

ROAD SAFETY COMMITTEE

Inquiry into driver distraction

Notes of discussion

Melbourne — 6 December 2005

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Witnesses

Mr D. Healy, general manager, road safety; and

Mr J. Bolitho, manager, legal policy, Transport Accident Commission.

The CHAIR — I would like to welcome David Healy, the general manager of the Transport Accident Commission. Thank you, David, for coming along. The TAC has obviously had a lot of input into our committee over many years; we appreciate your time today and the input of the TAC over the many inquiries we have conducted. As you are aware, this is a parliamentary inquiry into driver distraction. Unfortunately we do not have a quorum today, as there are three members of the committee, so essentially we will label this as a discussion. The important thing is that you will not be covered by parliamentary privilege, and this afternoon's proceedings will be recorded. We are expecting John Bolitho, your manager, legal policy, to be with us; obviously he has been waylaid. Instead of waiting for John, we will ask you to kick off for us, David.

Mr HEALY — Yes, I am happy to do so. Our idea was to present a broad overview of our submission in terms of the key areas which we think need to be addressed in one form or another, and then at the end to invite discussion. As you said, hopefully John Bolitho will be joining us shortly. We were going to do it as a tag team, but at this stage I will kick off on a monologue.

The CHAIR — That is fine.

Mr HEALY — By way of introduction, the Transport Accident Commission, as I think you know, is the compulsory third-party insurer in the state of Victoria. As well as providing compensation to road accident victims and damages in terms of common law, it is also very much about road safety or crash prevention. In that respect within the context of Victoria's road safety strategy Arrive Alive, which involves the partners VicRoads, the Department of Justice, Victoria Police and ourselves, one of our main charters is to look at ways we can modify road user attitudes and behaviours. But our roles have extended beyond that to include examining technologies within vehicles and the role they can play in safety terms.

On that basis in this submission our intent is to cover really four issues — they are the safety issues associated with driver distraction generally; mobile phones, route guidance systems and other technologies in vehicles, such as in-vehicle devices and the like; in-vehicle ITS technologies — 'ITS' meaning 'intelligent transport system' — and the role they can play in relation to safety; and finally the risks associated particularly with youth and the many young passengers, the risks they play in the road system and the ways we are working with our partners to reduce that level of trauma.

When we look at distraction, by way of background it can mean so many things. In the driving task it can include many external factors. It can include factors within the vehicle, and in the recent past, of course, it has included the very strong growth of technologies, many of which have been introduced into the vehicle as an aid or for convenience or entertainment. In some instances you could easily concede that some of these technologies could be of some advantage. If there is an in-car video at the back of the vehicle and it is keeping children occupied, and quietly so, that may well confer a safety advantage to the driver in that they can actually attend to the road and the road system.

I think it is important when we look at the range of distractions that we consider their frequency — how often they occur on the road system, their potential risk, and on that basis to what degree we should be responding in a cost-effective way if there is a problem. In another sense the reverse side of the coin is to say, 'Are there technologies which in many ways get around our fallibility in terms of distractions and help us concentrate on the road system, as a result of which we get a safe return?'

In terms of distraction and crash risk, on page 4 of our submission we make reference to a couple of studies which were conducted in the US — one in 2001, which was conducted by Stutts et al, and a further one in 2003 by Glaze and Ellis. The first study really tried to estimate the degree to which distractions occurred in the environment. That study found that outside persons, objects or events were the major causes of distraction, and that second to that was adjusting radios, cassettes and CDs and the like. At that point in time, back in 2000, in the US, things such as mobile phones were actually well down the list.

The second study, in 2003, looked at the relative risk of some of these types of distractions. The one which came to the fore in that case was passenger and children distraction — in-cabin distractions, but not technology based; I guess a distraction that we have become used to over many years since the inception of the motor vehicle — and adjusting radios and cassettes was no. 2. Ditto, adjusting or using mobile phones was lower down in that list. It is interesting that in terms of relative risk we see some risk factors which have been with us for sometime coming to the fore in some of these studies.

I will now turn to the issue: is distraction a major cause of crashes in Victoria? I think it is fair to say that we simply do not have definitive research at this stage to know to what extent different issues impair our driving ability and how frequent they are. On that basis we would advocate that on that issue there is a need for research and development to begin to understand the types of distraction and to what degree they contribute to trauma as an outcome. As I said before, many of these distractions might be highly risky, but if they are very infrequent they do not add up to a significant road safety problem, and it would be wrong to divert large resources to that sort of problem. We must put it into perspective.

With the arrival of John Bolitho, who is our manager, legal policy, I should say that John and his team have put together a number of case studies drawn from the TAC experience in terms of claims. It is enlightening to go through some of those and see to what extent distractions in various forms have actually contributed both to trauma directly but also to costs directly to the TAC in terms of payouts.

