

South Australia

Australian Road Rules Variation Rules 2008

under the *Road Traffic Act 1961*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Australian Road Rules*

- 4 Substitution of rule 300—Use of mobile phones
300 Use of mobile phones
-

Part 1—Preliminary

1—Short title

These rules may be cited as the *Australian Road Rules Variation Rules 2008*.

2—Commencement

These rules will come into operation on 25 March 2008.

3—Variation provisions

In these rules, a provision under a heading referring to the variation of specified rules varies the rules so specified.

Part 2—Variation of *Australian Road Rules*

4—Substitution of rule 300—Use of mobile phones

Rule 300—delete rule 300 and substitute:

300—Use of mobile phones

- (1) The driver of a vehicle (except an emergency vehicle or police vehicle) must not use a mobile phone while the vehicle is moving, or is stationary but not parked, unless the driver is exempt from this rule under another law of this jurisdiction.

Offence provision.

Note—

Emergency vehicle, park and *police vehicle* are defined in the dictionary.

- (2) Subrule (1) does not apply to a driver using a mobile phone if the phone is being used to make or receive a phone call and, while being so used:
- (a) is secured in a mounting affixed to the vehicle; or
 - (b) is remotely operated by means of a device (whether connected to the phone by means of a wire or otherwise):
 - (i) affixed to the vehicle; or
 - (ii) worn by the driver in the manner intended by the manufacturer,and the phone is not being held by the driver.
- (3) To avoid doubt, nothing in subrule (2)(b) authorises a person to use a mobile phone by pressing a key on the phone, or by otherwise manipulating the body or screen of the phone, if the phone is not secured in a mounting affixed to the vehicle.
- (4) For the purposes of this rule, a mobile phone will only be taken to be secured in a mounting affixed to the vehicle if—
- (a) the mounting is commercially designed and manufactured for that purpose; and
 - (b) the mobile phone is secured in the mounting, and the mounting is affixed to the vehicle, in the manner intended by the manufacturer.
- (5) In this rule:
- affixed to***, in relation to a vehicle, includes forming part of the vehicle;
- 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;
- phone call*** does not include a text message, video message, email or similar communication;
- use***, in relation to a mobile phone, includes the following:
- (a) holding the phone to, or near, the ear (whether or not engaged in a phone call);
 - (b) creating, sending or looking at a text or video message on the phone;
 - (c) turning the phone on or off;
 - (d) operating any other function of the phone.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these rules come into operation as set out in these rules.

Made by the Governor

with the advice and consent of the Executive Council
on 21 February 2008

No 18 of 2008

MRS08/003