Mr E. G. Stoney

Staff

Executive Officer: Ms A. Douglas

Research Officer: Mr G. Both

Witnesses

Dr K. Ogden, general manager; and

Ms R. Seymour, road user team leader, public policy department, Royal Automobile Club of Victoria.

**The CHAIR** — I welcome the representative of the RACV to the road safety inquiry into driver distraction, Dr Ken Ogden and Robyn Seymour. We have always appreciated the input of the RACV to previous inquiries and the assistance you have provided to this committee over many, many years and of course we do appreciate your time and input into this inquiry. Thank you both for coming along today. The hearings of the committee are being conducted under parliamentary privilege so what you say cannot be used against you legally in the future. A transcript will be provided to the RACV in due course and will also be available on the web. Having said that, thank you, Robyn and Ken, for your input. I will hand it across to whoever to kick off your submission.

**Dr OGDEN** — Thank you, Chair, and for the opportunity to talk to you and give some evidence. As you know, we have made a detailed written submission. I would like to make a few opening remarks by way of amplifying the main points that we make in our submission. If you have any questions on my remarks and the submission, we would, of course, be happy to take those. You have mentioned my colleague, but I would like to introduce Robyn Seymour, who heads up the road user team in the public policy department at the RACV. Robyn and her team have been responsible for doing the research that has led to our submission.

I probably do not need to say too much about the RACV — I think we are probably well known to you — except perhaps to say that one of the core roles we have on behalf of our 1.4 million members is to advocate on their behalf and of all the things we advocate on I think nothing is more important than road safety. As you said, Chair, we have had very productive dealings with your committee in the past and no doubt that will continue into the future.

As I say, we do welcome this opportunity to make a submission on driver distraction which I think is seen as an important issue. Having said that, what I would like to do at the beginning is put our understanding of distraction on the table. The fact is that there is nothing surprising or unusual about being distracted when you are driving. In fact the whole driving task is one of continual distractions, be they visual, audible or any other way. The key thing is how the driver responds to the distraction and that they in fact continually give their primary attention to the driving task so that if there is another task that threatens or challenges or wants to intervene, the driver knows when it is okay to do that and when it is not okay to do that and in fact sheds the extraneous load to give their primacy to the driving task. So our view of distraction is that it is not distraction that is the issue; it is the way that the driver deals with the distraction and is able to shed the extraneous tasks so that they can give their primary attention to the driving task. I think it is important to give that perception because there is nothing unusual about distraction; it is the response to it that is important.

There is some evidence — and we outline that in our submission — that some drivers, particularly novice drivers, are more likely to give primary attention to the, if you like, distracting task. In other words, they do not have the ability to sufficiently discriminate between what they should be giving their primary attention to, the driving task, and what they can shed. I would almost go so far as to say that it is a definition of experience to know when and under what circumstances you can attend to something other than the driving task and to instantly give primacy to the driving task as you need to.

With that introduction, could I say that our submission addresses the terms of reference of the inquiry. As I say, I would like to just outline the main points in our submission. I guess our key message is that while the community has certainly embraced a whole range of in-vehicle devices, in particular the mobile phone, it has probably not yet appreciated that there are risks associated with using some of this technology while driving. Therefore what we would say to the committee is that from our point of view the first priority is greater community education and information about the risks — as well as the benefits, I might say, and I will come back to that later — associated with some of the in-vehicle devices, backed up by stronger enforcement and the perception that enforcement is present.

Firstly, in relation to mobile phone use, we do support the current laws that prohibit the use of hand-held phones while driving. We accept the logic that it is not desirable that a driver be both holding a conversation and having only one hand on the wheel. Having said that, there is very little information about mobile phone use by drivers who are involved in crashes. No official statistics are published and indeed I think very little data collected. We did ask our colleagues at RACV Insurance whether they had any statistical information which would be relevant to your inquiry and they told us that they collect no such data. Nevertheless, as I say, we do support the current legislation.

