

DRIVING

LEGISLATION

Australian Road Rules

On Wednesday 1 December 1999, the *Australian Road Rules* (ARR) came into force in New South Wales and other States and Territories of Australia.

Current NSW State legislation relating to road transport is as follows:

Acts

Road Transport (Safety and Traffic Management) Act 1999

Road Transport (General) Act 2005

Road Transport (Driver Licensing) Act 1998

Road Transport (Vehicle Registration) Act 1997

Regulations

Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999

Road Transport (General) Regulation 2005

Road Transport (Driver Licensing) Regulation 1999

Road Transport (Vehicle Registration) Regulation 1998

The *Australian Road Rules* cover the basic requirements that drivers, motorcyclists, bicyclists and pedestrians need to follow in using the road system.

A copy of the *Road Users Handbook*, prepared by the NSW Roads and Traffic Authority, has been forwarded to all fire stations and work places.

Contact Officer: Manager Appliance Training, (02) 9318 4356

File Reference: CHO/01725

In Orders 1999/26, with amendments

Exemptions under the Australian Road Rules

1. Under Rule 306 of the *Australian Road Rules* drivers of emergency vehicles are granted certain exemptions:

306 Exemptions for drivers of emergency vehicles

A provision of the Australian Road Rules does not apply to the driver of an emergency vehicle if:

(a) *in the circumstances:*

(i) *the driver is taking reasonable care; and*

(ii) *it is reasonable that the rule should not apply; and*

(b) *if the vehicle is a motor vehicle that is moving - the vehicle is displaying a blue or red flashing light or sounding an alarm.*

307 Stopping and parking exemption for police and emergency vehicles and authorised persons

- (1) *A provision of Part 12 (Restrictions on Stopping and Parking) does not apply to the driver of a police vehicle or emergency vehicle if, in the circumstances:*
- (a) *the driver is taking reasonable care; and*
 - (b) *it is reasonable that the provision should not apply.*

308 Exemption for police officers and emergency workers on foot

A provision in Part 14 (Rules for Pedestrians) does not apply to a police officer or emergency worker acting in the course of his or her duty if, in the circumstances:

- (a) *the police officer or emergency worker is taking reasonable care; and*
- (b) *it is reasonable that the provision should not apply.*

2. Definition of emergency vehicle and emergency worker

In the *Australian Road Rules*, an *emergency vehicle* and *emergency worker* are described as follows:

Emergency vehicle

For a provision of the Australian Road Rules, emergency vehicle means any vehicle driven by a person who is:

- (a) *an emergency worker for the provision; and*
- (b) *driving the vehicle in the course of his or her duties as an emergency worker.*

Emergency worker

For a provision of the Australian Road Rules, emergency worker means a person who is an emergency worker for the Rules, or the provision under another law of this jurisdiction.

Contact Officer: *Manager Appliance Training, (02) 9318 4356*

File Reference: *CHO/01725*

In Orders 1999/27, with amendments

SAFE DRIVING PRACTICES

Safe driving when responding

1 Arriving safely

The first responsibility of the driver and the person in charge of a Fire and Rescue NSW vehicle is to ensure that the vehicle and crew arrive safely at the incident.

2 Legislation

Section 11 of the *Fire Brigades Act 1989* states:

- (1) *When there is an alarm of fire, a fire brigade must, despite anything to the contrary in any Act, proceed with all speed to the fire and try by all possible means to extinguish it and save any lives and property that are in danger.*
- (2) *When there is a report of a hazardous material incident, a fire brigade must, despite anything to the contrary in any Act:*
 - (a) *proceed with all speed to the site of the incident, and*
 - (b) *try by all possible means to render the site of the incident safe and save any lives and property that are in danger.*

Rule 306 of the *Australian Road Rules* grants the following exemptions to drivers of emergency vehicles:

306 Exemptions for drivers of emergency vehicles

A provision of the Australian Road Rules does not apply to the driver of an emergency vehicle if:

- (a) *in the circumstances:*
 - (i) *the driver is taking reasonable care; and*
 - (ii) *it is reasonable that the rule should not apply; and*
- (b) *if the vehicle is a motor vehicle that is moving - the vehicle is displaying a blue or red flashing light or sounding an alarm.*

3 Liability of drivers

A driver who is involved in an accident can face charges of criminal action or civil liability.

Unless they can demonstrate to the court that they were acting in good faith in accordance with the *Fire Brigades Act 1989*, immunity under Section 78 of the *Act*, *Protection from liability*, will not apply. In other words, the driver will have to show that the manner and speed of response was necessary for the purpose of saving lives and/or property.

Similarly, the exemptions under the *Australian Road Rules* only apply if, in the circumstances, the driver was taking reasonable care, it was reasonable that a road rule should not apply to the driver, and the vehicle was displaying its red or blue flashing light or sounding an audible warning device.

4 Specialist and senior officer response

The duty under the *Fire Brigades Act 1989* to proceed with all speed to a call can include not only direct combat of an incident, but also tasks associated with the Incident Control System such as command, control and provision of specialist advice to the Incident Controller.

Response may also be necessary to locations away from the site of the incident, such as Emergency Operations Centres or the Major Incident Coordination Centre, to ensure adequate command, control, coordination and support to emergency operations.

5 Manner of response

Driving in an unsafe manner, no matter what the nature of the emergency, can never be justified.

At all times, drivers must drive in a defensive, safe, responsible manner and heed instructions from the person in charge.

While a brigade has a duty to respond with all speed, drivers must not travel at excessive speeds. The response speed must take into account the prevailing traffic and any other conditions that might impact on the safety of the crew or the public.

6 Lights and Sirens

6.1 When to use lights and sirens

The purpose of lights and sirens (audible warning devices) is to warn other drivers and road users that an emergency vehicle is responding to an emergency call.

Clause 32 of the *Fire Brigades Regulation 2008* states:

When responding to a call to a fire, hazardous material incident or other emergency the driver of a fire appliance must ensure that the appliance's lights and audible warning devices are operated to give the best practicable warning to the public.

Lights and sirens must be used when a vehicle is responding to an emergency call.

Sirens may be used with discretion, for example if the vehicle is in a traffic jam or is in the vicinity of a hospital, church or other place of public assembly. Flashing lights should be used at all times when responding.

Note: The exemptions under Rule 306 of the *Australian Road Rules* only apply to a moving vehicle when it is displaying its flashing lights or sounding its siren.

Even with lights and sirens in operation, drivers must exercise due care to avoid accidents. In the event of an accident, the fact that the lights were on and siren was being sounded will not in itself indemnify the driver from prosecution or civil liability.

If lights and sirens are not used, all road rules must be strictly observed.

6.2 When not to use lights and sirens

Lights and sirens must not be used unless a vehicle is responding to an emergency call.

Lights and sirens must not be used in circumstances classed as a strategic relocation of resources, rather than as an emergency. These include:

- when a brigade proceeds to another station to stand by or to a Staging Area, and
- when a brigade proceeds at Police request to a suspected bomb planting.

