



28 February 2019

Mr Luis Gutiérrez
Public submission – Developing technology-neutral road rules for driver distraction
National Transport Commission
Level 3/600 Bourke Street
MELBOURNE VIC 3000

Dear Mr Gutiérrez

Developing technology - Neutral road rules for driver distraction

The NRMA welcomes the opportunity to provide input into to the National Transport Commission's (NTC) *Developing technology – Neutral road rules for driver distraction Issues Paper*.

The NRMA is the largest membership organisation in Australia representing over 2.6 million Members. We are a mutual providing transport and tourism services to our Members and the community. The NRMA has been a strong advocate for road safety for over 98 years. The NRMA has championed road safety improvements including seatbelts in cars, greater investment in road infrastructure, and high visibility policing to help keep Australians safe while on the road. Driver distraction is no exception.

The rise of driver distraction is cause for concern and more work needs to be done to understand and mitigate the issue. In 2017, the NRMA released the [Can't Talk. Driving](#) report (see attached) that outlined a series of recommendations to help address the issue of illegal mobile phone use. The report called for:

- The adoption of new technology that discourages illegal use of mobile phones while driving
- Improving data collection and analysis around the impact of mobile phone use on crashes that lead to fatalities and injuries
- The regular review and evaluation of current legislation related to driver distraction to ensure legislation remains effective and keeps pace with advance in technology.

The NRMA believes, these recommendations, along with those obtained through the issues paper should be considered in revising the current road rules.

What is driver distraction?

The NTC Issues Paper defines driver distraction as:

'Driver distraction is the voluntary or involuntary diverting of attention, in a visual, manual, auditory or cognitive sense, away from the driving task to focus on a competing secondary activity.'

The NRMA believes that this definition addresses the diversion of attention from the primary driving task, however it doesn't take into account the different levels of distraction and the demands placed on drivers. Considerations should be given to varying levels of distraction and the



severity of impact to the mental load of a driver. A distinction between manageable and unmanageable levels of driver distraction is also needed.

The current Australia Road Rules focuses on specific types of technology that causes driver distraction rather than the cognitive workload placed by the distraction. In reviewing the Australian Road Rules all types of distractions should be considered and treated equally if the risk profiles are similar. Having a hierarchy of distractions would provide greater guidance in reviewing the Road Rules and what changes, if any are needed. This would also be useful in predicting and mitigating future technological distractions such as being inattentive behind the wheel of a semi-autonomous vehicle.

Automation is coming

Connected and automated vehicles are headed our way and the workload of a driver will be progressively reduced. The temptation for driver distraction has the potential to be even greater than that of today as we move into the future.

It is imperative to plan ahead and address the potential effects of driver distraction in an automated environment. Most Australian states and territories have trial legislation in place for testing automated vehicles. Any changes to the Australian Road Rules in relation to driver distraction need to consider the impacts of connected and automated vehicles – this includes levels of semi-autonomy.

The NRMA is supportive of amending the Australian Road Rules to accommodate increasing levels of automation, so long as safety is paramount. Even the legality of utilising a simple automated operation in cars today such as park assist is uncertain given out-dated assumptions. To allow highly and fully automated vehicles to operate seamlessly on Australian roads, all legislation that refers to the “driver” of a motor vehicle will require amending. There are more than 50 federal and state/territory pieces of legislation that are impacted in addition to the road rules.

The NRMA suggests that the NTC’s work on autonomous vehicles should be considered in the review of driver distraction road rules.

Up-to-date laws

The NRMA is pleased that the NTC is examining the current Australia Road Rules related to driver distraction and recommending changes to ensure they achieve better outcomes for all road users. As you are aware, the current laws are outdated and have not kept pace with advancements in technology. More specifically current mobile phone laws relate to technology that has long been superseded.

Motorists require a clear, consistent and up-to-date approach when it comes to laws governing driver distraction. Ambiguity exists with our current laws and this is detrimental to ensuring compliance from motorists.

We acknowledge that it is difficult for legislation to keep up with the pace with advancements in technology. Any proposed changes to the Road Rules must include a regular review process to ensure they remain current and enforceable.



NRMA Recommendations

The NRMA proposes the following recommendations to be considered as part of the consultation on the discussion paper:

- Provide research into the cognitive load of various current and future driver distractions and consideration of how they will be addressed in the road rules.
- Ensure the revised driver distraction road rule considers the issues of distraction likely to occur during semi-automation and that the rules are consistent across autonomous vehicle legislation.
- A review of the driver distraction road rules, at least every three years as technology evolves.

The NRMA is committed to improving the safety of all road users and reducing the risks of driver distraction. We look forward to making a submission to the NTC's discussion paper on this issue.

Should you require any further information about this submission, please contact Ms Dimitra Vlahomitros, Senior Policy Advisor on (02) 9276 7233.

Yours sincerely,

A handwritten signature in black ink, appearing to be "RW", followed by a long horizontal line extending to the right.

Rachel Wiseman
Chief Investment Officer