



# AMBULANCE SERVICE ACT 1991

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Queensland



## **Ambulance Service Act 1991**

### **Act No. 36 of 1991**

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**An Act to establish the Queensland Ambulance Service and for other purposes**

*[Assented to 12 June 1991]*

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows.

## **PART 1—PRELIMINARY**

### **Short title**

**1.1** This Act may be cited as the *Ambulance Service Act 1991*.

### **Commencement**

**1.2(1)** Section 1.1 and this section commence on the day on which this Act receives the Royal Assent.

**(2)** The remaining provisions of this Act commence on a day or days fixed by proclamation.

### **Interpretation**

**1.3** In this Act—

**“ambulance officer”** means an ambulance officer appointed under section 2.10 and an honorary ambulance officer appointed under section 2.11;

**“ambulance service”** means service relating to the work of rendering emergency treatment and pre-hospital patient care to, and the transport of, sick and injured persons;

**“authorised officer”** means an officer authorised under section 5.1;

**“Board”** means the Queensland Ambulance Services Board constituted by section 6 of the repealed Act;

**“Commissioner”** means the Commissioner of the Queensland Ambulance Service appointed under section 2.1;

**“Committee”** means a Local Ambulance Committee established under section 4.1;

**“Corporation”** means the corporation established by section 3.1;

**“Director”** means the Director of the Bureau of Emergency Services;

**“employee of the Board”** means a person who, immediately prior to the commencement of this Act, was—

- (a) appointed by the Board (under section 13 of the repealed Act) as an officer, employee or assistant inspector; or
- (b) paid by the Board (under section 13A of the repealed Act) as manager of the Board; or
- (c) appointed by the Board (under section 13B of the repealed Act) as an inspector;

**“employee of a previous Committee”** means a person who immediately prior to the commencement of this Act was employed by a previous Committee under section 29(1) of the repealed Act;

**“officer of the Queensland Ambulance Service”** means any person referred to in section 2.4;

**“previous Committee”** means a committee constituted under section 19 of the repealed Act;

**“repealed Act”** means the *Ambulance Services Act 1967*;

**“subscriber”** means a person who—

- (a) is a current subscriber to the Queensland Ambulance Service under section 7.4 whether by annual payment or continuing instalments; or
- (b) is a current subscriber to an ambulance service conducted by an ambulance authority in another State or Territory or is entitled to the service of that authority without charge.

## **Administration of Act**

**1.4** Subject to the Minister, the Director is to administer this Act.

## **PART 2—QUEENSLAND AMBULANCE SERVICE**

### **Appointment of Commissioner**

**2.1(1)** The Governor in Council, acting on the recommendation of the Minister, is to appoint a Commissioner of the Queensland Ambulance Service.

**(2)** The Commissioner is to be paid such salary and allowances and employed on such terms and conditions as the Governor in Council determines.

### **Disqualification from appointment**

**2.2** A person who—

- (a) is an undischarged bankrupt or takes advantage of the laws in force for the time being relating to bankruptcy; or
- (b) is or attains the age of 65 years; or
- (c) has been or is convicted in Queensland of an indictable offence or has been or is convicted elsewhere in respect of an act or omission that if done or made by that person in Queensland would have constituted an indictable offence; or
- (d) is or becomes a patient within the meaning of the *Mental Health Services Act 1974*;

is not capable of being or continuing to be the Commissioner.

### **Vacation of office**

**2.3(1)** The office of the Commissioner becomes vacant if the Commissioner—

- (a) dies; or
- (b) becomes incapable of continuing as the Commissioner; or
- (c) furnishes his or her written resignation to the Minister; or
- (d) under section 2.2, ceases to be capable of continuing to be the Commissioner; or

- (e) is removed from office; or
- (f) without the approval of the Minister, engages in any employment outside the duties of the Commissioner under this Act; or
- (g) is absent from duty for a period of 14 days without lawful excuse.

(2) A resignation given under subsection (1)(c) is not effective until written acceptance of it is given by the Minister.

### **Queensland Ambulance Service**

**2.4(1)** The body of persons consisting of—

- (a) the Commissioner; and
- (b) all medical, administrative and service officers appointed under section 2.10; and
- (c) all ambulance officers;

is to be known as the Queensland Ambulance Service.

(2) The Queensland Ambulance Service represents and has all the immunities, rights and privileges of the Crown in right of the State.

(3) A claim or proceeding by or against the Queensland Ambulance Service may be made and enforced by a proceeding by or against the Queensland Ambulance Service in that name.

(4) The Queensland Ambulance Service is a division of the Bureau of Emergency Services.

### **Functions of Queensland Ambulance Service**

**2.5** The functions of the Queensland Ambulance Service are—

- (a) to provide, conduct, operate and maintain ambulance services; and
- (b) in connection with ambulance services during rescue and other related activities, to protect persons from injury or death, whether or not those persons are sick or injured; and
- (c) to provide transport for persons requiring attention at medical or health care facilities; and

- (d) to participate with other emergency services in counter disaster planning; and
- (e) to coordinate all volunteer first aid groups in respect of major emergencies or disasters; and
- (f) to adopt and implement all necessary measures (including systems of planning, management and quality control) as will best ensure the efficient and economic operation and use of its resources in the provision of ambulance services; and
- (g) to provide casualty room services; and
- (h) to provide community and workplace education in first aid, cardiopulmonary resuscitation and other related matters; and
- (i) such other functions as the Minister determines.

