

**REPORT OF PROCEEDINGS BEFORE**

**JOINT STANDING COMMITTEE ON ROAD SAFETY**

**INQUIRY INTO DRIVER AND ROAD USER DISTRACTION**

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**At Sydney on Friday 24 August 2012**

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**The Committee met at 9.00 a.m.**

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**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 J. D. Williams

**HAROLD CHARLES SCRUBY**, Chairman and Chief Executive Officer, Pedestrian Council of Australia, 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 hearing today follows the hearing conducted last Friday and continues to examine a range of issues related to the impact of sources of distraction on road safety. The Committee has already taken evidence from government agencies, road user organisations and road safety experts to assess their views on ways to address this emerging trend, which has become a significant safety issue for all road users. The Committee is keen to pursue effective solutions to address the increasing use of devices and their impact on safety without limiting the ability of people to adopt available advances in technology.

I remind people to switch off mobile phones as they may interfere with the recording equipment and if the phone is on silent, please switch it off. 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 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. As time is limited today 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 SCRUBY:** I would.

**CHAIR:** Would you like to make a brief opening statement?

**Mr SCRUBY:** I thank the Committee for allowing me to address you today. I also congratulate the Committee for bringing this vitally important issue on so quickly. It is a credit to you.

**CHAIR:** Thank you very much. Does driver and road user distraction currently have a high level of priority for the Pedestrian Council of Australia?

**Mr SCRUBY:** Very much so, and as the leading organisation in Australia representing pedestrians we have to come here and take a lot of the blame for the behaviour of pedestrians. It is only in the last decade that this behaviour with mobile devices when crossing the road has reached epidemic proportions and we are struggling to know how to tackle it. I am hoping we will find some answers after our discussions.

**CHAIR:** We have received a large amount of evidence on the dangers. Which distraction does your organisation consider poses the greatest cause for concern: distracted pedestrians making unsafe decisions in traffic environments; distracted motorists failing to stop when approaching a pedestrian; or distracted cyclists when approaching a pedestrian?

**Mr SCRUBY:** I think it is very difficult to put those in any order. They are all very dangerous. There are strange things happening that we were not even ready for or aware of five years ago. I suppose when you boil it all down very few motorists are hurt as a result of pedestrians so it is often the driver who looks as though he or she is at fault when they are not. I heard John Hartley, I think it was, say some time ago that if pedestrians stepped off the footpath while using a mobile phone and a driver had to take action to avoid the crash and hurt someone else as a result, he or she could be charged with manslaughter. You can see the problems in trying to decide which one takes priority. We try to focus on the pedestrian issue in this case and I will show you what we are trying to do to at least educate the public, but we need your help to look at other aspects of the three Es—education, enforcement and engineering. We have to look at the other two aspects as well to see what we can do to change this behaviour.

**The Hon. WALT SECORD:** What do you think of Assistant Commissioner John Hartley's suggestion that the Government ratchet up penalties for second and further offences for mobile phone usage?

**Mr SCRUBY:** The Pedestrian Council was instrumental in changing the Roads and Traffic Authority's behaviour about seven or eight years ago in introducing demerit points for that offence. Back in the good old days it was about \$70 and no demerit points; we got it up to a couple of hundred dollars and three demerit points.

**The Hon. WALT SECORD:** It is \$265 and three demerit points.

**Mr SCRUBY:** I can only say this behaviour is out of control. Ask any police officer. Some of them say to me it is like shooting fish in a barrel. They do not have the resources to pull people over. They can get one in a hundred. I think I saw five people on the phone today coming in. There was a letter to the editor in the *Sydney Morning Herald* the other day from one police officer saying he saw 10 on average every day he came to work. What does it say about the system? It says very clearly it is not working. We have three options: option one is to do nothing and it will get worse. Option two—we have to accept that the police are not getting any more significant resources; I do not think anyone around the table believes they will. I mean significant resources. The only option is to ratchet up the penalties.

We know from evidence overseas and here that using a handheld mobile phone while driving is as dangerous as mid-range drink driving. What is the penalty for that? It is at least three months off the road and almost \$1,000 in fines and possibly more. What is the penalty for carrying a radar detecting device? It is over \$1,000 and nine demerit points and confiscation of the device. What is more dangerous: texting while driving, using a handheld phone while driving or carrying a radar detecting device when you may not be breaking any law?

**The Hon. WALT SECORD:** Mr Scruby, what do you think of the current fine of \$265 and three demerit points? Do you think it should be increased?

**Mr SCRUBY:** QED, quod erat demonstrandum: the fines are not working. We all know that—the fines are not working. If the Government does not do anything it is going to get worse.

**The Hon. WALT SECORD:** If the fines are not working why should not we turn our focus, as the Rotary Youth Driver Awareness [RYDA] Program suggests, and do a targeted education campaign? Explain why you disagree with that?

**Mr SCRUBY:** Everyone on the road who is driving knows it is illegal to use a handheld mobile phone. It is nonsense, there is no need for more education on this one. What we need now are penalties that make everybody aware that if you get caught it is going to hurt. Why do we not look at the penalties? What is the penalty for mid-range speeding over 30 kilometres? It is three months loss of licence and \$700 or \$800—maybe more, I am a bit out of touch with that one. We could easily equate that behaviour.

If we went to the insurance companies today and said, "Would you look at the rear-enders 10 years ago and the rear-enders today?" I'll bet you London to a brick that they have gone up dramatically. I do not know if everybody is aware of a P5. Under a P5—it is police talk—if there is a crash and both drivers can drive away and no-one is hurt then the police do not attend. I would say that is 70 per cent of rear-enders. They are happening but we are not aware. We do not get the data. If we went to the Insurance Council maybe we would find out. Those minor rear-enders will eventually lead to someone being killed or seriously injured.

**The Hon. WALT SECORD:** The National Road Safety Council, in evidence to this Committee, said to consider a ban on mobile phones for all people under the age 26, including hands-free mobiles in cars. What is your opinion of that?

**Mr SCRUBY:** I have a view that laws should be enforceable and if they are not enforceable do not make them. I would like to see the statistics on how many P-platers have been booked for that offence because it has been an offence for P-platers for a long time. I guarantee it has only been a handful. The problem is it is almost impossible to detect or enforce. If you go to a court and a young person says, "I was singing to a song," unless the police officer can get hold of the Telstra or Optus phone bill coming in and out at the exact moment they cannot get a prosecution. That is time consuming and labour intensive and costly. I do not think the police have the time or inclination to do it.

I wrote about this in the article I wrote for the *Sydney Morning Herald* in 2005. I wrote precisely this. I said all these technologies will converge but trying to book people for using hands-free mobile phones is going to be extremely difficult. We recognise that it is dangerous but it is going to be very difficult to enforce it. Unless you can find a system for enforcing it I would not recommend it.

**The Hon. CATE FAEHRMANN:** Mr Scruby, you suggested that texting while driving is as dangerous as mid-range drink driving: are you able to provide references to that effect? You said there were studies that have shown that.

**Mr SCRUBY:** The British transport laboratory.

**The Hon. CATE FAEHRMANN:** You would recommend that the penalties should be as severe as being caught mid-range drink driving?

**Mr SCRUBY:** Mid-range drink driving is a court appearance which we would not want. I would say something like a \$500 fine and six demerit points and you would see the behaviour change overnight. It is a tough one for Government. The Government has to recognise this is a very serious problem. The jury is out on how much trauma is occurring because of it. You do not hear about it half the time until you go to the coronial inquiries.

**The Hon. CATE FAEHRMANN:** In your submission you say that drivers are not permitted to play loud music while in a motor vehicle but they are permitted to use noise-cancelling ear phones. I was not aware of that. Where does that sit in terms of the law?

**Mr SCRUBY:** That is the law. There is nothing preventing someone wearing two noise cancelling earphones while driving.

**The Hon. CATE FAEHRMANN:** It is a gap in the law?

**Mr SCRUBY:** It is a gap in the law. The other law is an environmental law. It is called the "doof doof law". It is when the kids would drive around with very loud music playing. It is two or three demerit points for that offence. You cannot play your music very loud but you can put two noise-cancelling earphones. If you look around the city a lot of the people who have two headphones in are making phone calls. Can they hear a siren?

**The Hon. CATE FAEHRMANN:** You also raised the issue of scrolling billboards particularly in the city. We heard about this at the last hearing. Could you expand on why you think they are particularly dangerous for both pedestrians and drivers?

**Mr SCRUBY:** Could I finish the last question? The headphones have application across the whole road-user group. I am talking about two headphones. The noise cancelling buds are getting better and better to the point you cannot hear anything outside—horns, sirens, anything. Cyclists can use them. Pedestrians can use them. Can you see the problem we are facing over time? If you speak to young people—I did some stuff with *Channel 7* the other day—and the young girl said, "I know it is dangerous but we are all attached to these devices like an umbilical cord". We have to do something. That is going to be a big education campaign. I hope I get to show you the two campaigns we have been running. This is technology that is going to outstrip the law and we have to think 10 years ahead.

You asked me about the JCDecaux scrolling signs. I have just completed a freedom of information [FOI] with the City of Sydney. This dates back to the 1997 when the original devices were approved; the street furniture. Has everybody been able to see the photos I put forward of the JCDecaux street furniture?

**CHAIR:** They were part of your submission.

**Mr SCRUBY:** Yes. I did an FOI to find out what risk assessments were done prior to this. If you look right through the city all the JCDecaux furniture was put in front of pedestrian crossings, not behind, despite the Roads and Traffic Authority's stated policy that street furniture should never obstruct the vision between pedestrians and motorists. The most important thing in this area of distraction is line of sight: If people see each other they can avoid each other. If people cannot see each other you have road trauma. Let us look at one site: go down and have a look at Pitt Street where it hits Martin Place. There they have kerb extensions to create better visibility for pedestrians coming off the footpath but what have they put on the beginning of the pedestrian crossing—one large kiosk.

To begin with in 1997 it had some really nice advertising which I will call obstruction. I would not call that a distraction. About seven years later JCDecaux came out with the idea of scrolling. Those devices scroll every 15 or 20 seconds. I am trying to find the quote that they had in the newspaper at that stage, and it is in my

submission somewhere. I think this is the most important part of this whole thing we are talking about, because I will move on to variable message signs, if you will permit me. It was a quote from the *Sydney Morning Herald*. Can anyone see it? I just do not want to waste your time. It stated that drivers who actually saw these scrolling billboards, apparently 90 per cent would see it. I just do not have the quote in front of me.

About another 75 per cent watched it scrolling to the next screen. That is from the quote. What does that mean to everybody? What does it mean when someone is driving up Pitt Street and they see a scrolling sign which is obstructing all pedestrians standing behind it? If JCDecaux believes that the majority of drivers are watching it scroll to the second screen, what does that mean for road safety? Who did the risk assessments? We are very concerned about this. I could not find in my freedom of information any genuine risk assessments, and that flies right in the face of the Road Traffic Authority's own policy that nothing should obstruct—particularly street furniture—the vision between motorists and pedestrians.

**CHAIR:** Thank you. Mr Colless will ask you some questions now.

**The Hon. RICK COLLESS:** Mr Scruby, can I go back to this issue of electronic devices for pedestrians and cyclists, and so on. Do you believe there should be a law that bans the use of any electronic distracting device, be it a GPS mobile phone, iPod, whatever, if you are on a public road, and it does not matter whether you are a motorist, a cyclist, a wheelchair operator, a gopher operator or a pedestrian. In fact, if you are in charge of your method of locomotion on that public road, should you be completely banned from using any electronic device while you are on that public road?

**Mr SCRUBY:** I think that would discriminate against all the other devices. In other words, should you then ban drinking and smoking? I would say the distraction of someone dropping a cigarette in their lap is probably greater than a mobile phone.

**The Hon. RICK COLLESS:** Mobile phone use is increasing, smoking is decreasing.

**Mr SCRUBY:** They are still dangerous. You are right. When you are driving a car you should have 100 per cent attention, and all these devices are designed to distract. You only have to look at the new global positioning systems now. Practically every car has got a built-in navigator and they are touch screens. What are people looking at? This is what I wrote about in 2005. I predicted this was going to happen and it really is happening. While we are doing fabulous things for road safety and other areas—we are making much safer cars, much safer cars; our response times to crashes are much better. By the way, is it not almost Shakespearean that the mobile phone, in all its evil in driver distraction, has been the greatest device in letting the paramedics get to a crash within the golden hour. When I was first driving in the bush, it could take half an hour to an hour to find a phone box or some phone to call someone and then it would be an ambulance coming from Newcastle or something. Now it is a call, possibly from one of the victims inside the car, and a helicopter is there within the golden hour.

**The Hon. RICK COLLESS:** I take your point about other distractions as well. The problem we are facing is that there is a huge increase in these electronic devices. We have all seen it. I have seen cyclists riding along, texting with their hands off the handle bars, and pedestrians walking across—not always on pedestrian crossings—fiddling with their phones and iPods, whatever they are doing. That is the question I am asking you: should we ban the use of those items while those people are on a public road?

**Mr SCRUBY:** I do not know whether we can, that is the problem. I think it has gone too far. We have laws already that allow police officers the discretion—for instance, I think we have "drive in a manner dangerous" and there are other ways that a police officer can attend to various offences. The danger is how do we define all of this? Are we allowed to use navigators? Are navigators safe in some respects? I reckon when I have been touring overseas the navigator has made me a safer driver because I am not constantly looking for signs and turning off in a hurry. I do not know. I cannot profess to be an expert in this area so would you mind if I—well, I should not pass on the question. I do not know the answer.

**The Hon. RICK COLLESS:** Thank you.

**CHAIR:** That is part of the reason we are conducting this inquiry, to establish the problems and at least find some of the answers.

