

SOUTH AUSTRALIA

AMBULANCE SERVICES ACT 1992

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AMBULANCE SERVICES ACT 1992

being

Ambulance Services Act 1992 No. 92 of 1992
[Assented to 10 December 1992]¹

¹ Came into operation 1 March 1993: *Gaz.* 25 February 1993, p. 712.

2.

An Act to provide for the licensing of persons who provide ambulance services; to repeal the Ambulance Services Act 1985; and for other purposes.

The Parliament of South Australia enacts as follows:

PART 1

PRELIMINARY

Short title

1. This Act may be cited as the *Ambulance Services Act 1992*.

Commencement

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

Repeal

3. The *Ambulance Services Act 1985* is repealed.

Interpretation

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

"ambulance" means a vehicle that has been modified and equipped and is staffed to provide medical treatment to patients being transported in the vehicle:

"ambulance service" means the transporting of a patient by ambulance to a hospital, surgery or other place to receive medical treatment or the transporting of a patient by ambulance from a hospital, surgery or other place at which the patient has received medical treatment:

"medical treatment" includes all medical or surgical advice, attendances, services, procedures and operations and also includes the observation of patients:

"the Priory" means the Priory in Australia of the Grand Priory of the Most Venerable Order of the Hospital of St. John of Jerusalem:

Note: For definition of divisional penalties see Appendix.

PART 2

PROVISION OF AMBULANCE SERVICES

Offence

5. A person who provides an ambulance service is guilty of an offence unless—

(a) he or she is licensed under this Act to provide that service;

or

(b) the service is provided by a person or a person of a class, or in circumstances, prescribed by regulation.

Penalty: Division 4 fine.

Licences

6. (1) The Minister may grant a licence to a person to provide ambulance services if, in the Minister's opinion—

(a) the person has the capacity to provide ambulance services of a high standard and is a suitable person to hold a licence in all other respects;

and

(b) the granting of the licence is not likely to have a detrimental effect on the ability (including the financial ability) of an existing licence holder to provide ambulance services of a high standard.

(2) When considering an application for a licence under subsection (1) the Minister is not bound to take subsection (1)(b) into account in respect of an existing licence holder who does not, in the opinion of the Minister, provide ambulance services in an efficient manner.

(3) An application for a licence must be in a form approved by the Minister and must be accompanied by the prescribed fee.

(4) An applicant for a licence must provide the Minister with such information as the Minister reasonably requires to consider the application.

(5) The Minister may, if he or she thinks fit, grant a licence to an applicant in perpetuity or for a limited term specified in the licence.

(6) A licence is not transferable.

Conditions of licences

7. (1) The Minister may attach such conditions to a licence as he or she thinks fit.

(2) The Minister may, after giving the holder of a licence not less than one month's notice in writing, vary the existing conditions of the licence or attach new conditions to the licence.

4.

(3) The Minister may, on giving notice in writing to the holder of a licence, revoke a condition of the licence.

(4) A person who contravenes, or fails to comply with, a condition of a licence is guilty of an offence.

Penalty: Division 4 fine.

Revocation of licence

8. Where, in the opinion of the Minister, a person has contravened, or failed to comply with, a provision of this Act or a condition of a licence, the Minister may, by notice in writing to the holder of the licence, revoke the licence.

Delegation by Minister

9. (1) The Minister may delegate any of his or her powers under this Part to the South Australian Health Commission except the power to revoke a licence and this power of delegation.

(2) A delegation under this section—

(a) must be by instrument in writing;

(b) may be absolute or conditional;

(c) does not derogate from the power of the Minister to act in any matter;

and

(d) is revocable at will by the Minister.

Appeal to Administrative Appeals Court

10. (1) A person who objects to a decision of the Minister or of a person to whom the Minister has delegated powers under this Part—

(a) refusing to grant a licence to the person;

(b) attaching conditions to, or varying conditions of, a licence granted to the person;

or

(c) revoking a licence granted to the person,

may appeal against the decision to the Administrative Appeals Court.

(2) The Court may, on hearing an appeal, exercise any one or more of the following powers:

(a) affirm, vary or quash the decision appealed against or substitute, or make in addition, any decision that should have been made in the first instance;

(b) remit the subject matter of the appeal to the Minister or to his or her delegate for further consideration.

5.

(3) Where a decision has been made by the Minister or the Minister's delegate, and the Minister or the Minister's delegate or the Court is satisfied that an appeal against the decision has been instituted, or is intended, the Minister, the delegate or the Court may suspend the operation of the decision until the determination of the appeal.

(4) Where the Minister or delegate has suspended the operation of a decision under subsection (3) the Minister or delegate may terminate the suspension, and where the Court has done so, the Court may terminate the suspension.