I turn to page 6, which is on term of reference no. 1, the prevalence of mobile telephone use by drivers and its impact on crash causes. No doubt you have had a presentation by MUARC, which would have drawn reference to some of these studies. The one that was conducted in Melbourne back in 2003 by Taylor suggested that in fact the number of observations of mobile phone use is approximately 1.9 per cent to 2 per cent. In other words, 1 in every 50 drivers around the central business district and surrounds was using a hand-held mobile phone at that time.

It is interesting that we have conducted our own internal surveys on drivers' attitudes and self-reported behaviours with respect to mobile phone use. In that context some 19 per cent admitted to having used a mobile phone in the previous month while driving a car. Here we have a situation where approximately 1 in 5 around Melbourne admitted to having used a mobile phone in the previous month, but at any one point in time approximately 1 in 50 actually used a mobile phone. That then leads to the question, 'What collective risk does that represent?'. Studies on hand-held mobile phone use suggest that the risk of death lies somewhere between four to nine times the risk for someone who is not using a mobile phone. They are quite considerable in their own right. The studies suggest that what is particularly risky about it is the immersive nature of the phone call and being engaged with someone outside the vehicle itself. We would deem that speaking to a front-seat passenger is a lot less risky than speaking to someone on a mobile phone.

The CHAIR — Just on that, David, it is interesting that we just met with people from MUARC and some of their figures are even more worrying. They say that 58 per cent of drivers admit to reading and 37 per cent admit to sending text messages whilst driving and that 30 per cent admit to using a hand-held phone regularly to talk while driving. Your figures are bad enough, let alone when you take into consideration the figures that MUARC presented to us this morning. That is a major concern to not only this committee but to the wider community.

Mr HEALY — Yes, I agree with you. It is interesting that in our survey when we looked at that group who admitted to using a mobile phone sometime in the past month — which was 19 per cent — and we asked them, 'What is the risk of driving while using a mobile phone?', it was well down in comparison with that group who obviously chose not to. They, if you like, perceive the risk as being a lot lower, and that provides a justification, it would seem, for them to continue to use a mobile phone.

Mr LANGDON — What was the age group? Was it a wide spectrum?

Mr HEALY — It was a wide spectrum of age groups. However, we found that the level of use escalated for the younger person — it was less so for the older person. The level of use seemed a bit higher amongst the younger age groups in that survey.

I now turn to the issue of corporate policies which is on page 7 of our submission. I do that because I think that is a very important area in which we can again change in terms of climate and culture with respect to approaches to certain levels of distraction, including use of hands-free which are deemed also to be risky and handheld mobile phones. At the TAC we have a policy which, first of all in accordance with the law, says that thou shalt not use a hand-held mobile phone, but we strongly recommend in the current policy that if you are going to use a hands-free mobile phone, you pull over and absolutely minimise its use while on the road. The research is really quite definitive in that regard. It does say the risks are considerably elevated whether you use hands-free or handheld mobile phones. I do not think there is any controversy in relation to that although I think there is some public misunderstanding that the risk associated with using a hand-held mobile phone is the fact that you have only one

hand on the wheel. In fact that may well add to the risk, but the primary contributor to the elevated risk is really the engagement with someone away in the distance using the phone communication.

Mr LANGDON — Also using the telephone to dial or SMS-ing is equivalent — the same. In fact I think actually dialling a number could be more dangerous because you have to concentrate.

Mr HEALY — I think that is absolutely right. Dialling or SMS-ing a message or receiving a message clearly means that you are using your hands. Your eyes have to be away from the view in front in terms of the driving. We would argue that SMS-ing constitutes an even greater risk over and above just using a mobile phone for speech. I will hand over to John, our manager of legal policy, in relation to occupational health and safety issues.

Mr BOLITHO — Thank you, David. First all I apologise to the committee for being late. We see that there will be an opportunity for the reforms to occupational health and safety following the Maxwell report to be quite a driver for change. I would like to draw the committee's attention to a number of cases from the United States where employers were found to be vicariously liable for use of mobile phones by their employees.

The first case involved June Wagner, a high-profile San Francisco attorney who was required to keep up significant billable hours and to work wherever she happened to be which included being in her car. She was driving her Mercedes-Benz out onto the road and she was so engaged in the litigation she was talking about that she did not see a man and ran over and killed him. So not only was there a wrongful death claim brought against her, but more importantly the *Wall Street Journal* article about it shows that the family's lawyers really focused their claims against the employer for requiring a person to use a mobile phone and to be working in the car at the same time.

