

Queensland



AMBULANCE SERVICE ACT 1991

**Reprinted as in force on 20 January 1998
(includes amendments up to Act No. 6 of 1997)**

Reprint No. 3

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Information about this reprint

This Act is reprinted as at the 20 January 1998. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use expressions consistent with current drafting practice (s 29)
- use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



AMBULANCE SERVICE ACT 1991

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	5
2	Definitions	5
3	Administration of Act	6
PART 2—QUEENSLAND AMBULANCE SERVICE		
<i>Division 1—Queensland Ambulance Service</i>		
3A	Establishment of Queensland Ambulance Service	6
3B	Status of service	6
3C	Service represents the State	7
3D	Service's functions	7
3E	Service's powers	8
<i>Division 2—Service's board</i>		
3F	The board	8
3G	Role of board	9
3H	Minister's power to give directions	9
3I	Membership of board	9
3J	Term of office of appointed members	10
3K	Remuneration and allowances of appointed members	11
3L	Time and place of meetings	11
3M	Conduct of proceedings	11
3N	Authentication of documents	12
3O	Disclosure of interests	12
3P	Minutes	13

Division 3—Staff of the service

4	Appointment of commissioner	13
4A	Acting commissioner	13
5	Disqualification from appointment	14
6	Vacation of office	14
9	Role of commissioner	15
13	Employees	15
14	Honorary ambulance officers	15
15	Officers employed under this Act	16
16	No additional remuneration	16
17	Superannuation scheme	16
18	Retrenchment and redundancy	16

Division 4—Other matters about the service

19	Finance	17
20	Application of certain Acts	17
21	Seal	18
22	Delegations	18

PART 4—LOCAL AMBULANCE COMMITTEES

26	Establishment of committees	18
27	Functions of committees	19
28	Constitution	19
29	Members of committees	19
30	Liability of members	21
31	Protection of members	21
32	Committees are statutory bodies	21
33	Application of laws	22
34	Investigations	22
35	Dissolution of committees	22
36	Effect of dissolution	23

PART 5—ADMINISTRATION AND POWERS

37	Authorised officers	23
38	Powers of authorised officers	23

39	Protection from certain liability	24
40	Power to accept gifts etc.	24
41	Codes of practice	25
PART 6—OFFENCES		
42	Right of way to ambulances	25
43	Unauthorised ambulance transport	26
44	Unauthorised teaching of first aid	26
45	Unauthorised collections	27
46	Obstruction	27
47	False calls	28
48	Restricted use of words ‘Ambulance Service’	28
49	Confidentiality	29
50	Proceedings for offences	30
PART 7—GENERAL		
51	Exemption from tolls	31
52	Interstate assistance at accidents	31
53	Service of documents	32
54	Regulations	32
PART 8—SAVINGS AND TRANSITIONAL PROVISIONS		
54A	Definitions	33
55	Superannuation entitlements	33
56	References to the board and previous committees	34
57	References to Ambulance Services Act 1967	34
58	References to corporation and former service	34
59	Vesting of assets	34
60	Legal proceedings	35
61	Ambulance officers	35
62	Medical officers	35
63	Administrative and service officers	35
64	Conditions of employment of transferred officers	35
65	Honorary ambulance officers	36
66	Trusts	36

67	Duty to assist transfer of property	36
68	Transitional regulations	36

ENDNOTES

1	Index to endnotes	37
2	Date to which amendments incorporated	37
3	Key	38
4	Table of earlier reprints	38
5	Tables in earlier reprints	38
6	List of legislation	39
7	List of annotations	40
8	Table of renumbered provisions	45

AMBULANCE SERVICE ACT 1991

[as amended by all amendments that commenced on or before 20 January 1998]

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

PART 1—PRELIMINARY

Short title

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

Definitions

2. In this Act—

“**ambulance officer**” means an ambulance officer appointed under section 13 and an honorary ambulance officer appointed under section 14.

“**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.

“**appointed member**” of the board see section 3I.

“**approved superannuation scheme**” means—

- (a) the Queensland Ambulance Service Superannuation Scheme; or
- (b) another superannuation scheme approved by the Governor in Council under section 17.

“**authorised officer**” means an officer authorised under section 37.

“**board**” means the service’s board mentioned in section 3F.

“**commissioner**” means the commissioner of the service appointed under section 4.

“**committee**” means a local ambulance committee established under section 26.

“**conviction**” includes a plea of guilty or a finding of guilt by a court even though a conviction is not recorded.