There may be other situations where life and property are not threatened and the person in charge does not believe that the use of lights and sirens are warranted. In such cases, the Communication Centre should be advised when a Code 1 is transmitted that the appliance is responding under normal traffic conditions.

7 Control of appliances and vehicles

The most senior person (officer or firefighter) in any vehicle belonging to Fire and Rescue NSW is in charge of and responsible for the vehicle in which they are travelling.

That person has the authority to direct the driver of the vehicle as to the manner in which it is to be driven. In exercising this responsibility, the person in charge can order the driver not to drive the vehicle, and can direct any qualified driver to drive a vehicle. The person in charge may also, as appropriate, direct the driver to:

- reduce speed for safety reasons,
- stop the vehicle,
- switch off the warning devices, or
- observe the requirements of the *Australian Road Rules* applicable to all road users.

The most senior person in the vehicle does not have authority to direct a driver to exercise any of the exemptions granted to drivers of emergency vehicles under the *Australian Road Rules*, for example, to:

- exceed the speed limit,
- move through stop signs or red traffic signals, or
- cross median strips.

The actual exercising of these exemptions is the responsibility of the driver, who will be accountable for the manner in which the appliance was driven if such events are contested in a court of law.

Although the driver is subject to the lawful orders and directions to drive in a safe and appropriate manner given by the person in charge, the driver has the ultimate responsibility for driving the vehicle in an efficient, careful and lawful manner at all times.

8 Notification of response

Whenever a Fire and Rescue NSW vehicle responds to an emergency call, a Code 1 must be sent to the Communication Centre.

If the response triggers a speed or red light camera, the Communication Centre records can then be used to answer a penalty notice. If there is no evidence that a vehicle was responding to an emergency call, the driver will have to accept personal responsibility for the penalty notice including any monetary and licence penalties.

9 Retained firefighters responding in private vehicles

A retained firefighter who has received a call and is responding to the station or to an incident in a privately owned vehicle has no exemption from the *Australian Road Rules* and must observe the road rules applicable to all drivers.

The intent of the definition of *emergency worker* and *emergency vehicle* does not support the practice of response in privately owned vehicles. Therefore, retained firefighters driving their private vehicles have no exemption from the rules that apply to all other road users.

Contact Officer: Director Operational Capability, (02) 9265 2713

File Reference: CHO/00891 and CHO/01725 *In Orders 2001/9, with amendments*

Driving Fire and Rescue NSW vehicles when not responding to incidents

Except when responding to an emergency call, all Fire and Rescue NSW vehicles are to be driven in strict accordance with the requirements of the *Australian Road Rules* applicable to all road users.

Contact Officer: Manager Appliance Training, (02) 9318 4356

File Reference: CHO/01725 *In Orders 1999/27, with amendments*

Driving appliances with partly full water tanks

If the water tank on an appliance is not full, the water in the tank can move around and change the centre of gravity of the appliance. A change in the centre of gravity can reduce the stability and braking performance of the appliance.

When water has been used from an appliance's tank, the tank should, if possible, be refilled before the appliance leaves the site.

If it is not possible to refill the tank, the reduction in stability and braking performance must be taken into account by the driver and member in charge when driving the appliance.

Contact Officer: Manager Appliance Training, (02) 9318 4356

File Reference: CHO/04022 *In Orders 1998/23, with amendments*

Towing trailers

Fire and Rescue NSW trailers must be loaded and towed in accordance with:

- the Roads and Traffic Authority's brochure [Towing trailers: things you should know about towing](#), available on the Roads and Traffic Authority's [website](#), and
- Fire and Rescue NSW [recommended practices](#), available on Station Portal.

When responding to incidents, drivers of vehicles towing a trailer must not exceed the signposted speed limit, even when using lights and sirens.

Contact Officer: Manager Operational Appliance Training, (02) 9318 4356

File Reference: CHO/01725 *In Orders 2009/11, with amendments*

Speed limiting devices

Under Clause 139 of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*, motor lorries manufactured on or after 1 January 1988 and having a GVM exceeding 15 tonnes, and motor lorries manufactured on or after 1 January 1991 and having a GVM exceeding 12 tonnes, are required to be fitted with speed limiters to limit the speed at which the vehicle can be driven to 100 km/hour.

Following a request to the Roads and Traffic Authority, Fire and Rescue NSW has been exempted from this legislation. The exemption allows fire appliances to be driven above the maximum speed of 100 km/hour when responding to an emergency.

This exemption is conditional on compliance with the provisions of Rule 306 of the *Australian Road Rules*, which states:

306 Exemption for drivers of emergency vehicles

A provision of the Australian Road Rules does not apply to the driver of an emergency vehicle if:

- (a) in the circumstances:*
 - (i) the driver is taking reasonable care; and*
 - (ii) it is reasonable that the rule should not apply; and*
- (b) if the vehicle is a motor vehicle that is moving - the vehicle is displaying a blue or red flashing light or sounding an alarm.*

The variation of speed limiters will only be carried out on pumping, rescue and other general purpose appliances. Turntable Ladders, Aerial Pumpers and Aerial Ladder Platforms, due to their weight, will continue to be speed limited to 90 - 100 km/hour.

The exemption applies only to the speed of these appliances when responding to an emergency. At all other times, these appliances must be driven under 100 km/hour, irrespective of the speed allowable on the road.

Contact Officer: Assistant Director Fleet, (02) 9742 7479

File Reference: FLT/000129

In Orders 2002/3, with amendments

Distance between appliances

So as to maintain a safe distance between vehicles when responding to calls, or otherwise, a minimum 'safe distance equal to four seconds time' in good conditions, will be maintained between vehicles. This can be achieved by the following:

1. As the vehicle in front passes a fixed point, eg a pole, road sign or a bridge, count one thousand and one, one thousand and two, up to one thousand and four.
2. Should your vehicle reach that fixed point prior to reaching one thousand and four, you are too close and should increase the distance between vehicles.
3. Longer distances will be left due to rain, snow, loose surfaces and steep hills. A longer gap than four seconds should be maintained at night.

In Orders 1991/30

Proceeding through traffic signals and stop signs

1. With a view to avoiding serious accidents at intersections when responding to an emergency, drivers of responding vehicles approaching a stop sign or red signal light must slow down and enter the intersection at a speed of not more than 8 kph. Having assessed the traffic conditions, and determined that it is safe to proceed, the driver may then continue across the intersection.
2. Whenever passing through the stop sign or red light would involve the vehicle in an accident, the driver must come to a halt and not move off again until it is safe to proceed.

Contact Officer: Manager Appliance Training, (02) 9318 4356

File Reference: CHO/01725

In Orders 1999/27, with amendments

Multiple lane intersections

When entering a multiple lane intersection controlled by traffic lights under response conditions with the red light *against* the Fire and Rescue NSW vehicle, it is extremely important for all Fire and Rescue NSW drivers to be aware that, even though the traffic in lanes 1 and 2 (numbering from the median strip) may stop to allow progress of the responding appliance, moving traffic in lane 3 (nearest the kerb) have their vision obscured by the stationary traffic in lanes 1 and 2.

