

ROAD SAFETY COMMITTEE

Inquiry into driver distraction

Notes of discussion

Melbourne — 5 December 2005

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Mr D. Anderson, chief executive;

Mr E. Howard, general manager, road safety; and

Ms A. Cavallo, manager, road user behaviour, VicRoads.

The CHAIR — Welcome. As you are aware, this is an inquiry into driver distraction. Unfortunately we do not have a quorum with us today, so this is more of a discussion, if I could couch it in those terms. The important thing about that is that you are not covered by parliamentary privilege, so be careful what you say.

Mr BISHOP — The good thing is, neither are we.

Mr ANDERSON — I do not think it makes a difference to what we say.

The CHAIR — But everything will still be recorded, so given that we are running a little bit behind, I will hand it across to you, David.

Mr ANDERSON — Thanks. We understand you received our submission, which is probably, dare I say, one of the more difficult ones we have done over the years. This is a challenging subject. We have tried to inform ourselves of the various sources of knowledge we could find. There are some major gaps in that knowledge, and we will try to identify our views of those gaps as we go forward with the submission and the discussion.

I am going to ask Eric and Antonietta to run through a series of overheads which summarise the points we want to make. There is obviously more detail in the written submission, but we want to try to pick up the major points so that we can focus on a good discussion. Suffice it to say from my point of view at this stage that this is a really important social policy issue, and we wish the committee all the best in addressing it. We will certainly provide updates or whatever further information we can glean from around the world as the committee goes forward, but we have got a snapshot of what we know at this stage and a few views and some recommendations for you. If I may, I will hand over to Eric and Antonietta.

Overheads shown.

Mr HOWARD — Thanks, David and committee members. As David said, in some areas there is a bit of research, and in some areas there is not much at all in terms of what you are looking at. We have become aware in the last day or so of a bit of work going on in the United States at Virginia Tech and at UMTRI, where Peter Sweatman, of course known to most of us here, is now the director. As David has indicated, as the inquiry goes on I am sure there will be a lot more material that we can get hold of, and we will certainly send that to you.

We sought assistance from a number of key driver behaviour experts, particularly out at MUARC and also within VicRoads, and while our capabilities are limited there, they made an important contribution, and MUARC has done a lot of work reviewing what is available in the literature. Antonietta, do you want to comment a little more on that?

Ms CAVALLO — Yes, just to say that compared to many other areas of driver behaviour that contribute to the road toll, I would not say driver distraction has been heavily researched. It has become a focus of interest more recently, though, and as a result you are finding more and more work focusing on the various types of distractions, trying to compare the roles of different forms of distraction on driving skill, performance and crashes. Particularly in the crash area there is not a lot of information about how many crashes actually involve use of a mobile phone just preceding the crash. You will find that is an area of frustration for many of us policy developers. There is a little bit of work estimating risk, but not how much of the road toll or how many serious injury crashes involve using mobile phones or other sorts of distractions, so it is an important point, I guess, before we move on that you recognise that limitation at the moment.

Mr LANGDON — Would you support changing that limitation?

Ms CAVALLO — Yes. If you look at our submission, there is quite a bit of emphasis on more research. There are some inherent difficulties in assessing the level of use of mobile phones in crashes or other forms of distraction in crashes because of inherent under-reporting problems. Despite trying to put money and effort into resourcing crash studies, there are obviously inherent problems with asking people who are killed in crashes whether they were using a mobile phone, and people who are taken to hospital may not want to admit they were using such devices or other equipment. So there are some particular issues around researching this area well, to the point where the estimates that are currently available are probably underestimates, but we do not know by how much. We do not have an upper limit. We tend to have lower limits at the moment.

Mr BISHOP — On that point, there is an opportunity to backtrack on mobile phone use in the event of a serious accident. Would you support that?

Ms CAVALLO — When you say ‘backtracking’ on mobile phone records — —

Mr BISHOP — To assess the use. For example, if a car crashed at 5 o’clock the records could be assessed. Would you support that sort of research?

Ms CAVALLO — I think we need to look at those methodologies together with researchers to see how valid they are. There is a Western Australian study that does exactly that. One of the downsides of some of those, and where you have to be very meticulous, is that a lot of crashes happen and people use their mobile phones straight after the crash. If you do not have an exact crash time and you happen to pick up all the mobile phone calls that are happening straight after the crash, you could include those mobile phone calls as causative or contributing factors. The answer is yes; however, I am just saying there are some tricky issues in there about measuring whether the mobile phone records actually account for 30 seconds after the crash — who has made the call; if it is someone else who made the call, maybe discounting it; or if it is the driver. Those sorts of issues have to be addressed. I am not saying it is something we cannot overcome, but it is something that has made it more difficult.

Unlike drink-driving, where blood alcohol limits can be measured via breath tests and blood tests, and speeding, where speed measurement equipment is available. Also, we do not have black boxes in cars that monitor exactly what is happening up until the moment of the crash. It is just a bit trickier to do that sort of research in this area. And most researchers are saying that in their literature.

Mr ANDERSON — Nevertheless, in further answer to the question, I think it would be a good objective to be able to do that. Clearly there would be some other issues to consider, such as privacy, and maybe other individual issues like that. However, it is something I think more thought could be given to. If we can be successful, it will unlock a lot of the unknown questions.

Mr BISHOP — It is my understanding the police are already doing that.

Mr HOWARD — That is my understanding as well. I am aware of at least one fatal crash in the last two years where records have been accessed, but I understand there was still enormous difficulty in demonstrating precisely at the time of the crash whether the phone was in operation or not.

