

REPORT OF PROCEEDINGS BEFORE

JOINT STANDING COMMITTEE ON ROAD SAFETY

INQUIRY INTO DRIVER AND ROAD USER DISTRACTION

At Sydney on 17 August 2012

The Committee met at 9.00 a.m.

PRESENT

Mr G. J. Aplin (Chair)

Legislative Council

The Hon. R. H. Colless (Deputy Chair)
The Hon. C. M. Faehrmann
The Hon. W. Secord

Legislative Assembly

Mr S. L. Ayres
Mr R. A. Furolo
Mr D. J. Webber
Mr J. D. Williams

CHAIR: Good morning and thank you for attending the public hearing of the Joint Standing Committee on Road Safety in its inquiry into driver and road user distraction. The public hearings that are being held today and next Friday are exploring a range of issues related to the way electronic devices, roadside signage and other sources of distraction contribute to safety risks for drivers and road users. The inquiry is examining the adequacy of current regulatory, legislative and other available measures to reduce the risks of injury and fatality on the road system. The Committee will also pursue more effective means of dealing with this increasingly significant safety issue.

ANDREW NICHOLLS, Acting General Manager, Motor Accidents Authority, and

CHRISTOPHER WILSON, Executive Director, Major Development Assessment, Department of Planning and Infrastructure, sworn and examined

MARGARET PRENDERGAST, Acting General Manager, Centre For Road Safety,

TIM REARDON, Deputy Director General, Transport for NSW,

CHERYL BEST, General Manager, Learning and Development, Department of Education and Communities,

PENELOPE MUSGRAVE, Director, Criminal Law Review, Department of Attorney General and Justice, and

EVAN WALKER, Acting Principal Manager, Safer People, Centre For Road Safety, affirmed and examined:

CHAIR: I welcome our witnesses from New South Wales government agencies with responsibilities in this area of road safety. Thank you for appearing before the Committee today. I draw your attention to the fact that your evidence is given under parliamentary privilege and you are protected from legal or administrative action that might otherwise result in relation to the information you provide. I also point out that any deliberate misleading of the Committee may constitute a contempt of Parliament and an offence under the Parliamentary Evidence Act 1901. Time is always limited. The Committee may wish to send you some additional questions in writing, the replies to which would form part of your evidence and be made public. Would you be happy to provide a written reply to further questions?

Mr NICHOLLS: Yes.

Mr REARDON: Yes.

CHAIR: Before we proceed with questions would you like to make a brief opening statement? I invite one member to make that brief opening statement and then we will proceed to questions.

Mr REARDON: I would be happy to make a brief opening statement. I am the Deputy Director General of Policy and Regulation for Transport for NSW. I am responsible for, amongst other things, the Centre for Road Safety's activities. Thank you for the opportunity to present to the Committee on driver distraction. There are a couple of comments we would like to make that support the submission we put in. One is that distraction is not necessarily about a driving activity. It is distraction within the car, sure, but it is not necessarily about a driving activity. That is something we would certainly like to pursue with the Committee and welcome any questions on it.

The key to this for us is about mobile phone use in the car and understanding where that stands in the next range of policy responses we need to make in terms of road safety activity, so following on from seatbelts in the 1970s, drink driving campaigns, driver fatigue and speeding more recently. Driver distraction is a key policy area that we need to tackle going forward with a balance of enforcement, engineering and education resources that we have at our disposal. Again, we welcome the opportunity to present to the Committee and see this, along with speeding, as the primary area for policy responses needed going forward in road safety.

CHAIR: For the benefit of the Committee so that we can pursue a line of questioning, the reason I asked that only one member make a statement at that point was because I would like to ask each agency representative to outline your respective roles in the formulation of policies to reduce the safety risk of distraction on New South Wales roads. I will ask each of the representatives here to indicate what contribution they had to the submission so that we can then direct questions to you.

Mr NICHOLLS: I will commence from the point of view of the Motor Accidents Authority. We manage the green slip scheme for New South Wales and we regulate the seven licensed insurance companies that pay for damages arising from road trauma. We have access to the data and information that we get from insurers about claims and we also have a legislative responsibility to make contributions to injury prevention activities. In that respect, we have a memorandum of understanding with the Centre for Road Safety in relation to collaboration on road safety activities.

Ms PRENDERGAST: I am from the Centre for Road Safety. We work in conjunction with NSW Police to address enforcement and education around distraction. We are responsible for policy and research regarding road safety issues. We are also responsible for the development of policy with regard to distraction and the regulations and legislation that support it. I cannot stress enough that that partnership with police is the key and that we work in tandem with the police to address this serious issue.

Mr REARDON: As I indicated in my opening comments, Transport for New South Wales and the Centre for Road Safety are responsible for road safety activity across engineering, enforcement and education in a range of areas. We take a safe systems approach across safer people, safer vehicles and safer roads. Most recently we have put out for public comment a draft 10-year New South Wales road safety strategy that cascades down from the national road safety strategy. We are seeking comments on it at the moment. Within that strategy is a range of areas that I have outlined around fatigue, speed and drink-driving. The key going forward is around areas such as driver distraction. We are seeking comments on that to set our policy positions over the next decade.

Mr WILSON: The Department of Planning and Infrastructure is primarily responsible for the implementation of State Environment Planning Policy 64, which relates to the control of outdoor advertising and was introduced in 2001 to provide a consistent approach to outdoor advertising. The planning policy provides performance criteria in both design and, in particular, safety. It was updated in 2007 to provide councils with more control in relation to the consideration of outdoor advertising and it is currently under review.

Ms BEST: The Department of Education and Communities recognises the role that it can play in supporting important community road safety initiatives, particularly where the safety of our young people is concerned. Opportunities for students to learn about the dangers and consequences of being distracted while driving, riding, walking or being in the road environment are provided through the New South Wales curriculum. The department's role is to implement the curriculum as presented by the Board of Studies NSW. The department also works closely with the Centre for Road Safety and Transport for NSW in providing schools with quality curriculum resources and teacher training that supports learning about safety from kindergarten to year 12.

The Personal Development Health and Physical Education K-6 and 7-10 syllabus provides the teaching and learning context in New South Wales public schools in which students develop their knowledge and understanding, skills and attitudes about road safety. The personal development, health and physical education syllabus is mandatory for all students in New South Wales from Kindergarten to Year 10 and the department has a road safety education, driver education and training policy as part of its curriculum implementation and support for schools.

Ms MUSGRAVE: The Attorney General's Department has a general role in relation to advising all government departments, and Criminal Law Review in particular has a role in relation to the offences and penalties that are levied against drivers. The Attorney General also has direct responsibility for the offences relating to more serious instances of driving offending under the Crimes Act and is responsible for the penalties under the Crimes (Sentencing Procedure) Act.

Mr WALKER: My role is to manage the safety of people area at the Centre for Road Safety. Our primary role and responsibility is to research and develop behavioural road safety policy. We have conducted research and developed communications materials and provided input into legislation around driver distraction, and particularly mobile phone use. Staff in my area also manage our role in the school road safety education program and develop the road safety curriculum resources used in that program.

CHAIR: What is the nature of coordination between the various agencies involved in the monitoring and enforcement of laws and regulations governing road user distraction? Are there examples of collaborative interagency approaches to address road user distraction that have demonstrated road safety benefits?

Ms PRENDERGAST: As I said, the primary partnership is between Transport for NSW and NSW Police. We look after policy, education and all the research and the police deliver on the ground. A recent example of our targeting distraction particularly is the advent of the motorcycle squad that has been deployed in the city involving 10 dedicated motorcyclists. We are blending responses to both congestion and safety. We know there is an issue about drivers using mobile phones as they drive through the city and with pedestrians using iPods and mobile phones and being totally distracted as they cross streets.

The police are raising awareness at the moment, on weekdays to start with, in the city. They have done significant media in trying to increase the awareness about the dangers of mobile phone use and what it can mean to pedestrian safety and, indeed, to other road users. That is a really good recent example of an operation that really is targeting distraction among other poor behaviours in the city. Of course, we are also doing a number of other integrated operations with the police on highways, Operation Free Flow around the city of a morning on the motorways, and they are very much targeting these distraction factors and other behaviours, such as speeding or not showing respect and responsibility on the roads.

CHAIR: Are there any examples of collaborative work that has been undertaken? That is a good example you have just given us.

Ms PRENDERGAST: We formed a strategic coordination group with the police. It comprises the Centre for Road Safety, NSW Police and the transport management centre. We are meeting very regularly to coordinate these operations. Other collaborations are done through the Road Safety Advisory Council, which is the peak advisory council for road safety. It has all of the key stakeholders and all of the key agencies on that committee. Through that committee, we set priorities and discuss research and response in policy terms.

Mr DARREN WEBBER: Suncorp in its submission suggested that a new distracted driver offence be introduced to cover the full range of activities that can contribute to driver distraction. What is your response to the suggestion that a new distracted driver offence be specifically legislated for?

Mr REARDON: The fines and penalties we have in place across a range of areas and the offences try to strike a balance for the offence and the fine that relates to it. As I indicated in our opening, we see driver distraction as the over-the-horizon policy issue that we will have to tackle for the next decade. The fleet of vehicles we have at the moment are where they are, and mobile prevalence and other technology prevalence within the motor vehicle will not change overnight. We will have to deal with this for some time.

We will continue to monitor our fines, penalties and offences across a range of areas, including this area, and try to strike the right balance for what we need to achieve. Sometimes when the issues of offences are raised, we end up with a response in a fine or a penalty area, and it can place us out of kilter with the rest of the fines regime. We need to be careful with that, but beyond that, in terms of taking a look at specific and more targeted offences in this area, we would be more than willing to take that on and have a look at that.

Ms PRENDERGAST: The discussion has been initiated at a national level at the Australian Road Rules Maintenance Group. They raised the need at the last meeting, which was only two months ago, for the potential for a separate offence for texting. The difficulty is the enforcement side. You will hear from John Hartley later in the day. Enforcement of distraction devices is a very difficult logistic exercise for police on the ground.

But what we know is that we need to clarify the law. We are rolling out the new national laws. We will be updating Rule 300 in the months to come, which will just clarify what you can and cannot do around the phone. From that platform, we will work nationally with other jurisdictions to look at further offences over time. Obviously what I can say is that, from a national perspective, every State is worried about the proliferation of distraction devices and how we will manage it.

The Hon. WALT SECORD: My question is to Ms Prendergast. National Road Safety Council studies say that there is very little difference between handheld and hands-free. What do you think about this research? Does the Centre for Road Safety have any research in that area? Have you guys made any recommendations, or are you planning to make recommendations, to the Minister on handheld versus hands-free?

Ms PRENDERGAST: This came up with the National Road Safety Strategy when it was released for consultation in late 2010. It advocated that hands-free mobile phones be banned. There has been some overseas work from leading companies where members' employees have been involved in crashes and where they have been looking at this. What we have done is start researching that element. What we know is that the hands-free component of it can address other issues, such as fatigue—by keeping people chatting and quite awake and up and at them as they are driving.

What we have learned through the research is that it is interacting with the telephone—pressing a button, texting and looking at the phone—that is the most dangerous behaviour. It is the interaction with the

telephone, it is the reading, the touching and becoming absorbed in that, rather than looking at the road ahead that is far more dangerous, according to the research, than is hands-free.

The Hon. WALT SECORD: Have you made any recommendations to the Minister involving that?

Ms PRENDERGAST: No, we have not.

The Hon. WALT SECORD: My question is directed to the representative from the Attorney General's Department. Do you think the existing fines and demerits for mobile phone use at \$265 and three demerit points are adequate?

Ms MUSGRAVE: The penalty needs to be looked at in the context of the available penalties across the range of laws in New South Wales because we have specific sets of penalties in the roads legislation that are complementary to more serious criminal offences in the Crimes Act. You have a very wide range of penalty levels that cover a very wide range of activities and outcomes.

You might have someone who is distracted by using a handheld device. Their behaviour may fall under a specific offence under the roads legislation, or if it has a very serious outcome, it may also fall under the more serious offences of the Crimes Act. That is not a direct answer to your question, but when we look at the penalties for this type of behaviour, it is very important to look at the range of penalties that might potentially be available.

The Hon. WALT SECORD: Would you like to see the creation of new specific offences that relate to mobile phones?

Ms MUSGRAVE: There are real complexities in introducing specific offences. That is a general principle. The comment that has been made already about the difficulties police have with enforcement is a real issue. As soon as you start putting specific elements into an offence, you have to prove that specific element. At present at the more serious spectrum of offending, we have a number of quite general offences which can accommodate those specific instances of behaviour if they result in an accident if they are driving in a manner that is dangerous or it is negligent behaviour. The broad descriptions are more accommodating for a wide range of behaviours.

The Hon. WALT SECORD: Do you think the \$265 fine is a deterrent for people using mobile phones in their cars?

Ms MUSGRAVE: I would have to look. I probably cannot comment on that. I do not have the data available. We could look at that further and get back to you. We would be looking at how it fits in across the spectrum of penalties across a range of portfolios, so I am probably not in a position to answer that today. We could take it on notice and get back to you.

CHAIR: At this point, I ask whether any members have any objections to the television media recording? I will ask them to please keep the audio off: the session is not to be recorded. But if no-one has any objection, we will allow them to take some visual.

Mr REARDON: No.

CHAIR: They can conduct interviews at a later point.

The Hon. WALT SECORD: Chairman, is that a change from previous Committee hearings? I understand that television cameras can record our proceedings and audio as well. Is that a change?

CHAIR: We have not at this point verified that the information would be broadcast or released. Normally it has to be verified and endorsed by the Committee.

The Hon. WALT SECORD: I would like to discuss this further. I have an objection to television being restricted in its coverage of our Committee.

CHAIR: Does anybody have any objections to having it recorded?

The Hon. CATE FAEHRMANN: No. It is normal.

CHAIR: We normally have to make a resolution. If no-one has an objection? It is recorded on the system.

The Hon. WALT SECORD: For the record, is it okay for television to record the proceedings?

CHAIR: Yes, if no-one has any objections; and no-one has raised any objections.

The Hon. WALT SECORD: Thank you.

The Hon. CATE FAEHRMANN: The submission from the Transport and Road Safety Research Group at the University of New South Wales discusses the scarcity of reliable studies on the impact of distraction in relation to vulnerable road user groups, pedestrians and cyclists. Are any of your departments looking at that area for future investigation?

Mr REARDON: The short answer to that is yes. We will continue to research the area. As I have indicated, as a policy area we probably know least about driver distraction, the cognitive responses from drivers both in the vehicle and for pedestrians so it is an area where we need to continue to collect information over the next short term period. As I indicated, I believe it will be one of the, if not the policy area for us to focus on for the next five to 10 years. Certainly that is what our draft road safety strategy indicates. In relation to the research we need to undertake, we would concur with the comments made by the University of New South Wales in terms of the data that is available at the moment. We internationally need to collect a lot more data in this area because technology is moving at a speed and we are bringing that technology into our vehicles where we do need to understand what it means for distraction. As I indicated, distraction is not a matter for driving distraction, it is a matter about other things we are doing whilst we are driving. We do need to go through a lot more work in terms of safer people and the specific areas we have in the Centre for Road Safety to collect research from a whole range of angles.

Ms PRENDERGAST: To date we have done a lot of research in usage. We are trying to research on the prevalence of mobile phone use, the attitudes of the community towards mobile phone use and this is work that Evan's area has undertaken because it is very important as the foundation for a communications campaign. We need to understand what people think about it and what they are actually doing, so that is the first part of research we are doing. I acknowledge that we need to do more work in terms of pedestrians and cyclists. We have been working with councils. I know, for example, the City of Sydney has been doing some observational studies to observe the number of pedestrians and cyclists using distraction devices. It is really important that we gather the evidence to know what problem we are responding to.

Last, but not least, TARS would have presented to you that we are embarking nationally on a naturalistic driving study: this is going to be the goal in terms of collecting information for us. It is where a camera is actually put in a participant's vehicle who has signed up, and it actually looks at how they interact with different distractions inside and outside the vehicle. The data that has come from Virginia Tech in the United States from its naturalistic driving study has actually proven to be very valuable in showing us what is actually happening to the driving tasks through the interaction of these devices. We really are quite excited about the naturalistic driving study, and the Centre for Road Safety is actually going to pilot the first two vehicles to test the logistics of this within the next year, hopefully.

Mr NICHOLLS: If I can just add from the point of view of the Motor Accidents Authority, vulnerable road users overwhelmingly are overrepresented in the Motor Accidents Scheme. For example, pedestrians cost approximately double what a driver does to the Motor Accidents Scheme. The average claims cost for a pedestrian is approximately \$180,000 and the average cost for a driver is approximately \$70,000 to \$80,000 to our scheme. Ten per cent of all claims in the Motor Accidents Scheme are from pedestrians and that represents about \$40 to \$50 on every green slip. From our point of view we have a particular priority around vulnerable users, and understanding better the causes of accidents involving those users because there is a direct dollar benefit to the community about improving outcomes for those people.

The Hon. CATE FAEHRMANN: What do you know about the claims from cyclists? Is the percentage of claims for pedestrians and cyclists increasing?

Mr NICHOLLS: The claims are actually vacillating each year—some years they go up, some years they go down. I have to say over the past five years they have stayed relatively static when you take a long-term view but they do change slightly each year. In relation to cyclists, cyclists are a much smaller proportion of the scheme. In total they are about three to four per cent of all claims and the percentage of cost is about in line with their proportion in the scheme, unlike pedestrians which are about double in proportion, just to give you the context.

Ms PRENDERGAST: On this year's road toll pedestrians are having a spike in 2012. As of today, we are 25 fatalities more than the same period last year, of which 22 are pedestrians. We are very focused on pedestrian safety at the moment, not only looking at physical measures but also communications around that. The interesting statistic around pedestrian deaths this year is that of those deaths over one-third were people over 70 years of age, over half were people over 50 years old and another six or seven were under 10 years old.

The Hon. RICK COLLESS: Do you suggest there is a justification for banning mobile phone usage in cars, including hands-free?

Mr REARDON: No, not banning mobile phone use in cars. We need to clarify though exactly when you can and cannot use a mobile phone. It is simply if a mobile is in a car it should not be used physically as in touched by the driver whilst it is not in a bracket. If it is in a bracket it is reasonable, in the direction of travel, that a mobile phone may be used because that is what both the device and the bracket are for. Outside of that mobile phones should not be held by the driver whilst they are driving; it is as simple as that in terms of clarity. I want to make a wider point, as I did previously, about how we are trying to tackle this for the next five to 10 years. It is about the technology that is upon us that we are bringing into vehicles now and we are responding to that with a range of enforcement and education. I would say that at the moment the technology is a little more advanced than where we are with our responses in some ways.

A question was asked about the research we are undertaking in terms of behaviours. We need to undertake a range of research to get to where we are in terms of our understanding of seat belt responses, fatigue responses and speeding responses. We are a little more behind in that area and we need to catch up. In the interim we need to get clarity on what rules are available to us on when you can and cannot use your mobile phone whilst you are driving and they need to be quite clear for both ourselves, in getting that message, and in terms of the enforcement through the police in how they actually enforce that on the street.

Ms PRENDERGAST: We are planning to clarify the rules, amend Rule 300 and make it very clear to the community what they can and cannot do with their phone. Leading from that we want to embark on a very serious educational program to highlight the dangers of mobile phone use. We do not believe the community understands yet how dangerous using your mobile and interacting manually with it can be. Then we need to actually have the very real threat of enforcement because education without the real threat of enforcement will not be as effective. Last but not least that is when you look at new policy regimes. Until we have actually set those platforms of making sure the community understands the dangers and having the real threat of enforcement out there then we can go on and look at other things. But at the moment we are not looking at banning or restricting use; we are looking at clarifying the rule. We already ban mobile phone use in any shape or form, hands free or whatever, for learners and for P1s and that is very important commensurate with their experience of the driving task.

The Hon. RICK COLLESS: Is there justification for future technology in the voice activation field which would deactivate the phone for manual use when it is in the car?

Ms PRENDERGAST: Absolutely. We believe that even though we are grappling with technology we think technology may be our saviour. There is a range of products we are starting to see from the United States. I think the one with the most promise in the immediate term is call blockers and text blockers, which are just simple apps that attach to your phone and if somebody tries to ring you or text you it sends a message back saying you are driving and you will get back to them when you are free. Other ones coming out of the United States are called drive safely, which sends all of your e-mails and texts to voice, audio. We explored this. We are doing the F3 alert with Roads and Maritime Services and they are exploring the exact same thing, ensuring they are voice alerts rather than having to interact with the phone, and even looking at cutting in on the radio. That technology will help. Last but not least there are things like 'My Key' which is very much aimed at the younger market to not allow you to use a phone in any shape or form while you are in the car. That technology is not yet available in Australia. It is illegal because it interferes with the ignition but time will bring that technology on.

Mr ROBERT FUROLO: We were talking before about the increase in fatalities of pedestrians. I have heard some people in road safety make reference to a link between the popularity of smart phones and MP3s. Is there a thought that there should be regulations for pedestrians and cyclists while on the roadway using these devices?

Mr REARDON: I reiterate the comment I made before on offences. We need to strike a balance between enforcement and education. So, the short answer to your question is no, not at this time. However, we will continue to look at offences and the fines and penalties regime to strike the right balance in what we achieve in what regulatory responses we need and what education responses we need. As I indicated, we are grappling with research to get up to speed with what the appropriate messages will be to get through in both enforcement and education spaces. Until we have a little more research behind us I do not believe it is prudent to rush through and put out another range of penalties which may make these penalties, as our colleague in Attorney General's indicated, out of kilter with other penalties we have in the road rules.

Ms PRENDERGAST: The only thing I would like to add is from a research perspective. What we know is that wearing an iPod and listening to music is not as distracting as interacting with your telephone. Walking on a crossing, texting, looking at your emails, totally absorbed in this little gadget, is far more dangerous than wearing an iPod and walking across the street.

Mr ROBERT FUROLO: Is enough being invested at the moment into the research required to inform you of what steps are required?

Mr REARDON: Yes. Enough is being invested in the efforts we can make in road safety across the research and development areas—safer people, safer roads and safer vehicles. As indicated, we have just put out a 10-year strategy and we have reflected where we believe the current views are and what our shorter term is on the attitude to speeding. A slightly longer term is now for some responses to driver instruction and we are undertaking research into both of those areas heavily—probably more so into distraction and hence we welcome the Committee's inquiry into it.

Mr ROBERT FUROLO: This process will result in recommendations from the Committee. If there was one recommendation that you felt absolutely had to be produced and implemented, what would your recommendation be? That is open for everyone.

Mr REARDON: Apologies for presuming I could respond on behalf of everyone. The desire of the Centre for Road Safety and Transport for NSW is to raise this issue of driver distraction within the community the same as we had for drink-driving, speeding and seat belts into the community's mind through the 1970s, 1980s and 1990s to ensure that driver distraction is understood and taken very seriously. I do not believe there will be one single response to this. I believe it is an attitude we need to build up over time with our responses. My desire for the Committee's responses will be to bring this to the same level of attention as other responses and interventions we have had over the past three decades.

Mr ROBERT FUROLO: The campaigns that were run about seat belts, speeding and drink driving all had a very strong enforcement element to them. I suppose that was part of their success. Given that distraction is hard to enforce, how are you going to manage that process, taking the education enforcement?

Mr REARDON: We need to continue working on both education and enforcement, and the road environment of course. They are the three things we look at. There is a little bit of catch up here. Technology is a little ahead of where we are with our responses at the moment. It is simply striking the right balance between education and enforcement as we take it forward. Our responses will emerge out of practical responses such as recommendations from committees such as this plus our own research, but we need to do a fair bit more. If it has the same settings on enforcement and education as those other areas, so be it. We are just not quite there in getting the balance right at the moment.

Ms PRENDERGAST: The next step for us is our strong partnership with the police. We are proposing to develop a sound education campaign backed up by some strengthened enforcement.

Mr STUART AYRES: I noted in your report that you look at some data out of the United States that said that buyers of new cars under the age of 30 considered the connectivity inside the car as the second-most important factor in buying a car. I wondered if you might be able to talk about some strategies that we could

consider in talking to that particular age group. Obviously it is important that those people will be connected, for want of a better term, but how do we look at advising them, taking on some of that information out of the United States?

Ms PRENDERGAST: As you can see from the surveys we included, the two pieces of research we did in 2011 that looked at usage rates, while it is across the entire population, this is very much a young person's issue. We know a lot of people use mobiles but we know that youth, 34s and under, are the ones who really use them. We know that 42 per cent of P2s say they use their mobiles while driving. It is a challenge for us. So when we are planning our communications we will be very much targeting the youth. We also will expand into social media because there are some clever ways to connect with youth. There is a classic Belgium video out on YouTube at the moment. It shows a driving instructor and he tells the kids who are coming to present for a driving test that to pass the test they have to be able to text and drive. He then reads them what they have to text and they have to go through it. This particular YouTube piece proves the danger. It proves it is impossible. Kids start going: This is dangerous, you can't do it, it is impossible, I'll kill somebody. So, a clever way of dealing with youth is showing them the dangers in a very real sense. We want to use some innovative social media things like that to communicate with the younger generation.

Mr STUART AYRES: The *Packed to the Rafters* episode 18 months or so ago probably did more to raise driver distraction than anything I have seen through the political process. Do you want to make some comments around that?

Ms PRENDERGAST: I called the producers of *Packed to the Rafters* after that episode because they did it so well. The impact was so great. They did it in a very real setting and they showed you that one moment of inattention will cost your life potentially. I thought it was very powerful. We know there is another show in the United States—I cannot think of its name, it is a New York show—that has shown one similar. The impact is very powerful. We will use that sort of stuff. We will try to promulgate into television, into other media aspects, to get that message across to youth.

Mr STUART AYRES: Just as a general comment, I think it is critical. I do not know that our under 34s, to use your age demographic, will be sitting around listening to a whole lot of old people wearing suits in a dark room when we can engage with them in a much more practical manner.

Mr JOHN WILLIAMS: This question is primarily to anyone on the panel who might want to address it. It is interesting that most of the questioning so far has been about distraction from the use of mobile phones. I am interested in the table you supplied as part of your submissions, "Investigation of Road Use and Distractions as a Contributing Factor." The table on page 10 highlights that outside distractions are probably the greatest contributors. I know we like to address the use of mobile phones but can we get a breakdown on some of those outside distractions? Is there one prime outside distraction that could contribute to accidents?

