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Fact sheet:

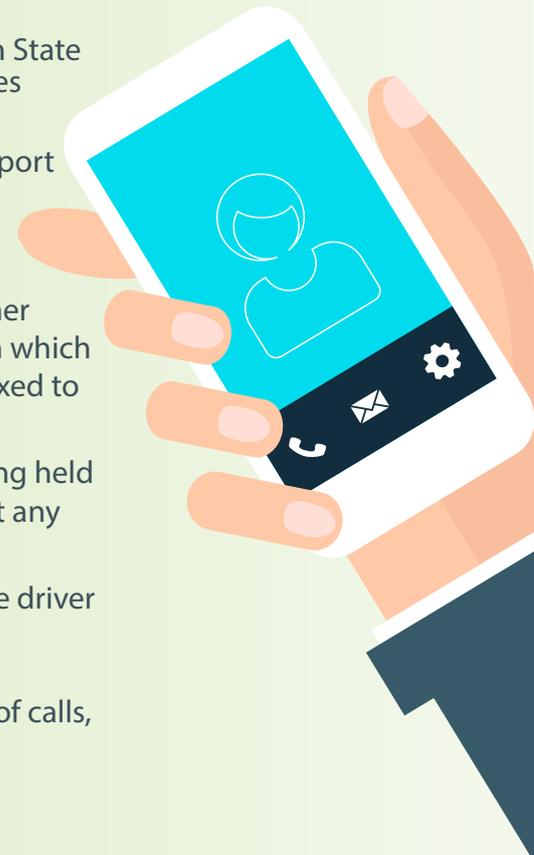
Australian Law Governing the Use of Mobile Phones in Vehicle

The road rules for mobile phone use are not the same in every Australian State and Territory so drivers should always make themselves aware of the rules related to mobile phone use in the jurisdiction in which they are driving.

The Australian road rules 2012 (ARR) is maintained by the National Transport Commission (NTC) with Rule 300 focused specifically on mobile phones.

Key elements of the law include:

- A driver may only use the phone to make or receive a phone call (other than a text message, video message, email or similar communication which is not allowed) if the body of the phone is secured in a mounting affixed to the vehicle while being so used.
- The other way the driver is allowed to use the phone is if it is not being held by the driver, and the use of the phone does not require the driver, at any time while using it, to press any part of the phone.
- Exemptions to this rule are emergency vehicles, police vehicles or the driver is exempt from this rule under another law of this jurisdiction.
- Phone calls are to be audio phone calls only and not any other form of calls, more specifically video calls (Cited in 2015 Amendment)



What does Mobile Phone Rule 300 in the ARR mean by secured in a mounting affixed to the vehicle while in use?

A mobile phone is considered to be secured in a mounting affixed to the vehicle if, and only if the mounting is commercially designed and manufactured for that purpose. It also has to be secured in the mounting and connected to the vehicle as intended by the manufacturer.

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For the purposes of this rule, a driver does is not considered to be using a phone to receive a text message, video message, email or similar communication if the communication is received automatically by the phone; and the communication itself does not become automatically visible on the screen of the phone.

The key terminology used in the Australian Road Rules are:

- **affixed** to, in relation to a vehicle, includes forming part of the vehicle
- **body**, in relation to a mobile phone, means the part of the phone that contains the majority of the phone's mechanisms
- **held** includes held by, or resting on, any part of the driver's body, but does not include held in a pocket of the driver's clothing or in a pouch worn by the driver
- **mobile phone** does not include a CB radio or any other two-way radio
- **use**, in relation to a mobile phone, includes holding the body of the phone in the hand (whether or not engaged in a phone call), the exception is if in the process of giving the body of the phone to a passenger in the vehicle. Entering, placing, sending or looking at anything on the phone, other than by the use of voice. Turning the phone on or off or operating any other function of the phone

Which states/territories have modified ARR Mobile Law (Rule 300)?

Victorian legislation (Updated 02/11/2015)

- Learner and probationary drivers (P1 and P2) are not to use mobile phones while the vehicle is moving, or stationary but not parked.
- For the purpose of this rule, a vehicle is considered to be parked even if the key is in the ignition and the engine is still running.
- A smart watch is considered to be of the same manner as mobile phones in that they are not to be used when driving, although it is not mentioned in the legislation, it is stated on the [VicRoads website](#).
- Motorbike riders are not to use mobile phones or navigational devices while they are a learner, probationary rider or have had their motor cycle licence for a period of less than 3 years.

New South Wales legislation (Updated 1/3/2016)

- Learners and P1 drivers are not allowed to use mobile phones while the vehicle is moving, or stationary but not parked.
- P2 drivers however are allowed to use mobiles to the extent of rule 300.

Queensland's legislation (Updated 1/9/2015)

- Restrictions apply to learners, P1 probationary license, P1 restricted and P1 provisional license holders under 25. They can't use a mobile phone while driving regardless of the facility for hands-free or wireless headset. Passengers of these drivers are restricted from using mobiles on speakerphone, allowing the driver to focus on driving.
- Additional restrictions do not apply to P2 drivers.

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Northern Territory's legislation (Updated 16/3/2016) Rule 15A, 86B and 300 of the Australian Road Rules

- a learner or provisional driver may not use mobile phones while the vehicle is moving, or stationary but not parked, for any form of mobile use including hands-free wireless headsets.

South Australia's legislation (Updated 1/9/2014)

- a driver who is the holder of a learner's permit or P1 licence must not use a mobile phone while the vehicle is moving or stationary but not parked.
- The exemption to this is the driver of an emergency vehicle or police vehicle.

Western Australia's legislation (Updated 27/4/2016) Rule 265

Tasmania's legislation (Updated 24/2/2016) Rule 300

ACT's Road Transport (Safety and Traffic Management) Regulation 2000 R57 effective 18/3/2016 (Rule 300)

What are the penalties for the illegal use of a mobile phone whilst driving?

- The penalties for each state are different, but they all involve a fine and a loss of demerit points, for example: Victoria the penalties are 4 demerit points and a \$455 fine.

Australian road rules

