Attn: Luis Gutiérrez
Developing technology-neutral road rules for driver distraction

Submitted via email: enquiries@ntc.gov.au

Dear Mr Gutiérrez,

Thank you for the opportunity to respond to this issues paper. At IAG we invest significantly in researching future mobility and consider the increasing interaction of technology and human as critical to the progression of the way we move around in the future. As a founding participant and Board member of the iMOVE Cooperative Research Centre (iMOVE Australia), IAG undertakes cooperative research with university partners, in addition to our dedicated testing facility to help shape a safer mobility future for road users.

Technology has always moved faster than the law and we are in a time of exponential growth in technology advances which promise to make our lives safer and more efficient. It is important that road users are not restricted by law in the ways they can access and use this technology. IAG supports and encourages any technology, program or initiative that reduces driver distraction in an effective, ethical and safe manner.

About IAG

Our purpose is to make your world a safer place, which means we are working to create a safer, stronger and more confident tomorrow for our customers, partners, communities, shareholders and our people throughout Asia Pacific. IAG is the parent company of a general insurance group, with operations in Australia and New Zealand. Our businesses sell insurance under many leading brands, including: NRMA Insurance, CGU, SGIO, SGIC, Swann Insurance and WFI in Australia; NZI, State, AMI and Lumley Insurance in New Zealand.

As one of the largest motor vehicle insurers in the Asia-Pacific, IAG develops, underwrites, sells and manages claims for general insurance products that are sold directly and indirectly to

customers and businesses. IAG insures over 3.2 million passenger vehicles in Australia. IAG also provides CTP insurance in New South Wales, South Australia and the Australian Capital Territory.

Questions for comment:

1. To the already defined elements of the driving task, vehicle monitoring should be categorised as its own driving function including the range of complex systems in modern vehicles such as entertainment, self-driving systems, navigation, etc.

   A further category of self-awareness or self-regulation would be an important addition to the definition as a key part of performing the driving task successfully is the ability to recognise fatigue, prevent intoxication and minimise distractions.

2. The definition of distraction should encompass single and multiple causes of distraction, reading instead as '…focus on competing secondary activities'. However, there is a subjective element to this definition which may be difficult to assess. The degree of distraction from a routine hands-free phone call compared to an argument by passengers inside the vehicle is one that is subjective in the assessment. The application of this test requires a commonsense approach.

3. It is difficult to see how a distinction between manageable and unmanageable levels of driver distraction could be made. To do so would require generalisations as one driver's ability to give attention to multiple tasks may be very different to another. What may be a simple task for one driver may be too much for another given the complex cognitive, spatial, problem solving, and reflex skills required for driving.

   Given this view, the preferable approach to the regulation of distracted driving would be principle based, allowing drivers to monitor and regulate their own behaviour, supported by appropriate community education campaigns and technology as it increases in capability to reduce, record and eliminate distractions.

4. Yes, in principle. Theoretically, if the risk of distraction from the driving task is equal, then so should be the treatment under the Australian road rules. However, as in the previous discussion question, drawing a consistently appropriate line across the driving population where distraction is unacceptable is a very challenging proposition.

   Regulations relating to technology use in vehicles should be relaxed to be consistent with the way conventional distractions are treated. It is unreasonable, and practically impossible, to enforce behaviour such as: people talking, communicating, eating or interacting within their vehicle.

Driving regulations should differentiate between situations, rather than imposing blanket bans which do not support the assistive features offered by technology. There should be greater education about the dangers of distraction and consequentially, responsibility should be placed on the driver to monitor and regulate their own behaviour while driving. Increasingly, technology can enable periods of non-distraction (eg driving mode on mobile phones); can identify if someone is using or being distracted and can also assist in post collision care.

5. Mobile phone applications to help reduce or monitor driver distraction could be useful as a non-regulatory approach:
    - Apps could detect the moving vehicle and stop the device working when the vehicle is in motion.
    - Apps could record the person if the phone is being used when the vehicle is in motion for the purpose of liability and penalties in the event of an incident.
    - Incentives for non-use of mobile phones in cars.

Education and community programs to teach drivers how to safely use technology in vehicles is another non-regulatory approach. As experienced with past public safety campaigns directed at driver behaviour, a multi-faceted approach encompassing education and penalties is best to reach as diverse an audience as the driving population. One of the best examples of this approach is the anti-drink driving messaging, which has caused drink driving to become generally socially unacceptable and is supported by enforcement activities of random breath testing and harsh penalties.

6. N/A

7. To gain insurance for a vehicle fleet under a commercial policy, IAG requires all new vehicles to be fitted with Bluetooth connectivity and mobile phone holders. In doing this, IAG encourages the safe and legal use of these devices which helps reduce distraction.

8. The integration of well-designed, well-executed voice-controlled apps into both vehicle entertainment systems and mobile phones – some examples include Apple Airplay, Google Assistant and Faurecia[1].

9. There is a gap in public understanding of automated vehicle (AV) functionality and the names which AV system manufacturers are assigning to the technology. An example of this is Tesla's Lane Keep Assist technology named 'AutoPilot'. This system will not drive the vehicle for any length of time and is in fact no more than a 'level 2' automated system.

[1] www.faurecia.com/en/innovation/smart-life-board/intuitive-HMI

A rating and labelling system like the current fuel efficiency stickers on windshields inform vehicle users just how advanced the automated driving system truly is.

Thatcham Research (UK) has developed a classification system for driver assistance technology[2]. This information is publicly available, and drivers are encouraged to access it. Thatcham has strong links to insurance providers, safety bodies (EuroNCAP) and a public presence in the same way as ANCAP.

An Australian national classification system, like that developed by Thatcham, which describes the functionality of the installed automated driving system technology, the SAE classification system would be of assistance to vehicle purchasers.

10. When design rules of laws are being made, it is important not to hinder the advancement of technology by prohibiting certain technology or devices outright. A principle and performance-based approach to law making allows greater flexibility at this time of great change.

IAG welcomes the opportunity to discuss any issues raised in this submission further. Please contact Louise Kerkham, Principal, Public Policy & Industry Affairs on 02 9292 1206.

Sincerely,

Cecilia Warren
Director, Research & Development
IAG

[2] www.thatcham.org/what-we-do/car-safety/driver-assistance