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Mobile phone use by inexperienced drivers: an industry perspective

Submission on the
Young Driver Safety and Graduated Licensing
Discussion Paper

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Executive summary

The Australian Mobile Telecommunications Association (AMTA) is the peak national body representing Australia's mobile telecommunications industry.

AMTA, whose members include carriers, manufacturers, equipment suppliers and retailers, promotes the safe and responsible use of mobile telecommunications.

Mobile phones have had a marked impact on people's lives and AMTA is committed to providing practical assistance to users through such programs as recycling, lost and stolen mobiles and consumer tips.

A large body of research shows that distractions are a major cause of motor vehicle accidents. Mobile phones are not the most common or significant of the distractions faced by drivers.

The mobile phone industry takes the issue of safe mobile phone use while driving very seriously. AMTA has produced and distributed widely its "Mobile Phones and Driving Safety Tips".

By adhering to existing laws and some commonsense practices, young drivers can make safe use of hands-free mobiles while enjoying the substantial public safety and personal security benefits they provide.

However, the mobile telecommunications industry supports the overall concept that inexperienced drivers need to focus on the primary task of driving safely before they are engaged in any secondary task. Learner and probationary drivers need to be educated about the best practices for managing secondary tasks such as mobile phone use while driving.

The majority of reports that have studied the issue of mobile phone use while driving have recommended additional data collection and have suggested education over legislation as the key to increasing the responsible use of mobile phones.

AMTA has consistently argued for the need to improve driver education, particularly for learner drivers, with road safety authorities.

We would welcome the Government's support in helping to introduce safety materials on distractions into driver education programs in Victoria.

Introduction

The Australian Mobile Telecommunications Association (AMTA) is the national body representing the mobile telecommunications industry. Its members include carriers, service providers, handset manufacturers, equipment suppliers and retailers. AMTA's vision is "to promote an environmentally, socially and economically responsible and successful mobile telecommunications industry in Australia".

AMTA is keen to assist consumers enjoy the benefits of mobile phones in a safe and responsible manner. The mobiles industry applauds the Victorian Government's desire to reduce young driver accidents and fatalities and welcomes the opportunity to contribute to this important community issue.

The submission has been structured to address the following key points raised by the discussion paper:

- The prevalence of mobile phone use by young drivers
- The impact of mobile phone use on accidents
- The impact of distractions on young drivers
- The suitability and enforceability of the proposed measures
- The role of driver education in reducing risks

The issue of driver distractions is not new and has been of concern since the turn of the 20th century when cars became commonplace. In 1905 regulators were concerned about the hypnotic effect of windshield wipers. In the 1930s, the introduction of car radios had some road safety experts warning of the carnage caused by drivers becoming engrossed in their favourite radio programs.

The concern was justified because driver distractions have been found to be one of the main causes of accidents around the world. In the United States the National Highway Traffic Safety Administration (NHTSA) estimates that 20 to 30 percent of all fatal auto accidents occur, in part, because the driver is distracted.

Consequently, the mobile phone industry takes the issue of safe mobile phone use while driving very seriously. AMTA has consistently, through its driver education initiatives, advised drivers that: "Safety is the most important call you can make when driving". We have made it clear that although a hands-free mobile can reduce the physical effort to make or receive a call, drivers should also avoid making calls in heavy traffic or bad weather conditions and they should not engage in distracting, complex or emotional conversations.

Mobile phones are only one of the many distractions faced by young drivers and all potential distractions must be considered and mobile phones should not be singled out.

The mobile telecommunications industry does not question that mobile phone use imposes physical, visual, and cognitive demands on young drivers; however, we 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 and personal security benefits they also provide.

While technology can help to address physical and visual demands of mobile phone use in vehicles, education is required to remind drivers not to be distracted by mobile phones while driving and to reinforce the current ban on hand-held use. Therefore, the most useful action governments can take is to educate drivers, particularly learner drivers, about the appropriate and safe use of wireless communications products in vehicles.

Prevalence of mobile phone use by young drivers

Often the prevalence of mobile phone use, particularly illegal hand-held mobile phone use, is over-estimated and is based on anecdotal evidence or media speculation.

A 2001 NHTSA survey[1] on mobile phone use by American drivers found that at any given time only three per cent of drivers are actively using their mobile phones, although at the time it was legal to use a hand-held phone in almost all states.

Similarly, a more recent Australian observational study[2] found less than two per cent of Melbourne drivers illegally use a handheld mobile phone at any one time. This was also confirmed in a 2005 Australian study of drivers in Perth.[3] These figures show there is a high level of compliance with the law when using mobile phones while driving in Australia, including young drivers.

A survey[4] of 750 mobile phone owners conducted by Telstra as part of its driver education program, 'Drive Safe Phone Safe', found that half (49%) of drivers had a hands-free kit in their car. A third of drivers (35%) made calls while driving at least once a week or more frequently and half (49%) of all drivers received calls while driving at least once a week or more frequently. A small number (4%) of drivers say they do not take or turn on their phone in their car. Interestingly, the most common way to make or receive calls reported by two thirds (63%) of drivers was to stop the car first. However, a small proportion (4%) of drivers said they did not know it was illegal to use a hand-held phone while driving.

Unfortunately this survey also found that although most drivers understood that it is illegal to read or send text messages while driving, young drivers were more likely to read and send text messages. The survey found 58 percent of drivers aged between 17 to 29 years reported reading a text message and 37 per cent reported sending a text message while driving at some stage while driving.

One third (34%) of the same age group also felt it was safe to send a text message when stationary at traffic lights compared to only one fifth of all drivers (18%) who felt the same.

Therefore, data based on actual observations of driver behaviours consistently shows that only between two to three per cent of drivers are using hand-held mobile phones while driving at any time. Although this is both undesirable and illegal in Australia, it is not as prevalent as media reporting often suggests.

Almost all Australian drivers also have a clear understanding of the national law restricting hand-held mobile phone use and in most cases they attempt to make phone calls while driving in a responsible manner.

However, despite the almost universal knowledge of the laws restricting hand-held use, young drivers appear to be more likely to take risks and use illegally use hand-held phones or send and receive text messages while driving.

Impact of mobile phones on crash causes

There is now a large body of research into driver distractions that shows mobile phones are only one of the many distractions faced by drivers. However, considered in isolation, the potential negative effect of mobile phone use by drivers on traffic safety has long been recognised. [5] [6]

Since 1997 a Canadian analysis of nearly 700 drivers, who had cellular phones and were also involved in crashes, appeared to implicate mobile phone conversation in increased crash risk.[7] This study, more than any other, is responsible for concern about the use of mobile phones and driving. The study shows an association within a ten-minute window between the use of cell phones and accidents. However, the study had several elements that required clarification and further research before it could be relied on as a basis for policy making. However, the study found no difference between older and younger drivers.

A 1998 study[8] analysed data from 223,137 traffic accidents occurring between 1992 and 1995 in the United States. Information on collision characteristics and mobile phone involvement for each fatality was compared with the same information for each non-fatality accident, which were used as controls. Statistically adjusting for other collision variables, such as age, gender, alcohol use, speed, inattention and driving left of centre, an approximate nine-fold increased risk was reported for a fatality given the use of a mobile phone during the accident. An approximate two-fold increased risk for a fatality was found given the presence of a mobile phone in the vehicle. However, combined effects of reported phone use, driving to the left of centre and inattention increased the risk of a fatal collision more than phone use did by itself. This analysis reported a statistical, but not necessarily a causal relationship.

