

SOUTH AUSTRALIA

AMBULANCE SERVICES ACT, 1985

AMBULANCE SERVICES ACT, 1985

being

Ambulance Services Act, 1985, No. 63 of 1985
[Assented to 6 June 1985]¹

¹ Came into operation 10 October 1985: *Gaz.* 10 October 1985, p. 1078.

An Act to provide for the licensing of ambulance services; and for other purposes.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title

1. This Act may be cited as the *Ambulance Services Act, 1985*.

Commencement

2. (1) This Act shall come into operation on a day to be fixed by proclamation.

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Interpretation

3. In this Act, unless the contrary intention appears—

"ambulance service" means the service of transporting sick or injured persons;

"the Health Commission" means the *South Australian Health Commission*;

"licence" means a licence under this Act:

"the St. John ambulance service" means the ambulance service provided by the St. John Council:

"the St. John Council" or "the Council" means the St. John Council for South Australia Inc.

Grant of licence

4. (1) The Health Commission may grant a licence to provide an ambulance service subject to such conditions as it thinks fit.

(2) Every licence granted under this section (whether to the St. John Council or any other body or person) shall be subject to the condition that the licensee shall provide an ambulance service in accordance with the stipulations of the Minister of Health (being stipulations that are not inconsistent with this Act).

(3) On the commencement of this Act, a licence shall be granted to the St. John Council under subsection (1) subject only to the following conditions:

(a) the condition referred to in subsection (2);

(b) that the Council establish a board entitled "the Ambulance Board" consisting of the following members—

(i) three persons appointed by the Council, being persons nominated by the Minister of Health, of whom—

(A) one must be a legal practitioner or an accountant of not less than seven years standing;

3.

(B) one must be a medical practitioner of not less than seven years standing;

and

(C) one must be a person who is, in the opinion of the Minister, an appropriate person to represent the interests of the general community;

(ii) one person employed in the St. John ambulance service (not being a person holding rank above that of Assistant Superintendent) elected by a secret ballot of such persons conducted by the Electoral Commissioner;

(iii) one person engaged as a volunteer in the St. John ambulance service elected by a secret ballot of such persons conducted by the Electoral Commissioner;

(iv) one person appointed by the Council, being a person nominated by the St. John Ambulance Association South Australia Centre Inc.;

(v) one person appointed by the Council, being a person nominated by the St. John Ambulance Brigade South Australia District Inc.;

and

(vi) two persons appointed by the Council, being members of the Council;

(c) that, in relation to the constitution and procedures of the Ambulance Board, the following provisions be complied with:

(i) a member of the Board shall be appointed or elected for a term of three years and shall, on the expiration of a term of office, be eligible for reappointment or re-election;

(ii) the office of a member of the Board shall become vacant if the member—

(A) dies;

(B) completes a term of office;

(C) resigns by notice in writing to the Council;

or

(D) is removed from office by the Council on the ground of neglect of duty, misconduct or mental or physical incapacity to carry out satisfactorily the official duties;

(iii) a person appointed to a casual vacancy in the membership of the Board shall be appointed or elected only for the balance of the term of the previous occupant of the office;

4.