“**service**” means the Queensland Ambulance Service.

“**service officer**” means a person employed under section 13(1).

“**subscriber**” means a person who—

- (a) is a current subscriber to the service under section 54 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 is entitled to the service of that authority without charge.

Administration of Act

3. Subject to the Minister, the service is to administer this Act.

PART 2—QUEENSLAND AMBULANCE SERVICE

Division 1—Queensland Ambulance Service

Establishment of Queensland Ambulance Service

3A. The Queensland Ambulance Service is established.

Status of service

3B. The service—

- (a) is a body corporate with perpetual succession; and

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

Service represents the State

3C.(1) The service represents the State.

(2) Without limiting subsection (1), the service—

- (a) has all the privileges and immunities of the State; and
- (b) is an exempt public authority under the Corporations Law.

Service's functions

3D. The functions of the service are—

- (a) to provide, operate and maintain ambulance services; and
- (b) for ambulance services provided during rescue and other related activities—to protect persons from injury or death, whether or not the 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 counterdisaster planning; and
- (e) to coordinate all volunteer first aid groups for major emergencies or disasters; and
- (f) to adopt and put into effect all necessary measures (including systems of planning, management and quality control) to best ensure the efficient and economic operation and use of its resources in providing 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) 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; and

- (j) to identify and market products and services incidental to its other functions; and
- (k) to perform other functions given to the service under this Act or another Act; and
- (l) to perform functions incidental to its other functions.

Service's powers

3E.(1) The service has all the powers of an individual and may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, deal with and dispose of property; and
- (c) appoint agents and attorneys; and
- (d) charge for services and facilities it supplies; and
- (e) undertake fundraising activities to benefit the service financially; and
- (f) do anything else necessary or convenient to be done for, or in connection with, the performance of its functions.

(2) Without limiting subsection (1), the service has the powers given to it under this or another Act.

(3) However, the service may exercise either of the following powers only with the written approval of the Minister—

- (a) acquire land by purchase, lease or exchange;
- (b) dispose of land by sale, lease, mortgage or in another way.

(4) The service may exercise its powers inside and outside Queensland, including outside Australia.

Division 2—Service's board

The board

3F. The service has a board.

Role of board

3G.(1) The board is responsible for the way the service performs its functions and exercises its powers.

(2) Without limiting subsection (1), it is the board's role—

- (a) to decide the objectives, strategies and policies to be followed by the service; and
- (b) to ensure the service performs its functions in an appropriate, effective and efficient way.

Example of subsection (2)(b)—

The board could establish performance measures for the service.

Minister's power to give directions

3H.(1) The Minister may give the board a written direction about the administration, management and control of the service if the Minister is satisfied it is necessary to give the direction in the public interest and because of exceptional circumstances.

(2) The board must ensure the direction is complied with.

(3) Before giving the direction, the Minister must—

- (a) consult with the board; and
- (b) ask the board to advise whether, in its opinion, complying with the direction would not be in the service's financial interest.

(4) The Minister must cause a copy of the direction to be gazetted within 21 days after it is given.

Membership of board

3I.(1) The board consists of—

- (a) the commissioner; and
- (b) the chief commissioner of the Queensland Fire and Rescue Authority; and
- (c) the chief executive; and

(d) 5 other members.

(2) The members of the board mentioned in subsection (1)(d) (the “**appointed members**”) are to be appointed by the Governor in Council.

(3) However, a person may be appointed as an appointed member only if the person has knowledge of, or experience in, matters relevant to the service’s functions.

(4) The Governor in Council is to appoint one of the members of the board as chairperson of the board.

Term of office of appointed members

3J.(1) The appointment of an appointed member is for the term (not longer than 3 years) decided by the Governor in Council.

(2) The office of an appointed member becomes vacant if the member—

- (a) resigns by signed notice of resignation given to the Minister; or
- (b) is absent from 3 consecutive meetings of the board without the board’s leave and without reasonable excuse; or
- (c) is convicted of an indictable offence; or
- (d) becomes employed by, or a contractor of, the service; or
- (e) is removed from office by the Governor in Council under subsection (4) or (5).

(3) Subsection (2)(d) does not apply to an appointed member who was a service officer at the time of being appointed as a member.

(4) The Governor in Council may remove an appointed member from office if the member—

- (a) engages in misbehaviour; or
- (b) becomes incapable of performing the duties of a member because of physical or mental incapacity; or
- (c) is incompetent; or
- (d) does anything else that, in the Governor in Council’s opinion, is a reasonable justification for removal from office; or
- (e) is convicted of an offence against this Act.

