

**Submission**

**No 27**

## **DRIVER AND ROAD USER DISTRACTION**

**Organisation:** Holdings Driver Training

**Name:** Miss Ashlee O'Dowd

**Date Received:** 3/05/2012

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Bjarne Nordin  
Staysafe (Joint Standing Committee on Road Safety)  
Parliament House  
Macquarie St  
Sydney NSW 2000

Dear Bjarne Nordin,

Enclosed is a copy of our submission to the driver and road user distraction inquiry, entitled 'Road User Distraction: Keeping Things Fair.' This submission has been prepared in response to three of the specified Terms of Reference for this inquiry, *the nature and extent of distraction as a contributor to crash casualties on NSW roads, current rates and future trends in take up of electronic devices, both by road users and vehicle manufacturers and regulatory means of enforcing harm minimisation caused by such devices.* We have provided information, examination and recommendations on the three terms of reference and have highlighted what we feel could be addressed. Each term of reference has been broken down separately to delve into the issues for debate in each topic and linked through our conclusion.

The recommendations produced in this submission are the result of combining our knowledge and extensive understanding of road user behaviour with a variety of secondary studies that allowed us to gain statistical evidence to support our opinions on road user distraction. As an organisation training young drivers about low risk driving techniques, we feel our submission provides sound evidence into the statistical affect of driver distraction, the effectiveness of current road legislation and the impact of the future of technology on road users.

If you have any questions regarding the information in this submission please contact us using the details provided.

Sincerely,  
Brooke Vitnell, Ashlee O'Dowd & Tahlia Kable *on behalf of.*  
Holdings Driver Training

# The Parliamentary Joint Standing Committee on Road Safety

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## **Driver Distractions**

**Prepared by Tahlia Kable, Ashlee O'Dowd and Brooke Vitnell *on***

***behalf of:***

**Holdings Driver Training**

29<sup>th</sup> April 2012

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## 1.0 Background

Holdings Driver Training was established in 1970, formally known as Ron Holdings Driving School. The school commenced operating in Cardiff, New South Wales, with Ron as the sole instructor. Holdings Driver Training now encompasses the entire Newcastle and Lake Macquarie region. Scott Holding, sole trader, has been a driving instructor for 22 years and drives up to 800 kilometres a week with students. With experience in the police force and having obtained a pilots license, Scott has a huge variety of experience in all types of vehicles, as well as a broad knowledge of the New South Wales legislation pertaining to road rules. Holdings Driver Training prides itself on low risk, positive driver training such as, speed awareness, following distance, breaking distance and road positioning.

Startling statistics related to impact of road user distraction include, but are not limited to:

- 23% of those involved in collisions in the last five years blame inattention or distraction for their crashes (AAMI, 2010).

- Each year road crashes kill about 1400 Australians and hospitalize another 32,500 (Australian Transport Council, n.d.).

AAMI's study showed the percentage of distractions for NSW road users:

- Been distracted while talking on mobile 23%
- Been distracted by Sat Nav. 35%
- Lost concentration while changing music 35%
- Been distracted by text messages/MMS 22%
- Been distracted by using Internet on Smartphone 9%
- Used mobile to read emails or check Internet 8%

These statistics are indicative that change and reform is needed in the area of road user distraction.

Therefore, within the driver training, Holdings promotes the importance of driver distraction, not just due to technology, but also in regards to other internal and external distractions.

## **1.1 Introduction**

As a large and locally based driving school we experience first hand how younger drivers and older drivers alike become easily distracted in the course of operating a vehicle. We support The Parliament of New South Wales joint Standing Committee on Road Safety inquiry into Driver Distraction.

An accepted definition of distracted driving is: “the diversion of attention away from activities critical for safe driving toward a competing activity” (Regan, Lee and Young, 2009 p. 34).

Professor Don Aitkin AO Chairman of the NRMA ACT Road Safety Trust states:

“...It is not uncommon for drivers to engage willingly or unwittingly, in activities that divert their attention away from activities critical for safe driving. Distraction, it seems is part of everyday driving” (Regan, Lee and Young, 2009, p ix).