Ms PRENDERGAST: What the data is telling us is exactly that—namely, of the 4,913 controllers who were distracted in the 18 months of data presented 77 per cent were distracted by something outside the vehicle. Ascertaining in the police report exactly what that distraction was, whether it be a sign, another vehicle, a pedestrian et cetera, is harder and there is not a very strong trend or pattern emerging. But we know that external distraction is a real issue. I think it is really important to clarify what "external distraction" is. What we have is the driving task: reading a road sign, reading a variable message sign that is actually delivering a message or indeed looking at your speedometer, are core tasks of the driving task; distraction is everything beyond that. So it is flashy signs outside on the roadwork, it is another vehicle catching your attention, it is a moment of inattention of looking at something, but it is far harder to quantify. We plan to do a lot more research into this area and really use the Naturalistic Driving Study to show us what it is external to the vehicle, and indeed inside the vehicle, that is catching the driver's eye and causing them to have inattention.

CHAIR: We have been discussing and moving towards the attitudinal change mentioned by Ms Prendergast. Most submissions, including yours, claim that current databases do not provide accurate measures of road-user distraction and that it is not possible to make a reliable assessment of impact of distraction on road-related trauma. The Department of Health states in its submission that the lack of data, particularly on mobile phone use, makes it hard to identify in administrative data sets since is not really picked up in injury coding. Can you describe how distraction is recorded for the purposes of data collection on the Crashlink system? Moving from there, how injury data can be better integrated into the existing data collection system and how you think data collection and its dissemination overall can be improved? Because clearly we have to prove that there is a link in order to move to that attitudinal change.

Ms PRENDERGAST: We know that we need to enhance our data. I will step back to what we collect now. If it is an obvious factor at the crash scene it will be recorded as a factor. What we highlighted in our submission is that since mid 2010 we actually get the narrative for fatalities. So the narrative is the free-flow text that the police write at the scene. Actually obtaining that information and being able to code that information has given us a much richer database. In the 18 months of data we presented, the level of detail on distraction was far greater because we had the text the police write. So that is the first thing we have done to try to improve it. The second thing we are doing is working with police—they are doing a lot more forensics in this phase. Quite recently in the *Herald* they actually put out an article talking about some recent cases this year involving texting and also a Facebook entry. So that forensics evidence that is collected through the crash investigation, indeed through Coroners, we are now working out how to link that back into the database.

They are the two things we are doing to plug the gap right now. In a separate exercise we are looking at a major data enhancement project. We are currently rebuilding our crash database. Once that is rebuilt—we anticipate that will be next year—will then be able to look at enhanced coding so that there will be a box for coding a mobile phone or other forms of distraction with a drop-down menu of different potential items to make it easier for police at the scene. We always need to remember that there is about 16,000 police out there who can potentially collect this data. Ultimately in time we are actually hoping that police will be data entering at the crash scene or shortly after the crash directly into the Crashlink system. That will reduce the time lags and increase the richness of the data. The other way we are trying to retrofit this gap is that we are doing some in-depth crash studies at the moment where we actually follow injuries through the system through rehabilitation and we get behind what actually happened prior to the crash.

Mr DARREN WEBBER: In terms of domestic car manufacturers moving towards having in-dash blue tooth or USB control, is there any data to suggest that the fact you are not looking at a mobile phone but at the display on the dash is an improvement or is it simply a different distraction?

Ms PRENDERGAST: It could be considered a different distraction but having it as part of the dashboard actually improves readability and you are still looking ahead. The danger around the phone—I reiterate again—is that interaction manually with the telephone, but we need to be clear about what is legal and what is not. At the moment it is legal to make or receive a call and to use a driver's aid, such as a GPS device. It is not legal—and it will not be—to use any other functionality. Because what scares us is that these new smart phones are not just a phone on which to make and receive calls; you can do Facebook, you can do Twitter, you can watch a DVD. The interaction and that range of stuff, those functions are not legal whilst driving.

Mr REARDON: Can I just add to that? I go back to the comments about where we are with the drivers with the vehicle fleet right at the moment. We will always continue to see new innovations within the vehicle fleet; that is one of them. They are improvements in technology and they are aligned with what we need for hands-free at least in the car. In terms of the actual research about how they communicate with us as a phone vis-à-vis when an actual mobile phone is in a bracket, we will continue to look at that. Those movements forward are positive because at least it means it is hands-free within the vehicle, but the fleet itself, in terms of a refresh of the fleet and the average age of the fleet we have at the moment—it is the same as when retractable seatbelts came in—it takes a long while for those innovations to make it through. Hence I make a comment again that this issue will be for the next 5 to 10 years; it will not be a short-term fix.

The Hon. WALT SECORD: The State Government submission shows that 62 people were fined between July 2010 and June 2011 for watching TV monitors. Is that number increasing or decreasing and what is the Government doing about it?

Ms PRENDERGAST: We think there has been an increase in the watching of visual display units. What we are doing again is clarifying the rules. When we amend the rules and clarify what you can and cannot be watching and what is visible to other drivers, we will be doing a communications campaign to highlight the issues with the community.

The Hon. WALT SECORD: Earlier you mentioned that the Centre for Road Safety is reviewing Rule 300, which affects mobile phones. Can you give us the timetable of that review?

Ms PRENDERGAST: We are envisaging that we will be passing an amendment which will clarify the rule and we are hoping to be doing that before the end of 2012.

The Hon. WALT SECORD: Earlier you mentioned that the new motorcycle squad in the city is targeting pedestrians with iPads and mobile phones. What do you think about the New Jersey law of dangerous walking, which I do not support?

Ms PRENDERGAST: We might take that question on notice. But we go back to what is the real danger that we are trying to deal with. We need to raise with the community that when crossing the road or in a live traffic environment they really need to separate from their phone and focus on the task at hand. It is a communication exercise in our eyes rather than one that incurs penalties.

The Hon. WALT SECORD: Ms Musgrave, what do you think of the New Jersey offence of dangerous walking?

Ms MUSGRAVE: I would have to similarly take it on notice and get back to the Committee.

The Hon. CATE FAEHRMANN: At the scene of accidents can the police request to see people's electronic devices that are in cars to check their last activity on those devices?

Ms PRENDERGAST: That is a question that would be better directed to John Hartley who will be on next but what I can tell you is, yes, they have started a series of forensic investigations: looking at call logs, looking at social networking entries et cetera surrounding that crash to get a better idea of exactly what was at play. We know from the Oprah Winfrey's campaign, which really raised awareness of this issue in the States, and the cases that came out subsequently that they very much used forensics to show that people had launched a Facebook entry one second prior to a crash that killed someone. So using those real examples will actually be very important in future to highlight the real dangers to the community.

The Hon. CATE FAEHRMANN: In terms of education around that, do you know whether people generally are aware of that? I think we are hearing that there is not enough education and there is a lot of research to be done, but clearly people are using mobile phones and they are distracting and they are causing accidents, as well as other things. Would it not be a good thing to educate people that there is the real potential for the police to be able to check what they were last doing?

Ms PRENDERGAST: That will be part of our ongoing communications campaign. It almost got subtly seeded a couple of weeks ago in the *Sydney Morning Herald* where the police came out and explained. There has been two cases in New South Wales, one we know they were texting, one we know they were on Facebook. Actually explaining these cases will go so far in raising that danger with the public and showing the police can do these forensics and will be following up. So it will be part of our communications campaign, highlighting the dangers, highlighting the enforcement and strengthening it and also highlighting that there is a forensic case that will be made for each and every serious injury or fatality.

The Hon. RICK COLLESS: Let us go back to the issue of in-car satellite navigation systems. All the submissions refer to figures indicating that the use of those systems is in fact increasing. What is your view about the reliance on those in-vehicle electronic devices?

Ms PRENDERGAST: GPS as a driver's aid is a useful tool. It actually helps people orient themselves away. It is all audio so it is giving you audio instructions. So long as you are not focussed on trying to follow the map and just taking the audio instructions, you should not increase the distraction per se.

The Hon. RICK COLLESS: I guess it would be fair to say—I grew up long before these devices were available. As a kid from the country, the first time I came to the city I did so with a *Gregory's* sitting on my lap, trying to follow where I was going. So I guess they are a lot safer than what we had in the past in that respect.

Ms PRENDERGAST: Yes. We believe they are safer.

Mr ROBERT FUROLO: You indicated earlier that education campaigns and attitude adjustment are the critical role here in trying to reduce the impact of driver distraction. You mentioned before other campaigns that had been undertaken and currently speed is one of the primary focuses for Government in road safety. Can you share with us the relative investment being made in driver distraction attitude education vis-à-vis speeding?

Mr REARDON: In terms of our general funding towards areas such as marketing and advertising, we continue to place that across a range of areas. In terms of the actual specifics around this area, we place various

components towards some driver distraction, for example, even down to trial by safety education campaigns. I will ask Ms Prendergast if she wants to make any more specific comments on it.

Ms PRENDERGAST: I do not have the budgetary answer but what I can say is that Mr Walker's group has done this survey that appears in the submissions so that is the background research. We followed up with some more attitudinal research about what people think about mobiles. We have now turned that into a problem definition and passed it to our communications area and we are envisaging a major campaign this year to coincide or to commence with the clarification of the rule and then promulgate into a social media and a large media campaign. So we are envisaging that we would be spending a large proportion this year.

Mr ROBERT FUROLO: Can we have on notice what was spent on speeding campaigns in the last year, what is proposed to be spent this year and what is proposed to be spent on the distraction funding?

Mr REARDON: Take it on notice.

Ms PRENDERGAST: Absolutely.

Mr ROBERT FUROLO: I wonder whether Ms Best could give us a little bit of information about the current programs in school for driver distraction and other driving-related areas?

Ms BEST: Yes, certainly. How the PDHPE syllabus looks at harm minimisation and safety to students. We have a number of resources and outcomes we expect teachers to achieve, depending on the stage of development of the students themselves. Obviously for kindergarten and young people there is information about pedestrian safety, holding an adult's hand, not being distracted, how to cross roads safely using traffic facilities and so on. As students get older of course then there is more emphasis on decision making, what happens about attitudinal issues in risk environments, how people respond, peer and other pressure. All of the major campaigns I think that we have been talking about previously have been reinforced by us working very closely with the Centre for Road Safety to ensure that our resources are up-to-date and keep pace with what the emerging issues are so that we are providing teachers with support to tackle and address the things as they emerge.

We have a very strong focus also on schools, looking at their local context and developing specific resources and activities for students that are relevant to them in their local area. That would form part of the PDHPE syllabus in how we support and address the particular issues that may in fact lead to risk of injury and harm for our young people but also as, for example, passengers in cars, and as they are getting older and they are moving into a phase of their lives where they will be becoming learner drivers and becoming road users beyond cyclists, scooter riders and pedestrians and other aspects of wheeled road users.

Mr ROBERT FUROLO: Given the evidence we have heard about the importance of attitude in the driver area, has the department considered increasing its resources for students in teaching them about the importance of driver safety?

Ms BEST: Currently teachers have a range of resources. The schools road safety education program is funded by the Centre for Road Safety, Transport for NSW, and there are specific resources in each stage of development to support the learnings around good attitudes in relation to risk and harm minimisation. Those resources are continually reviewed and updated. I think currently, and there would be an opportunity for us to look at this again to make sure that we are including the most contemporary and the most effective processes, learning materials and teaching resources to get the outcome in terms of attitudes, but there is quite a significant range of resources available to teachers to support them teaching PDHPE in relation to road safety issues across the K-10 learning stages.

Mr ROBERT FUROLO: You do not need to provide it now but would we be able to have the figures that have been allocated to these areas over the last, say, three years?

Ms BEST: Figures?

Mr ROBERT FUROLO: You said that the Centre for Road Safety funds the programs within schools.

Ms BEST: Yes.

Mr ROBERT FUROLO: Could we have those figures that have been spent on those programs?

Ms BEST: Absolutely.

Mr WALKER: I might take that. We spend in total close to \$4 million a year on the school road safety education programs and develop a number of resources that support those. The resources Ms Best was talking about are updated over time and we feed in new issues as they come up. Driver distraction is new, it is emerging but it is certainly in its early days in a number of the resources that we have. I imagine we look forward, as new resources are developed, bringing it more into focus as an issue for young people, both as pedestrians in the younger age groups but certainly people learning to drive as an important thing they need to focus on.

Ms BEST: One of the important areas that has not been mentioned is not just the resources but the funding that supports teacher professional development and that is a significant aspect of our work in the school curriculum area and that is certainly something that we work closely with the Centre for Road Safety.

Mr ROBERT FUROLO: Ms Prendergast was talking about the relative impact of the act of texting in distraction, and I noticed in the submission from the Government there was talk about the taxi drivers' system of booking and receiving dispatches, I think they are. Given that that requires the driver to engage with the system in pressing buttons and looking at the screen, is there any thought about whether that system should be permitted to continue?

Ms PRENDERGAST: The dispatch devices that are in buses, taxis and other public transport are core to the task the drivers are performing. They are also professional drivers. You could look at a heavy vehicle cab and know there are a lot of devices in there. They are professional drivers and they are used to interacting with those devices. We do monitor it closely and we are looking, from a workplace safety and a public safety perspective, to address any issues that are raised in respect of potential danger in relation to that use. The fact that they are professional drivers gives us some comfort in relation to safety.

Mr STUART AYRES: Has there been any research that benchmarks driver distraction against more commonly known figures like blood alcohol levels?

Ms PRENDERGAST: I often quote what the behavioural factors are. We know that last year 40 per cent of fatal crashes related to speeding, 19 per cent related to alcohol, 20 per cent related to fatigue and 11 per cent related to non-seatbelt wearing. We have been really open today; the data for distraction is not as accurate as those other four areas. It is our holy grail. We need to start chipping away and getting better data in that space so we can stand here in a couple of years and say, "And X per cent was distraction." We cannot put our hand on our heart at the moment and give that figure. The work that we are doing with forensics, on-site collection, our in-depth studies and the new data enhancement project that will have better coding around mobile phones will inform us. At the moment it is the hardest data to collect. John Hartley will explore that with you.

Mr STUART AYRES: I will rephrase the question. Is there any data that you have seen or research that has been conducted that shows that looking down at your mobile phone is equivalent to driving with a blood alcohol limit of X, Y or Z?

Mr WALKER: There has been some research in the past that suggested mobile phone use was similar to blood alcohol content [BAC] of 0.05 to 0.08, but it was a small-scale study. The more recent naturalistic driving studies out of the United States are probably the best benchmark in understanding driver distraction. The clear issue they have found is the manual operation of a hand-held phone is a significant issue. There is 23 times the risk if you are texting while driving as compared to normal driving. It is hard to then put that on the scale of drink driving but it shows that it is probably the most significant end of the scale.

Mr STUART AYRES: The figure of 23 times the risk is what we are looking for.

Mr JOHN WILLIAMS: Reference has been made in a number of submissions, including one from the Transport Workers Union, about the number of roads with variable speed limits and the distraction impact on drivers. The Committee is aware of the recently conducted review of speed limits to provide greater consistency for drivers. Can you update the Committee on the progress since the review and its likely impact on reducing potential sources of distraction for drivers?

Mr REARDON: I will commence the response to that and then hand over to Ms Prendergast. We undertook a review of the top 100 speed zones across New South Wales and within that review we allowed the community to have input into that process and received a significant number of responses. We then took that information, coupled with individual site investigations, and came up with a range of recommendations to lower certain speed limits and increase certain speed limits with the aim of providing greater consistency across the roads nominated by the community. We announced that in the first quarter of 2012. I will hand over to Ms Prendergast and she will update you as to where Roads and Maritime Services are up to in the implementation of speed zone changes.

Ms PRENDERGAST: Roads and Maritime Services is implementing the changes to the top 100 speed zones across New South Wales. More importantly, the Safer Roads NSW website is ongoing. We are still collecting submissions and receiving advice from the community about issues of concern. Since the top 100 speed zone changes were completed we have received a few hundred submissions. We sent those to Roads and Maritime Services for it to look at. The whole speed zone review is ongoing. The premise of that project was to improve consistency and reduce the number of speed zone changes. It is a technical application as the risk is not always discernible to the average driver's eye. Let me reiterate very strongly: reading your speedometer is part of the driving task; it is not a distraction. Reading a road sign, reading a variable message sign, reading the speedometer or looking at how much petrol you have left are core tasks of driving. They are not distraction factors.

Mr JOHN WILLIAMS: The City of Sydney supports the general reduction of signage on roads as a means to reduce cognitive load on drivers and promotes the notion of shared spaces where all road users utilise the roads cooperatively. What is your response to this suggestion?

Mr REARDON: In terms of the clutter of street signage, for a range of reasons we would respond positively to trying to ensure that we have simple and effective signage for what we are trying to get across. As Ms Prendergast said, simplifying signage for core driving tasks. A key example of that from the recent past is that on 1 June the Government announced its response to the Auditor-General's review of speed cameras. Our speed camera strategy responded along the lines of having much larger and more simplified signage around red light speed cameras. They are twice as large as previous signage that is available in order to make clear the purpose of the cameras and the signage that relates to them. It is an example of how we are trying to simplify our signage and we would support any other submissions put in about a de-cluttering of signage on the roadside.

CHAIR: Following on from the theme of signage, I will talk about advertising. I hear what you are saying Ms Prendergast but the submission does state that the placement and usage of roadside advertising "could be a potential emerging issue." It makes reference to possible use of electronic roadside advertising and other submissions mention the differences in dwell times for the roadside messages. Can you provide more information on work being undertaken to investigate the impact of roadside advertising on road safety.

Mr REARDON: I will respond to that initially. Within the corridor or adjacent to the corridor a range of work is being undertaken. Firstly, we get asked what is core to the driver task. Ms Prendergast has outlined that fulsomely. Included in that she indicated that variable message signage is core to the driver task. When there is a variable message sign within the corridor that flashes for a number of seconds to tell you that there is an event or an incident on the road network ahead. That is its specific purpose. The amount of seconds it is available is specific to the core driving tasks you are there for in that road corridor.

Adjacent to the corridor there are going to be discussions about outdoor advertising. Our view is that it is about striking the right balance. Driver distraction and being within your core role of driving a vehicle safely on the road network needs to be balanced against outdoor advertising which seeks to have drivers passing by look at as much advertising as is achievable. That is a balance we are trying to strike. With reference to your question about work, we are working with Transport for NSW and Roads and Maritime Services at the moment to achieve the right balance specifically in the amount of time that signage may be able to flash up. I would add that we are keen to ensure that the colours that are used in those signs are appropriate. Red and green colours are not appropriate right next to a road corridor for obvious reasons—they look like traffic signals. It needs to be clear what the controls are for that.

My colleague from the Department of Planning and Infrastructure may want to make some comment about SEPP 64 and I would encourage that. From our perspective, variable message signage within the road corridor that may flash up for a shorter period than something adjacent to the corridor is a core driving task. It is our responsibility to let drivers know what is ahead as part of the driving task. Outdoor advertising that may be

adjacent to the corridor we see as a specific and separate issue that certainly we need to respond to, and we take on that responsibility and we are working through it at the moment, but we see those as two separate matters that need to be dealt with.

CHAIR: Thank you. I would like to bring planning into it, but could I lead into that by stating that the Outdoor Media Association, in its submission to the inquiry, states that no crash across Australia has been attributed to third party advertising. What is your response to that claim that advertising has not contributed to a single crash, given there has been publicity about some very controversial signage, particularly in the Sydney region?

Ms PRENDERGAST: All I can say is, going back to the question we answered before, we know that a lot of the distraction is outside of the vehicle, but it is very hard to ascertain what it is that is distracting us. If we go to the Outdoor Media Association's submission, they talked about the variable message signs that we use to portray key road safety and key driving messages. They have to be fast dwell time to get the message off in a screen shot so that the driver knows what is up ahead. The debate to date has been around the new digital signs. I think Times Square—it could be a lower level, but what we see is that it is the dwell times and the act of changing between one advertising message and another that can distract drivers. We are worried about that on high-speed roads. However, in saying that, there is very little evidence as we speak anywhere around the world about the dangers of outdoor advertising. The evidence is somewhat inconclusive and there is a range of confounding factors. You can never attribute it to just one element, which makes it more difficult. However, road safety authorities nationally are concerned about potential proliferation and to that effect we have Austroads doing a major study now looking at the potential distraction factors of electronic outdoor advertising.

CHAIR: Could we bring planning into it, because we would like to hear about its role in consent and how it managed to achieve this lack of crash statistic?

Mr WILSON: The State Environmental Planning Policy [SEPP] has specific criteria to be considered by the relevant consent authority, including the Minister if he is the consent authority, which include a range of different issues which are all aimed at the appropriate design of those signs, which lie in corridors, and also the performance criteria to ensure that they do not affect or compromise the driver's ability in the areas of distraction and performance; in other words, blocking other road safety signs and distraction. As I said previously, we are undertaking a review of SEPP 64. It started some time ago and we have consulted with relevant agencies—LGSA [Local Government and Shires Association] and councils. It has slowed in recent times because of the debate over electronic static displays [ESDs] and, in particular, dwell times and we have not come to a landing on that in relation to the SEPP.

The Hon. WALT SECORD: Mr Reardon, on page 9 of the State Government's own submission, data shows that 1 per cent of crashes involve mobile phones. If mobile phones are involved in just 1 per cent of crashes, is this not really about revenue raising, like speed cameras?

Mr REARDON: No, this is not about revenue raising. Referring to your comment about 1 per cent relating to mobile phones, I think we referred to that previously. Seventy-odd per cent are from factors outside the vehicle. Driver distraction is across a range of areas. We all know—including, I suggest, this Committee in bringing it together—that mobile phones, iPads, laptops or any other technology within the vehicle causes distraction. We do not have the evidence base or enough research on that, I would say not just nationally but internationally, and we need to bring that to bear so that we can move out of anecdotal evidence, which we probably all have at the moment, into some hard facts. The fact that that says 1 per cent I think is symptomatic of the fact that we are not collecting information accurately to establish what is causing both fatal and serious injury accidents within vehicles at the moment. Following on from Marg Prendergast's comment, we can definitively indicate that 40 per cent relate to speed, et cetera. We do not have that data for this area, but we all understand anecdotally, and we want to respond on this over the next five to 10 years. This is a major concern. We need to collect hard evidence so that 1 per cent can be much better verified.

The Hon. WALT SECORD: So you do not believe your own data?

Mr REARDON: I believe that it is probably correctly recording that which has been collected at the moment on questions that get asked at accident locations. We can refer to the police and John Hartley who will respond next, but at this point in time we need to improve how we collect that evidence to ensure that we more accurately reflect when mobile phones or other devices are being used in the car.

Ms PRENDERGAST: The only bit I would add is that we know there is underreporting. We know that, unless there is a witness, people are unlikely to say, "I was on my phone when this happened, officer." It just does not happen. Or indeed you arrive at the scene and the phone is smashed on the ground. It is the collection of that evidence and it is that testimony that is really lacking in this space, but we know we have to work harder and try to make our data more accurate.

The Hon. WALT SECORD: Lastly, can you give us the information on how many people were booked with mobile phones last year and how much revenue that generated?

Mr REARDON: We will definitely take it on notice.

Mr STUART AYRES: Your submission also talks about the fact that the data collected requires drivers to self-report. Surely, that is going to impact on the amount of information that is able to be gathered. I think you have given evidence today that police have started looking at things like call logs and social networking. So there is some evidence in your report and obviously further evidence to come on relating to how we measure the impact of driver distraction and accidents.

Mr REARDON: Yes, we totally concur. That is our issue for the datasets that we need going forward. As indicated, we have anecdotes and other pieces of information at the moment. We need a far greater level of sophistication about how we capture this. I take your previous question regarding drink-driving, vis-a-vis driver distraction. There is some hard evidence on drink-driving and how we capture that information. It is not the same in this driver distraction area. There are too many degrees of freedom in how we can capture data and it will take a range of responses to collect that information.

The Hon. CATE FAEHRMANN: The Transport and Road Safety Research submission gave examples that in a naturalistic driving study in the United States the driver's odds of having a crash or near crash increased by 370 per cent when looking at an external object rather than the forward roadway. We are looking at a question about outdoor advertising and dwell times. They said that if their eyes were off the forward roadway for a total of two or more seconds in a six-second period then their crash risk doubled. Given the whole purpose of outdoor advertising is to attract the driver's attention while driving and hold it for a time and the Government has a review of SEPP 64 now, does the panel suggest that that review should recommend a tighter control on outdoor advertising rather than weakening, perhaps have less outdoor advertising and less distraction for drivers? I am interested in the range of views on the panel.

Mr REARDON: I think I indicated that the variable message signage that we use within the corridor to undertake the driving task is something that is there. The number of seconds that it actually flashes in front of us is reasoned against the driving task—

The Hon. CATE FAEHRMANN: I do not mean the flashing.

Mr REARDON: I understand. Adjacent to the corridor for outdoor advertising itself, we were asked a question about work being undertaken. We are working with outdoor advertising and Roads and Maritime Services [RMS] on that right at the moment. In terms of the actual information and how frequently something may flash in front of us for the purpose of advertising, to me, as Ms Prendergast indicated, there is not enough hard evidence on that either. I believe there was reference to the outdoor advertising response to this Committee in terms of how many crashes may have been attributed to it. Our view would be that that may be a little too simplistic at the moment. There needs to be a lot more information before we can make definitive calls about how many seconds may be appropriate for outdoor advertising based on 60, 80 or 100 kilometres per hour past that location, before we set in stone what we want to do in terms of that space. There is just not enough information, I would suggest. I would add that we are working with those groups. We understand that there is a commercial imperative from their perspective; there is a road safety imperative from our perspective, but we are looking to strike that balance.

Ms PRENDERGAST: We need to be conscious that often there is more than one person in a vehicle, so advertising can be pitching to the passengers equally as to the driver. From a road safety perspective, taking your eyes off the forward view of the roadway and peripheral vision of pedestrians and other road users for one second is dangerous. Last, but not least, I would say that we need also to be practical; there are different applications in metropolitan and rural New South Wales. In a high-speed rural environment the outcomes could be far more severe for someone taking their eyes off the road than they are for a vehicle sitting at a set of traffic lights in a congested space with a driver looking at a sign on the roadside. But, then again, in a congested area

you have issues about obstructions for pedestrians, et cetera. There are a whole range of road environment factors that need to come into play when considering this matter. It really is not straightforward.

