

South Australia

## **Ambulance Services Act 1992**

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

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### **Contents**

#### Part 1—Preliminary

- 1 Short title
- 4 Interpretation

#### Part 2—Provision of ambulance services

- 5 Offence
- 6 Licences
- 7 Conditions of licence
- 8 Revocation of licence
- 9 Delegation by Minister
- 10 Appeal to District Court

#### Part 3—SA Ambulance Service Inc

- 11 SA St John Ambulance Service Inc to continue as SA Ambulance Service Inc
- 11A Establishment of Ambulance Board
- 12 Legal status, management and control of SAAS
- 13 Establishment of Country Ambulance Advisory Committee
- 14 Accounts and audit
- 15 Limitation on SAAS's powers to borrow or invest money
- 16 Annual report
- 16A Application of *Associations Incorporation Act 1985*

#### Part 4—Miscellaneous

- 17 Fees for ambulance services
- 18 Holding out etc
- 19 General defence
- 20 Regulations

#### Schedule—Transitional provisions

#### Legislative history

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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 Act 1992*.

#### 4—Interpretation

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

**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;

**rules** means the rules of SAAS made by regulation under Part 3;

**SAAS** means SA Ambulance Service Inc.

### Part 2—Provision of ambulance services

#### 5—Offence

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

- (aa) the service is provided by SAAS; or
- (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.

Maximum penalty: \$20 000.

#### 6—Licences

- (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.

### **7—Conditions of licence**

- (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 1 months notice in writing, vary the existing conditions of the licence or attach new conditions to the licence.
- (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.

Maximum penalty: \$20 000.

### **8—Revocation of licence**

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.

### **9—Delegation by Minister**

- (1) The Minister may delegate any of his or her powers under this Part, other than the power to revoke a licence—
  - (a) to a particular person or body; or
  - (b) to the person for the time being holding or acting in a particular office or position.
- (1a) A power delegated under this section may, if the instrument of delegation so provides, be further delegated.
- (2) A delegation under this section—
  - (a) must be by instrument in writing; and
  - (b) may be absolute or conditional; and
  - (c) does not derogate from the power of the Minister to act in any matter; and
  - (d) is revocable at will by the Minister.

## **10—Appeal to District Court**

- (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; or
  - (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 and Disciplinary Division of the District Court.

## **Part 3—SA Ambulance Service Inc**

### **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—**

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.

- (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*.
- (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
    - (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.
- (3) Each employee of SAAS is entitled to vote at an election under subsection (2)(e).

- (4) 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.
- (5) 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.
- (3) The Ambulance Board must manage SAAS's affairs in accordance with this Act, the rules and the *Associations Incorporation Act 1985*.
- (4) The Minister is the sole member of SAAS and may exercise control over SAAS by giving written directions to the Ambulance Board.
- (5) The rules of SAAS are to be made, varied or revoked by regulation.
- (6) 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.
- (7) The Ambulance Board must, within 1 month after a rule comes into operation, provide the Corporate Affairs Commission with a copy of the rule.
- (8) 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.

## **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.
- (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.
- (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.

- (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.
- (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(5) during the relevant financial year.
- (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***

- (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
  - (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.

## **Part 4—Miscellaneous**

### **17—Fees for ambulance services**

- (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.  
Maximum penalty: \$20 000.
- (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.

## 18—Holding out etc

- (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.

Maximum penalty: \$2 500.

- (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.

Maximum penalty: \$2 500.

## 19—General defence

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.

## 20—Regulations

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

## 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.

## Legislative history

### Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation repealed by principal Act

The *Ambulance Services Act 1992* repealed the following:

*Ambulance Services Act 1985*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1992	92	<i>Ambulance Services Act 1992</i>	10.12.1992	1.3.1993 ( <i>Gazette</i> 25.2.1993 p712)
2000	4	<i>District Court (Administrative and Disciplinary Division) Amendment Act 2000</i>	20.4.2000	Sch 1 (cl 1)—1.6.2000 ( <i>Gazette</i> 18.5.2000 p2554)
2000	34	<i>South Australian Health Commission (Administrative Arrangements) Amendment Act 2000</i>	6.7.2000	Sch 1 (cl 1)—6.7.2000 ( <i>Gazette</i> 6.7.2000 p5)
<b>2005</b>	<b>33</b>	<b><i>Ambulance Services (SA Ambulance Service Inc) Amendment Act 2005</i></b>	<b>14.7.2005</b>	<b>17.2.2006 (<i>Gazette</i> 16.2.2006 p577)</b>
2006	41	<i>Statutes Amendment (Public Sector Employment) Act 2006</i>	14.12.2006	Pt 6 (ss 15 & 16)—1.4.2007 ( <i>Gazette</i> 29.3.2007 p930)

### Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended under <i>Legislation Revision and Publication Act 2002</i>	17.2.2006
Pt 1		
ss 2 and 3	<i>omitted under Legislation Revision and Publication Act 2002</i>	17.2.2006
<b>s 4</b>		

<b>Ambulance Board</b>	<b>inserted by 33/2005 s 4(1)</b>	<b>17.2.2006</b>
<i>the Priory rules</i>	<i>deleted by 33/2005 s 4(2)</i>	<i>17.2.2006</i>
<b>SAAS</b>	<b>inserted by 33/2005 s 4(2)</b>	<b>17.2.2006</b>
<b>Pt 2</b>		
<b>s 5</b>	<b>amended by 33/2005 s 5(1), (2)</b>	<b>17.2.2006</b>
<b>s 7</b>		
<b>s 7(4)</b>	<b>amended by 33/2005 s 6</b>	<b>17.2.2006</b>
<b>s 9</b>		
s 9(1)	substituted by 34/2000 Sch cl 1	6.7.2000
s 9(1a)	inserted by 34/2000 Sch cl 1	6.7.2000
<b>s 10</b>		
s 10(1)	amended by 4/2000 s 9(1) (Sch 1 cl 1(a))	1.6.2000
s 10(2)	<i>deleted by 4/2000 s 9(1) (Sch 1 cl 1(b))</i>	<i>1.6.2000</i>
s 10(3)	<i>deleted by 4/2000 s 9(1) (Sch 1 cl 1(c))</i>	<i>1.6.2000</i>
s 10(4)	<i>deleted by 4/2000 s 9(1) (Sch 1 cl 1(d))</i>	<i>1.6.2000</i>
<b>Pt 3</b>	<b>substituted by 33/2005 s 7</b>	<b>17.2.2006</b>
<b>Pt 4</b>		
<b>s 17</b>		
s 17(3)	<b>amended by 33/2005 s 8</b>	<b>17.2.2006</b>
<b>s 18</b>		
s 18(1)	<b>amended by 33/2005 s 9(1)</b>	<b>17.2.2006</b>
s 18(2)	<b>amended by 33/2005 s 9(2)</b>	<b>17.2.2006</b>

## Historical versions

Reprint No 1—1.6.2000

Reprint No 2—6.7.2000