There is another high-profile case in the United States involving a financial analyst who was also having a complicated conversation on his phone when he caused significant injury to a vulnerable road user. Certainly I think the common theme of those cases is that the conversations were intellectually difficult, the concentration was involved really was just as important as the driving whilst one-handed. Certainly safe driving policies, as David has spoken about, will I think give considerable clout to making sure that employers certainly do not aggravate the position. Secondly, our paper also draws out the fact that in the United Kingdom it is an offence to cause or permit a driver to use a hand-held mobile phone whilst driving. Again, that could create circumstances where employers could be held vicariously responsible so we see that this as an opportunity to educate for change.

Mr HEALY — Of course the use of corporate policies need not just relate to mobile phone use. Their strength lies in the fact that you have a strong relationship between employer and employee. It means that you can by virtue of that relationship establish a degree of trust in terms of their behaviours, be it speed-related, be it in use of restraints and the like, or be it acceptance of new technologies in vehicles which can actually make a difference in occupational health and safety terms. I see employee fleets and employee vehicles being a bit of a gateway to new technologies and in terms of actually gaining an agreement to compliant behaviours with respect to distracting behaviours such as mobile phone use. We do see for the future that it represents a very strong arm and can support the police in its important role by impressing those sorts of cultural changes on employees.

The CHAIR — I would presume that you see the state government as an employer could take a lead role in this type of policy?

Mr HEALY — I think the government does look to be a leader in terms of appropriate policies and in that respect I am sure it would examine the possibilities as to what it should reasonably roll out at government level. It is for its consideration, but certainly there are a number of agencies which are increasingly looking at their policies and the way they can actually make more impact in terms of the safety of employees in the framework of occupational health and safety. I will turn now to page 8 which is talking about the proliferation of various types of devices, especially in the US but also increasingly in Australia, including devices such as in-car videos and route navigation systems. John might like to lead us into that.

Mr BOLITHO — Certainly the prevalence of in-car video systems — CB, DVD and route guidance — is also a concern for driver distraction because they certainly go beyond just the use of mobile phones. Certainly one which is of particular concern, because many of the devices provided are quite similar to mobile phones, are some of the route guidance systems. We will see that Magellan and other similar hand-held navigation devices that can be fitted onto vehicles and onto dashboards could be held in cradles in the same way as mobile phones. Whilst they certainly may assist certain drivers to reach their destinations, we draw attention on page 10 particularly about

concerns that there may be for distractions associated particularly with route guidance systems both in trying to enter the destination data and also trying to follow the directions or instructions on what is really a very small screen in most cases.

We are also drawing attention on page 9 to the appeal of in-car DVD systems which are usually put behind headrests to keep children entertained in vehicles; certainly there is concern that there may be some that can be viewed from the front seat and may be used even though they are unlawful. Certainly the Australian design rules do prohibit television receivers or other visual display units from being installed in positions that allow part of the image on the screen to be visible to a driver who is in the normal driving position, but these devices are available and they do constitute the distraction.

Mr LANGDON — What about other devices like BlueBerries and others?

Mr BOLITHO — Yes, they would certainly also be of concern for similar reasons to those that you raised previously about entering data on SMS to the extent that personal digital assistants and all of those sorts of issues would clearly have the potential — —

Mr LANGDON — Receiving emails would certainly be one, in times where more people are getting emails directly to them.

Mr BOLITHO — Or being able to access the Internet and that sort of stuff. That would certainly be a concern.

Mr HEALY — I think it points to the fact that you need to envelop some of these technologies in a control strategy to ensure we work with the manufacturers and suppliers so that they fully understand the implications for safety.

There are ways around this for some devices. The navigational systems, on the face of it, are a tremendous convenience. One could argue that if you get directions in a non-distracting manner it can help you get to your destination more safely and surely without the concern of looking for street signs in unfamiliar territory. If it is well designed and you are not inputting information as you travel, and if you receive the information phonetically, I would argue that these aids could be a significant safety measure, particularly for tourists in unfamiliar areas. In other instances if they are poorly designed and draw attention away from the road system, or if they require some form of manual operation, you would argue counter to that; and indeed they could represent a highly risky distraction.

Mr LANGDON — You keep on mentioning design. Is there a standard design at the moment? Earlier it was mentioned that once they are installed into a car no-one checks that they are installed properly.

Mr HEALY — That is right. I am not an expert in terms of Australian design standards, but some of these devices are installed into vehicles without the necessary scrutiny in safety terms. It would make sense to work with manufacturers and those responsible for the standards to agree on a set of standards before implementation happens. In that way you are not faced with ongoing problems because they are already installed in the vehicle. We should be acting collectively in this area. On page 10 of the submission I look at those technologies which we believe can significantly benefit road safety. In that respect the Transport Accident Commission, in conjunction with MUARC and Ford Australia, introduced a safe car project with the specific aim of highlighting a number of safety technologies which we believe herald a brighter future if indeed they are demanded by the consumer and produced by the manufacturer.

