

2 September 2020

Mr Patrick O'Brien
Committee Manager
Standing Committees
Department of the Legislative Council
Parliament of Victoria
Spring Street
East Melbourne Vic 3002

By email: roadtollinquiry@parliament.vic.gov.au

Maurice Blackburn – Response to Questions on Notice – Supplementary Information

Dear Mr O'Brien,

Thank you for the opportunity to provide the Committee with supplementary information in relation to our response to the Questions on Notice provided on 18 August 2020.

We have been asked to provide specific information on other jurisdictions that have introduced disabling technology for mobile phones in cars.

I have made contact with Maurice Blackburn's senior Principal Lawyers who work in the area of road safety in other mainland States and Territories, and asked them to provide any information they may have as to whether the jurisdiction in which they practice has (a) formally adopted the introduction of mobile phone disabling technologies, or (b) have announced that they are considering the introduction of mobile phone disabling technologies, or (c) have a formal road safety plan which includes the introduction of mobile phone disabling technologies.

The result of that consultation has revealed that, to the best of our knowledge, no jurisdiction in which we work has formally moved to adopt mobile phone disabling technologies.

Jurisdictions do, however, appear to be considering such technologies, to varying degrees.

Queensland:

Queensland's Road Safety Action Plan 2020-21¹ identifies "Assessing the feasibility of emerging technology" as one of its Stage 2 priorities for addressing driver distraction². In the short term, the plan focuses on enforcement measures to reduce in-car phone use.

We note that the Queensland Government's "*Time travel: Megatrends and scenarios for transport in Queensland out to 2048*" report³ includes notes to the effect that once automated vehicles are introduced, driver distraction will cease to be an issue.

New South Wales:

The NSW Road Safety Plan 2021⁴ commits to 'behavioural and policy reform research', including in the area of driver distraction and mobile phone use. Current focus is on using camera based technologies to detect and police mobile phone use⁵.

Western Australia:

WA's Road Safety Strategy⁶ is silent on the use of disabling technologies, focusing efforts in reducing driver distraction on education campaigns. It should be noted that the current strategy was developed some time ago, perhaps before such technologies were on the horizon. Consultations for a 2020-2030 strategy commenced last year.

Royal Automobile Club of WA reports that WA's Road Safety Commissioner is conducting research on the issue⁷.

South Australia:

SA's Road Safety Strategy to 2020⁸ is silent on the use of disabling technologies, perceiving driver distraction as an issue of acceptance of personal responsibility.

Northern Territory

NT's Toward Zero Action Plan notes that the use of blocking technologies was raised in the consultation process leading up to the development of the action plan⁹, but no corresponding actions appear in the document. Actions focus instead on increasing fines for mobile phone use while driving and driver distraction awareness campaigns.

Whilst no mainland jurisdiction has, to our knowledge, moved to formally incorporate the use of disabling technology for mobile phones within their rules, it is worth noting that some consumer groups seem to be more advanced in their thinking on the issue. For example, Bicycle Network has recommended that Australia¹⁰:

- Fast-track in-vehicle mobile phone blocking technologies and its mandated implementation across all new vehicles sold in Australia, and
- In-built opt-out 'Do not disturb while driving' apps automatically activated in all smartphones sold in Australia.

¹ <https://www.tmr.qld.gov.au/Safety/Road-safety/Strategy-and-action-plans>

² Ibid; p.8

³ <https://www.tmr.qld.gov.au/-/media/communityandenvironment/Planning-for-the-future/Queensland-Transport-Strategy/time-travel-report-0619.pdf?la=en>

⁴ <https://towardszero.nsw.gov.au/sites/default/files/2018-02/road-safety-plan.pdf>; p.24

⁵ Ibid, p.5

⁶ <https://www.rsc.wa.gov.au/RSC/media/Documents/About%20Us/Towards%20Zero/towards-zero-strategy.pdf>

⁷ <https://rac.com.au/about-rac/advocating-change/initiatives/lookup/how-tech-stops-tech>

⁸ https://www.dpti.sa.gov.au/_data/assets/pdf_file/0020/82163/South_Australias_Road_Safety_Strategy_to_2020.pdf. See for example p.20

⁹ https://roadsafety.nt.gov.au/_data/assets/pdf_file/0007/466675/Towards-Zero-Action-Plan-v18.1.pdf; p.19

¹⁰ https://s23705.pcdn.co/wp-content/uploads/2019/02/Bicycle-Network_Developing-technology-neutral-road-rules-for-driver-distraction.pdf; p.3

We trust this information will be of benefit to the Committee.

Thank you again for the opportunity to participate in the Committee's valuable work. If the Committee identifies any way that Maurice Blackburn might further assist, please do not hesitate in making contact.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Janine Gregory". The signature is written in a cursive, flowing style.

Janine Gregory
Principal Lawyer
Maurice Blackburn