

**2015**

**THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**ROAD TRANSPORT (SAFETY AND TRAFFIC  
MANAGEMENT) AMENDMENT REGULATION 2015  
(No 2)  
SL2015-35**

**EXPLANATORY STATEMENT**

**Circulated by authority of  
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Minister for Justice**

# **ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT REGULATION 2015 (No2)**

## **Introduction**

This explanatory statement relates to the *Road Transport (Safety and Traffic Management) Amendment Regulation 2015 (No 2)* (the regulation) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the regulation and to help inform debate on it. It does not form part of the regulation and has not been endorsed by the Assembly.

The Statement must be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

## **Outline**

The regulation amends the *Road Transport (Safety and Traffic Management) Regulation 2000*.

The regulation modifies the operation of the incorporated Australian Road Rules (ARR) so that ACT drivers can use mobile phones for GPS purposes, provided the phone is securely mounted to the vehicle.

The regulation also achieves a uniform approach for both drivers of vehicles and riders of motor bikes in relation to the use of standalone GPS devices (and other visual display units used as a driver's aid). The uniform approach provides that the unit must either be an integrated part of the vehicle or be securely mounted to the vehicle.

The regulation better aligns the ACT's road transport legislation with other Australian jurisdictions, and particularly with New South Wales.

The regulation creates uniformity within the ACT/NSW region by ensuring that any device being used while driving for GPS purposes is treated identically, regardless of whether that device is a standalone GPS device or a mobile phone. The regulation also treats riders and drivers using mobile phones and standalone GPS devices (and other visual display units used as a driver's aid) in the same manner.

This regulation does not engage or limit human rights.

## **Notes on clauses**

### **Clause 1      Name of regulation**

This is a formal provision that sets out the name of the regulation.

### **Clause 2      Commencement**

This is a formal provision that provides for the commencement of the regulation.  
This regulation will commence on the day after it is notified.

### **Clause 3      Legislation amended**

This clause lists the legislation amended by the regulation. The regulation amends the *Road Transport (Safety and Traffic Management) Regulation 2000*.

### **Clause 4      Div 2.2.1, note 2, new items 28A and 28B**

This clause modifies the table in note 2 to Division 2.2.1 of the *Road Transport (Safety and Traffic Management) Regulation 2000*. That table sets out the provisions of the ARR for which provision is made under Part 2.2 of that regulation in relation to the operation of the ARR in the ACT.

Two new items are inserted in the table, relating to the operation in the ACT of ARRs 299 and 300.

New item 28A refers to ARR 299 (Television receivers and visual display units in motor vehicles) for which provision is made under new section 30A (inserted by clause 5).

New item 28B refers to ARR 300 (Use of mobile phone) for which provision is made under new section 30B (inserted by clause 5).

### **Clause 5      New sections 30A and 30B**

This clause inserts new sections 30A and 30B effectively providing for circumstances in which visual display units and mobile phones can be used in vehicles, including on motor bikes.

ARR 299 (Television receivers and visual display units in motor vehicles) makes it an offence for a driver to drive motor vehicle with a television receiver or visual display unit (VDU) operating ,where the image is visible to the driver or likely to distract another driver, except in a range of specified circumstances. These exceptions include where the VDU is a driver's aid and either an integrated part of the vehicle design or secured in a mounting affixed to the vehicle and, for motorbike riders, where the VDU is a driver's aid and the rider is not holding the unit in his or her hand.

ARR 299(2)(c) is to the effect that ARR 299 doesn't apply if the driver or vehicle is exempt under another law of the ACT.

Section 30A provides that for ARR 299(2)(c) both a driver and a rider may have a VDU in or on the vehicle, provided the unit is an integrated part of the vehicle or securely mounted to the vehicle.

This removes the distinction between riders of motor bikes and drivers of other vehicles in relation to the use of standalone GPS devices (and other VDUs used as a driver's aid).

ARR 300 provides that the driver of a vehicle must not use a mobile phone while the vehicle is moving or is stationary, but not parked, subject to a number of exceptions, including where the phone is secured in a mounting or not being held or required to be touched by the driver while in use. ARR 300(1)(c) is to the effect that the ARR doesn't apply if the driver is exempt under another law of the ACT.

Clause 5 inserts new section 30B, which provides that for ARR300(1)(c) a driver can use a mobile phone to perform a navigational or intelligent highway and vehicle system function, provided the mobile phone is securely mounted to the vehicle.