



New South Wales

Road Transport Legislation Amendment (Stationary Emergency Vehicles) Regulation 2018

under the

Road Transport Act 2013

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport Act 2013*.

MELINDA PAVEY, MP
Minister for Roads, Maritime and Freight

Explanatory note

The objects of this Regulation are as follows:

- (a) to require motorists to slow down and not increase speed when passing stationary emergency response vehicles, including police vehicles, ambulances and other emergency vehicles, that display a flashing blue or red light,
- (b) to require motorists to give way to any person on foot near such a vehicle,
- (c) to provide that those requirements are offences and may be dealt with by way of a penalty notice,
- (d) to prescribe these offences as offences for which demerit points may be incurred.

This Regulation is made under the *Road Transport Act 2013*, including sections 23, 24 (the general regulation and rule-making power), 26, 32 (1) (b) and 195 and Schedule 1.

Road Transport Legislation Amendment (Stationary Emergency Vehicles) Regulation 2018

under the

Road Transport Act 2013

1 Name of Regulation

This Regulation is the *Road Transport Legislation Amendment (Stationary Emergency Vehicles) Regulation 2018*.

2 Commencement

This Regulation commences on 1 September 2018 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Road Rules 2014

Rule 78–1

Insert after rule 78:

78–1 NSW rule: Approaching or passing stationary emergency response vehicles

- (1) A driver approaching a stationary emergency response vehicle on a road that is displaying a flashing blue or red light must give way to any person who is on foot in the immediate vicinity of the vehicle.

Maximum penalty: 20 penalty units.

Note. *Approaching* is defined in the Dictionary.

- (2) A driver must not drive past, at a speed exceeding 40 kilometres per hour, a stationary emergency response vehicle on a road that is displaying a flashing blue or red light.

Maximum penalty: 20 penalty units.

- (3) A driver who drives past a stationary emergency response vehicle on a road that is displaying a flashing blue or red light must not increase speed until the driver is at a sufficient distance from the vehicle so as to avoid causing a danger to any person in the immediate vicinity of the vehicle.

Maximum penalty: 20 penalty units.

- (4) A driver does not commit an offence under this rule if the driver is driving on a road that is divided by a median strip and the emergency response vehicle is on the other side of the road beyond the median strip.

Note. *Median strip* is defined in the Dictionary.

- (5) This rule applies to a driver despite any other rule of these Rules.

- (6) In this rule:

emergency response vehicle means a vehicle being used by any of the following:

- (a) the NSW Police Force,
- (b) the Ambulance Service of NSW,
- (c) Fire and Rescue NSW (including a fire brigade within the meaning the *Fire Brigades Act 1989*),
- (d) the NSW Rural Fire Service,
- (e) the NSW State Emergency Service,
- (f) the Authority,
- (g) the Transport Management Centre,
- (h) the NSW Volunteer Rescue Association.

Note. This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

Schedule 2 Amendment of Road Transport (General) Regulation 2013

Schedule 5 Penalty notice offences

Insert “Rule 78–1,” after “Rule 78,” in the matter relating to rules 66–294 of the *Road Rules 2014*.

Schedule 3 Amendment of Road Transport (Driver Licensing) Regulation 2017

Schedule 2 Additional demerit point offences

Insert before the matter relating to rule 92 (1) of the *Road Rules 2014*:

Rule 78-1 (1)	Fail to give way to person near stationary emergency response vehicle	3	3
Rule 78-1 (2)	Drive past stationary emergency response vehicle at speed exceeding 40km/h	3	3
Rule 78-1 (3)	Increase speed when passing stationary emergency response vehicle	3	3