PART 3

S.A. ST. JOHN AMBULANCE SERVICE INC.

S.A. St. John Ambulance Service Inc.

11. (1) The Minister and the Priory or a person nominated by the Minister and a person nominated by the Priory may form an association for the purpose of carrying on the business of providing ambulance services.

(2) The association will be taken to be eligible for incorporation under the *Associations Incorporation Act 1985* under the name "S.A. St. John Ambulance Service Inc."

The governing body of the association

12. The governing body of the association must comprise—

- (a) three members nominated by the Minister one of whom will be nominated by the Minister to be the presiding officer of the body;
 - (b) two members nominated by the Priory;
 - (c) one member who is a serving volunteer ambulance officer nominated by the Priory from a panel of three such officers selected by the advisory committee established under section 13;
 - (d) one member who is a person serving as a volunteer in the administration of the provision of ambulance services nominated by the Priory from a panel of three such persons selected by the advisory committee established under section 13;
 - (e) a member of the Ambulance Employees Association nominated by that association;
 - (f) a member nominated by the United Trades and Labor Council;
- and
- (g) a person nominated by the Minister and the Priory who has knowledge of, and experience in voluntary work in the community.

Advisory committee

13. (1) The association must establish a committee to advise the association in relation to the provision of ambulance services in country regions.

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

Accounts and audit

14. (1) The association must cause proper accounts to be kept of its financial affairs.

(2) The Auditor-General must, in respect of each financial year of the association, audit the accounts of the association.

7.

(3) Part III of the *Public Finance and Audit Act 1987* applies to, and in relation to, the association as if it were a public authority within the meaning of that Act.

(4) Division II of Part IV of the *Associations Incorporation Act 1985* does not apply to, or in relation to, the association.

(5) The Auditor-General must, within two months after auditing the accounts of the association, prepare a report relating to the auditing of the accounts and provide the Minister and the Priory with a copy of the report.

Report

15. (1) The association must, before the end of September in each year, present to the Minister and the Priory a report upon the operations of the association for the previous financial year.

(2) The Minister must cause copies of the Auditor-General's report and the association's report to be laid before both Houses of Parliament.

Borrowing and investment

16. (1) The association must not, without the written approval of the Treasurer, borrow any money or accept any other form of financial accommodation.

(2) The association must not, without the written approval of the Treasurer, invest any money.

PART 4

MISCELLANEOUS

Fees for ambulance services

17. (1) Fees for ambulance services will be fixed by the Minister by notice in the *Gazette*.

(2) A notice under subsection (1) may fix different fees for different classes of ambulance service or for ambulance services provided in different parts of the State.

(3) A person who charges, or accepts payment of, a fee for an ambulance service that exceeds the fee fixed by the Minister is guilty of an offence.

Penalty: Division 4 fine.

(4) The fee for an ambulance service is payable by the patient transported to, or from, a hospital, surgery or other place whether or not he or she consented to the provision of the service.

(5) If the identity and address of a patient is disclosed to the holder of a licence under this Act to enable recovery of a fee for an ambulance service, the disclosure will not constitute the breach of any Act or other law and will not be in breach of any principle of professional ethics.

Holding out, etc.

18. (1) A person must not hold himself or herself out as a person who carries on the business of providing ambulance services unless he or she carries on that business and is either licensed under this Act or is a person who is not required to be licensed under this Act in relation to services provided in the course of carrying on that business.

Penalty: Division 7 fine.

(2) A person must not hold himself or herself out as a person who is employed by a person who carries on the business of providing ambulance services unless he or she is employed by a person in the course of carrying on a business of that kind.

Penalty: Division 7 fine.

General defence

19. It is a defence to a charge of an offence against this Act if the defendant proves that the alleged offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

Regulations

20. The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.

9.

SCHEDULE

Transitional Provisions

1. (1) A licence in force under the *Ambulance Services Act 1985* immediately before its repeal by this Act will, subject to this Act, remain in force for 12 months after the repeal of that Act.

(2) A licence referred to in subclause (1)—

(a) will be taken to be a licence granted under this Act;

and

(b) may be surrendered by the holder of the licence at any time.

APPENDIX**DIVISIONAL PENALTIES**

At the date of assent to this Act divisional penalties are, as provided by section 28a of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine
1	15 years	\$60 000
2	10 years	\$40 000
3	7 years	\$30 000
4	4 years	\$15 000
5	2 years	\$8 000
6	1 year	\$4 000
7	6 months	\$2 000
8	3 months	\$1 000
9	-	\$500
10	-	\$200
11	-	\$100
12	-	\$50

Note: This appendix is provided for convenience of reference only.