Just a couple of opening slides: how do you define distraction? That is a difficult issue. That is the definition we put in our submission: diversion of attention from primary driving reducing drivers awareness, decision making or performance. This is very jargony, but we have done it to try to give our submission some structure. It is based on a Canadian definition. There are three types of distraction: purposeful, where somebody deliberately takes their eye off the road, whether it is looking at a phone, an in-car navigation device or looking at a CD; incidental, where they are answering a phone by talking but they are not purposely taking their eyes off the road or purposely being distracted; and uncontrolled, where things are happening outside the car that the driver cannot control. We think that is a useful definition. There are probably a number of others, but that is one we found to be useful.

Mr BISHOP — Can you enlighten me as to who Tasca is?

Mr HOWARD — He is a researcher from Canada. I was involved with Leo on a committee looking at older driver issues about five years ago. He is a well-respected researcher in Canada, working for the national government and the equivalent of our department of transport at the federal level.

Mr BISHOP — Does he have papers available?

Mr HOWARD — He would.

Ms CAVALLO — And we have drawn on those and MUARC has drawn on those in putting this material together.

Mr HOWARD — We can get those for you or assist Alex to get hold of them.

That is a set of definitions we think are useful. We then looked at the terms of reference, and we would like to quickly go through them. Firstly, the mobile telephones reference. If we look at the prevalence of use, you can see the figures there: about 2 per cent of drivers were observed using hand-held mobile telephones at any one time. I am not sure when that study was undertaken, but it is reasonably recent.

Ms CAVALLO — In 2003.

Mr HOWARD — Thank you. When surveyed, between 20 per cent and 40 per cent of Australian drivers admit to using a hand-held mobile telephone at some stage. About half of Australian drivers admit to using text messaging. If we look at some issues about mobile phones, there is a lack of studies and a lack of reliable data about the prevalence of use.

The CHAIR — Can we just flick back to that last slide? That last dot point says almost half of Australian drivers admit to using — reading or sending — text messages while they are driving.

Ms CAVALLO — It is all referenced in the submission.

Mr HOWARD — That is a concern, and we will come back to it in the second term of reference.

Mr LANGDON — Does that include while they are parked — that is, at lights or whatever — or while they are actually driving?

Ms CAVALLO — I think it is when they are actually driving. The study was about activities whilst driving.

Mr LANGDON — I was thinking, for example, of a traffic jam where you are not moving.

Ms CAVALLO — From my recollection the study is not as specific as going into that. We will have a look at that again for you, but I am pretty sure it is about activities whilst driving.

The CHAIR — The second dot point says a Melbourne observational study detected 2 per cent of drivers using hand-held mobile telephones while driving — they could not have been looking too hard.

Ms CAVALLO — That is right. That is what we mean by the difficulty of researching this area. This is an observational study looking at traffic and behaviour at any one time, and that is what has been detected. It can be hard to see as well: mobile phones can be very small against the ear.

The CHAIR — It could have been in the dark.

Mr LANGDON — Tinted windows.

Ms CAVALLO — All those issues. When you do telephone surveys this is the sort of number that admit to using them. I am pretty sure it was in the last week.

Mr BISHOP — Because those figures do not stack up, do they? Some 20 per cent to 40 per cent are using them, but 50 per cent are saying they use text messaging. They do not complement one another at all.

Mr HOWARD — That is right. Just some elements about mobile phones and crashes; we do not have reliable research evidence. That second dot point is about the number of crashes in Australia where mobile telephone use is a contributing factor. That is a problem, because without that information it is very difficult to formulate recommendations. There is plenty of research that shows it has a detrimental effect on driving. We know that retrieving and sending text messages does that as well, and we know that mobile phone use is associated with a higher risk of crash involvement — a fourfold increase. However, the problem in linking that to actual crash numbers is there. We know they are more distracting for the inexperienced drivers, and some US states have complete bans.

Mr LANGDON — Is one of the nine US states California, where they have a lot of young people?

Mr HOWARD — I think New Jersey is one, but I do not have the others with me. We can get those for you.

The CHAIR — So that is a complete ban on mobile phones?

Mr HOWARD — No, that is newly licensed drivers.

Mr LANGDON — I was just wondering if it was the bigger states or the smaller ones.

Ms CAVALLO — It is a variety of them, but I can get you the list.

Mr HOWARD — If we go to the effects of text messaging, we know that has a detrimental effect. The problems with text messaging — we are stating the obvious here — are that your eyes are off the road, your lane keeping is not as good, more incorrect lane changes, increased braking reaction time to motorbikes, and you tend to miss traffic signals. It is interesting that in the United States there is recent research indicating that people who are on a mobile phone, not texting but on a mobile phone, actually stay in the lanes quite well, but they have no environmental scanning capacity. They are focusing tunnel vision to stay where they are but they are not watching what is going on around them.

If we just look at the overall crashes issue, we talked about the risk. A US study found that mobile phone use was present in 4 per cent of vehicles involved in a fatal crash, that 8.3 per cent of crashes were the result of driver distraction and that 1.5 per cent of crashes were a result of phone use. So it was a factor in 4 per cent and the cause could be attributed to that in 1.5 per cent of crashes. They are very low percentages.

The recommendations in VicRoads' submission include that we need better data to understand the prevalence of mobile phone use. We need to get a better understanding from drivers about the things that are encouraging that use. There is clearly a need for ongoing public education campaigns.

Mr LANGDON — Victoria Police said earlier that there was a survey undertaken in New Zealand about mobile phones and accidents. Do you know about that?

Mr HOWARD — I do not, but we can get hold of that. It would be through Bill Frith and his people, I assume.

Ms CAVALLO — I know there is one ongoing at the moment.