However, recent Australian research[9] on the role of mobile phones in accidents has confirmed the overall results of the earlier Canadian research. The research conducted by The George Institute for International Health, University of Sydney, Injury Research Centre and the University of Western Australia, looked at 456 drivers over the age of 17 who owned and used mobile phones and had been in road crashes resulting in hospital attendance between April 2002 and July 2004. The study found a driver's use of a mobile phone in the 10 minutes before a crash was associated with a fourfold increased likelihood of crashing.

Optus, Telstra and Vodafone provided mobile phone call records of consenting participants in the study. The research was independently funded by Insurance Institute for Highway Safety, Arlington, Virginia.

The research also found no significant safety difference when using a hands-free phone device, although this research was not sensitive enough to detect relatively small differences in safety. Following the publication of this paper the mobile industry put out a press release (see Appendix B) advising drivers that using a hands-free device while driving was not on its own a guarantee of safety.

It is also important to note that the study found almost all drivers followed the legal requirement to use a hands-free device with only 2 percent of drivers illegally using hand-held phones. This also confirmed the results of the earlier observational study of Melbourne drivers.

A recent simulated driving study[10] that specifically looked at the difference between younger drivers and older drivers using hands-free phones found no difference between the different age groups. Interestingly, the research found that older drivers using a mobile phone aren't any more of a hazard to themselves and others than young drivers. The study found that more experience and a tendency to take fewer risks helped negate any additional danger.

However, there is no research available that provides evidence that inexperienced drivers are more at risk of being involved in crashes if they are talking on a hands-free phone compared with more experienced drivers.

Furthermore, when mobile phones are involved in accidents they are more likely to be non-fatal, rear-end collisions than any other type of accident as was shown by the comparison of 452 mobile phone-related

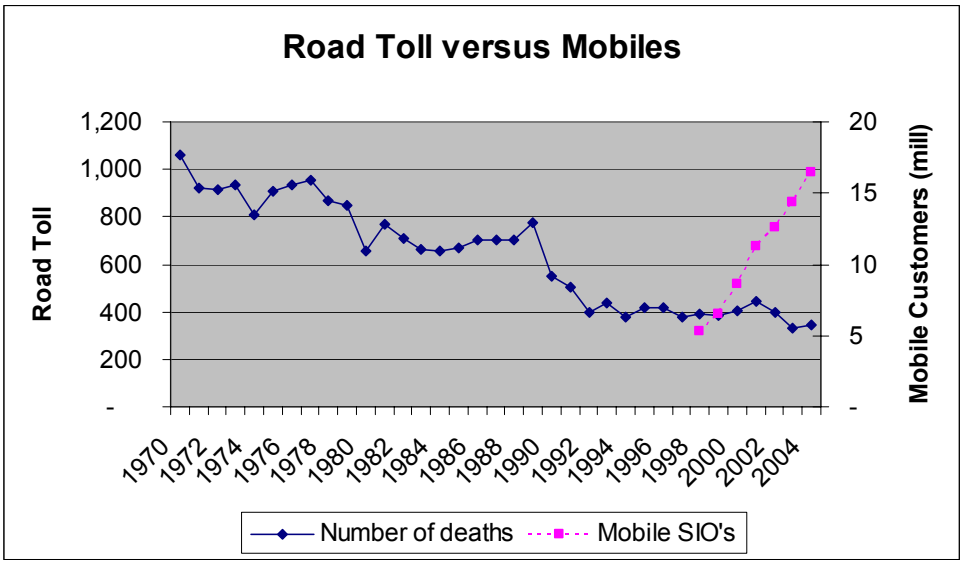
accidents with 1.1 million non-mobile phone- related accidents in North Carolina from 1 January 1996 to 31 August 2000.[11]

When you look at studies or data from on-road use, mobile phones do not contribute significantly to accidents or fatalities. A study [12] that analysed more than eight million actual hands-free phone calls placed over a period of five years found only two confirmed cases of crashes that occurred during phone use.

Also, data collected by about 20 state highway authorities shows that mobile phones have been a factor in an estimated one half of one per cent of all accidents in the U.S. during one year. However, of the 20, only four (Oklahoma, Minnesota, Pennsylvania and Tennessee) have been collecting data long enough to have issued reports. For 1999, the Oklahoma Highway Safety Office reported[13] that of the 79,120 crashes reported, only one-tenth of one per cent related to phones. For Minnesota[14], crashes totalled 96,813 in 1999 with a CB radio or mobile phone cited as a factor again in less than one-tenth of one per cent. For Pennsylvania[15], crashes totalled 32,723 in 1999 with less than four-tenths of one per cent related to mobile phone use. For Tennessee[16], crashes totalled 30,994 in 1999 of which less than two-tenths of one per cent involved the use of a phone or a two-way radio after investigation by the Tennessee Highway Patrol.

If using mobile phones is significantly dangerous, then we could expect to see a dramatic increase in traffic accidents in the last decade. In fact, the reverse is true. In Australia road fatalities have continued to decline and correlate with major road safety initiatives, such as the introduction of laws to enforce seatbelt wearing, the introduction of random breath testing and a mandatory 50km speed limit in residential areas.

More than 18 million Australians now own mobile phones which, with the exclusion of young children and the elderly who tend not to own mobiles, would include almost all drivers. The road fatality reduction has continued despite the exponential rate of mobile phone ownership.



Impact of distractions on young drivers

Although driver inattention contributes to around a third of all accidents[17], when the cause of distracted driver accidents are reviewed in more detail it is clear that mobile phones are not the main cause of these accidents.

There is now a large body of research in driver distractions that shows mobile phones are only one of the many distractions faced by drivers.