### **Commissioner to manage Queensland Ambulance Service**

**2.6(1)** Subject to the Director, the Commissioner is to conduct the business of and manage and control the Queensland Ambulance Service.

**(2)** The Commissioner is to prepare an annual corporate plan incorporating performance targets developed in consultation with the Director.

### **Finance**

**2.7(1)** Before the commencement of each financial year, the Commissioner must submit to the Director a budget for the Queensland Ambulance Service showing the estimated receipts and disbursements in respect of that year.

**(2)** The Director is to approve—

- (a) the budget, as submitted by the Commissioner; or
- (b) the budget, as varied in the manner the Director considers appropriate.

**(3)** The Minister may specify terms and conditions under which a budget may be amended.

**(4)** A budget approved under subsection (2), and where necessary

amended in accordance with subsection (3), is to be the budget of the Queensland Ambulance Service for the financial year for which it was prepared.

(5) The Queensland Ambulance Service is to observe the budget for each financial year.

### **Authentication of documents**

**2.8** A document purporting to be made by or on behalf of the Queensland Ambulance Service is duly made if the Commissioner, or an officer of the Queensland Ambulance Service authorised to do so by the Commissioner, has signed it.

### **Delegation**

**2.9** The Commissioner may delegate all or any of the Commissioner's powers under this Act, other than this power of delegation, to any officer of the Queensland Ambulance Service.

### **Employees**

**2.10(1)** The Commissioner, on behalf of the Queensland Ambulance Service and with the approval of the Director, may appoint and employ on salary or wages or engage and employ under contracts such persons—

- (a) as ambulance officers; and
- (b) as medical, administrative or service officers;

as are necessary for the effectual administration of this Act.

(2) Subject to any applicable decision within the meaning of the *Industrial Relations Act 1990*, persons employed under subsection (1) (other than on contract) are to be paid salaries, wages and allowances at such rates and are to be employed under such conditions of employment (including conditions as to occupational superannuation and leave entitlements) consistent with standards issued by the Public Sector Management Commission, as the Commissioner determines.

### **Honorary ambulance officers**

**2.11(1)** The Commissioner may, on behalf of the Queensland Ambulance Service, appoint such persons as the Commissioner considers appropriate to be honorary ambulance officers.

**(2)** Honorary ambulance officers—

- (a) may carry out, without remuneration, such of the functions of the Queensland Ambulance Service as the Commissioner may direct; and
- (b) are subject to the control and supervision of the Commissioner.

### **Application of employment laws**

**2.12(1)** The *Public Service Management and Employment Act 1988* does not apply to officers of the Queensland Ambulance Service.

**(2)** Officers of the Queensland Ambulance Service (other than honorary ambulance officers) are public sector employees within the meaning of the *Public Sector Management Commission Act 1990*.

### **No additional remuneration**

**2.13** An officer of the Queensland Ambulance Service is not to seek or accept on account of anything done in the course of duty in the Queensland Ambulance Service any fee or reward not authorised by the Commissioner.

### **Superannuation scheme**

**2.14(1)** Every officer of the Queensland Ambulance Service (other than honorary ambulance officers) is to become a contributor to the superannuation scheme referred to in section 8.5(1)(a) (if otherwise eligible under the terms of the scheme) and while so employed, is to continue to contribute to the scheme in accordance with its terms.

**(2)** A person who becomes an employee of the Bureau of Emergency Services must, by notice in writing to the Commissioner within 2 months from the date of commencing employment with the Bureau, elect to continue to contribute to the scheme referred to in subsection (1) or to contribute to the scheme to which officers of the public service usually

contribute.

### **Retrenchment and redundancy**

**2.15** If the Commissioner is satisfied that—

- (a) the duties and functions of a position in the Queensland Ambulance Service are no longer required; or
- (b) the duties of the position are to be incorporated with those of another position;

the Commissioner may terminate the services of the officer in accordance with the retrenchment or redundancy arrangements approved by the Governor in Council.

## **PART 3—THE CORPORATION**

### **Establishment of a Corporation**

**3.1(1)** The Minister is constituted a corporation sole under the name and style “Minister for Emergency Services”.

**(2)** The Corporation—

- (a) has a seal; and
- (b) may sue and be sued in its corporate name.

### **Authentication and judicial notice of documents**

**3.2(1)** All courts and persons acting judicially are to take judicial notice of the imprint of the seal of the Corporation appearing on a document and are to presume that the document was duly sealed.

**(2)** A document purporting to be made by or on behalf of the Corporation, other than a document that requires the seal of the Corporation to be affixed, is duly made if the Director has signed it.