Mr LANGDON — Would you support such a survey here?

Mr HOWARD — We have. We are suggesting that should happen. That is important data for the committee. Hand-held and hands-free phones, again we need to see what the research shows and keep on top of that issue with the hands-free. If studies demonstrate a crash problem, then we could look at doing something in Victoria, but we do not have that data. We are recommending a ban on all mobile phone use for new drivers. That is in the graduated licensing discussion paper that the committee is well aware of. Clearly we need to have a very strong communication strategy where we say to the public, 'If you do not have to use a hands-free mobile phone when you are driving, then do not. Turn it off, or only answer it when they are simple conversations'. We can come up with a whole lot of strategies there.

The CHAIR — I may be jumping the gun here, Eric. I am not too sure whether to ask questions now or when you have completed your submission. No doubt you will answer these questions as you go along. You say it 'demonstrates a potential crash problem and barriers to enforcement are resolved'. What does VicRoads see as the barriers to enforcement?

Mr HOWARD — Just the difficulties in observing a hands-free conversation. It is a major issue.

Mr ANDERSON — Mainly because you would have to reconstruct the scene. We are not aware that there is a simple way of doing that.

The CHAIR — It is exactly the issue that Victoria Police highlighted to us this morning as well.

Mr BISHOP — So what you are saying is that if a policeman pulls up someone and says, 'You were talking on the hands-free phone', they would say, 'I was not. I was talking to myself or singing.'?

Mr HOWARD — Correct.

Mr LANGDON — If they are like me, they might be abusing the motorist in front of them.

Mr BISHOP — Does your presentation come up to technology in relation to mobile phone use?

Mr HOWARD — No, we have not gone down that path. Our view is that that sort of advice will be available to the committee from technology providers, and they are far better placed to advise you than we are.

Mr BISHOP — But the output of that technology would be of interest to you — for example, one point would be if there was technology available to detect mobile phone use. The other one is: if the ignition key is turned on or the car is moving, then the phone is immobilised, and issues like that. You do not have a view on those?

Mr HOWARD — We have not looked at the technology because we do not think the crash evidence is there to support making that sort of recommendation. That is our position.

Mr LANGDON — On crash evidence, again Victoria Police gave us some statistics on crashes for 2004–05. They said that those were their preliminary figures, but they also commented that once the coroner has done his investigation some of the figures change. They also told the committee that no-one keeps a note of the changes to those statistics — that is, whether it was drink-driving or distraction or for some other reason. Do you think that should occur?

Mr HOWARD — That is a little surprising. We keep a pretty close eye on the involvement of alcohol in fatalities through our records, as you know. It is probably true that we do not have that same focus on collecting mobile phone involvement as determined in the Coroners Court, but again that could be readily done as a small research project — just to go back through the fatalities and dig that out for the last couple of years.

Mr ANDERSON — I suspect the question is whether the information should be updated when the coroner identifies something that is concluded to be different to what the original accident report said. I would say without doubt that it should. We usually get all the coroner's reports, although there may be one or two not sent to us. We do not have a comprehensive way of ensuring that all reports are received, but it seems to me a pretty reasonable idea to consider one. Often police say that inattention is the cause of a crash and it turns out to be alcohol or drugs. I think it would be an improvement to systematically update that information.

Mr BISHOP — I suppose where we are trying to chase the issue down is that when the police spoke to us they had a list of things that caused deaths in 2004 and 2005, and the first seven had a fair mix of distraction in them, whether it was alcohol, speed, failure to give way, fatigue, driver error, rear-end collision or pedestrian negligence. So it is all a bit of a package in the whole deal. But in relation to mobile phones, in order to make a very strong recommendation from this committee as a policy, we would really want to know what your views are on that particular issue, as one of the leading advisers on road safety.

Mr HOWARD — Okay. The next one is text messaging. There is a prohibition on text messaging, because you are not allowed to have a hand-held phone, but we think there is scope for that to be clarified and extended and included in our communication strategy. That is a clear recommendation.

Mr LANGDON — It is hard enough now to catch somebody with a hand-held phone up to their ear. Text messaging is probably done out of everyone's sight. So how can you possibly catch anybody?

Mr HOWARD — I think deterrence through enforcement is really difficult, but I think there are a couple of things. Firstly, by saying it is clearly prohibited you will get compliance from a proportion of the population. Secondly, if the technology exists — and I believe it will increasingly exist — it will be possible to detect the time at which someone makes a call in an injury crash, and if the police take advantage of that and there is publicity about someone being prosecuted, then I think that will have a strong deterrent effect as well.

I think it is an area where there is sufficient community concern to do something, and although we do not have the answers with enforcement, a combination of those measures of bringing it in as legislation and some prosecution by police would — —

The CHAIR — I think that is right. We should not do nothing just because it is difficult to enforce.

Ms CAVALLO — Can I just add that the Australian Road Rules Maintenance Group that looks after all the national road rules has already moved to recommend a ban on text messaging more specifically, and that recommendation will be put forward to the Standing Committee on Transport and the Australian Transport Council State and Territory Ministers in the near future. There have been concerns, but it is about the broadness with which

the definition of using a hand-held phone in the road rules. We are moving in that direction in any case, despite all the issues, because of the very strong safety implications associated with looking away from the road in sending a text message whilst driving.

The CHAIR — Mind you, I do not think there is too much difference between sending a text message and punching in telephone numbers.

Mr ANDERSON — It is the same process.

Mr HOWARD — That is an interesting point. We talked about purposeful and incidental distractions. In practical terms we would see purposeful as keying in numbers on a phone or texting or dialling a number, whereas incidental is listening to a conversation on the phone. So we think there is quite a difference. Text messaging is clearly always purposeful. Other phone use is purposeful as much as incidental. I think it is a useful way of thinking about the difference.