The three systems which came to the fore were, firstly, an intelligent speed adaptation system, which in effect uses global positioning plus an electronic road map in the vehicle, with speed limits attached. In this way when you travel down a particular street it knows the speed limit — let us say it is 50 km/h — and that does appear on a small visual display unit on the dashboard. If you are exceeding the speed limit you get push-back by the accelerator pedal. We believe these can be very successful and contribute significantly towards improved safety. We have found that when these devices are put into fleet vehicles, people are very accepting of the technologies over time. One might think that something which limits the ability to speed or provides guidance to stay within the speed limit may not be flavour of the month for some drivers, but in fact levels of acceptability were very high; and importantly, speed measurements dropped. So there would definitely be a significant safety spin-off in the longer term.

The demonstration project suggests that technologies, if they are correctly designed and implemented with an eye to the human-machine interface, can work. This is really what MUARC is a specialist in, and Dr Michael Regan would probably have talked to you about the importance of the interaction between the user and the device, with there being an understanding of the limitations of the user in terms of their information needs, and ensuring it is imparted in a simple way and does not detract from the driving process.

The technologies introduced into the vehicle included seatbelt reminder systems, which will be a significant safety benefit, and also following-distance warnings, which used a radar device to advise people not to travel too close to the vehicle in front. These features have a very rosy future in safety terms. It is the reverse side of the coin to the technologies which distract. These are technologies which aid safety, and we would be advocating that manufacturers in the short to medium term consider their wider scale implementation in the vehicle fleets.

I now turn to the issue on page 12, which is young drivers and multiple passengers. I referred earlier to the US study which suggested that one of the most frequent distracters was passengers in the vehicle. Studies have shown that in relation to young drivers with multiple passengers, the risks of a fatal crash escalate quite significantly — some four times what they would be otherwise. In this instance clearly the passengers being a distraction is an important element. There is peer pressure on top of that and feelings that the driver might want to show off in front of the passengers. As a result we are looking at ways we can help to educate young people to militate against that risk.

We have done that through a series of short films through a program called *Make a film. Make a difference*, in which young film-makers are producing their ideas in short mini films of 2 minutes duration. We have had multiple entries each year in the recent past, and we select the best two for production with the young person and for airing in cinemas. We think these films have been quite important in terms of young people talking to young people, not being too dictatorial in terms of the message but also looking at this whole question of mateship. Is mateship a question of saying nothing if you are uncomfortable in a car as a passenger when the driver is hooning down the street? Or is true mateship actually speaking out and saying, 'Slow down for your own safety, for ourselves and for other road users.'? We are trying to turn that argument on its head through what we believe to be an innovative approach to communications. We believe it is a significant problem and we believe the degree to which passengers can be limited in numbers at night time, particularly with young people, would be a distinct road safety advantage.

Mr LANGDON — Is it more prevalent in males or females?

Mr HEALY — Generally it is more prominent with males, and particularly males with other young males in the car. That is the most risky combination at recreational times such as weekends and night-time.

The CHAIR — Of course by eliminating passengers at night-time you also affect, for example, the designated driver program which has been, from what I can see, a great success and taken up by young drivers enthusiastically over the last number of years.

Mr HEALY — Yes. You always have to look at trade-offs in terms of the road safety benefits. To some degree that would mitigate against the designated driver program. The government has expressed its intention not to introduce passenger-based restrictions in the short to medium term and on that basis it may make sense to develop some promotional campaigns to support the notion that really limits the number of passengers you have in the car at those risky times.

The CHAIR — I also think the hoon legislation that has just been introduced but is yet to be implemented will assist in that problem.

Mr HEALY — That is right. For those who choose to continue to live outside the law the notion of impoundment is a good one because it separates the driver from the vehicle, just as technology such as alcohol interlocks can once again separate the drinking person from the driving task. Technologies, as we have alluded to earlier, do have a role to play on a number of fronts in the road safety arena.

I make reference briefly to page 13 in which we felt it was incumbent upon the Transport Accident Commission to speak briefly about outside distractions such as billboards and the like. The Transport Accident Commission, as part of its public education role, has a number of both mobile billboards and fixed billboard sites. We have tried to indicate here that in siting them we abide by VicRoads guidelines to ensure certain standard guidelines are met in safety terms, in visibility terms and the like. We clearly abide by VicRoads guidelines in that regard but also we

endeavour, as far as possible in our communications on the roadside, be it mobile billboards or fixed sites, to make the message relatively short, clear and straightforward, such that the message can be absorbed simply and the driver can move back to the driving task. In many instances the message is relevant for that point in time, so it is: 'Make sure you are wearing your seatbelt; 'Watch your speed' and so on. It is relevant to the driving task, and that is why we think there is some advantage to promoting messages, both on the side of the road but also through radio, during the driving process.

