

South Australia

Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Variation Regulations 2009

under the *Road Traffic Act 1961*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on 31 August 2009.

3—Variation provisions

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

Part 2—Variation of Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999

4—Insertion of regulation 33

After regulation 32 insert:

33—Prohibition of use of mobile phone by holder of learner's permit, P1 licence etc

- (1) Despite anything in rule 300 (Use of mobile phones), a driver of a vehicle (except an emergency vehicle or police vehicle) who is a learner or P1 driver must not use a mobile phone while the vehicle is moving or is stationary but not parked.

Maximum penalty: \$2 500.

- (2) In this regulation—

corresponding permit or licence means—

- (a) a learner licence, provisional licence or probationary licence issued under the *Road Transport (Driver Licensing) Act 1999* of the Australian Capital Territory; or
- (b) a learner licence or provisional licence issued under the *Road Transport (Driver Licensing) Act 1998* of New South Wales; or
- (c) a learner licence or licence that is provisional issued under the *Motor Vehicles Act* of the Northern Territory; or
- (d) a learner licence, provisional licence or probationary licence issued under the *Transport Operations (Road Use Management) Act 1995* of Queensland; or
- (e) a learner licence or provisional licence issued under the *Vehicle and Traffic Act 1999* of Tasmania; or
- (f) a learner permit or probationary driver licence issued under the *Road Safety Act 1986* of Victoria; or
- (g) a learner's permit or provisional licence issued under the *Road Traffic Act 1974* of Western Australia;

learner or P1 driver, in relation to a vehicle, means a driver—

- (a) who is the holder of a learner's permit or P1 licence within the meaning of the *Motor Vehicles Act 1959* that authorises him or her to drive a vehicle of that class on a road; or
- (b) who—
 - (i) is the holder of a corresponding permit or licence issued under a law of another State or a Territory of the Commonwealth that authorises him or her to drive a vehicle of that class on a road; and

- (ii) is prohibited by the law of that State or Territory from driving a vehicle of that class on a road in that State or Territory without displaying an "L" plate or a red "P" plate (as the case may be) on the vehicle;

"L" plate means a plate or sign displaying the letter "L" in black lettering on a yellow background;

mobile phone has the same meaning as in rule 300;

red "P" plate means a plate or sign displaying the letter "P" in red lettering on a white background or in white lettering on a red background;

use has the same meaning as in rule 300.

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 regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 16 July 2009

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