We have prepared this submission in response to three of the terms of reference, which enable us to examine and highlight our view broadly on the categories of:

- a) The nature and extent of distraction as a contributor to crash casualties on NSW roads;
- b) Current rates and future trends in take up of electronic devices, both by road users and vehicle manufacturers;
- c) Regulatory means of enforcing harm minimisation caused by such devices;

## **1.2 Reference Point A**

In regards to reference point (A) ‘The nature and extent of distraction as a contributor to crash

casualties on NSW roads' on average, four people die and 90 people are critically injured on

Australian roads every day. After over 40 years of working in the Hunter region as a driving school, we have witnessed first hand the detrimental effects of car accidents. Distraction on NSW roads is a major contributor to car accidents and potentially fatal crashes. The following will outline some statistics for NSW roads and some evidence on the danger and extent of distraction. NSW Police Traffic Services Commander, Chief Superintendent John Hartley said, "crashes often occur as a result of only a moment's inattention" (Roads & Maritime Services). We agree with Hartley on how quickly things can go wrong and accidents can occur.

In 2006, a study by the National Highway Traffic Safety Administration reported that, "Dialling a hand-held device increases a driver's chance of being involved in a vehicle crash by 3 times and listening or talking on such device increases the crash risk by 1.3 times Reaching for a moving object while driving increases the risk of a crash or near-crash by 9 times, looking at an external object while driving by 3.7 times, reading while driving by 3 times, and applying makeup while driving by 3 times" (ITU-T Technology Watch, 2010).

Our aim is to determine the causes for the inattention of road users and the effects of such distractions on current drivers and our future drivers. The Roads and Maritime Services (RMS) in 2010 found the major distracting factors that possibly contributed to crashes in NSW and their damage tolls. Hand-held telephones accounted for 3 fatal crashes, 31 injury crashes and 22 non-casualty crashes. Other distractions inside the vehicle had one fatal crash, 448 injury crashes and 761 non-casualty crashes. Distractions outside the vehicle had 14 fatal crashes, 1,724 injury crashes and 1,867 non-casualty crashes (Roads & Maritime Services, 2010).

The estimated cost to the community of road crashes in NSW using the 'willingness to pay' methodology was around \$5,110 million (Roads & Maritime Services, 2010). 'Willingness to pay'

is a process used to establish the amount of money individuals are prepared to pay to decrease the risk of loss of life by estimating the value individuals attach to human life. Newspoll Market and Social Research, in conjunction with AAMI, conducted an independent survey on 3,740 Australian drivers in 2011. This study determined that of the 24 per cent of Australian drivers involved in collisions in the last five years, nearly a quarter of those drivers blamed distraction or lack of concentration for their crashes (AAMI, 2011, p. 1).

Young, Hammer and Regan, M discuss four different types of distraction: visual, auditory, biomechanical and cognitive (2003, p. 2). Each type of distraction can affect a road user's attention on its own or a combination of the factors. Visual distractions can occur in several ways. The drivers visual field may become obstructed, for example by a bird, fog or rain, the driver may look away to observe a fellow passenger or operate the radio, or the driver may be distracted and look away from the road. Auditory distractions steal the drivers' focus listening to the radio, another passenger or mobile phone. Physical distractions happen when a driver removes contact with the driving component of the vehicle and it is no longer being safely controlled. Cognitive distractions are thoughts that absorb the users attention and therefore the individual is no longer concentrating on driving (Young, Hammer, & Regan, 2003, p. 2)

The extent of distractions through this statistical evidence remains staggering to us and acknowledge with the technological society we live in, rules and regulations must be maintained to keep on top of driver distraction safety.

### **1.3 Reference Point B**

In regards to reference point (B) titled 'Current rates and future trends in take up of electronic devices, both by road users and vehicle manufacturers' we believe that driving is a complex task, requiring the concurrent execution of various cognitive, physical, sensory and psychomotor skills (Young & Regan, 2007). Therefore, it is crucial that governments are aware of the impact technology has on driver



distraction. GEARED, an arm of the Government organisation, Roads and Maritime Services (RMS), recognise the impact technology has on drivers. "Drivers now have to contend with new technologies like smart-phones, mp3 players, GPS devices and in-car DVD's" (RMS, online).