Mr STONEY — The Transport Accident Commission billboards are the most dramatic of any around, and probably they do a good job, but certainly they are in your face. Sometimes I am surprised that they meet the VicRoads guidelines because they are right on the side of the road in 100 km/h areas. I know in East Gippsland and on the Hume Highway there are banners that sit on the light poles. The banners are taken down and put up; they are not there all the time.

Mr HEALY — Yes.

Mr STONEY — I just wonder if you have done any work on whether the message is distracting, even though they are very clever and I understand entirely what you are trying to do.

Mr HEALY — I cannot be too scientific on this. We cite two research reports in this submission. One says there is very little evidence from the work that was done to show that signs — no matter how attention grabbing — represent a distraction in terms of driver behaviour. There was another report that suggested that they can be distracting at times, so there is no firm scientific evidence. Our collective view at this stage is that if there were any element of distraction, which we have tried our best to minimise in conjunction with VicRoads, we would argue that the benefits to be derived from the message outweigh any potential distraction derived therefrom. Having said that, we are not on a scientific footing; we cannot choose it one way or the other. But we believe that the roadside safety message confers a considerable safety advantage to the driver, and on that basis, having gone to considerable lengths to ensure that they do not represent a significant distraction, we believe that overall the benefit is positive.

Mr STONEY — But if you use that argument you could argue that the benefits of radios and CDs outweigh the disadvantages, perhaps because of fatigue management. You could argue that the benefits of hands-free mobile phones might outweigh the disadvantages because of efficiency and keeping long-distance drivers awake and things like that. So do you think in the end, when the decisions are made and legislation comes in, that the benefits will be considered, and if they outweigh the disadvantages then that will prevail?

Mr HEALY — Yes, I think safety benefits will come to the fore in the decision-making process.

Mr STONEY — No, I mean the overall benefit, because obviously if you want to be entirely safe you would ban just about everything. Let us take the case of an ordinary AM-FM radio. If there was a debate about whether or not you should have a radio in your car, in the end would the benefits of fatigue management and keeping drivers alert prevail over a minimal safety consideration?

Mr HEALY — My argument would be to say that we know a radio does not confer a safety advantage by way of fatigue management simply because it is much more about the time you have been awake, whether you have taken rest breaks, if you have had a good night's sleep and whether you have had any alcohol. Those are more important determinants of risk than whether the radio is off or on. It is a bit like the cup of coffee or letting the air rush through an open window. By and large they do not impact on fatigue in any significant way.

When I talked about mobile billboards I was really comparing the safety advantages with the safety disadvantages. With respect to radio I am saying that there are obviously some information and entertainment advantages, and I do not think we are about to say we should ban them because there may be some minor distractive element linked to them. I think we have to be reasonable. It is always a balance. You have to be aware of what we have come to expect by way of a community and what we have learnt to adjust to. There is no significant evidence that having a radio on, of itself, represents any significant risk. I would argue that no doubt at the time you are fiddling with knobs — for those few seconds — there would be a significant risk, so the ergonomic design whereby the adjustments are on the steering wheel makes good sense — hence the reason they were introduced. In the end the safety argument should generally prevail against other benefits if it is a very significant benefit to be conferred.

Mr STONEY — But you are saying that in the end it will also be a question of balance.

Mr HEALY — Everything is a question of balance, particularly in the absence of good evidence to the contrary. Do you have anything further to add, John?

Mr BOLITHO — The only other one we thought was relevant was the question of smoking. In our claims experience, smoking as a distraction has resulted in the TAC having to pay quite a lot of money, particularly when people have dropped lighted cigarettes into their laps causing them to take fright and then having an accident.

We have cited one case study out of quite a number we came across, which is to be found on page 14, where a lighted cigarette was dropped between the legs of the driver, and when the driver tried to retrieve the lit cigarette he lost control of the car. The car then overturned and caught fire and significant compensation was paid out. That was one of a number of cases, and it certainly seemed to us that in looking at driver distraction, the approach that the New South Wales Legislative Council has taken in its Smoke Free Environment Amendment (Motor Vehicle Prohibition) Bill might usefully be looked at in Victoria. Clearly the idea was to address passive smoking, but nonetheless the approach was to prohibit smoking in motor vehicles, and that certainly is a distraction. It is an issue that we were quite surprised to find.

Mr LANGDON — Let me clarify this. If I recall correctly, MUARC said to us earlier that there was no evidence in its research into smoking. You are saying you have had claims.