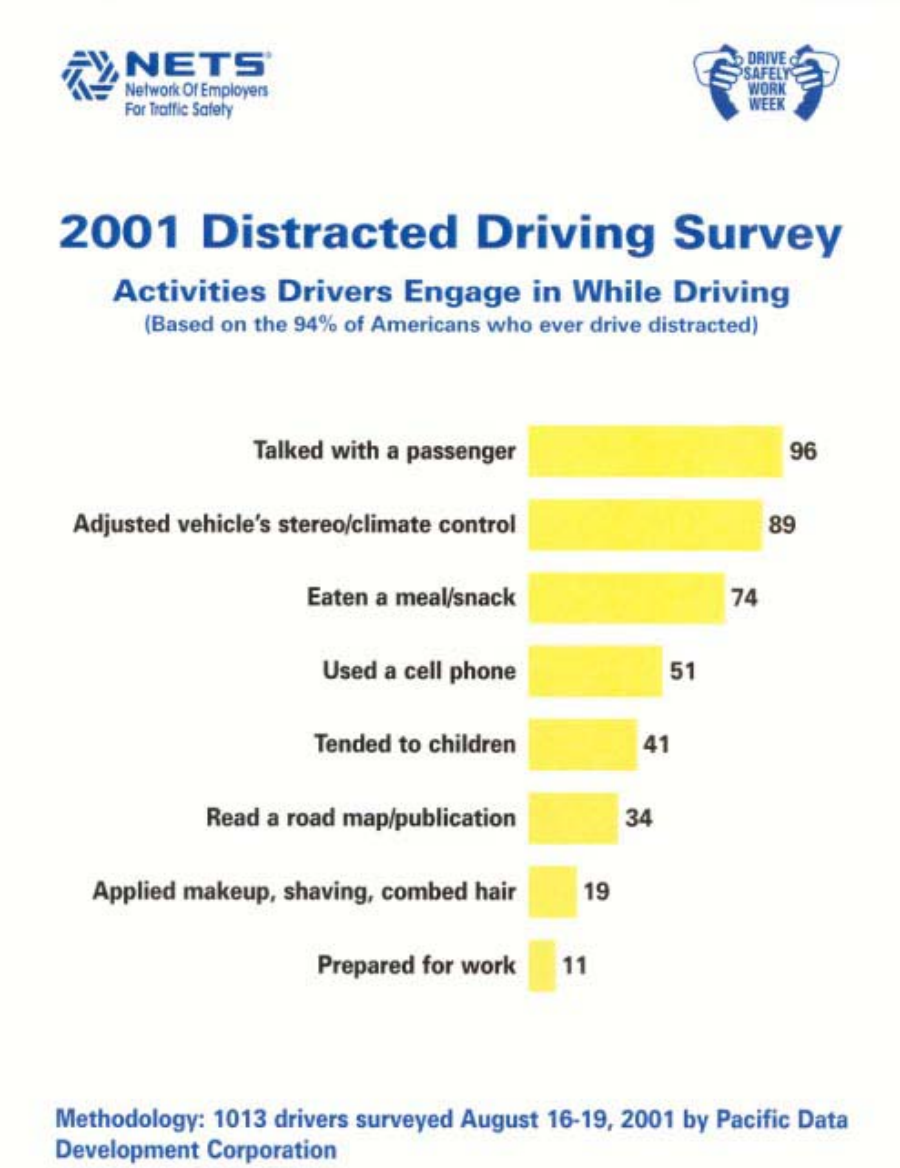
A study[18] of 9000 Norwegian drivers who had recently reported an accident to their insurance company, responded to a postal questionnaire about mobile telephone use and other driver distractions during the accident. Mobile phone use during the accident was reported by 0.66 per cent of guilty drivers and 0.30 percent of innocent drivers. Mobile phones were estimated to be used in 0.86 percent of the accidents. The number of accidents during mobile phone use was too low for significant differences between hands-free and hand-held telephones to be observed. However, rear-end collision was found to be the most frequent accident type when using a mobile phone. Interestingly, the study found both radios and CD players cause more accidents than the mobile phone.

Recent Australian research, conducted by Monash University's Accident Research Centre (MUARC), also found the effects of distraction were more pronounced during car stereo tasks than during hands-free mobile phone tasks and that these findings were relatively stable across different driver age groups and different environmental complexities.[19]. However, one key difference was that older drivers traveled at lower mean speeds in the complex highway environment compared with younger drivers.

Similarly, a 1993 study[20] by the University of Michigan's Transportation Research Institute found changing cassette tapes to be more distracting than talking on a mobile phone. Reading a map, which was found to be the most distracting task, was nearly twice as distracting.

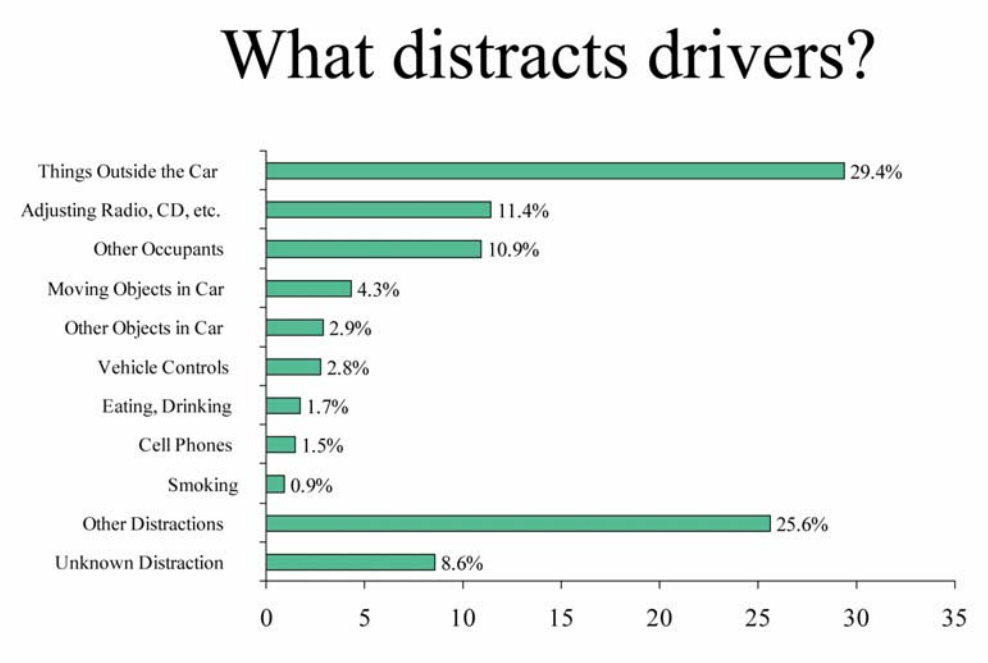
The NHTSA estimates that over 150,000 crashes each year in America are related to driver distraction from interaction with vehicle entertainment systems[21]. However, most drivers consider their radios and CD players as reasonably safe and accept the responsibility for interacting with them.

Spilling hot coffee and dropping something on the floor were two of the distractions drivers cited most frequently as reasons for their road traffic accidents, according to a study[22] by the Network of Employers for Traffic Safety (NETS). Fiddling with a radio or climate control system is the next most-cited distraction. The study also found that some commuters regularly read the newspaper, shave, or apply make-up on their way to work.



A study[23] of more than 2,700 crash scenes involving distracted drivers and nearly 4,500 drivers by the Virginia Commonwealth University found looking at traffic, crashes and roadside incidents was the primary distraction in 16 per cent of the crashes studied. This was followed by driver fatigue, 12 per cent; looking at scenery, 10 per cent; passenger and child distractions, nine per cent; and adjusting the radio, CD or tape player, seven per cent. Mobile phones were cited as the primary distraction in slightly more than five per cent of the crashes studied. Distractions inside the vehicle accounted for 62 per cent of all the crashes studied.

An earlier American Automobile Association (AAA) study[24] analysed more than 32,000 traffic accidents caused by various driver distractions and found mobile phones contributed to less than two per cent of accidents, while an outside object, person or event contributed to more than 29 percent. Adjusting the radio or CD contributed to more than 11 percent of accidents. Drivers need to be aware of all possible distractions because they are a leading cause of accidents. However, in this study only a small percentage involved a mobile phone.



In a follow-up study[25], the AAA recently found all drivers engage in some kind of distracting activity while they are driving. The most common distractions were: reaching, leaning, looking for or picking up a purse, sunglasses, glove-compartment contents, toll-booth change or other objects; working with radio and music-system controls; eating and drinking; talking to passengers; personal grooming; coping with unruly children or other passenger disturbances; and even reading or writing while driving.