**Mr STUART AYRES:** Mr Scruby, in your submission you note the report by Monash University that says use of a hands-free mobile phone is equivalent to driving with a blood-alcohol level of 0.08. I assume this leads to your opening comments that fines and demerit points need to be of an equivalent nature to a comparable benchmark we already have in the system.

**Mr SCRUBY:** I think that is reasonable. Let us look at the speeding fine for 30 kilometres and over, which is three months automatic suspension. I think it is well over \$700 or more. They have gone up recently, so I am out of touch a bit. Let us look at carrying a radar device and using it. Gee, over \$1,000, nine demerit points, and confiscation. That is another option: Confiscate the device. See how many people use their mobile phones then. That then leads to too many legal problems. I do not know whether we can think of that.

A brave Parliament, a brave Government will ratchet up these fines and demerit points in a hurry, because it is out of control and it is going to get a lot worse. I think everyone around the table here agrees the police do not have the resources to do any better than they are doing today. You look at the number of people being booked. It is pretty well the same each year; it does not change much. I think we have got to be brave and just say, "Look, you want to use one of these things? You know you are doing wrong, you know how dangerous it is." We have to congratulate organisations like Telstra which are actually doing very good advertising campaigns. They have got one now they are doing, "It can wait, mate", saying: texting on your phone—do not do it!

**Mr STUART AYRES:** As a follow-up to that, it appears—and correct me if I am putting words in your mouth—you believe the weight should shift from education to penalty?

**Mr SCRUBY:** It does not mean you stop educating, but we all know how much education costs. A good television campaign is, what, \$10 million before you are really hitting in? Is there anyone driving in New South Wales today who does not know it is illegal to use a hand-held mobile phone? Does not that mean they are educated? What we have to do now—I mean, we could say there is going to be a moratorium of six months but, in six months, people who still use their mobile phones while driving, because this Government is serious about reducing trauma on our roads, the penalties are going up to this because we see it as dangerous as mid-range drink-driving and mid-range speeding.

**Mr STUART AYRES:** I do not think anybody will argue about the issue whether people know it is illegal or not. The real question is whether people are genuinely aware of the risk. Over time, education has allowed us to demonstrate the risk of driving under the influence of alcohol. The quick onset of technology means we are somewhat on the back foot and, potentially, we have to undertake the same process where we have long-term acknowledgment of the risks associated with using particularly a hand-held mobile phone.

**Mr SCRUBY:** I beg to differ there. The change in drink-driving has not just occurred through education. It has occurred through a very, very sophisticated form of enforcement and high penalties. That is why we have changed drink-driving. People are very worried about being caught and the penalties that ensue. Sure, they come together. There is always the three Es but, you know, you cannot educate people any more today to know. They all know that it is dangerous; they all know it is illegal. As a Government you can decide to do nothing or just leave the penalties as they are. Do not expect the police to book any more people, because they are not going to; they do not have the resources. If you are not concerned about it, that is the option.

**CHAIR:** Mr Williams, would you like to ask a question?

**Mr JOHN WILLIAMS:** I will defer, Mr Chairman.

**The Hon. CATE FAEHRMANN:** Given what you have just said, do we not need something even tougher than what you are suggesting. I think the reason that drink-driving has become such an awful thing to be caught doing surely is being dragged before the courts and losing your licence and the stigma that one could kill someone. We do not have that education program yet that if you are texting you could be in an accident and could kill someone. If we upped the fines and I was doing this tomorrow, I got caught, had to pay \$500 and lost three demerit points, none of my friends or colleagues would know that that happened to me. I would not have that shame. Don't we have to get more serious if you think we really do need to knock it on the head?

**Mr SCRUBY:** I would be very concerned for two reasons: One, you would clog up the courts. I will tell you in a minute what Victoria has done just on drink-driving, which is very clever, and two, I think that they would all end up getting section 10s, which worries us a lot, which means that they are found guilty but there is

no penalty. In Victoria for low-range drink-driving, the previous Parliament changed discretion for magistrates with demerit points. Prior to December a year ago magistrates had no discretion to quash demerit points and the last Labor Government changed that and gave them the discretion. All the other States have no discretion with demerit points.

What happens in Victoria for low range drink-driving, that is under .07—and I think this is brilliant—you do not go to court; it is a first offence, you get an on-the-spot fine, which is about \$500 and you get 10 demerit points, automatic, which is brilliant because it puts the offender on a three-year good behaviour bond, unless they've already got two demerit points. It is an incredibly clever system but it keeps them out of the courts. Courts are very expensive processes and I do not think we want to be seeing thousands of people going to court for mobile phone offences. They do not even go to court for mid-range speeding. They get an on-the-spot over 30 and they automatically lose their licence. Keep them out of the courts. Maybe you have come up with a good idea. What about a six-month really good education campaign extolling the dangers of using a hand-held mobile phone and then at the end of the six months saying, "The penalties are going to be this".

**CHAIR:** We are very much towards the end of this session. I realise you also have a plane to catch. I thank the next witnesses for changing the time to allow you to appear first, but Mr Furolo has indicated he has one brief question.

**Mr SCRUBY:** I did want to just pass this around to show you what we are doing. This is our latest campaign called Don't Tune Out, which we are very proud of and it should be running in the papers fairly soon. This is the previous one, which was Lambs to the Slaughter. This is people all dressed up like sheep, because that is the behaviour we have observed.

**CHAIR:** Thank you. We were hoping to talk about some of those campaigns and ask you some questions.

**Mr SCRUBY:** We have run out of time but if you would not mind, Mr Chairman, before I go if I could talk about variable message signs [VMSs] because it is our major concern and I have prepared quite a bit of stuff here. I will not be more than a minute but I would just like to get it on the record.

**CHAIR:** Certainly. Mr Furolo will ask a question and then if you would move straight on to that so we can wrap up.

**Mr ROBERT FUROLO:** Mr Scruby, we heard evidence at last week's hearing about the difficulty of enforcement. You have talked a little bit today about the requirement for police to have additional resources to do their job. Is it your view—it is certainly the view of others who have given evidence—that being able to catch motorists in the act of texting, in particular, which is the worst of the offences, is quite difficult?

**Mr SCRUBY:** Yes.

**Mr ROBERT FUROLO:** So even if you are able to increase the penalties for texting while driving, it is difficult to actually enforce it. How do you think governments should overcome that particular problem?

**Mr SCRUBY:** It is much easier, I think, for the police to enforce texting than it is to enforce hands-free mobile phones because on a hands-free mobile phone you can have both hands on the wheel and you can still be talking and the police officer has no idea whether you are singing or whatever whereas normally when someone is texting they are looking down like this and a police officer can just watch them for a while, because often they do not even see them, and they can book them for that offence. I know it is difficult but what other options do we have?

My point about ratcheting up the fines, if I were a young person—and it is worse with young people—and I knew the penalty was \$500 and six demerit points, I would be thinking very seriously about trying to do it. That is my view. I might be wrong and there might be a lot of police officers who say, "I am not going to give someone a \$500 fine." That might be their conscience. I believe we really have to tackle this head-on. You are the people in power, you know what you are doing but I have been on about this for a long time. If you go back and read some of the stuff we have written in the papers 12 years ago about this, nothing has changed in the last 10 years. It is just getting worse.

**CHAIR:** Could you move on and then we will have to wrap up.

**Mr SCRUBY:** If you go back to the quote from JCDecaux about people watching these signs—I do not know if you have had a chance to read about it? But are you all familiar with the variable message signs?

**CHAIR:** Yes, we have taken that up last week as well.

**Mr SCRUBY:** Good. There are two types. There is the type that the Roads and Maritime Services has and they are good and they have the strictest of requirements. The Roads and Maritime Services has had a technical direction in force for over 10 years. In recent times it has been signed again by Mr Veysey and Mr Moran and they are absolutely black and white. Any variable message sign used on a State road must be approved by the Roads and Maritime Services and these approvals must include a condition requiring compliance with this policy. It goes on to say the use of private ones for advertising undermines their whole road safety strategy, blah, blah, blah.

When you go to the Roads and Maritime Services—and I have been doing this for years—and you tell them that these people are showing off their rug sales and things like that on their roads, they do absolutely nothing, and I mean absolutely nothing. In fact, their own policy says, "We reserve the right to remove these devices". If you park on a clearway they will come and tow you away in five minutes, but these signs here—and one of the worst councils in Sydney is Pittwater; you will see 10 of these between Narrabeen and Palm Beach, all advertising everything from rug sales to computers.

This council is actually charging people. If you do not believe what is in store for me, go and have a look at Camden Hire. Camden Hire now has the latest of these variable message signs. I predict within five years there will be flat screen televisions. They are so distracting. I was going to show the Committee this one, which is on our website. This one was less than 100 metres from where a young girl was killed at a pedestrian crossing six months ago. Watch it when the arrow flashes—can you see that?

**The Hon. WALT SECORD:** Where is that?

**Mr SCRUBY:** That was at Mona Vale. My son went to the funeral of that girl. A week later there was one right next to the pedestrian crossing where you can just see the flowers. The strangest part about all this is you write to them. Craig Moran, who is in charge of this, promised me in mid April he would have it all sorted by the middle of June. I have written to him so many times since and he does not acknowledge. This is unacceptable. Finally, what is extraordinary about this is that the variable message signs that the Roads and Maritime Services use are all generally owned by Coates, Active Hire and Kennards. They have huge contracts and yet at the same time 100 metres down the road they are putting on a rug sale.

**CHAIR:** Thank you very much; you have drawn our attention to it very graphically there and also in your submission. It is an issue we are taking up with other witnesses. Clearly the collation of data referring to accidents and statistics will be important but I am afraid our time has come to an end. We will submit other questions to you. Thank you for appearing before the Committee today.

**The Hon. CATE FAEHRMANN:** Who is Craig Moran? We need to have that put on the record. You cannot mention someone and not say who they are.

**Mr SCRUBY:** He is the General Manager, Traffic Management, Roads and Maritime Services.

**(The witness withdrew)**



**MICHAEL JAMES THOMAS**, Manager, Group Government and Stakeholder Relations, Suncorp, affirmed and examined:

**REUBEN ZANE AITCHISON**, Corporate Affairs Manager, Suncorp, sworn and examined:

**CHAIR:** Welcome and thank you for attending this public hearing of the Joint Standing Committee on Road Safety's inquiry into driver and road user distraction. 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 any 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. As time is limited today, 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 THOMAS:** Yes.

**Mr AITCHISON:** Yes.

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

**Mr THOMAS:** Yes. On behalf of the Suncorp Group I thank the Committee for affording us the opportunity to appear and to provide additional information to that included in the written submission. The Suncorp Group is one of Australia's largest financial institutions with more than 15,000 staff and relationships with nine million customers. Our general insurance division operates a variety of insurance brands, including AAMI, Apia, GIO, Suncorp, Vero, Shannons, Just Car Insurance, InsureMyRide and Bingle. It is through these brands that we offer motor vehicle insurance throughout Australia and compulsory third party personal injury insurance in both Queensland and New South Wales.

With such a high level of involvement in the motor vehicle industry and insurance, the Suncorp Group views road safety as a top priority and, as such, we operate in a variety of road safety programs and surveys targeted at reducing the number of traffic incidents, improving road safety and informing the public about road safety trends. Such programs include our Queensland road safety ambassador, the Fatality Free Friday Road Safety Foundation, the Rotary Young Driver Awareness organisation, which is designed to prevent alcohol and risk-related trauma in youth—or the party program—and which we run in conjunction with the National Trauma Research Institute, the AAMI Skilled Driver Program and, of course, the AAMI Crash Index.

Since 1995, AAMI has conducted road safety research through its annual crash index. The 2011 index identified distracted driving as a key road safety issue. The recently released 2012 AAMI Crash Index has found drivers now rank distraction closely behind lack of skill and alcohol as the greatest factor leading to safety issues on our roads. Distracted driving is quickly rising as a leading cause of accidents on Australian roads. There is no doubt that the number of electronic devices in cars is increasing and that these devices are contributing to driver distraction. Based on the findings of AAMI's research, more than 40 per cent of New South Wales drivers aged between 18 and 24 admitted to having sent or read an SMS while driving. Drivers in New South Wales appear to recognise the high risk of using mobile phones while driving, with half supporting a complete ban on mobile phone use in the car, including the use of hands-free devices.

AAMI believes that as technology improves more and more devices will find their way into cars. However, this should not necessarily be seen as a bad thing. With the continued development and implementation of technology such as the driving mode that automatically diverts incoming calls and text messages, advanced technology has the potential to greatly improve road safety. In fact, research into driver assistance technology by the University of Sydney has found that GPS systems that inform drivers how often they speed and how risky their driving is can significantly reduce unnecessary risk-taking behind the wheel. Following a successful trial, AAMI has partnered with Mercurian to promote a better driver system, which monitors driver behaviour and to date has delivered a 38 per cent reduction in crash rates in fleet trials. This is just one example of how technology, if used correctly, has the potential to improve road safety.

AAMI has also partnered with the University of Sydney School of Psychology to conduct a three-year study into the behavioural effects of road rage, driver anxiety and driver distraction. This project has allowed the research team to build a state-of-the-art driving simulator that exposes participants to various situations and

triggers and measures the participant's psychological response. In 2011, there were 1,292 road deaths in Australia. Suncorp views that as 1,292 too many. With our proud and longstanding commitment to improving road safety, we are pleased to contribute to this inquiry into driver and road user distraction. We are happy to take any questions.

**CHAIR:** The Committee is interested in the research. While it might be somewhat anecdotal, we find a difficulty in analysing the available accurate data to document the real impact of driver and road user distraction. How extensively do you share your research with other road safety organisations, are you aware of similar research performed by other organisations and are the outcomes similar?