Mr BOLITHO — We have no quantitative evidence, but when we came to prepare this paper we found in the claims we have had to pay out a number of examples where the TAC had paid significant compensation. It is not formal research but nonetheless we thought it important enough to raise.

Mr HEALY — We turn now to section 4 on page 14, which looks at the issue of the enforceability of existing laws as they relate to mobile phone use and other electronic devices. In the attachment we make reference to a number of regulations which pertain to controls that are currently applied in respect of those devices. The point we wish to make here is that often the police have a very difficult enforcement task. If you are sending an SMS from your lap, it is something that the police would find difficult to enforce, and yet it represents one of the riskiest forms of distractive behaviour. In that context we have considered ways in which the police may be able to strengthen their enforcement approach with respect to some of these devices. One area which we make reference to is that in the event of a crash police may well be able to access the phone-based records of a driver. John might like to cite instances elsewhere.

Mr BOLITHO — In the United Kingdom where the police have been given power to check phone records, those records indicate where the phone was being used and the time at which it was being used. They are quite useful when it comes to prosecuting the offences, and certainly, to the extent that the police may not now have a similar power in Victoria, we are suggesting that perhaps consideration might be given to providing that power. We also draw attention to a community road-watch approach that has been adopted in New Zealand where members of the public are invited to report undesirable driving behaviour of many kinds. There is a form and the police then issue an advisory note to the driver concerned. It is used more as an advisory and educative approach rather than instituting a prosecution against a driver, but that is another approach that is being adopted.

Mr LANGDON — Yesterday when members from the Victoria Police talked about getting access to mobile phone records, they said that often if someone has an accident one of the first things they do is get on the mobile phone and call for help. The actual time of the accident is not necessarily known, so if you are then looking at the records, the first phone call may be well and truly after the accident. How do you prove what time the accident occurred?

Mr HEALY — It is a good point in respect of the detail, and I bow to the knowledge of the police in relation to that. I would have thought there would be ways of tracking where the phone call went, and that could suggest whether it was pre-crash or post-crash. It really depends on whether there are witnesses to an accident who can pinpoint a time. There are a range of factors. The point here is that often you need to tell the community that the police have these powers, if indeed they have them. The notion of a deterrent is more important to us in safety terms than punitive measures after a crash. We would prefer it not to happen. On that basis, if indeed the police had such power and if they could use it to good effect on occasions, if not on all occasions, there would be the opportunity collectively for agencies to promote that fact to the community. Then they may begin to understand that there may well be severe repercussions if at the time of using a mobile phone illegally a crash occurs and subsequent investigations identify the fact that they had been using a phone.

The CHAIR — Bob Hastings from Victoria Police indicated yesterday that they do have the powers to gather that telephone information, if required, through warrants.

Mr HEALY — Through warrants, was it?

Mr LANGDON — I think he also said it is very cumbersome.

Mr HEALY — I think that is right. We made some inquiries of the police and we felt it may be a case for streamlining that so there is a much more straightforward approach.

Mr STONEY — I must say, though, if someone is preparing a text message that has not actually been sent, there would be no record, yet to me that would be almost one of the most dangerous things — trying to get a message organised. If you had a prang halfway through there would be no time to send it, and no message would be sent.

Mr HEALY — That is a good point. It is not a foolproof process.

Mr STONEY — Yes, but it could have been prepared an hour before. It would never stick.

Mr HEALY — No, I take that point. We turn now to the issue of hands-free mobile phones. As I alluded to earlier, we believe the evidence is incontrovertible in relation to the fact that you operate at much higher risk using a hands-free held phone versus a hand-held phone. On that basis we recognise that firstly, it is much more difficult to enforce, and secondly, there has to be a certain amount of community acceptance from our perspective before you even consider a longer-term ban in respect of hands-free mobile use.

However, we advocate that for the beginning driver who is also a learner and potentially in their first year of probationary licensing a ban on a hands-free mobile phone as well as on a hand-held mobile phone would be appropriate. We say that, because we see driving as a privilege; and at this time they are gaining important experience and developing the skills for driving, and to the extent that we can remove inappropriate distractions from that task in those very important formative years of driving, we believe that is of considerable advantage to them, also in light of the fact that they are operating at a very elevated risk anyway on the road. We therefore recommend at least consideration of the possibility of a hands-free mobile phone ban for learners and potentially for the first year of probationary licence-holding.

In respect of the broader non-use of hands-free phones, we indicate that there be support for public education through both mobile phone operators and government agencies to bring to the attention of the public the important fact that the use of mobile phones in cars — be they hand held, which is illegal, or hands free, which is not — represents a very significant risk. On that basis we would indicate that they minimise the use of hands-free phones, and if possible eliminate them from their normal driving practices. It would be an educational process building up the level of voluntary compliance over time.