Mr LANGDON — Just on that issue, as a final question from me, police also suggested that fines are one thing, but if you really want to get the motorist where it hurts then demerit points are far more effective. What is your opinion?

Mr ANDERSON — Our view of demerit points and their use is that they should be related to safety issues, and this would be a safety issue. I think we have always said that fines are only part of the picture. We would have been aware in the past, although I am not sure now, that some people have a fine paid for them, but they cannot have the demerit points paid for them unless they break the law by giving a false statutory declaration or something. The only hesitation is that you probably need to know exactly what the relationship is between these activities and crashes, and as we said earlier, that is a really important question to focus on. Otherwise we could in this community ban everything that looks to be unsafe without evidence, and we think the community might have trouble swallowing that. They have enough trouble with speeding just over the limit.

Mr LANGDON — True.

Mr HOWARD — Basically, in our own minds we have tried to separate purposeful and incidental. We think that is a useful way of looking at it. If somebody is deliberately taking their eyes off the road to do anything, we should not stand for that as a community. Looking at in-car video devices, which is the second term of reference, they are really visual display units. We are not aware of any direct studies, but the effect of these devices on driving performance, based on similar devices like the route navigation systems and the DVD players, suggests that they are likely to be highly distracting, and the research on route navigation systems suggests that manipulating controls takes attention from driving. Drivers will attend to and take notice of material presented, and driver exposure to distraction will increase over long periods.

The other issue is distraction for drivers on the road by other cars with DVD screens, and that is a concern particularly at night.

Mr LANGDON — With the navigation systems, are they all display and verbal responses or are some just purely display? I have not had one nor have I seen anyone with one.

Mr HOWARD — I think some are just visual but a large number have the verbal queues and signals.

Mr LANGDON — Using the voice of an American, we are told.

Mr ANDERSON — Or English, or French. Some of them also allow you to enter information while the car is in motion or at least the engine is running. Others do not. It would appear that the newer ones, just in our experience without any decent survey, have attempted to do the right thing from a safety point of view.

Mr LANGDON — Are there rules governing them at all?

Mr HOWARD — There are; we will cover that later. They talk about whether they are a drivers aid, but there are gaps there. So in terms of the recommendations on in-car video, we again need more research. Many of the recommendations relate to research, but that is the reality of where we are with this.

Mr LANGDON — Ian and I can give you some back-seat research. It keeps our kids quiet!

Mr HOWARD — And there is an issue around that too. What is the net impact? That is a good issue. And then there is the question of a public education strategy when we have some better data.

The third term of reference was other devices and activities. This covers a fairly broad group. We have tried to separate them into three areas. The first area is things we think are purposeful, that lead to purposeful distraction, such as people taking their eyes off the road; the second is incidental distractions; and the third is uncontrolled distractions. Just bear with me for a moment and I will quickly run through those.

There is evidence that when people fiddle with the CD and the radio, and take their eyes away from the road, it has a detrimental effect on driving. The car wanders around the road and so on. In one study of about 10 per cent of crashes that involved distraction, half of that number was interaction with the entertainment system, and that has been with us for a long time.

If you look at information and communication systems — this is navigation systems again — there is no research concerning crash risk associated with them or the use of email, which is emerging as an issue. There is evidence that email use results in poor reaction time, and that is not a surprise. They are what we call purposeful distractions. You take your eye off the road to read an email, to do something.

Mr LANGDON — Are there cars that have the ability to receive an email on the screen or anything like that at this stage?

Mr HOWARD — Not that I am aware of, but I am sure — —

Mr LANGDON — I am sure I have seen an advertisement for a fridge that has the capacity to receive emails, and I thought, ‘Who would want to?’

Mr HOWARD — That is true. But there are the personal digital systems that are everywhere — Bluetooth, Blackberry or whatever. We think that is an issue. In terms of incidental distractions, where the prime purpose is something else but you get distracted because you are eating or listening to the radio or speaking, they are generally considered safe by drivers. Another example is talking to passengers and so on.

In terms of the advanced driver assistance systems — cruise control, and all the technology the car industry is bringing out now, much of which is very welcome in safety terms — we do not really understand the impact they have on the driver. We will need to better understand that over the next 5 to 10 years before we can be certain what their net road safety value is. With the uncontrolled distractions — that is, the stuff outside the vehicle — a US study has shown that basically half distraction-related crashes came from distractions outside the vehicle. But remember we are talking about a very low proportion of crashes there.

Ms CAVALLO — It is about 8 per cent in total; about half of that.

Mr HOWARD — Yes, and advertising on the roadside has been linked to higher crash risks, but we do not know a great deal about that.

Ms CAVALLO — What we do know is when there is movement involved, such as a flicker or movement in the visual periphery, that this is more likely to capture a drivers attention. We actually are hard-wired as human beings to react to movement, so particularly moving screens and information that scrolls at intersections and in highly complex driving situations – these are risky, and in particular researchers have been most concerned about those sorts of advertising materials.

Mr HOWARD — Some very big studies are going on right now in the United States where they have equipped hundreds and hundreds of vehicles with cameras, measuring what is going on outside the car, sometimes with having a camera on the driver, and they are trying to link factors outside the car and what the driver is doing to braking performance. It will be interesting to monitor that over the next 12 months or so.

We came up with recommendations then for the third term of reference under three headings: purposeful, incidental, and uncontrolled. The first is that we believe the use of email and personal digital assistants while driving should be prohibited. It involves the same issues about enforcement, but there is a clear risk of those. We think there is a need for research to tell us about navigation devices. Are they net positive or not and could they be better controlled?

