

The Shopfront

YOUTH LEGAL CENTRE

Driving – Information for Young People

Fact Sheet 8 – Driving and Mobile Phone Use

Can I drive and use my mobile phone at the same time?

This depends on whether you are using a hand-held mobile phone or a hands-free phone. It also depends on what kind of licence you hold.

Hand-held mobiles

While you are driving, you *must not* use your hand-held mobile. This means that you cannot hold your mobile phone and:

- talk on the phone
- make a call or answer the phone
- send or read text messages
- take photos or play games
- turn the phone on or off

It is also against the law to do any of these things even if your vehicle is stopped but not parked. For example, when you are stopped in a traffic jam, at a stop sign or at the traffic lights.

The penalty for using a hand-held mobile phone while driving is 3 demerit points (or 4 if the offence occurs in a school zone) and a fine (up to \$338 if you are given a penalty notice; up to \$2200 if you are dealt with by a court).

Hands-free mobiles

From 1 July 2007, learner and P1 drivers are not allowed to use *any* mobile phone, even hands-free, while driving. This includes being stopped but not parked (e.g. at a red light or in a traffic jam).

If you have a P2 or full licence you may use a hands-free phone, only if you are sure that you can talk *and* have proper control of your vehicle at the same time. If you cannot keep control of your vehicle, you could be charged with negligent driving or a similar offence.

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The information in this fact sheet contains a basic summary of the law in New South Wales. It is not legal advice. This means that if you need legal advice, you should see a lawyer – do not rely on this information as a substitute for legal advice.

For more information, visit us at www.theshopfront.org or contact us at:

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