



Australian Capital Territory

# Road Transport (Safety and Traffic Management) Amendment Regulation 2010 (No 1)

**Subordinate Law SL2010-38**

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The Australian Capital Territory Executive makes the following regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

Dated 13 September 2010.

JON STANHOPE  
Minister

KATY GALLAGHER  
Minister

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J2010-477

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)





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Road Transport (Safety and Traffic Management) Act 1999

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## 1 Name of regulation

This regulation is the *Road Transport (Safety and Traffic Management) Amendment Regulation 2010 (No 1)*.

## 2 Commencement

This regulation commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

## 3 Legislation amended

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

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**4 New section 6B**

*in part 2.1, insert*

**6B Substitution—ARR r 300**

The Australian Road Rules are to be read as if rule 300 read as follows:

**‘300 Use of mobile phones**

- (1) The driver of a vehicle must not use a mobile phone while the vehicle is moving, or is stationary but not parked, unless:
  - (a) the phone is being used to make or receive a phone call (other than a text message, video message, email or similar communication) and the body of the phone:
    - (i) is secured in a mounting affixed to the vehicle while being so used; or
    - (ii) is not secured in a mounting affixed to the vehicle and 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 anything on the body of the phone or to otherwise manipulate any part of the body of the phone; or
  - (b) the vehicle is an emergency vehicle or a police vehicle; or
  - (c) 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) For the purposes of this rule, a mobile phone is secured in a mounting affixed to the vehicle if, and only 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.
- (3) For the purposes of this rule, a driver does not use a phone to receive a text message, video message, email or similar communication if:
- (a) the communication is received automatically by the phone; and
  - (b) on and after receipt, the communication itself (rather than any indication that the communication has been received) does not become automatically visible on the screen of the phone.
- (4) In this rule:

***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 any of the following actions by a driver:

- (a) holding the body of the phone in her or his hand (whether or not engaged in a phone call), except while in the process of giving the body of the phone to a passenger in the vehicle;
- (b) entering or placing, other than by the use of voice, anything into the phone, or sending or looking at anything that is in the phone;
- (c) turning the phone on or off;
- (d) operating any other function of the phone.’

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## Endnotes

### 1 Notification

Notified under the Legislation Act on 16 September 2010.

### 2 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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