



## Standard Operating Procedure 3.3.1 Respond Under Emergency Conditions

### References

Road Traffic Act 1974  
 Road Traffic Code 2000

### Definitions

**Emergency vehicle:** A vehicle of a fire brigade on official duty in consequence of a fire or an alarm of fire or of an emergency or rescue operation where human life is reasonably considered to be in danger, as defined in the *Road Traffic Code 2000* (RTC). This includes vehicles operated by an SES or VFES Unit under the Fire and Emergency Services Act.

### Introduction

Emergency vehicles are used to respond to an urgent situation. If a vehicle is approved as an emergency vehicle (refer to SAP 4.1.B – Emergency Vehicle Status Applications), and the driver is trained to the required standards, then that person is exempt from certain road laws within the RTC when responding to an emergency.

[SAP 4.1.B – Emergency Vehicle Status Applications](#)

The *Road Traffic Act 1974* (RTA) and RTC provide drivers of emergency vehicles, responding under emergency conditions with a defence (exemption) against certain driving offences. Whilst the RTA and RTC may provide ‘lawful authority’, DFES places additional controls (Departmental Authority) on drivers when responding under emergency conditions.

[Annex A](#) provides excerpts from legislation which relate directly to drivers of emergency vehicles.

Where Local Governments do not have a Policy for responding under emergency conditions, DFES recommends that Bush Fire Brigades adopt these procedures.

### 1. Qualification Requirements

Drivers of emergency vehicles responding under emergency conditions (red and/or blue emergency beacons and/or sirens) must:

- hold a current driver’s license indicating qualification to drive the equivalent class of vehicle;
- have undertaken a DFES approved driving course; and
- have successfully completed the relevant driver/operator assessment for the particular vehicle, if applicable.

## Procedures

### 2. Departmental Authority to Respond Under Emergency Conditions

Section 61B of the RTA and 281 of the RTC defines the legal requirements and associated exceptions to drive under emergency conditions. DFES places additional conditions on these. DFES personnel are authorised to respond under emergency conditions in the following circumstances;

- request for response has come via DFES Communications Centre (ComCen); or
- an incident is reported/encountered where DFES involvement is appropriate regardless of Hazard Management Agency responsibilities;

IN ADDITION, the incident is of a nature that;

- it is reasonable to assume human life is likely to be in danger; or
- requires an urgent response.

The officer in charge (OIC)/crew leader (CL) of the appliance is to decide if a response under emergency conditions, based on the previous criteria, and any other factors, is appropriate. When deciding if a response under emergency conditions is appropriate the OIC/CL should consider (but not limited to);

- Information from ComCen or Incident Controller
- Available (or lack of) incident intelligence
- Potential for incident escalation/complexity
- Role the appliance/crew/resource will contribute to the incident, and the urgency for the appliance/crew/resource
- Phase of the incident (escalation, consolidation, recovery)

The OIC/CL shall re-evaluate all factors as information becomes available and adjust the requirement to respond under emergency conditions accordingly.

**NOTE:** Personnel must not drive under emergency conditions for any reason unless Departmental Authority is met. Where authority has not been met, personnel may face disciplinary proceedings. The driver **must** take care when responding to an incident under emergency conditions to ensure the safety of other road users and occupants of the vehicle. No risk is justified if it is likely to jeopardise the safe arrival of vehicle and crews at an incident or the safety of others within the community.

The 1<sup>st</sup> arriving OIC/CL/Incident Controller shall advise if further appliances are to respond under emergency conditions. This must be continually re-evaluated.

### 3. DFES Emergency Driving Standards

The following standards apply to all DFES drivers when driving under emergency conditions:

<b>Blood Alcohol Concentration (BAC)</b>	All DFES personnel must have a BAC of 0.00% when driving under emergency conditions. Where this standard is unachievable, personnel may respond to an incident with a BAC of less than 0.05% and drive normal road conditions, where the class of vehicle allows drivers to have a BAC of less than 0.05%. <a href="#">Alcohol and Other Drugs Management Policy</a>
--	---