**Mr LANGDON** — On that issue, one of the things that has come before the committee on a regular basis is the certain lack of information across a whole range of people who should be collecting it. Are you recommending to your insurance company perhaps having that as data collection, just for your own information if nothing else?

**Dr OGDEN** — If we were to put that to them, I imagine what they would say is that they are relying on the driver to in effect volunteer that information and by volunteering that information they are running the risk that the claim may be refused. So my expectation is that their response would be, 'If that's the response we're going to get, the information is not going to be worth very much'.

**The CHAIR** — Robyn, do you want to say something?

**Ms SEYMOUR** — No. I was going to support Ken in saying that there is a disincentive in terms of reporting the use of mobile phones because your claim could be affected.

**Dr OGDEN** — If I could move on to talk about hands-free mobile phones, our position, as a result of the research we have done and bearing in mind the lack of data, is that we do not believe there is sufficient evidence as yet to support a ban on the use of hands-free mobile phones by drivers. We are, of course, aware of research studies that have attempted to provide some sort of estimation of a link between mobile phone use and crashes, but we do not believe there is sufficient evidence as yet to justify a ban on hands-free mobile phones. I think the jury is still out on that.

**Mr STONEY** — Ken, would it be fair to say that you are probably being a bit pragmatic as well? There has obviously been some evidence put forward that hands-free phones are nearly as dangerous or as dangerous as hand-held phones. Would it be fair to say that you are being pragmatic as well as perhaps hurrying slowly on that particular one because of the popularity and now the commercial need for them?

**Dr OGDEN** — I think what I would rather say, Mr Stoney, is that when we come to this committee our recommendations, we would like to think, are supported by facts and evidence. I think on this one the jury is still out. As I will come to in a moment, I think there may be other ways of resolving that problem and certainly we would support, as I said at the beginning, greater information and greater publicity about the risks associated with the use of mobile phones, but I think at the moment there is insufficient evidence in our view to justify what is a fairly draconian measure — namely, banning the use of hands-free mobile phones.

If I could turn to text messaging, while again the research is still patchy, I think we would fall back on first principles to say that text messaging while driving is *prima facie* an inherently risky thing to do. A driver cannot give their full attention to the driving task, which as I said at the beginning is what we are aiming at, and simultaneously be manipulating a keyboard. So I think evidence is one thing and logic and first principles are another, and I think on first principles we would say that text messaging is a high-risk activity. We would strongly counsel any driver not to send or receive text messages while driving — —

**The CHAIR** — On any type of mobile phone, hands free or otherwise?

**Dr OGDEN** — Text messaging, which involves using a keyboard to input information — or, indeed, to be taking their eyes off the road to read information on the mobile phone. We would encourage the committee to look at ways in which that practice might be minimised. It is, by some interpretations, currently illegal, but I think the legislation is somewhat ambiguous. We would like to see that ambiguity removed, so that sending or receiving text messages while driving is unambiguously prohibited.

**Mr LANGDON** — That would include also paged messages or anything else like that — something you have to read?

**Dr OGDEN** — Something you have to read or send while driving, yes.

**Mr STONEY** — I noticed a little earlier on mobile phones you were saying that there should be more resources for the police to enforce the law on the use of mobile phones. I assume that that includes texting and so forth. What would you see would be the best way for the police to increase their surveillance of mobile phone use and texting?

**Dr OGDEN** — I acknowledge that it is very difficult because, particularly with text messaging, the manipulation of the keyboard is out of sight unless the police officer is very close. So I think the only way in which it could be enforced — and I am not an expert on enforcement per se — is through the presence of police immediately adjacent to the driver. While we would like to see more enforcement and the perception in the community that this is being enforced, I think the reality is that enforcement is probably not going to be terribly effective, as a measure by itself.

**Mr BISHOP** — Ken, on that issue, has the RACV had any research on or review of voice-activated mobile phones? Earlier today we had discussions about the placement of mobile phones in perhaps a more visible position and we got into a circular discussion. Have you had a look at the voice-activated area?