This inattention, coupled with external distractions contributes to 33% of fatal crashes per year and 45% of serious injury crashes per year (Centre for Accident Research and Road Safety – Queensland, 2011).

Future trends lean towards the continuing growth of electronic devices, as they continue to expand on the multitude of tasks they already complete on a daily basis. This growth is especially pertains to young drivers.

*The Australian* reported in 2011 that Australian's purchased more than one million phones per month, equating to 34,000 mobile phones sold per day. With the increase of sales in handheld mobile phones, and the accessibility to Internet and other everyday tasks, drivers are taking greater risks to access these devices whilst driving. Although further technologies, such as Bluetooth and Hands-free devices aim to mitigate for distraction caused by mobile phones, however, studies have shown that "The use of currently available hands-free devices does not seem to reduce the risk" (McEvoy et. al. 2005).

Whilst GPS devices have features that make cars safer, such as increased road awareness at night, driving in the correct lane and 'help' buttons that can locate specific shops, hospitals and police, they can also contribute to driver distraction (Zahradnik, online). Therefore, young drivers who are still developing cognitive skills and perception times are particularly susceptible to this.

Vehicle Manufacturers are concurring to future trends in technology. Cars are becoming increasingly advanced from a technological standpoint. In 2011, Volkswagen introduced a car that can practically drive and steer without a driver. These cars can semi-automatically drive up to 80 km per hour. This would suggest that distraction – related incidents can be reduced, however, it is arguable that more accidents could be attributed to this type of driving. 'The driver always retains driving responsibility and is always in control.' This attention is especially crucial to ensure that the driver can intervene in critical situations at any given time.

Vehicles are becoming more fitted with extra technology, such as hands-free kits, in-built Bluetooth devices and GPS systems in order to keep pace with societal change. Therefore, legislation must reform accordingly and react to the increasing number of distractions.

Holdings believes that in order for legislation in this area to be just, it needs to be equal across all driver distractions, not just specific to technology. Young and Regan (2007) pose that a recent study revealed that eating whilst driving is more distracting than being on a hand-held telephone. Studies have also found smoking while driving increases the risk of being involved in a car accident.

#### **1.4 Reference Point C**

Reference point (C) outlines the regulatory means of enforcing harm minimisation caused by such devices. In Australia existing legislation should be reviewed in the light of new technologies related to driver distraction. We believe that existing legislation should have equilibrium in regards to distraction. Legislation should be enforced to limit drivers from engaging in activities, which have the potential to distract them.

Regarding reference point (C) there are legal issues associated with driver distraction, it is not an

offence to be 'distracted' whilst driving, however it is an offence to be found to have been driving negligently, recklessly or under the influence of prohibited alcohol or drugs.

The Crimes Act 1900 (NSW) ss52A 'Dangerous driving: substantive matters' states:

**(1) Dangerous driving occasioning death**

A person is guilty of the offence of dangerous driving occasioning death if the vehicle driven by the person is involved in an impact occasion the death of another person and driver was, at the time of the impact, driving the vehicle:

- b) At a speed dangerous to another person or persons
- c) In a manner dangerous to another person or persons

This legislative authority is interpreted as reckless driving, similarly to s53 of the Crimes Act 1900 titled 'Furious driving' "Whosoever, being at the time on horseback, or in charge of any carriage or other vehicle, by wanton or furious riding, or driving, or racing, or other misconduct, or by willful neglect, does or causes to be done to any person any bodily harm..."

In regards to passenger behaviour enforcement measures have been introduced to limit the distraction amongst Learner or Provisional drivers (P1 and P2). P1 drivers under 25 years old are not lawfully permitted to drive between the hours of 11am and 5pm this is outlined in the RMS *Road Users Handbook* under the section 'Driving Distractions and Crash Risk'.