**Mr AITCHISON:** You may have seen some things in the news in the past week about accident hotspots that we have revealed across the capital cities and some of the causes that people have seen contribute to those accidents. We have since been approached by VicRoads to meet with them and to go through the black spots in Melbourne and to talk about some of the causes of accidents in those areas. Where we get requests for information, we respond to those and share our data. We also share our data with our partner organisations and the community partners we work with, including trauma support organisations. We meet with the Transport Ministers in the various States whenever we release our research findings.

**Mr THOMAS:** Obviously we do the research and publish it for corporate purposes, and we are not alone in that. I will not talk for other insurers, but they certainly conduct similar research. But for marketing purposes and information purposes, it is always publicly available.

**CHAIR:** Your submission states that 29 per cent of surveyed drivers in New South Wales report having read or sent an SMS while driving. Given that using a mobile phone while driving is illegal, do you think this affects people's responses to the questionnaire?

**Mr THOMAS:** Given that there is anonymity in the provision of that information and that it is collectively presented rather than as an individual's response, I am not sure that it corrupts the study because people are not willing to make those admissions. Admissions were certainly made about how many times people might have been drink driving and speeding in some bands of our questions. There is 0 to 15 over the limit in, in excess of 30.

**Mr AITCHISON:** In the survey, specifically ahead of the questions, is a statement that individual responses are not kept individually; that they are put together as an aggregate. So it is made clear that any responses can be made honestly.

**The Hon. WALT SECORD:** As representatives of insurance companies would you consider lowering premiums for drivers who install hands-free kits into their cars or devices that divert SMS et cetera? Are there any plans? Would you consider lowering premiums for drivers who install such facilities?

**Mr AITCHISON:** We already have this in place with one system that Mike alluded to in the opening statement with the Better Driver Statement. We offer a 20 per cent discount to drivers who have that device installed in their cars.

**The Hon. WALT SECORD:** Is there much of a take-up?

**Mr AITCHISON:** I do not know at this point. I can find out the numbers and provide them.

**The Hon. WALT SECORD:** Yes. Will you take that question on notice?

**Mr THOMAS:** Yes.

**Mr AITCHISON:** Yes.

**The Hon. CATE FAEHRMANN:** The earlier witness Mr Scruby, mentioned the likelihood possibly of an increase in the number of what he described as rear-end accidents over the past 10 years, for example, because of the increase take-up of technology and mobile phones particularly. Do you have any of that data available? Would you be able to provide it on notice?

**Mr AITCHISON:** We can, the analysis looking at the changing types of accidents over the past five and 10 years is part of the 2012 Crash Index. On the nose-to-tail type incidents, I do not believe there was a significant rise at all over the past 10 years. The major rise we have seen is in accidents involving parked cars, or stationary vehicles.

**The Hon. CATE FAEHRMANN:** Cars just ploughing into a parked car, do you think drivers just took their eyes off the road?

**Mr AITCHISON:** That includes dings and scrapes in car parks.

**The Hon. CATE FAEHRMANN:** Bad drivers overall.

**Mr THOMAS:** Our submission was predicated with a lot of the data from the 2011 Crash Index. The 2012 Crash Index has come out since our submission so we will also provide the Committee with a full copy of the 2012 Crash Index.

**CHAIR:** That will be useful.

**The Hon. CATE FAEHRMANN:** We have asked earlier witnesses whether they thought a big increase in penalties is what is needed to deter people using various devices in their vehicles. What do you think about that being one solution?

**Mr THOMAS:** It is not a single-pronged approach to road safety, as we have previously alluded to, the three "Es". There is a bit of a pull of each lever. I think, speaking holistically, the police have a hard enough task enforcing the existing legislation as it stands, being able to prove someone was texting at the time when challenged or whether they were using the mobile device for a telephone call or simply someone singing along to a Limp Bizkit song.

**The Hon. CATE FAEHRMANN:** That is a first time for Hansard I would say, Limp Bizkit.

**Mr THOMAS:** Sometimes the lyrics are probably the same, the dialogue is probably the same. There needs to be an examination of whether, without additional resourcing of policing or induction of policing with additional technology themselves to detect those offences, I think just going and putting up the penalty without an education component to that would probably not serve the purpose solely.

**Mr AITCHISON:** There is a question around the Crash Index that looks at why people who say they do stick to the speed limits, stick to the speed limits. The leading reason that people give is because of the penalties and the cost of that. The second, and fairly close following, reason is for reasons of road safety and to prevent accidents and avoid accidents. We have not asked that question of distraction as yet, but we are increasing our focus on distraction in our research so it is no doubt a path we will go down.

**CHAIR:** It is certainly a theme that is emerging as a result of this inquiry.

**The Hon. RICK COLLESS:** In your submission you said that perhaps we should be introducing a distracted driver offence. Is there any mileage in expanding that to distracted road users so it covers cyclists, pedestrians and other road users?

**Mr THOMAS:** I think any distracted individual that is using the road, whether they are behind the wheel of a push bike, a vehicle or whether they are crossing the road without paying due care and attention, are all a similar offence. They should all carry the same penalty.

**The Hon. RICK COLLESS:** In your submission you also say that drivers who have completed advanced driver training may still be able to use hands-free phones in their car. Do you have any research that shows the difference between hands-free use versus hands-on use? Has any work been done on the distraction caused by the driver talking to a passenger in the car as opposed to talking on a phone?

**Mr AITCHISON:** Not talking to a passenger, no. We have asked what factors do distract people in vehicles and children tend to be a major distraction. I am not sure we can outlaw that but nothing specifically in terms of conversations with passengers.

**The Hon. RICK COLLESS:** What about the difference between hands-free and hands-on phone use?

**Mr AITCHISON:** No, we have asked people's attitudes towards the use of hands-free and hands-on, as Mike said; asked people whether they would support a complete ban on the use of phones, but there has been nothing in our research to date on whether there is a difference in behaviours.

**Mr THOMAS:** Because we are doing these through a customer survey-type arrangement, it is an evolving survey. We do track with consistent questions, but as trends come through we modify for the next year. Ten years ago driver distraction was not rating anywhere in the survey and it is now coming up hence we are developing greater fields of questions and trying to drill down those because obviously it affects our underwriting criteria as well.

**Mr ROBERT FUROLO:** If there were one recommendation that this Committee should adopt arising from this inquiry to address the issue of driver distraction and reduce the incidence of accidents, in the view of Suncorp what would that be?

**Mr AITCHISON:** I think that we do not make it a single-pronged approach. It needs to be a combination of improving the enforcement to address the spread of technology and the increasing nature of the distractions. There needs to be an education component. As you rightly pointed out, it is not just about making people aware that it is illegal, it is also about making people really understand the risks and the consequences of their behaviours. It is also about encouraging and pushing the manufacturers of vehicles, technology, and the telcos to adapt their technologies and introduce technologies. We are already seeing examples overseas of telcos introducing apps for phones that automatically send a text or a message in response to calls or texts coming in saying "I'm busy driving. I'll be in touch later".

**Mr ROBERT FUROLO:** I think you have just written our report for us. Is it your view then that police need more resources to enforce the current laws?

**Mr THOMAS:** If you are going to increase the legislative burden or ranges of offences for police to actually have at their disposal to enforce you have to have a complementary increase in resources for those. A broad approach to distraction in the motor vehicle itself, cycle or pedestrians, I mean times have evolved. Five years ago people were not playing with their MP3 player in the vehicle, they were fiddling around on the passenger's seat opening up the CD case and putting the CD in the slot.

Equally, the same kind of issue, it is just that the method of distraction is different. For one your eyes were down off the road, fiddling around, trying to slot the CD in the spot, and now your eyes are going through which play list you wish to hear. I do not think that necessarily technology is the sole cause of the distraction but I think if you are serious about it, it is about general distractions in the motor vehicle, whether it is eating a McDonald's through the drive-through, reaching back to chastise a wayward child or using some technological device in the car in an inappropriate manner.

**Mr STUART AYRES:** In your submission you talk about the research that was done by Sydney University that created some financial incentives for drivers. I am wondering whether the Committee could take the psychology of that and whether there is the opportunity to reward safe drivers with credits or discounts on future events that take place. In the Sydney University trial people were rewarded financially for being a safe driver: if someone is a safe driver, for example, for a decade or whatever period of time, they get a discount through his or her insurance agency. Could the same principle be applied to fines or demerit points where people can build their demerit points or are able to claim a credit against fines?

**Mr AITCHISON:** The devices that are coming through, the smartphones in particular, are increasing their sophistication and telematics—which is the tracking of behaviours—is in the stages of being worked into some of these devices as well. There is scope in the future for tracking specific behaviours over time and rewarding specific driving. At present the system that we are supporting with a 20 per cent discount: the Better Driver's System, emits a series of warning beeps when someone is braking too hard, cornering too fast, travelling too fast et cetera, at an increasing intensity as that person's driving becomes worse and worse.

The fleet trials in this case showed a 38 per cent reduction in accidents. So at this point we are willing to basically bet on people driving better with these systems in their cars and therefore reward them up front with a discount in insurance. But as the technology develops that allows you to track specific driving with these devices then no doubt the way we can reward and incentivise will evolve as well.

**Mr STUART AYRES:** Is the solution to advancing technologies and electronic devices in cars actually technology: utilising other technological advances? I am sure you could tell the Committee about things happening in other jurisdictions like the Better Driver's program to make drivers aware through the use of technology that his or her electronic usage habit when driving a car is poor?

**Mr AITCHISON:** We are seeing development in the iPhone, for example, with the advent of Siri, however annoying she can be at times. This means that voice activation and voice management of phones and devices is becoming, and will become, more common. Things like being able to send texts or to choose prearranged text responses without having to pick up the phone or look at the phone or take your eyes off the road will help improve things. Your mind is still distracted but at least your eyes and hands are where they should be. There will certainly be some benefits brought to this area through the technology itself as the technology evolves.

**Mr THOMAS:** And, as we were preparing for this Committee hearing yesterday, Reuben made a very good point. There has already been sufficient technology in mobile phones for a number of years to stop distractions: it is called the off button—whether it be the old Nokia or the new iPhone 4.

**The Hon. RICK COLLESS:** And it has been around for years.

**Mr THOMAS:** Correct.

**Mr JOHN WILLIAMS:** No doubt there was a fair bit of honesty in the survey in relation to those respondents who admitted the use of a mobile phone, electronic device or whatever whilst driving. But the interesting thing is how many of those people saw the use of such devices as a risk to his or her safety. Most young people today are multitasking and they have adapted that to electronic devices but do they see a risk in that behaviour?

**Mr AITCHISON:** I think there are two aspects to that. People, especially younger drivers, seem to view the risks as far as their driving ability goes, their confidence and their technical skills, but what they do not take into account is that being distracted by something or texting or whatever robs you of the ability and the reaction time when somebody else on the road does something stupid. It is those fractions of seconds where you are distracted that make the difference between avoiding a collision and not avoiding a collision. One aspect is thinking about them only and not thinking about what that does to their ability to respond to other road users.

But I think that there probably is an element of not understanding. The core purpose of the AAMI Skilled Driver's school is to try and make novice drivers understand the consequences of their behaviours because they just do not comprehend them. They are fresh out of driving schools and fresh out of driving courses. They understand the technical skills and the road rules but they do not grasp how close to the edge they are at times. They will be asked to do things such as take a corner at 30 kilometres an hour and then take the same corner at 50 kilometres an hour to see how many of those little road cones they wipe out and that brings home what it actually means.

**Mr THOMAS:** As the Committee members have all experienced first-hand. Maybe in line with this inquiry we should have actually had them do the turns with the mobile phone in their hands and we would have had some hands-on evidence for you.

**CHAIR:** Mr Thomas, I was going to ask that because it goes to the very heart of your submission. Your suggestion is a broader definition of "distracted driving ban" and prompting drivers to consider: "Am I driving distracted?" as opposed to "Can I use my phone while driving?" The very experience of participating, as the Committee did, as observers of that skilled drivers course indicated that people react to a real-life situation where they find they are unable to perform a particular task. How do you move from that first-hand experience of a dangerous situation, which will obviously relate to a relatively small number of people compared with the number of people learning to drive and drivers on the road in general, to creating a situation where the questions you pose are asked by all drivers based on their personal experience of what could happen?

**Mr THOMAS:** I think it comes back to one of the Es: education. As the previous witness, Mr Scruby, testified, I do not think there is a driver in Australia, or certainly in New South Wales, who would not know that it is an offence to use a mobile phone while driving. An education campaign around that is futile. But an education campaign about what the consequences of doing that are and what could potentially happen. For

example, reading a text message, do you plough off into cars parked on the side of the road, do you end up bush bashing out into a paddock full of livestock or do you go head-on into a truck coming the other way? It is around the consequences of what can happen when one is distracted.

**CHAIR:** My question was driving at the understanding of consequences as opposed to fear of penalty. Thank you, you have answered that.

**Mr JOHN WILLIAMS:** One of the problems for the Committee is the recognition of how many accidents occur through the use of electronic devices. While we all see it as a major threat to road safety, the statistics we have seen—I think there is a little bit of doubt about it—show that the use of mobile phones only represents one per cent of accidents. If a driver knows when filling out an insurance claim form that his or her claim will not go ahead if they admit to using a mobile device, what sort of stand would an insurance company take to better investigate the distraction of mobile phones in relation to someone giving an honest assessment of what the distraction was to his or her driving when making a claim? That would be a source of quantitative information that the Committee is not getting at the moment.

**Mr AITCHISON:** One of the questions we asked in the 2012 Crash Index that we released this week was: what were the contributing factors to your accident? We asked people whether they had had an accident in the past five years and what they felt caused it or what were significant factors leading to that accident. About 25 per cent of people said they had had an accident in the past five years and 28 per cent said that distraction or loss of concentration was a principal cause. We have not broken that down into phone versus texting versus satellite navigation versus children in the backseat but I think to the point of widening the area of distraction as a whole, and given the honesty aspect you have raised, the fact that nearly 30 per cent say that distraction and loss of concentration was a significant factor shows that it is causing collisions on the roads on a very regular basis.