Some distractions seem particularly hazardous, such as the women observed putting on their makeup with both hands, drivers putting in eye drops or trying to control the steering wheel with their knees.

In the first such study of its kind, researchers used in-car video cameras to see how drivers behaved when they were behind the wheel of their own cars. All drivers were observed changing air conditioning or electric window controls (100.0%) and almost all were observed reaching for objects inside their moving vehicles (97.1%). Nearly as many changed the cars audio controls (94.1%) or were distracted by something outside the vehicle (85.7%). Approximately three quarters ate or drank while driving (71.4%) or conversed with a passenger (77.1%). Reading, writing and personal grooming activities were relatively common, but less than half of the drivers did this while the vehicle was moving (45.7%). About a third of drivers used mobile phones while driving (30.0%) and nearly as many were distracted by an adult in the vehicle (22.9%).

Also, taking into account the shorter amount of time that children, especially babies, were carried in vehicles, children were about four times and babies almost eight times more likely than adults to be a source of distraction to the driver.

These results reinforce the conclusion that mobile phone use is far less a risk than tasks routinely performed behind the wheel.

In response to the study, the AAA announced it would lobby state motor-vehicle agencies to include in their drivers' manuals a model section it has developed on distractions that includes tips on how to avoid such hazards.

Drivers' manuals in only six US states have sections on distractions. The AAA also distributed a public-service TV advertisement nationwide, modifying an advertisement already in use by the Auto Club of Southern California.

Despite the widespread ownership of mobile phones in the USA, only 28 of the 70 drivers were videotaped using phones while driving during the one week period of the study. When announcing the AAA study, Jane Stutts, a researcher at the University of North Carolina Highway Safety Research Center, said:

> *Cellphones didn't show up as the major distracter, either in crash analysis or in this study.*

Suitability and enforceability of proposed measures

Suitability

As discussed in the previous section, there is now a large body of research into driver distractions that shows mobile phones are only one of the many distractions faced by drivers and mobile phone use is far less a risk than tasks routinely performed behind the wheel. Therefore, all distractions must be considered and the discussion paper's proposal to selectively ban mobile phone use by probationary drivers is not consistent with this evidence.

If such a proposal is to have a significant impact on young driver safety, more significant distractions such as in car entertainment systems, other passengers and climate controls should also be restricted.

It is our understanding that in the small number of American states that restrict the use of mobile phones by inexperienced drivers that they also have passenger restrictions and night-time curfews. Also, in most cases these restrictions apply to learners permits where a driver is under instruction. (See appendix D)

However, the mobile telecommunications industry supports the overall concept that inexperienced drivers need to focus on the primary task of driving safely before they are engaged in any secondary task.

More importantly, probationary drivers when on the road have to contend with the array of everyday distractions faced by all drivers and they need to be educated about the significant risks of all distractions.

Learner and probationary drivers will also need to be educated about the best practices for managing secondary tasks such as mobile phone use while driving.

It should also be noted that mobile phone subscribers often provide the extra eyes and voice for police and road safety authorities in reporting aggressive, reckless or drunk drivers, accidents and other road hazards.

Almost one third of all genuine calls to '000' are made from mobile phones.[26]

The widespread use of mobile phones by drivers has led to those concerned about major road safety risks, such as speeding, drink driving and fatigue, to use mobile phones to report reckless drivers. For example, when Victorian road fatality figures in Easter 2002 topped the nation, *The Age*[27] reported that Victoria Police's acting Assistant Commissioner for Traffic, Bob Hastings, asked drivers to use their mobile phones to report any reckless driving they witnessed.

Unfortunately, in discussions about mobile phone use while driving the benefits are rarely mentioned. For instance, an Australian study[28] by Professor Simon Chapman of the University of Sydney found one in four mobile phone users have used their phone to report a dangerous situation.

The report also revealed: one in eight (or 623,220 users) have reported a road accident involving others; and two out of three users had used their mobile phone to call ahead and say they were running late, and that almost all of these had consequentially slowed or calmed down as a result.

Therefore, we need to be careful not to lose the proven safety benefits of mobile phones when attempting to avoid what is just one of the many everyday distractions faced by all motorists.

One of the problems with a ban for probationary drivers is that such a law would be very unlikely to be retracted in the future when technological advances make future communication devices even less distracting. Already mobile phone users can use voice activated and voice recognition dialling features, hands-free devices and memory dial functions to reduce the effort to make a call.

Such laws would also not take into account advances in other car systems such as adaptive cruise control and collision warning systems, which might compensate for the effect of driver distractions.

The NHTSA have also concluded[29] that:

> *The distraction potential may be reduced if drivers are aware of the hazards and use their cellular telephones carefully while on the road. Distraction potential can also be reduced by ergonomically sound cellular telephone designs and new Intelligent Transportation System (ITS) technologies that may be capable of compensating for driver distraction by alerting drivers when traffic conflicts or hazards are present.*

Volvo, for example, has developed an intelligent driver information system specifically designed to deal with driver distractions. The system monitors throttle movement, braking, steering angle and the use of indicators and wipers to determine whether it will withhold non-safety related information, including phone calls, from the driver. The system is currently in use in a number of Volvo models sold in Australia.[30]

We strongly believe that regulation should be "technology neutral" and, therefore, will not need to be constantly adapted as technology advances.

Enforceability

The difficulty of enforcing a mobile phone ban for probationary drivers could make it unworkable and may in fact lead to young drivers taking risks to use mobile phones surreptitiously to avoid detection.

Such a restriction may lead young drivers to increase the use of other dangerous and illegal behaviours such as text messaging, which they are already more inclined to do, in order to avoid detection from police.

Other countries which have attempted a ban on mobile phones while driving have faced unsurmountable problems with enforcement.

For example, in November 2002, a French parliamentary report found that the only known health risk of mobile phones was the fourfold risk of traffic accidents and recommended the French driving code should include a provision preventing the use of mobile phones while driving.

However, the ban was never put in place because of the concern that the French police would find it impossible to enforce because they could not tell the difference between a driver talking to a passenger or themselves or if they were singing along to the radio.

Similar enforcement issues were experienced in Britain prior to the development of their laws restricting hand-held use of mobile phones while driving. In 2002, following extensive media reporting of the risks of mobile phone use in cars, British police decided to strenuously enforce existing laws requiring motorists to be in proper control of their vehicles. The media reported that drivers who sing along with their car stereos would risk being pulled over by police.[31]

Australia is not unique in the experience that a small percentage of drivers continue to use hand-held mobile phones despite laws restricting their use. Following the introduction of laws in the state of New York making it a traffic violation to talk on a hand-held mobile phone while driving, the first such law in the USA, researchers observed a substantial short-term effect.[32] Hand-held use declined significantly from 2.3 per cent before the law to 1.1 per cent in the first few months after the law. In Connecticut, an adjacent state with no such law, the usage rate of 2.9 per cent did not change significantly from before or after the law. In a follow-up study[33] one year later, hand-held use was back up to 2.1 percent. The researchers concluded that vigorous enforcement campaigns accompanied by publicity are necessary to achieve longer-term compliance.

