

South Australia

Ambulance Services (SA Ambulance Service Inc Rules) Regulations 2006

under section 12 of the *Ambulance Services Act 1992*

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1—Short title

These regulations may be cited as the *Ambulance Services (SA Ambulance Service Inc Rules) Regulations 2006*.

2—Commencement

These regulations will come into operation on the day on which the *Ambulance Services (SA Ambulance Service Inc) Amendment Act 2005* comes into operation.

3—Interpretation

In these regulations, unless the contrary intention appears—
Act means the *Ambulance Services Act 1992*.

4—SA Ambulance Service Inc Rules

The rules set out in Schedule 1 are made for the purposes of section 12 of the Act and the *Associations Incorporation Act 1985*.

Schedule 1—SA Ambulance Service Inc Rules

1—Short title

These rules may be cited as the *SA Ambulance Service Inc Rules*.

2—Revocation of SA St John Ambulance Service Inc rules

The rules of association made under the *Associations Incorporation Act 1985* for SA St John Ambulance Service Inc are revoked.

3—Object

The object of SA Ambulance Service Inc is to provide ambulance services throughout the State using both volunteer and employed personnel in a manner consistent with the policies, objects and directions of the Minister.

4—Interpretation

In these rules, unless the contrary intention appears—

Act means the *Ambulance Services Act 1992*;

Advisory Committee means the Country Ambulance Advisory Committee established under the Act;

Ambulance Board means the committee appointed to manage the affairs of SAAS;

deputy presiding member—see rule 10;

Minister means the Minister to whom the administration of the *Ambulance Services Act 1992* is committed;

presiding member—see rule 10;

SAAS means SA Ambulance Service Inc.

5—Name

The name of the incorporated association is SA Ambulance Service Inc.

Note—

The association was formerly named St John Ambulance Service Inc.

6—Membership

The Minister is the sole member of SAAS.

7—SAAS is non-profit association

- (1) The assets and income of SAAS may only be applied in furtherance of its objects and no portion may be distributed directly or indirectly to the Minister except as compensation in good faith for services rendered or expenses incurred on behalf of SAAS.

- (2) The Minister's membership of SAAS confers no right to any distribution of income or capital (but the Minister may make reasonable charges for services provided, with the agreement of the Ambulance Board, for the benefit of SAAS).
- (3) However, on a winding up, any surplus assets are to vest in the Minister and are to be applied for the purposes of improving ambulance services in the State.

8—Powers

Subject to the Act, SAAS has the powers of a natural person and the functions and powers assigned or conferred under the Act, these rules and the *Associations Incorporation Act 1985*.

9—Common seal and execution of documents

- (1) The common seal of SAAS must not be affixed to a document except in pursuance of a decision of the Ambulance Board, and the affixing of the seal must be attested by the signatures of 2 members of the Board.
- (2) SAAS may, by instrument under its common seal, authorise a member of the Ambulance Board, an employee of SAAS (whether nominated by name or by office or title) or any other person to execute documents on behalf of SAAS subject to conditions and limitations (if any) specified in the instrument of authority.
- (3) Without limiting subrule (2), an authority may be given so as to authorise 2 or more persons to execute documents jointly on behalf of SAAS.
- (4) A document is duly executed by SAAS if—
 - (a) the common seal of SAAS is affixed to the document in accordance with this rule; or
 - (b) the document is signed on behalf of SAAS by a person or persons in accordance with an authority conferred under this rule.

10—Presiding member and deputy

- (1) The Minister must appoint 1 of the members nominated by the Minister (the *presiding member*) to preside at meetings of the Ambulance Board.
- (2) The Ambulance Board may appoint a member to be the deputy of the presiding member (the *deputy presiding member*) to preside at meetings of the Board in the absence of the presiding member.

11—Conditions of membership of Ambulance Board

- (1) A member of the Ambulance Board will be appointed for a term, not exceeding 3 years, specified in the instrument of appointment and will, at the expiration of a term of appointment, be eligible for reappointment.
- (2) However, the term of office of a retiring member will continue until he or she is reappointed or a successor is appointed (as the case may be).
- (3) The office of a member of the Ambulance Board becomes vacant if the member—
 - (a) dies; or
 - (b) completes a term of office and is not reappointed; or
 - (c) resigns by written notice to the Minister; or

- (d) ceases to satisfy the qualification by virtue of which the member was eligible for appointment; or
 - (e) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
 - (f) is convicted of an indictable offence or sentenced to imprisonment for an offence; or
 - (g) is removed from office under subrule (4).
- (4) The Minister may remove a member from office on any ground that the Minister considers sufficient.