Mr JOHN WILLIAMS: You would think that if looking at some particular external signage was a major distraction there would be evidence of a lot of accidents occurring at that particular site. Are we seeing some areas of high traffic where typically accidents occur at any one spot?

Ms PRENDERGAST: It is hard to say. In a congested pedestrian environment there are so many factors at play that it is hard to say that a particular billboard intervened, or that it was a particular driver issue. There are so many factors that it is very difficult to attribute an incident to a particular sign, et cetera. Even on a rural road with signs, et cetera, unless there is a strong pattern of crashes occurring at a particular location—which we would address through the black spot process and by looking at all the environmental factors—there really is very little evidence at the moment.

CHAIR: We thank you very much for your submission and for appearing before the Committee.

(The witnesses withdrew.)

(Short adjournment)

CHAIR: I welcome Assistant Commissioner Mr John Hartley for attending this public hearing of the Joint Standing Committee on Road Safety, on its inquiry into driver and road user distraction.

JOHN DOUGLAS HARTLEY, Assistant Commissioner and Commander, Traffic and Highway Patrol, NSW Police Force, sworn and examined:

CHAIR: I draw your attention to the fact that your evidence is given under parliamentary privilege, and that you are protected from legal or administrative action that might otherwise result in relation to the information you provide. I should also point out that any deliberate misleading of the Committee may constitute a contempt of the Parliament and be an offence under the Parliamentary Evidence Act 1901. Time is of course limited, and the Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Mr HARTLEY: Yes, I would.

CHAIR: Before we proceed to ask any questions, would you like to make a brief opening statement?

Mr HARTLEY: Yes, thank you, Chair. Firstly, thank you for the opportunity to appear today before the Committee. Certainly, the history of Staysafe has been one which has made huge gains in road safety in New South Wales. Driver distraction is an increasing problem on New South Wales roads, as it is across Australia and internationally. The fact is that mobile devices are one of the main contributors, we believe, to inattention in motor vehicles; and that is one area that the New South Wales Police Force is targeting in a strategy to reduce death and injury on our roads.

CHAIR: We know that the NSW Police Force did not make a separate submission; its views were incorporated within the general submission for the New South Wales Government. Could you outline for the Committee the contribution of NSW Police to the Government submission to the inquiry? I will then follow up with questions about data collection.

Mr HARTLEY: NSW Police provided a six-page document outlining where we believe the current offences or current crashes occur involving mobile phone usage, and provided some data to the Centre for Road Safety through the Premier's Department, and also provided data regarding police action to date.

CHAIR: I would like your views on the adequacy of current data collection to determine the involvement of electronic devices in road user distraction crash figures and how you would propose that the data system be improved to better capture that distraction as a crash determinant?

Mr HARTLEY: Certainly the data are only as good as the information provided to police at the scene so, in the main, the data are the result of motor vehicles crashes that occur on our roads and are investigated by police. There are some 40,000 or 50,000 crashes that occur that New South Wales Police investigate. Where there is a fatality police will look at the issue of mobile phone usage where possible to see if that is a contributing factor. In fact, since 2005, nine cases have been identified where we can definitely say that mobile phone usage was involved in that fatality. Quite simply, no-one admits to using their mobile phone whilst they are driving if they are involved in a crash and I would say that every day we all see many, many drivers using mobile phones while driving. Many more get away from police than are caught.

CHAIR: Data collection then becomes central. How would you enhance it? What are your officers requesting?

Mr HARTLEY: It is difficult to be able to easily determine mobile phone usage by a motorist. Obviously we have to apply to a mobile phone carrier to provide information, which is time consuming and sometimes can be expensive if you are calling for call records. We need some sort of information system from the mobile phone carrier that would give us the time, date and place that the phone was being used when a crash occurred. I do not believe that technology is available at this stage for any other agency within Australia and certainly I have seen no overseas research that shows they can get it quite easily.

The Hon. WALT SECORD: The University of New South Wales transport road safety research group makes reference in a submission to police officers in New Jersey enforcing an American thing called "dangerous

walking". One hundred and seventeen people were charged in New Jersey for dangerous walking and texting at the same time. What do you think of that proposal?

Mr HARTLEY: I think it is probably a very large resource drain to have police officers targeting people who are walking and texting. I do not have the evidence before me to say that injury crashes or fatal crashes are a major problem involving texting. In fact, I would prefer to put the resources into targeting other poor driver behaviour by drivers who are speeding and drink-driving. It is give and take. It is a great idea in theory but the fact is it would be very hard to—you would have to juggle your resources to cover that.

The Hon. WALT SECORD: Earlier I made reference to the New South Wales Government's submission in which data showed that 1 per cent of crashes involved mobile phone usage and that mobile phone fines were the third largest revenue collection for the State Government. Do you think there is over-policing of mobile phone usage?

Mr HARTLEY: No there is not. In 2003 around 13,000 drivers were caught using their mobile phone. For the last three years on average it was 50,000. It was 51,000 in 2010 and 47,000 last year. I do not have the data for this year but on Wednesday this week we conducted what is called Operation Compliance. One day every month we have a major operation where police target a behaviour that we want to modify. It is either seatbelts or mobile phones or school zones and those sorts of offences. On Wednesday this week in a 24-hour period more than 900 drivers were caught using a handheld mobile phone whilst driving in New South Wales. To extrapolate that, 330,000 drivers per year would be caught if we could concentrate on mobile phones every day of the week for the whole year, which we cannot do. We are not catching anywhere near the number of people who are using a mobile phone whilst driving. We are getting a very small number and we need to make sure we educate people not to use their mobile phone.

The Hon. WALT SECORD: That is a lot of potential revenue.

Mr HARTLEY: It is not an issue to me, sir.

CHAIR: Clearly we are here to reduce injuries and fatalities.

The Hon. CATE FAEHRMANN: You mentioned before having to request from telecommunication companies the record of phone calls and phone activity, in the case of an accident I assume. Does that mean that at the scene of any accident, even if it is a minor one with a couple of cars bumping into each other at an intersection—not a serious accident—police do not have the power at the moment to request to look at a driver's personal communication, telephone, iPad, whatever it is, to see what they were doing at that time?

Mr HARTLEY: Currently police will investigate a crash and determine what the cause may be. The cause may be that you have run up the back of somebody. That is straightforward negligent driving whether you need to prove mobile phone use or not. The areas where we look at mobile phones are where very serious charges are to be laid, criminal charges for a court, so you need the evidence to support in court that that person was negligent or culpable in their driving behaviour. In the main, the crash investigation unit is the only unit that looks at communication carrier records of mobile phone usage to then attribute that to the motor vehicle crash.

The Hon. CATE FAEHRMANN: We have heard from the Government this morning that this is an area that increasingly needs more attention, particularly research and data capture. Do the police have the power at the scene of an accident to request from the driver their mobile phone to have a look at whether the driver was calling or texting at the time?

Mr HARTLEY: I do not believe we do. I would have to take that question on notice. It would depend on the offence. I would like to clarify that in a written submission if I may.

The Hon. CATE FAEHRMANN: If the police did have that capacity, do you think it would assist the Government and the police to get a better understanding of how much drivers are texting and phoning and how much it is contributing to even minor accidents if there were some guidelines or policy that requested the police to find out at the scene of accidents whether handheld devices were to blame and whether the driver was making a call or texting at the time?

Mr HARTLEY: That is certainly possible and it would have a great deterrent effect too, I imagine.

The Hon. RICK COLLESS: Getting back to the issue of pedestrians texting, I am sure we have all seen as we drive around the city young people walking across pedestrian crossings and sometimes walking across the road away from pedestrian crossings with their head down, working on their phone and not paying any attention to the road conditions. In that case, if a driver was to hit one of those people who was not paying attention to the road, what charges would potentially be laid against the driver and/or the person texting?

Mr HARTLEY: It depends on the circumstances of course. There are many circumstances, but certainly if the pedestrian walked out in front of the car from the side and the driver could not see that person before that, no offence is committed by the driver. The pedestrian may commit an offence of not crossing at a marked pedestrian crossing or a similar offence.

The Hon. RICK COLLESS: Do you think there should be an offence? I am not sure how it would be worded or constructed. That person is putting himself and others at grave risk by doing that, is he not? Is it fair to say that we should be looking at recommending some sort of offence for people who are deliberately not paying attention as they walk onto the carriageway of a road?

Mr HARTLEY: We certainly need to deter that sort of behaviour because it is dangerous for the person involved. Whether that is by legislation or by education, I am not an expert on that but I think people need to be certainly deterred from doing it.

The Hon. RICK COLLESS: There are other sources of distraction too such as eating and smoking and changing a CD or a radio station in the car and so on. Would you support the introduction of penalties for activities such as those other distractive activities that may occur in vehicles from time to time?

Mr HARTLEY: I think the law is very grey on the area of vehicle distraction and what may be a negligent driver compared to some other offence. If the offence is pretty simple—not having two hands on the steering wheel or drinking while driving—that may be one simple way of saying it is an offence and police can then take that before a court; it is straightforward, black and white then. It is probably mostly supported by video cameras. That is quite a simple way of deterring that behaviour. But proving negligent driving in court, a whole lot of other issues can be involved.

Mr ROBERT FUROLO: In the New South Wales Government's submission—I am not sure if you have had a chance to look at it—it makes the point that distraction is a function or a property of inappropriate distributions of attention, not individual events. I take that to mean that you can be distracted at a certain circumstance but not as distracted doing the same thing at another point in time or under different circumstances. Is it your view that texting while a car is stationary should be an offence that is punishable by infringement or only if the vehicle is moving?

Mr HARTLEY: I believe whilst the vehicle is stationary—as the law currently is—because I think how many people would sit there and text and not move along with the traffic causing frustration? I think that touching a phone whilst in a vehicle is not on, full stop. I think if you can cut that behaviour out we will see a reduction in probably minor crashes. We will see a reduction in crashes.

Mr ROBERT FUROLO: I asked a question of the other representatives of the New South Wales Government before, indicating that this process will hopefully result in some terrific recommendations. If you could just pick a recommendation that you thought was the most important arising from this process and implemented by the Government, what would your recommendation be?

Mr HARTLEY: That is a hard question. I probably do not have one thing. What I would recommend is legislation change and it has to be enforced, and enforcement means resources, and what we need to target now I often have to balance what resources are out there, whether we do school zone speed enforcement, whether it is speed checks, whether it is clearway safety, pedestrian safety. More legislation makes their job more difficult so I would like the education part, the deterrence effect of anything we do, to make sure that drivers do not do what they are not supposed to do. If we could look at, from my point of view, a second mobile phone use offence there would be a much higher penalty. If you are caught twice you may even lose your licence for a period of time. That would be for everybody.

Mr ROBERT FUROLO: Just to follow up from that, would your job and the job of police be easier if you had more resources to focus on driver distraction issues?

Mr HARTLEY: Of course it would.

The Hon. RICK COLLESS: Is there any other answer to that question?

Mr STUART AYRES: Noting the press release issued by the Government that there are currently 400 more police in the force, the previous evidence given by the panel before you noted that there was some research out of the States that indicated that drivers who were distracted by an electronic device that required them to take their eyes off the road increased the likelihood of an accident by 23 times. You have just given evidence that your team has issued 900 fines in a single 24-hour period around the use of mobile phones. Could you relay to the committee some of the stories or incidents that you or your team have attended where driver distraction has played a critical role in an accident?

Mr HARTLEY: On a personal note, in 2004 I was following a vehicle at Frenchs Forest in an 80 zone driven by a young lady. The vehicle had slowed to a 60 zone, taken a bend and collided head-on with a truck. She was deceased straightaway. I was the first vehicle there and her boyfriend turned up five minutes later saying, "She was just on the phone to me saying she's coming home". So I have seen it first hand: one second of distraction, a car on the wrong side of the road, into a small truck and the lady died there and then.

Mr STUART AYRES: I think the views of the committee are that driver distraction is something that is extremely serious and has absolutely nothing to do with revenue raising.

Mr HARTLEY: Certainly.

Mr JOHN WILLIAMS: In regard to getting the information that police would need in the use of mobile phones or other electronic devices, it is my belief that the mobile phone has the capacity to highlight when it was in use and the period it was in use and where the call was made. Are the police restricted in asking for that from the driver and getting that information at the point of the accident rather than seeking it through the network provider?

Mr HARTLEY: There is no harm in asking, but it depends on the officer involved, their technical skills I suppose. Thank God we are all much younger in the police service these days because I would not know how to download. There are different phones and different equipment, so I suppose the fact is you would ask the driver onsite to look at their phone and have a look. That may not determine it exactly—they might hand you a different phone. Things like that could happen.

Mr JOHN WILLIAMS: I do not know what the rights of a driver are in relation to a police officer asking for their phone but I think the issue is that important that maybe as a Government we need to put something in place to support the police officers in the event of getting this information, because I think it is fairly important. There is clear evidence from other submissions that there is a fair bit of muddy water in relation to distractions and we are not really finding the source of the distraction to the point that they can only identify 1 per cent of accidents being caused by the use of a mobile phone and obviously it is a greater number than that. Do you feel that we as a Government could put in some powers for police to access information that I think is important in analysing the cause of a road accident?

Mr HARTLEY: Yes, that certainly would be handy on two fronts: one is it provides information about the actual cause of that crash and, secondly, as you say, about data collection and getting a bigger picture of actually how much mobile phone distraction is involved in crashes so that people realise that it is 20 per cent; it is not just a figure out of the air, it is a figure that is sustainable by evidence. So, yes, that would be handy.

CHAIR: The road safety campaigns addressing distraction have been recommended in many of the submissions that we have received as part of this inquiry. Has the Police Force been involved in any recent specific campaigns to address the risk of distraction, and what other kinds of educational and promotional activities have the police been involved in to make the community more aware of distraction in general on the roads?

Mr HARTLEY: Yes, certainly. We work hand-in-glove with the Centre for Road Safety, so we have a good working relationship. Obviously they are the authority with funds to do the advertising across the State. Each advertising campaign is supported by a police operation, so if we are targeting any part of the State—it might be the Central West, their own area—local media will have a message going out about mobile phone

usage and police will be tasked to look at mobile phone usage as well. So we do work with them, making sure that any advertising is supported by a police operation.

The Hon. WALT SECORD: Earlier, the Centre for Road Safety reported that we have record pedestrian deaths on our roads. You are an expert in this field, what is going on?

Mr HARTLEY: "Expert" is probably a bit over the top. I certainly study every fatal crash that occurs in New South Wales on a daily basis to see if there is a pattern, but what we are seeing here is a bit strange this time. A lot are in the older age bracket, not young people, which you expect late at night going home from a pub; it is actually more elderly people, and some of the offenders have been more elderly drivers. I know that five in the last three months have been an elderly driver and an elderly pedestrian and a combination—some have been on a pedestrian crossing. So there is no one answer.

It used to be old ladies run over by buses; that was really what was happening in the city. That was just how it was; that was what happened three or four years ago: a bus turns, they are close to the edge and they get caught under the bus. But there is no real pattern to pedestrian crashes at the moment. I would like to say we have an answer but we do not.

The Hon. RICK COLLESS: Just on that, is there any time of day statistics? Is it worse at various times of the day? Time of day versus age group would be an interesting thing to look at.

Mr HARTLEY: All of that data is available. I do not have it with me, but the Centre for Road Safety has all of that data: time of day, age group, and the circumstances. It would have the information at hand for those to provide.

The Hon. CATE FAEHRMANN: The City of Sydney submission makes a case for reduced speed limits in order to provide greater margins for safety for drivers, cyclists and pedestrians who are momentarily distracted. What are your views on the merits of reducing speed limits in areas such as the central business district? There is a 50 kilometre speed limit now.

Mr HARTLEY: Certainly from a road safety perspective the lower the speed limit, the less severe the injury is. Yes, I think if we had lower speed limits everywhere, we would have less pedestrians injured on our roads and less people injured in cars. It depends on which road has to be developed.

Mr ROBERT FUROLO: Assistant Commissioner Hartley, has NSW Police made any recommendations to the State Government to give advice or seek additional powers in the enforcement of current laws, or the creation of new laws?

Mr HARTLEY: Certainly we have been discussing with the NSW Centre for Road Safety about making laws easy to enforce. One issue is what is a cradle for a mobile phone, hand-held use—the Supreme Court's decision on what do you use for a mobile phone. The department is trying to simplify laws because they are obviously written by the people who are not enforcing. We need to make sure that the law is easy to enforce, otherwise, we do not want the law.

Mr ROBERT FUROLO: What is the specific nature of those recommendations?

Mr HARTLEY: Certainly making sure that the law is very clear on mobile phone use and what a cradle is—the definition of a cradle. The phone must be in a cradle in the car if you are using it.

Mr STUART AYRES: You made some comments earlier about the importance of education. I make the assumption that that is driven by the difficulty experienced in policing this issue. You have to rely on the driver or a third party telling the police whether the driver was on the phone. We have laws that say "two hands on the wheel". Is the progress in this area going to be driven by education?

Mr HARTLEY: I think it has got to be each way. Education and pretty strong enforcement is the way to do it, but people have to realise first what they are doing. Anybody using a mobile phone in a car, from all age groups, all professions, do not realise—or they think it will not happen to them—what the distraction could be. We have to make sure people realise it is dangerous. As some Israeli studies show, it is like a low-range drink-driving or 23 times the chance of a crash, because you are not concentrating on what you are doing. Education, plus pretty strong enforcement.

The Hon. RICK COLLESS: Mr Hartley, you referred to the use of cradles. Is it the law now that if you are using a phone in the car, it must be in a cradle?

Mr HARTLEY: No, it is not. But you cannot have it in your hand, I suppose, is the rule. People push that rule a bit by a touch. A cradle will define what it needs to be in.

The Hon. RICK COLLESS: In that case, if you want to touch the phone with your hand, it must be in a cradle?

Mr HARTLEY: Exactly right, yes. If you have Bluetooth on your steering wheel, you can still use that and you will be fine.

CHAIR: Assistant Commissioner, a representative from a vehicle manufacturer was recently quoted as advocating for the uptake of technology in vehicles, suggesting it might contribute to combating fatigue and improving concentration. He went so far as to say even sending messages by text or reading an e-mail could have that effect. Do you have any concerns about the increased use of in-vehicle technology and would you propose any regulatory changes as a result?

Mr HARTLEY: Yes, sir, I am aware of overseas work by Ford and other manufacturers to make sure cars are limited in what functions can be performed by the issue of a key. In a Ford, if you have a child's key, if the child is under 18, or using a learner's licence, or on probation, the stereo will only go so loud, the phone technology will not work and your phone will go straight to message bank. Those are ways to make things safer for young people. If I may say, there were changes to the P-plate licence conditions a few years ago. That P-plates on their red Ps cannot use a mobile phone at all is pretty hard to enforce. The best part was—and you do not have to be using a phone; if they are talking in the car—it prevented 95 per cent to 97 per cent of young people from using their phone. That is a great deterrent. If they do not use the phone, there is no risk. The 3 per cent we catch, or 3 per cent who use it, they are taking a risk, but we reduce that risk.

Mr JOHN WILLIAMS: It has been noted in discussion a driver should have two hands on the wheel. Have any drivers been penalised for not having two hands on the wheel? It is a nice aspiration, but I have never heard of someone being fined for not having two hands on the wheel.

Mr HARTLEY: It is certainly not an offence per se. It is a condition of an offence. It may prove a neg drive if you have one hand over here grabbing a port or doing something you should not be doing. That is what the issue is about. It is part of the offence of neg drive. That fact is that if you had a law that said you should be holding the wheel properly, bar the fact you are doing a radio change or you are eating, it could be an offence. That would be an issue.

Mr ROBERT FUROLO: Would you support the introduction of an aggravated offence for texting while children are in the car, to reinforce the danger of that particular behaviour?

Mr HARTLEY: I think the offences there are pretty well a deterrent for most people. It is nearly \$400 and three points, or close to it. If you are caught a second time, it is a bigger deterrent. Aggravation, with a child, yes, I would agree, as a parent. But I think it is pretty hard for people to swallow that part of it.

CHAIR: Assistant Commissioner Hartley, thank you very much for appearing before the Committee today. I regret that our time has come to an end and we must move on to our next witnesses.

Mr HARTLEY: My pleasure. Thank you, and good luck.

(The witness withdrew)

ROBERT McDONALD, Senior Manager, Research Centre, NRMA Insurance Limited, affirmed and examined:

CECILIA WARREN, Government Relations Manager, NRMA Insurance Limited, sworn and examined:

CHAIR: Good morning and thank you for attending this public hearing of the Joint Standing Committee on Road Safety on its inquiry into driver and road user distraction. Could you each confirm in what capacity you are appearing before the Committee?

Mr McDONALD: I am appearing in my capacity as head of the Insurance Australia Group [IAG] Research Centre, which provides physical and data research facilities for NRMA Insurance and the other IAG brands.

Ms WARREN: I am appearing before the Committee in my role representing the organisation in terms of public policy and road safety.

CHAIR: I draw your attention to the fact that your evidence is given under parliamentary privilege and you are protected from legal or administrative action that might otherwise result in relation to the information you provide. I also point out that any deliberate misleading of the Committee may constitute a contempt of Parliament and an offence under the Parliamentary Evidence Act 1901. Time is of course always limited. The Committee may wish to send you some additional questions in writing, the replies to which would then form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Mr McDONALD: Yes, we would.

CHAIR: Before we proceed with any questions would you like to make a brief opening statement?

Mr McDONALD: Yes, if I may. I would like to thank the Committee for looking into this issue of driver distraction and thank the Chair for inviting NRMA Insurance to appear at this meeting. I am appearing in my capacity as head of IAG Research Centre, which provides data and research services for NRMA Insurance among the other IAG insurance brands. We provide car safety advice to consumers, car design advice to car manufacturers and technical information to the smash repair industry. We are also the only insurance organisation to be invited to be a member of the Australasian New Car Assessment Program [ANCAP], the Australasian crash test safety authority. In addition, the research centre is the contracted supplier to ANCAP for the supply of car head restraint ratings.

For the record I make the short statement that the Committee may be interested to learn that NRMA Insurance was a major sponsor of the first international conference on distracted driving in Australia, which was actually held in this building in 2005. We have a long history of advocating road safety and it is at the very core of our business. We are supportive of measures to improve road safety in New South Wales to keep drivers, passengers and pedestrians safe and to reduce collisions and damage to vehicles. We would be pleased to expand on our research and expertise we provided in our written submission, which is based on both road tests and attitudinal surveys.

Although our research is concentrated on technology based distractions, we have also undertaken some research into non-technology based distractions such as eating and drinking. We have made a number of recommendations primarily to reduce the impact of driver distraction through education, technology and regulations that keep pace with technology. NRMA Insurance believes that minimising the incidence and impact of driver distraction requires long-term and widespread behavioural change on the part of drivers. Behavioural change of this magnitude can only be achieved through a sustained multifaceted and coordinated strategy built on partnerships between government, industry and the community. While a regulatory and technology mechanism can assist, we believe the key component of this strategy should be improving driver awareness and education. We would be pleased to take any questions.

CHAIR: I will follow up your opening statement because your submission stressed the importance of community education and awareness of the dangers of distraction. It makes reference to the P Drivers Project aimed at young drivers and claims that to be the largest research project of its kind anywhere in the world. Can

you provide more detail of the scope and conduct of that P Drivers Project that you referred to in your submission?

Mr McDONALD: The P Drivers Project is a joint industry and government initiative. It is being currently managed by VicRoads in Victoria but there is a New South Wales element. Some more than 20,000 young drivers will be put through a process of feedback and peer discussions in an attempt to modify behaviour, rather than the traditional method of improving drivers' skills which seems to be not that effective in the case of young drivers because it just increases confidence. It is a several year project. I am happy to provide the Committee with a full rundown of the project and its aims and the partners. The New South Wales Roads and Maritime Services is an active member of that group as well.

CHAIR: Thank you. Obviously from our point of view we would be particularly interested in any emphasis on distraction as part of that project.

Mr McDONALD: Yes. It will be talking to young drivers and reviewing them in peer groups, but also one on one with qualified instructors, about their experiences and what affects their driving and what affects the risks they face on the roads. It also talks about that the distraction particularly among young people is other young people in the car, which is one of the biggest distractions for teenagers when driving. I know from my own experience with some of my own friends and their teenage children, they start out incredibly focused. I just had a mother talk to me the other day who has two young teenage drivers, one who is well into his Ps and the other one who is just about to qualify. She said that the one who has just qualified has had a complete attitude change to total disinterest in what is going on around him whereas he was very focused when he first got his licence. That is something we must address.

Mr DARREN WEBBER: How do you strike the balance with regard to that overconfidence? I went through the two-tiered P-plate system and most of my peers think we are superior drivers because we went through such a structured permit system compared to the system that applied when our parents learned to drive. How do you strike the balance with that overconfidence in young drivers?

Mr McDONALD: The aim of the P Drivers Project is to establish what works in adjusting behaviour and making people more aware. Some of the video feedback sessions done during the P Drivers Project—which we can provide to the Committee—show young people talking about their experiences. It is interesting to note the effectiveness of presenting them with the facts about what they are doing and the possible implications, especially if it involves other young people who have had accidents. Unfortunately, because of the scale of the project and the need to be statistically relevant, it involves a large number of drivers and keeping them in the program for at least 12 months is a challenge. Rewards are offered, including fuel tokens, potentially winning cars, free soft drinks and so on. It is a continual challenge. It is an interesting project and it is generating a lot of interest around the world.

Mr DARREN WEBBER: NRMA Insurance advocates the greater use of statewide education campaigns on road user distraction similar to those conducted in Queensland and Victoria. What are the features of their campaigns referred to in your submission that support their adoption in New South Wales?

Mr McDONALD: I am not directly familiar with the elements referred to in the submission. I am happy to take that question on notice. My view on driver distraction is a bit more general than concentrating on specific technologies. From my observation as both a car driver and a motorcyclist over the years—and you are particularly aware of it riding a motorcycle in Sydney—is that it is interesting just how unaware people are of what they are doing and the implications. Everybody agrees that texting while driving—which, of course, means you have to take your eyes off the road—is potentially horrific. My concern is that if we remove one distraction it will simply be replaced with another. We will be continually chasing our tail unless we portray the whole idea of doing some of these things while driving as socially unacceptable.

The Hon. WALT SECORD: In your submission you emphasise community education and awareness. What do the NRMA and its members think about the evidence of Assistant Commissioner John Hartley, who called for second offences to be ratcheted up and an increase in the \$260 fine for using a mobile phone while driving?