There is research indicating that driving and using a hand held mobile phone has great potential to distract drivers, this is why the use of mobile phones in vehicles is legislated against in Australia and enforced by the Australian Police. If caught driving and using a hand held phone the penalty is a significant monetary fine and the loss of three demerit points.

The Road Rules 2008, Part 18, Division 1, Rule 300 'Use of mobile phones by drivers (except

holders of a learner or Provisional P1 licenses' states that:

“(1) The driver of a vehicle (except an emergency vehicle or police vehicle) must not use a mobile phone that the driver is holding in his or her hand while the vehicle is moving, or is stationary but not parked, unless the driver is exempt from this rule under another law of this jurisdiction.”

The scope of legislation in New South Wales permeating driver distractions could be clearer and is ambiguous in some instances. We believe that relevant statutory provisions should be reviewed in the light of recent technological advancements.

### **1.6 Conclusion**

This submission has been prepared for the Parliamentary Joint standing Committee on Driver Distraction on behalf of Holding's Driving School. We have learnt in our relevant studies on the issue and through our work alongside Holding's Driving School that our laws have a severe imbalance regarding the issue of Driver Distraction. We submit that legislative reform is urgently needed.

### **1.7 Recommendations**

Through analysis of terms of reference (a), (b) and (c) in the Driver Distraction inquiry it is clear that driver distraction is a large contributor to road fatalities on NSW roads. To counteract this, we recommend a review of relevant statutory provisions in the light of all distractions contributing to driver fatalities. We believe that equilibrium in legislation to meet all distractions would save lives, prevent injury and encourage safer driving practices. This should include, but is not limited to technological use, other objects inside the vehicle, especially including food and beverages, and passenger behaviour. All distractions need to be considered potentially fatal.

Through evidence identified we acknowledge that making our laws more stringent will not always make the roads safer. Tightening rules on hand-held telephone conversations may encourage drivers to turn to more dangerous forms of distraction to avoid harsher penalties, such as texting, which is far more dangerous as it takes the drivers eyes off of the road and the steering wheel. Therefore we recommend that the Australian Road Rules and relevant legislation in New South Wales be examined realistically and on their own merit.

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## **1.8 Appendix:**

PARLIAMENT OF NEW SOUTH WALES  
JOINT STANDING COMMITTEE ON ROAD SAFETY

### **MEDIA RELEASE INQUIRY INTO DRIVER AND ROAD USER DISTRACTION 6 March 2012**

Staysafe – the Parliamentary Joint Standing Committee on Road Safety – has launched an investigation into distractions and their impact on the safety of drivers, passengers, cyclists and pedestrians.

Staysafe will investigate possible distractions including:  
hand held electronic devices  
in-vehicle navigation and audio and video equipment  
passenger behaviour  
external visual displays and traffic signs

"While recognised as a major and potentially growing problem area, the precise safety impact of such distractions remains unclear," said Mr. Greg Aplin MP, Member for Albury and Chair of the Staysafe Committee.

"We all see drivers and pedestrians using mobile phones, music players, GPS equipment and other devices while in traffic, and we hear of deaths and injury attributed to their use. But would more laws and personal restrictions be an overreaction or sensible and necessary?"

The National Road Safety Strategy 2011-2020 cites driver distraction as a significant contributor to crash casualties. The Committee will examine the role of distraction in crash casualties as it affects all road users in NSW, with a view to identifying its impact and to propose solutions for reducing safety risks and possible casualties.

"The Committee is seeking to involve road safety experts and the community in providing advice to Government about the best way to ensure the safety of everyone travelling on NSW Roads", Mr. Aplin said.

Submissions are requested by 27 April 2012, anticipating the calling of further evidence at public hearings to be conducted shortly thereafter. Terms of reference are attached.

