

REQUIREMENTS FOR PUBLIC PASSENGER VEHICLE DRIVERS

The Application of Disciplinary Action to Authorised Drivers for Using Specified Electronic Devices While in control of a Public Passenger Vehicle

This draft policy is being considered to replace the current policy for use of mobile phones and enable Roads and Maritime Services to take immediate action to suspend a driver in serious cases affecting passenger safety, while reflecting current lawful behaviour regarding use of mobile phones and other devices. We are particularly interested in comments on the kinds of devices to be covered, the way those devices may be used in a vehicle and the disciplinary action that might be applied by Roads and Maritime Services in instances of misuse. Comments on the draft policy are invited from all interested parties by 31 March 2012. Submissions should be marked "Use of Electronic Devices Draft Policy" and submitted to:

- Email: electronicdevices@transport.nsw.gov.au or
- Policy and Regulation Division
Transport for NSW
PO Box K659
Haymarket NSW 1240

For instance studies have revealed that using mobile phones when driving has great effect on road safety. The key findings are:

- Driver's reaction times were significantly slower;
- Drivers were less able to maintain a constant speed and safe distance and to keep in lane;
- Drivers displayed an inability to recognise hazards on the road; and
- Drivers displayed a significant visual distraction and missed more road warning signs.

The Australian Road Rules make driving while using a hand-held mobile phone illegal. The penalty is \$265 fine and loss of 3 demerit points. TfNSW sets higher standards for drivers holding a public passenger vehicle driver authority that are in control of a public passenger vehicle

TRANSPORT FOR NSW POLICY

Authorised public passenger vehicle drivers must not use a defined electronic device at any time, except in an emergency, while the public passenger vehicle is moving, or stationary but not parked. This includes devices operating with hands free and or ear pieces

Electronic device means any mobile phone, scanner, tablet type computers, e-readers, laptops and hand held games.

Transport for NSW regards the use of a defined electronic device while in control of a public passenger vehicle without acceptable justification as a serious breach of safety which is likely to result in suspension or possible cancellation of a driver's authority. In control of a vehicle means the vehicle is moving or if stationary is not yet secured by handbrake

Under the Passenger Transport Act 1990, the Director-General, Transport for NSW, is not required to refer to other legal proceedings in order to determine action regarding the suspension or cancellation of a driver authority. Should Transport for NSW receive reports of a serious breach of safety or unacceptable behaviour by an authorised driver these will be investigated.

Use of mobile phones and other unacceptable driver behaviour

Transport for NSW is seeking public comment on a draft revised policy for [Application of Disciplinary Action to Authorised Drivers for Using Specified Electronic Devices while in control of a Public Passenger Vehicle \(pdf 67KB\)](#).

The draft policy is being considered to replace the current policy for use of mobile phones (below) and enable Roads and Maritime Services to take immediate action to suspend a driver in serious cases affecting passenger safety, while reflecting current lawful behaviour regarding use of mobile phones and other devices.

We are particularly interested in comments on the kinds of devices to be covered, the way those devices may be used in a vehicle and the disciplinary action that might be applied by Roads and Maritime Services in instances of misuse. Comments on the draft policy are invited from all interested parties by **Tuesday 10 April 2012**.

Submissions should be marked "Use of Electronic Devices Draft Policy" and submitted to:

- Email: electronicdevices@transport.nsw.gov.au or
- Policy and Regulation Division
Transport for NSW
PO Box K659
Haymarket NSW 1240

Behaviour that may amount to unacceptable conduct by authorised drivers

Behaviour placing passengers at risk

Public passenger vehicle drivers must not use hand-held mobile phones while the vehicle is moving, or stationary but not parked. Only drivers of emergency or police vehicles are exempt.

The Australian Road Rules make driving while using a hand-held mobile phone illegal. The penalty is a \$225 fine and loss of 3 demerit points.

A recent study reveals that using mobile phones when driving has great effect on road safety. The key findings are:

- Driver reaction times were significantly slower
- Drivers were less able to maintain a constant speed and safe distance and to keep in lane
- Driver displayed an inability to recognise hazards on the road
- Drivers displayed a significant visual distraction and missed more road warning signs.

Transport for NSW policy on hand-held mobile phones

Under the Passenger Transport Act 1990, the Director General of Transport for NSW may suspend the authorities of public passenger drivers. Transport for NSW has a policy of suspension of driver authorities pending investigation of unacceptable conduct.

Transport for NSW considers use of a hand-held mobile phone by a driver of a public passenger vehicle as unacceptable conduct.

Disciplinary action for unacceptable conduct

Transport for NSW regards the use of a mobile phone while driving a public passenger vehicle as a serious breach of safety which may merit suspension or possible cancellation of a driver authority.

Driver and operator reporting

If a public passenger vehicle driver is penalised or charged by police for using a hand-held mobile phone while driving a public passenger vehicle:

- The driver must advise the relevant accredited operator of the public passenger vehicle, who must advise Transport for NSW
- If the driver is also the operator of the vehicle, he/she must advise Transport for NSW with details of the charge or penalty notice issued
- Transport for NSW will ascertain the circumstances of the offence from police
- Following advice from police, Transport for NSW will issue a letter noting the offence and a warning that a second offence will result in immediate suspension of the driver's driver authority and possible cancellation.

For a second such offence (within a 5-year period), the driver must advise the relevant accredited operator of the public passenger vehicle, who must advise Transport for NSW. At this point:

- Transport for NSW will issue the driver a 'Notice to Show Cause' as to why the driver's Driver Authority should not be cancelled, and a letter to the relevant accredited operator
- In the meantime, Transport for NSW will ascertain the circumstances of the offence from police
- Following advice from police and the response to the Notice, Transport for NSW will determine whether to lift the suspension or cancel the authority.

If operators penalise their drivers for using mobile phones while driving, the operator should also report the incident to Transport for NSW. Transport for NSW will issue a letter to the driver noting the offence or a 'Notice to Show Cause', after the first or second offence, respectively.

Driver is the subject of a Transport for NSW investigation

Under the Passenger Transport Act 1990, the Director General of Transport for NSW is not required to refer to other legal proceedings in order to determine action regarding suspension of a driver authority. Should Transport for NSW receive reports of unacceptable behaviour by a public passenger vehicle driver these will be investigated.

If a Transport for NSW investigating officer is satisfied that the event complained of did occur, this is sufficient to take further action.

Tags:

[Buses, Drivers, Taxis](#)

Last updated 27 March 2012