**Dr OGDEN** — We are not experts in that area, but I think from first principles we would say that voice activation is inherently less risky than some sort of manual or digital activation, simply because the driver is not obliged to take their eyes off the road. I come back to that later when I talk about navigation devices because I think it is particularly important there, but I think the same principle would apply.

Again, just following on from your point about enforcement, Mr Stoney, I really think that while that should be part of the package perhaps the more important part is education and we would encourage particularly education targeted at young drivers that text messaging is an inherently risky practice. Certainly if we are asked about that — and we are from time to time by the media and by our members — we condemn without qualification sending and receiving text messages while driving.

We would hope — and I think this is where you are coming from, Mr Bishop — that in the long run there would be technological solutions. I guess our view philosophically is that the telecommunications industry has put one of its products in the product of another industry — namely the automobile industry — and I think it should have some accountability for the consequences of that. Now, having said that, again we are not technical experts, but I would hope there might be some technological solutions that basically make it difficult, if not impossible, to send and receive text messages and perhaps even verbal messages by a driver behind the wheel. Beyond saying that as a quest, I do not really have any technical details about how that may be pursued.

Before I leave mobile phones, I also draw the attention of the committee to the remarks made about the benefits of mobile phones. I think we need to recognise that the presence of mobile phones in cars does have benefits, including safety benefits. Having a mobile phone in a car to call emergency services for help or to notify them about fires or crashes or medical emergencies will result in faster response times. Our understanding is that about one-third of genuine calls made to the 000 number are from mobile phones.

While talking about 000, we are aware of some difficulties with 000 in some rural areas. The telecommunications industry has attempted to address this by introducing another number, namely the 112 number. I think the presence of the 112 number would be known by very few members of the community. I cannot substantiate that, but my expectation is that whereas 000 is probably almost universally known, 112 is much less so. We would encourage that 000 become the universal emergency number and that any mobile phone carrier that receives a 112 interprets that as a 000.

If I could turn to your next term of reference, which is in-car video devices which we mentioned briefly a moment ago, we do note the current vehicle design requirements that prohibit in-car videos displaying images that are visible to the driver while the vehicle is in motion. We support those regulations and we think they should stay in place. The problem is really the after market for video devices. These are much more difficult to police than videos that are fitted as original equipment. We believe in principle the same or similar regulations should apply to the after market as apply to the original equipment market, in particular that the screen is not visible to the driver while the vehicle is in motion. Perhaps there is a role for education here as well.

To move on to talk about route-guidance systems, these systems typically allow users to input a destination in some form or other. The system then provides navigational systems to the driver in reaching that destination. These systems eliminate the need for drivers to use a map or street directory, and I think that in itself is a potential safety benefit. It allows the driver to concentrate more fully on the driving, and the cues, whether audible or visible cues, are then in support of the driving task.

These devices are still somewhat in their infancy and they do differ in their ergonomic design. Again we are not experts here but we understand that some designs are more effective than others with both the destination input —

and this is where the voice activation holds particular promise — and also in route guidance. I think good design principles would dictate that the driver would be able to concentrate on the driving and the system is there strictly as an aid to the driver in finding their destination. We note that some drivers may have different preferences for the type of information they receive, be it audible, maps, visual directions or whatever. Our recommendation is that guidelines be developed, perhaps guidelines that are tailored or adopted for the Australian conditions. There are guidelines in use overseas but we think there should be those in place in Australia that outline the design requirements to maximise driver ease of use and minimise the potential to divert the driver from the primary task, which is driving.

**The CHAIR** — In relation to that, who should take the lead in developing those guidelines? Should it be left to industry or should it be up to, say, the government to take the initiative?

**Dr OGDEN** — My view would be that ideally it should be led by industry, and if industry needs a bit of a kick along from a threat or a promise of legislation or regulation, then so be it. What limited information or experience I have here is that there is goodwill in the industry to do that. There are after all a limited number of equipment manufacturers, and I think it is in their interest to adopt best practice but if they would not do it voluntarily I think there may be a role for legislation.