Role of driver education in reducing risks

Announcing the AAA's more recent study, the Governors Highway Safety Association (GHSA) expressed concern that simply banning drivers from talking on a mobile phone while driving sends a bad and potentially dangerous message. The association has asked States not to restrict even hand-held mobile phone use without addressing other distracting behaviours. Colonel Jim Champagne, GHSA vice-chair, said:

> *We are particularly concerned about legislation that would ban only handheld cell phones because it would give drivers a false sense of safety.*
>
> *…the best course of action is to conduct educational campaigns to alert drivers to the dangers of distracted driving.*[34]

A study[35] by the National Research Institute of Police Science in Japan found that the key to preventing accidents caused by distractions was the driver deciding to slow down when they knew they were being distracted by a secondary task, such as lighting a cigarette. This was found to be a particular problem for young drivers who engaged in such tasks without recognising the increased risks and therefore did not slow down as a result. The Institute concluded that the solution was driver education of the risks of distractions and the need to slow down when engaged in any secondary task to driving. This was confirmed in the recent Australian research which found that older more experienced drivers tended to drive slower in complex driving situations and when engaged in potentially distracting behaviours.

Unfortunately, in a number of driver simulation studies the criteria established in the study include slowing down as a negative outcome and they do not see this type of behaviour as an experienced driver's appropriate response to a secondary task or distraction.

Since 1983, several independent reports [36] [37] [38] [39] [40] [41] [42] have looked at the issue of mobile phone use while driving. The overwhelming majority of these reports have recommended additional data collection and have suggested education over legislation as the key to increasing the responsible use of mobile phones.

For example, the Harvard Center of Risk Analysis considered the risks and benefits of mobile phones in vehicles[43] and developed the following findings:

- There are risks associated with using phones while driving, but they are small compared to other daily risks.
- Benefits are substantial and offer potential improvements in public health and safety.
- It is premature to enact legislative restrictions; more research is needed to enable an informed, rational policy on phone use while driving.
- Government and industry should promote the responsible use of phones while driving through vigorous educational programs and active enforcement of existing motor vehicle laws.
- Existing laws prohibiting inattentive/careless driving should be enforced.

AMTA is not questioning that mobile phone use imposes physical, visual, and cognitive demands on the driver and the mobiles industry is not advocating the existing ban on hand-held use in Australia be changed. While technology can address physical and visual factors, education is required to address cognitive factors. Therefore, the most useful action the mobile phone industry and governments can take is to help educate young drivers about the appropriate use of mobile communications products in vehicles.

The mobile phone industry in Australia has consistently advised all drivers to make safety their first priority by always using a hands-free kit. A hands-free device can reduce the physical effort to make and receive calls; however, drivers should also avoid making calls in adverse traffic or weather conditions and should not engage in complex or emotional conversations. If a call is unnecessary or a driver considers it unsafe to answer at the time, they should not answer the call and allow it divert to voicemail or an answering service.

Drivers should also plan ahead and make calls when stationary or during rest breaks in long trips. Drivers can also use a phone with voice-activated dialling and automatic answering features to reduce the effort to make and receive a call. They should never take notes, look up phone numbers or read or send text messages.

AMTA has developed 10 safety tips for mobile phones and driving[44] and by adhering to these simple, commonsense practices, drivers can make full, productive and safe use of mobile phones.

AMTA has taken considerable steps to improve driver education, particularly in regard to learner drivers. Over the past two years AMTA has met with Commonwealth and state police and transport ministers, road traffic authorities and motoring organisations to discuss the important safety issue of driver distraction.

AMTA's 10 tips which have been developed following a careful analysis of the research and a review of other similar safety guidelines around the world have also been reviewed by road safety authorities in Australia. Following this review a number of the tips have been amended or emphasised. The latest safety tips are shown at Appendix A.

As a consequence of these meetings, most of the Australian States are considering or have agreed to include the tips in their official driver education materials.

We also joined with the former Deputy Prime Minister, John Anderson, and the former NSW Police Minister, John Watkins, last Christmas to promote the need to use mobile phones safely while driving during the holiday period. The joint press releases are shown at Appendix C.

In addition, AMTA members have carried out their own information and education activities. For example, some members have produced television commercials and run media campaigns to educate their customers about the best practice in using hands-free mobile phones while driving. Mobile phone manufacturers have also added safety advice to their handsets user manuals.

We believe learn-to-drive programs in Australia should educate drivers about all possible distractions, such as talking to passengers, noisy children, changing climate controls, eating, looking at roadside incidents and using mobile phones when driving conditions are not suitable.

Conclusion

Almost all Australian drivers have a clear understanding of the national law restricting hand-held mobile phone use and in most cases they attempt to make phone calls while driving in a responsible manner.

However, despite the almost universal knowledge of the laws restricting hand-held use, young drivers appear to be more likely to take risks and illegally use hand-held phones or send and receive text messages while driving. Text messaging while driving is illegal and therefore young drivers need to be educated about the risks of this behaviour and existing laws need to be strenuously enforced.

There is no research available that provides evidence that inexperienced drivers are more at risk of being involved in crashes if they are talking on a hands-free phone compared with more experienced drivers.

Although we acknowledge that recent Australian research has confirmed a driver's use of a mobile phone in the 10 minutes before a crash was associated with a fourfold increased likelihood of crashing, studies or data from on-road use show mobile phones do not contribute significantly to accidents or fatalities.

When mobile phones are involved in accidents they are more likely to be non-fatal, rear-end collisions than any other type of accident. Consequently, while the ownership of mobile phones has increased dramatically, there has been no corresponding increase in road fatalities.

Although driver inattention contributes to around a third of all accidents, when the cause of distracted driver accidents are reviewed in more detail it is clear that mobile phones are not the main cause of these accidents. There is now a large body of research into driver distractions that shows mobile phones are only one of the many distractions faced by drivers and mobile phone use is far less a risk than tasks routinely performed behind the wheel. Therefore, all distractions must be considered and the discussion paper's proposal to selectively ban mobile phone use by probationary drivers is not consistent with this evidence.

If such a proposal is to have a significant impact on young driver safety, more significant distractions such as in car entertainment systems and other passengers should also be restricted.

Other jurisdictions that restrict the use of mobile phones by inexperienced drivers also have passenger restrictions and night-time curfews.

The mobile telecommunications industry supports the overall concept that inexperienced drivers need to focus on the primary task of driving safely before they are engaged in any secondary task. Learner and probationary drivers need to be educated about the best practices for managing secondary tasks. Learn-to-drive programs in Australia should educate drivers about all possible distractions, such as talking to passengers, noisy children, changing climate controls, eating, looking at roadside incidents and using mobile phones when driving conditions are not suitable.

It is also clear from overseas experience that a ban on mobile phones while driving would be very difficult to enforce. The proposed ban may lead young drivers to increase the use of other dangerous and illegal behaviours such as text messaging, which they are already more inclined to do, in order to avoid detection from police.

Such restrictions would also not take into account advances in other car systems, such as adaptive cruise control and collision warning systems, which might compensate for the effect of driver distractions or systems already being used in Australia that manage potential sources of distraction.

More importantly, the overwhelming majority of independent reports that have looked at the issue of mobile phone use while driving have recommended education over legislation as the key to increasing the responsible use of mobile phones.