Mr McDONALD: Increased penalties may work. However, I am amazed at the number of people I see using a hand-held mobile phone in plain sight while driving even though the penalties are reasonably hefty now. I saw that even this morning. I would like to see more effort put into making doing these things in public as

socially unacceptable as drink-driving. My observation is that people are quite happy to talk on a hand-held mobile phone with other people in the car, but they would not swig from a bottle of beer while they were driving. Their passengers would find that intolerable. There seems to be no thought about it. It could be a mother with three little kids in the back of a three-tonne, four-wheel drive talking on a mobile phone. I recently saw someone eating a hamburger from one hand and texting with the other while driving a Jeep. He was using the backs of his hands on the steering wheel. That sort of thing makes me think that people do not understand the consequences of what they are doing.

The Hon. WALT SECORD: The State Government's data shows that 1 per cent of crashes involve the use of mobile phones. Do you think there is too much emphasis on regulation and policing of the use of mobile phones while driving given that it is a factor in only 1 per cent of crashes?

Mr McDONALD: I would find it difficult to arrive at a figure for the impact of mobile phones purely on the basis of getting people to admit they were using one at the time of a collision. I imagine that the ability to connect a collision with mobile phone use is limited, except where a clear record of the time of the accident could be matched with a phone record. Most people's perception of the time of an accident varies by 10 or 15 minutes and therefore it could be completely irrelevant. As part of our normal data gathering about insurance claims we ask people at what speed they were travelling just prior to the accident. Almost universally they say they were travelling at or below the speed limit even though the accident may have occurred at a much lower speed. It would be difficult to get people to admit to it. Some vehicles might be able to register the time of the event. Some record the last 30 seconds of the car's activity before air bag deployment and that information can be downloaded by the manufacturer.

The Hon. WALT SECORD: Do you think that NRMA Insurance would consider reducing premiums for people who have Bluetooth and other hands-free devices rather than hand-held mobile phones?

Mr McDONALD: Again, there is no way of the knowing whether people are using them. Some of the voice recognition systems are less than totally effective. It is hard to imagine, but there is evidence that using hand-held mobile phones is not much different from using a hands-free mobile phone in terms of causing a distraction. While you are not physically looking away from the road, you are distracted in a way that still affects you even if you are using a Bluetooth device.

The Highway Loss Data Institute in Washington DC recently released a research paper that caused a great deal of controversy. It studied four States—California, Maryland, the District of Columbia and Connecticut—that had banned mobile phone use while driving going back to 2004. The study concluded that there was no discernible difference in crash rates before and after the introduction of the bans. While the researchers agreed that texting and using hand-held mobile phones while driving was inappropriate, they deduced that there were potentially two elements: first, that there are many distractions other than using a mobile phone in a car; and, secondly, that more covert use increases the level of distraction because the driver tries to keep the phone out of sight. It is very hard to say.

Mr DARREN WEBBER: With some devices, by activating the Bluetooth connectivity for voice mail or voice calls, you actively disable the phone for hand-held use. One submission states that the issue is not necessarily that someone is talking on the phone but that he or she is looking at the phone. Would you consider reducing premiums if a vehicle had Bluetooth connectivity that disabled the phone for hand-held use?

Mr McDONALD: That is a possibility. My experience with hand-held Bluetooth devices is that some are much better than others. Some regularly disconnect, which then creates a distraction because you have to reconnect and think about other things while doing so. It potentially would be an advantage. I have a hands-free phone system in my car that is voice activated, but I know that the phone still stays active—if I wanted to, I could still touch the keypad and it would still work—and I also have a keypad on the dash, which technically is not illegal for me to use. It just points out that there are so many distractions. Some cars have different interfaces with normal operation of accessories, navigation and sound systems that either require mouse-like devices or looking at a menu on a screen.

Some early attempts at this had quite common car activities, like changing the volume or changing from AM to FM, requiring you to go through two or three levels of menu to get to them, which I would argue is a pretty big distraction as well. Also we have the other distraction which we have been involved in testing, which is the after-market navigation devices, in regard to not only the location that people put them in, in terms of blocking vision, but also people's inability to even recognise that driving on a dark country road when it is on

full day-time mode makes it not easy to see outside the car. Most of them have an adjustable setting. You only have to drive along the freeway from Sydney to Canberra and you can see some of these things from several hundred metres behind the car. How drivers ever see what is in front of them, I will never know.

The Hon. CATE FAEHRMANN: Just going back to your previous response in relation to penalties and that it is already illegal to operate a handheld device in a car but so many people are still doing it, you referred to drink-driving offences as well. This morning we heard that the risk of an accident is 23 times more likely with somebody using a handheld. Therefore, would you agree that the penalties for operating a handheld are not in line with the danger that it poses? If there were higher penalties or if, say, texting using a handheld device was treated somewhere in the vicinity of how drink-driving is treated—for example, potential court cases and loss of licence—would that not start to have an impact as opposed to the \$200-odd fine we have now?

Mr McDONALD: I guess you have to agree that if the penalty was higher, there has to be some deterrent effect. I think it has to be applied to all handheld devices, not just mobile phones. I think the current rules encourage a level of scepticism about the intention, particularly when most people I have spoken to have been written a ticket for talking on a mobile phone when they have actually pulled off the road but they have left the engine running, when they have attempted to do the right thing. I think that creates a level of scepticism about the validity of the offence and the fact that people can use devices other than phones in their hands with impunity.

If we were going to do it, it would be good to maybe look at encouraging people to stop, regardless of whether they had their engine off or not. In some cases, if you are talking on a hands-free phone, the car shuts down after a couple of minutes after you switch the engine off, which cuts out the telephone call. I hear people saying that when they have tried to do the right thing—they have pulled out of the traffic, pulled off to the side of the road, put the car in park but they have left the engine running with their foot on the brake—because the engine has not stopped, they have been booked for it. I think we need to look at some of those anomalies as well, just to increase the credibility of the legislation.

The Hon. CATE FAEHRMANN: In your submission you mention the interesting statistic that 40 per cent of New South Wales drivers in the survey used their phone while driving and that was significantly higher than the national average, which is 33 per cent.

Mr McDONALD: Yes.

The Hon. CATE FAEHRMANN: Then you also recommend that New South Wales adopt a statewide education campaign similar to those in Queensland and Victoria.

Mr McDONALD: Yes.

The Hon. CATE FAEHRMANN: Can you comment on what those campaigns are and how significantly different they are to New South Wales, and whether that is having an impact on that statistic in your view?

Mr McDONALD: I think we are talking mainly around awareness and attitude. When I mentioned drink-driving before, I was mainly referring to the fact that, when I was a teenager, I would regularly socially meet adults who would happily talk about having a few drinks and driving home. It was sort of accepted as the norm, and it has become pretty well socially unacceptable now, or to a large extent, but the same does not apply to these things. But I think it is not just the distraction of the car.

I mentioned before about being a motorcyclist in Sydney and just seeing how unaware people are of what they are doing and what is happening in the space around them. Whether they are distracted by the kids in the back, by the dog in the front seat, by something that is going on around them, by eating a hamburger or drinking a cup of coffee, all those things have the potential to distract. I just do not think we are taking the subject of driving the car and the potential to do harm to others seriously. I think that should be the main focus.

The Hon. CATE FAEHRMANN: So, back to the question: What are the Queensland and Victoria education campaigns? Does Ms Warren know?

Ms WARREN: We will provide the Committee with a further response, a written response, on that, outlining the campaigns.

The Hon. RICK COLLESS: Mr McDonald, no doubt your research involves looking at claim forms and the reasons accidents happen, according to the claimant. What sort of range of reasons do people put on their claim forms? Do they admit to using things like mobile phones and global positioning systems [GPSs] and other electronic devices?

Mr McDONALD: Virtually never. Most or a lot of our data has been obtained from attitudinal surveys where people can do them anonymously. Insurance does not tend to have stupidity clauses. People are reluctant to admit they have made major errors or mistakes, so it is very difficult to get really useful information other than time-of-day, location and the type and severity of accident, except in very rare cases. In the case of the mobile phone study we did ourselves, I took the advantage of having access to a motor racing circuit for an activity I was involved in with some journalists. I put them all in the same car and put a video camera on them and asked them to text "the quick brown fox jumps over the lazy dog". We recorded how often they looked away from where they were driving while they were texting.

We had a range of people along, probably about 10 people, from memory, in their twenties to late fifties, male and female, using different types of phones. It was quite an interesting little study. We found that the average time looking away was around six seconds. The distance you can travel at 60 let alone 100 in that time is quite horrendous. I might also draw your attention to what we just published on our YouTube channel, trying to show that to young people. We can provide the YouTube address for the Committee later. It shows young people driving down the road. The view over the windscreen is placed from a textbox and then it is showing that meanwhile things are happening past the car with the textbox blocking the view, which is the effect. It has got a lot of community reaction and quite a few hits. It is a way of trying to show people just what is happening outside their car while they are doing this.

CHAIR: Thank you very much. We would be interested in that.

Mr ROBERT FUROLO: Enforcement is obviously one of the big challenges in driver distraction issues, such as police working out whether a driver is using a phone or not.

Mr McDONALD: Yes.

Mr ROBERT FUROLO: Do you think part of the solution is that additional police resources are required to help address the problem of driver distraction?

Mr McDONALD: I am not really in a position to make a comment on police numbers because I am not aware of how many police are actively doing this. I think potentially some of the technology that is appearing in cars may be a partial solution. We are already seeing, although it is bringing other things with it like interconnectivity or internet connectivity in cars, better voice recognition systems that may be more like talking to a real person and not having to repeat yourself 15 times with that. We are also getting, although I hesitate to rely on technology too much to prevent people from doing the wrong thing and, of course, I worry about people depending on them, a gradual drifting into what we now call autonomous emergency braking where a car breaks itself. It was called collision avoidance in some of the early stages. We have already got about three or four different models on the market where the car will pull up sometimes now up to 80 kilometres per hour in a full crash stop without you doing anything. While we do not want people driving reading the newspaper having that happen, it at least provides a partial technological solution for all the distractions that occur in a car while you are driving, whether they are intentional or unintentional.

Mr ROBERT FUROLO: Are texting and other distracting activities in a car a key part of the solution to risks of driver distraction? Where should the Government be putting its energy, effort and resources to try to change attitudes to driver distraction and texting? Should it be in the classroom or in the testing regime? Where is that energy required?

Mr McDONALD: I definitely think road safety could form a more active part of the normal high school curriculum starting at an early age but I think it has to be continual. It has to keep going right through the early stages. Like I mentioned before from my own family experience of teenagers starting out incredibly focussed and reserved and aware and then suddenly overnight almost they change completely into worrying about what the people in the back seat are doing, where they are going, and start having minor collisions with everything that moves. I think it needs to be a continual process throughout those early stages but probably

starting earlier the better in schools. A number of countries have driver programs in schools that teach people some of the basics of the implications of what they are doing.

Mr ROBERT FUROLO: Are you aware of the current programs around safety and training in our schools?

Mr McDONALD: I do not know what actually takes place in schools in relation to driver safety. It is only from experience with my sister who is a teacher that I know they might have visits from people from time to time. I do not know that it is embedded in the curriculum as an actual subject or something that is compulsory for people to attend.

Mr ROBERT FUROLO: The Committee's next witness is from the Taxi Council. Does the NRMA have a view about the use of CB radios and the taxi dispatch system which requires driver interaction using the screen and keypad to get jobs?

Mr McDONALD: Very much so. Just from my own observation those units are incredibly big and quite obstructive. They are often mounted in a way that is right in the driver's field of view. I see the drivers actively using them while they are driving all the time. I have actually asked a couple of taxi drivers when I have been in their cabs not to do that. I sort of crash cars for a living and I do not really want to do it in my spare time as well. I have been in a taxi that has run up the back of another car. That and the exemption for drivers of taxis and hire cars to use of seatbelts I do not think should be applied. It seems to be an issue that has been floating around for a time. Many taxi drivers also bring their own GPS as well. I have seen a taxi, and I tried to take a photograph of it, that not only had the taxi unit but it had two GPS units—I do not know why—one above the other directly over the instrument panel. How he was seeing around it to see what was going on, I have no idea.

Mr ROBERT FUROLO: They should not be using that system?

Mr McDONALD: I would like to see more hands-free use of those systems, maybe trying to introduce voice recognition. I have never used one myself but just from observation they seem to be typing in things and maybe touch screen.

Mr JOHN WILLIAMS: What are your thoughts on the Motorcycle Council of New South Wales suggestion of driving simulation as an educational device to demonstrate the difficulties of driving and texting and the use of mobile devices—and electronic devices? It suggests that all new devices should be assessed to determine their potential to distract drivers.

Mr McDONALD: I am aware of the view of the Motorcycle Council on many issues around people driving but in terms of an education package it is a very good idea. I would be concerned about chasing technology too much because we are in a phase where things are changing daily and things are becoming out of date daily. I do not how you would keep up with technology in a device-specific sense without creating some sort of a general awareness of the fact that it is a hand-held device and it is taking your attention away from the road.

Mr JOHN WILLIAMS: I presume young people use these devices more than others and a simulator would encourage them to use the device, and then allow them to confront some situations that are on the road and will create a potential accident. Obviously that will clearly demonstrate that you cannot do both.

Mr McDONALD: I think anything that can have an impact on young people will be an advantage because they have a pretty horrific collision rate anyway, especially in that first couple of years of driving. I would still like us to concentrate on attitude rather than trying to interfere with specific devices, again purely because I imagine the logistics of doing that would be quite dramatic. Who knows what is around the corner? We might have some form of implant in our head which may even be more distracting because it could interfere with our vision in some way. A lack of awareness of the consequences seems to be the biggest problem as far as I am concerned.

The Hon. WALT SECORD: My question may be to Ms Warren. You mentioned earlier that you have received complaints about over-zealous enforcement, such as people getting booked when they are parked on the side of the road. Will you provide details of those complaints, and how many complaints you have received since April 2011?

Mr McDONALD: Mine was anecdotal.

The Hon. WALT SECORD: You must have a number of them.

Mr McDONALD: Mine was anecdotal from someone I know who was actually a motor journalist, I think. I can give you his details but whether it was in New South Wales or Victoria I am unsure because of the nature of his job. I know he was most disgruntled about it.

The Hon. WALT SECORD: Ms Warren, will you take my question on notice and come back to us with the details of the number of complaints received by the NRMA involving over-zealous enforcement of mobile phone usage and similar examples since 1 April 2011?

Ms WARREN: I am happy to take that on notice.

Mr McDONALD: You may be aware that people may complain more to the NRMA than to NRMA Insurance about something like that. If the NRMA is making a submission to this committee it may have more data on members' complaints than we do. Ours might only be as an aside. People would only maybe contact us on such a topic if they were thinking they were talking to the NRMA.

CHAIR: Earlier you mentioned that your professional career involves analysing vehicles under crash conditions. The New South Wales Government submission specifically cited United States trends that indicate that drivers under 30 years of age consider connectivity options the second most important feature when buying a new car. Have you seen that trend and how would that impact on the provision of insurance to younger drivers? Do you see the need for additional strategies specifically targeting younger drivers when addressing distraction as a safety risk? Obviously here we are looking at electronic devices.

Mr McDONALD: I have seen the same surveys and the same data. You only have to look at the way car manufacturers are including connectivity, particularly for music streaming, even into the most basic and cheapest cars now, which may be targeted at the younger group. They are actively saying in public releases that some of this current generation is more interested in connectivity and sound systems than in performance or even styling in some cases, which is probably different from generations gone before.

There has been activity in some devices in the United States—they have been trialled by one of our counterparts in the United States, the Insurance Institute for Highway Safety—where they put black boxes into cars to monitor young driver performance. They gave an insurance incentive to parents to allow the data to be accessed by the insurer and then they would give feedback to the young driver and the parents. They would not use it in any other way but they were giving feedback on whether they were exceeding the speed limit, whether they were driving aggressively, whether they were doing things that indicated that they had turned their stability control off or their traction control off. The way they interacted with a driver was not only to reduce the horsepower of the car through the car's computer but also if the driver did not use a seatbelt or if he switched his stability control off, the sound system would not work. That seemed to have a pretty big effect. They could not play their stereos unless they put their seat belts on, which was interesting. It showed it was very important to that group.

CHAIR: We thank you very much for your submission and for appearing before the Committee.

(The witnesses withdrew)

PETER RAMSHAW, Chief Executive Officer, New South Wales Taxi Council, affirmed and examined:

CHAIR: I draw your attention to the fact that your evidence is given under parliamentary privilege and you are protected from legal or administrative action that might otherwise result in relation to the information you provide. I should also point out that the deliberate misleading of the Committee may constitute a contempt of Parliament and an offence under the Parliamentary Evidence Act 1901. Time is always limited and the Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence. Would you be happy to provide a written reply to any further questions?

Mr RAMSHAW: Certainly.

CHAIR: Before we proceed with questions, would you like to make a brief statement?

Mr RAMSHAW: Yes, thank you. Thank you for inviting me to appear before the inquiry. I appreciate the opportunity. The New South Wales Taxi Council is the peak body representing the taxi industry in New South Wales. We represent the owners and operators of taxicabs, the majority of whom also drive their taxis. We represent a lot of people who drive cabs. We also represent the taxi network that provides bookings and dispatch services and a whole range of other services related to the industry. As you would all be aware it all takes place in a heavily regulated environment. The taxi industry is closely regulated to ensure accountability of all participants in the industry and also safety for the public and for people in the industry as well.

I preface my comments with a declaration that I am not a dispatch system technical expert so if we delve into areas requiring special expertise I will take questions on notice if required and hope that is acceptable to the Committee, if I am not able to deal with them today. Our submission goes into some detail about the issues that we think are pertinent to this inquiry from our perspective and also which are important to our members as well as the public. I will not repeat what we put in the submission but I would like to quickly summarise, if I can, the three key aspects we want to bring to your attention.

First of all, we certainly support initiatives to reduce accidents caused by distracted drivers and hence improve safety for our own members and other road users. The reported dangers caused by drivers using mobile phones seems to be of particular concern and certainly something that has been focused on today, I gather. Regulations mandate the provision of dispatch equipment in taxis and also alarm monitoring for drivers. We have tried to assist the inquiry by explaining what equipment is used in taxis—we have gone into a bit of that detail in our submission—and we want to avoid any unintended consequences that may impact on our ability to meet the needs of our customers, maintain accountability within the industry and provide safety features for drivers. We just request that those issues be considered in balancing any recommendations that might result from the inquiry and particularly in relation to the dispatch equipment. That is a necessary part of our service.

We have also taken the opportunity to highlight an emerging issue where people who are not held accountable, people who are outside our industry, providing services to passengers and drivers that encourage drivers to use their mobile phones to receive bookings directly. Obviously these are quite different systems to what is used by the authorised network given that these are systems based on a mobile phone whereas our dispatch equipment is designed for use in vehicles and by drivers. Whilst I believe it is primarily an issue of passenger transport regulation whether unauthorised dispatch systems are regulated or not regulated, it also seems to me to have severe consequences for the subjects of this inquiry.

CHAIR: We noted those elements in your submission. The submission also acknowledged that the increasing use of electronic devices is a cause for concern and contributes to driver distraction and road crashes. Your drivers would be aware of that, driving as they do, and certainly the submission picked that up. While supporting the prohibition of such devices in motor vehicles the council makes a case for the use of specialised dispatch and communication equipment in its taxi fleet. Your submission argues for the exemption of specialised communication equipment from the scope of expanded transport prohibitions on mobile phones and electronic devices in vehicles. Can you explain a little bit more about how your system works and, secondly, do you support the general prohibition of other mobile devices in motor vehicles?

Mr RAMSHAW: We do support the prohibition of other mobile devices. In my view it is a balancing act I guess. We still have got to be able to provide a service—I mean safety is certainly important but so is transport. There needs to be a balance where we can still provide the service expected by the public and in fact demanded by the Government in terms of our regulations. Dispatch equipment is continuously evolving and

certainly safety is a key issue in its design and function. I heard the previous witness make comments about the use of dispatch equipment in taxis. It is certainly designed to be used in a way that provides the minimal amount of input from a driver in order to carry out the essential function of receiving bookings, accepting bookings and being given the necessary information to go and collect the passenger. As pointed out in our submission, there are text-to-voice features and those types of things that help facilitate that. I do not know what period of time he was referring to. As I said, taxi dispatch systems are continually evolving. Certainly in Sydney all of the dispatch systems have been upgraded in the last four or five years by taxi networks, with new systems implemented that require less interaction from the driver or less distraction.

CHAIR: I make the observation that taxi drivers are probably no different to many other drivers and although your submission does indicate that it is illegal to use mobile phones from within the vehicle I am afraid I have to tell you that many continue to do so.

Mr DARREN WEBBER: On that note, my father owns a taxi licence and is probably a member of your council but I will not declare a conflict of interest as I have no interest in that. What do you see as your role with drivers and owners in promoting the new legislation coming through with the prohibition of using mobile phones while driving, given that drivers and owners quite often have very different views as to what is going on or as to what their roles are. A quite common view of drivers is that they should be exempt or have a different driving class to a standard driver, given that they consider themselves to be professional drivers.

Mr RAMSHAW: We do not support the use of mobile phones by any drivers, including taxi drivers. As indicated, we support a prohibition because it is not an essential part of the service. We certainly take steps to educate drivers about the risks and certainly, as mentioned in our submission, Transport for NSW has a policy on the use of mobile phones. We would encourage, for example, any passenger riding in a cab where a driver is using a mobile phone—that indicates a poor level of service in my view but it is also potentially dangerous—to report that via the customer feedback management system. That would then be followed up by the network that they are a party to and/or Transport for NSW or Roads and Maritime Services if appropriate.

Mr DARREN WEBBER: Do you think there is a role for the council to work alongside Roads and Maritime Services and the police force to ensure that drivers are complying with the laws and any new laws in the future?

Mr RAMSHAW: Certainly we operate in a co-regulatory environment. In relation to this and other issues the taxi council, the taxi network and Roads and Maritime Services certainly need to work together and do that. As I have said, we publish regular publications that go out to drivers and the issue of mobile phone use has been the subject of at least two articles that I can recall in the last 12 months or so.

The Hon. CATE FAEHRMANN: Do the publications and the articles you are referring to outline the offence itself and the penalties? Is that what you mean when you say that there are articles in those publications for taxi drivers?

Mr RAMSHAW: Yes, the articles are of the nature that it is about customer service. Certainly I believe it is rude for a driver to be speaking on the phone whilst they have a passenger in the cab. Certainly while you are carrying a passenger we emphasise that aspect of it. We certainly highlight the penalties under the road rules that apply and also the policy that I referred to from Roads and Maritime Services that applies to their authority to drive a cab, which is obviously the source of their livelihood. So there are severe consequences for drivers and we point those out and also for the industry from a customer service perspective.

The Hon. CATE FAEHRMANN: In your submission you refer to an apparent contradiction in the Passenger Transport Regulations 2007 prohibiting drivers from using trunk-dispatch systems outside the taxi network and claim that this does not apply to smartphone applications. Will you expand on that?

Mr RAMSHAW: As you mentioned, the regulation prohibits the use of unauthorised dispatch equipment but it exempts mobile phones. At the time that regulation was put in place I suspect smartphones were not available or contemplated. The intention of the regulation was to not limit a driver's ability for a passenger to book directly with a driver in a one-on-one situation. The idea of prohibiting unauthorised dispatch equipment is to stop people providing network-type services where that booking gets passed from one person to another and therefore you lose accountability if you are not doing that within the authorised structure and regulated environment. If a passenger decides to ring a driver directly to place a booking than they are in control of where the information goes and who has it. That is the rationale behind the regulation being the way that it is.

The problem that now arises is that the mobile phone does a whole lot of other functions other than take voice calls or text messages directly from a passenger.

The Hon. CATE FAEHRMANN: On my phone I have a Taxi Pro app that I can use to book a taxi and it kind of knows where I am. Are you saying that this app to book a taxi does not go through your bookings but goes somewhere else? Do you know about this particular app?

Mr RAMSHAW: I will not refer to that particular app because I do not know who has provided that app but there are apps that are basically just a mobile phone to mobile phone connection. You do not know as a passenger when you put a booking into that app who is on the mobile phone at the other end receiving your booking. That is in direct contrast to an authorised dispatch system because when you put a booking in that goes via the authorised network that booking can only be dispatched to a piece of equipment that is attached to a taxi that has a current licence, that is insured and that is driven by a person who has an authority to drive a taxi and provide taxi services. As I said, that contrasts with a service provided from one mobile phone to another; you do not know who has the mobile phone, whether they are anywhere near a taxi or whether they are in New South Wales or who knows where. That is a major concern to us in terms of undermining the trust that people have in the taxi service.

The Hon. WALT SECORD: In your submission you are very strong about being against mobile phone usage in taxis. Who actually gets the booking fee?

Mr RAMSHAW: All the money the passenger pays goes to the driver. So the booking fee goes to the driver.

The Hon. WALT SECORD: How much is the booking fee in Sydney?

Mr RAMSHAW: Off the top of my head I cannot remember. Is it \$2.20 or thereabouts?

CHAIR: I think it is about \$3.40 but it is not in the terms of this inquiry.

The Hon. WALT SECORD: I think it is. I have repeatedly asked drivers about this because drivers are using their mobile phones to get around the booking fee in the car. I was told by the drivers that they do not get the booking fee.

Mr RAMSHAW: No. All the fare goes to the drivers. The first person who has the money is the driver and it does not go anywhere else. What the driver then does with it, he pays for the bailment fee for the cab and what have you but the driver himself takes all the money.

The Hon. WALT SECORD: So 100 per cent of the booking fee goes to the driver at the end of the day?

Mr RAMSHAW: At the end of the journey, yes.

CHAIR: It is not within the terms of the inquiry. You might take that up personally a little later.

The Hon. WALT SECORD: It is because it encourages mobile phone use in the car to get around the booking fee.

CHAIR: And we have also discussed the fact that we do not know who is at the other end so that is a security issue.

The Hon. RICK COLLESS: Your submission states that the dispatch device hardware design and installation complies with the relevant Australian design rule principle. Has any research been conducted to ascertain whether the use of those devices poses a safety risk?