**Mr THOMAS:** To drill past your question, in which you are alluding to whether insurance companies would do more thorough investigation of a claim for an accident where we thought distraction was involved, and whether we would go that extra mile to ascertain if mobile phone records indicated the receipt or sending of a text or the driver was in the process of a telephone call, I think it is probably unrealistic for us to do that unless we had a strong suspicion that that was the case.

**Mr JOHN WILLIAMS:** I am not asking you to investigate it. I am simply asking whether we can put a moratorium in place that says, "Answer this honestly. It will not cause you to lose your claim but we need an honest answer." Put a moratorium in place and ensure that if you are prepared to admit the accident was caused by using an electronic device the claim will go ahead. You have the choice of them giving a dishonest answer or a vague answer or getting some qualitative information that we need to say this is a significant threat to road safety, because we are only speculating at the moment.

**Mr THOMAS:** I think our crash index response goes some way to that. Clearly, when people are answering honestly that they have been distracted nearly 30 per cent of the time when they have been involved in an accident in the last five years, as to whether we would look, in addition to our claims form, at actually having a separate agreement that it was not to be used against them or there was a moratorium for them to do that. We can have a chat to our pricing people and they will give you a written response.

**Mr JOHN WILLIAMS:** I will ask the question. If I was a client of AAMI and put in a claim and I said I was texting at the time I had the accident would you deny the claim?

**Mr AITCHISON:** Based on the policy wording as I understand it in the comprehensive motor policy, no, we would not decline the claim on that basis. If you were driving under the influence, drink-driving, or if you were driving the car in some sort of test or race, then we would decline the claim but based on the policy wording as I understand it we would not decline the claim solely on the basis of using a mobile phone or texting.

**Mr JOHN WILLIAMS:** I would say there would be a reluctance. I think it needs to be communicated to policy holders that when they are doing that claim honesty will not have the claim denied. Obviously if they are under the influence it creates a whole different set of circumstances but the fact is that the accident happened. We need some accurate statistics. As I said, we are speculating on the threat of these electronic devices. I think everyone knows it is happening but we do not have any strong evidence that it is the cause of accidents.

**CHAIR:** Precisely. I was going to add that several of the witnesses that we have interviewed over the course of this inquiry have suggested that the insurance companies provide the very information that Mr Williams has been alluding to in relation to the connection between, let us say, minor accidents—rear ends were quoted—and the use of electronic devices at the time. Clearly from what you are saying it is not possible at this stage to provide such hard information because those particular questions are not answered. Following Mr William's line, I have some fear that we would not get accurate information from the drivers in any case unless such a moratorium was in place. Have you any comments as to how information that links driver distraction to accidents could be enhanced so that we can obtain direction as to how to proceed with driver education and enforcement?

**Mr THOMAS:** Not wishing to be trite, obviously our 2013 index will be looking a bit more at the statistics around the accidents where distraction has been a cause, trying to find out what the cause of the distraction was, whether it was using a mobile phone. But beyond us giving you the percentages, we can provide you with the actual accurate numbers of the responses for the current index.

**Mr JOHN WILLIAMS:** I guess if you are putting that together now for 2013, can you go further with that survey of those drivers who are prepared to admit they have used an electronic device to ask them whether they believe that there is a threat to their safety in using that device? I look at young people texting and they are ambidextrous; they can shoot off a message in record time. I could not text while I was driving; I am flat out texting while I am sitting still. I am one of those unfortunate people in cars who cannot run and walk at the same time. Multi-tasking is not one of my abilities. I think they do not think there is anything wrong with what they are doing.

**The Hon. WALT SECORD:** Thank goodness you fly planes.

**Mr JOHN WILLIAMS:** That is even easier.

**Mr AITCHISON:** You have hit the nail on the head and it is certainly an area we want to delve deeper into because we want more information in this area as well. We have seen that in terms of people's attitudes towards a willingness to indulge in risky driving behaviours we found that people's willingness towards speeding is improving, that their attitudes towards drink-driving are improving but that their attitudes towards use of technology and driver distraction are getting worse. So it is an area we intend to invest more in research and dig deeper into.

**CHAIR:** In your submission there was a suggestion that certain drivers—we talked about professional drivers who might have completed their advanced driver training—could be treated differently under that proposed distracted driving ban. How would you identify what devices they could use? How would the drivers be identified? Do you see that as a practical form of discrimination? In other words, the more training, the more one has access. How enforceable is that?

**Mr AITCHISON:** I think it would come down to: Do you require these devices to drive? Are they required as part of your ability to carry out your job if your job is professionally driving? To my mind, that would be the first criteria. Then the training would have to specifically involve ensuring that they develop the skills and have appropriate technological safeguards in place to ensure that they can use those in as safe a manner as possible.

**CHAIR:** So basically what you are saying is that training and attitude can lead to safe use of those devices, particularly with the advances of technology, that it is getting to that stage.

**Mr THOMAS:** I would say safer use rather than an absolute qualification.

**CHAIR:** Thank you for appearing before the Committee today. We appreciated the survey that you included as part of your submission.

**(The witnesses withdrew)**

**(Short Adjournment)**

**CHARMAINE MARGARET MOLDRICH**, Chief Executive Officer, Outdoor Media Association, affirmed and examined:

**CHAIR:** Good morning, and thank you for attending the public hearing of the Joint Standing Committee on Road Safety on its inquiry into Driver and Road User Distraction. I remind everyone to please switch off mobile phones as they can interfere with Hansard's recording equipment. I welcome Ms Charmaine Moldrich, the Outdoor Media Association Chief Executive Officer. Thank you for appearing before the Committee today.

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 an offence under the Parliamentary Evidence Act 1901. As time is limited today, 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?

**Ms MOLDRICH:** Yes, I would.

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

**Ms MOLDRICH:** Yes, I would. Thank you for the opportunity to respond to this inquiry into driver distraction in New South Wales. The Outdoor Media Association is the peak industry body representing 97 per cent of Australia's outdoor media display companies and production facilities and some media display owners, including the Roads and Maritime Services and RailCorp in New South Wales. Outdoor media display companies advertise third party products on buses, taxis, pedestrian bridges, billboards and free-standing advertising panels, street furniture—for example, bus shelters, public toilets and phone booths—and in railway, bus station, shopping centre, university and airport precincts.

In addition to third party advertising displayed by our members, there is a vast amount of on-premise outdoor advertising. This advertising is displayed at the premises where goods or services are provided, such as pubs, clubs and retailers. It is important to note that the Outdoor Media Association does not represent advertisers who display on-premise advertising.

In New South Wales the out-of-home industry is regulated through the State Environmental Planning Policy No. 64 - Advertising and Signage and the associated Transport Corridor Outdoor Advertising and Signage Guidelines which imposes strict regulation on the placement and design of third party advertising, such that the impact on driver behaviour is minimised. On-premise advertising, however, does not attract these regulations, which we believe has led to the proliferation of this type of advertising. For example, on Parramatta Road between Leichhardt and Broadway there are over 2,000 on-premise signs, compared to 14 third party signs.

The industry supports road safety messaging and in 2011 the New South Wales Government—the third largest user of outdoor advertising in Australia—spent \$14.4 million on advertising road safety messages. The Outdoor Media Association submits that, overall, the evidence on the safety effects on outdoor advertising is inconsistent and contradictory and the methodology that all the research is based on is open to criticism. The Outdoor Media Association therefore urges this Committee to pay significant attention in this inquiry to the sources of distraction, including unregulated on-premise signage, some variable message signage installed by the Roads and Maritime Services, mobile phone messaging by drivers and in-vehicle electronic devices. We thank you for the opportunity to present to you today.

**CHAIR:** Thank you for that introduction and for your submission. I note from what you were saying that you are drawing our attention to a specific area. Prior to this inquiry, was driver and road user distraction seen as an issue by your members and, if so, by which particular members?

**Ms MOLDRICH:** We work on evidence-based research, so given the permit and the development application regulations that we have to follow, we are highly scrutinised before we ever get a permit. You will see from the Transport Corridor Outdoor Advertising and Signage Guidelines, that section 3 covers all of the road safety regulations, so all our members are aware of road safety. Driver behaviour is something that we try to get more and more evidence on. We are also aware in New South Wales that the Roads and Maritime



Services and, previously, the Roads and Traffic Authority are the concurrent agencies. So we know that, when we go for permits, that road safety is covered in section 3 of the guidelines and we adhere to those guidelines.

**CHAIR:** You were drawing our attention to on-premise advertising. I need to ask the Association if any of your clients are investigating any new asset groups on which to display advertisements or other potential locations not currently utilised? I am asking whether you are looking at other sources of distraction.

**Ms MOLDRICH:** To my knowledge, no. We are pursuing very traditional forms of third party advertising: Billboards, street furniture, all of the formats that I have mentioned. I suppose the reason why I draw your attention to on-premise advertising is that I know, whenever I talk to people in the community, that there is a misunderstanding between what is third party advertising and what is on-premise advertising, so I always like to make it clear that I represent third party advertising and not on-premise advertising.

**CHAIR:** A number of submissions we have received have highlighted the problem of information overload and we have heard from witnesses today about that matter, particularly as it relates to road users given the importance of concentrating on the road rules and one's surroundings and the number of potential distractions in that environment. To what extent is outdoor media a factor in that information overload?

**Ms MOLDRICH:** I do not have any evidence that clearly states that outdoor media is distracting to drivers. What I do have is evidence that has been obtained through eye-tracking studies accredited by the Australian Government where we know that a glance at outdoor advertising is less than one second. We know that we are looking at very large formats and not small signage when we talk about outdoor advertising formats on the roadside. We also know that we sell our medium as a glance medium; we do not actually sell our medium the way people sell other mediums of advertising.

We say that we are a glance medium and that people look at our ads for up to maybe one second. Our audience measurement tool, MOVE—Measurement of Outdoor Visibility and Exposure—measures a glance as being 200 milliseconds, so our own measurement tool uses a very short span and that is how we sell roadside advertising to advertisers. We also know from our eye-tracking study that 44 per cent of pedestrians look at available signage, 13 per cent of drivers look at available signage—again this is glancing at signage—and 23 per cent of passengers look at available signage. This is all in our audience measurement tool so we sell our medium based on these facts.

**Mr JOHN WILLIAMS:** Does the association set the guidelines and directions for its members in relation to outdoor media?

**Ms MOLDRICH:** Can you give me a bit more information?

**Mr JOHN WILLIAMS:** If you say you are setting up for a glance within the scope of outdoor media advertising, that obviously recognises that a standard message is contained in that glance. Does the association give advice to its members in relation to the proposed media advertising?

**Ms MOLDRICH:** We do not give advice to our members on messaging because our members do not do the messaging. We are third-party signage and people buy the space, which is usually provided by either a creative agency or an advertiser. We have guidelines for how that creative should look. We give guidelines as to how many letters people should use and what colours they should use. We have guidelines that say, for example, you cannot use the same colours as traffic signals. There are some rules and regulations that members follow. However, we do not mandate any of those regulations other than the traffic light colours because the installation is already mandated within the structure. Content is not mandated in Australia; content is self-regulated and we give advice on that to our members. We have a content advisory service for members and we also have a concept advisory service that we offer to creative agencies.

**Mr JOHN WILLIAMS:** You said in your opening statement that you represent 97 per cent of outdoor media display companies. If the other 3 per cent may be viewed as rogues, what do you think of the regulations? Are we over-regulated or is self-regulation working? Are you satisfied with the quality of the other 3 per cent that are not in your association in respect to outdoor media material?

**Ms MOLDRICH:** Are you talking about content?

**Mr JOHN WILLIAMS:** I am talking more about the distraction to drivers. The guidelines you have outlined suggest to me you have some clear views about eliminating the distractions. The other 3 per cent who are not in your association might not have that same view.

**Ms MOLDRICH:** When we are talking about installation of structures the other 3 per cent have to get a permit in the same way that our members would. They are not really rogues because they do need to go through the same State Environmental Planning Policy [SEPP] 64. Everyone is governed by that. If a sign does not have that permit it is illegal and it can be taken down by Roads and Maritime Services and the council. You will find there are no illegal third-party advertising signs in New South Wales, period. It is highly regulated and there is huge compliance in that area. The same cannot be said for on-premises signage but certainly it can for outdoor signage.

Regardless of whether I represent that membership or not, the New South Wales Government and councils look after that area. In relation to content, while I manage a series of content guidelines and give advice to my members, overall content is managed through the Advertising Standards Board [ASB] and it does not matter whether the complaint is about one of my members or about a sign that does not belong to our membership; those rules exist for everyone. The difference, I suppose, is that Outdoor Media Association members are 100 per cent compliant. I know from the ASB that, for example, they have had to contact councils about three or four advertisements and the councils have not been able to manage them and then they have had to contact the police. The moment a complaint is upheld on one of our ads we take it down, and we are 100 per cent compliant with that.

**CHAIR:** Thank you.

**Mr STUART AYRES:** You have already spoken a little bit about variable message signs. Are there any regulatory frameworks that act as an oversight for these on-premise advertising machines?

**Ms MOLDRICH:** There are three types of signage. There is third-party signage that is regulated under SEPP 64 in the guidelines then there is on-premise signage that is regulated by councils to some extent. When you are a mum-and-dad business, or Bunnings, you go through a development appreciation application process. The issue with that is that if you are non-compliant there is not someone chasing you up for compliance, and you can understand that, which is why I give you that statistic of 2,000 ads in a kilometre. Two thousand signs; who has the staff to go out and make it compliant? The way councils operate, and this is what I have been told by council officers, is that if someone rings up and complains about the Marrickville RSL with the lights flashing they will then go and do something about making that sign compliant, so it is reactive compliance rather than proactive compliance.

