



New South Wales

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Novice Drivers) Regulation 2007

under the

Road Transport (Safety and Traffic Management) Act 1999

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

ERIC ROOZENDAAL, M.L.C.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* to prevent the holders of learner licences and provisional P1 licences from using mobile phones, whether or not held in the hand, while driving.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power) and Schedule 1.

2007 No 243

Clause 1 Road Transport (Safety and Traffic Management) (Road Rules)
Amendment (Novice Drivers) Regulation 2007

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Novice Drivers) Regulation 2007

under the

Road Transport (Safety and Traffic Management) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Novice Drivers) Regulation 2007*.

2 Commencement

This Regulation commences on 1 July 2007.

3 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 47F

Insert after clause 47E:

47F Use of mobile phones by holders of learner and provisional P1 licences

- (1) The driver of a vehicle (except an emergency vehicle or police vehicle) who is the holder of a learner licence (within the meaning of the *Road Transport (Driver Licensing) Act 1998*) or provisional P1 licence must not use a mobile phone, whether or not held in the hand, while the vehicle is moving or is stationary but not parked.

Maximum penalty: 20 penalty units.

- (2) In this clause:

emergency vehicle has the same meaning as in the *Australian Road Rules*.

mobile phone does not include a CB radio or any other two-way radio.

police vehicle has the same meaning as in the *Australian Road Rules*.

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) writing, sending or reading a text message on the phone,
- (c) turning the phone on or off,
- (d) operating any other function of the phone.

[2] Schedule 1 Qualifications on application of Australian Road Rules

Insert after clause 19:

20 Use of mobile phones

Rule 300 of the *Australian Road Rules* does not apply to the driver of a vehicle who is the holder of a learner licence (within the meaning of the *Road Transport (Driver Licensing) Act 1998*) or provisional P1 licence.

Note. Clause 47F of this Regulation places restrictions on the use of mobile phones, whether or not held in the hand, by the holder of a learner licence or provisional P1 licence.