AMTA is not questioning that mobile phone use imposes physical, visual, and cognitive demands on young drivers. However, while technology can help to address physical and visual demands of mobile phone use in vehicles, education is required to remind drivers not to be distracted by mobile phones while driving and reinforce the current ban on hand-held use. Therefore, the most useful action governments can take is to educate drivers about the appropriate and safe use of wireless communications products in vehicles.

AMTA has consistently argued for the need to improve driver education, particularly in regard to learner drivers, with relevant road safety authorities and will continue to do so. We would welcome the government's support in helping to introduce materials into driver education programs in Victoria.

We believe that by adhering to existing laws and some simple commonsense practices, drivers can make safe use of mobile phones while enjoying the substantial public safety and personal security benefits they provide.

Finally, it should also be remembered that mobile phone subscribers also provide the extra eyes and voice for police and road safety authorities in reporting aggressive, reckless or drunk drivers, accidents and other road hazards. Therefore, the government also needs to be careful not to lose the proven safety benefits of mobile phones when attempting to avoid what is just one of the many everyday distractions faced by young drivers.

Appendix A – Mobile phones and driving - safety tips

Safety is Your Most Important Call

AMTA

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When using a mobile phone while driving, safety is the most important call you will make. All drivers can make safety their first priority by following these ten simple steps.

1. **Always Use Hands Free:** In Australia it is illegal to use a mobile phone while driving unless you use a hands free in-car-kit or portable hands free device. When using a portable hands free device make sure it is set up and working before you start to drive. A hands free device can reduce the physical effort to make and receive calls; however, it alone doesn't make using a mobile phone while driving safe.

2. **Plan Your Trip and Make Calls When Stationary:** Whenever possible plan your trip and try to make calls when stationary or during rest breaks in long trips.

3. **Don't Call in Heavy Traffic or Weather Conditions:** Don't accept or make calls if traffic and weather conditions would make it unsafe to do so. Also, always tell the person you are speaking to that you're driving and that you may have to end the call if driving conditions change.

4. **Don't Engage in Complex or Emotional Conversations:** If a call becomes complex or emotional tell the person you are speaking to, you are driving and suspend the call. Complex and emotive conversations on a mobile phone, or with other passengers, and driving don't mix – they are distracting and can be dangerous.

5. **Use Message Services to Answer Calls:** If a call is unnecessary or you consider it unsafe to answer at the time, don't answer the call and let it divert to voicemail or an answering service.

6. **Pull Over Safely if You Stop to Make a Call:** If you choose to stop to answer or make a call or retrieve a message, pull over carefully in a safe area. Don't stop where you could be a hazard to other vehicles, pedestrians or yourself.

7. **Use Your Phone's Features to Reduce the Effort to Make a Call:** Carefully read your phone's instruction manual and learn to use the speed dial and redial features of your phone. Also, if possible, use a phone with voice activated dialling and automatic answering features to reduce the effort to make and receive a call.

8. **Never Take Notes, Look Up Phone Numbers, Read or Send SMS:** Always keep both eyes on the road and never take notes during a call. Don't read or send text messages or SMS (Short Messaging Service) while driving. If required, use a directory assistance service which connects you directly to the number and don't look up phone numbers from your phone's memory.

9. **Tell Callers You're Driving While on the Phone:** Always let the person you're speaking to know that you are driving. This lets them know that you may not always respond immediately and reminds you that driving safely is your first priority. "Hello, I'm in the car at the moment…"

10. **In Emergencies Use Your Phone to Call for Help:** Dial '000' or '112' in case of fire, traffic accident, road hazard or medical emergency. Both '000' and '112' are free calls, and will connect you to emergency services. Almost one third of all genuine calls to '000' are made from mobile phones.

Appendix B – AMTA media release

12 July 2005

Australian research highlights the need to do more than just use a hands-free device

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Australian research on the role of mobile phones in accidents requiring hospital attendance published in the *British Medical Journal* today highlights the need for drivers to take more precautions than just using a hands-free device when using a mobile phone whilst driving.

“A hands-free device can reduce the physical effort to make and receive calls. However, drivers should also avoid making calls in heavy traffic or bad weather conditions and they should not engage in distracting complex or emotional conversations,” CEO of the Australian Mobile Telecommunications Association (AMTA) Graham Chalker, said.

The research conducted by The George Institute for International Health, University of Sydney, Injury Research Centre and the University of Western Australia, looked at 456 drivers over the age of 17 who owned and used mobile phones and had been in road crashes resulting in hospital attendance between April 2002 and July 2004. The study found a driver’s use of a mobile phone in the 10 minutes before a crash was associated with a fourfold increased likelihood of crashing.

“This result is consistent with a similar study conducted in Canada in 1997, and has been the basis of the industry’s continued efforts to educate drivers about ways to minimise the risk of all driver distractions including mobile phones,” Mr Chalker said.

The research also found no significant safety difference when using a hands-free phone device. Using a hands free device while driving was not on its own a guarantee of safety, Mr Chalker said.

“If a call is unnecessary or you consider it unsafe to answer at the time, do not answer the call and let it divert to voicemail or an answering service,” he said.

“Drivers should plan ahead and make calls when stationary or during rest breaks on long trips. Drivers can also use a phone with voice activated dialling and automatic answering features to reduce the effort required to make and receive calls on a hands-free device.”

It is also important to note that the study found almost all drivers followed the legal requirement to use a hands-free device, with only 2 percent of drivers illegally using hand held phones. This was also confirmed in a 2003 study of Melbourne drivers.

“Australian drivers must be commended for their compliance with the law when using their mobile phones when driving. However, focusing only on hands-free use, as the law requires, may lull people into a false sense of security and drivers should also consider other factors such as traffic and weather conditions and the complexity of the conversations they engage in.

“When using a mobile phone while driving, safety is the most important call you will make. All drivers can make safety their first priority by following some simple common sense practices,” Mr Chalker said.

AMTA’s “Mobile Phones and Driving Safety Tips” can be found at: www.amta.org.au.

Optus, Telstra and Vodafone provided mobile phone call records of consenting participants in the study but the research was independently funded by Insurance Institute for Highway Safety, Arlington, Virginia.

Appendix C –Joint media releases

Media Release

John Anderson

Deputy Prime Minister • Leader of The Nationals

Minister for Transport and Regional Services

Be Safe Using Mobile Phones While Driving This Christmas

A177/2004 **15th December 2004**

Australians unwrapping their presents this Christmas and discovering new mobile phones should heed important warnings about using them while driving.

The Deputy Prime Minister and Minister for Transport and Regional Services, John Anderson, said drivers of any age and level of experience needed to keep their wits about them, especially during the holiday period.

"It is of course illegal to use a mobile phone while driving, unless you are using a hands free device. That said, there are times when even the use of an in-car hands free kit or portable hands free device should be avoided as well," Mr Anderson said.

Governments from around Australia are considering what must be done to cut the death and injury toll on our roads. Yesterday's safety forum held at Parliament House, *Protecting Lives On Our Roads*, was particularly aimed at finding the measures needed to save the lives of young people, and this message about mobile phones is particularly pertinent given how prevalent they are these days.