It must be remembered that the moving traffic in lane 3 is facing a green light in this situation. Unfortunately, some civilian drivers either do not hear the appliance's warning device or choose to ignore it and proceed at considerable pace through the intersection, resulting in a collision with the appliance.

Whilst there is no doubt that most Fire and Rescue NSW drivers conform to the In Orders relating to the negotiation of traffic-light controlled and stop sign intersections, it is emphasised that the above scenario can only be avoided by constant vigilance of the 'empty traffic lane' until the multi-lane intersection has been successfully negotiated by the responding appliance.

In Orders 1989/29, with amendments

Overtaking long vehicles

1. Rules 28 and 32 of the *Australian Road Rules* prohibit drivers of following vehicles from overtaking a vehicle if it displays a sign reading do not overtake turning vehicle and has its indicators flashing.
 2. These signs are on the rear of appropriate Fire and Rescue NSW vehicles.
 3. Rule 28 states in part:
 - (2) *A driver may approach and enter the intersection from the marked lane next to the left lane as well as, or instead of, the left lane if:*
 - (a) *the driver's vehicle, together with any load or projection, is 7.5 metres long, or longer; and*
 - (b) *the vehicle displays a **do not overtake turning vehicle sign**; and*
 - (c) *any part of the vehicle is within 50 metres of the nearest point of the intersection; and*
 - (d) *it is not practicable for the driver to turn left from within the left lane; and*
 - (e) *the driver can safely occupy the next marked lane and can safely turn left at the intersection by occupying the next marked lane, or both lanes.*
 - (3) *In this rule:*

left lane means:

 - (a) *the marked lane nearest to the far left side of the road; or*
 - (b) *if there is an obstruction (for example, a parked car or roadworks) in that marked lane - the marked lane nearest to that marked lane that is not obstructed.*

marked lane, for a driver, does not include a special purpose lane in which the driver is not permitted to drive.
4. Rule 32 states in part:
 - (2) *A driver may approach and enter the intersection from the marked lane next to the right lane as well as, or instead of, the right lane if:*
 - (a) *the driver's vehicle, together with any load or projection, is 7.5 metres long, or longer; and*
 - (b) *the vehicle displays a **do not overtake turning vehicle sign**; and*
 - (c) *any part of the vehicle is within 50 metres of the nearest point of the intersection; and*
 - (d) *it is not practicable for the driver to turn right from within the right lane; and*

(e) *the driver can safely occupy the next marked lane and can safely turn right at the intersection by occupying the next marked lane, or both lanes.*

(3) *In this rule:*

marked lane, for a driver, does not include a special purpose lane in which the driver is not permitted to drive.

right lane means:

(a) *the marked lane nearest to the dividing line or median strip on the road; or*

(b) *if there is an obstruction (for example, a parked car or roadworks) in that marked lane - the marked lane nearest to that marked lane that is not obstructed.*

Contact Officer: *Manager Appliance Training, (02) 9318 4356*

File Reference: *CHO/01725*

In Orders 1999/27, with amendments

Driving across railways and tramways

1 Policy

Drivers of Fire and Rescue NSW vehicles must only drive across railways and tramlines at authorised crossing places such as level crossings and must comply with [NSW Road Rules](#) 120 to 124 at all times, even when using lights and sirens.

You must comply with Stop and Give Way signs and give way to any train or tram on, approaching or entering the crossing.

You must not enter a level crossing if:

- warning lights (eg twin red lights or rotating red lights) are operating or warning bells are ringing
- a gate, boom or barrier at the crossing is closed or is opening or closing
- a train or tram is on or entering the crossing
- a train or tram approaching the crossing can be seen from the crossing, or is sounding a warning, and there would be a danger of a collision with the train or tram if the driver entered the crossing, or
- you cannot drive through the crossing because the crossing, or a road beyond the crossing, is blocked.

You must leave a level crossing as soon as you can do so safely.

2 Why trains and trams have right of way

A train travelling at 100 kilometres per hour takes at least 1 kilometre to stop. Because of weight/friction ratios, trains and trams cannot be slowed or halted in the same manner as road vehicles, so they cannot give way to emergency vehicles.

Apart from emergency braking/reversing (which is in itself hazardous), there are no defensive driving techniques that train or tram drivers can use.

Train and tram drivers expect lines to be clear when the lights and signals are with the rail traffic. Intercity passenger trains make very little noise and may or may not have a headlight switched on.

3 Stop, look, listen and think

STOP: All railway crossings have signs and some also have flashing lights and boom gates. Make sure you obey them as trains and trams can run at any time, day or night and in either direction.

Always approach cautiously and be prepared to stop at Give Way and Stop signs. If a train or tram is coming, wait for it to pass and then stop, look and listen again before driving across, as another train or tram may be approaching.

If red lights are flashing, do not enter the crossing. Wait for the lights to stop flashing before you drive across the tracks.

If boom gates are ascending or descending, never drive under or around these gates as an oncoming train or tram is close to the crossing or a second train or tram may be approaching. Wait until the gates fully rise before you drive across the tracks.

If a boom gate is down, do not drive around it as it is extremely dangerous and it is very likely the oncoming train or tram is close to the crossing.

LOOK: If the road on the other side of the tracks is congested, do not drive across until there is plenty of room for you to do so safely. Never queue on a crossing.

LISTEN: With the windows up and the sirens on you may not hear a train or tram coming. Never assume a train or tram is a long way off as sound can be deceptive, especially at night.

THINK: Trains and trams cannot stop in time to avoid a collision. It is your responsibility to keep yourself and your passengers safe. Never overtake a vehicle that has stopped for a train or tram at a crossing.

The weather also affects conditions at crossings and extra caution should be taken. Wet weather affects your braking; fog affects your ability to see a train or tram in the distance, as does looking into a rising or setting sun.

Contact Officer: Manager Operational Appliance Training, (02) 9318 4356

File Reference: CHO/01725

In Orders 2009/19, with amendments

Travel in bus, tram, transit or truck lanes by Fire and Rescue NSW vehicles

1 Introduction

The *Fire Brigades Act 1989* and the Australian Road Rules grant exemptions, in certain circumstances, to the drivers of Fire and Rescue NSW vehicles from complying with the Australian Road Rules when responding to a call of fire, hazardous materials incident or other emergency.

At all other times, drivers of Fire and Rescue NSW vehicles must comply with the Australian Road Rules.

2 Travel in bus, tram, transit and truck lanes

Drivers of Fire and Rescue NSW vehicles are permitted to travel in a bus, tram, transit or truck lane in the following situations:

- a. when responding to a call of fire, hazardous materials incident or other emergency, or
- b. when returning to station after proceeding to the scene of a fire call, hazardous materials incident or other emergency.

At all other times, drivers of Fire and Rescue NSW vehicles must comply with the Australian Road Rules.

Drivers who do not comply with the Australian Road Rules when driving Fire and Rescue NSW vehicles are subject to the penalties applicable to breaches of the Australian Road Rules, including fines, penalty demerit points and loss of licence.