Mr RAMSHAW: My understanding is that they have, and certainly in regards to the placement of the devices in the vehicle, there has been quite a bit of work about that. On a slightly related area, we have been frustrated by what would seem to be an apparent lack of regulation regarding the field of vision of devices in vehicles. I think the previous witness mentioned this before. You see people in all sorts of cars with devices all over their windscreen that commonsense would seem to reveal pose a safety risk, apart from being a distraction.

We followed this up with the RMS, or its predecessor the RTA, a number of years ago and found that there seemed to be very little that was enforceable in that regard.

The Hon. RICK COLLESS: Are the systems used in New South Wales similar to the systems used by taxi companies elsewhere in Australia?

Mr RAMSHAW: Yes. As I said, in Sydney the taxi companies are basically using the very latest in terms of dispatch equipment. They have all, at a cost of probably more than \$20 million to the industry, upgraded their systems and they all now happen to be using the same system. They can use it in different ways but the supplier is the same and that same company has a very strong position in the market Australia-wide now.

Mr ROBERT FUROLO: Do taxi drivers still use two-way radios for communication with the base?

Mr RAMSHAW: Yes, they still have radio communication with the base. That is for general communication in terms of queries that they have but also it is part of the safety equipment because once an alarm is activated there is audio monitoring of what is going on.

Mr ROBERT FUROLO: Are you aware of whether there are any regulations controlling the use of two-way radio controls in a vehicle while the driver is driving?

Mr RAMSHAW: Not in relation to the use of the device in the vehicle, I am not aware. It does not mean there are not some but I am not aware of them. They are certainly subject to the general radio licensing and communication type regulations.

Mr ROBERT FUROLO: On behalf of the taxi drivers serving the community, would you have any suggestions on what the Government should be doing to improve safety on the issue of driver distraction and mobile phones? Would you have a recommendation that you would want to see carried?

Mr RAMSHAW: I am not in a position to make recommendations, not being an expert in that field. But certainly some of the research we have seen would tend to indicate that there is a whole range of different types of distractions and ways that it affects people. My own view is that amongst the general public it seems to be that people will do what they think they can get away with. I know that comments were made before about the level of fines or penalties but I think the issue of detection is probably quite problematic in terms of this. It seems to be that either it is difficult to detect or the use of mobile phones is not being detected and penalised, given what would appear to be increasing prevalence of the use of mobile phones in cars.

Mr JOHN WILLIAMS: I am just looking at some of the references that you took in preparing this submission. Do you believe that this is the view of all drivers within the taxi industry or was it just an overall view of what has happened with road safety and the use of mobile phones and electronic devices?

Mr RAMSHAW: We have a very large industry. There are 24,000 authorised taxi drivers in New South Wales. There will be, no doubt, quite a diversity of views about a whole range of things including, I expect, these. Our position is one of what we believe is in the overall interests of the industry, on behalf of its members and also the public.

Mr JOHN WILLIAMS: In saying that, do you feel that there are drivers continually reporting use of mobile phones as a major problem that they are confronted with as distractions for drivers other than themselves?

Mr RAMSHAW: Yes, I believe that our drivers would certainly be observing other people using mobile phones when they are driving. It poses a risk to, as I said, our members and our passengers.

Mr JOHN WILLIAMS: Further to that, would the industry consider drivers being involved in an observation survey to look at the incidents? I know it has been reported. It is about 60 per cent of use but they are possibly seeing more than that. Would you see that as a resource for us gathering further information on the level of use of mobile phones?

Mr RAMSHAW: There are probably a few practical difficulties. I have no problem with it as a principle but I suspect it would be quite difficult to get sufficient reliability in terms of information and reporting. I am not quite sure how that could be achieved effectively.

Mr DARREN WEBBER: Your submission recommends a targeted enforcement campaign to discourage the use of mobile phones and other electronic devices. Can you expand on that? In particular, are we targeting owners, drivers or both? I am wondering what is the best way to get to drivers at the end of the day.

Mr RAMSHAW: Ultimately, in terms of within our industry, of course the only people who know what is happening in the cab at the time are the driver and the passenger, if there is a passenger. So nobody else really has the ability to monitor or influence that directly. So we are talking on a general level when we are saying an enforcement campaign for all drivers, and people driving cabs will get caught up in it as part of all that. We do what we can through our training materials and training provided by the network in terms of use of the dispatch system. As we mentioned before, in our ongoing updates of materials and education we do what we can to educate and influence their behaviours.

CHAIR: We have concentrated specifically on the dispatch systems and mobile phones but I draw your attention to other areas which clearly would be within the ambit of the taxi driver industry. Other submissions we have received have raised concerns about a range of other distractions, including street furniture, variable speed signs, advertising billboards, all of them affecting driver concentration. Obviously taxi drivers work some very long shifts and fatigue becomes an issue. Do you have any general views about the external sources of distraction affecting taxi drivers and the impact on safe driving? How do you evaluate and manage fatigue?

Mr RAMSHAW: Obviously taxi drivers are subject to the same kinds of distractions as other road users. Being professional drivers and on the road every day I suspect they are a bit less prone to distraction by some of the advertising or signs, and those types of things, in the environment more generally. I think probably all professional drivers would be less prone to distraction. Fatigue in the industry: a driver is responsible for managing his or her own fatigue. A driver is self-employed and they are taught how to recognise signs of fatigue, how to manage their fatigue and to make sure they do not drive in a state that is unsafe.

CHAIR: Thank you very much for your submission and for your attendance before the Committee today.

(The witness withdrew)

(Luncheon adjournment)

CHRISTOPHER JAMES BURNS, Chairman, Motorcycle Council of New South Wales, and

BRIAN WALTER WOOD, Vice Chairman, Motorcycle Council of New South Wales, affirmed and examined:

CHAIR: Thank you for attending this public hearing of the Joint Standing Committee on Road Safety for its inquiry into driver and road user distraction. I ask that you switch off your mobile phones, if you have them, as they can interfere with Hansard's recording equipment. Could you state your occupation and in what capacity you are appearing before the Committee?

Mr WOOD: My occupation is mechanical engineer, but I am appearing here as vice chair of the Motorcycle Council of New South Wales and chair of our road safety committee.

Mr BURNS: My occupation is motorcycle courier and I appear in my capacity as chairman of the Motorcycle Council of New South Wales.

CHAIR: I draw your attention to the fact that your evidence is given under Parliamentary privilege and you are protected from legal or administrative action that might otherwise result in relation to the information you provide. I also point out that any deliberate misleading of the Committee may constitute a contempt of the Parliament and an offence under the Parliamentary Evidence Act 1901. Time is always limited at these hearings and the Committee may wish to send you some additional questions in writing, the replies to which will then form part of your evidence and be made public. Would you be able to provide a written reply to any further questions?

Mr WOOD: Yes.

CHAIR: Before we proceed with questions, would you like to make a brief opening statement?

Mr BURNS: Yes. The increase in driver distractions is obviously having a major impact on motorcycle riders within the central business district. Of all multi-vehicle collisions within the central business district, 68 per cent can be attributed to car drivers and often their response is, "Sorry mate, I didn't see you"—often referred to as a SMIDSY event. In my capacity as a motorcycle courier spending 10 hours a day sitting on a motorcycle watching people swerve all over the road while they are playing with their phones, or cab drivers playing with their computers, it is an obvious road safety hazard.

CHAIR: Thank you. Would you like to add to that at this stage, Mr Wood?

Mr WOOD: No.

CHAIR: The submission that you gave us refers to the inadequacy of current data on driver distraction and that inattention is not currently recorded as a causal factor in crashes. Most submissions criticised the lack of data on which to make assessments about the impact of distraction on road safety. Do you have any suggestions as to how that could be improved?

Mr WOOD: I think inattention should be included in police reports, if the police can make an assessment as to whether they believe that the driver was inattentive at the time of the crash.

CHAIR: How would you suggest they gather that information, given that there may be a reluctance on the part of the driver to admit to any causes?

Mr WOOD: I guess there are probably witnesses as well and also from the description of the crash as to what else might have been happening around, the causal factors of any crash.

Mr BURNS: If I can just add to that: It is not very hard for the police to check the phone record at the time, whether or not the phone was in a bag, in someone's boot or on the back seat.

CHAIR: That is probably the road we were wanting to travel down. Do you have any suggestions as to incidents you might have observed where that has been occurring, or do you believe that there is a need for perhaps more authority on the part of the police to undertake that research?

Mr BURNS: I believe there should be more authority for the police to carry out that sort of research. From casual observations, sitting in the city having a cup of coffee prior to this, one in 10 drivers are going past and they are on a mobile phone.

CHAIR: You referred to anecdotal accounts of multi-vehicle crashes where an admission of inattentiveness is made by one party, that is a SMIDSY, as you referred to it. Are you aware if this is recorded by police attending the scene, again anecdotally, or do you have any research that you personally have conducted or you have conducted as a council?

Mr BURNS: We have not conducted any research on it, but we have anecdotal evidence from some riders that they have been involved in an accident while the other person was on the phone and sometimes the other person will admit to it, but your average human being is not going to admit to doing anything wrong.

Mr WOOD: Also there is an insurance company or a group of solicitors who have a SMIDSY campaign, as they call it, so I think they would have evidence of the number of people approaching them that have been involved in a SMIDSY type incident.

The Hon. WALT SECORD: Whilst most of the submissions primarily deal with motor vehicle distractions, concerns have been raised about the use of mobile devices by pedestrians and cyclists. To your knowledge, are there any mobile devices that can be used on motor cycles that would contribute to distraction on your part?

Mr BURNS: Yes, quite possibly GPS, if you are programming the GPS, but if you have it running and it is giving voice instruction via blue tooth into your helmet then it is not a distraction. Essentially, it is pretty hard to take your hands off the handlebars and program where you are going just by nature of the physics of a bike—you have to pull over and do it.

The Hon. WALT SECORD: I recognise that you are here representing your members as road users concerned about other people who are distracted.

The Hon. RICK COLLESS: The council suggests that testing procedures be developed to determine the distraction effects of all devices and appropriate regulations be put in place. Can you expand on your suggestion to test all devices for their cognitive loading and potential for distraction?

Mr WOOD: Yes. I guess our concern is something like mobile phones. It is a problem at the moment and it would be extremely difficult to reel that back in. I have an article about a texting device that Audi has developed which actually requires you to write out the letters that you want on a screen and then the screen is up on the dash, so not only do you have to take your hand off the steering wheel but you also have to look at the screen on the dash as well. If there was a testing procedure in place to see how distractive that was, it would not be allowed to be on the market in the first place. I think you need to be more proactive in restricting devices that are introduced in the future. I think it would be quite easy to have tests to know how long someone's eyes are distracted from the road ahead, that is, they have to look at the screen.

The cognitive is a little bit more difficult to measure. But I believe measurement is possible. People talk about having \$10 worth of attention. I know from my own experience that on the bike your blinkers are not self-cancelling; and if I find myself riding along with the blinker still on, I think, "What happened to cause me not to turn the blinker off?" It is usually that I have come into a roundabout, had to pay more attention to what people are doing approaching or on the roundabout, and therefore have forgotten to turn the blinker off. I think, with something like a car simulator, you would be able to run a standard test, and then be able to record when people are making errors as a result of being distracted by these devices.

Mr BURNS: Travelling at 60 kilometres an hour, you are travelling 16.7 metres per second. So, if you take your eyes off the road to look down at your phone for one second, you will have travelled 16 metres, and there goes your reaction time. Additionally, there is a little bit of research out there. The National Highway Traffic Safety Administration in the United States of America estimates that 25 per cent of police reported crashes involved some form of driver inattention, whether that involved mobile phones, external advertising, looking at a pretty girl or a guy on the footpath as you are going past, or dropping a cigarette butt in your lap. MUARC [Monash University Accident Research Centre] have also done some preliminary research for Holden. But there needs to be much more extensive research, and a simulator is probably a good way to do it.

The Hon. RICK COLLESS: Who should be responsible for conducting those tests?

Mr BURNS: In order to reinforce the message to the road users of New South Wales, one could reasonably assume that the New South Wales Government would fund some research; then create a campaign to stop people from multitasking while they are driving; and reinforce to NSW Police that it is not all about speed, it is about not watching where you are going; and, instead of having them sitting on the road with a lighter hanging out and picking off low-hanging fruit, get them standing on the corners and booking people who are using their phones.

Mr WOOD: If I could add to that. I think as far as the cost is concerned, probably it is a Government responsibility to do the research into the type of test. But, once the test is developed, then I think it is up to the manufacturer to run the tests and then provide the data to establish that it will comply. Then, approval could be given based on that manufacturer's testing.

Mr ROBERT FUROLO: You mentioned your own observations, even today, that 10 per cent of motorists in the central business district are using a hand-held phone. Do you think there needs to be greater emphasis on police enforcement of what is currently illegal behaviour such as the use of hand-held phones and texting while driving?

Mr BURNS: Absolutely.

Mr ROBERT FUROLO: I ask you a question I have asked a few people today and throughout this inquiry. Is there a particular recommendation that you feel this Committee should adopt as part of this inquiry process? What would you see as being the critical recommendation that needs to be endorsed by this Committee?

Mr BURNS: Recommend adequate research to prove the common knowledge. Without adequate research to back up any changes in legislation or in enforcement, it is a bit of a guessing game. One other recommendation is to look into the mounting of equipment on windscreens. That is because, hand in hand with your phone and an iPad that has a GPS unit on it, mounting that on the windscreen blocks out from the view of the driver a complete car across a suburban intersection, and that is only 15 metres away; and if they are not paying attention, at 60 kilometres an hour, they are through your front door.

Mr WOOD: I would add to that. I think one of the major recommendations should be education as to the effects of distractions. I do not think people realise when they are using their mobile phones just how much they are taking their eyes off traffic and what can happen in that very short period.

Mr ROBERT FUROLO: Do you think there should be more practical training, as well as attitude training, for learner-drivers about the dangers of distractions while driving—along the lines of the learner-rider training course, which is a practical training program? Do you think that, as a component of driver training, there should be practical driver training focusing on distractions?

Mr WOOD: I do know some instructors of learner drivers get their students to put the mobile phone in the back seat, because they know that if the phone rings the student's automatic reaction is to answer it. So, there should be as a component of the learning process the need to put the mobile phone where it cannot be reached; that it is not imperative that it must be answered immediately, that it is better to leave it until you can pull over and answer it then.

Mr BURNS: On your suggestion of better training for drivers, I could not agree more. Over the past 10 years motorcycle riders have had about a constant level of fatalities, while motorcycle registrations have doubled, from 80,000 to about 167,000. Additionally, in the past five years major injury crashes have dropped from 210 per 10,000 registrations to 150 per 10,000 registrations. Motorbikes have not been given airbags, or crumple zones, or seat belts, or ABS, and we do not have traction control. The only thing we have had in the past 10 years is better rider training. It teaches riders to be better risk managers, to keep their eyes open. And if that is not a good argument for training drivers, I cannot think of a better one.

Mr JOHN WILLIAMS: Your comments lead to my question: Have we seen an increase in what you have termed SMIDSY accidents since the introduction of mobile phones? It becomes apparent, based on the data that you have just highlighted, it has not been an issue.

Mr BURNS: It has not been an issue because we are training riders better. We are training riders to be better risk managers. We are training riders to stay out of people's blind spots, and not to put themselves in a position where they are going to get hit by someone veering across the road. I believe if we were harder on internal distractions we could reduce the injury rate for motorcycle riders even further, and dramatically so.

Mr JOHN WILLIAMS: I would like to make a comment. While I think I am a pretty safe driver—though my wife probably would not agree—I had an event where I missed seeing a guy on a motorbike. While I was apologetic about it because I genuinely did not see him, I think one of the problems that motorcyclists have is that, while bike riders tend to wear a luminous outfit so that they are clearly visible, I do not see that with motorbikes. Bikes tend to fit into the environment; you do not see them. When you talk about driver distraction, I would like to have a distraction so that I can see a motorbike, as opposed to just having them fit into the environment.

Mr BURNS: Mr Williams, please excuse me standing to show you my footwear, but that is the result of a broken toe and a broken ankle caused by a car driver moving from the right-hand lane into the left-hand lane. I was in line with the vehicle's front passenger window. The first thing she said was that she did not see me. I was on a white motorbike, wearing a fluorescent green high-vis jacket and a red jacket underneath that. She didn't look. I do not even know if she was on the phone. The visibility issue has been around for some time. The excuse is, "I didn't see you."

People use that same excuse for the semi, for the bus, or for the train. It is trying to absolve themselves of guilt for their actions. High visibility would then put the onus on motorcycle riders and lead to insurance problems. I think we need to train drivers better and train them for hazard perception, and stop bullying on the roads. It is quite easy just to get shoved out of the way by a taxi driver because he does not care. Again, this is going on my experience spending 50 hours a week on a motorbike in Sydney traffic.

The Hon. RICK COLLESS: Going back to the comments you made a few minutes ago about the increased registration of motorcycles—was it 100,000 to 160,000?

Mr BURNS: From low 80,000s up to 167,000.

The Hon. RICK COLLESS: What class of motorcycle are you talking about? Where has the big increase been—scooters, road bikes or what?

Mr BURNS: I do not have the figures to hand but it has been across the board. Charley Boorman and Ewan McGregor, God bless their cotton socks, instilled a sense of adventure in a lot of people so instead of buying a four-wheel drive they went and bought a BMW adventure bike and they are touring Australia having a good time. There are a lot of people whose kids have gone and their mortgage is paid off and who rode a bike when they were younger so they are getting back on and registering their bikes. There are a lot of commuters in the eastern suburbs but generally it is across the board.

The Hon. RICK COLLESS: What about age groups? Is there any specific age group?

Mr BURNS: The average age of motorcycle riders in New South Wales at the moment is 42.

The Hon. RICK COLLESS: But has the increase been in any particular age group or is that across the board as well?

Mr BURNS: I cannot answer that, I am sorry.

CHAIR: We tend to focus on electronic devices, mobile phones et cetera, but are there any other external sources of distraction that concern you, such as variable road signs, street furniture, advertising signs or any other risk factors that are of concern to your membership that you would like to comment on?

Mr WOOD: Our concern has to do more with in-vehicle distraction. Mobile phones and the increase in other electronic devices within the vehicle is where our concern lies.

Mr BURNS: I have had one or two comments from some of the members about mattress sales et cetera—three-page bedding and mattress sale advertisements that people are trying to read because they are

looking for a mattress. In between all that the road safety advisory signs get lost. It is just another blur. People think they are just another advertisement instead of seeing a road hazard sign up ahead.

CHAIR: In your submission reference was made to the NRMA blind spot rating system to measure the ability of drivers to see approaching motorcyclists and other road users. How do you propose to use that system with mobile devices?

Mr WOOD: Usually the screen is up on the dash, reducing their forward visibility. Our interest in that NRMA index has to do with the increased width in the A pillars as a result of rollover. They are looking to see how much of your view is obscured by the A pillar. Again, it would be how much of their visual area is being obstructed by a screen.

CHAIR: Would you like to comment upon any electronic devices that are mounted on some of the high-tech bikes and any problem that you foresee with those as well?

Mr WOOD: Chris commented earlier about global positioning systems. Hopefully there will be no necessity to program those while in motion.

CHAIR: Yes, hopefully.

The Hon. CATE FAEHRMANN: I have a question about the adequacy of penalties. We have heard from some witnesses this morning that so many people—you have said it yourselves—are still using handheld devices, and current enforcement seems to be lacking. Possibly penalties might also need to be looked at. Do you think a significant increase in penalties would make a difference? Do you think there needs to be more significant deterrents for using handheld devices in vehicles and do you have any suggestions as to what they might be?

Mr BURNS: Personally I would like to see penalties reviewed. Currently, if you exceed the speed limit by 30 kilometres an hour on a straight road with no side roads you automatically get three months on the bench. Yet I had a collision with an errant driver who has put me off work for three months, caused me a great deal of pain and inconvenience and a great deal of stress to my partner—the poor girl burst into tears when I rang her from the ambulance—and she got a \$265 fine and lost three points. We really need to teach people that if they hurt someone there is a penalty to be paid. I think there needs to be a refocus on the types of penalties there are at the moment.

Mr WOOD: It is probably not just the penalty but the enforcement as well because the penalties exist but you very often see people using mobile phones. We should also concentrate on education programs not just enforcement.

Mr ROBERT FUROLO: In terms of the road safety message that the Government is responsible for communicating to the community and motorists, do you think the focus on speed as opposed to other factors that are contributing to accidents is greater than it otherwise should be?

Mr BURNS: The recent New South Wales road safety strategy highlights four contributing factors for collisions. One is speed, and Assistant Commissioner John Hartley agreed at the last Road Safety Advisory Committee [RSAC] meeting that it is an objective decision. It is a check box. Another factor is fatigue. They work backwards to find out whether someone has had a tough week. Restraints and alcohol can be quantified but the other two cannot. There was absolutely no mention of force majeure, failing to give way at stop signs, animal strikes—nothing at all. It is all about speed and the implementation of wire rope barriers across the country.

The only way you are going to stop an accident is if nobody moves. Speed is one kilometre an hour; standing still is no speed at all. People get hurt at one kilometre an hour in the city. I think they need to take the focus off speed and go back to basics. They need to start getting onto people who are using mobile phones, using iPads, watching television while they drive, reading a newspaper, eating their breakfast, doing their hair, the dog sitting on their lap—the whole lot. Let us get back to basics and reinforce to people that they need to be responsible for their own actions. If you do not pull out at a stop sign in the first place there will be no accident.

CHAIR: I was going to ask you whether you were involved in the formulation of those education and awareness campaigns but I think you have already answered that. Thank you both for making a submission and for your presentation today.

(The witnesses withdrew)

GREGORY PHILLIP CANTWELL, Director, Policy and Research, Road Safety Education Limited, sworn and examined:

CHAIR: In what capacity are you appearing before the Committee?

Mr CANTWELL: In a professional capacity; as Director, Policy and Research with Road Safety Education Limited.

CHAIR: I draw your attention to the fact that your evidence is given under parliamentary privilege and you are protected from legal or administrative action that might otherwise result in relation to the information you provide. I also point out that any deliberate misleading of the Committee may constitute a contempt of Parliament and an offence under the Parliamentary Evidence Act 1901. Time is always limited at these hearings. The Committee may wish to send you some additional questions in writing, the replies to which would form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Mr CANTWELL: Yes.

CHAIR: Before we proceed with questions, would you like to make a brief opening statement?

Mr CANTWELL: Yes, thank you very much. Road Safety Education is a community-based organisation, committed to reducing the youth road toll through providing evidence-based road safety education to young people. Together with our community partner, Rotary, and supported by our corporate partners, BIC, Toyota Australia and Kmart Tyre and Auto Services, we have been providing an evidence-based road safety education to high school students for over 11 years. Each and every year we see some 25,000 students attend our program in New South Wales, which is almost 180,000 students since we have started.

A key component of our work is to empower young people to make better choices and to be ambassadors for road safety to their peers. This is why Road Safety Education was pleased to lend its support to the request from University of Newcastle students to make a submission to this inquiry to address the serious issue—especially amongst young people and young drivers—of driver distraction. Through preparing their submission, these four third-year communication students became ambassadors for road safety to their peers. They were keen to have their thoughts and their views heard by our community leaders charged with making important decisions about the direction of road safety in New South Wales. Accordingly, they were delighted and, I have to say, a little alarmed when called to be here today. Unfortunately, due to their university and other commitments they were unable to be present, but I am pleased to represent the students and their submission and to provide insight into young people and driving distractions.

CHAIR: Thank you very much. We did notice the authors were in fact from the University of Newcastle. You have explained some more about their background. It is pleasing to see their involvement. The submission represents the views of a non-profit organisation working with young people aged 16 to 18 to raise awareness of road safety through the RYDA Road Safety Education Program. Could you provide more detail about the establishment and the work of your organisation and your links to that RYDA program?

Mr CANTWELL: Certainly. The RYDA program was first established in the northern suburbs of Sydney after a serious road crash some 11 years ago, and a group of Rotarians, who were concerned at the large number of people dying on our roads, said something had to be done. They gathered together—road safety professionals, driving instructors and the police—and the first RYDA program was had, as I say, some 11 years ago at St Ives. Since that time it has developed and emerged and expanded certainly beyond the boundaries of the North Shore and is now found at some 40 venues across New South Wales, and with some 25,000 students a year participating.

It is a program that predominantly targets year 11 students, although we also have been involved in juvenile detention centres and other places for at-risk youth, and it is about an experience of working in small groups and to look at some of the decisions and choices that they are going to have to make when they become drivers but, importantly, their role as a passenger in keeping that vehicle safe. We target the students, both as a driver, or new driver, and a passenger of a new driver.

As I say, there are six sessions. We have great support from the police, who are at each and every one of our programs. We have a crash survivor who comes to share their story about what is it like to live with a

long-term and ongoing disability as a result of a crash. It provides the students with a chance to look at their own behaviours and that of their friends, to say, "What are the sorts of things that can we do to make better choices next time?"

CHAIR: Does the submission reflect the views of the young people with whom you work?

Mr CANTWELL: Yes, I think that would be a fair comment. Certainly a lot of the information we have in here and the discussions we have had have come from a broad base of younger people who have been involved with the program, particularly in more recent times.

CHAIR: I am sure Committee members will want to explore some of the opportunities to enhance education, where it starts, as young people go through life and combat the problems we are addressing through this inquiry.

Mr DARREN WEBBER: Firstly, I commend both you and the Rotarians for your work in the RYDA program. In the submission, reference is made to the United Kingdom Switch Off Before You Drive campaign. Can you elaborate on that? I am not aware of it.

Mr CANTWELL: The research came as a result of the university students and the work they did to look at some of the other things that are around. I have to say I am not familiar with the details of that particular campaign, so I would be reticent to give advice at this stage on that matter, but happy to follow through on that at a later time.

The Hon. WALT SECORD: In your opinion, do tougher penalties and the ratcheting up of fines for second offences, as advocated by Assistant Commissioner Hartley, discourage young people from texting and other distractions while they are driving?

Mr CANTWELL: I think we need to take a step back before that. What we need to do is to have young people understand the consequences of those sorts of behaviours. I think it would be reasonable to say that most young persons, when they start to use a mobile phone or to send a text, it is a case of, "It will not happen to me." What RYDA is attempting to say is there is a very real chance that it might happen to you. In that context, any sense of fines or demerit points has little to no meaning for them.

