

Legislative Council—No 87A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 28 June 2005

South Australia

**Ambulance Services (SA Ambulance Service Inc)
Amendment Bill 2005**

A BILL FOR

An Act to amend the *Ambulance Services Act 1992*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Ambulance Services (SA Ambulance Service Inc) Amendment Act 2005*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Ambulance Services Act 1992*

4—Amendment of section 4—Interpretation

- (1) Section 4—after the definition of *ambulance* insert:

Ambulance Board means the committee appointed by the Minister to manage the affairs of SAAS (see Part 3 and the rules);

- (2) Section 4—definition of *the Priory*—delete the definition and substitute:
rules means the rules of SAAS made by regulation under Part 3;
SAAS means SA Ambulance Service Inc.

5—Amendment of section 5—Offence

- 5 (1) Section 5—before paragraph (a) insert:
(aa) the service is provided by SAAS; or
(2) Section 5, penalty provision—delete the penalty provision and insert:
Maximum penalty: \$20 000.

6—Amendment of section 7—Conditions of licence

- 10 Section 7(4), penalty provision—delete the penalty provision and insert:
Maximum penalty: \$20 000.

7—Substitution of Part 3

Part 3—delete the Part and substitute:

Part 3—SA Ambulance Service Inc

15 11—SA St John Ambulance Service Inc to continue as SA Ambulance Service Inc

- (1) The *SA St John Ambulance Service Inc* continues in existence under the name *SA Ambulance Service Inc (SAAS)*.

Note—

20 The *SA St John Ambulance Service Inc* was incorporated on 1 July 1993 under the *Associations Incorporation Act 1985* for the purpose of carrying on the business of providing ambulance services.

- 25 (2) The object of SAAS is to provide ambulance services of high quality, wherever they may be required in the State, making use of the services of both volunteer and employed personnel.

11A—Establishment of Ambulance Board

- (1) Management of the affairs of SAAS is vested in a committee to be known as the *Ambulance Board*.
- 30 (2) The Ambulance Board consists of 10 members appointed by the Minister as follows:
- (a) 6 persons nominated by the Minister of whom—
- (i) at least 1 must be a legal practitioner; and
 - (ii) at least 1 must have knowledge of and experience in voluntary work in the community; and
 - 35 (iii) at least 1 must have experience in financial management;

- (b) 1 must be a serving volunteer ambulance officer nominated by the Advisory Committee;
- (c) 1 must be a person serving as a volunteer in the administration of the provision of ambulance services nominated by the Advisory Committee;
- (d) 1 must be a member of the Ambulance Employees Association of SA (*AEA*) nominated by AEA;
- (e) 1 must be chosen at an election held in accordance with the regulations.

- (2a) Each employee of SAAS is entitled to vote at an election under subsection (2)(e).
- (2b) If an election of a person for the purposes of subsection (2)(e) fails for any reason, the Minister may appoint an employee of SAAS and the person so appointed will be taken to have been appointed after due election under this section.
- (3) The Ambulance Board is subject to direction (which must be given in writing) by the Minister.

12—Legal status, management and control of SAAS

- (1) SAAS continues as an association incorporated under the *Associations Incorporation Act 1985*.
- (2) Any profits made by SAAS are to be applied towards improving ambulance services for the South Australian community.
- (4) The Ambulance Board must manage SAAS's affairs in accordance with this Act, the rules and the *Associations Incorporation Act 1985*.
- (5) The Minister is the sole member of SAAS and may exercise control over SAAS by giving written directions to the Ambulance Board.
- (6) The rules of SAAS are to be made, varied or revoked by regulation.
- (7) The rules are made for the purposes of the *Associations Incorporation Act 1985* and will be taken to conform with the requirements of that Act.
- (8) The Ambulance Board must, within 1 month after a rule comes into operation, provide the Corporate Affairs Commission with a copy of the rule.
- (9) If SAAS is wound up, any assets that are not required to meet SAAS's liabilities are to be used, as directed by the Minister, for improving ambulance services for the South Australian community.

13—Establishment of Country Ambulance Advisory Committee

- (1) SAAS will establish the *Country Ambulance Advisory Committee* to advise it about the provision of ambulance services in country regions.

- (2) At least one third of the members of the Advisory Committee must be volunteer ambulance officers and at least another third must be persons serving as volunteers in the administration of the provision of ambulance services.

5 **14—Accounts and audit**

- (1) SAAS must keep proper accounting records of its financial affairs and must have annual statements of account prepared in respect of each financial year.
- 10 (2) The Auditor-General may at any time, and must at least once in each year, audit SAAS's accounts.
- (3) Part 3 of the *Public Finance and Audit Act 1987* applies to, and in relation to, SAAS as if it were a public authority within the meaning of that Act.
- 15 (4) The Auditor-General must, within 2 months after auditing SAAS's accounts, prepare a report relating to the audit and forward a copy of the report to SAAS and the Minister.

15—Limitation on SAAS's powers to borrow or invest money

- (1) SAAS must not, without the written approval of the Treasurer, borrow money or accept any other form of financial accommodation.
- 20 (2) SAAS must not, without the written approval of the Treasurer, invest money.

16—Annual report

- (1) SAAS must, on or before 30 September in each year, deliver to the Minister a report on its operations during the 12 months ending on the preceding 30 June.
- 25 (2) The report must—
- (a) incorporate the Auditor-General's report for the relevant financial year; and
- (b) include any direction given by the Minister under section 12(4) during the relevant financial year.
- 30 (3) The Minister must, within 12 sitting days after receiving a report under this section, have copies of the report laid before both Houses of Parliament.

16A—Application of *Associations Incorporation Act 1985*

- 35 (1) The *Associations Incorporation Act 1985* is modified, in its application to SAAS, so far as necessary to give effect to this Part.
- (2) In particular (but without limiting subsection (1))—
- (a) sections 24 and 24A do not apply; and
- (b) Divisions 2 and 3 of Part 4 do not apply; and
- 40 (c) sections 43 and 43A do not apply; and

- (d) the Act is, in its application to SAAS, subject to such further modifications as may be prescribed by regulation.

8—Amendment of section 17—Fees for ambulance services

Section 17(3), penalty provision—delete the penalty provision and substitute:

5 Maximum penalty: \$20 000.

9—Amendment of section 18—Holding out etc

(1) Section 18(1), penalty provision—delete the penalty provision and substitute:

 Maximum penalty: \$2 500.

(2) Section 18(2), penalty provision—delete the penalty provision and substitute:

10 Maximum penalty: \$2 500.