**(3)** The seal of the Corporation is to be kept in the custody of and may be affixed by the Director.

## **Functions of the Corporation**

**3.3** The functions of the Corporation are—

- (a) to hold all the property of Queensland Ambulance Service (other than money);
- (b) to hold the property of each Committee (other than money held in trust and money raised by each Committee);

whether on or subject to trusts or otherwise.

## **Powers of the Corporation**

**3.4** The Corporation has power to do all things necessary or convenient to be done for or in connection with, or incidental to, the performance of its functions and, in particular, may act in any manner in which or exercise any power that a company within the meaning of the Corporations Law of the Commonwealth may lawfully act or exercise.

## **Director may exercise powers of the Corporation**

**3.5** Subject to the Minister, the Director may exercise the powers of the Corporation.

## **Relationship to the Crown**

**3.6** In the discharge of its functions and in the exercise of its powers, the Corporation—

- (a) represents the Crown in right of the State; and
- (b) has all the immunities, rights and privileges of the Crown in right of the State; and
- (c) is an agency of the Government.

## **Restriction on power to acquire or dispose of land**

**3.7** The Corporation is not to—

- (a) acquire land by purchase, lease or exchange; or
- (b) dispose of land by sale, lease, mortgage or otherwise;

except with the written consent of the Minister.

### **Property not subject to rates**

**3.8** Subject to sections 21(6), (7) and (8) of the *Local Government Act 1936*, no rates, taxes or assessments are to be made, charged or levied on any land vested in the Corporation.

## **PART 4—LOCAL AMBULANCE COMMITTEES**

### **Establishment of Committees**

**4.1(1)** The Minister may authorise the establishment of Local Ambulance Committees.

**(2)** A Local Ambulance Committee is to be called “(name of area) Local Ambulance Committee”.

**(3)** A claim or proceeding by or against a Committee may be made and enforced by a proceeding by or against a Committee in the name of the Committee.

### **Functions of Committees**

**4.2** The functions of a Committee are—

- (a) to liaise between the community it represents and the Queensland Ambulance Service; and
- (b) to promote community participation in and awareness of ambulance services; and
- (c) to provide advice to the Commissioner in respect of ambulance services in the community it represents; and
- (d) to undertake fundraising activities for the benefit of ambulance services in the community it represents; and
- (e) to manage money held on trust for the benefit of ambulance services in the community it represents; and

- (f) such other functions as the Minister agrees to.

### **Constitution**

**4.3(1)** Each Committee is to adopt a constitution in respect of the conduct of its affairs.

(2) A Committee is not to adopt a constitution unless it has been approved by the Minister.

(3) A Committee is not to alter its constitution unless the alteration has been approved by the Minister.

(4) Any matter not conducted by a Committee in accordance with its constitution or the Minister's directions is invalid.

### **Members of Committees**

**4.4(1)** The subscribers who—

- (a) permanently reside in the administrative area served by a Committee; and
- (b) have attained the age of 18 years;

at a general meeting of the subscribers, are to elect the members of a Committee.

(2) A person who—

- (a) does not permanently reside in the administrative area served by a Committee; or
- (b) has not attained the age of 18 years; or
- (c) is not a subscriber; or
- (d) is an officer of the Queensland Ambulance Service; or
- (e) is an undischarged bankrupt or takes advantage of the laws in force for the time being relating to bankruptcy; or
- (f) has been or is convicted in Queensland of an indictable offence or has been or is convicted elsewhere in respect of an act or omission that if done or made by that person in Queensland would have constituted an indictable offence; or

- (g) is or becomes a patient within the meaning of the *Mental Health Services Act 1974*;

is not to be elected as or to continue to be a member of a Committee.

(3) Each Committee is to consist of—

- (a) a President; and
- (b) a Vice-President; and
- (c) a Secretary; and
- (d) a Treasurer;

and not less than 1 and not more than 5 other members.

(4) Nominations for election to a Committee are to be sought, in the manner specified in the Committee's constitution, from community organisations—

- (a) operating within the administrative area served by the Committee; and
- (b) approved by the Minister.

(5) The election of members is to be conducted in accordance with the Committee's constitution.

(6) Members of a Committee elected in accordance with this section hold office in accordance with the Committee's constitution or for such longer period as the Minister may, in a particular case, specify.

(7) A member of a Committee must at all times act honestly in the exercise of the powers and the performance of duties that he or she has as a member of a Committee.

(8) A member of a Committee must not make improper use of their office or position to gain, directly or indirectly, an advantage for himself, herself or any other person, or to cause detriment to the Committee.

(9) The Minister may dismiss a person from any office of a Committee, if the Minister is satisfied it would be in the public interest to do so.

### **Liability of members**

**4.5(1)** A member of a Committee is liable to repay to the Committee any money that member—

- (a) improperly used; or
- (b) spent without the authorisation of or ratification by the Committee.

(2) The Committee may recover any money referred to in subsection (1) by action in any court of competent jurisdiction, from the member who improperly used it or spent it without authorisation or ratification.

### **Protection of members**

**4.6(1)** The members of a Committee are not personally liable to contribute toward the payment of debts and liabilities of, or any judgement against, the Committee.

(2) Subsection (1) does not apply in respect of a personal guarantee given by a member of a Committee in respect of arrangements by a Committee.