The CHAIR — But the TAC is not advocating a blanket ban on hands-free phones, or mobile phones, full stop?

Mr HEALY — Not in the short term. It is very important that you build up a level of voluntary compliance in some instances to slipstream potentially, in the longer term, introduction of such a ban. I could not say when that might happen, but it is important that that approach is adopted for these types of measures. A good example, going back in time, was the introduction of compulsory bicycle helmet wearing in Victoria. Prior to that there were very significant promotions throughout the state.

We encouraged schools to adopt bicycle helmet policies going to and from the school. The schools then were funded through local service clubs to put up bicycle storage racks, and suddenly the environment became conducive to introducing a law: which is a lot smoother than introducing a law cold without any pre-emption or promotion. That is what we would see as being most appropriate in the context of hands-free phones, because we believe that the level of community misperception in respect of the risks associated with it is probably quite high right now, so from our perspective we are on the side of caution to build up levels of understanding.

On the enforceability issue, I refer to some innovative enforcement practices being conducted in region 1 of Victoria Police in respect of mobile phone use — for example, in the CBD there are a number of police officers on foot: they observe a mobile phone user heading down towards St Kilda Road or one of the other main arteries and

there is a marked police car further down the road which then apprehends them. That is quite innovative, because what you have to do, quite apart from institute those sorts of practices, is to convey to the community that the risk of getting caught is greater than they think. This is just a pilot program, but we do see some potential advantages for that style in the future — innovative ways of looking at some of those risky activities.

Mr LANGDON — Clearly tinted car windows and late-night usage of phones makes it difficult for police to see anybody, and mobile phones are getting smaller and smaller; you could be scratching your ear.

Mr HEALY — I do not deny it is a difficult task. They are getting smaller and smaller, and at night time with highly reflective glass or tinted glass, it becomes problematic for the police, so I certainly have sympathies for the police who have to properly enforce existing laws under those circumstances.

The CHAIR — MUARC also raised the issue of being able to use technology to enforce any laws.

Mr HEALY — Yes. We think technology has a role. We make brief reference in our submission to two technologies, one of which is an in-car video system we have trialled with Victoria Police. It is essentially a camera with a forward view which, at any time you push the button, captures the previous 30 seconds of activity, which could be used for apprehension, whether for speeding or for using a hand-held mobile phone, and they can show the driver then and there by replaying the video. We think that is positive.

The police have certainly found that to be very useful in terms of gaining offender acceptance of the infringement notice, but it could be used remotely, a bit like a speed camera where you subsequently issue a ticket and say, 'We have the video. Do you wish to see it?'. The notion of mobile vehicles using that technology may well be a very significant deterrent for the future. We only flag that because we believe technology has a role in the future to enforce some of those technologies, and that may be one example of how, with appropriate development, there could be significant benefits particularly by way of deterrents.

The other is the general use of speed camera technology. It is conceivable that in the future the resolution of those cameras will improve so that it would be possible for cameras to at least identify those who are using hand-held mobile phones. Once again, our reasons for stating this are not to increase the level of apprehension but to tell the community there is the potential for these technologies to do just that. Our whole intention is to build in people an awareness of the risk of apprehension by using these distracting and highly risky devices.

We now turn to our list of recommendations. I will go through them briefly and will be happy to answer any questions you may have. Under the first dot point we refer to the fact that we at least need to get stakeholders together — whether they are the manufacturers, the post-production suppliers, government agencies, standards authorities — to agree to a set of guidelines for the fitting of technologies into a vehicle. We think that is a positive thing, and it requires collaborative effort from all stakeholders for that to happen. We also make reference to that under the second dot point in respect of standards.

We encourage those who promote mobile phone use, or even the telecommunications providers, to look at ways that they can actively promote knowledge of the risks associated with mobile phone use in cars, both hand held and hands free. Reiterating that point with respect to young drivers, we would advocate that driving is a privilege and that during those formative, high-risk times of being a learner or a first-year driver consideration should be given to putting a total ban on all phone use within cars by virtue of the risks young people face.

Public education could be adopted by both providers and government agencies to build up the level of community understanding of the risks associated with hand-held and hands-free mobile phone use and to encourage them to limit their use on all occasions.

We would also advocate that close examination be given to technologies that assist the police enforcement role. It is always a difficult role, and we would encourage innovative ways to assist them build technologies for the detection of illegal devices in vehicles. We do make reference there briefly to consideration of penalties. Are the penalties appropriate for the use of mobile phones? I only say that because it is probably important that there is some form of parity between relative risks, be it speeding, drink-driving, use of hand-held phones, SMS messaging and the like. While we do not have a firm position on that I think it is always useful to review penalties at any given time with due regard for relative risks.