Written submissions should be forwarded to: The Staysafe Committee, Parliament House, Macquarie Street, SYDNEY NSW 2000, or by email to [staysafe@parliament.nsw.gov.au](mailto:staysafe@parliament.nsw.gov.au)

#### **MEDIA:**

Greg Aplin, Chairman, (02) 6021 3042  
Bjarne Nordin, Inquiry Manager, (02) 9230 2843  
<http://www.parliament.nsw.gov.au/staysafe>

## **Stay Safe – Driver and Road User Distraction (Inquiry)**

This inquiry is a current Parliamentary inquiry conducted by the Staysafe (Road Safety) Committee. This inquiry was established on 22 February to review and report on the role of distraction in crash casualties as it affects all road users in NSW, with a view to identifying its impact and to propose solutions for mitigating its negative consequences.

### **Terms of Reference:**

This inquiry was self-referred. Resolution passed 22 February 2012, Minutes No 7, Item 3

That the Committee examines the role of distraction in crash casualties as it affects all road users in NSW, with a view to identifying its impact and to propose solutions for mitigating its negative consequences, with particular reference to:

- a) The nature and extent of distraction as a contributor to crash casualties on NSW roads;
- b) Current rates and future trends in take up of electronic devices, both by road users and vehicle manufacturers;
- c) Regulatory means of enforcing harm minimisation caused by such devices;
- d) Technological solutions to managing the harmful consequences of distraction;
- e) Other solutions to reduce information overload for road users; and
- f) Any other related matters.

**Media Release:**

NSW Staysafe Committee calls for submissions on Road User Distraction

Mike Stevens March 13, 2012

<http://www.themotorreport.com.au/53736/nsw-staysafe-committee-calls-for-submissions-on-road-user-distraction>

The New South Wales Government's Staysafe committee is calling on submissions from the public in its inquiry into driver and road user distraction.

Formed in 1982, the Staysafe programme is focused on investigating and reporting on road safety issues in New South Wales, including road repair standards, speed limits and pedestrian safety.

The new Driver and Road User Distraction inquiry will report on the part that distraction plays in road incidents, with a view to identifying its impact and to propose solutions.

This latest inquiry has been welcomed by insurer AAMI, whose latest Crash Index study shows that a large number of motorists admit to falling prey to distracting gadgets and actions while driving.

According to the research, satellite navigation systems and music selection are the biggest distractions for motorists, affecting 35 percent of 3740 respondents.

Talking on mobile phones while driving remains an issue for many, with 23 percent of respondents guilty of the offence.

A further 22 percent admitted to reading or sending text messages while driving, and nine percent use their phones to browse websites while driving.

The insurer has also partnered with the University of New South Wales in a three-year study into road rage, driver distraction and driver anxiety.

Members of the public are invited to make a submission to the committee by visiting [parliament.nsw.gov.au](http://parliament.nsw.gov.au).

**Media Release:**

AAMI: Focussing on Driver Distractions  
7<sup>th</sup> March 2012

## AAMI welcomes the NSW Parliamentary Road User Distraction Inquiry

Leading national motor insurer AAMI welcomes the NSW Parliamentary inquiry into driver and road user distraction.

The Staysafe Committee yesterday called for submissions, with the inquiry set to examine the role of distraction in crash casualties.

“The most worrying trend in AAMI’s research on risky driving behaviours over recent years has been the emergence of new technologies,” said Reuben Aitchison, AAMI Corporate Affairs Manager.

AAMI’s latest Crash Index study indicated the while children (34%) and pets (17%) continue to distract drivers, the increasing number of gadgets in our vehicles are providing numerous reasons for p AAMI has also partnered with the University of New South Wales School of Psychology to conduct a three-year study into the behavioural effects of road rage, driver distraction and driving anxiety. AAMI’s co-funding of this project has allowed the research team to build a state of the art driving simulator that exposes participants to various situations and triggers and measures the participant’s physiological response.

“When the results of this research are available it will allow us to thoroughly understand how distraction affects a driver’s ability to respond to unexpected hazards on the road and take steps to manage that risk,” says Mr. Aitchison.

“AAMI is dedicated to promoting safe driving behaviours and reducing the risk of crashes for all road users and we look forward to the opportunity to assist the Staysafe Committee with Road User Distraction Inquiry.”