### **Investment powers**

**4.7** Each Committee is empowered to invest its moneys which are not immediately required for the discharge of its functions or the exercise of its powers in any investment prescribed by section 48 of the *Statutory Bodies Financial Arrangements Act 1982*.

### **Application of Laws**

**4.8(1)** The *Collections Act 1966* does not apply to the fundraising activities of or the collecting of donations by a Committee.

(2) The provisions of the *Art Unions and Amusements Act 1976*, in respect of the conduct of minor art unions (within the meaning of that Act) by a Committee, do not apply.

### **Investigations**

**4.9(1)** The Minister may at any time cause an investigation to be made into any Committee, including the exercise by that Committee of its functions and the application of its funds.

(2) The Minister may appoint a person to make the investigation on his or her behalf.

(3) Officers of the Committee are to produce to the person conducting the investigation all documents of the Committee requested by the person conducting the investigation.

(4) At the conclusion of an investigation the person conducting the investigation is to make a written report to the Minister.

### **Dissolution of Committees**

**4.10** The Minister may dissolve a Committee if—

- (a) the Committee has voted that it should be dissolved and has requested the Minister to dissolve it; or
- (b) in the opinion of the Minister, it has exhibited gross neglect of its functions, finances or administration; or
- (c) the Minister is satisfied it would be desirable in the public interest to do so.

**4.11** If a Committee is dissolved under section 4.10, the funds of the Committee vest in the Queensland Ambulance Service on trust for the community represented by the Committee.

## **PART 5—ADMINISTRATION AND POWERS**

### **Authorised officers**

**5.1** The Commissioner may authorise an officer or the officers of a class of officer of the Queensland Ambulance Service to exercise—

- (a) all the powers conferred by this Act on an authorised officer; or
- (b) any power or class of power conferred by this Act on an authorised officer.

### **Powers of authorised officers**

**5.2(1)** An authorised officer, in providing ambulance services, may take any reasonable measures—

- (a) to protect persons from any danger or potential danger associated with an emergency situation; and
- (b) to protect persons trapped in a vehicle, receptacle, vessel or otherwise endangered; and
- (c) to protect themselves or other officers or persons from danger, potential danger or assault from other persons.

**(2)** Without limiting the measures that may be taken for a purpose specified in subsection (1)(a) or (b), an authorised officer may, for that purpose—

- (a) enter any premises, vehicle or vessel; and
- (b) open any receptacle, using such force as is reasonably necessary; and
- (c) bring any apparatus or equipment onto premises; and
- (d) remove from or otherwise deal with, any article or material in the area; and
- (e) destroy (wholly or partially) or damage any premises, vehicle, vessel or receptacle; and
- (f) cause the gas or electricity supply or motor or any other source of energy to any premises, vehicle, vessel or receptacle to be shut off or disconnected; and
- (g) request any person to take all reasonable measures to assist the authorised officer; and
- (h) administer such basic life support and advanced life support procedures as are consistent with the training and qualifications of the ambulance officer.

**(3)** Without limiting the measures that may be taken for a purpose specified in subsection (1)(c), an authorised officer may, for that purpose, require any person not to enter into or remain within a specified area around the site of the danger to a patient.

### **Protection from certain liability**

**5.3(1)** The Queensland Ambulance Service is to indemnify every officer of the Queensland Ambulance Service against all actions, proceedings and claims in relation to—

- (a) acts done, or omitted to be done, by the officer under section 5.2; or
- (b) acts done, or omitted to be done, by the officer in good faith for the purposes of section 5.2.

**(2)** For the purposes of subsection (1), an officer of the Queensland Ambulance Service includes a person required under section 5.2(2)(g) to assist an authorised officer.

### **Power to accept gifts etc.**

**5.4(1)** The Queensland Ambulance Service and each Committee may acquire, for any purpose connected with—

- (a) the provision of ambulance services; or
- (b) any of its functions;

any property by gift, devise or bequest and may agree to carry out the conditions of the gift, devise or bequest.

**(2)** If the gift, devise or bequest is of property other than money, the property vests in the Corporation on trust for the Queensland Ambulance Service or the relevant Committee.

### **Codes of Practice**

**5.5(1)** The Commissioner may issue Codes of Practice, not inconsistent with this Act, relating to—

- (a) the functions, powers, conduct, discipline and appearance of officers of the Queensland Ambulance Service; and
- (b) the performance of duties and the training of officers of the Queensland Ambulance Service; and
- (c) any functions imposed or powers conferred by this Act.

**(2)** The Commissioner may amend or revoke a Code of Practice.

(3) Wilful failure to comply with a Code of Practice is grounds for disciplinary action.

## **PART 6—OFFENCES**

### **Right of way to ambulances**

**6.1(1)** Despite the provisions of the *Traffic Act 1949*, a driver of a vehicle (other than a train), to the extent practicable, is to give clear and uninterrupted passage to—

- (a) any ambulance with warning devices sounding or warning lights activated; and
- (b) any officer of the Queensland Ambulance Service or any person acting under the direction of an officer who appears to be doing any act for the purposes of assisting at an accident or other emergency.

