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LawTalk Blog



Can you speak on a mobile phone whilst riding a bicycle?

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In July 2018, the ABC reported on an incident where a [cyclist in Perth was fined \\$400 for talking on their mobile phone](#). There was another incident report in Adelaide in 2016 when a bike rider was fined \$140 for talking on their phone.

So are there any laws applicable to the use of mobile phones for bike riders?

Under South Australian Law, a bicycle is defined as a vehicle which means that cyclists are subject to the same basic road rules as motorists. Our State Government has adopted the [Australian Road Rules](#) which includes laws for the use of mobile phones whilst driving (or riding). Therefore, it is an offence to use your mobile phone whilst riding a bicycle.

The commentary which surrounded the July 2018 Western Australian offence was provided by a Police Traffic Inspector who confirmed that motorists and cyclists were treated the same when it came to mobile phone usage. He went on to say that it was not illegal to use a phone with headphones whilst cycling “as long as you are not holding the phone up to your ear or you have got it on loud speaker”.

Therefore, the position is very clear. Bike riders are deemed to be riding a vehicle and the restrictions on using a mobile phone apply both to drivers of cars and riders of bicycles. You can still talk on the phone whilst riding a bike, as long as you are speaking through headphones or loudspeaker and you are not holding your phone to your ear.

This article was written by [Dion McCaffrie](#), Senior Partner at Andersons Solicitors.

Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to South Australian legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.