By looking at the long-term consequences, whether that be death and therefore the ripple effect amongst their family and friends—and that is certainly one of the things we explore with them as part of the RYDA program—or whether it be a long-term disability as a result of a crash, I think that has more power than in itself the fine or the demerit, because it is outside their experience or world view. It is not until that has happened that they then realise the consequence. To look at it in an abstract way and to understand the consequences is of far more value at that stage.

The Hon. CATE FAEHRMANN: You advocate some hard-hitting educational programs for young people about the danger of hand-held devices and the risk of being distracted while driving. We heard earlier today that there are some advertising campaigns like this in Queensland and Victoria. Are you aware of them?

Mr CANTWELL: Yes.

The Hon. CATE FAEHRMANN: Can you comment on those for the Committee? We have not heard what they are yet.

Mr CANTWELL: I know there is a range of different ones. I hope I am referring to the same advertising. Before I answer that, one of the things that RYDA has done is to look at the research and to look at what that is telling us. We are at a stage that anything we show, whether it be the video, is about hitting the young people emotionally rather than shock-horror issues. What we have found is that it is not real to them. They switch off and say, "It won't happen to me." What we seek to do is get that emotional buy-in.

If I can digress briefly, one of the DVDs that we show is a mum and dad talking about what it is like to have lost their daughter and the quietness and loneliness that goes with that. Listening to the students—a bit like now—it is that silence within the room. One girl turned to her friend and said, "I could never do that to my mum." I thought, "We have got you!" She wouldn't see the need to change her behaviour for herself—because she may well be invincible, or it is not going to happen to her—but she will see the need to change the way she

drives and the things that she does because she does not want to see the ripple effect to her family. I guess they are the sorts of things that we would like to see in any form of advertising campaign. Education certainly that, you know, this is a consequence, but anything that is that shock and awe I think would probably lose the importance because I do not think young people tune into that as much as we may think

The Hon. CATE FAEHRMANN: Further on from that, in terms of the best medium for an advertising campaign like that, would that be as part of the licensing system or, I suppose, multi-pronged including television and social media?

Mr CANTWELL: Exactly, multi-pronged. I guess it is important to support programs like the RYDA program where the message around distraction is very, very strong. Then I guess I would add to that the sorts of communication channels that we have, our website, our Facebook, and agencies like ours. In addition to that of course online advertising is powerful, as well as other sorts of media. Some of the things that I have seen to have great value are those that have come from young people themselves, to advocate them coming up with some sort of solution and having a forum for them to explore and disseminate their information in a way and in a language that I think is relevant to them.

The Hon. CATE FAEHRMANN: The submission seems to want to emphasise other distractions outside blaming young drivers being on their mobile phones all the time. Did you want to comment on that aspect of the submission?

Mr CANTWELL: Thank you for that. I noted in the other parts that it referred to electronic distractions and the like and I am sure mobile phones have been given a fair hearing here. One of the things that we touch on both as a positive and as a negative of course is that of other passengers. We talked to the students about a passenger being a distraction but at the same time saying, "Well, you therefore have a role to play within the safety of that vehicle." So the safety of the vehicle is made up of everybody within the vehicle; not just the driver. That is part of looking at distractions, also as well as what is inside the vehicle. We do talk about mobile phones of course. I heard the person before me.

One of the things we say to our students is to put your mobile phone in the boot because it means that you actually have to pull over to get to it rather than put it anywhere in the cabin because that sort of pain and suffering of being out of contact with the outside world for too long seems to be too much. Part of our program is to look at those distractions that they can minimise or eliminate so they are better prepared for those ones that they can't. What springs to mind are things like billboards and advertising things. That is really hard to regulate. But if we can ensure that inside the cabin is distraction free, then we know that they will be better prepared for those things that are outside the cabin that we cannot control as well. So really it is saying to the students: You have got a choice here, you need to control what is happening within your car

The Hon. RICK COLLESS: Just following on from that, in the submission the organisation talks about the range of potential distractions and prohibitions that apply to the L1 and P1 licence holders. I think you support those current provisions but you do not think there is enough being done to educate young drivers about the impacts of those restrictions or distractions. How do the young people within your members feel about those current licence restrictions applying to the L and P1 drivers?

Mr CANTWELL: I think it is probably fair to say that they do not embrace them terribly warmly upfront. I will tell you a good example. One of the things that we have been trying to do is to actually explain the legislation so that once they understand the thinking behind it then I think compliance will improve. For example, one of the things that we talk about is passenger restrictions after 11 p.m. for P1 drivers. For the most part the initial response will be one of it's not fair and this is why it's not fair. But when you start to present to them and to share with them and get their stories about, you know, you are most at risk at these times, you put another passenger within the car and it doubles, and start to explain where this legislation came from you start to get more and more of that aha moment of I now understand that it is actually not about punishing me so much, although there is still probably an element of that, but certainly it is about trying to keep me safe. I guess what we would like to see happen more is that education process because we think that when young people understand it they are more likely to comply with it because they know what it is about.

The Hon. RICK COLLESS: So when they understand it then they are more likely to understand the benefits of restricting those distractions?

Mr CANTWELL: Yes, I think so. Give or take of course, but yes.

The Hon. RICK COLLESS: What are some of the issues that are raised by young people in relation to the restrictions?

Mr CANTWELL: Certainly in some of the work that we have been doing at the forefront I think it is a beginning of "why should it be different for us just because we're young?" There is that whole range of limitations that they see that are placed on them. Once they start to understand the rationale behind it all, I think more and more those sorts of things start to fall into place for them. Of course you get the "it's not fair that I can't take my friends home after a certain time on a Thursday night". And without doubt they will also set that up as being that Good Samaritan because isn't it far better that I be driving them home rather than them walking the streets sort of thing. It is only when you start to work with them and with that information that they start to understand those things better. Likewise with the speeding.

I think what has really been interesting in the kids that we have been talking to is drink driving is a bit of a non-issue. It is not something that they do. Our challenge now is to talk about the morning after and about them getting in the car still under the influence. But that idea of a designated driver having a drink is seen as though there is nothing lower almost. So I think we have made huge inroads in that. It is those other areas I think we need to explain better as to why they cannot have their mobile phone on and what that means, why they cannot have so many passengers in the car after a certain time, and why they need to keep to the speed limits and other things like that.

The Hon. RICK COLLESS: Is it mainly mobile phones that are the issue with them or do they embrace other forms of new technology too?

Mr CANTWELL: I think they are traditionally early adopters of almost everything, aren't they. Mobile phone use, I would even probably narrow that down even more and say it is texting and it is Facebooking. I think certainly—and it is observational only, I must say—that they are less likely to talk on the phone and more likely to text and to write and to update their Facebook status on the phone. I think that is perhaps one of the challenges too, because we do not have technology that allows them to do that hands free. Part of our challenge, if you like, is just to show how dangerous that can be and why they need not to do that.

Mr ROBERT FUROLO: Your interest and focus and expertise seem to be with young people. Do you think our schools, through the Department of Education, are doing enough with the training of skill and attitude for people who are approaching their licence and their driving years?

Mr CANTWELL: I understand that there are school-based programs that schools can use to provide for their students. I guess I would say and we would say that you cannot have enough of this sort of education. Clearly one of the advantages of the RYDA program and, indeed, road safety education is that we assemble in a sense a group of experts. It would be hard for a school to have those sorts of things at hand, so we make it very easy. At the same time we know that just having a one-day RYDA program in and of itself needs to have other things in order to change and maintain that behaviour change.

I am aware that there are things happening in schools. Some, I would imagine, like all things, do it really well and there are others who probably struggle a little bit with that too. In part for our own work what we are doing is also expanding the range of programs that we have available so that we can work with students in years 9 and 10, have them come to the RYDA program in year 11 and then follow that up with programs in year 12. In addition to that we are very conscious that parents play a key role in keeping our kids safe. We have introduced parent workshops to say what are the sorts of things that you can do to make sure that your child is safe? One of the things that we do talk about a lot is about distractions, about mobile phone use and about the rules and things that they can help support so that their kids are not the only ones, if you like. I guess what I am saying is there are a range of programs that we should use; I do not think it is a one size fits all, and I think it is good when the school is able to support that with their own programs as well.

Mr JOHN WILLIAMS: With the RYDA program do you carry out any post survey to see that you have had a positive long-term influence on driver behaviour?

Mr CANTWELL: Evidence and information are important parts of our program and we undertake both pre- and post-survey work. As I said, some 25,000 students come through the program in New South Wales. We do not even try to survey all of them; we take a random sample from each and every day. The areas in which we have been particularly strong involve speed, a safe following distance and mobile phone use. We

also conduct focus groups of students asking them what stayed with them over the long term. That is in its preliminary stages; we have done only six focus groups so far. However, that has been a key part of our evaluation to determine what is sticking so that we know what is working and what we need to improve. Yes, we do take our evaluation very seriously and obtain feedback from a number of different levels.

CHAIR: The submission recommends that the Committee consider the United Kingdom Switch Off Before You Drive Off campaign. Do you know anything about that campaign? How would you see it being applicable? Would it really be embraced by young people? I presume it refers to switching off an electronic device such as a mobile phone and the equivalent of, as you said, putting it in the boot.

Mr CANTWELL: I do not know how it has been embraced. It was one of the recommendations put by the university students.

CHAIR: I understand. We want to explore it because it is the ideal and it has been explored before. However, as we heard from the previous witness and as you stated earlier, it involves relocating the mobile phone or other device, and that is the ideal. In practice, it might be dealt with on that one day and they might realise the benefits, but it would be very difficult to enforce given the desire to maintain contact at all times. How do you see that happening? You mentioned emotional involvement. Are there other methods we can explore to make it part of their psyche? How can we get that message to young and older people?

Mr CANTWELL: To this group there is nothing lower than a designated driver drinking. That is what we need to move towards. We need to instil in them the belief that there is nothing lower than using a mobile phone or any other device that causes a distraction while driving. It is a long-term, multipronged project. We see education as a key part of that; we must ensure that they understand the reasons and the rationale behind it. At the same time, it must be supported by enforcement and we must get to the stage where the community says, "No, we do not accept that."

As I said, we were supported by corporate funders such as BOC, Toyota and Kmart Tyre and Auto Service. That makes our program accessible to students. BOC has a long-term policy that staff must switch off their mobile phone whenever they are in a vehicle, even their private vehicle when they are travelling to and from work. They take it very seriously and I understand that staff have been counselled and in some cases sacked because such behaviour is a breach of their contract. That policy has been in force since 2004. Not using a mobile phone while driving is a very strong part of the culture of that organisation. We must establish how we can get to that stage in the broader population, who are not going to be sacked. We must get to the stage at which we are so safety conscious that we do not think to turn on our mobile phone in our car.

CHAIR: It is self-discipline based on safety consciousness.

Mr DARREN WEBBER: The Royal Automobile Association suggests that completion of a road safety education program be compulsory when acquiring an unrestricted licence. How could that be implemented? If Roads and Maritime Services were to implement it, where would the RYDA Program fit in? Would they complement each other?

Mr CANTWELL: We want education to be seen as so important that we put our hand on our heart and say, "We believe in this so much that we will make it compulsory and it will be an important part of anything we do." We also accept that there are limitations to what both Roads and Maritime Services and the not-for-profit sector can deliver. Arguably there are things that we can deliver better than Roads and Maritime Services and vice versa. For us it is about complementing existing programs with the caveat that there must be a standard. Someone simply rocking up with a road safety education program and saying "here we go" is not enough. We must ensure there are appropriate standards that are appropriately audited and that we are confident the programs being delivered are supported by evidence. We should work together to achieve that. However, we must also ensure that whatever we are doing is of the highest possible standard.

CHAIR: Thank you very much for your passion and the work you are undertaking. We appreciate your submission and for appearing before the Committee today.

(The witness withdrew)

MICHAEL ARTHUR REGAN, Transport and Road Safety (TARS) Research, affirmed and examined:

CHAIR: Thank you for attending this public hearing of the Joint Standing Committee on Road Safety's inquiry into driver and road user distraction. The public hearings are exploring a range of issues. In what capacity are you appearing before the Committee?

Professor REGAN: I am a psychologist and work as a professor in transport and safety research at the University of New South Wales. I am here representing the Centre for Transport and Road Safety Research in the School of Aviation at the University of New South Wales.

CHAIR: I draw your attention to the fact that your evidence is given under parliamentary privilege and that you are protected from legal or administrative action that might otherwise result in relation to the information you provide. Any deliberate misleading of the Committee may constitute a contempt of the Parliament and an offence under the Parliamentary Evidence Act 1901. Would you like to make a brief opening statement?

Professor REGAN: Yes, please. I will just let you know that I have a 20-year career in road safety research, just so that you know where I come from. I have completed a number of research studies looking at distraction in cars, in buses and, while I was working in Europe for the last five years, trains. It is not a problem that is unique to car drivers. I am the senior editor and co-author of two books on driver distraction and inattention, the first one being the first book on the topic.

I sit on a six-member European Union-United States committee on driver distraction that has been brought together by the National Highway Traffic Safety Administration to develop a universal definition of driver distraction and to work out how distraction differs from other forms of inattention. Distraction and inattention are not two separate things: they are related concepts.

I created the driver distraction program with GM Holden before I went to France in 1997. I created and chair a two-yearly distraction and inattention international conference in Sweden, the next one of which will be in September next year. I suppose I come to this Committee as someone who has spent quite a bit of time thinking about distraction, what it means, and what its effects are.

CHAIR: Thank you very much. We will refer to the centre for Transport and Road Safety Research by its acronym TARS henceforth. Could you briefly update us on the work that is being undertaken in the field of road safety, particularly in the field you referred to as road-user distraction? We would be interested in how you choose the subjects for research.

Professor REGAN: The research field in road safety is really quite broad. It is a complex topic. The title of the first book that I wrote was *Driver distraction: Theory, Effects and Mitigation*. The theoretical side of the area is really concerned with defining what distraction is, what it means, and what its mechanisms are. Unless you do that, you cannot truly understand what the impact of distraction is on driving behaviour and performance. The second broad area in the field, I suppose, is really looking at the effects of distraction, firstly on driving performance. We know quite a bit now about the effects of driver distraction on different aspects of driving performance.

Driving is a complex multi-task activity which involves a number of things: avoiding collisions, monitoring speed, navigating, controlling the vehicle, maintaining lateral position on the road and a number of other things. In thinking about distraction, we can think that it can do one of four things: it can take the driver's eyes off the road, their mind off the road, their hands off vehicle controls and even their ears off the road, if they are concentrating so much that they do not hear even something like an ambulance. By doing that, any one or more of those things in combination can affect those different aspects of driving behaviour.

The other impact of course is on crashes. Probably the best work that has been done in that area so far has been by Virginia Tech in the United States, which is developing a research program involving the instrumenting of vehicles. We are working with Virginia Tech to instrument vehicles with video, an auditory track, accelerometers and a whole range of other sensors that will allow us to understand what drivers are doing in cars. We hope to have approximately 600 vehicles on the road, many of them here in New South Wales as well as in three other States, if we can get the funding. I am hoping that a major recommendation of this Committee might be that such a project be funded. We would like to run it in 2013.

The final area, in answer to your question, is mitigation: How do you either prevent the effects of distraction, or how do you go about minimising the impact once it is occurred? That involves another whole field of research. I hope that answers your question.

CHAIR: Yes, thank you. Your submission refers to Vision Zero and a safe system approach to road safety. How does driver and road-user distraction fit within the Vision Zero goal and the safe system approach to road safety?

Professor REGAN: That is a very good question. I deliberately mentioned that in this document. Vision Zero is really all about accepting that drivers make mistakes and that the road system should be designed, in this case, to be distraction-tolerant. Being distraction-tolerant means we should be trying firstly to prevent the errors that are brought about by distraction, as I said before, and to minimise the damage to the person in the event that they become distracted. From a Vision Zero perspective, what that means is that you have to think a little more laterally about how you can protect a distracted driver.

For example, if they become distracted, there are systems that have been developed that will warn the driver that they have been distracted. The systems can look at the driver's eyes and see that their eyes are off the road. They can even look at the patterns of what they call gaze concentration. In other words, are they still interrogating the peripheral field of vision, or not? What we find when people are thinking internally, day-dreaming or talking on the phone and hence are cognitively distracted, is that their visual field reduces. This is a real problem because they cannot see things in their periphery. These systems are becoming capable even of determining that and then sending a signal to the driver that they detect that the driver is either visually or cognitively distracted.

If you think about it laterally, there are many other systems in cars that already have been developed and are available currently in Australia. For example, there are forward collision warning systems and lane departure warning systems. Even though they are not specifically designed for the distracted driver, they provide warnings to the driver. In some European vehicles, they even automatically brake the vehicle, if the driver fails to respond to a forward obstacle for whatever reason, including because they are distracted. For me the relationship between distraction and Vision Zero is that we can have not only systems that warn a driver, avoid crashes, minimise damage to the occupant but also, with some systems that are being developed now in Europe if they detect that the person is distracted, messages sent through to forward collision warning systems and other systems to prime those systems and let them know that the driver is not in a fit state to be responding to unexpected things.

Now we have distraction warning systems communicating with other systems in the vehicle. To me, this is the future of managing distraction. The great thing about these sorts of systems is that it does not matter what sort of distraction is taking the person's eyes off the road, their mind off the road or their hands off the wheel. For whatever reason, regardless of the source of the distraction, these systems increasingly will be able to bring the driver back into line and protect them.

Mr DARREN WEBBER: Professor, other submissions to this inquiry advocate the introduction of a distracted driving offence, regardless of what the definition of distraction ends up being, targeting the full range of activities. Do you support the introduction of such an offence, once a definition has been given?

Professor REGAN: I think I may not have made it so clear in the submission, but I think that in framing the laws around distraction, there are probably half a dozen or so principles that I think are probably pertinent. I think the first general principle would be that we should be discouraging non-driving related activities or the sources of distraction that the driver can engage in that are likely to take their eyes off the road, their mind off the road, their hands off the wheel, or their ears off the road, if I may put it that way. I do not think we want to be encouraging a whole lot of extra functions that are not driving related coming into the vehicle. That is the first principle.

The second thing is that we need to discourage visual-manual interactions. We know particularly from the research that has been done by Virginia Tech in the United States that having the eyes off the road and engaging in manual activities—for example, texting—is particularly dangerous. They involve cognitive activity, taking your mind off the road, taking your eyes off the road and we know that if your eyes are off the road for certainly more than two seconds there is a doubling in crash risk. That is quite clear from the work that has been done in the United States. The manual interactions themselves can be quite complex. For example, I have got a

Renault Megane. I bought it because it has a five-star safety rating and it was less than \$25,000. It comes with Bluetooth but I have an iPhone 4S. If I wanted to make a phone call with my iPhone 4S under the current legislation it will be illegal while I am driving, even though it requires one button press and then I can say, "Phone my wife" and it will do that for me.

But it is legal to take my phone into the car, it interfaces with the car through Bluetooth and there is a 10-step operation that is involved in using a button on my steering wheel and having to read what is on a display inside the car that is synchronised with the phone that would allow me to make that call. I can legally do that while I am driving. In relation to hands-free it can be very dangerous if it still involves visual manual interaction. The point I want to make is that the legislation has to take account of situations like that which are incredibly dangerous when, in fact, it would be much easier just to press the iPhone and say, "Phone my wife." It is one simple step which I can do even without looking at the phone but it is illegal and I understand why it is.

The third principle is that talking causes distraction—there is no doubt about that. If I have the opportunity in a moment I will talk about the messages we should be giving to people in educational and mass media campaigns. It is important to point out that talking is distracting. We have laws at the moment that tend to make people think that it is not distracting because we allow them to do it. If you look at the literature, and I have a chapter in my latest book which is state of the art, when you talk on a phone it causes this gaze concentration effect. You neglect what is happening in the peripheral field, you get these look but not see phenomena where you are driving along, you might see a pedestrian come out from behind a parked car, and you either fail to react or you do not react at all, even though you physically look at them.

We get things called change blindness because when you are thinking about things you miss things that happen, and then all of a sudden you have got to catch up again and all of a sudden you are changing lanes and there is a car there and you did not realise that it was there because you were momentarily distracted. In terms of driving performance, we know that response time increases, people look less at traffic lights—some people go through red traffic lights—they accept shorter gaps, there are more navigational errors and a whole range of effects that even talking on a mobile phone has been found to have in simulators.

Groups like Virginia Tech are saying at the moment that talking on a phone is not necessarily dangerous because the research does not show that there is an increase in crash risk that is significant when car drivers are talking on a phone. I tend to think that is because of the way in which they are defining and detecting the critical safety events that occur when people are talking on a phone. I do not think personally that they are sampling the variety of safety critical events they could be sampling which would be indicative of cognitive distraction. I think that is the fourth principle which is basically that the laws should be taking heed of the fact that talking is distracting and that voice control is not going to solve all your problems.

If you have a badly designed interface and all you have to do is control this piece of technology with your voice that will take a whole lot more effort than just talking, and I think that can only have the effect of magnifying those sorts of effects. I think the laws need to be justified on road safety grounds. I still do think it is a little odd looking more closely at the laws that there are exemptions for the very people like ambulance drivers and police car drivers who are driving in high workload, high stress environments and yet they are the very ones who we allow to use phones. I think if we are going to have those exemptions we want to have safeguards in place to make sure that the design of the equipment they use is as good as it can be.

CHAIR: You said talking is a distraction. Many of the advanced driving courses, and certainly the one that I did, require you to talk about everything you perceive in front of you and the peripheral vision for a sustained period with an examiner adjacent to you. How do you reconcile that?

Professor REGAN: Quite a bit of research has been done on this topic. It shows firstly that when you are driving with a passenger they can see what is happening in front of the car and so what they do is, without them even realising most of the time, reduce the frequency with which they talk, the content of the talk becomes less complicated. They are self-regulating to support the driver so that they do not overload the driver, especially in high workload conditions. So when they go through an intersection an experienced passenger certainly is more likely either to stop talking or to moderate the conversation. The other thing is when you are on the phone there are often social imperatives to keep talking; it could be your boss or someone you really feel that you need to keep talking to. Hence, by doing that you do not self-regulate in the way that you normally would so you might not slow down as much and you might not increase your headway and do things because your attention is captured by the conversation. The other thing is it is much harder. When you talk on a phone, especially when

you have a bad reception, it takes more cognitive capacity and so it is just harder. They are probably the three main reasons.

Mr DARREN WEBBER: An earlier witness said that the main distraction from their research was predominantly the hand-held unit and engaging with that as opposed to voice calls or voice mail interaction. They went as far as to say that perhaps in late hours voice calls could keep people even more alert. From reading between the lines, I think you completely disagree with that. Would you please elaborate? I think from what you have said you believe voice calls are a distraction.

Professor REGAN: No, I do not, in fact, disagree with that at all. I think the principal point I would make is that I agree that visual manual distractions are more dangerous than cognitive distractions, for example, talking on the phone. I think that has been fairly clearly demonstrated in a number of studies, including that of Virginia Tech. I think the point that I was underscoring was the fact that talking, or cognitive distraction, does distract people. I think if Virginia Tech had analysed the data when people are talking slightly differently they would find that it probably has more effects on safety or increases risk more than they make out to be the case. But, you are quite right, there is a flipside to distraction and that is that at least for fatigued, and I think it is for fatigued truck drivers, VTTI—the group at Virginia Tech that does this work—has found it can have what they call a protective effect.

What it means is that it could have the effect of keeping tired truck drivers awake but they did not find that effect in the 100-car study with car drivers. They found that there was a slight increase in risk but it was not statistically significant. It is possible that if the drivers in that study had been fatigued they may have found that effect. I think we need to do more research on that topic. I think it is a topic where the Americans have come out with some data, everyone is jumping at this data and thinking that this is the Holy Grail. "I have discovered it could be actually useful to talk", but no-one is challenging enough the way in which they are analysing that data and deriving those conclusions.

The Hon. WALT SECORD: The Committee has had differing views on approaches to this matter. Assistant Commissioner Hartley wants to ratchet up penalties, especially for second offences, for mobile phone use while the previous presentation from RYDA advocated education programs targeting young people saying that in fact tougher penalties did not work on them. Which approach do you prefer?

Professor REGAN: I think I have indicated generally in relation to laws, philosophically, what the guiding principles are. Having said that, the data I reviewed and which is reported in the submission indicates that in the three or four countries in which driver distraction laws have been evaluated, and particularly laws that ban the use of hand-held phones, that they have been initially effective and then after a year have been almost totally ineffective. In other words, the rates at which people are using the phones have increased to levels that were roughly comparable to prior to the introduction of the law. That is a real issue.

What I have not really discovered is why that is. I am not sure that anyone has gone back and understood why that is. Here in New South Wales, I do not know for a fact but I am pretty sure that we never evaluated the current law that we have that bans hand-held phones. I recommend to the Committee that that is one of the most important things we could be doing if we want to understand the impact of laws.

To some extent laws will change behaviour and the drink-driving laws, coupled with very good enforcement, have been extremely effective in changing attitudes towards drink-driving. I know that in the United States the secretary of the defence department set a very strong anti-texting campaign over there. As far as I know, he has been quite effective in changing community attitudes about texting in particular and has enacted laws in many States over there and they have been very strongly enforced. Again, what we do not know is after a period of time how effective they will be. Laws can be effective if they are very well enforced and if they are combined with mass media campaigns in particular, and target the misconceptions people have about distraction. During the course of our discussion I will spend a couple of minutes if I can talking about what those misconceptions are. The simple answer to your question is I am not sure how effective laws are based on the data we have but they will definitely change some opinions. They will bring to light certainly the issue.

The Hon. CATE FAEHRMANN: To continue on that, you are saying you are not sure how effective the laws are, but taking you back to drink-driving, it has been because of how seriously the law has taken drink-driving, the likelihood of losing your licence, serious fines, being caught, all that stuff, that has to do with the law. So, if we were to increase the seriousness in a legislative sense of driver distraction offences, do you think it would have a similar impact that the drink-driving legislation has had?

Professor REGAN: I think my answer to that question is that I know Australia has been spectacularly successful and is the envy of the world in tackling drink-driving as an issue. I think that is because, as you rightly stated, the laws are strict, the penalties are very high, commensurate with the level of risk, the level of random breath testing and other enforcement activities have been high and very strategic—and that is very important—and generally the laws are well constructed. I think in that sense we may find if we evaluate our own distraction laws and we ensure the penalties are high enough and that the laws are appropriately structured—which I think on the whole they are at the moment, according to these general principles—my feeling is that the laws at the moment as constructed are not too bad. They are discouraging non-driving related functions, they are forbidding visual interactions and they are putting the onus on people to use their voice rather than their hands, so they are reasonably effective. The answer is it could be when we eventually get around to evaluating our current laws they might be effective, if we treat distraction in a legal sense and enforce it in a way we do the drink-driving laws.