(2) A person is not to fail to comply with subsection (1).

Penalty—50 penalty units or 6 months imprisonment (or both).

### **Unauthorised ambulance transport**

**6.2(1)** A person, other than the Queensland Ambulance Service, is not to directly or indirectly imply that the person provides or participates in providing ambulance transport without the approval of the Minister and except in accordance with such conditions (if any) as the Minister may impose.

Penalty—

- (a) in the case of an individual—16 penalty units;
- (b) in the case of a corporation—50 penalty units.

(2) The Minister may revoke any approval given, or revoke or vary any condition imposed, under this section.

(3) This section does not apply to—

- (a) the Royal Flying Doctor Service of Australia; and
- (b) an ambulance service conducted under the *Health Services Act 1991*.

### **Unauthorised teaching of first aid**

**6.3(1)** A person, other than an officer of the Queensland Ambulance Service, is not to teach first aid without the approval of the Commissioner and except in accordance with such conditions (if any) as the Commissioner may impose.

Penalty—

- (a) in the case of an individual—16 penalty units;
- (b) in the case of a corporation—50 penalty units.

**(2)** The Commissioner may revoke any approval given, or revoke or vary any condition imposed, under this section.

**(3)** This section does not apply to—

- (a) St. John Ambulance Association; and
- (b) St. John Ambulance Brigade; and
- (c) Royal Flying Doctor Service of Australia; and
- (d) Australian Red Cross Society, Queensland Division; and
- (e) Surf Life Saving Association of Australia, Queensland State Centre Inc.; and
- (f) a person registered as a medical practitioner (within the meaning of the *Medical Act 1939*, or a corresponding Act of any other State or Territory); and
- (g) Regional Health Authorities established under the *Health Services Act 1991*.

### **Unauthorised collections**

**6.4(1)** A person, other than—

- (a) a member of, or person authorised by, a Committee; or
- (b) an officer of the Queensland Ambulance Service;

is not to organise, conduct or take part in the collection or soliciting of money or property from the public for, towards or in return for the provision of ambulance services without the approval of the Commissioner and except in accordance with such conditions (if any) as the Commissioner may impose.

Penalty—10 penalty units.

(2) The Commissioner may revoke any consent given, or revoke or vary any condition imposed, under this section.

(3) This section—

- (a) does not apply to the Royal Flying Doctor Service of Australia; and
- (b) in respect of that part of ambulance services that comprises first aid services—does not apply to—
  - (i) St. John Ambulance Association; and
  - (ii) St. John Ambulance Brigade.

## **Obstruction**

**6.5(1)** A person must not wilfully obstruct or hinder any person acting under the authority of this Act.

Penalty—16 penalty units.

(2) A police officer may arrest without warrant a person committing an offence under subsection (1).

(3) A police officer who—

- (a) finds a person committing an offence under subsection (1) at the scene of an accident or emergency; and
- (b) believes on reasonable grounds that the person may continue to commit the offence or repeat the offence;

may require the person to leave and if the person fails or refuses to do so may use such force as is reasonable and necessary to remove that person.

## **False calls**

**6.6(1)** A person must not—

- (a) by conduct; or
- (b) by statements (oral or written); or
- (c) by conduct and statements (oral or written);

falsely and with knowledge of the falsity represent that circumstances exist that result in the utilisation of any resources of the Queensland Ambulance Service.

Penalty—50 penalty units.

**(2)** A court—

- (a) by which a person is found guilty; or
- (b) before which a person pleads guilty;

of an offence defined in subsection (1), whether or not it imposes a penalty in respect of the offence, may order the person to pay to the Queensland Ambulance Service, a reasonable sum for the expenses of or incidental to any utilisation of its resources as a result of the false representation.

## **Restricted use of words “Ambulance Service”**

**6.7(1)** A person must not—

- (a) without the written authority of the Commissioner—use the words “Ambulance Service” or any similar name, title or description; or
- (b) represent that the person is associated with the Queensland Ambulance Service unless such an association exists; or
- (c) without the written authority of the Commissioner—use the word “Ambulance” on any vehicle that is not owned or operated by the Queensland Ambulance Service; or
- (d) impersonate an officer of the Queensland Ambulance Service; or
- (e) without the written authority of the Commissioner—use any insignia of the Queensland Ambulance Service in any manner contrary to the manner approved by the Commissioner.

Penalty—

- (a) in the case of an individual—16 penalty units;
- (b) in the case of a corporation—50 penalty units.

(2) This section does not apply to—

- (a) an ambulance service conducted under the *Health Services Act 1991*; and
- (b) the use of the word “Ambulance” by—
  - (i) St. John Ambulance Association; or
  - (ii) St. John Ambulance Brigade;as part of its name; and
- (c) the use of the words “animal ambulance” on a vehicle owned or operated by an animal welfare organisation for the transport of sick or injured animals.

### **Confidentiality**

**6.8(1)** An officer or agent of the Queensland Ambulance Service must not give, directly or indirectly, to any other person any information acquired as such an officer or agent in respect of a person who could be identified from the information as a person who has received pre-hospital care or ambulance services.

