



ROD BARTON MP
Member for Eastern Metropolitan Region
Parliament of Victoria | Legislative Council



National Transport Commission
Attn: Luis Gutiérrez
Level 3/600 Bourke Street
MELBOURNE VIC 3000

13 February 2019

Re: Public Submission – Developing technology neutral road rules for driver distraction

My career as a professional driver started nearly 30 years ago, initially driving taxis and stretch limos. Then in 1999, I began working in the hire car industry and started my own small business in Victoria. I estimate that up until my retirement from the commercial passenger industry in late 2018, I had travelled over 2 million kilometres on the roads of this great state.

In December 2016, on the way to a job near Melbourne airport, an oncoming vehicle crossed the double white lines and hit me in what is known as a high-speed offset head-on collision. The other driver was distracted, we are led to believe he was texting.

The impact was terrible. My car was written off and while I was hospitalised, I had only minor cuts to my forearm, my knee and a very minor fracture of the lower back. The mandated safety regulations for vehicles in Australia saved my life. The driver of the other vehicle was charged with careless driving.

I know too well the risks imposed by distracted drivers, not only on themselves but also on other road users.

In recent years, technology has come to dominate every aspect of our lives, so too, it has crept into our vehicles either as portable mobile, wearable or fixed on-board devices.

Technology connects us to our social networks and to our families, but it is not limited to communication – it is a car control panel, a navigation tool, it provides entertainment (podcasts, music etc), news and increasingly, it is a tool used in business, to secure immediate work and engage clients.

We are increasingly distracted by technology not only because it exists but because much of the behaviour surrounding device use is often habitual and perceived as demanding immediate attention.

This is compounded if the reason for using a device while driving is to earn a living as this could potentially increase the urgency of a response or interaction with a device at inopportune moments.

For those who work on our roads, accidents are a daily reality. As it appears the message to stop drunk-driving is taking hold, we now face new challenges—drug driving and increasingly distracted drivers. The use of screens in vehicles poses an enormous risk to road users. Just 4 seconds of inattention can lead to tragedy. The estimates of device use and, in particular, mobile phone use, as a contributor to safety related incidents has increased substantially.

A recent Monash University study showed drivers were distracted on average every 96 seconds. Drivers are doing everything from checking their phones and changing settings on their car navigation to eating and drinking and even applying make-up and brushing their hair. They are not looking at the road.

Distracted drivers are no doubt a hazard on our roads yet driver distraction as a safety issue is poorly understood when compared with other road safety risk factors and is deserving of further investment in research.

The Issues Paper touches on technology used by commercial drivers (section 2.1.4) and the requirement to use several devices as part of their usual work. It was suggested that reform options for driver distraction rules may need to accommodate these apps. Further, it was proposed that future legislation may need to consider these drivers separately to accommodate their needs to allow them to perform their job.

Given my own personal experience and my background as a former hire car driver, it would be difficult to support this view without a review of statistics relating to road trauma due to periods of inattention as a result of specific interaction with and use of technology by commercial drivers. Assessment of the risks and establishment of methods to reduce these may lead evidence-based modifications to the road rules rather than having reforms driven simply by virtue of accommodating a given class of worker or industry.

It may be that in-vehicle safety systems will be developed to enhance our concentration on the driving task. It may be that technology will be developed that improves interactions with devices thereby reducing the risk of distraction. However, until such a time that these become a reality to sufficiently mitigate the risks involved or reduce driver distraction, the rules must be prescriptive and definitive without exception. Clarity and consistency are key to reducing confusion regarding the law and achieving compliance.

Safety should always take priority. There should be zero tolerance for technology use in vehicles. Rules must be set in place that manage the distraction regardless of the cause. This would be the preferred state from an enforcement perspective, particularly so since commercial passenger vehicles no longer have mandated identifiable registration plates or livery.

I thank you for this opportunity to provide a comment for consideration under this review of the Australian Road Rules regulating driver distraction. I would be pleased to support these comments in person and I look forward to reading the recommendations once finalised.

Kind regards

A handwritten signature in black ink, appearing to read 'Rod Barton', with a long horizontal flourish extending to the right.

Rod Barton MP
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