The third lot of variable message signs—variable message signs are not regulated and, to some extent, neither is the Roads and Maritime Services variable message signs. The Roads and Maritime Services variable message signs have their own State Environmental Planning Policies. Roads and Maritime Services do not operate under SEPP 64. They have their own State Environmental Planning Policy that they operate under and their State Environmental Planning Policy allows them to operate variable message signs at three seconds, because they suggest—

**Mr STUART AYRES:** That is dwell time.

**Ms MOLDRICH:** Dwell time, yes. Sorry, in-talk. Yes, a three-second dwell time because they state that they are usually road safety messages, therefore, they can flash quite quickly, but we all know and I think we provided evidence to the Committee that there are messages that say Sydney Harbour Bridge is closed in two weeks time. That is flashing every three seconds. So there are three different rules operating in the same place.

**Mr STUART AYRES:** Excluding Roads and Maritime Services, is there a dwell time requirement for the on-premise signage?

**Ms MOLDRICH:** At the moment the guidelines are looking at dwell times, so we are negotiating dwell times at the moment. The Roads and Maritime Services and the Outdoor Media Association have been in talks on it since 2009 and we cannot come to a landing yet on it; we are getting close. The Roads and Maritime Services started off by suggesting 90 seconds of dwell time, whereas their variable message signs can do every three seconds. They were looking at our dwell times being 90 seconds. We are now down to eight seconds on roads under 60 kilometres, 15 seconds on roads over—

**The Hon. RICK COLLESS:** These are your members?

**Ms MOLDRICH:** For my members.

**Mr STUART AYRES:** What about the on-premise signage? They are almost like trailers that get wheeled on to the side and they flash with multi-coloured messaging?

**Ms MOLDRICH:** I am assuming that they will have the same situation as any signage in a local council area. It will depend on who the compliance authority is and how much staff they have to make that sign compliant.

**CHAIR:** Mr Furolo will now ask you some questions.

**Mr ROBERT FUROLO:** I was curious in regard to SEPP 64 and billboards, in particular, on the side of the road. Are there any restrictions on the size of the words or the size of the images and the quantity of words per sign? Is there any research that if the writing is too small that you do not get a glance reading of it?

**Ms MOLDRICH:** Content in any shape or form is not regulated, other than tobacco advertising. Everything else is out there. There are guidelines around it. For example, there are the Advertising Standards Bureau (Australia) [ASB] guidelines on what you can advertise. Outdoor has an extra provision of being broadcast to a general audience.

**Mr ROBERT FUROLO:** G?

**Ms MOLDRICH:** Well, not G, but there are some provisions around a wide audience of people looking at the ad, in terms of cut-through is what you are talking about in a way. We absolutely give advice to creative agencies and media agencies that, as a glance medium, because that is what we sell it as, if you do not get your message right out of home, you have just thrown your money away.

**Mr ROBERT FUROLO:** Under the State Environmental Planning Policy guidelines that these signs operate, there is nothing to stop someone from having 100 words on their sign which then requires drivers to repeatedly glance or to have a long look.

**Ms MOLDRICH:** No.

**Mr ROBERT FUROLO:** Do you think that should be regulated?

**Ms MOLDRICH:** No, I do not.

**Mr STUART AYRES:** They would not make any money.

**Ms MOLDRICH:** It is driven by the market. Everybody knows. If, for example, one of my members got a poster like that, they would actually ring up the agency and go, "Mate, what were you thinking?" Everybody knows that if you clutter an ad in out of home—and it is the oldest form of advertising, you know, it has been here for centuries that you will lose market share. Unless you are being deliberately provocative or it is a stunt, you would not really use that form. You are looking at regulating something that does not actually really occur.

**Mr ROBERT FUROLO:** You mentioned a target audience. The ad has to be sensitive to the fact that anyone can see it. Do you think certain images might attract more attention or make people look longer; for example, semi-clad people or risqué images might draw people's eyes, causing a distraction?

**Ms MOLDRICH:** No more or less than a girl with a short skirt crossing the road.

**Mr ROBERT FUROLO:** They cannot be regulated.

**Ms MOLDRICH:** Or, in my case, a handsome man in bike shorts.

**Mr JOHN WILLIAMS:** Good on you.

**Ms MOLDRICH:** Sorry, I was being glib. Let me be very serious about this issue because it is actually a serious issue. There are some very strong guidelines about sex, sexuality and nudity, the objectification of women, harmful ads, safety ads, so there are some very stringent guidelines that our members sign up to. Now, our members are the last point of call, so advertisers sign up to these agreements, creative agencies sign up to these agreements, the agencies who book it sign up to these agreements, and we sign up to these agreements. The whole supply chain has the same code of ethics. We have the little extra clause that says it has to be able to be broadcast to a general audience.

Last year we had two Federal parliamentary inquiries into content. It is an issue that is complex. It is subjective, it is complex. There are lots of voices in this debate. The evidence that we gave to that inquiry—and we did some research on the number of ads we ran. In 2010 we ran 30,000 ads across Australia on our 73,000 faces. Of those, 67 were complained about. Of those 67 complaints, seven were upheld, so that is 0.02 per cent, so 99.98 per cent of the ads we ran were quite benign. The 0.02 per cent we breached were in the area of sex, sexuality and nudity. As a woman, I found that quite confronting as the head of a media agency that had to look at those ads and go, "Yes, they're not great." What we did was run a training program for our members.

What I realised was that all of the members had signed these codes but we had not reinforced these codes to them. We had not gone out and said, "Do you know what this means?" We did a huge training program around the country. Of our 800 industry employees, we educated 250 who are involved in making those decisions. Since that training we have not had one complaint upheld in the area of sex, sexuality or nudity. We have had two complaints upheld, but they related to breaching the safety standards. We are running that training again this year. We want to comply 100 per cent with those rules.

**Mr ROBERT FUROLO:** Do you think that scrolling signs present a bigger distraction risk than static signs to drivers?

**Ms MOLDRICH:** I have not seen any research that says so, and I base my statements here on the evidence I see.

**Mr ROBERT FUROLO:** Has there been any research in this area?

**Ms MOLDRICH:** There has been quite a lot of research. There are three types of research that happen in advertising. The first is road statistics research; that is, looking at crash statistics. The second sort is in-car research; that is, putting people in a car and watching what they do. The third sort is simulated research. There is a plethora of research, certainly in the United States but not as much in Australia. We find that some of the research is very contradictory and the methodology used in some of it has been questioned. Even though there is a vast amount of research, it is very hard to draw a conclusion.

For example, we have had scrolling signs in New South Wales for 17 years. The Trivision sign at the airport has been there for 17 years and we have digital signage in the airport precinct. What we do not have is any evidence saying it causes accidents. Even though there is a lot of research, it is very hard to find the rigour in any of those three types of research. When you look at the methodology, there can be questions. We have done a critique on the research and we are happy to provide that to the Committee.

**CHAIR:** We would like to receive that.

**Mr ROBERT FUROLO:** Is the Outdoor Media Association involved in the current review of State Environmental Planning Policy 64?

**Ms MOLDRICH:** Yes, we have put a submission to the Committee and we are now going to submit on the green paper.

**Mr ROBERT FUROLO:** Do you have any idea why it is taking so long? I think that review has been going on for nearly three years.

**Ms MOLDRICH:** The guideline review has been stopped because of dwell times. Roads and Maritime Services and the Outdoor Media Association have not been able to agree on a suitable dwell time. As I said, Roads and Maritime Services started at 90 seconds and we are now talking about eight seconds, 15 seconds and

30 seconds for various speeds on roads. We have responded to that letter and we are awaiting a response from Roads and Maritime Services.

**Mr ROBERT FUROLO:** Do you support those proposed dwell times?

**Ms MOLDRICH:** I support a dwell time of eight seconds and 15 seconds on roads with speed limits over 100 kilometres an hour. We have always stated that eight seconds was the world standard and that is what we work with. By and large every jurisdiction has that standard. It varies within that standard, but eight seconds seems to be the dwell time that people are using for digital signage.

**Mr ROBERT FUROLO:** An earlier witness drew the Committee's attention to a quote from JCDecaux. Is JCDecaux one of your members?

**Ms MOLDRICH:** Yes.

**Mr ROBERT FUROLO:** It was said that the research published by JCDecaux last year suggested two-thirds of people look towards a site when it scrolls, drawn by the movement. Of those two-thirds, nearly 100 per cent go on to look at the following panel. If the dwell time is significant, how do you reconcile that with not presenting a distraction to drivers?

**Ms MOLDRICH:** I would suggest—and I will look into that research further—that they were talking about pedestrians. A lot of JCDecaux signs are in the city.

**Mr ROBERT FUROLO:** Cars are driven there, too.

**Ms MOLDRICH:** Yes, but the research they are quoting of 100 per cent of people looking at the next advertisement I would suggest is about pedestrians rather than drivers. But I am happy to investigate that further. I do not have all of that research. It is obviously taken in a different context. I will look at the context and send that to the Committee. I will take that question on notice.

**The Hon. RICK COLLESS:** Thank you for appearing before the Committee. I am finding this discussion very interesting. I want to pursue this issue of dwell times. What are the dwell times for the signs at the airport?

**Ms MOLDRICH:** Seven and eight seconds.

**The Hon. RICK COLLESS:** In your submission you refer to glances and state that it is generally less than a second—0.73 of a second for a conventional sign and 0.92 of a second for a digital billboard. I presume that the digital billboard would be a scrolling sign where the image changes.

**Ms MOLDRICH:** The advertisement would be there for eight seconds and then there would be a split-second change to the next advertisement.

**The Hon. RICK COLLESS:** When people glance at them their vision is distracted for 0.92 of a second. I assume that is an average figure.

**Ms MOLDRICH:** Yes.

**The Hon. RICK COLLESS:** What was the range?

**Ms MOLDRICH:** I do not have the figures, but I can investigate that and get back to the Committee. I can also look at our driver eye-tracking research. That starts at 200 milliseconds and I will tell you how far it goes for drivers.

**The Hon. RICK COLLESS:** I am also interested in this issue of when the image changes. If a driver looks at the sign and it changes while he is looking at it—in that 0.92 of a second—is he more likely then, as Mr Furolo suggested, to continue watching that advertisement or to spend more time looking at the new image?

**Ms MOLDRICH:** I do not have an evidence-based answer because there is not enough research, and certainly not in Australia because there are not enough digital signs. However, what I do know anecdotally from

cognitive loads—that is, what drivers do—is that drivers are getting more sophisticated with regard to what they look at and do not look at on the road. What we are talking about is a glance medium. I think digital has a higher glance rate at the moment because it is new and it has illumination. However, when I look at my eye-tracking survey I know that 13 per cent of drivers glanced at signs and the other 87 per cent did not even know that they existed—they were concentrating on the road. The research we did involved a driver wearing the eye-tracking glasses and you are seeing what they are seeing and the camera is also taking images in their eye to see what they are looking at. That is how we got that 13 per cent figure. However, I can investigate where the average figure came from.

**The Hon. RICK COLLESS:** That would be interesting. You said your preferred dwell times were eight seconds and 15 seconds. The 15 second dwell time is for areas with speed limits over 60 kilometres an hour.

**Ms MOLDRICH:** No, more than 100 kilometres an hour. Our recommendation is that for roads with a speed limit of 70 kilometres an hour and under it should be eight seconds and for roads with a speed limit of more than 70 kilometres an hour to 100 kilometres an hour 15 seconds.

**The Hon. CATE FAEHRMANN:** You mentioned your eye-tracking research. What is the research designed to do? Why does your company undertake that research?

**Ms MOLDRICH:** The research was undertaken because we have an audience measuring tool called MOVE. That tool is what we use to sell outdoor media. It is similar to the OzTAM television research tool. We do audience measurement research to get reach and frequency figures. The eye-tracking research was undertaken for those purposes to tell us on average how many people are looking at a sign.

**The Hon. CATE FAEHRMANN:** The companies that you represent are attracted by the number of glances or the dwell time. You said there are 1,000 different spaces.

**Ms MOLDRICH:** Seventy-three thousand places in Australia. We sell advertising based on what we call the LTS which is, the likely to see. So the likelihood for you to see a sign, so you have to glance on it for at least 200 milliseconds before you are likely to see it. We know that you will pass in a day 56 signs. You are likely to see 28 of them, depending on your personal views. So I never see the beer ads because I don't drink beer. Your brain is actually quite sophisticated. It is like your brain can always see your nose but it has just decided that it will not see it. Your brain is a very sophisticated tool. Even with advertising it is going, "No, no, I don't want to look at that". We carry out audience research based on those 73,000 signs. Who is going past them? Who has seen them? How many people are seeing them from cars, as you see them very differently from cars, as I have told you, to the way pedestrians see them. So it is a numbers-based system.

**The Hon. CATE FAEHRMANN:** Given that we are becoming increasingly sophisticated and very aware of advertising all around us, and trying to filter out all of it, obviously what we are seeing with VMS and everything is an increasing attempt by advertisers to catch the eyes of drivers. Do you envision, for example, big television screens? Are you looking at new methods to catch the driver's eyes? We have been told in a couple of submissions that that is next. Is that what your advertisers talk to you about? "What can we do to get the driver's attention and keep the driver's attention?"

**Ms MOLDRICH:** No, we do not talk about large screens. We talk about outdoor as being the simplest form of advertising. We are not television. We are a very simple medium that people glance at. We are never going to move from that medium because if we do then we become television advertising. Our discussion paper on digital advertising states very clearly that we do not recommend animated advertising on the roadside. It does not make sense. Our business is about selling sophisticated messaging to sophisticated clients, like the New South Wales Government, the third largest buyer of advertising in Australia. It is not about causing distraction and causing accidents because actually that is incredibly counter-productive to our cause.

