

Mobile phones – rule change – 16/10/09

Clarification statement

Clarification of the mobile phone rule:

The new mobile phone rule has been revised. Previous communication has stated that a driver can **only** use their mobile phone to make or receive a call (when in a cradle or remotely operated) AND all other functions are prohibited.

The change now states that in addition to being able to make or receive a call when the driver is using a phone in a cradle or remotely, the driver is also able to use the music/audio (without video) functions.

Using a phone as a GPS is also permitted, but only if the phone is secured in a commercially designed cradle.

All other functions outside of GPS and music/audio (without video) remain prohibited.

The revised rule is:

Using a mobile phone while driving to make or receive a phone call or audio/music functions is prohibited except if the phone:

- is secured in a commercially designed holder fixed to the vehicle,
or
- can be operated by the driver without touching any part of the phone.

Using a phone as a GPS while driving is prohibited except if it is secured in a commercially designed holder fixed to the vehicle.

All other functions (including video calls, texting and emailing) are prohibited.

Learner and P1 drivers are prohibited from using mobile phones at all while driving.

Holding the phone (whether or not engaged in a phone call) remains prohibited. Holding includes resting the mobile on the driver's lap.

Q&As

1. What is the change to the new mobile phone rule?

The new mobile phone rule (rule 300) has been changed from not allowing the use of navigational devices on mobile phones to allowing them, as long as the phone is secured in a commercially designed cradle.

Drivers will also be able to listen to music on their mobile phone if the mobile phone is secured in a cradle or the phone can be operated remotely.

It will still be illegal to text, email or perform any other function that requires the driver to handle the body of the phone while driving.

2. Why has VicRoads changed the new mobile phone rule?

The new mobile phone rule is an amendment to a nationally agreed rule. Victoria's amendment of the rule addresses an inconsistency between the road rule regarding mobile phone use and the rule regarding the use of visual display units.

The previously drafted rule would have banned the use of GPS devices in mobile phones. This rule – and the inconsistency between rules 299 and 300 - was causing confusion in the Victorian public, so VicRoads has clarified the rule to allow the GPS function of a mobile phone to be used while driving.

Logically, if the use of standalone GPS units is permitted, mobile phone GPSs should also be allowed.

3. Why permit navigational devices (GPS)?

At this point in time, there is little research to suggest that navigational devices are unsafe or that the use of GPS devices feature in crash statistics.

Navigational devices are continually evolving, becoming smarter and safer with intelligent features such as speed zone advice.

VicRoads will continue to monitor evolving technology and its effects on driver distraction.

4. Why didn't we realise the inconsistency in rule before it was communicated?

Victoria has been committed to a national approach to road rules. The rules are developed and agreed to nationally and the original version of the rule is the national version.

As one of the first states to implement this new rule, Victoria has had to put it to the test and the inconsistency in the rules became apparent.

So getting the rule right before it comes into effect on 9 November 2009, means we need to change.

5. If Victoria is changing the national rule, is this rule going to be different across Australia?

The implementation date of new road rules varies across Australia, as each State or Territory sets their own timeline.

At this time, all states are looking at the rules relating to mobile phones and GPS devices to see if they need to be changed. Consistency is important and we would like the other states to take this approach.

In the meantime, the vast majority of road rules remain consistent across Australia. However, if drivers feel unsure about the road rules, prior to travelling in a different

State or Territory, they should familiarise themselves with the rules of the place they are visiting.

To do this, you should contact the road authority in the relevant State or Territory.

6. Will VicRoads continually change road rules to keep up with changes in technology?

Good policy making requires continuous review. This includes assessing how technology affects road safety.

No one can predict how technology will evolve, but we can maintain high standards to ensure road user safety.

In addition, VicRoads continues to be committed to the national approach to road rules and will maintain ongoing involvement in this process.

7. What about the people that may have bought a separate navigational device, because they were not able to use GPS on their mobile phone?

We acknowledge that clarifying this rule has been difficult. Wherever possible and throughout the process of clarifying the new road rules, VicRoads has kept the public informed about the upcoming changes to the road rules.

As the rules have changed, we have made this information available, and we are pleased we have been able to clarify this rule before the new road rules package is introduced to Victoria in November 2009.

It is important to note that navigational devices are all still permitted to be used, as long as they are in an appropriate holder.

8. Will this make enforcement more difficult?

Allowing the GPS function on mobile phones will make enforcement of illegal mobile phone use more difficult.

However, we cannot have inconsistent rules and on balance, it is the sensible thing to allow the GPS function on mobile phones.

Overall, the rule will assist enforcement. From 9 November it will be clear that mobile phones must be either in a commercially designed cradle or operated remotely (only for making and receiving calls and for audio/music function). Previously, this has been a major barrier to enforcement.

9. What about learners and P1 drivers? Does this rule change affect them?

No. Learners and P1 drivers will continue to be banned from using mobile phones at any time, for any purpose, while driving.

10. Why are you allowing GPS, but not allowing video on mobile phones?

GPS is considered a driver's aid as it is used to assist drivers, whereas video is not required to assist driving and can be distracting.