The Hon. CATE FAEHRMANN: Following on from that, the risk associated with driver distraction compared to the risk associated with drink-driving, understanding of course there are different levels of driver distraction, could that be compatible with drink-driving?

Professor REGAN: It is interesting you say that because in the latest book I edited and co-wrote there was a chapter by a guy called Ralph Preslopsky I think his name is—I refer to it in this report. He works for the Federal Motor Carrier Safety Administration in the United States. He used two crash data sets that were assembled in the United States to do an analysis. He was comparing the degree of dangerousness involved in being distracted versus being fatigued versus one other of the risk factors, I cannot think which one it was. As I have indicated in the submission, he found that truck driver distraction was the second-most dangerous activity and for car drivers it came out as the most dangerous activity. It was a little bit surprising and I am not a statistical expert so I cannot say how rigorous the statistics were but the guy himself is well respected and has done his research. Essentially what he is saying is it is a very dangerous activity and we need to take it seriously.

The thing about distraction and being drunk, the effects are quite different. If you are drunk you are drunk continuously; when you are distracted it can be only for a matter of seconds or even milliseconds unless you are talking over a long time span. If you are talking over a long time we know the increased risk is not as great as something like texting which, from the United States studies of truck drivers, seems to indicate a 23 times increased risk. I think 23 times is a bit inflated because of the way they did the analysis but I think we can say it is a pretty big increase in risk. Texting is a really dangerous thing because it requires people to do everything wrong—take their eyes off the road, take their minds off the road, probably take their ears off the road and sometimes steer with their knees so they can text. I have seen video footage from America of truck drivers steering with their knees while they are texting with their hands. It is incredible, they do not even have their feet on the accelerator anymore.

The Hon. RICK COLLESS: Thanks for coming in, Professor Regan, it is nice to see you again.

Professor REGAN: A pleasure.

The Hon. RICK COLLESS: You were talking about this issue of gaze concentration a while ago, that when people are talking on the phone they get into that gaze concentration state of mind. Does that happen to the same extent with a personal conversation in a car, with a real person in the car, and to the same extent or not to the same extent?

Professor REGAN: That is a very good question. The data on gaze concentration has been obtained from phone conversations. I do not know anyone who has looked at the effects of gaze concentration in chats with passengers. I would expect you probably do not have the same degree of gaze concentration. I think with the talking on the phone the gaze concentration effect probably comes about—and this is just off the top of my head, it has not been proven—probably from a combination of all of those different mechanisms we talked about before: The fact that the reception might be bad, your attention is elsewhere and you do not have a co-pilot with you to read the roads so you can moderate the way you behave. All of those things I suspect consume more attention and because of the greater degree of mental effort and attention involved I would predict that if I did an experiment you would get a greater gaze concentration than you would if people spoke to passengers.

The Hon. RICK COLLESS: You spoke earlier about the research taking place in America in vehicle separation, braking issues and those sorts of things. Are any of those sorts of work being done in Australia?

Professor REGAN: Not that I know of. I have been back in Australia for about eight months. I have not heard of anyone doing the sort of research that is going on, for example, in Scandinavia, France and other countries that I was affiliated with while visiting Europe. A lot of that excellent work is led by vehicle manufacturers. I take my hat off to the vehicle manufacturers because in the whole field of distraction they are the ones that have been leading the world in understanding what distraction really is and what they can do to prevent it and mitigate its effects. They have obvious reasons for wanting to do that I suppose. They are probably coming from pretty much a Vision Zero approach: we will let people be a bit distracted but if they are doing the sorts of things we would like them to do in our cars then we will provide a cocoon for them and mitigate the effects.

Not much is being done in Australia. It is an area I would like to be getting Australia into but at the moment because of the world economic recession and the fact that both Ford and Holden are not doing that fundamental research on this topic anymore in Australia—GM Holden used to but the Innovation Centre funds were cut. I used to work with them and now they no longer have funding. It is a great pity because I think in that area what we could be doing, as I mentioned in the submission, is doing work to evaluate the effectiveness of things like distraction warning systems, what we call workload managers and some of these other systems that are around but they have not yet been evaluated. We could be doing that in Australia. We could then be providing data for the rest of the world and for vehicle manufacturers overseas that could be used to finetune the systems for Australian conditions.

The Hon. RICK COLLESS: A Ford Laser, I think it is, has recently been advertised on television with an automatic parking system. Is that the sort of technology we are talking about in terms of being able to apply those same sorts of senses to distraction warnings?

Professor REGAN: The sorts of systems that I am talking about are, firstly, the ones that we talked about before that can detect whether a person is visually or cognitively distracted or both and provide warnings. The second major system relating to distraction is what is called a workload manager—these are already available on cars in Europe and possibly in Australia but I am not sure—and the system is basically detecting the level of workload that the driver is under at any moment in time. Let us say that a driver is turning right at an intersection, which is a complex activity, it is at night so the headlights are on and it is raining so the windscreen wipers are on. So the system monitors all of things that are happening in the vehicle: the turning right because there might be a GPS in the car, and yaw sensors, it knows the lights are on and it knows the wipers are on, and it gives the driver a workload rating of, say, five. If the workload rating is five then the workload manager will not let the phone ring, it will postpone the call until they have gone through the intersection, and it will lockout certain functions that the driver might want to interact with.

That is the second major kind of what we call real-time distraction mitigation system that is already on the market, and they are improving. They are very good for particularly young drivers. One of the points I did want to make about Australia is that our vehicle fleet relative to the vehicle fleets in Europe is actually quite old. I do not know whether Dr Soames Job is in the room as yet—he is talking after me—but he might know the answer. I think it is about 12-years old and gradually getting younger. That means that the cars that we have got are not distraction tolerant like the ones that we mainly have in Europe, especially in countries such as France with a younger fleet. When we do have distraction-related crashes, particularly crashes that come about because of visual distraction, which are higher-impact crashes generally, then we do not have the same degree of protection. So it gets back to that Vision Zero thing. From a Vision Zero perspective we do not quite have the same level of cocooning in Australia by virtue of the fact that our cars do not have many of these technologies in them.

The Hon. RICK COLLESS: Interestingly, in your submission after talking about the problems with telephones and distraction devices amongst car drivers you suggest that with heavy vehicles it may work the other way—namely, it helps to keep them alert and on the ball. Will you elaborate on the particular circumstances applying to truck drivers who are using some of those communication systems?

Professor REGAN: What I can say is that the research that VTTI should have done by now to better understand that effect they found where there was actually a reduction in risk when truck drivers were using a phone, the follow-on research to properly discern whether in fact that was due to the fact that the sample of drivers was fatigued has not been done as far as I know. So we cannot be sure exactly how robust that finding is. But one of the other things they found in that study was, unlike in the 100-car study with drivers that showed that if you are visually distracted and looking at a source of distraction outside the vehicle there is about a four

times increase in risk of having a crash, truck drivers looking outside the vehicle was associated with a slight decrease in risk as I understand it. I think those two things imply to me that if you do have truck drivers who are particularly fatigued that talking on the phone or engaging in some activity like that in which there is some sort of engagement with someone else, a passenger or whatever, probably does have the effect of increasing the level of arousal and then the effect of that is that they are less likely to have a crash because they are fatigued. That sort of implies that in the state they are in at the time that it is more the fatigue that is the issue than the distraction that prevents them from having a fatigue-related crash—I think that is the mechanism.

I really cannot say anymore about it because I do not know anymore about the mechanism. It would be arousal. We know that CB radios also have the same effect of arousing them even though when you think about it a CB radio is a more complicated thing to use—you have to hold it for starters. You have to remember when the other person finishes talking that you have to press the button, and before you talk you have to think pretty carefully about what you are going to say. It is just not like babbling on the phone, you want to maximise the intelligibility of what you say during the time you have got the button pressed. It always amazes me that that does not cause crashes. It is sort of a bit weird but again it is truck drivers; there is something different about them and we need to understand what that is.

The Hon. RICK COLLESS: Do you think we need to have a different set of rules for heavy vehicle drivers in that regard?

Professor REGAN: I think that is a really interesting question that I had not thought about. Going back to what we talked about before with laws, we do know that company laws that prohibit drivers from texting and other things tend to be effective. Those laws that are made up by companies and are internal laws seem to be much more effective based on the literature than general laws for the public. That is not an answer to your question but it is an observation that is worth noting. Yes, I think subject to a little more research to understand the nature of this mechanism, this research by VTTI, I think it could be worth considering the merits of distraction as a mechanism for keeping truck drivers awake if they are fatigued but, by the same token, you would not want to allow them to get fatigued knowing that they have the phone to rely on. That is not the right way of thinking about it.

Mr ROBERT FUROLO: Evidence from other witnesses today has highlighted the importance of education and attitude training as part of the solution to addressing the issue of driver distraction, and they made reference to the campaigns we have talked about just now, the drink-driving campaigns, the seat belt campaigns and speeding campaigns. I think one difference between those campaigns and driver distraction may be the ease with which you can enforce those campaigns—speed cameras, random breath tests—whereas enforcing texting penalties could be a lot more difficult. I think it is a lot more difficult for police to detect whether someone is texting while they are driving. Do you think that is a relevant observation?

Professor REGAN: I think from a regulatory point of view there is no doubt that one problem in enforcing laws that prohibit people from engaging in certain distracting activities is that they are difficult to enforce. There is no doubt about it. And texting is a classic example because they can sit down and do it down under and you cannot see them doing it. I think of education and mass media being related to laws. Mass media campaigns like those related to drink-driving tend to be very effective if the content of the advertisement is showing, for example, a policeman or policewoman apprehending someone for drink-driving or giving them a random breath test. That is how you can combine the education and the mass media with the enforcement of the law itself.

It is probably now time to maybe talk briefly, if I can, from a mass media/education perspective about some of the observations I have noted from the literature that I think could be useful to think about. I have not noted all these in the submission because I only received this chapter in review quite recently. I think the sort of things we need to be doing from an educational perspective, firstly, is—someone asked the previous speaker a question about what you do with younger people. We tend to compartmentalise people in road safety; they are either a pedestrian, a cyclist, a passenger, a driver or an elderly driver. We do not often stop to think that they are the same person fulfilling different roles, so in their minds they have a set of skills that transfer from being one thing to the other as they move through the life cycle.

So from the distraction point of view we know that pedestrians are distracted. I have talked about the literature in this document. There is ample evidence that pedestrians can engage in risky behaviours when they are distracted. The other disadvantage for pedestrians is that not only can their attention be diverted and hence they can be distracted visually and cognitively like talking; they are not controlling anything so their hands are

not off the steering wheel. But they often can have music playing in their ears so they will not hear things. That is not distraction; that is what we call auditory masking. So that is another thing they need to be aware of. It means that they cannot hear critical things like engine noises when they are walking, the important clues that there is danger.

So with education the general thing I would like to say before I talk about some of this mass media stuff is that there can be studying in the schools. Distraction can distract pedestrians. It can distract you when you are on a bicycle. It can distract you when you are a passenger or even acting as a co-pilot for a driver. So all of those roles—the roles which we would be thinking about in conveying messages to people as potential drivers about the effects of distraction and the consequences of engaging in distraction. That is the first thing. We should start young; start with people when they are young and look at all their roles as road users.

As for the mass media, definitely a couple of messages have come through. There is a public perception out there that the hands-free phone is risk free. I think we need to dispel that. We have laws that probably promote that as a perception and a lot of people could have that perception. But I think it is a misconception and through education and the media we need to dispel that myth. We need to heighten drivers' awareness of the distraction associated with visual- manual activities of all kinds. We have talked about that already, and the reason to explain here is basically that the interference with driving is greater because driving is a visual-manual activity and anything you do that is visual-manual over and above driving will be more interfering.

We need to convey to people the fact that they are affected by distraction like other drivers. In particular young drivers think they are less distracted than other drivers but they are not. They are just as distractible as other drivers. So that myth has to be dealt with. Importantly, they need to be made aware of their performance. When it is degraded it is such that they are not often aware of it. If you have a look at talking on a phone, one study showed that when people are talking on a phone or engaging in another similar cognitive activity they missed about 50 per cent of all the things that they saw along their route. It is just like daydreaming. How often have you daydreamed and realised that you cannot remember what you saw because you were on auto-pilot? That could be dangerous if there were subtle hues in the environment that further upstream were important in helping them to avoid a collision. So that needs to be demonstrated to them.

Many distraction events often go unnoticed unless there are surprising circumstances. That is something that needs to be conveyed to people. People should not bow to pressure to use the mobile phone. Just as we have had campaigns before to tell people to get out of the car if you are a passenger if the driver is behaving badly, if they are drunk or abusive, we should be encouraging people to get out of the car if the driver wants to distract themselves because we know it is dangerous or to challenge the person at the other end of the phone if you are compelled to keep talking on the phone. Probably most importantly for young people, because we know one of the major reasons why young people have more crashes than older people is not only because they are distracted more of the time but because they do not know how to manage distraction as well as more experienced people at different levels of control.

They do not realise that if you are going to talk you should slow down. You should adopt the grey haired way because they are probably not so calibrated to know what the effect is on their behaviour. It is extremely important that they become better calibrated in knowing how to manage distraction. As I said in the report, the driver licensing system is a good way of doing that because there are so many mechanisms through the driver licensing system in which you can help them to be better able to manage distraction. I think finally a message that needs to be got through to people is that there are a lot of commercial drivers who talk for a lot of the time on the phone and everyone seems to think that this is okay and they are somehow better able to manage the distraction but the fact is I do not think they are. The more often they are distracted, the greater is the statistical likelihood that they will be involved in a crash. That is just a few messages I can leave behind. I think they convey what I understand in the literature are the key misconceptions about distraction by the community. It is those misconceptions that you want to try to target in your messages.

Mr ROBERT FUROLO: You made reference to some of the technological solutions and measures that manufacturers are implementing such as collision avoidance and lane departure systems. Is the message you are giving that distractions are inevitable in humanity and rather than trying to penalise them out of existence, which is unrealistic, we need to manage them better through technology and maybe mandate those technologies?

Professor REGAN: That is a really good question. The message I am trying to convey is that only 20 per cent of all distractions tend to relate to technology. Most of the sources of distraction that people engage

with have nothing to do with technology and a lot of them are unavoidable. I did a little analytical exercise in the book on driver distraction—I should have brought you a freebie but if you buy it I will make some money and if you all buy it I'll make even more money. We did an analytical exercise where we predicted that 55 per cent of all distractions, from inside and outside the vehicle, are preventable. If you take it to its extreme you could say when people design a tourist route they are designing a route to distract people.

If you think about it: with a Vision Zero approach you can have the tourist route but you reduce the speed on the route by 10 kilometres per hour. Then if people are distracted they have more time to regain their composure, a larger margin for risk and if they hit a tree they will not be killed. That is a Vision Zero approach to distraction. As it percolates into vehicles technology will be great in that it will deal with the non-technological related distractions and save a lot of lives. I do not think that obviates the need for well designed and properly enforced laws that will show Australia is effectively preventing dangerous activities—unlike some other countries.

Mr JOHN WILLIAMS: When I started driving in the 60s my biggest distraction was a mini skirt. The reality is that somewhere along the line, from this Committee's point of view, we need to rank those distractions in some sort of order. We need to focus on what is the main distraction for drivers and address that as a priority as the biggest threat to road safety. While your submission is fairly broad-based there does not seem to be any ranking of what you see as a priority for Government to address in relation to those distractions.

Professor REGAN: That is a very good question. There is some data I have given on pages five and six that relate to that issue for both car drivers and truck drivers. For car drivers the things in rank-order that seem to be the most dangerous are: reaching for a moving object, which increased crash risk by about nine-times; looking at external objects to the vehicle, which increased crash risk by about four-times; applying makeup, which increased crash risk by three-times; and dialling a hand-held phone, which increased crash risk by three-times. Those were the things that seemed most dangerous for car drivers. When it all boils down if you think about what is common to all those activities it is: eyes off the road, all of them that had the high risk ratios, and in the case of reaching for moving objects—something I have not mentioned—is it is normally unexpected when objects are moving in your vehicle such as if there is a spider crawling around or if you drop something.

The thing about distraction and not expecting things to happen is that you are not in a position to what we call "self-regulate"; in other words to prepare for the distraction. An experienced driver if they are going to distract themselves will prepare themselves to do that. They say: If I am going to break the law I will stop at a set of traffic lights or this is an angry conversation so I will slow down when I get to an intersection. That is where billboards can be tricky because they grab your attention when you least expect it. They grab your attention often involuntarily through bottom-up processes and if they move or are bright they grab your attention. You look at them but you have not had time to self-regulate and to prepare yourself to look at them. I think that is the major problem with that particular category of "outside the vehicle distraction."

In trucks what they found were the most dangerous were things that took your eyes off the road and to some extent your mind off the road such as: texting when they were using a mobile phone increased risk by 23 per cent; using a dispatching device; writing things on a piece of paper or a book; using a calculator; looking at a map; and dialling a cell phone. All of those things take your vision off the road. There is a definite correlation between taking your vision off the road and increased risk. If you interact with things by reaching in the glove box and have your eyes on the road that is cognitive distraction because you can do it and still control the vehicle. Those activities do not tend to be quite as dangerous as things that absorb a lot of attention and take your eyes off the road for long periods of time—certainly for more than a couple of seconds. In framing your countermeasures the Committee should consider visual and manual activities are particularly dangerous. The more you take your vision off the road the more dangerous it is.

CHAIR: It is becoming clear if you keep your eyes and mind on the road, both hands on the steering wheel and keep your mouth shut you will not only avoid most distractions but you will also reduce road rage. There was a view expressed by a BMW manufacturer, probably the marketing manager, that a degree of interactivity in the vehicle—to pick what you were saying earlier—does stimulate and enhance the concentration level. I would like to move along that track and explore the role performed by a fighter pilot or a jet pilot who clearly has been through a professional training course but has a vast number of distractions that contribute to flying the aircraft safely. The cognitive load that person carries, how can you relate it to the increasing amount of in-car technology and how do we recognise and adapt to that for the future?

Professor REGAN: That is a very good question. Half of my job is aviation safety which means I look at what happens in aircraft cockpits. They tend not to be distracted because in civilian aircraft cockpits they have what is called a "sterile cockpit". That means when they are engaged in high workload activities like taking-off, landing, and certain critical procedures during the route itself certain people are not allowed to talk to them and they are not allowed to do certain things that would distract them. They are very highly regulated and distraction is a known issue. The job of a fighter pilot is not so much about distraction, it is about multi tasking and doing all the things they have to do. There is probably not a single fighter pilot that would say they are easily distracted because they do not have the spare capacity to be distracted.

In a BMW it gets back partly to this issue that people can be bored at times and if they are bored what they typically do is eat and the act of eating and unwrapping hamburgers may cause you to take your eyes and mind off the road but we seem to manage that okay. The research that is being done does not imply that some of those every day activities are quite as dangerous as some of the other ones such as interacting with technology.

Getting to your point, I saw in the paper the other day that someone from BMW had said that we should be able to let people do more things in their cars if we develop interfaces that allow for voice control and all the rest of it, but my fundamental philosophy in all of this, as I said in my opening comments about the laws, is that I do not think we should be encouraging people to do more things in the car that are non-driving related than they already do. The message you are going to send the community, if you let them engage in more of these functional activities that have nothing to do with driving on the premise that they can control things with their voice, I do not think is the right message—and it has not been proven yet, as far as I can tell, even though what I saw in the paper was that BMW had done some studies that showed that drivers have an extra 5 per cent capacity or something to deal with voice control. I have never seen those studies, at least in the peer review literature, and I think voice control can be very complicated if it is not well designed. I have a navigation system that is not very easy to control with my voice. I can do it legally, but it is actually quite distracting when I interact with that legally when I am driving, and so I do not do it, but not everyone else would behave the way I do to self-regulate.

CHAIR: Do Committee members have one final question for Professor Regan?

The Hon. CATE FAEHRMANN: Yes, just about speed. The City of Sydney submission suggests looking at speed in the central business district and whether we need to look at lowering it—I think it is 50 kilometres per hour—around very busy areas of the central business district due to the potential for driver distraction. What are your views on that?

Professor REGAN: With respect to the Sydney central business district, I think the signalling of the lights around here is so shocking that it encourages jaywalking. I think if you went on a scanning tour to San Francisco you would find the very best, most user-friendly road traffic system I have ever seen in the world. It is wonderful. And it encourages people to slow down because they know that, when pedestrians get to traffic lights, the lights are user friendly and they will not have to stay there long, so they will not jaywalk mid-block and drivers slow down because they know that at any moment they are going to have to slow down. That is just something I will throw in because I really think that they are great.

In terms of speed, from a Vision Zero point of view, if people are distracted and it is unavoidable then I think that reductions in speed are a good thing in one sense in that, if they get distracted and they are driving more slowly, as I have said before, it could create less crashes. The thing we do not know about drivers always is how they adapt to changes in laws, so it might be that if you reduce the speeds they might find that they are better able to manage distraction because they are travelling more slowly and, because they are better able to manage the distraction, they distract themselves more. I do not know how to answer the question. Like all of these things, you have to think about it in a systematic way.

CHAIR: Thank you very much for your learned submission and for appearing before the Committee today.

Professor REGAN: Thank you for the honour of being able to present the evidence.

(The witness withdrew)

(Short adjournment)

RAYMOND FRANKLIN SOAMES JOB, Executive Director, National Road Safety Council, affirmed and examined:

CHAIR: I draw your attention to the fact that your evidence is given under parliamentary privilege, and that you are protected from legal or administrative action that might otherwise result in relation to the information you provide. I should also point out that any deliberate misleading of the Committee may constitute a contempt of the Parliament and be an offence under the Parliamentary Evidence Act 1901. Time is limited, and the Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Dr JOB: Yes, I would.

CHAIR: Before we proceed with any questions, would you like to make a brief opening statement?

Dr JOB: Yes, Mr Chairman, I would appreciate that opportunity. I think that the Committee has already heard a very good overview of the details of the research and the evidence on driver distraction, so I will not focus on that. I would like to focus more on thinking about how we use that, and what it really means. I suppose what I want to say can be encapsulated in a couple of things. First of all, I think there is a real risk that road safety is distracted by driver distraction. I think we can significantly overdo the focus we place on it; and I have several reasons for thinking that.

The first is that driver distraction and road user distraction generally is the most proximal cause we find to a crash. So, in the event of a crash, the most recent thing that anyone can think of that may have contributed to it will very often be driver distraction. The fact that it is the most recent usually means it is the one to which one will attribute the crash; the cause of the crash was driver distraction. But I think that can often be very misleading—misleading in terms of the practicality of what we can do about it, and misleading in terms of the real, deeper causes, which are more manageable.

My reason for suggesting that is as follows. The extent to which someone is distracted by an event is really a matter of how quickly, and selectively, they are processing the events around them versus how capable they are of that processing. And when the events around them are occurring faster than they can mentally process them, then distraction is almost inevitable, because you are going to be going on scene A and scene B and thinking about D, and E is the critical event and it has come too fast because you are still on A, B and C. If you think about distraction cognitively, that is usually what it amounts to. Therefore distraction is often hiding the underlying causes.

The underlying causes can be that the processing is slowed down; that can be due to fatigue, it can be drugs, and it can be alcohol. Any form of these kinds of driver impairments will actually dramatically increase the chance that someone appears to simply have been distracted. But the underlying cause was that they were actually fatigued, or the underlying cause was that they were driving in a manner for the events they were facing which was simply too fast to process them. So sometimes speeding will be hidden as driver distraction. That is because if you are going faster the events come at you faster; and if you reach a point where you are still on A, when you needed to be on B, you appear to be distracted.

What is more, the driver and most road users are highly motivated to give that kind of account, so that is what police will find. So, if you turn up to a crash where someone has simply been unable to process what they are facing because they were going too fast, they are not going to wave their hand at police and say, "Yes, I was speeding." They are going to say, "I just didn't see him." That is, typically, what people say at a crash scene. So I really want to raise to the Committee the very important possibility that we do not want to be distracted from some of the other really big, important factors in road safety by driver distraction. I know that Mike gave evidence before me, and Mike is a fantastic researcher, and I am sure he gave the Committee very good and accurate detail of the research; and that will say that a very large number of crashes are due to driver distraction. So the suggestion I would make, from the outline I have just given, is that those numbers are actually an overestimate of the genuine importance of driver distraction as a factor.

Second, I think the research really needs to focus on what the community focuses on—which is not total crashes; it is number of deaths and number of serious injuries, and those proportions will not be remotely the same. Most of the research that we see on driver distraction will talk about total crashes. And, often, researchers in driver distraction will assume from that: well, 60 per cent of crashes are due to driver distraction,

60 per cent of fatalities are due to driver distraction, 60 of serious injuries are due to driver distraction. That is a profound mistake, because the kind of crash that driver distraction causes is quite different from what a typical fatality would involve, which is the much higher speed road and a single vehicle crash. This is a more typical fatality; whereas a driver distraction crash will more often end in a rear-ender, or something like that—but not always; so some of the fatalities and serious injuries will be driver distraction. Some of the serious injuries will be, but the proportion will not be nearly as high as the proportion in total crashes. It is important to appreciate that when judging the severity and importance of driver distraction.

The other thing I would like to highlight, and I find this extraordinary, is that we keep hearing, "Well, every second person I see on the road"—that is exaggeration; many people we see on the road—"is using their mobile phone." There are good surveys around Australia that will show that in excess of 60 per cent of drivers will admit that they use their mobile phone while driving. That is trotted out as evidence that we should be doing enforcement when I think it is actually the exact opposite. That is evidence that the current enforcement approach fails. The fact that we have so much enforcement and still have 60-plus per cent of people prepared to say they use their mobile phone, which means a lot more than that actually do use them, screams to me that the enforcement is not working rather than it is evidence that we need more enforcement. That does not mean enforcement is irrelevant but if we keep just saying we need more enforcement we meet Einstein's definition of insanity, which is keeping on doing the same thing and expecting a different outcome. That is what we are doing.