(5) The Governor in Council may remove all or any of the appointed members of the board from office if the board does not comply with a direction given to it by the Minister under this Act.

Remuneration and allowances of appointed members

3K. An appointed member is entitled to be paid the remuneration and allowances fixed by the Governor in Council.

Time and place of meetings

3L.(1) Meetings of the board are to be held at the times and places it decides.

(2) However, the board must meet at least once every 3 months.

(3) The chairperson of the board—

- (a) may at any time call a meeting of the board; and
- (b) must call a meeting if asked by at least 4 members.

Conduct of proceedings

3M.(1) The chairperson of the board must preside at all board meetings at which the chairperson is present.

(2) If the chairperson is absent, the member chosen by the members present must preside.

(3) At a meeting of the board—

- (a) 5 members form a quorum; and
- (b) a question is decided by a majority of the votes of the members present and voting; and
- (c) each member present has a vote on each question to be decided and, if the votes are equal, the member presiding has a casting vote.

(4) The board may otherwise conduct its proceedings (including its meetings) as it considers appropriate.

(5) The board may hold meetings, or allow members to take part in

meetings, by telephone, closed circuit television or another form of communication.

(6) A member who takes part in a board meeting under subsection (5) is taken to be present at the meeting.

(7) A resolution is a valid resolution of the board, even though it is not passed at a board meeting, if—

- (a) all members of the board give written agreement to the resolution; and
- (b) notice of the resolution is given under procedures approved by the board.

Authentication of documents

3N. A document made by the board for this Act is sufficiently made if it is signed by the chairperson or a person authorised by the board.

Disclosure of interests

3O.(1) This section applies to a member of the board if—

- (a) the member has a direct or indirect financial interest in an issue being considered, or about to be considered, by the board; and
- (b) the interest could conflict with the proper performance of the member's duties about the consideration of the issue.

(2) As soon as practicable after the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a meeting of the board.

(3) Unless the board otherwise directs, the member must not—

- (a) be present when the board considers the issue; or
- (b) take part in a decision of the board on the issue.

(4) The member must not be present when the board is considering whether to give a direction under subsection (3).

(5) If there is another person who must, under subsection (2), also disclose an interest in the issue, the other person must not—

Ambulance Service Act 1991

- (a) be present when the board is considering whether to give a direction under subsection (3); or
- (b) take part in making the decision about giving a direction.

(6) If, because of this section, a member is not present at a board meeting for considering or deciding an issue, but there would be a quorum if the member were present, the remaining members present are a quorum for considering or deciding the issue at the meeting.

(7) A disclosure under subsection (2) must be recorded in the board's minutes.

Minutes

3P. The board must keep minutes of its proceedings.

*Division 3—Staff of the service***Appointment of commissioner**

4.(1) The Governor in Council, acting on the recommendation of the Minister, is to appoint a commissioner of the 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.

Acting commissioner

4A. The Governor in Council may appoint a person to act in the office of commissioner during—

- (a) any vacancy, or all vacancies, in the office; or
- (b) any period, or all periods, when the commissioner is absent from duty, or cannot, for another reason, perform the functions of the office.

Disqualification from appointment

5. 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 Act 1974*;

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

Vacation of office

6.(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 5, 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.

Role of commissioner

9.(1) The commissioner is responsible for managing the service's operations in accordance with its objectives, strategies and policies.

(2) Without limiting subsection (1), the commissioner is to prepare an annual corporate plan incorporating performance targets developed in consultation with the board and approved by the Minister.

(3) The commissioner has power to do anything necessary or convenient to be done for, or in connection with, the management of the service's operations.

Employees

13.(1) The service may appoint and employ on salary or wages or engage and employ under contracts such persons—

- (a) as ambulance officers; and
- (b) as medical or administrative 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) as the service determines.

Honorary ambulance officers

14.(1) The commissioner may, on behalf of the 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 service as the commissioner may direct; and
- (b) are subject to the control and supervision of the commissioner.

Officers employed under this Act

15. Service officers are to be employed under this Act, and not under the *Public Service Act 1996*.

No additional remuneration

16. A service officer is not to seek or accept on account of anything done in the course of duty in the service any fee or reward not authorised by the commissioner.