Penalty—50 penalty units.

(2) Subsection (1) does not apply—

- (a) to information that an officer or agent is expressly authorised or permitted to give under this or any other Act or that is required by operation of law; or
- (b) to information given with the prior consent of the person to whom it relates or, if the person has died, with the consent of the senior available next of kin of the person; or
- (c) to information concerning the condition of a person who has received ambulance services if the information is communicated by an ambulance officer to—
  - (i) a member of the medical staff of a hospital; or

- (ii) a medical practitioner; or
- (iii) another ambulance officer or a member of an ambulance service (or similar body providing ambulance services) from outside Queensland; or
- (iv) the next of kin or a near relative of the patient;  
in accordance with the recognised standards of medical practice;  
or
- (d) to information given to the Australian Red Cross Society for the purpose of tracing blood, or blood products derived from blood, infected with any disease or the donor or recipient of any such blood; or
- (e) to information required in connection with the further treatment of a patient in accordance with the recognised standards of the medical profession; or
- (f) to information used in the conduct of research which has the approval of an appropriate ethics committee which will not identify individual patients.

(3) In subsection (2)—

**“medical practitioner”** means a person registered as a medical practitioner within the meaning of the *Medical Act 1939*, or a corresponding Act of any other State or Territory.

### **Proceedings for offences**

**6.9(1)** A prosecution for an offence against this Act is to be by way of summary proceedings under the *Justices Act 1886* on complaint of—

- (a) a person authorised by the Commissioner for that purpose, either generally or in a particular case; or
- (b) a police officer.

(2) The authority of a person referred to in subsection (1)(a) to make a complaint is to be presumed until the contrary is proved.

## **PART 7—GENERAL**

### **Exemption from tolls**

**7.1** An officer of the Queensland Ambulance Service driving an ambulance, and the vehicle, are exempt from the payment of any toll in respect of the use of any road, bridge or vehicular ferry.

### **Interstate assistance at accidents**

**7.2(1)** In this section—

“**officer in charge**” means the person who, under a direction of the Commissioner, is in charge at an accident.

**(2)** Every member of an ambulance service (or similar body providing ambulance services) from outside Queensland who assists at an accident in Queensland and any plant and equipment in the member’s charge is at the disposal of the officer in charge and is taken to be under the control and direction of that officer.

**(3)** If there is no officer in charge, the member of the ambulance service or similar body from outside Queensland who is in charge of other members of that ambulance service or similar body has—

- (a) the control and direction of all persons assisting at the accident; and
- (b) all the powers conferred by or under this Act on an authorised officer.

### **Service of documents**

**7.3** Any document required or authorised to be served on the Queensland Ambulance Service is properly served if served on the Commissioner.

### **Regulations**

**7.4(1)** The Governor in Council may make regulations, not inconsistent with this Act, with respect to any matter that—

- (a) is required or permitted to be prescribed by this Act; or

- (b) is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting subsection (1), regulations may be made with respect to—

- (a) charges to be made for the use of ambulance services; and
- (b) the amount, the times at which and the manner in which subscriptions to the Queensland Ambulance Service are to be paid; and
- (c) the entitlements of subscribers to ambulance services; and
- (d) all matters that arise in connection with the entitlements of and the conditions of employment, occupational superannuation, retrenchment or redundancy of officers of the Queensland Ambulance Service; and
- (e) regulating any matter or thing which by this Act is required or permitted to be prescribed or is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(3) A regulation in respect of subsection (2) may—

- (a) specify a concessional amount of subscription in certain cases according to the age or circumstances of the person concerned; and
- (b) specify a concessional charge or exempt a person from the payment of charges in certain cases; and
- (c) permit the remission of charges in certain cases.

(4) The Commissioner may set fees for the special use of ambulance services and vehicles not otherwise provided for under subsection (2).

(5) A regulation may impose a penalty not exceeding 16 penalty units for a breach of the regulation.

(6) A regulation may, where a breach of it is a continuing breach, impose a daily penalty for the breach not exceeding 3 penalty units.

## **PART 8—SAVINGS, TRANSITIONAL AND REPEAL PROVISIONS**

### **Dissolution of Board**

**8.1** The persons appointed as members of the Board and in office as members immediately prior to the commencement of this Act cease to be members on the commencement of this Act.

### **Employment of staff of Board and previous Committees**

**8.2(1)** On the commencement of this Act, every employee of the Board and of each previous Committee becomes an employee of the Queensland Ambulance Service on such terms and conditions, subject to any applicable decision within the meaning of the *Industrial Relations Act 1990*, as the Commissioner may determine, but no less favourable than the terms and conditions upon which that person was employed by the Board or by a previous Committee immediately before that commencement.

**(2)** A person who becomes an employee of the Queensland Ambulance Service under subsection (1)—

- (a) becomes a public sector employee within the meaning of the *Public Sector Management Commission Act 1990*; and
- (b) retains all rights accrued or accruing as an employee of the Board or a previous Committee; and
- (c) is entitled to receive annual, sick and long service leave and any similar entitlement accrued or accruing to that person as an employee of the Board or a previous Committee;

and that person's service as an employee of the Board or a previous Committee is to be taken to be service within the Queensland Ambulance Service for the purposes of any law under which those rights accrued or were accruing or by which that entitlement is conferred.