It is certainly not cynical, the industry that I work in. It is certainly not looking at extending its reach to moving images. In fact, the conversation at the moment is very much about advertisers owning a space. Because there is this whole thing in the ether about digital, and everything is going digital, and we will never ever carry a pen in our lives again—we, who are old enough to have lived through analogue and still work in both areas, understand that there are horses for courses. One of the things about digital that is actually quite a negative for advertisers is that you do not own the space. One of the attractions for outdoor advertising is owning the space.

A road safety message being there for 28 days on a big billboard that says "Don't drink and drive" is actually very, very powerful. That message scrolling, so only a sixth of the drivers see it, is not as powerful. What we are doing is actually selling the power of simple messaging, and that is our medium. It will never be anything other than that for outdoor advertising.

**The Hon. WALT SECORD:** In your submission you say that no crashes can be directly attributed to outdoor advertising. Do you think that the impact of outdoor advertising on driver distraction is over-stated?

**Ms MOLDRICH:** Yes, because there is no evidence. However, when you look at the evidence on crash statistics, one of the things that you have to look at is that people do not actually state why they were distracted. When I crash a car I am not going to say "It was because I was looking at that really spunky man in bike shorts" or "I was looking at the billboard". I think it is overstated. I think it is a medium that is incredibly regulated. I think there is a lot of evidence around it and a lot of evidence that can be garnered around it because there are road statistics that you can look at, but I also understand that from the road authorities, and the road safety people who say, "Very few people when they have an accident will state what actually caused the accident". They will not know.

The other issue is that it is hard to pinpoint the evidence on—and I take this point on board—a lot of the rear-enders, and the small accidents people do not actually report. So in my opinion, based on the evidence, and I read a lot evidence, I do not see an evidence base but I understand why the regulation exists, and I, and my members, understand that it is counterproductive for us to have signs that are causing accidents. It is a supply and demand thing. It is pretty obvious: why would you do it?

**The Hon. WALT SECORD:** Do you think outdoor advertisers are unfairly vilified and are just easy targets?

**Ms MOLDRICH:** I am so glad you said that.

**The Hon. WALT SECORD:** I didn't say that, I just asked. I want to hear your answer to that.

**Ms MOLDRICH:** Yes, I do. I do not want to sound like a whinger, because I think that we work within the paradigm that sits in front of us. I do think that it is unfair that the RMS's VMSs have a different dwell time to what they are proposing we have. I do think it is unfair that on-premise signage does not have the same compliance as us. However, I am realistic and I understand why those things exist. I will take every opportunity given to me to talk about those but, on the other hand, you know, we are a business. We work within the paradigms that exist for us and we do the best job we can.

**The Hon. WALT SECORD:** You have answered my next question. I was going to ask about the contradiction where there are different rules for the RMS. Is it hypocritical that the State Government actually wants to restrict outdoor advertising when, in fact, the Government is the third largest user in Australia? Is there a contradiction?

**Ms MOLDRICH:** Yes. I think there is a contradiction in State Government wanting to restrict outdoor advertising not because it is the third largest user but because if it is to do that then it has to look at on-premise advertising and they have to look at their own RMS advertising. The irony also in that is that it is one of the third largest users.

**The Hon. WALT SECORD:** It is 14.1 million.

**Ms MOLDRICH:** The other irony is that State Government in New South Wales is also the largest landowner of outdoor advertising. So RMS, and RailCorp and the councils own most of the outdoor advertising. In fact, in New South Wales since State Environmental Planning Policy 64 came in we have had 10 billboards in 2001 on private land been installed, and 37 from the RMS and RailCorp, so there is uneven balance also in terms of permits being given to private landowners. In Victoria it is a different situation.

**The Hon. WALT SECORD:** Is there a level playing field in Victoria? Do they have the same rules apply to the Government as the private sector?

**Ms MOLDRICH:** The Victorian Government has been less likely to own advertising; it is much more private business. It is much more building owners and land-holders and people in the country. So it is once-off opportunities.

**Mr JOHN WILLIAMS:** Does your association look at the most effective location for a sign in relation to existing signs? Does it also measure the effectiveness of billboard advertising?

**Ms MOLDRICH:** The association does not measure the effectiveness of billboard advertising other than through our audience measurement system. We do, from time to time, things like econometric measurements where we measure what people spent on a media campaign. So we might say, "You spent \$1 million on your media, \$800,000 on television, \$200,000 on outdoor. How did outdoor perform as opposed to television?" We are not regularly doing research as the association on effectiveness. Our members do a lot of research on the effectiveness of their advertising channel because they are in competition with television, radio, digital. We are 4.6 per cent of the media share, that is our share. It is quite a small share. It is half a billion dollar business in Australia so effectiveness for our members is a useful selling tool. Sorry, what was the first part of your question?

**Mr JOHN WILLIAMS:** It was location of signs. Is there a demand for a specific location? Is the uncluttered open highway an ideal location or is it in a cluttered area amongst a lot of messages?

**Ms MOLDRICH:** What you are talking about is impact. There are two things that you look at with signage. One is the amount of people going past—it makes it valuable—and then it is engagement and impact and sustained awareness. One would say that high impact would be something like the Anzac Bridge silo sign. That is probably the highest impact sign in Australia. It is not necessarily the sign where the most amounts of people go past it. Some 84,000 people per day are likely to see that sign, so it is not a huge amount of people. Then there is engagement. What you are asking is: Is somewhere more cluttered more engaging? No, it is not.

There are some basic rules of advertising. In terms of signage, it is again market driven. It is like television ratings, the market will buy the signs that give the biggest bang for their buck. The thing about outdoor advertising that is possibly different to all other advertising media is that it can broadcast so the New South Wales Government can buy every sign in New South Wales and broadcast to a really wide audience or it could just buy the signs in Penrith and narrowcast to that audience. Our geographic location is what makes us very important to advertisers. So we can look after a small insurance company or a small law firm as much as we can look after PricewaterhouseCoopers.

**Mr STUART AYRES:** Do you think that the State Government should play a greater role in regulating on property when they are alongside State roads?

**Ms MOLDRICH:** Yes.

**CHAIR:** Thank you for your attendance today. If Committee members have any further questions, as advised earlier, they will be submitted to you in writing.

**Ms MOLDRICH:** And we will send you that extra information in the next couple of weeks.

**(The witness withdrew)**



**RANDAL SPENCER MARKEY**, Communications Manager, Australian Mobile Telecommunications Association, sworn and examined:

**CHRISTOPHER WILLIAM ALTHAUS**, Chief Executive, Australian Mobile Telecommunications Association, affirmed and examined:

**CHAIR:** Thank you for appearing before the public hearing of the Joint Standing Committee on Road Safety on its inquiry into driver and road user distraction. 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 any deliberate misleading of the Committee may constitute contempt of Parliament, an offence under the Parliamentary Evidence Act 1901. As time is limited today 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 ALTHAUS:** Certainly.

**CHAIR:** Before proceeding with questions would you like to make a brief opening statement?

**Mr ALTHAUS:** Yes, indeed. Thank you for the opportunity to speak to the Committee today. Briefly, Australian Mobile Telecommunications Association [AMTA] is the organisation that represents the mobile telecommunications industry and in that capacity we represent the carriers, the manufacturers of handsets and devices, the companies responsible for the mobile infrastructure and, to some extent, the retail sector. We welcome the opportunity to participate in this inquiry, particularly as the investigation of in-vehicle distractions and the safety of drivers is paramount to the organisation and the industry because of the issues of mobile devices in vehicles. As an organisation we certainly do not claim to be experts in this field. However, we do spend a great deal of resources and time scanning the literature, both here in Australia and globally, to assess the latest research on driving and distraction. Needless to say, the industry takes a very concerted and serious look at all uses of its products and applications—"in-car" is a classic example.

The research around the world is quite varied. There is a growing amount of observational research and naturalistic research that has more recently come into the frame and provides a very compelling range of data, which we will discuss a little bit later. We are very much in accord with the Committee's aim of reducing the risks of distracted driving. Some of the research we have seen in recent times is falling back on an old and classic element of road safety: keep your eyes on the road. Naturalistic studies in the United States in particular have found that this is a key element of driver safety in a perhaps increasingly challenging environment for distractions. We also observe a very significant change within our industry in terms of device functionality and the way in which mobile devices are used.

For background, in this country there are now in excess of 30 million mobile subscriptions, which in a population of 22 million leaves us with about a penetration rate of 130 per cent. This obviously means a lot of us have more than one subscription. The other key factor that has occurred in recent times is the advent of the smartphone, which is in effect consummating a marriage between probably the two most powerful technological innovations we have seen in our lifetime, that being the internet and the mobile phone. This dramatically expands the use of the device away from telephony into a very broad range of applications.

How do we control that in an in-car environment and how do we sensibly apply laws and would more restrictions be appropriate in this context is one of the questions that we are keen to help committees like yours answer. We can summarise our views with a number of recommendations. Clearly the research is saying very loudly that there are some very dangerous things to do while you are trying to drive a car at the same time and one of them is text. When you go to the broader environment of mobile data, texting, mobile email, mobile broadband applications, social networking applications, all fall into this category of distractions which will require you to take your eyes off the road and you can end up with 20 plus times greater risk of having a crash.

Our emphasis is very much on what we can do to increase awareness of safe use of technology in cars. There is a range of interpretations of this in the road rules. Regrettably, they are not uniform through Australia so in some jurisdictions you can do some things; in others you can do other things. Similarly, road rules have tended to fall behind technology. You can do what you like with an iPod and a GPS device but if those functionalities are contained within a mobile then there are restrictions on using that functionality. Similarly,

devices are becoming much more complicated and efficient at minimising the need to touch them. Bluetooth technology is now very commonplace.

From an AMTA point of view, looking at safety, we have put a lot of effort into communicating what we regard the essential elements. I will ask Mr Markey to pass you a brochure which we have developed, where we are trying to attract partnerships for this brochure. It is all about what you can do safely. In addition, we publish on our website—and have done for some time—mobile tips for driving use. These include tips which highlight the illegality of using a hand-held device but also place a lot of emphasis on sensible use. Even with a hands-free device, if road, traffic or weather conditions are not appropriate, do not take the call. Use message bank. If you are going to have a long, complex and potentially emotional discussion, wait until you are not driving a car. We are very pragmatic on these issues in highlighting safety rather than carte blanche use. So we are using this brochure in partnership with our tips.

When we look at the worldwide research efforts there are some very interesting things being thrown up. Perhaps I will allude to one or two and then take your questions. One of them is banning technology, which we believe is a retrograde option. We would much prefer the public awareness education path for all levels of drivers. There is an example in the US which I will refer to later, where a ban was instituted and of course it is having quite the opposite effect to the effect that was intended. Another thing that is unstoppable at this point is the integration of connectivity technology into vehicles. It is happening in a widespread way through the heavy vehicle fleet and also into cars. In fact, at last year's major mobile trade show the executive chairman of Ford, Bill Ford, made a presentation and clearly outlined the car industry's expectations in terms of increasing connectivity, use of cloud computing, development of intelligent vehicle systems and all of this with an aim to conserve resources, improve safety, look at emissions, traffic flows. It is a connectivity with infrastructure.

**CHAIR:** We might leave it at that because members will be keen to take up some of those points in the very comprehensive introduction. I have some questions about some of the submissions we have received. One particular witness advocated the introduction of a distracted driving offence, obviously including a wider range, targeting the full range of activities which contribute to driver distraction. Is that something the AMTA would support? You referred in passing to the need for legislative change. What would you suggest in that regard?

**Mr ALTHAUS:** We would be interested to look at the details of what would constitute a distracted driving offence. Obviously we as an industry spend a lot of time promoting, as I said, the illegality of hand-held use. We are very interested to explore regulatory options that take account of the full range of distractions. I guess one of the points that we make commonly and one of the points that is thrown up by the research is that when research is conducted into distractions inevitably the mobile device and its use correctly in a hands-free environment is a very low order distraction. Having said that, if there was a process to look at regulatory options we would certainly be happy to consider it but the example I mentioned earlier in the US, North Carolina particularly, that ban approach was taken and failed.

**Mr JOHN WILLIAMS:** I note that in your submission you talk about research done by the Royal Melbourne Hospital in relation to use of mobile phones. The number that they came up with was of lower legal use of mobile phones. In Victoria where the penalties are so much greater for drivers using mobile phones while driving, does that show that the penalty in Victoria is a lot more effective than, say, in other States?

**Mr ALTHAUS:** I do not believe so insofar as the low incidence that you refer to is not uncommon. In fact, it is reflected in New South Wales data. The nub of the issue is: How do we get into a driver's head the appropriate behaviour and understanding of what they can and cannot do. For example, we would contend that there is fairly low awareness of the fact that to use a hands-free situation in a car the device must be in a cradle. We have tested this around various States and people are confused as to what they can and cannot do. They get that they cannot hold the phone in their hand but the requirement for a cradle and the discontinuity between what mobiles do and what GPS and music systems do is not well understood. I do not believe that the level of fine you refer to is a significant aspect in Victoria. Having said that, we are quite comfortable with fines for illegal use, and if they have to be higher to be more effective, so be it.

**Mr JOHN WILLIAMS:** We had the Taxi Council give evidence to this hearing. It is probably speculative but during their contribution I thought the amount of illegal mobile use amongst drivers observed by taxi drivers particularly was a lot higher than what we saw with this study done by Royal Melbourne Hospital. In saying that, do you believe the research is inadequate in relation to this illegal use?

**Mr ALTHAUS:** The research is at quite a high level and it is increasing. We highlighted in our submission naturalistic research and the Virginia Tech Transportation Institute in the US, led by Dr Tom Dingus, is a classic example. They have put cameras and computer equipment into a fleet of vehicles, randomly selected across age groups, that have then operated over 43,000 hours of driving through a million kilometres of real time footage. They have used accelerometers, forward cameras, rear cameras and facing cameras, to see what the driver is doing. All of the real time data points to a hierarchy of distractions and it is highlighted in our submission. Consistently, in line with observational studies here and elsewhere in the world, mobiles continue to rate fairly low in the order of distractions particularly, for example, with things outside the car which, in the New South Wales Government's submission, is around 77 per cent.