Superannuation scheme

17.(1) The Governor in Council may approve a superannuation scheme (other than the Queensland Ambulance Service Superannuation Scheme) for service officers or classes of service officers.

(2) Every service officer (other than an honorary ambulance officer) must become a contributor to an approved superannuation scheme (if the officer is otherwise eligible under the terms of the scheme) and, while a service officer, must continue to contribute to the scheme in accordance with its terms.

(3) A service officer who becomes a public service officer must, by written notice given to the commissioner within 2 months after starting employment with the public service, elect—

- (a) to continue to contribute to an approved superannuation scheme;
or
- (b) to contribute to the superannuation scheme to which persons who become public service officers after the commencement of this section would usually contribute.

Retrenchment and redundancy

18. If the service is satisfied that—

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

another position;

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

Division 4—Other matters about the service

Finance

19.(1) Before the start of each financial year, the commissioner must give to the board a budget for the service showing the estimated receipts and disbursements for the year.

(2) The board is to approve the budget—

- (a) as given by the commissioner; or
- (b) as amended in the way the board 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, if appropriate, amended under subsection (3), is to be the budget for the service for the financial year for which it is prepared.

(5) The service is to observe the budget for each financial year.

Application of certain Acts

20.(1) The service is—

- (a) a unit of public administration under the *Criminal Justice Act 1989*; and
- (b) an agency under the *Equal Opportunity in Public Employment Act 1992*; and
- (c) a department under the *Financial Administration and Audit Act 1977*; and
- (d) a public authority under the *Libraries and Archives Act 1988*; and
- (e) a statutory body under the *Statutory Bodies Financial*

Arrangements Act 1982.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the service's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

Seal

21. Judicial notice must be taken of the imprint of the service's seal appearing on a document, and the document must be presumed to have been properly sealed unless the contrary is proved.

Delegations

22.(1) The service may delegate its powers under this Act to the commissioner or an appropriately qualified service officer.

(2) The commissioner may delegate the commissioner's powers under this Act to an appropriately qualified service officer.

(3) In subsections (1) and (2)—

“appropriately qualified” includes having the qualifications, experience or standing appropriate to exercise the power.

Example of 'standing'—

A person's classification level in the service.

PART 4—LOCAL AMBULANCE COMMITTEES**Establishment of committees**

26.(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

27. The functions of a committee are—

- (a) to liaise between the community it represents and the 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

28.(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

29.(1) The subscribers who—

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

Ambulance Service Act 1991

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 a service officer; 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 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 under 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

30.(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

31.(1) The members of a committee are not personally liable to contribute toward the payment of debts and liabilities of, or any judgment 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.

Committees are statutory bodies

32.(1) Under the *Statutory Bodies Financial Arrangements Act 1982*, a committee is a statutory body.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets

out the way in which a committee's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

Application of laws

33.(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 Public Amusements Act 1992*,¹ in respect of the conduct of minor art unions (within the meaning of that Act) by a committee, do not apply.

Investigations

34.(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

35. 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.

¹ Now see Art Unions Act 1992 s 127

Effect of dissolution

36. If a committee is dissolved under section 35, the funds of the committee vest in the service on trust for the community represented by the committee.

PART 5—ADMINISTRATION AND POWERS**Authorised officers**

37. The commissioner may authorise a service officer, or service officers of a class of service officers, 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

38.(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

Ambulance Service Act 1991

- (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

39.(1) The service is to indemnify every service officer against all actions, proceedings and claims in relation to—

- (a) acts done, or omitted to be done, by the officer under section 38; or
- (b) acts done, or omitted to be done, by the officer in good faith for the purposes of section 38.

(2) For the purposes of subsection (1), a service officer includes a person required under section 38(2)(g) to assist an authorised officer.

Power to accept gifts etc.

40.(1) The 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 and is given or made to a committee, the property vests in the service on trust for the committee.

Codes of practice

41.(1) The commissioner, with the approval of the board, may issue codes of practice, not inconsistent with this Act, relating to—

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

(2) The commissioner, with the approval of the board, 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

42.(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 service officer or any person acting under the direction of a service 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).

Maximum penalty—50 penalty units, 6 months imprisonment or both.

Unauthorised ambulance transport

43.(1) A person, other than the 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.

Maximum penalty—

- (a) in the case of an individual—16 penalty units; or
- (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

44.(1) A person, other than a service officer, 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.

Maximum penalty—

- (a) in the case of an individual—16 penalty units; or
- (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 Australia-Queensland; 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); and
- (g) an employee of the department in which the *Health Services Act 1991* is administered, authorised by the chief executive of that department.

