



New South Wales

Road Transport Amendment (Mobile Phone Detection) Bill 2019

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows—

- (a) to amend the *Road Transport Act 2013* to establish a presumption that an object held by, or resting on, the driver of a vehicle in a photograph taken by an approved traffic enforcement device that is approved for mobile phone use offences is a mobile phone for the purposes of a mobile phone use offence, unless the driver satisfies the court that the object was not a mobile phone,
- (b) to amend the *Road Rules 2014* to provide that, for a mobile phone use offence, the driver of a vehicle is not committing the offence if the driver is complying with a requirement made by a police officer or other authorised officer to hand the phone to the officer.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendments relating to mobile phone use offences

Schedule 1.1 gives effect to the object set out in paragraph (a) of the Overview above.

Schedule 1.2 gives effect to the object set out in paragraph (b) of the Overview above.