- (iv) one member of the Board shall be elected by the Board to be the presiding officer of the Board;
 - (v) a meeting of the Board may be convened by the presiding officer, the Council or the Health Commission;
 - (vi) five members of the Board shall constitute a quorum of the Board;
 - (vii) a decision supported by the votes of a majority of the members present at a meeting of the Board shall be a decision of the Board;
- (d) that the Council delegate and commit to the Ambulance Board the whole of the management and administration of the St. John ambulance service;
- (e) that the Ambulance Board develop, in consultation with the Council, policies for the efficient management and administration of the St. John ambulance service, including policies covering the following matters—
- (i) the appropriate balance between employees and volunteers in the St. John ambulance service;
 - (ii) the qualifications that must be held by persons who are to be engaged, as employees or volunteers, in the St. John ambulance service;
 - (iii) the training and development of those who are engaged, or seek to become engaged, as employees or volunteers, in the St. John ambulance service;
 - (iv) the discipline of employees and volunteers in the St. John ambulance service;
- and
- (v) the administrative procedures to be observed in relation to the St. John ambulance service;
- (f) that the Council take any action necessary on its part to implement the policies and decisions of the Ambulance Board relating to the management and administration of the St. John ambulance service;
- (g) that there be a Chief Executive Officer of the Ambulance Board appointed by the Council on the recommendation of the Ambulance Board;
- (h) that employment of staff in the St. John ambulance service be on terms and conditions approved by the Health Commission;
- (i) that the Council establish a committee entitled the "Ambulance Service Industrial Relations Consultative Committee" consisting of the following members appointed by the Council on the nomination of the Ambulance Board:
- (i) the Chief Executive Officer, or a nominee of the Chief Executive Officer, of the Ambulance Board;

5.

- (ii) a member or officer of the Health Commission;
 - (iii) a representative of the Ambulance Employees Association;
 - (iv) a representative of the Federated Miscellaneous Workers Union;
 - (v) a representative of the Federated Clerks Union;
- (j) that—
- (i) the Council establish a committee entitled the "Volunteer Ambulance Officers Advisory Committee" consisting of not less than eight and not more than twelve members, representing all areas of the State on an equitable basis, elected by a secret ballot (conducted by the Electoral Commissioner) of the persons who are engaged as volunteers in the St. John ambulance service;
- and
- (ii) the committee consult with and advise the Ambulance Board and the St. John Ambulance Brigade South Australia District Incorporated on matters relating to the St. John ambulance service;
- (k) that the Council cause proper accounts to be kept of its financial affairs;
- (l) that the accounts of the Council be audited at least once in each year by an auditor approved by the Auditor-General;
- (m) that, as soon as practicable after the end of each financial year, the Council deliver to the Health Commission a report on the administration and activities of the Council during that financial year, being a report that incorporates the audited accounts of the Council for that financial year;
- (n) that, before the commencement of a financial year, the Council present to the Health Commission a budget showing estimates of its receipts and payments for that financial year;
- (o) that the Council provide the Health Commission with such information in relation to its affairs as the Health Commission may reasonably require;
- and
- (p) that the Council produce such documents for the inspection of a person authorized for the purpose by the Health Commission as the authorized person may reasonably require.

Term of licence, etc.

5. (1) A licence may be granted on a permanent basis or for a term specified in the licence.
- (2) The licence granted to the St. John Council shall be granted on a permanent basis.

Licence non-transferable

6. A licence is not transferable.

Variation, etc., of conditions of licence

7. (1) The Health Commission may, by notice in writing to any holder of a licence other than the St. John Council—

(a) add to the conditions of the licence;

or

(b) vary or revoke a condition of the licence.

(2) The Health Commission shall not exercise its powers under subsection (1) except with the concurrence of the Minister.

Enforcement of conditions of licence

8. Where a contravention of, or non-compliance with, a condition of a licence occurs, the Supreme Court may, on the application of the Minister, grant an injunction—

(a) prohibiting the licensee or a delegate of the licensee from further contravention of the condition;

or

(b) requiring the licensee, or a delegate of the licensee, to take specified action to remedy the non-compliance.

Offences

9. (1) A person who provides an ambulance service for fee or reward, without being licensed under this Act, is guilty of a summary offence and liable to a penalty not exceeding ten thousand dollars.

(2) A person who, being licensed under this Act, contravenes or fails to comply with a condition of the licence is guilty of a summary offence and liable to a penalty not exceeding ten thousand dollars.

(3) This section does not prevent an unlicensed person from providing an ambulance service for fee or reward in the following circumstances:

(a) the service is provided in an emergency;

(b) ambulance services are not provided by that person on a regular basis;

and

(c) there is no holding out to the public that that person is prepared to provide ambulance services for fee or reward.