<b>Private Vehicles</b>	Under no circumstances is a private vehicle (that is not a recognised emergency vehicle) permitted to be driven under emergency conditions.
<b>Towing Trailers</b>	Under no circumstances shall a trailer be towed at a speed greater than 100km/h.
<b>Provisional (P plate) Driver's Licence Holders</b>	Under no circumstances are P plate drivers to drive under emergency conditions.
<b>OIC/CL Driving Emergency Conditions</b>	The OIC/CL should refrain from driving under emergency conditions when a suitably qualified alternative driver is available. This enables the OIC/CL to oversee a driver's actions.
<b>Railway Crossings</b>	Under no circumstance shall drivers proceed through flashing lights, stop signs, gates, booms or barriers, or past a person controlling railway level crossings.
<b>Restrictions on traffic in pedestrian mall</b>	Drivers shall not drive through a pedestrian or shopping mall, unless proceeding to an incident within the mall, or there is no other way to access the incident. Drivers shall not drive at a speed excessive to the conditions and volume of pedestrian traffic.
<b>Road Works</b>	Drivers are not to exceed posted speed limits through roadworks. In addition, drivers must make every endeavour to comply with the direction given by authorised personnel where: <ul style="list-style-type: none"> <li>a) a portion of the road is subjected to work being done, over or under it; or</li> <li>b) a survey is being conducted at any point on a road, by a competent authority.</li> </ul>
<b>One Way Streets</b>	Drivers are to avoid proceeding against the traffic in a one-way street unless the incident location cannot be otherwise approached without undue delay.

#### 4. Lights and Sirens

Drivers responding under emergency conditions are to display emergency beacons and sirens as follows:

<b>CIRCUMSTANCE</b>	<b>BEACONS/SIRENS</b>
<b>Driving to an Emergency</b>	Both emergency beacons and sirens.  Where there is light or non-existent traffic, beacons only are acceptable at the discretion of the OIC/CL.  <b>Note.</b> During long-range deployments sirens are to be engaged when traffic is encountered.
<b>Final Approach to an Incident</b>	It is accepted practice to turn sirens off and make final approach to an incident displaying emergency beacons only.
<b>Parked at an Incident</b>	Emergency beacons only.
<b>Operating on a Fire ground</b>	Emergency beacons only.

Consideration must be given to pedestrians, residents and other road users when using lights and sirens. This includes air horns, where limited use is the preferred option.

## 5. Speed

Section 61B of the RTA and Regulation 281 of the RTC gives drivers of emergency vehicles certain exemptions when proceeding to an incident if the driver is demonstrating reasonable care<sup>1</sup> and the emergency vehicle is identified by activated emergency beacons and/or sirens.

The OIC/CL will provide oversight of their driver's decision-making regarding speed; however, the driver is ultimately responsible for her/his actions. DFES places additional controls for driving under emergency conditions over and above the defence provided by the RTA (Section 61B) and RTC (Regulation 281), as follows:

<b>Standard</b>	Drivers of emergency vehicles are not to exceed the posted speed limit by more than 20km/h when proceeding to an incident under emergency conditions.
<b>Exceptions</b>	<p>However, where it is reasonable to assume that human life is likely to be in danger and the driver demonstrates reasonable care, the driver may exceed the posted speed limit by more than 20km/h in the following circumstances:</p> <ul style="list-style-type: none"> <li>• the driver is not the OIC*; and</li> <li>• the driver obtains approval from the OIC*; and</li> <li>• the OIC* has completed a risk assessment prior to providing approval; and</li> <li>• the OIC* continually re-evaluates the conditions following approval.</li> </ul> <p>* Drivers of vehicles which do not have an OIC present are not permitted to exceed the posted speed limit by more than 20km/h. The OIC must be a Station Officer or above (career) or a brigade/unit operational officer (volunteer).</p>
<b>Exclusions</b>	<p><b>DFES drivers must not</b> exceed the posted speed limit:</p> <ul style="list-style-type: none"> <li>• When operating on private property</li> <li>• Where directed by a member of the Western Australia Police Force</li> <li>• Where it is not safe to do so e.g. school zones and road works</li> </ul> <p>While Section 61B provides a defence, subject to certain conditions, for contravening Section 60A (Reckless Speed), <b>it is a DFES requirement that DFES drivers must not</b> contravene Section 60A of the Road Traffic Act, which states;</p> <ol style="list-style-type: none"> <li>1) A person commits an offence if the person drives a motor vehicle at a speed of 155 km/h or more on any other length of road.</li> <li>2) A person commits an offence if the person drives a motor vehicle at 45 km/h or more above the speed limit –             <ol style="list-style-type: none"> <li>a) In a confiscation zone; or</li> <li>b) On any other length of road.</li> </ol> </li> </ol> <p><b>The RTA does not provide ANY defence (exception) for drivers with regards to S61 RTA Dangerous Driving or S62 RTA Careless Driving.</b></p>

## 6. Moving Through Controlled Intersections

Intersections controlled by traffic lights and signage pose a greater hazard to emergency responders as members of the public moving in accordance with traffic signals may be inattentive to peripheral