**Mr LANGDON** — It has been suggested that in 75 per cent of the cars being imported the regulations from around the world was enough to do all that. What would your comment be to that?

**Dr OGDEN** — Probably two comments. Firstly, I do not think we need to reinvent the wheel. If there are European, American or Japanese regulations that do the job, then let us adopt them. It is the other 25 per cent we would be worried about, which perhaps come from countries that either turn a blind eye to those regulations or in fact downgrade or despec. their products for markets that are ripe for cheap devices. I think we have seen enough, as the committee would know, of despecification of vehicles that come into Australia that we would be worried about the despecification of devices as well. So I think that there is a role to have a clearly understood set of guidelines in place in this country, even if those guidelines are essentially the same as those used elsewhere.

I would just like to say a few words about roadside advertising and roadside signage. We believe that for both safety and aesthetic reasons there is a role for more targeted regulation in roadside advertising. We have outlined those in our submission. It was a set of guidelines we put together five or six years ago and I think they are still applicable.

Finally, Chair, and I think we have said this before in relation to other inquiries: there is a role for government to play — a lead role, by virtue of the fact that government has a very large fleet of its own. The development of effective fleet purchase and vehicle use policies provides a lead to the rest of the community and provides economies of scale for equipment. Specifically we are suggesting that to the extent that driver distraction is a workplace occupational health and safety issue, the Victorian government can play a leading role in tackling this through the development of safe driving policies that address the driver distraction issue as part of that safe driving policy.

Again, thank you for giving us the opportunity to make those introductory remarks. I would be more than happy to take any questions you may have.

**The CHAIR** — Going back to the advertising — and I see the dot points you have there — would the RACV consider or see a need in the future for a ban on all roadside advertising even in an ideal world?

**Dr OGDEN** — I do not think that can be substantiated from a safety viewpoint, and an aesthetic viewpoint is a matter of personal opinion, I guess, but the evidence is that from a safety viewpoint it would be hard to justify a ban on advertising because there are so many other visual signals that can be equally distracting, if we can use that term. And the driver does learn. The experienced driver learns very quickly to discriminate between what they want to take notice of and what they need to take notice of, so I do not think we would support an outright ban but certainly some guidelines should be in place and to see that they are adhered to.

**Mr LANGDON** — The challenge is, for example, the TAC has roadside advertising, and some of that can take your mind off the road ever so briefly — because some of them are almost horrific — at times to get the point across, so it is a catch-22 position.

**Dr OGDEN** — Yes, it is. But again it comes back to the point I made before that it is not the distraction but what the driver does about it. One would hope that organisations like the TAC place their billboards or mobile devices or whatever it might be in situations where the driving task is less.

**Mr MULDER** — On that issue of roadside advertising, I have had discussions with the Chair in relation to the road between Melbourne and Geelong and the signs up there such as ‘Report illegal fishing today. Phone 1800 ...’ and by the time you get to it you do not know what the rest of the sign says. It is impossible to take the message on board. There are also a lot of VicRoads gantries up there that have a single sign on them, then there is a whole host, a proliferation, of other signs leading up to it. There does not seem to me to be any coordinated approach with signage to make the best use of the gantries we have got. They are usually safely protected by barriers yet these other signs crop up along the roadside at will. I counted something like 130 signs along there that I think could be pulled down and no-one would miss them.

**Mr LANGDON** — You weren’t driving when you were counting, I hope!

**Mr MULDER** — Yes, I was driving while I was counting. It is a sore point. But it just seems to me to be a total lack of planning and coordination.

**The CHAIR** — The other part of that is also the point the Motorcycle Riders Association or one of those motorcycle groups made to us earlier, that every pole on the side of the road is a hazard for a motorbike rider.

**Dr OGDEN** — Mr Mulder made the point that it is both the sign or the message or the distraction and also the physical presence of the sign. Both factors are important; the guidelines that we see as needing to be developed or enforced could relate to both. But I certainly take Mr Mulder’s point that the message that is on some signs seems to be very inappropriate.