Contact Officer: Manager Professional Standards and Conduct, (02) 9265 3923

File Reference: CHO/01725

In Orders 2006/18, with amendments

Use of tollways

1 Introduction

This instruction applies to all drivers of Fire and Rescue NSW vehicles. Drivers are responsible for ensuring that they use tollways in accordance with this instruction.

Since 1 July 2005 all non-marked Fire and Rescue NSW vehicles have been fitted with E tags and all fully marked vehicles have been fitted with a logo near the rear number plate.

Non-marked vehicles are the Fire and Rescue NSW trucks and cars that are not readily identifiable as response vehicles such as pool cars and general purpose trucks which are not red/maroon or fitted with external flashing lights.

Fully marked vehicles are appliances and red/maroon minor fleet vehicles which are fitted with external flashing lights.

2 When responding to incidents

A fully marked Fire and Rescue NSW vehicle driven by a uniformed employee and responding to a call under lights and sirens is exempt from paying any toll.

The driver may use any lane that gives the fastest and clearest access through the toll collection point.

3 When not responding to incidents

3.1 Tollways with manual collection lanes - with the exception of the Sydney Harbour Bridge and Sydney Harbour Tunnel

At tollways with manual collection points, with the exception of the Sydney Harbour Bridge and the Sydney Harbour Tunnel, fully marked Fire and Rescue NSW vehicles with lights and sirens are exempt from paying the toll provided they use the manual collection lane.

Fire and Rescue NSW vehicles fitted with E Tags must use the E Tag facility, not the manual collection lane.

Note: drivers who do not comply with the above requirements will be issued with an infringement notice which will be the responsibility of the driver.

3.2 Sydney Harbour Bridge and Sydney Harbour Tunnel

On the Sydney Harbour Bridge and in the Sydney Harbour Tunnel Fire and Rescue NSW fully marked vehicles with a logo fitted near the rear number plate and driven by a uniformed employee may use either the automated E Tag lane or the manual collection point, at which they will be exempted from the toll.

Fire and Rescue NSW vehicles fitted with E Tags must use the E Tag facility, not the manual collection lane.

3.3 Fully automated tollways

Unless responding under lights and sirens, at tollways where there is no manual toll facility (eg the Cross City Tunnel and the M7) only:

- Fire and Rescue NSW fully marked vehicles with a logo fitted near the rear number plate and driven by a uniformed employee, and
- Fire and Rescue NSW vehicles fitted with E Tags

can use the tollway.

Note: drivers who use a fully automated tollway and do not comply with the above requirements will be issued with an infringement notice which will be the responsibility of the driver.

4 Infringement notices

Fire and Rescue NSW vehicles that do not comply with the above requirements will be issued with an RTA Infringement Notice. These notices will be handled in the same way as penalty notices for driving offences (see [page 49](#)) and the offending driver will be required to accept personal responsibility for the infringement notice.

5 Information on tollway use

If you use a manual collection lane on a tollway and:

- are accepted as exempt by the toll collector, or
- pay the toll

no information about the vehicle is recorded by the tollway operator.

If you use an automatic lane, the tollway operator records the following information:

- time
- date
- toll lane
- direction of travel
- number plate
- size
- weight
- details of anything being towed
- details of anything being carried on the roof.

This information is passed on to the RTA and Fire and Rescue NSW. Fire and Rescue NSW and the RTA conduct monthly audits of tollway use to ensure use is for official purposes only.

6 Private use of Fire and Rescue NSW vehicles

Fire and Rescue NSW will only accept responsibility for toll charges for private use of Fire and Rescue NSW vehicles when the use complies with the policy on [Private use of vehicles](#) on page 667. Otherwise, toll charges and infringement notices will be the responsibility of the driver.

Note: when private use of a Fire and Rescue NSW vehicle has been approved under section 7 of the *Private use of vehicles policy* for travel to and from work, the vehicle must not be used for any other private travel.

Contact Officer: Administration Manager Fleet, (02) 9742 7117

File Reference: CHO/06124

In Orders 2006/5, with amendments

Passing on the near side

1. Rule 141 of the *Australian Road Rules* states in part:

(1) *A driver (except the rider of a bicycle) must not overtake a vehicle to the left of the vehicle unless:*

(a) *the driver is driving on a multi-lane road and the vehicle can be safely overtaken in a marked lane to the left of the vehicle; or*

(b) *the vehicle is turning right, or making a U-turn from the centre of the road, and is giving a right change of direction signal.*

(3) *In this rule:*

turning right does not include making a hook turn.

vehicle does not include a tram, a bus travelling along tram tracks, or any vehicle displaying a do not overtake turning vehicle sign.

2. Drivers of any Fire and Rescue NSW vehicle responding to an incident must exercise great care when attempting to pass any other vehicle on the left-hand side of the vehicle.

Keeping clear of and giving way to emergency vehicles

1. Sections 78 and 79 of the *Australian Road Rules* require that motorists keep clear of and give way to emergency vehicles.

2. Section 78 states:

78. Keeping clear of police and emergency vehicles

- (1) *A driver must not move into the path of an approaching police or emergency vehicle that is displaying a flashing blue or red light (whether or not it is also displaying other lights) or sounding an alarm.*
- (2) *If a driver is in the path of an approaching police or emergency vehicle that is displaying a flashing blue or red light (whether or not it is also displaying other lights) or sounding an alarm, the driver must move out of the path of the vehicle as soon as the driver can do so safely.*
- (3) *This rule applies to the driver despite any other rule of the Australian Road Rules.*

3. Section 79 states:

79. Giving way to police and emergency vehicles

- (1) *A driver must give way to a police or emergency vehicle that is displaying a flashing blue or red light (whether or not it is also displaying other lights) or sounding an alarm.*

*For this rule, **give way** means:*

- (a) *if the driver is stopped - remain stationary until it is safe to proceed; or*
 - (b) *in any case - slow down and, if necessary, stop to avoid a collision.*
- (2) *This rule applies to the driver despite any other rule that would otherwise require the driver of a police or emergency vehicle to give way to the driver.*

Contact Officer: Manager Appliance Training, (02) 9318 4356

File Reference: CHO/01725

In Orders 1999/27, with amendments

Reversing Fire and Rescue NSW vehicles

The driver of a Fire and Rescue NSW vehicle must obtain the assistance of another person when reversing the vehicle. The driver must operate the vehicle at an appropriate speed to reduce the chance of collision and ensure safety.

In accordance with the policy on *Safe driving when responding*, section 7, [Control of appliances and vehicles](#) on page 29, the most senior person in the vehicle is responsible for ensuring compliance with this instruction, but everyone present is responsible for ensuring assistance is given.

The person assisting with reversing must take care to remain in full view of the driver. If the driver can no longer see the assistant they must immediately stop the vehicle until contact is re-established. Consider using a hand held transceiver to improve communication with the driver if necessary.

The only exception is where the driver is on their own and there is no suitable person available to assist. In this case the driver must exercise all possible caution to avoid collisions with people or objects, and get out of the vehicle to check the intended path, if safe to do so.