I think we need a very different approach to barriering this behaviour than simply more enforcement and more education. I am very confident that the vast majority of that 60-plus per cent who say they use their mobile phone regularly when driving know that it is against the law and know that the expert evidence say it is dangerous. So education is not the answer. They already know that. It is no use educating people about facts they already have. They have those facts and they have already decided in the face of those facts to dismiss them in judging what they will do as they drive.

The Hon. RICK COLLESS: Did not the same thing apply to drink-driving and seatbelts when they first came in?

Dr JOB: It did and it still does. The few per cent of people who still do not wear a seatbelt will not be persuaded by another education campaign or by the fact that enforcement is out there. They may be persuaded by subtle changes to the enforcement regime so that we are out on remote rural roads where there is a far higher rate of non seatbelt wearing. That is what I mean: we need refinements rather than just more of. I think, Mr Colless, that that is a really good example of the kind of refinement we need rather than more of what we are doing now. Part of the reason for that is that if we think about the numbers, from a community point of view it makes sense that this is a huge problem and it makes sense that we are doing a lot of enforcement. Police catch 20,000 or 30,000 people a year in New South Wales for mobile phone offences. From a personal, single individual's point of view the numbers say the complete opposite.

If you think about those numbers, we catch 20,000 or 25,000 people a year and there are four or five million drivers 60-plus per cent of whom are using their mobile phone regularly. That means on a per-year basis that 60-odd per cent have a 1:120 or so chance of being caught. If they are using it five days a week it means per occasion of using their phone they have about a 1:30,000 chance of being booked by police. We look at the numbers and say 20,000 or 30,000 is a lot of people being booked but from the individual's point of view in making that individual decision on each occasion it is an incredibly remote probability. One in 30,000 is not going to persuade anyone, so more of this is not going to get to the problem.

CHAIR: You indicated in your submission that mobile phone use has reached epidemic levels in Australia and you have explained what you thought would be a course of action in talking about refinements. It is easy to fall back on increased penalties, and I presume you are not advocating that. Instead of talking about refinements can we talk about strategies and what you feel would be appropriate, and should they be age specific?

Dr JOB: They are great questions. I think they should be age specific and I think the refinements and strategies are important. First, it is important to think about who is most impaired by distraction. The answer consistently to any form of impairment or distraction is that those for whom the task is least practised are more impaired by distraction from that task. So the less experienced drivers will be more impaired by distraction than the more experienced drivers. To place a broader ban on P2 and possibly even, say, drivers under the age of 25, given that that is an age where we seem to get a fair turnaround in high risk rate, would be a very worthwhile

policy to consider carefully. If you are targeting a smaller group very effectively you can make enforcement more effective. The probability of detection for any given individual has to be seen to be a lot higher than it currently is to get that enforcement to bite into changing behaviour. If we targeted smaller groups we would have a better chance of achieving that.

Strategically, a lot of the answer to the driver distraction problem, if we are just focusing on mobile phones, is going to be technology. What we need to push for is faster adoption into vehicles of mechanisms that simply prevent the mobile phone from operating within that vehicle. There will be some debate about that because it means it is pretty much impossible for the vehicle to detect the difference between a driver's phone and a passenger's phone. There will be other restrictions created by that event and that will be a challenge. I think we are in a position where technology is driving a lot of problems and can be used to drive a lot of the solutions to those problems, and they are good ways to think about it rather than thinking about the very traditional form of trying to change the driver. A lot of the time the best way to change behaviour is to simply make it so it is just engineeringly impossible to do that behaviour rather than try to persuade people not to do it. I think that is a very important avenue and, given the evidence, it is important to focus on those for whom the driving task is least practised.

That may be one of the explanations of this very stark difference we see between the different methods of assessing risk. From laboratory studies to case control studies and naturalistic driving studies we get a very different outcome for the effect of driver distraction. The naturalistic driving studies, for example, suggest that for long distance truck drivers being on the phone is actually preventative. It increases their safety. You are probably aware of that. To my mind those are very stark and very important contrasts of outcome in the research. One explanation of them is that when you are very experienced at the task but possibly fatigued, being in a very active conversation might actually keep you awake more and so you get a benefit. I do not think that will apply to a novice driver, so that is one explanation. Given the differences in methodology, there are a number of explanations for that stark difference in outcome.

Mr DARREN WEBBER: It has been suggested that a new distracted driver offence be introduced to cover the full range of activities that can lead to a distraction. In your opening remarks, you talked about refinement. Is that something that can be looked at as part of that refinement process in encapsulating all forms of distraction under one offence?

Dr JOB: I think that it is an interesting idea, and there is some legitimacy to it on the basis that it is the same form of behaviour. You are distracted by something. However, I would commend the idea that we should not lump them altogether. I think, for example, having a video screen in front of you and you are watching a movie as you drive along is very different behaviour from being on the phone, where you are only taking in an auditory cue. I think it would be remiss to apply the same penalty to that range of behaviour. I would think it would be very appropriate to have a much stronger penalty for that kind of deliberate visual distraction than being distracted, for example, by having a hand-held mobile phone.

Even within mobile phone use, there is really a good case for a variety of penalties, depending on the behaviour. I think that someone holding their phone to their ear is not nearly as severe a piece of behaviour in using a mobile phone as, for example, texting or reading a text on the screen, where you are actually taking your eyes completely off the road in order to achieve the task versus conducting an auditory task at the same time. I would think if there is a proposal to capture a broader category, which I think is really an interesting policy option, it is really worth thinking carefully about the penalties applied to the various behaviours, rather than putting them altogether with one penalty. With that caveat, I think it is a good idea.

Mr DARREN WEBBER: A voice call or accessing voicemail has been discussed with some private witnesses as well. If the handset is deactivated by default over a USB or Bluetooth connection, you would not consider that as much of a distraction, obviously, as engaging with the handset: sending texts and receiving texts?

Dr JOB: What is critical about engaging with the handset in the examples I have given is not that your hand is off the wheel; it is that you have to look at the screen and look at the keypad to type the text or read the text. I think that is the more critical aspect rather than the hand off the wheel. I think, logically, we have to take it that having one hand off the wheel is not that severe a thing, otherwise we would not have manual cars. So I think having one hand off the wheel is not the critical contributor to the mobile phone use problem. The visual distraction is actually a much more important part of the driver distraction problem within the vehicle, and that

is why I would also single out things like having a movie playing. A DVD screen where it is visible to the driver, I think, is much more distracting than those other elements.

The Hon. WALT SECORD: The National Road Safety Council has made the observation that advertising is designed to distract. Do you support a reduction in locations where road advertising can be displayed?

Dr JOB: Thank you. Yes, I do, and I think very targeted locations, in particular. I would support two avenues of improved control of advertising—first, where it is located; and, second, the form of the advertising. In relation to where it is located, for example—let me lash out with a strong example—I think it is really inappropriate that around the central business district of this city we have, right next to the footpath, scrolling screens which, first, distract the driver with movement and, second, hide pedestrians from the driver's view, and, third, hide the driver and the vehicle from the pedestrian's view. They are there on the backs of gangs of double public phones. If you stand at one for half an hour and watch how they are used, the only person who ever uses a phone near them is the person who uses them as a screen to get on their mobile phone.

So in a world where every person in Australia has one, two or three mobile phones, to have the pretence of dozens and dozens and dozens of pairs of public phones all around the streets of the central business district is just an absurdity. But they are there because, on the back, you can put scrolling ads and collect a lot of advertising revenue. I think those things are incredibly important, not just as distracters, but obscurers of important lines of sight. In the central business district, George Street and Elizabeth Street, et cetera, are the biggest pedestrian knockdown locations in Australia, so to have those along those streets, I think, is really problematic.

The other thing which I would say about regulating advertising is that the most distracting aspect of advertising is movement, especially to a driver who is alert to movement. As a driver, a stopped car is not critical, but someone moving within it to open the door is critical. A car stopped on the other side of the street as you go through is not critical. A car moving is; a pedestrian standing is not; a pedestrian moving is. What you are looking for, and what you should be looking for as a driver, is movement. To have this level of movement by virtue of ads that change is a problem. I watched one in the city as I came here and it changed five times in 20 seconds. It is just too much movement for an eye which should be, rightly—for a driver—deliberately aiming to detect movement. I think that is really problematic.

I think that big billboards which also move on a regular basis are inappropriate. It seems to me that what has happened is that those ads have been allowed to be designed so that you can collect more revenue on the basis that every driver that goes past will see all three screens because they happen so quickly. Whereas I think a good design to avoid distraction would be to say that every driver that goes past is most likely to only see one screen, so it will change once a minute. Yes, the three people who have advertised will still get their ad up there once every minute, but it is not scrolling so much and distracting the driver so much. I think movement on billboards and movement on advertising is a major problem, and it should be severely limited as to how often it can move. At the moment it moves too often for a reasonable approach to the management of the distraction risk that that movement creates.

The Hon. CATE FAEHRMANN: Have you been part of the review into SEPP 64 and contributed your views in relation to advertising, particularly scrolling advertising that you have just told the Committee about?

Dr JOB: Yes, I have. I was part of a review process that was ongoing while I was the Director of the Centre for Road Safety within the RTA. That review process is ongoing since I left.

The Hon. CATE FAEHRMANN: What other recommendations have you made or would you make to that review concerning advertising to result in even less distraction for drivers?

Dr JOB: I think several things. First, as I have outlined, location should not actually obscure sight as well as take up visual attention. So, location is important. Limiting movement is important. I would not say that it needs to be at least exactly this amount, but what I see at the moment is that it is moving way too much. I think the extent to which it moves is important. I think the way in which it moves is important too, and I think the content is important. So, if I go back to talk about the way in which it moves, I would say that if we were talking about, for example, a billboard which is electronic—and I know there is a very strong push for a lot more electronic advertising—then I think it is important that it does not change from one screen to another in a

manner where the change itself is visually arresting. You can scroll so you have got the first image and you can scroll the other image across it so they gradually change with a bright light between them as they roll. That would be distracting. I think it should simply go: It's A; bang, it's B. Nothing between. No black screen that means you get a huge change in illumination—it's bright, it's black, it's bright. I think the way in which it changes has to be as simple as possible, rather than the change mechanism itself creating another visually arresting device.

Then the last thing is the content of it. It is important, if we are going to move to electronic advertising, that we do not allow a level of illumination which is going to be a problem for drivers. That is simply if you look at these lights for five seconds and then look down your eye is not as attuned to the level of light here. The level of light available on an advertising billboard should be appropriately adjusted to the daytime level and then readjusted to the night-time level when it is dark so that it does not simply blind you for several seconds when you then look to something else.

Then in terms of content, what we know is that people when they see an ad will very often try to absorb all the material. If you put two sentences of material on it, instead of looking for a few seconds the driver is more inclined to look and try to read it all as they go past so that becomes more distracting again. I think we need to manage advertising along all of those variables.

The Hon. CATE FAEHRMANN: In your recommendations you mention in relation to car manufacturers and the increasing sophistication of in-car information and entertainment systems that they should be obligated to build in safeguards for in-car use, and conduct appropriate research to demonstrate that the risk is managed. What role does the Council have with Government and manufacturers to try to make that happen? Where are we at the moment on making sure we are keeping up to date with that from a safety perspective?

Dr JOB: The Council's role is to promote and facilitate to the community the national road safety strategy and there are bits of the strategy which refer to this, the Council does have a role in terms of promoting to the community the importance of distraction. I think being here is fulfilling part of that role. However, the management of what we require of vehicle manufacturers is a fairly different thing in that it is managed entirely by the Commonwealth Government but it is a much more complex space than simply a national space.

I think with a vehicle market the size of Australia's, which I think is less than 1 per cent of the world market, I think it is a challenge for any government to dictate policy on events and regulations which go beyond the national space. So I think it is important for our Commonwealth Government to try to take this fight up internationally in terms of European Union regulations and standards, rather than trying to go it alone as Australia. I think that just will not work with the international nature of vehicle manufacturing. I think it is really a role for the Commonwealth and one which should be taken up at an international level rather than one where we could expect to drive it solely from Australia.

The Hon. RICK COLLESS: On page 5 of your submission you note that there is little difference between hands-free and handheld mobile use and its effect. Can you tell us if any studies have been done on whether there is any difference between phone usage generally and a personal conversation with a passenger and the distraction caused by that?

Dr JOB: Mr Colless, it is a really interesting issue, isn't it, that if it is not actually having your hand off the wheel why is it that conversing with someone over the phone seems to be a problem, whereas conversing with the person sitting next to you does not. To me it is an absolutely odd outcome. I do not know of any really good rigorous research which compares them, but I do think that the laboratory research that compares handheld with non-handheld is quite strong in suggesting that it being handheld is not really the critical variable for mobile phone use. I am happy to offer a speculation as to why I believe they are different, but it is only a speculation rather than something upon which I could provide evidence.

My belief is that the key reason that you do not get the same level of distraction from a passenger is that passengers are more aware of the circumstance and more accepting of a driver simply stopping. I have noticed this myself. If I am driving along talking to my children or talking to my partner and I come to a complex intersection or something is happening around me I will simply cease the conversation. Everyone looks around and understands why. Whereas a driver on a mobile phone doesn't and there is an obligation on you, there is a feeling that I need to simply maintain this conversation with the person sitting in their office or wherever they are unable to see my circumstance. I think that part of the reason we do not get the same effect

from passengers is that the driver is much more able to self-regulate when they conduct the conversation and when they simply put it on hold.

The Hon. RICK COLLESS: The laboratory studies that you referred to, are they done in a motor vehicle simulator?

Dr JOB: There are a number of them which vary from motor vehicle simulators—I was involved in some of those at the University of Sydney. They have been done all around the world. Then there are also kind of driving simulating tasks where someone drives on a closed-circuit track with artificial things that come out in front of them while they are on a mobile phone or not. There is quite a variety of them and I think to a certain extent there is a validity of process within them as a laboratory study but what concerns me about them is there is not a validity of motivation. You know very well in a laboratory study that if you keep talking on the phone and miss something you are not going to kill someone, you are not actually going to have a crash. So the level of motivation to maintain your focus on the road and your focus on that task versus your focus on the conversation I think is fairly different in a laboratory study versus a real world study. If I were comparing the validity of the evidence from laboratory studies, the case-control study for example that was done a few years ago by the George Institute in Australia and the naturalistic studies, I would regard the case-control studies and the naturalistic studies as better guides to real world driving than the laboratory studies.

The Hon. RICK COLLESS: You mentioned earlier that technology that would prevent a phone being used while you are in the car would also apply to passengers' phones. Surely there would be a reasonably simple way around that if we simply banned the use of mobiles even though they might be working on a voice activated system. Inspector Hartley mentioned the fact that he thought that for any phone usage in a car the phone should be in a cradle of some sort. If it is in a cradle it is easy enough to build it into the system of a car. I have a car kit for my Blackberry, for example, principally because of the better reception you get with a big aerial on the back. But wouldn't it be a relatively simple technological exercise to put a system in that would deactivate the phone from manual usage while it is in that cradle and that would not impact on the passengers' phones in that case?

Dr JOB: Yes, I think that is an interesting way to go about it and I think it is obviously quite possible with technology to do that. The point I was making was only that if you make the passenger compartment of the vehicle so that mobile phone reception will not occur then the passenger will not be able to use their phone either. But of course it would be quite a simple matter to make it so that when a phone is in the cradle that system does not apply to that phone. That is quite feasible.

Mr ROBERT FUROLO: Are we collecting enough data to be able to inform ourselves properly of the actions we require to address driver distraction? If we are not, what do we need to do to get better data to help inform our policies?

Dr JOB: I think the data collection we have is very good. I think it is world leading. We have as good data systems as you will find anywhere in the world. Are they perfect and are they complete? No, they are not. Could we improve on them? Absolutely we could. I think that one of the difficulties within them is the level of invasiveness and rights to search in a broad sense that police have at a crash scene. One of the questions we ask is whether it is reasonable for police to insist on collecting the mobile phone of any driver involved in a crash and examining its records. That might be one interesting way to get more data on the level of mobile phone use involved in crashes. That can only really be done at the scene. While that phone will record all the calls made on it, it will not record nor will the phone bill show all the calls received, one of which may have been received at the time of the crash. The data must be collected at the time.

There is more data that we could collect. However, the burden of data collection on police is already significant and we need to think carefully about adding a piece of data as a long-term change to the system. There will be a degree of police officers thinking, "I have only this amount of time to see to it. I have a domestic violence disturbance and something else going on." Police time is in very high demand, so those kinds of collections need to be considered very carefully. However, that is worth considering. Sometimes what we should think about is not just adding a piece of data collection as a permanent process but as a research tool. For example, the next three months, we might collect certain data as a one-off and that will give us a really good handle on what we should do next. Perhaps in two years we could do it again for three months to see what has changed. That is the kind of process that I would recommend for consideration rather than making it a permanent burden for the sake of a single usage that we may make of it.

Mr ROBERT FUROLO: Is having a record of whether a mobile phone conversation was going on in the lead-up to an accident as useful as working out whether the driver was about to send a text message but did not quite get to it before the accident?

Dr JOB: That is such a good point. It is not. Sending a text message, attempting to do so, or attempting to read one—and we would not be able to ascertain that—is much more distracting because it absorbs the visual field as well as the thinking field. They are clearly much more difficult things to assess. Even then the data fields we would have would clearly still be imperfect.

Mr ROBERT FUROLO: The Committee will obviously make recommendations as a result of this inquiry. If the Committee failed to make one recommendation, what would be the worst one to miss?

Dr JOB: If you were looking for only one, and it were about driver distraction within a vehicle, my strongest recommendation would be to extend the ban on all mobile phone use to a larger group of novice drivers. The benefit would be significant because you are targeting a group for whom we can do more. If we were talking about driver distraction outside the vehicle then the regulation of outdoor advertising, especially moving advertising, is critical.

Mr JOHN WILLIAMS: You made reference to billboard advertising as a distraction. I wonder about the evidence. In your submission you talk about the State of Wisconsin and a stadium on Interstate 94 that transmitted a range of information. There is clear evidence that the billboard caused localised crashes. Are there any examples of such a situation in New South Wales or in Australia?

Dr JOB: I do not know of a single study that has attempted to evaluate that in Australia. I could not cite one such location. That is not because studies have been conducted showing that they are safe but because I do not know of any study that has been conducted with sufficient statistical power and good data analysis such that if there were an increased in risk it would be found.

Mr JOHN WILLIAMS: You obviously have some strong feelings about billboards, signage and other things that could distract. Is that evidence based or simply your own observation?

Dr JOB: That is evidence based. I cited only one or two studies in the report. However, when I was the director of the Centre for Road Safety we commissioned the University of New South Wales to do a review of this literature. A comprehensive review was provided to us on that basis and it identified a very substantial number of studies that indicated that moving information in particular, and visually distracting movement created road safety problems. There are quite a few studies that suggest that is the case. I do not see any reason to believe that the way in which a driver in Canada, the United States or Europe reacts to those signs would be radically different from the way an Australian driver reacts. On that basis, I believe the evidence suggests this is a significant problem. I hasten to add that that is not to say that every piece of advertising should be banned or that the road safety risk is equal for all of them. It is legitimate to have outdoor advertising, but there are locations where it is much more risky—for example, where pedestrians cross or where decisions must be made versus on a straight stretch of road. Movement is a critical aspect here rather than a stationary, static billboard with an appropriate number of words to be read in a single viewing. That is quite different from a rolling, scrolling, bells and whistles kind of advertisement.

CHAIR: I note your remarks about L, P1 and P2 drivers. You take a fairly strong position on penalties to single them out. The Road Safety Education Limited submission referred to the United Kingdom Switch Off Before You Drive Off campaign. Are you aware of that campaign and do you have any comments about its efficacy?

Dr JOB: I have seen several campaigns like that; there were several versions. However, I have not seen an evaluation of that campaign in particular. The comments I have seen about those campaigns have been casual comments made by authors about watching drivers from this company or that company who seem to have made changes. On the basis of that commentary, which I do not think is extremely rigorous science, it seems that there is value in strong promotion of these kinds campaigns within companies. There is evidence that where companies take this up as a genuine part of their occupational health and safety responsibilities they get change.

Part of the reason companies can achieve this is that they then create a legitimate expectation of their workers that they are not available on the phone all the time. It is then acceptable if you ring someone who reports to you to find that their phone is turned off. They ring back two hours later and say that they were

driving. That becomes acceptable. Part of the reason it works is that it creates an acceptability about that behaviour that would not otherwise occur without the support of the organisation.

CHAIR: I must ask this question given your comments about advertising. The Outdoor Media Association submission states that no crash across Australia has been attributed to third-party advertising. What is your response to that claim?

Dr JOB: I think it is a patent absurdity. It is unrealistic to expect that when a crash occurs people will attribute it to that cause even if it were factually true and even if the driver responsible knew it. Drivers would be charged with a much more severe offence if they admitted that they had crashed into this person because they were studying an advertisement rather saying that the person rushed out in front of the car and they were watching the car turning left on the other side of the road. I think that it is unrealistic to expect that will come out of people's mouths as an account of a crash they have had.

Mr ROBERT FUROLO: A lot of the evidence we have heard today, and in fact some of your evidence, has dealt with in-car distractions for the driver in particular. Do you have a view or would you like to make any comment about the potential distractions for pedestrians in and around the motorway, and what steps, if there are steps, should be taken to address those issues?

Dr JOB: I think this is actually an important and growing issue. I think that there are a few avenues of distraction and, again, not just distraction but barriering of critical cues. For example, wearing earphones, listening to music or conducting a conversation not only has the effect that you may be distracted by it, but has the effect that you will not hear cues that would otherwise be very valuable to you. I think that applies to cyclists, by the way, as well as to pedestrians. I think there is a group of people out there for whom visual cues are important, but auditory cues are also very important.

I know, as a cyclist, I would never wear earphones because one of the important cues, I find, is I can hear a car coming behind me when I cannot see it. I think that is a very important cue. So I think that it is not just that they are distracting; it is that they are creating a barrier to hearing important information. There are a few studies around from Australia of people's road-crossing behaviour while on the mobile phone. They say to me a few things: first of all, the decisions being made are distracted decisions. There is evidence that people cross the road slightly differently when they are on the mobile phone versus not.

Also when I have watched—I have conducted some of those studies and I have watched my team out there doing it—the other thing I have noticed is that pedestrians do not turn their head far enough to get around the phone and the hand. So if they are holding the phone to their ear, they look slightly ahead, left and right, but they are not seeing very much there, and they do not actually look to the periphery. They do not turn their head far enough to get around the fact that their hand and the phone are obstructing their view of the traffic. I think there are a number of aspects to that that need to be dealt with.

The reason I have not focused on it is that it is managerially a very difficult thing to enforce so as to stop people doing this to cross the road. I think that we could encourage people to cross the road only at traffic lights, if they are going to behave like that, and take more of the judgement out of it so that there is more security provided by the engineering element of the road. I think that would be a good way to go. But, again, I think this is not a group of people whose behaviour is going to be significantly impacted by an education campaign that tells them they are in danger. I think mostly people have a great confidence in their own individual capacity to do things. It is difficult to get traction with those kinds of campaigns.

Mr JOHN WILLIAMS: Further to the Chair's comments regarding outdoor advertisers, when I saw that claim I thought it was pretty brave for them to make that statement. To prove that the statement that they have made is incorrect, we really need to provide evidence, regardless of what drivers say caused the accident, that localised crashes were occurring around those areas. Is that happening along freeways or wherever these billboards are?

The Hon. WALT SECORD: John, how many outdoor billboards do you have? Come on, make a disclosure.

Mr JOHN WILLIAMS: I do actually drive outside the environs of Broken Hill. From a marketing point of view, I think it is a very effective way of marketing. A lot of those billboards provide valuable information for people coming into an area about certain locations, but the reality is that to prove that their

statement is incorrect, we would have to say, "Look, there is an unacceptable level of crashes occurring around your sign."

The Hon. WALT SECORD: I have actually had some representations from Broken Hill on crashes near there.

CHAIR: We would be interested to hear your response on how you collate data. Is it by black spot designation?

Dr JOB: Mr Williams, I say again: it is not my view that we should ban all billboards or all advertising, but we should regulate especially movement and regulate where it occurs so that it does not provide a barrier to seeing cues that you should otherwise see, such as the phones and the backs of phones around the city, which I think not only create a distraction but stop you seeing a pedestrian approaching the road to cross. So it is not the case that I think they should all be banned, but I do think that we should minimise the level of movement on them. Also, if you took the totality of the research that was reviewed by the University of New South Wales in relation to that contract I mentioned earlier and the Wisconsin study that we referred to, what is important about that is that the view of that billboard was actually on a curve.

We also know that at some locations, advertising is going to have a minimal effect. If you are driving along a straight road with no intersections coming in, so that there is no new information you are going to need to absorb quickly and suddenly, that is a very different circumstance to have a billboard than it is to have a billboard at a busy intersection along Parramatta Road. So I think that we also need to think practically about where the risk is really going to come to fruition in that, if your eye is off the road, it is a critical thing to have your eye off the road for a few seconds, versus it is not. I think a very practical approach needs to be taken to it.

In terms of how we would collect the data, as I said I do not know of a study occurring on this subject, but I think that it is not impossible to conduct such a study. What we need to know, though, is: Are we collecting all of the crashes at that location? Can we focus to ensure that we collect all of the crashes at that location? Can we do a before-and-after study at that location? Can we get enough locations together so that we could find a real difference? I think it is possible to do that study but it is not happening now. I would also say that it could almost also be done retrospectively. It would be a significant resource to do it, but if we were to deliberately select locations where we had an exact time—when we went from a static billboard to a moving billboard or something like that, or when a new billboard went up—and we had a long-term analysis of crashes at a location or at many locations, then it is possible we could do this.

But I think to do that, the challenging thing about your question and the challenging thing for all of us is really: What is an acceptable level? To my mind, an acceptable level is zero crashes. If there is any increase whatsoever, then that is an unacceptable level. In addition, bear in mind that for numerous other reasons to do with improvements in speed control and improvement in drink-driving, et cetera, everything is on a downward sliding baseline. If you look at Australia's road toll and New South Wales' road toll over the past 10, 20 or 30 years, it is steadily going down. If we simply saw that it is flat at a location, that would probably indicate we have a problem because it should be going down. So we would need to compare it legitimately with the downward-facing baseline when we compare across time, before and after. But it can be done.

CHAIR: As there are no further questions for you, Dr Job, I thank you very much for appearing before the Committee today.

(The witness withdrew)

The Committee adjourned at 4.38 p.m.