

Queensland



**EMERGENCY SERVICES
LEGISLATION
AMENDMENT ACT 1998**

Act No. 37 of 1998

Queensland



EMERGENCY SERVICES LEGISLATION AMENDMENT ACT 1998

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	4
PART 2—AMENDMENT OF AMBULANCE SERVICE ACT 1991		
2	Act amended in pt 2 and sch, pt 1	4
3	Amendment of s 2 (Definitions)	4
4	Omission of s 3 (Administration of Act)	4
5	Replacement of pt 2, div 2 (Service's board)	5
	<i>Division 2—Control of service</i>	
3F	Chief executive officer of service	5
3G	Minister's powers to give directions	5
6	Amendment of s 20 (Application of certain Acts)	6
7	Insertion of new s 53A	6
	53A Function of Emergency Services Advisory Council	6
8	Insertion of new pt 8, div 2	7
	<i>Division 2—Provision for Emergency Services Legislation Amendment Act 1998</i>	
68	Board members go out of office	7
PART 3—AMENDMENT OF FIRE AND RESCUE AUTHORITY ACT 1990		
9	Act amended in pt 3 and sch, pt 2	7
10	Omission of s 8 (Administration of Act)	7
11	Replacement of pt 2, div 2 (Authority's board)	8
	<i>Division 2—Control of authority</i>	
8F	Chief executive officer of authority	8

	8G	Minister's powers to give directions	8
12		Amendment of s 19A (Application of certain Acts)	9
13		Insertion of new pt 4A	9
		PART 4A—EMERGENCY SERVICES ADVISORY COUNCIL	
	34	Establishment of council	9
	35	Functions of council	9
	36	Membership of council	10
	37	Chairperson of council	10
	38	How appointments made	11
	39	Term of office	11
	40	Removal from office	11
	41	Quorum	11
	42	Conduct of business	11
	43	Minutes	11
	44	Remuneration of members	12
14		Insertion of new pt 12, div 2	12
		<i>Division 2—Provision for Emergency Services Legislation Amendment Act 1998</i>	
	171	Board members go out of office	12
		SCHEDULE	13
		MINOR AMENDMENTS	

Queensland



**Emergency Services Legislation Amendment
Act 1998**

Act No. 37 of 1998

**An Act to amend the *Ambulance Service Act 1991* and the *Fire and
Rescue Authority Act 1990***

[Assented to 13 November 1998]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Emergency Services Legislation Amendment Act 1998*.

PART 2—AMENDMENT OF AMBULANCE SERVICE ACT 1991

Act amended in pt 2 and sch, pt 1

2. This part and the schedule, part 1, amend the *Ambulance Service Act 1991*.

Amendment of s 2 (Definitions)

3. Section 2, definition “**subscriber**”—

insert—

‘(c) is a person exempted from payment of charges for the use of ambulance services.’.

Omission of s 3 (Administration of Act)

4. Section 3—

omit.

Replacement of pt 2, div 2 (Service's board)**5. Part 2, division 2—**

omit, insert—

Division 2—Control of service**‘Chief executive officer of service**

‘3F.(1) The chief executive of the department is the chief executive officer of the service.

‘(2) The chief executive officer is responsible for the way the service performs its functions and exercises its powers.

‘(3) Without limiting subsection (2), it is the chief executive officer'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 (3)(b)—

The chief executive officer could establish performance measures for the service.

‘(4) The chief executive officer has the power necessary to carry out the chief executive officer's responsibilities and role.

‘(5) Anything done in the name of, or on behalf of, the service by the chief executive officer is taken to have been done by the service.

‘Minister's powers to give directions

‘3G.(1) The Minister may give the chief executive officer a written direction about the carrying out of the chief executive officer's responsibility under section 3F if the Minister is satisfied it is necessary to give the direction in the public interest.

‘(2) The chief executive officer must ensure the direction is complied with.

‘(3) Before giving the direction, the Minister must consult with the chief executive officer and the commissioner.’.

Amendment of s 20 (Application of certain Acts)

6.(1) Section 20(1)(c)—

omit.

(2) Section 20(1)(d)—

renumber as section 20(1)(c).

(3) Section 20(1)(e)—

omit.