Mr BISHOP — In some cases that would be a positive.

Mr HOWARD — We think so too.

Mr BISHOP — It would save a lot of marital difficulties as well!

Mr LANGDON — Even if you are in a car by yourself and trying to read the *Melway*, you could try it.

Mr HOWARD — Yes, it is just a question of understanding net impacts really.

Ms CAVALLO — And probably how they are designed — not to impact negatively and to be a positive, as you say.

Mr HOWARD — The third point is if you can put data in by voice without having to take your eyes off the road, we think that would be a positive compared to taking your eyes off the road.

Mr BISHOP — On that issue have you done any work on the mobile phone situation, with voice activation? Is there a view on that?

Mr HOWARD — No, we have not done any work. Voice activation, again for the reasons we have just talked about, would clearly be preferable to taking your eyes off the road to fiddle with numbers. But we have not actually dealt with that in here.

Ms CAVALLO — I guess one of the additional problems with talking on the mobile phone usually involves concentration, while the navigation system is giving you information for the purpose of finding your route, so they are quite different purposes. It is not as simple as saying they are the same. You need to look at them in a net context, but it is worthwhile looking at that approach to mobile phone use.

Mr BISHOP — Can you go back to the public education debate?

Mr HOWARD — That is really just saying that there is a place to let the public know about these risks. That is the start of all countermeasures really — making the public aware of the risks. Hopefully we can provide some good harm minimisation advice so they can come back to that.

Incidental distractions — again public education about the fact that eating and drinking while you are driving and talking to passengers is okay, but the driver needs to be careful about what he or she is doing. Then we think we need to look at research to examine what are these advanced driver assistance systems. They are coming out thick and fast now. What capacity do they have not to be distracting and creating another set of problems unwittingly? That is the message in terms of those. If we go then to the uncontrolled distractions —

The CHAIR — Would it be fair to say, then, because we are talking about a lot of research, that our legislation is a long way behind in terms of keeping up with all the new technology that is being introduced into our cars?

Mr ANDERSON — I think this could be, depending on the relationship between the devices and the crashes. We would prefer to follow a process of, 'Here is the new technology; what does it mean to us in terms of safety?'. Then, 'What is the legislative response to that?', as opposed to automatically banning things that seem to be unsafe. I think the navigation equipment is the tricky one in that probably we have had them in our vehicles for a while. They certainly are an advantage if you are approaching a roundabout; they will tell you which road to take. They are helpful because you are not hesitating, trying to search for signs, so there are probably some positives. We would not support a ban on those things at this stage and maybe never. But it is all about technology, research and response.

Mr HOWARD — I would add to that that one of Victoria's characteristics over the years has been tweaking the legislation as the evidence provides. We have never really leapt into something without strong evidence, but somewhere between what you have and where you might get to in 5 to 10 years are sensible adjustments you can make along the way.

The uncontrolled distractions are things happening outside the vehicle. We know it is an issue but we do not really understand their impact. That is particularly the case with signs.

Mr LANGDON — Would you support a ban on signs that, for example, change every 30 seconds or 60 seconds on a major roadway? I think the police said there is one on the Monash Freeway. Would you support a ban on those in the interim before more research comes in?

Mr ANDERSON — We do have what we call a 10-point checklist for safety when we are assessing signs. I note in our submission just now that we have not included it, and I think it is relevant and we should provide you with a small supplementary submission about that. From VicRoad's point of view there are certain powers that we are given to control or assess advertising signs. There are other areas where we cannot do much about it, but where we do have those powers, we go through the checklist, and one of the areas that we virtually ban are moving signs, for that very reason. There has been a number of them and there is one on the Monash Freeway that we need to look at in terms of whether it is within our control. Certainly a number of proposed signs we have said no to, because of the distraction that they will cause.

Again, having said to the chairman a minute ago that we go with technology, research and legislation, I guess that this is one area where we have jumped the research debate and said, 'We would prefer not to have them in areas that are distracting to drivers because we need signs to help drivers; not to distract them.' From the point of view of the advertisers, of course, that is not helpful because that is the very reason that they put the signs there — to distract drivers and passengers. That is an important area to explore. We will provide further information and I do not think we have done that at this stage.

The CHAIR — I would be interested in your thoughts on the signs at the corner of Flinders and Swanston streets — and I think I mentioned this to the police. It is one of the busiest intersections in Melbourne, and you see the Channel 7 news reports scrolling around the bottom of the billboard.

Mr HOWARD — The reality is that we do not understand very well nationally the link between risk and those moving signs. But as David said, we have limitations to our powers anyway to control it, and that might be an issue that the committee could examine.

Mr ANDERSON — They are on private property; neither of those are arterial roads so we have no powers over that intersection. But there was one that I would probably rather not describe on the corner of Bridge Road and Punt Road some years ago, which was a sign partly made of a very light material and which blew in the breeze, and we had that removed.

Mr LANGDON — It is a shame I missed it!

Mr HOWARD — The fourth term of reference then asked: what about the existing laws? The Victorian road rule 300 is that the driver must not use a hand-held mobile phone unless we have exempted the driver. And road rule 299 — and this is an interesting one — states that you cannot drive a motor vehicle with a television receiver or visual display unit in the vehicle while the vehicle is moving or stationary if any part of the image on the screen is visible to the driver or could distract another driver.