<sup>1</sup> Reasonable care is the degree of caution and concern for the safety himself/herself and others an ordinarily prudent and rational person would use in the circumstances. It is a subjective test to determine if a person is negligent, meaning he/she did not exercise reasonable care. The People's Law Dictionary by Gerald and Kathleen Hill.

threats. When moving through controlled intersections contrary to the flow of traffic, drivers are to undertake the following:

- Approach controlled intersections with activated emergency beacons **and** sirens sounding.
- Approach controlled intersections at a speed which will enable you to bring the vehicle to a complete stop if necessary prior to entering the intersecting carriageway. The driver shall not continue their course unless they are satisfied that it is safe to do so.
- When travelling in convoy, individually slow and check safety before proceeding as above.
- Air horns (where fitted) may be used to supplement emergency beacons and sirens as required to ensure other road users are aware of the vehicle and intention to proceed. The driver should use discretion when using the air horn. Air horns are to be used sparingly when responding to a DBA where there has not been confirmation of a fire.
- Drivers must never force road users through controlled intersections.

## **7. Contra Travel**

Travel against the flow of traffic poses increased risks to responders and other road users. This is primarily based on public vehicles not expecting a vehicle driving contra flow.

Where the OIC/CL has considered all alternate routes, and deemed that the most effective route of travel is against the flow of traffic, the procedure to follow is:

- The driver and OIC/CL must agree in audible conversation that this is the most effective route;
- All vehicles must proceed with activated emergency beacons and sirens sounding;
- The driver must not proceed unless they deem road conditions are safe to do so;
  - o taking extreme care
  - o at a speed that enables immediate stopping when required
  - o judicious use of air horns; and
  - o ensuring wherever possible, by their actions they do not force other road users to contravene the Road Traffic Code.
- The risk assessment that supports the decision to proceed contra flow has considered:
  - o Life involvement
  - o Classification of emergency
  - o Emergency information available
  - o Weather conditions
  - o Road surface conditions
  - o Traffic conditions
  - o Driver experience; and
  - o Visibility

### **7.1 Contra Travel on FREEWAYS**

Where the OIC/CL has considered all alternate routes and deemed that the most effective route of travel is against the flow of traffic on the Freeway, in addition to the procedure for general contra flow (above), the procedure to follow is:

- Contact ComCen to notify of intentions to travel contra flow.

ComCen may have access to the Main Roads camera feeds for Perth freeways and may be able to provide clarification of incident details and advice.

ComCen is to contact Main Roads, Road Network Operation Centre to provide detail in relation to emergency contra-travel.

## **8. Consequences**

Drivers may be liable for driving an emergency vehicle under emergency conditions without following DFES Policy or procedures, or for gross errors of judgement if deemed not to be demonstrating reasonable care. Annex A – Legislation Excerpt from RTA Section 60, 60A, 61 & 62 defines “Reckless, Dangerous and Careless Driving”.

Drivers who are in breach of the above procedures may be subject to disciplinary proceedings as detailed in DFES Conduct and Discipline Policy.

[Conduct and Discipline Policy](#)

## **Annexes**

A Legislation Excerpts

## ANNEX A – Legislation Excerpts

### Road Traffic Act 1974

Section 60	<p><b>Driving in reckless manner</b></p> <p>(1) For the purposes of this section, a motor vehicle is driven in a reckless manner if it is driven in a manner (which expression includes speed) that is inherently dangerous or that is, having regard to all the circumstances of the case, dangerous to the public or to any person.</p>
Section 60A	<p><b>Driving at reckless speed</b></p> <p>(1) A person commits an offence if the person drives a motor vehicle at a speed of 155 km/h or more on any other length of road.</p> <p>(2) A person commits an offence if the person drives a motor vehicle at 45 km/h or more above the speed limit –</p> <ul style="list-style-type: none"> <li>(a) In a confiscation zone; or</li> <li>(b) On any other length of road.</li> </ul>
Section 61 (no exemptions)	<p><b>Dangerous driving</b></p> <p>(1) Every person who drives a motor vehicle in a manner (which expression includes speed) that is, having regard to all circumstances of the case, dangerous to the public or to any person commits an offence.</p>
Section 61B	<p><b>Defence for certain officers driving at reckless speed</b></p> <p>The driver of a motor vehicle is not guilty of an offence under section 60A if –</p> <p>(a) either –</p> <ul style="list-style-type: none"> <li>(i) the driver is on official duty as a police officer and the driving is substantially in accordance with the Commissioner’s policies and guidelines relating to driving, applicable at the time of the driving, and any direction given under such a policy or guideline; or</li> <li>(ii) the driver is on official duty responding to a fire or fire alarm; or</li> <li>(iii) the driver is on official duty responding to an emergency or rescue operation where it is reasonable to assume that human life is likely to be in danger; or</li> <li>(iv) the motor vehicle is an ambulance and is being used to answer an urgent call or to convey a person to a place for the provision of urgent medical treatment;</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>(b) the driver is taking reasonable care; and</li> <li>(c) the vehicle is displaying a blue or red flashing light or sounding an alarm unless, in the circumstances, it is reasonable for a light not to be displayed or an alarm not to be sounded.</li> </ul>
Section 62 (no exemptions)	<p><b>Careless driving</b></p> <p>Every person who drives a motor vehicle without due care and attention commits an offence.</p>