**Mr MARKEY:** Just on that—and I think it is highlighted in our submission—there are two different methodologies and we hear these figures variously in the media and elsewhere. One is the observational study, where someone is standing at a point and at any one time the use is about 2 per cent. This is reinforced also overseas with similar studies using similar methodologies where it is anywhere between about 2 per cent to about 5 per cent in the United States, where a lot of States do not ban hand held phones. This is contrasted to the questionnaire, where you ask somebody: Have you ever used a mobile phone? We see figures of 30 to 40 per cent sometimes. The point in our submission was that that does not always show the frequency. They may have done it at some time but it does not shed light on how often they do it, whereas the observational study tends to be supported, reinforced across the board, at about 2 per cent or so. By inference, that means that at any point of time on the road about 98 per cent are observing the law.

**Mr STUART AYRES:** I want to get some idea about how important the cradle is.

**Mr ALTHAUS:** The cradle is absolutely essential. It does one important thing: It renders the device stationary and it brings it up to eye level. It is consistent with all of the research that says that the stand-out parameter here is keeping your eyes on the road. We support the ban on hand-held use unequivocally but, in fact, hand-held use does enable you to keep your eyes on the road as opposed to, for example, texting or using mobile data functions, where the research says you have to take your eyes off the road for as much as 40 per cent of the time. For people of my generation, that is absolutely true. The kids think they are red hot, they think they can text and receive messages and not incur that level of distraction. Tragically, they are wrong and it results in a much higher level of serious crash. To your question: It gets line of sight activity and it renders the device stationary—incredibly important.

**The Hon. WALT SECORD:** Can I ask a few questions about the cradle? You said that the cradle is essential and brings it to eye level. What is the cost of a cradle?

**Mr ALTHAUS:** It is like a lot of things in the industry that I represent, it starts off relatively high and then plummets in a short period of time. You can buy a decent cradle nowadays for under \$10 but the good ones, you are talking in the order of \$25 to \$30, depending on how hard you shop, but that is the order.

**The Hon. WALT SECORD:** Do you not think that it makes economic sense that, if there are 30 million mobile phones in Australia at the moment—130 per cent penetration—that mobile phone carriers should consider dropping the cost to encourage people to buy them? If you are talking about as little as \$10, does it not make good economic sense, from your point of view, to do that?

**Mr ALTHAUS:** The industry is constantly looking at what it can do. For example, when you buy a device these days, you will automatically get a hands-free kit—headphones, with a microphone in the line—so that you can use the device in a hands-free way, which is also part of the solution in-vehicle, if you do not have Bluetooth. But the industry is always looking at ways to enhance the offering.

**The Hon. WALT SECORD:** Is it something that you would look at?

**Mr ALTHAUS:** Absolutely. There are so many manufacturers out there with so many different products, you only have to walk through the average shopping mall and you cannot go more than 50 metres without running into three or four mobile accessory stores these days. So, whether they would regard it as core business or whether that secondary market is so competitive and so ubiquitous nowadays that the market is being served, they may take that judgement.

**The Hon. WALT SECORD:** You mentioned North Carolina and you said it was counterproductive, what they did. What actually happened there?

**Mr ALTHAUS:** In North Carolina, in December 2006, they instituted a ban on any use of a mobile device for drivers under the age of 18. Their university reviewed that policy with some research between 2006 and 2008 and they surveyed 18,000 teen drivers. Firstly, it had no impact on the level of hand-held use; secondly, North Carolina's sister State did not have the same law—there was no change between North and South Carolina. As awareness of the law came in, they did see a decrease in teens talking on the phone while driving but regrettably, they saw almost a 40 per cent increase in teens operating the phone manually, that is, texting while driving. They looked at that situation and said: Here is a policy that is driving young people to use the phone surreptitiously, on their knees, they are not going to make a call, so they are going to text. That was the counterproductive outcome because, far from improving safety, driving was potentially becoming more dangerous for that age group under that law. We can provide the study reference for that situation.

**CHAIR:** That would be valuable, thank you.

**Mr ROBERT FUROLO:** When we think about driver distraction, we have heard evidence this morning about outdoor media and obviously a lot of evidence and opinion about mobile phone use in its various guises. Do you think that the use of mobile phones is the dominant distraction for motorists in vehicles? Is it the issue that is most likely to distract them and, in terms of the number of distractions, is it the most common one?

**Mr ALTHAUS:** With such a high level of mobile use in society, we acknowledge absolutely that the ubiquitous presence of devices is an issue that needs to be taken into account. But we rely on the research and particularly the naturalistic research in the United States is giving a full suite of distractions. The researchers tried to develop a sense of relative risk and for relative risk on mobile hands-free use, talking and listening remains down in the low end, compared to reaching for objects, fatigue, reading—crazy things such as applying make-up—eating and drinking, passenger interaction et cetera.

**Mr ROBERT FUROLO:** In light of that, and your reference before that to iPad use in a car not being covered by current laws, I take you back to the suggestion about a penalty or an offence of distracted driving which could incorporate applying make-up, iPad use and a variety of other driver distractions that you have said have been identified by these naturalistic studies. Do you think that makes sense?

**Mr ALTHAUS:** The evidence would suggest not, for a couple of reasons. If you look at the New South Wales Government's submission to this inquiry, for example, at page 24 it looks at the legal actions taken for mobile use and the curve is steadily going upwards. What is instructive to us is that, at the 2008 point on that curve, the ban on hand-held use was brought into play. There is so much going on that banning, levels of fines, et cetera is at one end of the spectrum, but there seems to be growing evidence around the world that these approaches are not working.

We fall back on driver education. By the way, we also support unequivocally the learner and P1 driver situation as it stands in this country. We know that distractions are going to increase and we know that technology in vehicles is going to increase. We know that mobiles are at the lower end of a broad range of distractions. It seems to us that while we are waving the flag for what you can do safely with a mobile there is a case for education and awareness campaigning of a high order in relation to all distractions. We would certainly be willing to be a partner in that. We worry that mobiles are a bit of a lightning rod; we attract a huge amount of attention and people want to ban the use of mobiles in cars when in fact all the evidence says it is right down the bottom end of distractions. It does not stop outrage when you are driving along and see someone on the phone. That is illegal and if there was a policeman nearby the person doing it should be fined.

**Mr ROBERT FUROLO:** We have had evidence from others in this inquiry that previous successful campaigns such as with drink-driving, seatbelts and speeding have had a combination of education and enforcement. We also have had evidence that the enforcement side of illegal mobile phone use—using your hand to hold the phone or text and what have you—is difficult. In light of that, how do we get the educative side of the campaign to go in the absence of an effective enforcement campaign?

**Mr ALTHAUS:** You are quite right in suggesting there is no silver bullet with either of those, it has to be both. One of the challenges, and we have sympathised when we have spoken at length to police forces around the country, is the deployment of resources and where this sits in their hierarchy of needs to address. Certainly fines should be in place and they should be strict but that is going to be contingent on the level of enforcement. Young people particularly do not see a lot of enforcement so they keep doing what they are doing. We think the

untapped resource—you raised the examples of seatbelts, alcohol et cetera—of awareness campaigning is something that is yet to be addressed in a meaningful way in relation to distractions.

**The Hon. RICK COLLESS:** As somebody who has had a phone cradle ever since I had a mobile phone because I was working in regional areas and needed the external aerial as well I am very familiar with the way they operate. One of the things I have tried to use over the years is voice activation systems. Some of them have been quite good and others have been dreadful. I have a BlackBerry at the moment and I cannot use its voice activation system; it is dreadful. Is there justification for having uniformity in the way voice activation systems work, in conjunction with hands-free phones of course, to make it a lot easier to use these systems in modern vehicles?

**Mr ALTHAUS:** We operate in a very competitive market and there are a number of operating systems. It will not be any surprise to you that the manufacturers of devices compete very strongly on the utility of their systems and how easy they are to use. In the smartphone arena, devices by Samsung and Apple are dominant right now because they are very good at everything they do. One thing I think we are going to see is greater integration of device technology and in-car technology. For example, my eldest daughter bought a second-tier Ford Fiesta, a \$16,000 motor vehicle that has Bluetooth. She can operate a phone without touching the device on the steering wheel or on the pad and keep her eyes on the road, thankfully. To mandate or look to say to an industry as big as the global device industry that there are minimum standards is going to be difficult. I can tell you that the level of competition is such that no-one lags behind for too long. If they do they are heading south in terms of market share.

**The Hon. CATE FAEHRMANN:** I take your point about the level of competition but, particularly with young drivers, price is a factor, is it not? For example, the Hon. Rick Colless' BlackBerry probably is not their mobile of choice and I would say young people cannot afford to ensure that their mobile phones are hands-free and have the best voice activation system. At some stage does the telecommunications industry take responsibility for ensuring that all phones have to have these types of safety systems and devices?

**Mr ALTHAUS:** One characteristic of the industry in this country that is not common around the world is the way the industry works. Typically when you buy a plan with a carrier it involves a device. Contrary to the logic of your concern about young people, which is completely correct, you can get a top-range phone of any brand in a plan that will land at \$40 to \$50 a month. That handset is then subsidised into your plan over two years. Evidence of that is that Australia is second only to Singapore in the world in adoption of smartphones, so by the end of 2014 we expect smartphone usage in this country to be in the order of 90-plus per cent of the 30 million subscriptions, which will probably be 35 million by then. The availability of top-end devices is there for all age groups. Even so the downward pressure on price and the need to be competitive mean the features you are talking about are present in a very large number of phones at all price points.

**The Hon. CATE FAEHRMANN:** I have been trying to get my head around the recommendations in your submission and exactly where you stand on whether you think mobile phones are dangerous to use while driving and the use of them should be banned in certain situations. In one part of your submission you say that you believe that by adhering to existing laws and some simple commonsense practices all drivers can make safe use of mobile phones while enjoying the substantial public safety, personal security and productivity benefits they also provide. Throughout your submission you try to question some of the research that suggests that mobile phone use is dangerous. You try to justify the use of mobile phones much more than other witnesses have but that is probably understandable considering that is your business. In your recommendations you suggest that all cell phone use should be banned for newly licensed teen drivers. Can you expand on that?

**Mr ALTHAUS:** Certainly we have looked at the learner and year one drivers and agree with the approach that has been taken in law that this is a time when they should be focusing on driving. It is worth recognising that their ability to multitask and deal with distractions—the cognitive load that we talk about is probably at its highest point when they are new drivers so the use of devices should be taken out of play, and then allow them the opportunity once they have become used to driving.

**The Hon. CATE FAEHRMANN:** I just realised it is the Virginia Tech Transportation Institute's recommendation, which is an appendix to your submission, that all cell phone use should be banned for newly licensed teen drivers. It talks about the way they use mobile phones.

**Mr ALTHAUS:** That is the case in this country. If you are a learner or have a P1 licence you cannot use hand-held phones or hands-free phones.

**Mr MARKEY:** Except Tasmania.

**Mr ALTHAUS:** Except Tasmania. There you go; there is the uniformity of rules! We say repeatedly that all of those data uses where you take your eyes off the road are illegal and you should not do them, but also, if it is a heavy traffic situation, if it is a bad weather situation, if road conditions are not appropriate, or if you are about to have the mother of all fights with one of your family, do not use your phone. Do not take calls when those situations are occurring. It is much better that you focus on driving.

**The Hon. CATE FAEHRMANN:** I have one last question in relation to your submission. I am trying to get my head around where you were going with it. You say here some researchers have also argued that there is the potential for a reporting bias by police who may over-report the involvement of mobile phones in crashes.

**Mr ALTHAUS:** We have seen examples of this quite recently in Gladstone, for example. The State road toll in Queensland is actually falling but there has been commentary around the reality that when crashes occur, at 30 million subscriptions in the country, the presence of a mobile phone in a vehicle is almost certainly going to occur, but it is very anecdotal in terms of the role of the device in causation around the accident.

**The Hon. WALT SECORD:** The New South Wales Government said that 1 per cent of crashes involved a mobile phone. You are disputing that; you are saying that figure is overinflated?

**Mr ALTHAUS:** No.

**Mr MARKEY:** No, not at all.

**The Hon. WALT SECORD:** You were saying that police are—

**Mr MARKEY:** No, what he was saying is that there are incidents, not in New South Wales necessarily but around the place, and we have followed up, for instance, media reports, Mr Secord, in Victoria and—

**The Hon. WALT SECORD:** So you dispute—

**Mr MARKEY:** No, what we are saying is that some reports that have been in the media have said high incidents of accidents, and indeed death, have been from mobile phone use. We have followed that up to find out more. That assertion has been based on—when we have drilled down to try and find out, because we find that alarming also, of course—the prevalence of the mobile phone. Because the person had a mobile phone in their car, the police in that particular jurisdiction have deducted that it was the phone's fault. Now, that of course does not in any way, shape or form lead to any sort of sense that it was caused by that. That has happened quite a lot of times.

**The Hon. WALT SECORD:** You dispute the research everywhere except New South Wales?

**Mr MARKEY:** No, no, we did not say that. We are not disputing any research, sir. What we are saying is that anecdotally, and in the media, mobile phones to some extent have been demonised as the sole fault of accidents, but that is not shown up by the figures that you were just talking about, and which we think are eminently sensible and reasonable figures and probably do capture what actually is happening.

**The Hon. WALT SECORD:** Mr Markey, would you say that your industry is being demonised?

**Mr MARKEY:** I would not say that at all, sir. I did not say that. I said that mobile phones—I do not take it personally, but I think one of the things we have said is that it is important for mobile phones not to be singled out. We think it is very important in any rational approach and sensible approach and effective approach that, in fact, a range of distractions are considered, not just mobile phones.