"Just about every teenager or young adult I know has a mobile phone. The vast majority use them responsibly, but the urge is often there to answer a call from friends or even text them while driving.

"The Australian Mobile Telecommunications Association is encouraging safe use of mobile phones while driving. I strongly support their 10 point safety plan, even if studies do show that most Australians are already heeding the warnings. That does not mean we should let up.

"Drivers, of any age, need to have their wits about them when they get behind the wheel. I note for example that the AMTA warns not to engage in complex or emotional conversations on a hands free phone while driving – this is very good advice.

"The fewer distractions a driver has, the better. Make sure you tell the person you are speaking to that you are driving, and they will be aware you have other more important things on your mind. Also, try to avoid calls in heavy traffic or when the weather conditions are bad.

"For a mobile and well-connected young Australian, these messages could well be the most important they hear this year," Mr Anderson said. Last year, 76 people died on Australian roads during the Christmas-New Year holidays, up from 68 in 2002-03.

Media contact: Paul Chamberlin 02 62777680 / 0419 233989

MINISTER FOR POLICE
John Watkins MP

M E D I A R E L E A S E

HOLIDAY DRIVERS WARNED:
NO PHONE CALL IS WORTH IT

28 December 2004

Minister for Police John Watkins today warned holiday motorists against using hand-held phones while driving, as charges laid for the offence in NSW this year neared 17,000.

Mr Watkins and the Australian Mobile Telecommunications Association (AMTA) have joined forces to release safety tips for drivers, including the use of hands-free devices.

"Between January 1st and December 21st this year, police issued 16,903 infringements to people for driving while using a hand-held phone," Mr Watkins said.

"That's almost 50 charges a day – that's absolutely insane," he said.

"And with the Christmas roads campaign in full swing – that number looks set to rise even higher," he said.

"Motorists just aren't getting the message that this distracting practice is illegal in NSW, and potentially deadly.

"On-road conversations or text messages could cost you your life, or the lives of other motorists and pedestrians. It's just not worth it.

"Use a hands-free device or pull over carefully in a safe place before you take or make that call. If you get caught, you'll face a heavy fine – and points off your licence."

Recent provisions under the *Road Transport (Penalty Notice Offences) Regulation 2002* make driving while using a mobile phone illegal:

- **Drivers must not use hand-held mobile phones while the vehicle is moving, or stationary but not parked.**
- **The law does not apply to emergency or police vehicles.**
- **Driving while holding a mobile phone incurs a $226 fine and 3 demerit points.**

AMTA Communications Manager Randal Markey said hands-free devices could reduce the physical effort required to make and receive calls.

"However, drivers should avoid making calls in heavy traffic or bad weather conditions and not engage in distracting, complex or emotional conversations," Mr Markey said.

"Mobiles are not the most common or significant distraction faced by drivers," he said.

"But drivers need to be aware of all possible distractions such as talking to passengers, looking at roadside incidents, noisy children, eating, reading maps, changing climate controls or radios and using mobile phones."

Mr Markey also warned that using a hands-free mobile device while driving was not - on its own - a guarantee of safety under certain conditions.

"If a call is unnecessary or you consider it unsafe to answer at the time, do not answer the call and let it divert to voicemail or an answering service," he said.

"Drivers should plan ahead and make calls when stationary or during rest breaks on long trips.

"Use a phone with voice-activated dialling and automatic answering features to reduce the effort required to make and receive calls on a hands-free device.

"All drivers can make safety their first priority by following some simple common sense practices," he said.

Contact:	**Minister Watkins -**	**Tina Sorenson**	**0413 906 125**
	AMTA -	**Randal Markey**	**0421 240 550**

AMTA SAFE DRIVING TIPS

1. **Always Use Hands-Free:** In NSW it is illegal to use a mobile phone while driving without a hands-free in-car-kit or portable hands-free device. When using a portable hands-free device make sure it is set up and working before you start to drive. A hands-free device makes it easier to make and receive calls; however, it alone doesn't make using a mobile phone while driving safe.

2. **Plan Your Trip and Make Calls When Stationary:** Whenever possible plan your trip and try to make calls when stationary or during rest breaks on long trips.

3. **Don't Call in Heavy Traffic or Weather Conditions:** Don't accept or make calls if traffic and weather conditions make it unsafe to do so. Warn the person you are speaking to that you may have to end the call if driving conditions change.

4. **Don't Engage in Complex or Emotional Conversations:** If a call becomes complex or emotional, inform the person you're speaking to that you're driving and suspend the call. Complex and emotive conversations on a mobile phone, or with other passengers, and driving don't mix – they are distracting and can be dangerous.

5. **Use Message Services to Answer Calls:** If a call is unnecessary or you consider it unsafe to answer at the time, don't take the call - let it divert to voicemail or an answering service.

6. **Pull Over Safely if You Stop to Make a Call:** If you stop to answer or make a call or retrieve a message, pull over carefully in a safe area. Don't stop where you could be a hazard to other vehicles, pedestrians or yourself.

7. **Use Your Phone's Features to Reduce the Effort to Make a Call:** Carefully read your phone's instruction manual and learn to use the speed dial and redial features of your phone. Also, if possible, use a phone with voice activated dialing and automatic answering features to reduce the effort to make and receive a call.

8. **Never Take Notes, Look Up Phone Numbers, Read or Send SMS:** Always keep both eyes on the road and never take notes during a call. Don't read or send text messages or SMS (Short Messaging Service) while driving. If required, use a directory assistance service which connects you directly to the number and don't look up phone numbers from your phone's memory.

9. **Tell callers you're driving while on the phone:** Always let the person you're speaking to know that you are driving. This lets them know that you may not always respond immediately and reminds you that driving safely is your first priority. "Hello, I'm in the car at the moment…"

10. **In Emergencies Use Your Phone to Call for Help:** Dial '000' in case of fire, traffic accident, road hazard or medical emergency. **'000' is a free call** and will connect you to emergency services. Almost one third of all genuine calls to '000' are made from mobile phones.

Appendix D – US state laws on driving and phones

Cell Phones and Highway Safety: 2005 State Legislative Update

Existing State Laws Regarding Mobile Phone Use while Driving

State or Jurisdiction	Provision	Statute or Rule	Penalties
Arizona	Administrative Code provision prohibits school bus drivers from using a mobile phone while operating the school bus.	A.A.C. Title 17 Chapter 9, Art. 1 R17-9-104	No penalty specified.
Arkansas	Prohibits the use of a cellular telephone while operating a school bus.	Ark. Stat. Ann. §6-19-120 (2004)	Unclassified misdemeanor; fine of $100-$250.
California	Requires that rental cars with embedded cell phone equipment contain written instructions on the safe use of the phone while driving.	California Vehicle Code §2890 (West 2004)	$100 maximum for first violation; $200 maximum for second violation; $250 for third and subsequent violations committed within one year.
	Prohibits any person from driving a motor vehicle if a video monitor, or a video screen or any other similar device that displays a video signal is operating and is located forward of the driver's seat or is visible to the driver. Provides exceptions for emergency equipment.	2003 Cal. Stats., Chap. 303	No penalty specified.
Colorado	Makes driving a motor vehicle by a person holding a temporary instruction permit or a minor's instruction permit while using a cellular telephone or other mobile communication device a secondary traffic offense.	Colo. Rev. Stat. §42-4-239 (2005)	$15 fine plus a $2.60 surcharge.
Connecticut	Prohibits the use of hand-held phones while driving. Provides exceptions for	2005 Conn. Acts, P.A. 159 (Reg.	$100 fine unless proof that hands-free accessory purchased prior to