On this occasion we would consider doing that to be worthwhile. We also believe that a general direction to the community be provided with respect to the use of devices such as in-car videos and navigation systems — that they use them sensibly and not to their detriment in safety terms. They are basically the broad range of recommendations from the TAC.

Mr LANGDON — Most of these recommendations are based on mobile telephones. A notice from MUARC suggested other areas like road design, vehicle design and enforcement. Do have opinions on, say, road design or vehicle design, not just mobile phones?

Mr HEALY — With respect to vehicle design, I do in relation to the potential for safety to be introduced through in-car features. I talked before about the Safe Car program. I think there are a number of technologies which we see as advantageous to safety but which are not detrimentally distracting. On that basis we think that is road safety positive. I note that there are opportunities for design. I made reference before to the fact that you can actually control your radio station selection, on/off buttons and volume via buttons on the steering wheel. This all makes good sense.

This is really a collaborative approach which we made reference to under the first two dot points: to get together, for manufacturers to understand what role they can play maybe by rather simple design changes at the outset to ensure that safety is built into the vehicle, or at the very least that the devices which might have been introduced for entertainment or convenience purposes are safety neutral, and they do not actually add to the level of risk in terms of operating a car. So we do see some advantages in safety design both to minimise the distraction but also positively with respect to the new in-vehicle technologies which we demonstrated through the Safe Car project.

With respect to the road environment it is clear that there is an information processing task which each driver has to undertake. In that regard it is vital that on the road system and to the roadsides that the information that is provided foremost and most immediately is of a safety nature. To the extent that in some situations you may have significant clutter, to the extent that the important safety message may not be fully digested then you would say that is an issue. I am sure it is something which VicRoads and local government look at in terms of what are appropriate standards, in terms of roadsides and the like to make sure signage is clear and that it provides proper and safe guidance for motorists.

Mr STONEY — I would just like to pursue a little bit more about the government fleet setting the pace — if you like, setting an example. You did say it is important that you get public acceptance of things before they are brought down or the laws are brought in. If you think about things like no mobiles or no smoking or no in-car devices, I will ask you directly: do you think the government fleet should bring those things in now to set the tone and set the pattern to create public acceptance in the future?

Mr HEALY — I think there is no doubt the government understands that it can take a leading path in relation to this area. There have been some discussions with respect to what is appropriate for inclusion in the government fleet policy but no decisions have been made. I think the government must make a decision with respect to upfront costs, what it means in terms of safety. At the same time I think particular agencies can make decisions which are appropriate for their staff in the interim. I certainly cannot speak for the government but I know that it is certainly under consideration by the government.

Mr STONEY — So TAC may be saying to the government, ‘We would like this, this and this and you need to set a lead to create public awareness and acceptance’?

Mr HEALY — We have had discussions with the government in terms of what we see to be our policies, and why. The government must make its own decisions with respect to the broader fleet.

The CHAIR — I think in 2004 the TAC mounted a publicity campaign with regard to reading text messages on telephones while driving.

Mr HEALY — That is right.

The CHAIR — Are you aware of the success of that campaign?

Mr HEALY — Yes, I am aware of the fact that there was quite significant awareness of the message and agreement with it. There was some discussion as to whether it had as much impact as some of the other

advertisements used by the TAC, and from our perspective that is understandable. But we believe it was successful in conveying the basic message. Having said that, based on surveys we have conducted of late, and the ones you obviously heard about through MUARC, the fact remains that a significant proportion of the population still continues, at least at times, to take on that risk by using a hand-held mobile phone. You must appreciate that public education has one role to play in a broader approach.

The CHAIR — Yes.

Mr HEALY — And I guess we must not hope too much from a given campaign, but recognise that it is one step along the way.

The CHAIR — Were those campaigns coordinated with, say, Victoria Police in regard to its enforcement campaign?

Mr HEALY — Yes, indeed. We make sure that so far as possible when we undertake a campaign which has an enforcement link, the police fully understand what we are doing. We believe that in the end it is not public education or enforcement alone, it is an integrated approach, and the degree to which we work successfully with our partners should hopefully get a better result than us working in isolation.

Mr LANGDON — I have one final question. Should CB radios and hand-held two-way radios be treated the same way as mobile phones?

Mr HEALY — You noticed the reference in the regulation. I do not pretend to be an expert on the use of CB radio. To the extent that it is an activity in which you are engaging in a conversation remote to the vehicle I cannot see conceptually why the risks would be any different to using a handheld or hands-free mobile phone.

The CHAIR — Any further comments, John or David? If not, we would like to thank you and the TAC for providing us with your time and expertise in this matter. It is an important inquiry, and as I said before, the TAC has been a major supporter of this committee. We appreciate your time today. Thank you very much.

Committee adjourned.