That is a fairly broad power. But it says the rule does not apply to the driver if you are a bus driver, if the visual display unit is or is part of a drivers aid — so, a navigational system arrangement — but we think perhaps that is allowing some other things as well. If it is a navigational aid part of the time but it is something else for the balance of the time, then that could be considered as still legal; therefore we think that area needs to be clarified. They are the sorts of things that the road rules spell out as examples of drivers aids, and we think there are some opportunities to tighten up the rules to reflect current technology.

The CHAIR — Can you explain that a little more?

Mr HOWARD — Yes. The second little green square on the screen shows that the rule does not apply to the driver if — and going to point (b) — the visual display unit is or is part of a drivers aid. So multi-tasking of these things, which they can do readily now, is okay, and that is a potential problem.

The CHAIR — It could be a navigational aid, a drivers aid, but if it also is used for, say, DVDs and so on, then a driver can get away with it?

Mr LANGDON — How do DVDs in the back seat fit into the exemptions?

Mr HOWARD — They fit into 1(b) in that they are likely to distract another driver. Possibly if they are low down in the seat you could argue they are not distracting to another driver, but if they are up on the roof in a four-wheel drive they could be distracting to others.

Ms CAVALLO — In the headrests of taxis you can see them, they are quite visible from the back and the side windows. Quite a few of them are in the headrests.

Mr BISHOP — You see some of them in the motor homes too. They give the driver an idea of where they should be when reversing, and so on. That would come under 1(b)?

Mr HOWARD — Yes, that is right. It is as much about influencing the supply as the demand. It is about getting to the after-market manufacturers so that they are not producing these multi-tasking bits of gear that go in navigation systems but have all these other capabilities as well, because the only way we can control that is through this road rule.

The Australian design rules do not control them because they are after-market installations. The original manufacturers have obligations under the Australian design rules, but there is nothing to stop other products being fitted to vehicles, and we think there probably needs to be a fairly urgent examination of this area.

Then in terms of road rule 300, the research evidence certainly justifies the need for that road rule. It involves driving while using a hand-held phone, and it carries a lower penalty than drink-driving and moderate speeding, incidentally, in terms of a fine, but it also carries a 3 demerit point loss. That might be another area to be examined. It does, we think, allow drivers to use hands-free phones, to use text messages, to download television and video clips and access other functions and services at the moment, and we think that needs to be examined. It does not cover the new personal digital assistants. Around 30 per cent of drivers violate road rule 300. I think that is consistent with our own observations. The difficulty is apprehending vehicles, as the phone is small. We have talked about this. The difficulty is proving they are conversing, and it would be difficult to enforce.

Mr BISHOP — What about the dual purpose ones?

Mr HOWARD — If the device has a dual purpose, it might be a radio or a CB — —

Ms CAVALLO — A lot of the phones have multiple functions and they can say they are using it for other things.

Mr HOWARD — For example, 'I am taking a photo'.

Mr BISHOP — They are supposedly taking a photo of you driving along, are they?

Ms CAVALLO — Believe me, we have heard them all.

Mr HOWARD — It is trying to make the point of the multi-use.

Mr LANGDON — It is not illegal to take a photograph by using the phone?

Mr HOWARD — That is right.

Mr LANGDON — Mind you, I would never have thought of putting in a rule to cover that.

Mr HOWARD — That is right. Road rule 299, the one about the drivers aid, does not apply if the unit is part of a drivers aid, as we have said. There is some uncertainty about exemptions. We do not know the extent to which the law is violated. Of course, there are the usual problems about seeing these things, judging them and enforcing them et cetera. In the recommendations we are suggesting that the rule be extended to prohibit all mobile use by first-year drivers, and the GLS paper is going to pick that up and the government will consider that in the near future. We recommend increasing the penalties to match those for moderate levels of speeding — that is, the fine level which I think is about \$110 at the moment.

Mr BISHOP — Didn't we recommend that?

The CHAIR — Yes, an increase in demerit points.

Mr HOWARD — It is 3 points now. It is really just the fine level — it is well below the moderate levels of speeding.

Mr ANDERSON — How much is it Antonietta?

Ms CAVALLO — For the hand-held?

Mr ANDERSON — Yes.

Ms CAVALLO — Currently an offence against road rule 300 attracts 3 demerit points and \$141, while speeding 10 to 24 kilometres an hour over the posted speed limit has 3 demerit points but a \$210 fine. It is similar crash risk — —

Mr LANGDON — The police thought it was a \$79 fine.

Ms CAVALLO — I will look it up — it is \$141 for the hand-held mobile phone.

Mr LANGDON — I do not doubt you.

Ms CAVALLO — I will go back and check now.

Mr LANGDON — The police we interviewed probably have not issued a fine for a while.

The CHAIR — In relation to increasing the penalties, as you would be aware, in response to our country road toll report the government committed to reviewing the penalties next year.

Ms CAVALLO — If you wanted to have similar penalties for the same sort of risks associated with those two behaviours, 10 to 24 kilometres over the speed limit ranges from a fourfold increase up to quite a significant increase in crash risk of 10 to 20 times. Three demerit points is not too mismatched with the speeding risk but the fine is lower than what you have for moderate speeding. That is something we have suggested we look at.

Mr HOWARD — The third dot point there is recommending that we extend the rule to ban text messaging and to cover the use of these other devices and digital assistants.

The CHAIR — With the hoon legislation we have just introduced we have the ability to confiscate cars. Has there been any thought given to or is there any experience overseas of confiscating mobile phones? The difficulty there, again, would be to police it.

Mr ANDERSON — I imagine some households would have a lot more mobile phones than cars so, off the top of my head, practically you could confiscate the phone but it would be a hell of a lot easier to replace than if you confiscated a car. I suggest that in most instances it — —

The CHAIR — Would not be practical.