Contact Officer: Deputy Commissioner, (02) 9265 2927

File Reference: CHO/01518

In Orders 2009/8, with amendments

Positioning of appliances

1. The Officer-in-Charge and the driver shall, at all times, use discretion and exercise care with Fire and Rescue NSW vehicles before they are driven on to unsealed surfaces and when positioning such vehicles at fires.
2. These instructions are to obviate:
 - a. any vehicle being driven on to unstable surfaces whereby immobility may occur;
 - b. any vehicle being located in a position where it would be vulnerable to:
 - radiant heat;
 - falling masonry;
 - fire suddenly extending in magnitude;
 - explosions;
 - the rapid change of direction and/or the forward spread of a bush or grass fire;
 - the ignition of vegetation, grass, etc, underneath or close to the appliance and its exhaust system;
 - other situations associated with fire fighting operations.
3. In addition to safeguarding against immobilisation or exposure of Fire and Rescue NSW vehicles to any of the above situations, they are to be so placed as to enable them to be re-positioned without difficulty and, if necessary, driven directly from their location.
4. Heavy vehicles should not be driven into the yard of a private house except in extreme emergencies. In normal circumstances the vehicle should be parked outside the property and hose run from the street to extinguish a fire or render safe an emergency.
5. Fire appliances will continue to be driven into the grounds of commercial premises, hospitals and institutions where adequate vehicle access is available for heavy vehicles.

Contact Officer: Manager Appliance Training, (02) 9318 4356

File Reference: CHO/01725

In Orders 1999/27, with amendments

40 km/h speed zones around Fire and Rescue NSW vehicles at incidents

1 Introduction

There are currently no speed restrictions on motorists passing Fire and Rescue NSW vehicles stopped at emergency incidents. Fire and Rescue NSW is consulting with the NSW Roads and Traffic Authority (RTA) and WorkCover NSW on this issue.

While there has not yet been a change to the *NSW Road Rules*, the RTA has agreed to Fire and Rescue NSW using an advance warning sign with the words **40 km/h Slow - When Lights Flashing**, to alert drivers to an incident ahead and improve the safety of firefighters working on the road.

2 Advance warning signs

Fire and Rescue NSW has a 600 x 450 mm magnetic sign with a reflective yellow background, red markings and the words **40 km/h Slow - When Lights Flashing**.

This sign must be fixed to the back of the current **Hazard ahead** advance warning sign issued to all appliances. Replacement signs can be ordered through [ESCAT](#).

3 Use of advance warning signs

The advance warning sign must be used in accordance with Standard Operational Guideline 13.2, [Safe work on roads](#).

The selection of which side of the warning sign to display (**Hazard ahead** or **40 km/h Slow - When Lights Flashing**) should be based on a risk assessment for the incident.

Note: The **40 km/h Slow - When Lights Flashing** signs are not enforceable under the *NSW Road Rules*. They are advisory signs used to encourage motorists to slow to an appropriate speed.

Contact Officer: Manager Safety, (02) 9265 2800

File Reference: EDU/00138

In Orders 2010/9, with amendments

RTA heavy vehicle checking stations

The Roads and Traffic Authority (RTA) operates heavy vehicle checking stations at Willow Tree, Twelve Mile Creek, Mt White, Bell, Mt Boyce and Marulan.

Cameras are installed at these locations to record the details of heavy vehicles which fail to enter the stations.

All Fire and Rescue NSW vehicles weighing over 4.5 tonnes or having a Gross Vehicle Mass greater than 8 tonnes must enter RTA checking stations if not responding to an incident. The majority of appliances exceed these limits.

Whenever an appliance is travelling past a checking station it must enter the checking station unless under lights and sirens or otherwise directed by the RTA.

Contact Officer: Fleet Operations Officer, (02) 9742 7359

File Reference: FLT/00131

In Orders 2005/15, with amendments

Driving of appliances fitted with automatic transmissions

The practice of manually changing gears on appliances fitted with automatic transmissions whilst negotiating halt or stop signs and red traffic lights when responding to fire calls has been the subject of close investigation, and technical advice does not support the necessity for such a course and is to the effect that frequent movements of the range selector is unnecessary.

Gear changing on vehicles fitted with automatic transmission is governed automatically by load and throttle opening. Excessive pressure on the throttle pedal will delay the change up to a higher gear causing over revving of the engine and possible damage.

Vehicles fitted with automatic gear boxes are to be driven at all times so as to permit gear changes to take effect automatically unless some special circumstances necessitate the automatic movement to be negated by operation of the range selector. Excessive engine revolutions, particularly in 'low' gear are to be avoided.

Officers-in-Charge of appliances are held responsible to ensure that the foregoing instructions are observed by drivers.

Use of transmission and engine as braking effect

To facilitate using the engine back pressure to assist in braking of appliance on steep declines, the following instructions are to be strictly observed and policed by the Officer-in-Charge or senior member on the appliance.

1 Diesel powered appliances

The automatic transmission fitted to diesel powered appliances is integrated with a safety system whereby, when the range selector is moved to a lower gear, the road speed of the appliance must be no greater than the governed engine speed relative to the selected gear, otherwise no change occurs.

Procedure

- Move the range selector to a lower gear.
- Apply the foot brake till the change occurs.
- Periodically apply the brake to maintain a speed no greater than when the change down occurred.

For further change downs repeat the procedure. Should a retarder be fitted it may be utilised in the above procedure instead of the foot brake.

2 Petrol powered appliances

Should it be deemed advisable that there may be a need for primary brake assistance while negotiating steep declines:

- stop the appliance before the descent,
- select a lower gear,
- by periodical application of the foot brake maintain a speed whereby the engine revolutions are not excessive.

The guidelines to select a correct low gear for negotiating declines is consistent with the gear used to climb it. There is no restriction when altering the range selector to higher gears at any time.

In Orders 1983/18, with amendments

PARKING

Precautions when parking vehicles

At all times when a Fire and Rescue NSW vehicle is parked the hand brake is to be fully applied and as an added precaution the gear lever is to be placed in the position of first or reverse gear.

Should the vehicle be a pumping appliance and the pump is to be utilised for pumping operations, wheel chocks carried on the motor are to be placed in position beneath one wheel so as to minimise the likelihood of the appliance moving from a safe stationary position.

In Orders 1982/19, with amendments

Wheel chocks

Where wheel chocks are supplied to appliances and are required to be used, drivers are reminded of their responsibility to place same correctly under the appropriate side of the rear outside wheels, and to ensure that they are removed before attempting to move the appliance for any reason.

Failure to observe the above procedures may lead to the chocks becoming wedged between the rear double wheels of appliances with resultant severe damage to the tyres.

In Orders 1972/1

Parking on a steep incline

Officers-in-Charge of appliances are directed that when it is necessary to park on a steep incline, the appliance must be positioned so that it is unable to move in the event of a handbrake failure.

This can be achieved in any of the following ways:

- parking the appliance with front wheels turned to the kerb;
- use of additional wheel chocks;
- by parking the appliance across the incline instead of up and down the incline.