12—Remuneration

A member of the Ambulance Board is entitled to remuneration, allowances and expenses determined by the Minister.

13—Disclosure of interest

- (1) A member of the Ambulance Board who has a direct or indirect pecuniary or personal interest in a matter under consideration by the Board—
- (a) must, as soon as he or she becomes aware of the interest, disclose the nature and extent of the interest to the Board; and
 - (b) must not take part in deliberations or decisions of the Board on the matter.
- (2) A member of the Ambulance Board will not be taken to have an interest in a matter for the purposes of this rule by reason only of the fact that the member has an interest in the matter that is shared in common with the public or persons engaged in or associated with the provision of ambulance services.
- (3) A disclosure under this rule must be recorded in the minutes of the Ambulance Board.

14—Validity of acts of Ambulance Board

An act or proceeding of the Ambulance Board is not invalid by reason only of a vacancy in its membership or a defect in the election or appointment of a member.

15—Procedures of Ambulance Board

- (1) The Ambulance Board must meet at least 10 times in each year.
- (2) A quorum of the Ambulance Board consists of 5 members.
- (3) If the presiding member and the deputy presiding member of the Ambulance Board are both absent from a meeting of the Board, a member chosen by the members present at the meeting will preside.
- (4) A decision carried by a majority of the votes cast by the members present at a meeting of the Ambulance Board is a decision of the Board.
- (5) Each member present at a meeting of the Ambulance Board has 1 vote on a question arising for decision and, if the votes are equal, the member presiding at the meeting may exercise a casting vote.

- (6) A conference by telephone or other electronic means between the members of the Ambulance Board will, for the purposes of this rule, be taken to be a meeting of the Board at which the participating members are present if—
 - (a) notice of the conference is given to all members in the manner determined by the Board for the purpose; and
 - (b) each participating member is capable of communicating with every other participating member during the conference.
- (7) A proposed resolution of the Ambulance Board becomes a valid decision of the Board despite the fact that it is not voted on at a meeting of the Board if—
 - (a) notice of the proposed resolution is given to all members of the Board in accordance with procedures determined by the Board; and
 - (b) a majority of the members of the Board express concurrence in the proposed resolution by letter, fax, email or other written communication setting out the terms of the resolution.
- (8) Subject to the Act and these rules, the Ambulance Board may determine its own procedures.

16—Minutes of Ambulance Board

- (1) The Ambulance Board must have accurate minutes kept of its meetings.
- (2) The Ambulance Board must, within 14 days of the holding of a meeting of the Board, provide the Minister with a copy of the minutes of the meeting.

17—Immunity of members of the Ambulance Board

- (1) A member of the Ambulance Board incurs no liability for an honest act or omission in the exercise or discharge, or purported exercise or discharge, by the member of a power, function or duty under the Act or these rules.
- (2) A liability that would, but for subrule (1), lie against a member lies instead against SAAS.

18—Committees

- (1) The Ambulance Board may establish such committees (including advisory or subcommittees) as the Board thinks fit.
- (2) The membership of a committee will be determined by the Ambulance Board and may, but need not, consist of, or include, members of the Board.
- (3) The procedures to be observed in relation to the conduct of the business of a committee will be—
 - (a) as determined by the Ambulance Board;
 - (b) insofar as a procedure is not determined under paragraph (a), as determined by the committee.

19—Delegation

- (1) The Ambulance Board may, by instrument in writing, delegate to the Advisory Committee, a committee established by the Board, a member of the Board or a member of the staff of SAAS any of the powers or functions of SAAS under the Act, these rules or the *Associations Incorporation Act 1985*.
- (2) A delegation under this rule—
 - (a) may be unconditional or subject to conditions specified by the delegator; and
 - (b) does not derogate from the power of the delegator to act personally in any matter; and
 - (c) is revocable at will by the delegator.

20—Staff

- (1) The Ambulance Board must, with the agreement of the Minister, appoint a chief executive officer on terms and conditions approved by the Commissioner for Public Employment.
- (2) The Ambulance Board may employ such staff as it thinks necessary or desirable on terms and conditions determined by the Authority.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 16 February 2006

No 28 of 2006

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