	emergency situations.	Sess.)	imposition of fine.
	Prohibits the use of cell phones while operating a school bus.		Not more than $100.
	Prohibits drivers with only a learner's permit from using a cell phone while driving.		Not more than $100.
	Prohibits drivers from engaging in activities unrelated to the operation of a motor vehicle.		Not more than $100 plus fine for moving violation.
Delaware	Establishes a task force to study and make findings and recommendations regarding driver distractions, including mobile telephone use.	2002 HCR 30	Not applicable.
	Prohibits school bus drivers from using a cell phone while operating a school bus. Provides exceptions for emergency situations.	Del. Code Ann. tit.21, §4176B (2005)	For a first offense, fines range from $50 to $100. For subsequent offenses, fines range from $100 to $200 and loss of school bus endorsement from license.
	Prohibits any minor with a level 1 learner's permit or a driver's education learner's permit from using a cell phone or similar device while operating a motor vehicle. Provides exceptions during emergency situations or where the permit holder has stopped the vehicle at a location off the lanes of travel.	Del. Code. Ann. tit. 21, §2710 (2005)	Young drivers are subject to the same penalties they would face if they were found to be a reckless or negligent driver of a motor vehicle or to have committed a serious moving traffic violation.
Florida	Requires that drivers who use a head-set with a mobile phone while driving must use a head-set that provides sound through one ear and allows surrounding	Fla. Stat. §316.304 (2005)	$30 for each violation; non-moving violation.

	sound to be heard with the other ear.		
	Requires distracted driver annual accident reports. Preempts local jurisdictions from enacting restrictive ordinances.	Fla. Stat. §316.0075 (2005)	Not applicable.
Illinois	Single-sided headset or earpiece is permitted with a mobile phone while driving.	2001 Ill. Laws, P.A. 92-0152.	No penalty specified.
	School bus drivers prohibited from using a mobile phone while driving except in emergency situations.	2002 Ill. Laws, P.A. 92-730.	Petty offense punishable by $100 to $250 fine.
Kentucky	Prohibits local governments from restricting driver mobile telephone use.	Ky. Rev. Stat. §65.873 (2005)	Not applicable.
Louisiana	Prohibits local jurisdictions from regulating cell phone use while driving.	La. Rev. Stat. Ann. §33:31 (West 2004)	Not applicable.
	Prohibits driving a motor vehicle with a television capable of receiving any prerecorded visual presentation unless the TV is behind the driver's seat or not visible to the driver while he or she is operating the vehicle.	La. Rev. Stat. Ann. §32:365 (West 2004)	No penalty specified.
	Creates a task force to study technological and non-technological driver distractions. The task force is to submit recommendations to the Legislature.	2003 SCR 63	Not applicable.
Maine	Requires those under age 21 to obtain an instruction permit and complete training prior to obtaining a driver's license. Prohibits a person with an instruction permit from using a mobile phone while driving.	Me. Rev. Stat. Ann. tit. 29-A, §1304(I)	No penalty specified.

Maryland	Prohibits holder of a learner's permit or provisional driver's license who is under age 18 from using a wireless communications device while operating a motor vehicle. Enforceable as a secondary offense.	Md. Transportation Code Ann. §21-1123 (2005)	May suspend a violator's license up to 90 days and issue a restricted license.
Massachusetts	Cellular phone use is permitted as long as it does not interfere with the driver's operation of the vehicle and the driver keeps one hand on the steering wheel at all times.	Mass. Gen. Laws Ann. ch. 90, §13 (West 2004)	$35 maximum fine for first violation; $35 to $75 for second violation; $75 to $150 for third and subsequent violations committed within one year.
	No person shall operate a moving school bus while using a mobile telephone.	Mass. Gen. Laws Ann. ch. 90, §7B	No penalty specified.
Minnesota	Prohibits drivers under age 18 who have a provisional license or instruction permit from using a cell phone while operating a motor vehicle. Provides exceptions for emergency situations.	2005 Minn. Laws, Chap. 6	Ability to get full license restricted.
Mississippi	Prohibits local jurisdictions from restricting driver mobile phone use.	2002 Miss. Laws, Chap. 491	Not applicable.
Nevada	Prohibits local jurisdictions from regulating driver mobile phone use.	2003 Nev. Stats., Chap. 237	Not applicable.
New York	Drivers prohibited from talking on hand-held mobile telephone while operating a motor vehicle.	N.Y. Veh. and Traffic Code §1225 (McKinney 2004)	Not more than $100.
New Jersey	Prohibits drivers younger than age 21 who have only a learner’s permit from using a mobile phone while driving.	N.J. Rev. Stat. §39:3-13 (2005)	$100 fine or 90-day permit suspension.
	Prohibits the use of a cell phone while driving a school bus.	2002 N.J. Laws, Chap.120	$100 to $150 fine.

	Establishes the Driver Distraction and Highway Safety Task Force to study driver distractions and make recommendations.	2001 N.J. JR-9	Not applicable.
	Prohibits use of hand-held phones while driving. Enforceable as a secondary offense.	N.J. Rev. Stat. §39:4-97.3 (2005)	$100 to $250 fine.
Oklahoma	Prohibits local jurisdictions from restricting driver use of cell phone while operating a motor vehicle.	2001 HB 1081	Not applicable.
Oregon	Prohibits local jurisdictions from restricting driver use of cell phone while operating a motor vehicle.	2001 HB 2987	Not applicable.
Rhode Island	Prohibits use of cell phones by school bus drivers while driving except in the case of emergency.	R.I. Gen. Laws §31-22-11.8 (2005)	No penalty specified.
Tennessee	Prohibits driver use of a cell phone while operating a school bus.	Tenn. Code Ann. §58-8-192 (2004)	Class C misdemeanor, $50 fine.
Texas	Prohibits driver under age 18 from using a wireless communication device while operating a motor vehicle during the 6 month period following the original issuance of a Class A, B, or C license. Prohibits driver under age 17 from using a wireless communication device while operating a motorcycle during the 6 month period following the initial license issuance.	2005 SB 1257	Not available
	Prohibits school bus drivers from using a cell phone while operating a school bus.	2005 SB 1257	Not available
Washington	Requires state police to track information about the involvement of wireless communication devices in motor vehicle crashes in accident report forms. Requires the state police to include this information	2005 Wash. Laws, Chap. 171	n/a

	in its annual report of traffic safety statistics.		
District of Columbia	Prohibits distracted driving, which is defined as inattention resulting in unsafe operation of a vehicle caused by activities unrelated to the operation of the vehicle, including reading, writing, personal grooming, interacting with pets or unsecured cargo, using personal communications technologies or engaging in any other activity that causes distraction.	2004 D.C. Stat., Chap. A15-0311	$100
	Prohibits driver use of a hand-held phone while driving.		
	Prohibits school bus drivers or drivers with a learner's permit from using a cell phone while driving.		

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