Unauthorised collections

45.(1) A person, other than—

- (a) a member of, or person authorised by, a committee; or
- (b) a service officer;

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.

Maximum 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 St John Ambulance Australia-Queensland.

Obstruction

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

Maximum 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

47.(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 service.

Maximum 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 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’

48.(1) A person must not—

- (a) without the written authority of the commissioner—use the

Ambulance Service Act 1991

words ‘Ambulance Service’ or any similar name, title or description; or

- (b) represent that the person is associated with the 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 service; or
- (d) impersonate a service officer; or
- (e) without the written authority of the commissioner—use any insignia of the service in any manner contrary to the manner approved by the commissioner.

Maximum penalty—

- (a) in the case of an individual—16 penalty units; or
- (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 St John Ambulance Australia-Queensland 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

49.(1) A service officer or agent of the 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 prehospital care or ambulance services.

Maximum 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

Ambulance Service Act 1991

- 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.

Proceedings for offences

50.(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

51. A service officer 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

52.(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

53. Any document required or authorised to be served on the service is properly served if served on the commissioner.

Regulations

54.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may be made for or about—

- (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 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 service officers; 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 AND TRANSITIONAL PROVISIONS

Definitions

54A. In this part—

“**amendment Act**” means the *Ambulance Service Amendment Act 1997*.

“**commencement**” means the commencement of the amendment Act, section 5.

“**corporation**” means the corporation sole under this Act as in force immediately before the commencement.

“**former service**” means the Queensland Ambulance Service in existence immediately before the commencement.

“**transferred officer**” means a person taken to be employed as an ambulance, medical or administrative officer of the service under section 61, 62 or 63.

Superannuation entitlements

55.(1) The Queensland Ambulance Service Superannuation Scheme is continued in existence.

(2) A person who, under section 8.2² 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

² Section 8.2 (Employment of staff of board and previous committees) was omitted by the *Statute Law Revision Act 1995* but provided for the transfer of employees of the board and previous committees to the Queensland Ambulance Service.

Service is to continue to contribute to the scheme referred to in subsection (1).

(4) The trustees may amend the scheme.

(5) However, an amendment prejudicing a right accrued or accruing to a person under the scheme may be made only if the person has given written consent to the amendment.

References to the board and previous committees

56.(1) 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 service or the relevant committee, as the case may require.

(2) In subsection (1)—

“board” means the Queensland Ambulance Services Board constituted under the *Ambulance Services Act 1967*, section 6.

“previous committee” means a committee constituted under the *Ambulance Services Act 1967*, section 19.

References to Ambulance Services Act 1967

57. In an Act or document, a reference to the *Ambulance Services Act 1967* is taken to be a reference to this Act.

References to corporation and former service

58. A reference in an Act or document in existence immediately before the commencement to the corporation or former service is a reference to the service.

Vesting of assets

59. On the commencement, the assets, rights and liabilities of the corporation or former service vest in the service.

Legal proceedings

60. A legal proceeding that could have been started or continued by or against the corporation or the former service before the commencement may be started or continued by or against the service.

Ambulance officers

61.(1) A person who, immediately before the commencement, was employed as an ambulance officer of the former service is, on the commencement, taken to be employed as an ambulance officer of the service.

(2) Subsection (1) does not apply to a person holding office as an honorary ambulance officer.

Medical officers

62. A person who, immediately before the commencement, was employed as a medical officer of the former service is, on the commencement, taken to be employed as a medical officer of the service.

Administrative and service officers

63. A person who, immediately before the commencement, was employed as an administrative or service officer of the former service is, on the commencement, taken to be employed as an administrative officer of the service.

Conditions of employment of transferred officers

64.(1) The conditions of employment applying to a transferred officer must be no less favourable than the conditions that applied to the officer immediately before the commencement.

(2) A transferred officer remains entitled to all rights accrued or accruing to the officer as an employee of the former service.

(3) Without limiting subsection (2), a transferred officer is entitled to receive annual, sick and long service leave and any similar entitlements accrued or accruing to the officer as an employee of the former service.

(4) The recognised service of a transferred officer is taken to be service as an employee of the service for the purpose of any law dealing with rights or entitlements mentioned in this section.

(5) In subsection (4)—

“**recognised service**” of a transferred officer means the officer’s service as an employee of the former service, and includes any previous service of the officer taken to be service with the former service.

