

---

**TRANSPORT**

---

TN301

Road Traffic Act 1974

**Road Traffic Code Amendment  
Regulations 2020****SL 2020/87**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Road Traffic Code Amendment Regulations 2020*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 September 2020.

**3. Regulations amended**

These regulations amend the *Road Traffic Code 2000*.

**4. Regulation 265 amended**

- (1) In regulation 265(1) insert in alphabetical order:

*audio call* does not include an email, text message, video call, video message or other similar communication;

- (2) After regulation 265(1) insert:

- (1A) For the purposes of this regulation, a driver is in a *restricted area* if —

- (a) the driver is in a school zone during a school zone period indicated on the “school zone” sign at the beginning of the zone; or
- (b) the driver is on a freeway; or
- (c) the speed limit applicable to the area or zone that the driver is in is 80km/h or more; or

- (d) the driver is approaching or passing a stationary incident response vehicle (as defined in regulation 137A(1)), unless the driver —
    - (i) is on a two-way carriageway; and
    - (ii) the incident response vehicle is on the side of the carriageway used by vehicular traffic travelling in the opposite direction to the driver.
- (3) In regulation 265(2):
- (a) in paragraph (a) delete “a phone call, other than a text message, video message, email or similar communication,” and insert:  
  
an audio call
  - (b) in paragraph (b) delete “phone.” and insert:  
  
phone; or
  - (c) after paragraph (b) insert:  
  
(c) all of the following apply —
    - (i) the vehicle is an on-demand vehicle (as defined in the *Transport (Road Passenger Services) Act 2018* section 4(1));
    - (ii) the phone is being used to accept, confirm the start of or cancel a booking for the vehicle to be used in the provision of an on-demand passenger transport service (as defined in the *Transport (Road Passenger Services) Act 2018* section 5(1));
    - (iii) the body of the phone is secured in a mounting affixed to the vehicle while being so used;
    - (iv) the driver is not in a restricted area;
    - (v) in the circumstances it is safe for the driver to use the phone as referred to in subparagraph (ii).
  - (d) in the Modified penalty delete “8 PU.” and insert:  
  
10 PU.

- (4) After regulation 265(2) insert:
- (2A) For an offence against subregulation (2), the points and modified penalty set out at the foot of this subregulation apply in the following cases instead of the points and modified penalty set out at the foot of subregulation (2) —
- (a) the phone is being used —
    - (i) to create, send or read a text message or email; or
    - (ii) to make or receive a video call; or
    - (iii) to create, send or view a video message; or
    - (iv) to take or view a photo; or
    - (v) to make or view a video;
  - (b) any other case in which the phone is being used otherwise than to make or receive an audio call.

Points:

- (a) during a holiday period: 8;
- (b) other than during a holiday period: 4.

Modified penalty: 20 PU.

M. INGLIS, Clerk of the Executive Council.

---