In Orders 1982/19

DRIVERS AND PASSENGERS

Blood alcohol limits

1. Section 8 of the *Road Transport (Safety and Traffic Management) Act 1999* defines a special category driver as including the driver of a heavy motor vehicle. A heavy motor vehicle is a motor vehicle that has a GVM exceeding 13.9 tonne, or a motor vehicle and trailer combination that has a GVM exceeding 13.9 tonne.
2. The blood alcohol limit for a special category driver is a concentration of 0.02 grams of alcohol in 100 millilitres of blood.
3. Driving a vehicle, or occupying the driving seat of a motor vehicle and attempting to put the vehicle into motion, with the special range (or low range) concentration of alcohol may result in the imposition of penalties by the court.

Contact Officer: Manager Appliance Training, (02) 9318 4356

File Reference: CHO/01725

In Orders 1999/27, with amendments

Seat belts

1. Rules 264 and 265 of the *Australian Road Rules* deal with the wearing of seat belts by drivers and passengers.
2. All Fire and Rescue NSW employees are required to wear a seat belt, properly adjusted, when travelling in Fire and Rescue NSW vehicles. Any member travelling on a vehicle (including a water tanker) is to be seated inside the vehicle and must wear a seat belt.
3. If necessary, the seat belt provided for the seating position in the vehicle is to be adjusted/sized to suit the member's physical requirements at the commencement of each shift or prior to each response.
4. Although Clause 5 of Rule 267 of the *Australian Road Rules* exempts the wearing of seat belts in the rear seats of Police or emergency vehicles, employees of Fire and Rescue NSW, and any authorised passengers, are required by Fire and Rescue NSW, in the interest of occupational health and safety, to wear a seat belt.

Contact Officer: Manager Appliance Training, (02) 9318 4356

File Reference: CHO/01725

In Orders 1999/27, with amendments

Appliance seats and seat belts

The Australian Design Rules (ADRs) set out the requirements that vehicles must meet at the time of manufacture to be eligible for registration. ADR compliance is also a requirement for annual registration.

ADRs 4 and 5 cover the requirements for seat belts and seat belt anchorages. This includes belt adjustment length, belt loading and anchorage loading. Seats and seat belts fitted to all appliances used by Fire and Rescue NSW comply with the requirements, regardless of whether the belt is integrated with the seat or anchored directly to the vehicle.

Some later model appliances, such as but not limited to the Scania 94D Pumper and Aerial Pumper and Varley Commander, may be fitted with one or more air suspension seats with integrated seat belts. While designs vary, these are normally rated for persons of up to 130 kg. Exceeding the 130 kg rating may shorten the working life of the air suspension mechanism. Manufacturers of conventional seating do not

usually state the maximum rating of their seats; however ADR compliance (which is to 120 kg) is mandatory anyway.

Situations may occur where some crew members may not be able to utilise seat belts or where their weight exceeds that of a seat due to differing physical builds, combined with turnout gear.

Those who experience difficulties either in securing the seat belts and/or who exceed the 130 kg mass limit should advise their immediate supervisors. In such instances rostering staff to alternative seating positions or vehicles should be considered. Where the situation can not be resolved locally the Duty Commander is to be advised. The Duty Commander should consult with Fleet Operations Officer for advice on possible alternative appliances.

Contact Officer: Assistant Director Fleet, (02) 9742 7479

File Reference: FLT/00134

In Orders 2004/17, with amendments

Position of drivers and passengers

1. Fire and Rescue NSW employees must comply with Rule 268 of the *Australian Road Rules* which states in part:

268 How persons must travel in or on a motor vehicle

- (1) *A person must not travel in or on a part of a motor vehicle that is not a part designed primarily for the carriage of passengers or goods.*
 - (2) *A person must not travel in or on a part of a motor vehicle that is a part designed primarily for the carriage of goods if the part is:*
 - (a) *not enclosed; or*
 - (b) *declared under another law of this jurisdiction to be a part of the vehicle in or on which persons must not be carried.*
 - (3) *A person must not travel in or on a motor vehicle with any part of the person's body outside a window or door of the vehicle, unless the person is the driver of the vehicle and is giving a hand signal:*
 - (a) *for changing direction to the right in accordance with rule 50; or*
 - (b) *for stopping or slowing in accordance with rule 55.*
 - (4) *The driver of a motor vehicle (except a bus) must not drive with a passenger if any part of the passenger's body is outside a window or door of the vehicle.*
2. Although Clause 5 of this rule exempts persons in Police or emergency vehicles, Fire and Rescue NSW employees and authorised passengers are to be seated within the vehicle and comply with the road rules applicable to all drivers.

Driving vehicles with hands on the steering wheel

All drivers of Fire and Rescue NSW vehicles must have both hands placed on the steering wheel of the vehicle they are driving when the vehicle is mobile in order to maintain complete control of the vehicle in case of emergencies which may arise at any time.

Contact Officer: Manager Appliance Training, (02) 9318 4356

File Reference: CHO/01725

In Orders 1999/27, with amendments

RIDING ON FIRE AND RESCUE NSW'S APPLIANCES

Authorised persons

The people who are authorised to ride on an appliance are:

- firefighters in the course of their duty;
- employees of Fire and Rescue NSW whose duty requires their attendance at an emergency;
- members of other emergency services at the discretion of the member in charge; or
- other persons authorised by the Commissioner.

The member in charge of an appliance is responsible for enforcing this instruction.

In Orders 1996/15, with amendments

Non-operational use of aerial appliances

Aerial appliance booms and cages must not be used at open days, fetes, exhibitions or other events to give rides to members of the public.

Duty Commanders or above may give permission for non operational use of aerial appliance booms and cages for purposes such as:

- transporting media personnel at media events,
- transporting celebrities at promotional events, or
- charitable or community activities such as putting stars on the top of Christmas trees.

All requests for participation in commercial activities should be referred to ComSafe, (02) 9742 7417, so that appropriate fees can be charged. The Media, Ministerial and Communications Unit at Head Office, (02) 9265 2907, should be consulted about all media or filming events.

The firefighter in charge of the aerial appliance is responsible for ensuring that all Fire and Rescue NSW and WorkCover safety guidelines and precautions are enforced. Approved safety harnesses must be worn at all times while the aerial appliance is operating. For advice on safety issues, contact the Manager Appliance Training on (02) 9318 4360.

Contact Officer: Manager Appliance Training, (02) 9318 4360

File Reference: CHO/03918

In Orders 2004/26, with amendments

DRIVER'S LICENCES

Licences required to drive Fire and Rescue NSW vehicles and appliances

1 Road Transport (Driver Licensing) Act 1998

Section 25 (1) of the *Road Transport (Driver Licensing) Act 1998*, states:

A person must not, unless exempted by the regulations:

- (a) *drive a motor vehicle on any road or road related area without being licensed for that purpose, or*
- (b) *employ or permit any person not so licensed to drive a motor vehicle on any road or road related area.*

Maximum penalty: 20 penalty units.