Honorary ambulance officers

65. A person who, immediately before the commencement, was an honorary ambulance officer with the former service is taken to be appointed as an honorary ambulance officer for the service.

Trusts

66. On the commencement, any property that, immediately before the commencement, was held in trust by the former service or the corporation vests in the service on the same trusts to which the property was subject immediately before the vesting.

Duty to assist transfer of property

67.(1) The registrar of titles and all persons who keep registers of dealings in property must, if asked by the service, make in the register all entries necessary to record the vesting of property in the service by this part.

(2) A request under this section is not liable to fees or stamp duty.

Transitional regulations

68.(1) A regulation may make provision about a matter for which—

- (a) it is necessary or convenient to assist the transition to the performance by the service of functions previously performed by the corporation or the former service; and
- (b) this Act does not make provision or enough provision.

(2) This section expires 1 year after it commences.

ENDNOTES**1 Index to endnotes**

	Page
2 Date to which amendments incorporated	37
3 Key	38
4 Table of earlier reprints	38
5 Tables in earlier reprints	38
6 List of legislation	39
7 List of annotations	40
8 Table of renumbered provisions	45

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 20 January 1998. Future amendments of the Ambulance Service Act 1991 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 36 of 1992	1 August 1992
2	to Act No. 57 of 1995	21 December 1995
2A	to Act No. 54 of 1996	4 December 1996
2B	to Act No. 61 of 1996	15 April 1997
2C	to Act No. 6 of 1997	12 August 1997

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1
Obsolete and redundant provisions	2
Renumbered provisions	2

6 List of legislation

Ambulance Service Act 1991 No. 36

date of assent 12 June 1991

s 1 commenced on date of assent

remaining provisions commenced 1 July 1991 (proc pubd gaz 22 June 1991 p 976)

as amended by—

Statute Law (Miscellaneous Provisions) Act 1991 No. 97 ss 1–3 sch 2

date of assent 17 December 1991

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 1992 No. 36 ss 1–2 sch 2

date of assent 2 July 1992

commenced on date of assent

Local Government Act 1993 No. 70 ss 1–2, 804 sch

date of assent 7 December 1993

ss 1–2 commenced on date of assent

remaining provisions commenced 26 March 1994 (see s 2(5))

Statute Law (Miscellaneous Provisions) Act 1994 No. 15 ss 1–3 sch 2

date of assent 10 May 1994

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 ss 1–3 sch 1

date of assent 1 December 1994

commenced on date of assent

Statutory Authorities Superannuation Legislation Amendment Act 1995 No. 36 ss 1–2, 9 sch 2

date of assent 16 June 1995

commenced on date of assent

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Public Service Act 1996 No. 37 ss 1–2, 147 sch 2

date of assent 22 October 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1996 (1996 SL No. 361)

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch

date of assent 20 November 1996

ss 1–2 commenced on date of assent

s 9 sch amdt 1 commenced 1 August 1997 (1997 SL No. 229)

remaining provisions commenced 1 June 1997 (1997 SL No. 128)

Health Legislation Amendment Act (No. 2) 1996 No. 61 ss 1–2, 15 sch

date of assent 9 December 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 20 December 1996 (1996 SL No. 402)

Ambulance Service Amendment Act 1997 No. 6

date of assent 15 May 1997

ss 1–2 commenced on date of assent

remaining provisions commenced 13 July 1997 (1997 SL No. 210)

7 List of annotations**Commencement****1.2** om R2 (see RA s 37)**Definitions****prov hdg** sub 1997 No. 6 s 4(1)**s 2** def “**appointed member**” ins 1997 No. 6 s 4(3)def “**approved superannuation scheme**” ins 1997 No. 6 s 4(3)def “**board**” sub 1997 No. 6 s 4(2)–(3)def “**commissioner**” amd 1997 No. 6 s 4(4)def “**conviction**” ins 1997 No. 6 s 4(3)def “**corporation**” om 1997 No. 6 s 4(2)def “**director**” om 1997 No. 6 s 4(2)def “**employee of a previous committee**” om 1997 No. 6 s 4(2)def “**employee of the board**” om 1997 No. 6 s 4(2)def “**officer of the Queensland Ambulance Service**” om 1997 No. 6 s 4(2)def “**previous committee**” om 1997 No. 6 s 4(2)def “**repealed Act**” om 1997 No. 6 s 4(2)def “**service**” ins 1997 No. 6 s 4(3)def “**service officer**” ins 1997 No. 6 s 4(3)def “**subscriber**” amd 1997 No. 6 s 4(4)**Administration of Act****s 3** amd 1997 No. 6 s 3 sch**Division 1—Queensland Ambulance Service****div hdg** ins 1997 No. 6 s 5**Establishment of Queensland Ambulance Service****s 3A** ins 1997 No. 6 s 5**Status of service****s 3B** ins 1997 No. 6 s 5**Service represents the State****s 3C** ins 1997 No. 6 s 5**Service’s functions****s 3D** ins 1997 No. 6 s 5