**(3)** A person who—

- (a) becomes an employee of the Queensland Ambulance Service under subsection (1); and
- (b) immediately prior to the commencement of this Act was an

officer of the public service within the meaning of the *Public Service Management and Employment Act 1988*; and

- (c) continues in the full-time employment of the Queensland Ambulance Service;

is, for a period of 3 years from the commencement of this Act, to be taken to continue to be an officer of the public service for the purposes of—

- (d) any appointment to a position in the public service; and
- (e) any provision of that Act relating to a right of appeal against promotion.

(4) A person who becomes an employee of the Queensland Ambulance Service under subsection (1) is not entitled to claim, both under this Act and any other Act, benefits in respect of the same period of service.

### **Honorary ambulance officers**

**8.3** A person who, immediately before the commencement of this Act, was a person in respect of whom an appointment as an honorary ambulance officer was in force under the repealed Act is to be taken to be an honorary ambulance officer appointed under section 2.11.

### **Previous Committees**

**8.4(1)** On the commencement of this Act—

- (a) each previous Committee is to be taken to be a Committee established under this Act for the area it represents; and
- (b) the Chairman and the deputy Chairman of each previous Committee is to be the President and the Vice-President (respectively) of the relevant Committees.

(2) If immediately prior to the commencement of this Act, a previous Committee had no person occupying the office of Chairman or deputy Chairman (or both), the members of the Committee are to elect one or more members to fill that or those offices.

(3) The members of each Committee, as soon as practicable after the commencement of this Act, are to elect from the members of their Committee a Secretary and a Treasurer.

## **Superannuation entitlements**

**8.5(1)** On the commencement of this Act—

- (a) the superannuation scheme approved under section 40 of the repealed Act (referred to in this subsection as the “**superannuation scheme**”) is continued in existence; and
- (b) the Board and all previous Committees contributing to the superannuation scheme cease to have the responsibilities of subsidising, contributing to and making payment to the funds held in connection with the superannuation scheme; and
- (c) the Commissioner on behalf of the Queensland Ambulance Service assumes the responsibilities described in paragraph (b); and
- (d) the superannuation scheme is to be called “Queensland Ambulance Service Superannuation Scheme”.

**(2)** A person who, under section 8.2 becomes an employee of the Queensland Ambulance Service—

- (a) retains all entitlements accrued or accruing to that person as a contributor to or member of the superannuation scheme to which that person contributed and was a member of immediately prior to the commencement of this Act; and
- (b) is entitled to payments and other benefits from it in respect of that person.

**(3)** A person who becomes an employee of the Queensland Ambulance Service is to continue to contribute to the scheme referred to in subsection (1).

**(4)** The Governor in Council, on the recommendation of the Minister and by notification published in the Gazette, is to appoint persons to be trustees of the superannuation scheme on the commencement of this Act.

**(5)** There are to be 4 trustees, being—

- (a) 2 persons nominated by the Commissioner; and
- (b) subject to subsection (7), 2 persons nominated by unions of employees of which officers of the Queensland Ambulance Service are members.

(6) Only persons who are contributors to the superannuation scheme are eligible for nomination under subsection (5)(b).

(7) If a nomination is not made in accordance with subsection (5)(b) within the time specified in a written request made by the Minister, the Minister may recommend for appointment as trustee a person who, in the opinion of the Minister, will competently represent the interests of contributors to the superannuation scheme.

(8) A trustee is to be appointed for a term of 3 years but if, by the expiration of the term, a successor has not been duly appointed the trustee may continue in office until a successor is duly appointed.

(9) The trustees, with the approval of the Governor in Council, may amend the superannuation scheme.

(10) An amendment is not to be made if it prejudices any right accrued or accruing under the superannuation scheme to any person unless the person has consented in writing to the amendment.

### **Transfer of assets and liabilities of the Board**

#### **8.6 On the commencement of this Act—**

- (a) any money that, immediately before the commencement, is standing at credit in a fund or account administered by the Board together with interest accrued and due on it vests in the Queensland Ambulance Service; and
- (b) any moneys and liquidated and unliquidated claims that immediately before that commencement were payable to or recoverable by the Board are payable to and recoverable by the Queensland Ambulance Service; and
- (c) any real and personal property of the Board (other than money) is divested from the Board and vested in the Corporation; and
- (d) any contracts and agreements entered into by or on behalf of the Board and all guarantees, undertakings and securities given by or on behalf of or to the Board, and in force immediately before that commencement are to be taken to have been entered into or, as the case may be, given by or to the Queensland Ambulance Service and may be enforced against or by the Queensland Ambulance Service accordingly; and

- (e) any actions, suits and proceedings pending or existing immediately prior to that commencement at the suit of the Board may be continued or discontinued by the Queensland Ambulance Service which is to be substituted as a party thereto in place of the Board; and
- (f) any debts owing and moneys payable by and liquidated or unliquidated claims recoverable against the Board and subsisting immediately before that commencement become and are debts owing or moneys payable by or, as the case may be, claims recoverable against the Queensland Ambulance Service.