2 Licence classes required for Fire and Rescue NSW vehicles and appliances

All drivers of Fire and Rescue NSW vehicles and fire appliances must hold a current driver's licence for the type of vehicle being driven.

License class	Examples of vehicles
Car (C) class licence	any vehicle up to 4.5 tonnes GVM which carries up to 12 adults including the driver.
Light Rigid (LR) class licence	any vehicle with a GVM of more than 4.5 tonnes but not more than 8 tonnes. Also includes vehicles with a GVM up to 4.5 tonnes which carry more than 12 adults including the driver, eg tenders.
Medium Rigid (MR) class licence	any vehicle with two axles and a GVM of more than 8 tonnes, eg pumpers, aerial pumpers with two axles, turntable ladders.
Heavy Rigid (HR) class licence	any rigid vehicle with a GVM of more than 8 tonnes and more than two axles, eg Brontos, hydraulic platforms, and aerial pumpers with three axles.

Officers and supervisors must ensure that all personnel driving and operating vehicles or appliances hold the appropriate driver's licence for that vehicle.

Any firefighter who does not have an appropriate licence must now pass a full RTA accredited examination for the class of licence required.

3 Fire and Rescue NSW requirements

In addition to holding a current and appropriate licence for the type of appliance, motor drivers and aerial operators are required to satisfactorily complete the training and/or training competencies as determined by the Commissioner on the advice of the Training Review Committee.

4 How to get driving qualifications

Retained and permanent firefighters not attached to the State Training College who wish to get driving qualifications must send a request through their Senior or Principal Instructors. After approval by Zone management, these instructors will make the necessary arrangements for training and assessment.

Contact Officer: Manager Capability Training, (02) 9318 4303

File Reference: CHO/00528

In Orders 2002/17, with amendments

See also the information on driver training on [page 462](#) and following.

Carrying and producing driver's licences

As a result of amendments to the *Road Transport (Driver Licensing) Act 1998*, all drivers of Fire and Rescue NSW vehicles are now required to carry their licence while driving (as applies to all drivers) and produce their licence if requested by a Police Officer or other authorised person.

Contact Officer: Manager Appliance Training, (02) 9318 4356

File Reference: CHO/00528

In Orders 2000/22, with amendments

DRIVING OFFENCES

Loss of motor vehicle driver's licence

1 Application

This policy applies to any Fire and Rescue NSW employee who is disqualified from driving by order of a Court or whose **motor vehicle driver's licence**:

- expires for any reason; or
- is suspended or cancelled by the Roads and Traffic Authority; or
- is suspended by the Police.

2 What to do if you lose your licence

If you are an operational firefighter or other Fire and Rescue NSW employee who requires a licence to perform your duties and you lose your licence, you must immediately submit a report to the Commissioner through the chain of command detailing:

- the circumstances of becoming unlicensed, suspended, cancelled or disqualified and
- the period of loss of licence.

If you lost your licence due to a conviction for having the prescribed blood alcohol content or an excessive loss of points, providing it is a first offence and there are no other complications, disciplinary proceedings will not be initiated against you.

3 Drivers of Fire and Rescue NSW vehicles must be licensed

You must not drive any Fire and Rescue NSW vehicle or vehicle hired or leased by Fire and Rescue NSW if you do not have a licence or if your licence has been suspended or cancelled or if you have been disqualified from driving.

Note: Driving without a licence is a criminal offence.

If Fire and Rescue NSW becomes aware that an employee is driving without a licence, the matter will be referred to the Manager Professional Standards and Conduct who will report the matter to the Police.

Driving without a licence will be regarded as an offence against discipline and may result in disciplinary proceedings.

4 Loss of licence for more than six months

If you are an operational firefighter or other Fire and Rescue NSW employee who requires a licence to perform your duties and you have been unlicensed or your licence is suspended, cancelled or disqualified for a period of six months or more, you must satisfactorily complete a driving skills assessment by Fire and Rescue NSW's Appliance Training Unit before you will be permitted to drive Fire and Rescue NSW vehicles again.

Operational firefighters who fail to satisfactorily complete a driving skills assessment may be required to undertake a refresher course at the Appliance Training Unit.

5 Regaining permission to drive

When you regain your licence you must:

- advise the Commissioner in writing within seven days, and
- show your licence to your supervisor.

Your supervisor will arrange for the Appliance Training Unit to give you a driving skills assessment if required.

Contact Officer: Manager Professional Standards and Conduct, (02) 9265 3923

File Reference: CHO/02286

In Orders 2006/27, with amendments

Penalty notices for driving offences

If a Fire and Rescue NSW vehicle is recorded by a speed, traffic light or other camera as breaking a road rule, the State Debt Recovery Office sends Fire and Rescue NSW a penalty notice.

The following procedure ensures that Fire and Rescue NSW complies with the law concerning penalty notices.

1. The State Debt Recovery Office sends all penalty notices to Fire and Rescue NSW's Head Office, where they are dealt with by the Senior Legal Officer.
2. On receiving a penalty notice, the Senior Legal Officer will:
 - get information from the Fleet Unit on where the vehicle was attached at the time it was photographed, and
 - check FireCAD and/or AIRS to determine if the vehicle was responding to an emergency call.
3. If the databases show the vehicle was responding to an emergency call, the Senior Legal Officer will return the penalty notice to the State Debt Recovery Office stating this was the case. The name of the driver is not required in these circumstances.

4. If the databases do not show that the vehicle was responding to an emergency call, the Senior Legal Officer will send the penalty notice to the appropriate Zone Commander or Manager.
5. The Zone Commander or Manager will contact the driver and determine whether or not the vehicle was responding to an emergency call.
6. If the vehicle was responding to an emergency call, the Zone Commander or Manager will advise the Senior Legal Officer and provide documentary proof. This information will then be sent to the State Debt Recovery Office, as in (3).
7. If the vehicle was not responding to an emergency call, the Zone Commander or Manager must complete the Statutory Declaration on the back of the penalty notice, sign it before a Justice of the Peace, and return it to the Senior Legal Officer within 14 days. The Senior Legal Officer will send the penalty notice to the State Debt Recovery Office which will issue a new penalty notice to the driver who must accept personal responsibility for the penalty notice.
8. If you receive a personal penalty notice in error in relation to an incident where the State Debt Recovery Office has been notified that the vehicle was responding to an emergency call, contact the Senior Legal Officer as soon as possible, so that the penalty notice can be cancelled.

Contact Officer: Senior Legal Officer, (02) 9265 2950

File Reference: NFB/01757

In Orders 2008/8, with amendments

Parking infringement notices

The Premier has established procedures in respect of Parking Infringement Notices issued to Government vehicles. The procedures, as set out below, are to be fully complied with by Fire and Rescue NSW.

It has become the practice of some Government bodies, when Parking Infringement Notices are issued in respect of their vehicles, to disregard such Notices. This practice has meant that Government-owned vehicles have been treated more favourably than vehicles owned by the general public.

