

LEGAL MOBILE PHONE USE WHILE DRIVING

It is safest to not use a mobile phone while driving. However, in limited circumstances, it is legally acceptable.

Legal phone use, even by very experienced drivers, can still be distracting increasing the risk of a crash. It's important to be aware of what is legal and illegal use of the phone. If you choose to use your phone legally, we encourage you to consider this advice.

Note: some wearable devices, such as Bluetooth connected watches, perform similar functions to a phone so this fact sheet can also be applied to keep you safe.

What is illegal device use in the car?

It is illegal for a driver to:



hold and use a mobile phone at any time while driving or waiting in a queue of traffic, at an intersection, or at traffic lights



create, send or read any type of message while driving



email, use social media, video call, browse the internet, play games and take photos/video while driving



perform any other activity not specifically listed while holding a mobile phone and driving, including using the phone for navigation or to play music.

These functions are only permitted when legally parked, meaning the vehicle is stopped safely and is not in the flow of traffic.

The penalty for using a hand-held mobile phone while driving is \$80 and 20 demerit points.



What are your options?

Best practice while driving:

- Do not use a phone at all. Let calls go to voicemail and do not respond to any message you receive. Only use the phone if you pull over and park safely. This is the safest choice and allows you to respond fully once you're parked.
- Use an app or function like 'Do not disturb while driving' mode activated on your phone. Text messages and other notifications are silenced or limited, but you can still play music and get navigation assistance.

If you decide to use your phone legally:

- use it on a hands-free device/mounting - while this is practical it still carries risk
- use it only for navigation (enter the destination before you drive) or as a music source (set it up before you drive).



Hands-free

Hands-free does not mean risk free.

If you are talking hands-free, you are still more at risk of having a crash than if you are not talking on the phone at all. This is because the driver using a phone can be distracted by concentrating on the conversation rather than on the road.

If you are talking hands-free, it is recommended that you:

- keep the conversation short
- don't engage in complex or emotional conversations
- tell the person on the other end that you are driving and may have to end the call abruptly
- end the call if it's distracting you from driving.

What is legal mobile phone use in the car?

Use/function	
<p>Make or receive an audio phone call</p> 	<p>ONLY if the phone is either:</p> <ul style="list-style-type: none">▪ secured in a mounting fixed to the vehicle, that does not obstruct the driver's view, and you touch the phone infrequently and briefly <p>or</p> <ul style="list-style-type: none">▪ it can be operated without touching any part of the phone (eg Bluetooth, voice activation or if the controls to answer the phone are part of the car steering wheel or dashboard).
<p>Use music or audio functions</p> 	<p>ONLY if the phone is either:</p> <ul style="list-style-type: none">▪ secured in a mounting fixed to the vehicle, that does not obstruct the driver's view, and you touch the phone infrequently and briefly <p>or</p> <ul style="list-style-type: none">▪ it can be operated without touching any part of the phone (eg Bluetooth or voice activation).
<p>Use for navigation (eg Google Maps)</p> 	<p>ONLY if the phone is either:</p> <ul style="list-style-type: none">▪ secured in a mounting fixed to the vehicle and does not obstruct the driver's view of the road. Drivers are encouraged to set the destination before driving and to rely on the GPS spoken directions rather than looking at the phone <p>or</p> <ul style="list-style-type: none">▪ it can be operated without touching any part of the phone (eg Bluetooth or voice activation).

Note: a driver can legally make a 111 or *555 call if it is not safe or impractical to stop the car to make the call.

Best practice when contacting a driver

When you contact someone who is driving, you can help keep them safe. Consider the following:

- If you are aware someone is driving, it is safest not to call or text them.
- If you do call someone and you suspect they are driving, offer to call them back.
- It is best to avoid complex or emotional conversations when someone is driving a car. Ask them to call you back or offer to call them back if the conversation is likely to be complex or emotional.
- If you do talk to someone who is driving, keep it brief.