### **Transfer of assets and liabilities of previous Committees**

#### **8.7 On the commencement of this Act—**

- (a) any money that, immediately before that commencement, is standing at credit in a fund or account (other than a trust fund) administered by a previous Committee together with interest accrued and due on it vests in the Queensland Ambulance Service; and
- (b) any money that, immediately before that commencement, is standing at credit in a trust fund administered by a previous Committee together with interest accrued and due on it vests in the relevant Committee; and
- (c) any moneys and liquidated and unliquidated claims that immediately before that commencement were payable to or recoverable by a previous Committee are payable to and recoverable by the Queensland Ambulance Service or the relevant Committee as the administration of this Act may require; and
- (d) any real property of a previous Committee is divested from that previous Committee and vested in the Corporation; and
- (e) any personal property (other than money and personal property used by a previous Committee for fundraising) of a previous Committee vests in the Queensland Ambulance Service; and
- (f) any personal property of a previous Committee used by the previous Committee for fundraising vests in the relevant Committee; and

- (g) any contracts and agreements entered into by or on behalf of a previous Committee and all guarantees, undertakings and securities given by or on behalf of or to a previous Committee, and in force immediately before that commencement are to be taken to have been entered into or, as the case may be, given by or to the Queensland Ambulance Service or the relevant Committee, as the administration of the Act may require, and may be enforced against or by the Queensland Ambulance Service or the relevant Committee accordingly; and
- (h) any actions, suits and proceedings pending or existing immediately prior to that commencement at the suit of a previous Committee may be continued or discontinued by the Queensland Ambulance Service or the relevant Committee, as the administration of the Act may require, which is to be substituted as a party thereto in place of the Queensland Ambulance Service or the relevant Committee; and
- (i) any debts owing and moneys payable by and liquidated or unliquidated claims recoverable against a previous Committee and substituting immediately before that commencement become and are debts owing or moneys payable by or, as the case may be, claims recoverable against the Queensland Ambulance Service or the relevant Committee, as the administration of the Act may require.

### **References to the Board and previous Committees**

**8.8** Unless a contrary intention appears, a reference in any Act, will, document or writing to The State Council of the Queensland Ambulance Transport Brigade, the Board or a previous Committee is to be construed as a reference to the Corporation, the Queensland Ambulance Service or the relevant Committee, as the case may require.

### **Trusts**

**8.9** Any trust property that is vested in the Corporation, the Queensland Ambulance Service or a relevant Committee as a consequence of the operation of sections 8.6 and 8.7 is to vest in the Corporation, the Queensland Ambulance Service or the relevant Committee, as the case may

require, on the same trusts as those to which the property was subject immediately before that vesting.

### **Duty to facilitate transfer of property etc.**

**8.10(1)** Between the enactment of this Act and the commencement of this Act the Board or a previous Committee and all persons connected with the operations of the Board or the previous Committee are to do all acts and things necessary or desirable to facilitate—

- (a) the transfer to the Corporation, the Queensland Ambulance Service or the relevant Committee, as the case may require, of the property and liabilities provided for by this Act; and
- (b) the delivery to the Corporation, the Queensland Ambulance Service or the relevant Committee, as the case may require, or its nominee on the commencement of this Act of—
  - (i) all contracts, agreements, guarantees, undertakings and securities entered into by or given by or to the Board or a previous Committee; and
  - (ii) all documents, writings and other records pertaining to the operations of the Board or a previous Committee.

**(2)** The Registrar of Titles and all other persons charged with the keeping of a register with respect to dealings with property vested in the Corporation by sections 8.6 and 8.7 are, upon request made by or on behalf of the Corporation, to make in that register all endorsements necessary to record the vesting in the Corporation of the property in question under those sections.

**(3)** Notwithstanding any Act to the contrary, a request made for the purposes of subsection (2) is not liable to stamp duty and no fees or charges are payable in respect of it.

### **Savings and transitional**

**8.11** If in any case in respect of the transition from the law in force before the commencement of this Act to the provisions of this Act it appears to the Governor in Council that no provision or no sufficient provision is made to effectuate that transition, the Governor in Council may by order in council make such provision as the Governor in Council

considers appropriate with respect to it providing for and supplying such omission or insufficiency, and that provision is to have effect accordingly.

**Repeals**

**8.12** The Acts specified in the following Table are repealed.

**TABLE**

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Year and Number of Act	Short Title
No. 15 of 1967 . . . . .	<i>Ambulance Services Act of 1967</i>
No. 23 of 1970 . . . . .	<i>Ambulance Services Act Amendment Act 1970</i>
No. 38 of 1975 . . . . .	<i>Ambulance Services Act Amendment Act 1975</i>
No. 27 of 1983 . . . . .	<i>Ambulance Services Act Amendment Act 1983</i>
No. 103 of 1985 . . . . .	<i>Ambulance Services Act Amendment Act 1985</i>

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