Mr ANDERSON — You could hardly impose a lifetime ban on someone, I would have thought.

Mr HOWARD — The final recommendation in the last piece of material we have to formally put in front of you today is the issue about the drivers aid not being used as an excuse for a whole lot of other things that can operate on that screen while the car is in motion and can distract the driver and people behind them.

Ms CAVALLO — It is really about clarifying the current rule 299 so it is actually being used as a drivers aid and not something else. Those road rules have been looked at on a national level, but it is really about moving through the things we know most are going to be a problem and to try to anticipate the plethora of new things that we know are going to be pretty significant issues, or can become significant issues if we do not act.

Mr HOWARD — That is it in terms of formal information.

Mr LANGDON — I refer to roadside distractions. Apart from the commercial signs, the speed signs so that you know what speed you are meant to doing and something else you might be looking for, there are so many of them. One of the issues that has been picked up is the number of speed zones and knowing whether you are driving at that speed or not. I know I have trouble. You go through an 80 kilometre-an-hour zone and after a while

you think, 'Have I missed another sign or I am still in an 80 km/h zone?'. I know there was some consideration given to putting those speed zones on the road itself. I think there is a trial coming up; is that correct?

Mr HOWARD — We are doing a couple of things. VicRoads has a speed limits advisory group and it has been asked by the government to review all the changes in limits. It has all the usual stakeholders you would expect — RACV, Parents Victoria, local government and so on. That report has been produced and it went to the government a week or so ago.

Mr ANDERSON — Last week — last Friday.

Mr HOWARD — That has a series of recommendations in it. Without going into those in detail, and they are all practical things that I think will win support and be good for the community by making people's lives a little easier, one of the things we have been looking at in any event is the question of the buffer zones coming into towns where you go from 100 km/h to 80 km/h to 60 km/h. We have done some research which indicates that the behaviour in terms of speed is not detrimentally affected — people still slow down if you put a sign up and instead of 80 km/h it becomes '60 ahead', which is the New South Wales pattern. We think that is a good thing.

Mr BISHOP — It is an excellent idea.

Mr HOWARD — If you had a lot of development on the outskirts of town where you wanted it to be no more than 80 km/h, then you might leave the 80 there, but in any cases where it is really just a buffer zone we think 60 ahead is a better way to go.

Mr ANDERSON — Having tried it in a number of areas and measured the actual speeds of vehicles, the two methods — provided it is not, as Eric said, a development — give about the same speed. The issue then would be if we want to move to that new approach, how quickly we do it. You can imagine how many buffer zones there are in Victoria and it is simply a matter of whether we use road safety funds to do that quickly or over a long period. I think with the speed limit guideline review we will probably suggest to the government that there be some implementation of that under certain circumstances, particularly where we can reduce the number of speed zones. That is an issue in some areas, perhaps not as many as people would think.

The advisory group had a look at a lot of roads through video and it did some field visits. There are probably a dozen or so where they are a particular problem and we can sort that out. Whether that is part of the distraction — I guess you could call some of that a distraction. It is more about people being able to concentrate on changing their speed fairly quickly on a longer length of road. It may be partly related but I think it is a different thing.

Mr HOWARD — One of the most remarkable things, if you can step back and look at it, is to think that with all the technology in vehicles we still do not tell people in their vehicle what the speed limit is. The technology is there and has been for some time.

Mr LANGDON — That is a good point.

The CHAIR — This has been suggested to us, and probably no doubt to VicRoads, but has consideration been given to painting the speed zone on the road itself?

Mr HOWARD — We did research 10 years ago or so which showed no change in behaviour where we painted it on the road. We are looking at doing a further trial of this and we are going to see what that tells us, particularly in locations where you have 70 km/h speed limits and a school speed zone, and missing the sign could cost you your licence — where the speed limit goes from 70 to 40. We are looking at trialling it there. We will see what that tells us. If there is a benefit then that can be measured and assessed and the economic justification put together.

Mr ANDERSON — The reason we did not adopt it last time was, first, the research was not conclusive, and second, there were other concerns about having a lot of paint on the road. One issue relates to the expense but perhaps more important is the issue of surface friction, the slipperiness of it.

Ms CAVALLO — For motorcyclists and other groups.

Mr ANDERSON — Motorcyclists were particularly concerned about it, and on that basis we would probably want to see some fairly serious benefits in terms of speed reduction before we went that way.

Ms CAVALLO — Yes. The research would suggest that if you are going to have a very low speed limit you should narrow the roads. It is very difficult at strip shopping centres where at some times of the day there is not much traffic and not much shopping, so you do not want to narrow the roadway; it can be very difficult to get drivers to reduce their speed at the right time. You can spend a lot of money on something that does not reduce their speeds. We know that physical interventions are probably more effective but we do not necessarily want those 24 hours around the clock at some locations because of other congestion issues, so it can be a difficult balance. Drivers react quite differently depending on the environment. You need to look at those specific locations and see what treatments work, depending on what you want to achieve.

The CHAIR — The other suggestion that is often made is colour coding — for example, yellow for 60, blue for 80.

Mr ANDERSON — Again, that was researched and not found to be effective.

Mr BISHOP — Eric, you spoke about transferring the speed restrictions into the car. I have not seen that anywhere. Is it available?