Service's powers

s 3E ins 1997 No. 6 s 5

Division 2—Service's board

div hdg ins 1997 No. 6 s 5

The board

s 3F ins 1997 No. 6 s 5

Role of board

s 3G ins 1997 No. 6 s 5

Minister's power to give directions

s 3H ins 1997 No. 6 s 5

Membership of board

s 3I ins 1997 No. 6 s 5

Term of office of appointed members

s 3J ins 1997 No. 6 s 5

Remuneration and allowances of appointed members

s 3K ins 1997 No. 6 s 5

Time and place of meetings

s 3L ins 1997 No. 6 s 5

Conduct of proceedings

s 3M ins 1997 No. 6 s 5

Authentication of documents

s 3N ins 1997 No. 6 s 5

Disclosure of interests

s 3O ins 1997 No. 6 s 5

Minutes

s 3P ins 1997 No. 6 s 5

Division 3—Staff of the service

div hdg ins 1997 No. 6 s 5

Appointment of commissioner

s 4 amd 1997 No. 6 s 3 sch

Acting commissioner

s 4A ins 1997 No. 6 s 6

Queensland Ambulance Service

s 7 om 1997 No. 6 s 7

Functions of Queensland Ambulance Service

s 8 om 1997 No. 6 s 7

Role of commissioner

s 9 sub 1997 No. 6 s 8

Finance

s 10 om 1997 No. 6 s 9

Authentication of documents

s 11 om 1997 No. 6 s 9

Delegation

s 12 om 1997 No. 6 s 9

Employees

s 13 amd 1996 No. 37 s 147 sch 2; 1997 No. 6 s 3 sch

Honorary ambulance officers

s 14 amd 1997 No. 6 s 3 sch

Officers employed under this Act

s 15 sub 1996 No. 37 s 147 sch 2
amd 1997 No. 6 s 3 sch

No additional remuneration

s 16 amd 1997 No. 6 s 3 sch

Superannuation scheme

s 17 sub 1997 No. 6 s 10

Retrenchment and redundancy

s 18 amd 1997 No. 6 s 3 sch

PART 3—THE CORPORATION

pt hdg om 1997 No. 6 s 12

Division 4—Other matters about the service

div hdg ins 1997 No. 6 s 11

Finance

s 19 om 1997 No. 6 s 12
ins 1997 No. 6 s 11

Application of certain Acts

s 20 amd 1996 No. 54 s 9 sch
om 1997 No. 6 s 12
ins 1997 No. 6 s 11

Seal

s 21 om 1997 No. 6 s 12
ins 1997 No. 6 s 11

Delegations

s 22 om 1997 No. 6 s 12
ins 1997 No. 6 s 11

Director may exercise powers of the corporation

s 23 om 1997 No. 6 s 12

Relationship to the Crown

s 24 om 1997 No. 6 s 12

Restriction on power to acquire or dispose of land

s 25 om 1997 No. 6 s 12

Property not subject to rates

s 3.8 om 1993 No. 70 s 804 sch

Functions of committees

s 27 amd 1997 No. 6 s 3 sch

Members of committees

s 29 amd 1991 No. 97 s 3 sch 2; 1997 No. 6 s 3 sch

Committees are statutory bodies

s 32 sub 1996 No. 54 s 9 sch

Application of Laws

s 33 amd 1995 No. 57 s 4 sch 1

Effect of dissolution

s 36 amd 1992 No. 36 s 2 sch 2; 1997 No. 6 s 3 sch

Authorised officers

s 37 amd 1997 No. 6 s 3 sch

Protection from certain liability

s 39 amd 1997 No. 6 s 3 sch

Power to accept gifts etc.