### Road Traffic Code 2000

Regulation 281	<p><b>Exemption for drivers of emergency vehicles (other)</b></p> <p>A provision of this regulation does not apply to the driver of an emergency vehicle that is not being used for official duties by a police officer if –</p> <p>(a) in the circumstances –</p> <ul style="list-style-type: none"> <li>(i) the driver is taking reasonable care; and</li> <li>(ii) it is reasonable that the provision should not apply; <b>AND</b></li> </ul> <p>(b) the vehicle is a motor vehicle that is moving and the vehicle is displaying a blue or red flashing light or sounding an alarm.</p>
----------------	---

## DOCUMENT HISTORY

VERSION	DATE	DESCRIPTION of CHANGE
1.0	May 09	New SOP created. New sections created: (All) Source documents: SOP 36 – Road Traffic Code SOP 40 – DFES Driver Responsibilities All listed SOP/SAP, now retired.
1.1	Jul 11	<ul style="list-style-type: none"> <li>• Content reviewed</li> <li>• Version control Footer inserted</li> <li>• Document History inserted</li> </ul>
1.1	Jan 13	<ul style="list-style-type: none"> <li>• Included requirements to re-instate 4WD vehicle for on road driving</li> <li>• New requirement for tyre gauges to be used during re-inflation added</li> </ul>
1.2	Apr 13	Included in table Section 3 General DFES Driving Conditions <ul style="list-style-type: none"> <li>• Seat Belts</li> <li>• Travelling On The Outside Of Vehicles</li> <li>• Ref; RT Code Pt 19 Div. 1 284(1)b)</li> </ul>
1.3	Sep 13	Included DoT licensing requirements for heavy vehicles and links to DoT site Included DFES Requirement for completion of DFOA
1.4	Apr 14	Included instruction for vehicle weight when carrying out recovery. Clarification of section 7, Driver Pre-Requisites. Inclusion of Letter of Authorisation to Drive, Annex B.
1.5	Oct 14	Clarification of Maximum Speed Limit. Inclusion of Contra Travel on Freeways. Clarification of procedures for approach to traffic control signals and stop signs.
1.6	May 15	Table under section 3, added row titled Driver
1.7	Jan 16	Inclusion of exception re: provision to exceed posted speed limit, paragraph 11 Speed.
2.0	Dec 16	REVOKED – Incorrect publishing.
2.1	Dec 16	Clarification of Alcohol and Drug policy, specifically volunteer blood alcohol limits. Clarification of speed restrictions when towing trailers. Clarification of requirements for load restraint within vehicles. Clarification of requirement when reversing operational vehicles. Clarification of appropriate use of air horns. Clarification of driver responsibilities, specifically regarding speed. Clarification of procedures for contra-travel on freeways.
3.0	Mar 2020	Major review. Document title changed to Respond Under Emergency Conditions BAC Exemption changed to 0.00% for ALL drivers of emergency vehicles. All information relating to driving normal road conditions moved to SOP 3.3.12 – Driving Standards. New section outlining Authority to respond under emergency conditions DFES Emergency Driving Standards expanded. Removed sections covering Driving Off-Road, Re-Instate Vehicles for On-Road Driving and Recovery. These are all covered in training.
3.1	Mar 2020	Emergency Vehicle definition modified to mirror definition in Act. Words “on road” removed from Qualification Requirements dot point 2. Added speed restriction when travelling through road works. Remove the words “The RTA requirements are that” from the Exclusions portion of the Speed section.
3.2	December 2020	Re-establish guidance for use of air horns when responding to DBAs.
3.3	Feb 2022	Update for Contraflow part 7 and 7.1

This document is uncontrolled when printed or downloaded.

Other than permitted under the Copyright Act 1968, no part of this publication may be reproduced by any means without written permission of the Department of Fire and Emergency Services.

For further information contact [Doctrine@dfes.wa.gov.au](mailto:Doctrine@dfes.wa.gov.au)