**Mr STONEY** — You have a pretty big fleet on the road for breakdowns and so forth. Obviously there would be radios and phones and communications. Have you got any specific rules for everyone to work under that address some of this distraction thing or is it just standard — whatever the law is, that is what you do?

**Dr OGDEN** — Unless Robyn can answer that, we might have to take that question on notice.

**Ms SEYMOUR** — There are specific policies that our roadside vans have to adhere to, and we could certainly get you a copy of those policies.

**Mr STONEY** — That might be helpful for the research team.

**Ms SEYMOUR** — They relate to mobile phone use and all those sorts of things.

**Mr STONEY** — So you have a set of guidelines under which the drivers and contractors operate, wherever they are?

**Ms SEYMOUR** — Yes.

**Mr STONEY** — I think it would be really helpful to get that to use as a benchmark. Just while I have the floor, Robyn, could you explain how your road users team works?

**Ms SEYMOUR** — Certainly. Our team really looks at the human behaviour element of road safety. There are four full-time staff in the team. Three have psychology backgrounds and the fourth person has a teaching background. As part of our team we run all sorts of programs. We have got school programs that we deliver to primary and secondary schools; we have older drivers’ programs that we have talked to the committee about previously; and then we also look at all sorts of other more general road safety issues such as fatigue and potential driver distraction issues as they come up or are particularly pertinent at the time.

**Mr STONEY** — I thought it might have been, when you said ‘road users team’, members of the RACV that gave you feedback or members that you took feedback from on issues. My question was going to be. ‘What are you hearing back from the driving public about what they like and what they think one of the biggest distractions is?’. Do they ever tell you what the big distractions are in the vehicle and things like that?

**Ms SEYMOUR** — Definitely we get quite a lot of member correspondence.

**Mr STONEY** — Do you handle that yourself? Is that part of what you do?

**Ms SEYMOUR** — It is part of what all the teams do in public policy. If they are specific to our area, then we definitely handle those. We do get some about mobile phones, with people in the community concerned about the number of people using hand-held mobile phones on the road and what impact that may have. We also at times do market research to see what issues our members are particularly concerned with. Mobile phones have not been one of the primary issues that has come up in any recent market research we have done but we certainly get letters from members raising their concerns about those issues.

**Mr STONEY** — I might just continue that. What are your members telling you about distraction? Is any theme coming through? Leaving the phones to one side, is any other theme coming through that we may be able to pick up on? Do they complain about the Windsor Smith billboards? Do you think the driving public thinks about it?

**Ms SEYMOUR** — Of all the other distractions the drivers face, we get very few letters on those kinds of issues. Of all the driving distractions, mobiles phones would be the most common and the one people are most aware of. Whether they choose to accept the risks and continue to talk on the phone might be another issue, but concerns from our members certainly seem to be centred on mobile phones. That is on their radar. Most of the other distraction issues do not seem to be on their radar.

**Mr STONEY** — Could we deduce from that that perhaps the driving public is not aware of the danger of distractions? That is where I am trying to get to. Do you think that drivers generally are unaware how potentially lethal it can be to be distracted by irrelevant or semi-irrelevant information around you?

**Dr OGDEN** — I do not think we have got any research that we could bring to bear on that subject but intuitively I believe that what you say is correct. The sorts of things our members complain about — they tend not to use the word ‘distraction’ or think of distraction. Most of the letters we get are really about the behaviour of other drivers and categories of drivers like truck drivers, motorcyclists or whatever it might be. Were they referring to the behaviour of those other drivers, or were they referring to being distracted by those other drivers? I do not think we can really discriminate.

**The CHAIR** — Are there any further questions? If not, we would like to thank both Ken and Robyn for their input today. As I said, the RACV has been a major contributor to this committee over many years, so we again thank you for today’s contribution. I also mentioned that we will make sure the RACV gets a copy of the transcript when it becomes available. Thank you again, Ken and Robyn.

**Dr OGDEN** — Thank you, Chair and members.

**Witnesses withdrew.**