s 40 amd 1997 No. 6 ss 13, 3 sch

Codes of practice

s 41 amd 1997 No. 6 s 3 sch

Right of way to ambulances

s 42 amd 1997 No. 6 s 3 sch

Unauthorised ambulance transport

s 43 amd 1997 No. 6 s 3 sch

Unauthorised teaching of first aid

s 44 amd 1991 No. 97 s 3 sch 2; 1996 No. 61 s 15 sch; 1997 No. 6 s 3 sch

Unauthorised collections

s 45 amd 1991 No. 97 s 3 sch 2; 1997 No. 6 s 3 sch

False calls

s 47 amd 1997 No. 6 s 3 sch

Restricted use of words 'Ambulance Service'

s 48 amd 1991 No. 97 s 3 sch 2; 1997 No. 6 s 3 sch

Confidentiality

s 49 amd 1997 No. 6 s 3 sch

Exemption from tolls

s 51 amd 1997 No. 6 s 3 sch

Service of documents

s 53 amd 1997 No. 6 s 3 sch

Regulations

s 54 amd 1995 No. 57 s 4 sch 1; 1997 No. 6 s 3 sch

PART 8—SAVINGS AND TRANSITIONAL PROVISIONS

pt hdg sub 1997 No. 6 s 14

Definitions

s 54A ins 1997 No. 6 s 15

Superannuation entitlements

s 55 amd 1994 No. 87 s 3 sch 1; 1995 No. 36 s 9 sch 2

References to the board and previous committees

s 56 amd 1997 No. 6 s 16

Dissolution of board

s 8.1 om 1991 No. 97 s 3 sch 2

Employment of staff of board and previous committees

s 8.2 om 1995 No. 57 s 4 sch 1

Honorary ambulance officers

s 8.3 om 1991 No. 97 s 3 sch 2

Previous committees

s 8.4 om 1991 No. 97 s 3 sch 2

Transfer of assets and liabilities of the board

s 8.6 om 1991 No. 97 s 3 sch 2

Transfer of assets and liabilities of previous committees

s 8.7 om 1991 No. 97 s 3 sch 2

References to Ambulance Services Act 1967

s 57 ins 1994 No. 15 s 3 sch 2

Numbering and renumbering of Act

s 8.9 prev s 8.9 om 1991 No. 97 s 3 sch 2
pres s 8.9 ins 1995 No. 57 s 4 sch 1
om R2 (see RA s 37)

Duty to facilitate transfer of property etc.

s 8.10 om 1995 No. 57 s 4 sch 1

Savings and transitional

s 8.11 om 1995 No. 57 s 4 sch 1

Repeals

8.12 om 1991 No. 97 s 3 sch 2

References to corporation and former service

s 58 ins 1997 No. 6 s 17

Vesting of assets

s 59 ins 1997 No. 6 s 17

Legal proceedings

s 60 ins 1997 No. 6 s 17

Ambulance officers

s 61 ins 1997 No. 6 s 17

Medical officers

s 62 ins 1997 No. 6 s 17

Administrative and service officers

s 63 ins 1997 No. 6 s 17

Conditions of employment of transferred officers

s 64 ins 1997 No. 6 s 17

Honorary ambulance officers

s 65 ins 1997 No. 6 s 17

Trusts

s 66 ins 1997 No. 6 s 17

Duty to assist transfer of property

s 67 ins 1997 No. 6 s 17

Transitional regulationss 68 ins 1997 No. 6 s 17
exp 13 July 1998 (see s 68(2))**8 Table of renumbered provisions**

TABLE OF RENUMBERED PROVISIONS [Reprint No. 2]
under the Reprints Act 1992 s 43 as required by the Ambulance Service Act 1991
No. 36 s 8.9

Previous	Renumbered as
1.1	1
1.3	2
1.4	3
2.1	4
2.2	5
2.3	6
2.4	7
2.5	8
2.6	9
2.7	10
2.8	11
2.9	12
2.10	13
2.11	14
2.12	15

2.13	16
2.14	17
2.15	18
3.1	19
3.2	20
3.3	21
3.4	22
3.5	23
3.6	24
3.7	25
4.1	26
4.2	27
4.3	28
4.4	29
4.5	30
4.6	31
4.7	32
4.8	33
4.9	34
4.10	35
4.11	36
5.1	37
5.2	38
5.3	39
5.4	40
5.5	41
6.1	42
6.2	43
6.3	44
6.4	45
6.5	46
6.6	47
6.7	48
6.8	49
6.9	50
7.1	51
7.2	52
7.3	53
7.4	54
8.5	55
8.8	56
8.8A	57