Mr HOWARD — The technology is available. In fact, the TAC safe car that it has been trialling over the last few years — it had about 16 cars running around with that technology in place. We worked with TAC to get our speed limits across all of Melbourne on a digital map, and that is put on a CD which goes in the car. In fact, for about \$2000 my car was fitted with this equipment. It is just a little palm pilot in the boot with a little GPS receiver, and it would display the limit on the palm pilot, but that was not in the cabin. It would have disappeared quickly if it had been. It was also connected to the accelerator and when I exceeded the limit, the accelerator pushed back on my foot and I knew I was going over the limit. In a very primitive way we want to demonstrate that the technology works, but it does not work in tunnels and it does not work too well for time base zones, so some further sophisticated measures are needed. The Europeans are saying you need to do both; you need a sign-based and a GPS-based transmitting system, and the Swedes and others in Europe are doing a lot of work on that right now.

Mr ANDERSON — Given the number of signs that are moved during a year it would be quite a risk to rely on a CD or a DVD that was okay when you got it, but considering the number of adjustments we make as towns develop or when people write in and want something moved a little bit — it is far better for the sign itself to be able to activate something than rely on perhaps an out-of-date record.

Mr BISHOP — Would it be envisaged that that would come up on the speedo of a car, or would it be like you are talking about, Eric, reducing your speed automatically?

Mr HOWARD — Both things are important. The first step is to inform the driver what the limit is. On the TAC safe car, on the Falcons, it is where the trip information is; it comes up there. That would be very helpful for a lot of people; that in combination with speed limiters, which some higher-value cars now have where you can actually nominate a speed you do not want to exceed so the accelerator loses power at a certain speed. With the haptic system that pushes back, there is a series of steps.

Mr BISHOP — In relation to the distraction on country roads that probably comes about after you have driven a fair way, and there might be a railway crossing on a corner or a speed restriction, where does VicRoads stand on the use of rumble strips to bring your attention back to the job?

Mr ANDERSON — If you consider the probably thousands of kilometres of edge rumble strips we are putting in as part of that roadside safety program, which involves sealed shoulders, a rumble strip and then a clear area or a barrier to alert people, to give them the opportunity to recover and, if not, protect them from whatever they might hit, we are very strongly in favour of that sort of rumble strip. Therefore the same principle can apply to approaching a level crossing. There has been from memory — Eric can correct me — a couple of trials of that that have been quite successful. There have been a few around the city. Sometimes councils will try that sort of thing themselves. Other than having to continually maintain them, because being in the centre of the lane, they do get run over, whereas the edge ones last longer, we would be in favour of them where they can be shown to be necessary, because it is a matter, particularly in the country, of alerting people to something that is different, having lulled themselves into a comfortable driving position for an hour or so, as you would know.

Mr HOWARD — There is no doubt that the country intersections, particularly where you have crossroads at major routes, are a problem. We do not have a highly certain countermeasure. Some things are put in

with a splitter island and then with another stop sign so people can see something in the distance; the other option is the rumble strips you are talking about. I think there will be a lot more of that in the years ahead, but it is a maintenance cost. If you could somehow target a program around crash frequency — we are talking very low numbers of crashes, that is a part of the problem, but where you do have that crash problem, treat them on a progressive basis — there would be significant benefits.

The CHAIR — Are there any further questions? Given that we got the report relatively late on Friday, we would like to go through the report ourselves and then perhaps reconvene and have another more detailed hearing later on the report itself.

Mr BISHOP — About three major issues have been talked about in this discussion. One is the driver, one is the vehicle and one is what is outside the vehicle to distract people. Using the old terminology, if you were a king for a day, what would your major recommendation be on each of those three points?

Mr HOWARD — Can I get back to you on that? It is a good question, but I need to think it through.

Ms CAVALLO — When you look at our report, you will find there are some fairly clear things that can be done based on what we know, and we need some extra research to help us go forward on some other issues. We can provide further information to the Committee. Despite all the difficulties in this area, and it is not as well researched as some of the other safety issues, there are still some obvious things that can be done.

The CHAIR — Before we finish, as most of you will be aware, Eric Howard has announced his retirement for the end of this year; is that right, Eric?

Mr HOWARD — Yes.

The CHAIR — Given that, I would like to acknowledge on behalf of the Road Safety Committee, Eric's contribution to road safety in Victoria, nationally and internationally. This committee has had the fortune to travel overseas in recent years, and in doing that I have learnt personally that Victoria is recognised internationally as a world leader in road safety, especially in the area of driver behaviour. I know that this reputation is in no small way as a direct result of the work you have done, Eric, and I do not say that flippantly: I know it is as a result of a lot of the work you have done.

Eric has been a driving force in road safety — pardon the pun — and Victorians will be the poorer for his retirement. On behalf of the Victorian parliamentary Road Safety Committee, Eric, I would like to thank you for your contribution to road safety and for your contribution and commitment to this committee over many years. It has been greatly appreciated. Also on behalf of the committee I would like you to accept these small gifts as a token of our appreciation for the commitment you have given not only to this committee but to Victorian road safety over many years. Congratulations.

Mr HOWARD — Thank you very much. Chairman and members of the committee, can I say how much I have appreciated interacting with the committee, both here and in other places over many years. This committee has such a proud history. When I talk to people in other places I talk about the advantage Victoria has in its all-party parliamentary committee that lets these things get on the table, ventilated and resolved. It is a very proud history of this committee.

I was reading in an old *Hansard* the other day where a former chairman of this committee said words to the effect that sometimes difficult decisions have to be made in the community's interest that impact the freedom of individuals. That was Brian Dixon introducing the seatbelt legislation in 1970. You know that better than I. I think the work you do is absolutely vital to road safety in Victoria. Long may it continue. I certainly wish the committee continues to assist. Thank you very much for this acknowledgment; it is very much appreciated.

The CHAIR — Thank you, Eric. Talking about old chairmen, I remember John Richardson said to me when I first took over this position, 'You will find that Eric Howard is a bloody good bloke!'

Committee adjourned.