

# Mobile Phone Guide Throughout Australia



Disclaimer: This is a guide only and should not be interpreted as legislation for each state. You need to obtain Your own legal advice to ensure correct operation of a phone in a vehicle. Boost Salary Packaging take no Responsibility for the information provided as it is offered for guidance only. (As of January 2013)

# Queensland

In Queensland it is against the current law to use your mobile phone while your vehicle is moving or stationary, unless your vehicle is put safely in park. As a driver you cannot make or answer a phone call unless either of the following restrictions is in place:

- Your mobile is placed in a fixed cradle and
- Does not need you to touch or manipulate the phone in anyway

Using the following functions is also illegal while behind the wheel of a vehicle:

- Texting
- Video calling/messaging
- Emailing functions
- Social Media

If you mobile has a GPS you may use it if:

- The phone is secured in a fixed cradle
- Your phone is not in a position it will distract or obscure you view or concentration in anyway
- You don't not have to manipulate your phone whilst driving



Source: <http://www.tmr.qld.gov.au/Licensing/Getting-a-licence/Getting-a-car-driver-licence/P1-and-P2-restrictions/Mobile-phones.aspx>

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# New South Wales

In New South Wales the current law states it is illegal to use your phone while your vehicle is moving or stationary (but not parked), as a driver you may only use a mobile phone to make or receive a call or use the audio playing function in the following situations.

- The mobile phone is secured in a fixed mounting
- The mobile phone does not require you to touch or manipulate the phone in any way.

All other functions including texting, video messaging, online chatting, reading preview messages and emailing are strictly prohibited.

While your vehicle is moving or stationary (but not parked), you must not hold your mobile phone in your hand other than to pass the phone to a passenger.

A mobile phone's GPS (or other driver's aid) function may only be used if:

- the phone is secured in a commercially designed and manufactured fixed mounting, and
- the mounting is fixed in a location that will not distract or obscure your view in any way, and
- the use of the driver's aid does not distract you from driving or from being in proper control of your vehicle



Source: <http://www.rta.nsw.gov.au/roadsafety/driverdistractions/index.html>

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# Western Australia

In Western Australia a mobile phone can only be used by the driver if the phone is:

- secured in a mounting affixed to the vehicle
- if not secured, can be operated without touching or manipulating

It is illegal to create, send or read a text message while the car is on. You are also prohibited from checking and replying to emails, video messaging, phone games or forms of similar communication where you need to touch your phone regardless is the phone is securely mounted.

The GPS function on a mobile phone can be used by the driver providing the phone is in a securely fixed cradle and the mobile is not to be touched to use this application.



Source: <http://www.ors.wa.gov.au/Demographic-Pages/I-am-Working-in-Road-Safety/Distractions.aspx>

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# South Australia

The current law states that a mobile phone can only be used to make or receive a phone call only if the phone is:

- Secured in a mounting device affixed to the vehicle
- Remotely operated - the phone must not be held by or resting on the body (driver's pocket or pouch excluded) and there must be no touching of the keypad.

If you need to make or receive a phone call, including dialling a number, and need to touch the phone (including its keypad) in order to do so, the phone must be mounted.

A phone can be used on loudspeaker providing that it is secured in a fixed mounting. You can also use loudspeaker if your phone is remotely operated, for example voice activated blue tooth or similar technology or through an earpiece or headset, and the phone is not held by or resting on any part of the body and there is no use of the keypad of the phone. If the phone is not mounted or remotely activated then a driver is not able to answer the call.

It is an offence to create, send or look at a text or video message on your phone. It is also illegal to access social media, gaming applications and anything alike.



Source: [http://www.dpti.sa.gov.au/roadsafety/Safer\\_behaviours/inattention/mobile\\_phone\\_use](http://www.dpti.sa.gov.au/roadsafety/Safer_behaviours/inattention/mobile_phone_use)

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# Tasmania

In Tasmania using a mobile phone while driving is banned from making or receiving phone calls except if:

- is secured in a commercially designed holder fixed to the vehicle
- Can be operated by the driver without touching any part of the phone.

All other functions (including video calls, texting and emailing) are also prohibited.

Also, holding the phone (whether or not engaged in a phone call) is also prohibited. *'Holding'* includes resting the mobile on the driver's lap, or between the chin and shoulder or passing the phone to a passenger



Source: [http://www.transport.tas.gov.au/licence\\_information/tasmanian\\_road\\_rules](http://www.transport.tas.gov.au/licence_information/tasmanian_road_rules)

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# Victoria

Victorian current law states that you cannot use your phone at all while driving or the car is stationary and not placed in park, unless you have access to a fixed mounted mobile cradle and it can be used hands free and without being manipulated.

In Victoria as a driver it is illegal to use your mobile phone while the car is switched on, this includes:

- Talking
- Sending and reading a text message
- Play phone based games
- Taking photos
- Using social media
- Checking emails

It is illegal to use a hands-free phone whilst driving if it causes you to lose proper control of your vehicle.



Source: <http://www.vicroads.vic.gov.au/Home/SafetyAndRules/SafetyIssues/MobilePhonesAndDriving.htm>

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# Northern Territory

Mobile phone laws in the Northern Territory state that the driver of a vehicle can make or receive a phone call on a mobile phone only if:

- If the phone is either secured in a mounting fixed to the vehicle or remotely operated.

The below functions and alike are strictly prohibited:

- video call
- texting
- emailing
- social media
- Games etc.

There must be no touching of the keypad unless the phone is fixed to the vehicle. The driver may touch the ear piece or headset to operate the phone or pass it to a passenger.



Source: <http://www.transport.nt.gov.au/safety/road-safety/road-rules>

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