To overcome any suggestion in future that the Government is applying one set of rules in respect of its vehicles and another set of rules in respect of all other vehicles, the following procedures will henceforth apply:

- parking patrol officers and Police will continue to issue Parking Infringement Notices in respect of *any* vehicles found parked illegally;
- any Government body in respect of whose vehicle a Parking Infringement Notice has been issued shall pay the fine within the period of 21 days from the date of issue of the Notice. If the fine is not paid within the 21-day period, the Police Force will issue a reminder letter requiring payment within a further 21 days;
- the registered owner of any vehicle against which a Parking Infringement Notice has been issued may invoke s.179 (3) of the *Road Transport (General) Act 2005* and submit within 21 days a Statutory Declaration to the prescribed officer in the Police Force nominating the person who was in charge of the vehicle at all relevant times relating to the parking offence. That person then becomes liable for the offence. A Government body whose vehicle has incurred a Parking Infringement Notice may also invoke this section. Whether a Government body chooses to adopt this option would be a matter for it to decide, having regard to all the circumstances of each case;

- the Government body receiving a Parking Infringement Notice may, as may any citizen in the same circumstances, write to the Police Force seeking leniency; however, the Police Force will only consider leniency on the same criteria which it applies to all citizens. Any request for leniency must be accompanied by documentary evidence (eg medical certificates, mechanical certificates). Generally, the need to complete urgent business is *not* sufficient grounds to have a Notice cancelled.

It is not intended that Government bodies would challenge the issue of any Parking Infringement Notice in the courts as, to do so, would take up valuable court time.

The above changes are designed to bring into line, as far as is practicable, the procedures relating to Government-owned vehicles and the procedures relating to vehicles owned by private individuals.

Payment of Parking Infringement Notices by Government bodies must be met from normal operating funds. Additional funds will not be provided for these purposes.

In Orders 1990/21, with amendments

ACCIDENTS WITH FIRE AND RESCUE NSW VEHICLES

Duties of a Fire and Rescue NSW driver involved in a crash

The driver of any Fire and Rescue NSW vehicle involved in a crash must:

- stop at the scene of the crash, and
- give the driver's required particulars, at least within the required time and, if practicable, at the scene of the crash, to the required persons.

1 What is a 'crash'?

A crash includes:

- a collision between two or more vehicles, or
- any other accident or incident involving a vehicle in which a person is killed or injured, property is damaged, or an animal in someone's charge is killed or injured.

2 Required particulars that must be given

The driver of any Fire and Rescue NSW vehicle involved in a crash must give the following required particulars:

- the driver's name and address
- the name and address of the owner of the vehicle
- the vehicle's registration number (if any), and
- Any other information necessary to identify the vehicle.

Note: When providing required particulars to police, a verbal explanation of the circumstances of the crash must be provided.

3 Who must the required particulars be given to?

The required particulars must be given to:

- any other driver (or that driver's representative) involved in the crash, and
- any other person (or that person's representative) involved in the crash who is injured, and
- the owner (or that owner's representative) of any property (including any vehicle) that is damaged in the crash, unless, in the case of damage to a vehicle, the particulars have already been given to the driver of the vehicle (or their representative).

Required particulars must also be given to the police if:

- anyone is killed or injured in the crash, or
- they have not, for any reason, been given to each person mentioned above, or
- the required particulars for any other driver involved in the crash have not been provided to the Fire and Rescue NSW driver, or
- a vehicle involved in the crash is towed away by another vehicle (except if another law of New South Wales provides that the crash is not required to be reported), or
- the police officer asks for any of the required particulars.

4 When must the required particulars be provided by?

The required particulars must be provided as soon as possible (ideally at the scene of the crash) and within at least 24 hours after the crash (except in exceptional circumstances).

5 Failure to provide required particulars

A failure to comply with the requirements in sections 1 to 5 above is a breach of the *Road Rules 2008* (NSW), [Rule 287](#). The maximum penalty for this is 20 penalty units.

The value of a penalty unit is set by the [Crimes \(Sentencing Procedure\) Act 1999](#) (NSW) and changes over time. The current value of a penalty unit, as at 2 June 2009, is \$110. Therefore, a failure to comply with the requirements in sections 1 to 5 above could result in a fine of up to \$2200.

6 Fire and Rescue NSW policy

It is Fire and Rescue NSW policy that the driver of any Fire and Rescue NSW vehicle involved in a crash and who is to provide required particulars to the police, must also provide the following additional information to the police:

- his or her rank and station or position to which he or she is attached, and
- the fact that the vehicle was proceeding to a call of fire or other emergency (if applicable).

If the police also request a written statement, the statement must be provided to the Senior Legal Officer prior to it being given to the police.

Contact Officer: *Manager Operational Appliance Training, (02) 9318 4356*

File Reference: *CHO/01725*

*In Orders 2009/12, as amended by
In Orders 2009/13, with amendments*

Information to be given to injured party

When an accident occurs involving a Fire and Rescue NSW vehicle or appliance, advise the *other driver* to contact Fire and Rescue NSW's Fleet Unit in the first instance to obtain the relevant claim number and contact details for Fire and Rescue NSW's insurer.

Contact details for the Fleet Unit are:

Phone: (02) 9742 7117
Fax: (02) 9742 7487

Contact Officer: Fleet Administration Manager, (02) 9742 7411

File Reference: CHO/02275

In Orders 2008/19, with amendments

Suspension of drivers

Drivers of Fire and Rescue NSW vehicles involved in accidents are to be suspended from driving for the balance of the shift on duty unless the exigencies of the service dictate to the contrary. In the case of retained firefighters suspension is to be for 24 hours unless there are exigencies to the contrary.

Generally a member of the permanent staff will be reinstated by an officer above the rank of Station Officer at the next rostered shift unless there are contrary circumstances such as medical evidence or *unmistakable evidence* that the persons suspended may cause injury to persons or damage to property by neglect or lack of skill if reinstated. The same conditions apply to retained firefighters except that the period be 24 hours.

The reinstatement to be effected by verbal instruction and occurrence book entry at the station concerned. Any additional suspension from driving, in connection with a particular incident, to be as a result of the findings of an inquiry.

Senior Officers are to attend accidents and assessments of damage value as part of their duties.

In Orders 1980/33, with amendments

Reporting accidents involving Fire and Rescue NSW vehicles

Station Commanders and supervisors must complete an [Agency member motor vehicle claim form](#) for all accidents involving Fire and Rescue NSW vehicles, including fire appliances, and submit it to their Duty Commander or manager with a covering memo explaining how the accident occurred.

The Duty Commander or manager must undertake an initial investigation of the accident to determine if any action is required.

The *Agency member motor vehicle claim form* must then be forwarded to the Fleet Management Unit who will process the insurance claim.

If the accident involved an injury, illness, exposure or near miss, a [Notification of injury, illness, exposure or near miss form](#) must also be submitted.

Contact Officer: Deputy Commissioner, (02) 9265 2927

File Reference: CHO/01518

In Orders 2009/8, with amendments

For instructions on what to do in case of fire, damage or theft of a vehicle, see [page 648](#).