Incidentally, I just say to Ms Faehrmann—you were talking about a conflict of interest—of course, we accept your claim, but one of the things we would say, what we are saying very clearly in our recommendations is that we are asking for nothing more and nothing less than people adhere to the current road rules. We are not saying to break the law. What we think we are doing is we are calling for greater recognition and awareness of the current road rules and, also, we are suggesting what we believe is best practice is that people can adhere to those road rules by using cradles or Bluetooth.

**The Hon. WALT SECORD:** Mr Althaus, you looked like you wanted to add something.

**Mr ALTHAUS:** Again, we fall back on the body of research in this context. For example, the American Automobile Association study that we reference on page 21 is systematic of the analysis that occurs around the world. When you look at a hierarchy of distractions, what distracts drivers? Yes, mobiles distract drivers, but they are down in the 1 to 2 per cent category. There are elements that are 30 per cent-plus that surely must attract an enormous amount of focus if we are trying to educate and get awareness on distractions, which, I should re-emphasise, we will play our role in because we feel responsible to do so, given the prevalence of mobile devices.

**CHAIR:** Unfortunately we have not been able to touch on the use of mobile phones by cyclists or pedestrians, but we will send you some questions in writing, and if there are any that arise from our discussion, I invite members to submit those to you.

**Mr ALTHAUS:** We welcome the questions, Mr Chair.

**CHAIR:** Thank you for appearing before the Committee today.

**Mr ALTHAUS:** Thank you.

**(The witnesses withdrew)**

**ALLAN PORTER**, Executive Director, Australian Driver Trainers Association (NSW) Ltd, sworn and examined:

**DAVID GERARD WRIGLEY**, President, Australian Driver Trainers Association (NSW) Ltd, sworn and examined:

**CHAIR:** Good afternoon, and thank you for attending the public hearing of the Joint Standing Committee on Road Safety on its inquiry into driver and road user distraction. I ask that you switch off your mobile phones as they can interfere with Hansard's recording equipment.

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 any deliberate misleading of the Committee may constitute a contempt of Parliament and an offence under the Parliamentary Evidence Act 1901. As time is limited today, 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 further questions?

**Mr PORTER:** Yes.

**Mr WRIGLEY:** Yes, no worries.

**CHAIR:** Thank you very much. Before we proceed with any questions, would you like to make a brief opening statement?

**Mr PORTER:** Thank you very much for the opportunity to attend and give evidence today. Our organisation is the representative body of driver trainers in New South Wales. We have more than 50 years of experience in this area. We have over a long period worked very closely with the regulatory authorities, both state and federal, and academic researchers who have an interest in road safety and improving outcomes for people who use the roads—drivers and/or road users. In that capacity, especially in New South Wales, we worked very closely with the Roads and Traffic Authority, as it was then, to develop a hazard perception procedures manual called "Beyond Test Routes". It was a major move to develop the training and education of all drivers to a point where not only road craft issues were identified as important in the whole concept of driving but also car craft issues.

Car craft is being in a vehicle or truck and knowing how to turn the wheel, shift the gears and apply the brakes. Road craft, which is important, is knowing how you position yourself on the road with all other users around you and how you can improve the situation so that there are no situations that lead to road trauma. That has been important, especially over the past 10 or 15 years or so, as issues of distraction, which we are discussing today, have increased dramatically and made the challenge of taking control of a vehicle all that more demanding. Working closely with regulatory authorities and also the researchers in that regard has been our main objective to ensure that we keep in front as much as possible of all of issues that distract someone on the road, either as a driver or as a pedestrian.

**CHAIR:** I note that the Australian Driver Trainers Association did not make a submission to the inquiry. However, one of its members, Holdings Driver Training, did. Holdings Driver Training was not available to appear and we thank you for appearing on behalf of your broader membership. How extensive is your membership throughout the State?

**Mr PORTER:** We can safely say that we are responsible for about 90 per cent of all driver licensing in New South Wales. We have 900 members. While others will say that that is not all the licensed driving instructors in New South Wales, the fact is that at any one time only about one-third of the total number of driver instructors in the State are operational. Those 900 are the major players in training young people and other people how to drive and those who want to drive vehicles above the standard class C category.

**CHAIR:** In the process of training novice drivers, how much of a focus is driver distraction?

**Mr WRIGLEY:** In our hazard perception training we focus a lot on how our clients behave when the mobile phone rings, using a GPS and whatever. Unfortunately today technology is beating us in the sense that when we are training young drivers they already know how to text they and they are into mobiles. They are distraction plus. That is the nature of a young 17 or 18-year-old. We have to teach them how to look, when to



look and what do look for. That is what we do in hazard perception training. We get them to turn the radio on and off when appropriate and show them the ramifications of not doing the appropriate thing.

The dashboard of a new car is very complex these days. If you buy a new car or hire a car that you have not driven before you have to find the radio, the demister and so on. Of course, the kids would be looking for the radio first. You have to get familiar with it. That is a problem because technology is so good and you have to know what buttons to press. I have a new Dualis that I drove to Pambula yesterday and it took me probably an hour to get used to where everything was. That is why hazard perception training for new drivers is so important.

Part of the hazard perception test is a scanning system—aiming high, the whole scene, keeping your eyes on the move and so on. However, we must also look at the interruptions—the phone ringing or even a beep. You can set the cruise control to sound an alarm when you exceed the speed limit. The same can be done with a GPS, and that is very good for speed monitoring. However, you need to train the client to pull over to set it up and to be ready for a flash indicating a speed camera and so on. It is good for training young males—not the GPS speed alarm but with regard to hazard perception—because they need to be focused a little more on the road situation.

**Mr JOHN WILLIAMS:** That is a very convincing presentation. Do you believe and do you have evidence that the training you provide produces safer drivers?

**Mr WRIGLEY:** Statistically-wise, other than going through the research bodies and so forth, the driving industry as a whole through our clients—and we have regular referrals through kids and mums and dads—I would say it does work because there are fewer incidents in that area. However, supporting it with statistics is a bit weak at the moment. I think there should be a lot more focus on the research.

**Mr PORTER:** The researchers point out with regard to what they have witnessed and recommend that the partnership of a professional tutor, the parent or the guardian—in other words, a supervising driver—and the student is the recipe for producing a safer driver. The research that we commenced more than 10 years ago with the George Institute at the University of Sydney involved a program that examined just what type of training and education a young driver had had and then following that person throughout their motoring career. To answer the question, that has been quite illuminating in demonstrating the outcomes, and encouragingly so. The other important issue is that with that partnership in producing a safe driver, it is believed that that individual is the safest driver on the road until the stage at which they start going out into the world. Unfortunately, despite what we do, they drive the way they live. Therein lies the challenge which we all face and which is of concern around this table.

The issues that we research in terms of what are common distractions to young drivers relate to mobile phones, but we also have to consider CD players, roadside signs, passengers and GPSs. All these issues in terms of the recent rapid development of the technology impact upon what a driver, whether young or more experienced, does in the vehicle. The only thing that we can do as an industry is to ensure that the individual is addressed as part of this whole scenario at the very start. In a meeting that we had only recently to gather evidence from the sharp point of the industry there were senior instructors who said that if a mobile phone rings in the pocket or the purse of the young driver who is under tuition that is used as an opportunity to teach them how best to handled that situation. Real life training where it involves the use of a situation as occurring such as that or in terms of more formal training in terms of what to do, what not to do in the car, they are all used as evidence to help get the message across.

**Mr STUART AYRES:** What can we do to explain to young drivers the risks associated around using electronic devices in the early stages of the training? What can we add to the current arsenal of education items?

**Mr WRIGLEY:** You can always go for advertising obviously. Road Safety Councils go for advertising before Easter and Christmas. If the ads are targeted well it is good. We need information as well. Our industry actually lacks a little bit of information that I think we need to support that training as well. Mind you one of the best training aides I have got to teach virtually to be not focussed on one thing is William Street. You come up William Street towards the Cross, what is the first thing you see?

**The Hon. RICK COLLESS:** Coca Cola.

**Mr WRIGLEY:** A Coca Cola ad—great for road safety, is it not? There is a lot that goes on between here and the Coca Cola ad. Getting that focus back on to the actual driving is spot on. I use that a hell of a lot, whether it is cars, trucks or whatever, it is a great training tool. We need more information. I use a lot of information out of the papers out of incidents or crash scenes and so forth. You do not want to glorify an incident for a client that they are going to have problems over it, but you actually try to bring it back to the real life situation because it is life and death.

**Mr STUART AYRES:** Do you have a comment on cradles for mobile phones in cars?

**Mr WRIGLEY:** I have got Bluetooth. What are you going to do with a cradle? You are actually going to look down to it. You are going to press a button or whatever. I think Bluetooth is the only way to go and voice activated rather than press buttons. It is still not on.

**Mr ROBERT FUROLO:** How much of a role does attitude training of learner drivers on issues such as mobile phone use, speeding, drink-driving have compared to penalties and enforcement?

**Mr WRIGLEY:** You have got different clients. Obviously some clients are very compliant. They have had a background, a lot of socio backgrounds, there are differences, but to bring it back to the point where you are going to get hurt is important, I always say to clients. But there are some who are chronic violators and will always do that, a small percentage who are risk takers, and that is hard.

**Mr PORTER:** The argument that we always are involved in with the academics is one of education or penalty, the penalty coming after the event for the misdeed, and the education being up-front to not do it in the first place. There is even an annual conference that addresses these things we will be attending later this year. It is fairly well established and there is always a great argument to see what the outcomes are in that regard.

**Mr WRIGLEY:** But the penalty to adults does not really matter, it is the actual suspension, the dollar term does not really matter, it is the suspension or regulating what you are doing that hurts.

**The Hon. RICK COLLESS:** We discussed the dangers of piloting a light aircraft and a committee member told us about the amount of training he had to go through to get a pilot's licence. But once in the air it is a very safe activity. Given that there is a potential for a 200 kilometre an hour impact crash every time the driver gets on the road, of course, passing within a couple of metres in such close proximity, is there justification for a more intensive training program for younger drivers, particularly in relation to their psychological suitability for such a dangerous activity?

**Mr WRIGLEY:** There could be. I agree 100 per cent. Learner drivers cannot go 100 kilometres an hour to train on a highway as well which is a bit of a problem in the sense that we do not train at 100 to 110 kilometres an hour and then they are allowed to go up to the higher class, now that is a problem. I would say, no, do not put them on a race track because it will breed the incorrect attitude. Bringing up to the speed on the highways to train at learners is the right thing to do. As I said I went down the south coast and I was held up twice by learners and it was rather frustrating for the other drivers who were in a line of traffic of about 15 cars. We need to train the drivers up to the higher speeds earlier on.

**The Hon. RICK COLLESS:** What about the psychological suitability of people for driving a motor car at such a dangerous speed?

**Mr PORTER:** That is quite common place in situations where the driver will be employed commercially, particularly in the heavy vehicle industry, that major transport companies just do not accept the fact that someone has got a licence and say "Okay, go and drive that truck" because they do not refer to the truck as a "truck", they refer to it as a \$200,000 asset. They do not want it scratched let alone in a crash or involved in any form of road trauma. They are quite clear in some of the selection processes they use to match the driver to the vehicle. It already happens to a degree in the transport industry which is slightly above the area of what we are discussing in terms of someone getting their first licence in a car.

**The Hon. WALT SECORD:** The National Road Safety Council recommended that we place a ban on everyone under the age of 26 years, involving mobile phones, including hands-free. What is your view?

**Mr WRIGLEY:** I agree 100 per cent, mind you why pick 26? Why is that the cut off? There is a distraction, there is a problem, people are having incidents and fatals, yes I am 100 per cent on that.

**The Hon. WALT SECORD:** Experts in the field gave evidence that excessive penalties do not work on young drivers. What do you think of the proposal to the State Government to ratchet up fines for second and third offences for mobile phone use?

**Mr WRIGLEY:** Okay for some it may work, but for the majority it will not because they have still got a licence or whatever. I would be suspending licenses which would be a lot better than imposing fines, or do them both.

**CHAIR:** The committee has been talking about those clients who choose to undertake specialist driving courses. How would learner drivers who do not participate in those courses learn about these issues that we are concerned about in this inquiry?

**Mr WRIGLEY:** We have a low-risk driving system that we use. Whether a person has a licence or not we can take them out on the road and do the low-risk driving. We train them on how to use the controls of the vehicle, make sure that they know their controls in their vehicle and know what is going on, particularly when they first buy their new car or mum and dad has got the car for them. We go through a system that they know all the functions of it. Then we go out and show them how to handle that vehicle on the roads, not in a race track situation where you have got to do a hand break stunt, turn and so forth. That low-risk driving is very beneficial to them. It is a three to four hour session that we go out. We do open highway or on suburban streets, parking in shopping centres and so forth.

**Mr PORTER:** We are also very happy to be a partner with the Roads and Maritime Services in the development of a safer driver's course. We see this as a growth out of low-risk driver training hazard perception, which is the sort of thing that is important in what we are discussing today. The deliberations to achieve a safer driver's course are incomplete. The meetings are ongoing. We hope that the sorts of things that we are talking about will be embodied in the course, which we understand at this point will be optional. But it will have a bearing on those who undertake it insofar as we understand—yet to be confirmed—that there would be a reward for the individuals who undertake such a safer driver's course in the hours that he or she accrues in their training logbooks—in other words, they would get a bonus.

**CHAIR:** It would appear that some form of enhanced driver safety education should be present for those who choose to participate and for those who for one reason or another cannot participate.

**Mr WRIGLEY:** Yes.

**CHAIR:** If Committee members have any further questions, as advised earlier, they will be submitted to you in writing. Thank you for appearing before the Committee today.

**(The witnesses withdrew)**

**(The Committee adjourned at 12.32 p.m.)**