(4) Section 20(2)—

omit, insert—

‘(2) The *Financial Administration and Audit Act 1977* applies to the service as if it were part of the department.’.

Insertion of new s 53A

7. After section 53—

insert—

‘Function of Emergency Services Advisory Council

‘**53A.(1)** For this Act, the council’s function is to advise the Minister about—

- (a) the extent to which current service delivery by the service—
 - (i) satisfies community needs; and
 - (ii) contributes to the achievement of the Government’s desired outcomes for the community; and
 - (iii) satisfies the performance targets mentioned in the service’s annual strategic plan; and
- (b) anything else relevant to the functions of the service, referred to the council by the Minister.

‘(2) In this section—

“**council**” means the Emergency Services Advisory Council established under the *Fire and Rescue Authority Act 1990*.’.

Insertion of new pt 8, div 2

8. After section 67—

insert—

‘Division 2—Provision for Emergency Services Legislation Amendment Act 1998

‘Board members go out of office

‘**68.(1)** On the commencement of this section the members of the board go out of office.

‘(2) In this section—

“**board**” means the service’s board under this Act as in force immediately before the commencement of the *Emergency Services Legislation Amendment Act 1998*.’.

PART 3—AMENDMENT OF FIRE AND RESCUE AUTHORITY ACT 1990

Act amended in pt 3 and sch, pt 2

9. This part and the schedule, part 2, amend the *Fire and Rescue Authority Act 1990*.

Omission of s 8 (Administration of Act)

10. Section 8—

omit.

Replacement of pt 2, div 2 (Authority's board)**11. Part 2, division 2—**

omit, insert—

Division 2—Control of authority**‘Chief executive officer of authority**

‘8F.(1) The chief executive of the department is the chief executive officer of the authority.

‘(2) The chief executive officer is responsible for the way the authority performs its functions and exercises its powers.

‘(3) Without limiting subsection (2), it is the chief executive officer's role—

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

Example of subsection (3)(b)—

The chief executive officer could establish performance measures for the authority.

‘(4) The chief executive officer has the power necessary to carry out the chief executive officer's responsibilities and role

‘(5) Anything done in the name of, or on behalf of, the authority by the chief executive officer is taken to have been done by the authority.

‘Minister's powers to give directions

‘8G.(1) The Minister may give the chief executive officer a written direction about the carrying out of the chief executive officer's responsibility under section 8F if the Minister is satisfied it is necessary to give the direction in the public interest.

‘(2) The chief executive officer must ensure the direction is complied with.

‘(3) Before giving the direction, the Minister must consult with the chief executive officer and the chief commissioner.’.

Amendment of s 19A (Application of certain Acts)

12.(1) Section 19A(1)(d)—

omit.

(2) Section 19A(2)—

omit, insert—

‘(2) The *Financial Administration and Audit Act 1977* applies to the authority as if it were part of the department.’.

Insertion of new pt 4A

13. After part 4—

insert—

‘PART 4A—EMERGENCY SERVICES ADVISORY COUNCIL

‘Establishment of council

‘**34.** The Emergency Services Advisory Council is established.

‘Functions of council

‘**35.(1)** The council’s function is to advise the Minister about—

- (a) the extent to which current service delivery by the authority—
 - (i) satisfies community needs; and
 - (ii) contributes to the achievement of the Government’s desired outcomes for the community; and
 - (iii) satisfies the performance targets mentioned in the authority’s annual strategic plan; and
- (b) anything else referred to it by the Minister—

- (i) that is relevant to the functions of the authority; or
- (ii) that relates to activities carried out or funded by the department.

‘(2) However, the council does not have the function of advising about the matters mentioned in section 49(a) and (b).¹

‘(3) The council also has the functions given to it under the *Ambulance Service Act 1991* and any other Act.

‘Membership of council

‘36.(1) The council consists of not more than 14 members appointed by the Governor in Council.

‘(2) A member may be appointed at any time.

‘(3) Nominees for appointment to the council must be persons who the Minister considers are competent to assist the council to perform its functions.

‘Chairperson of council

‘37.(1) The Governor in Council is to appoint a member as the chairperson of the council.

‘(2) The chairperson is to preside at all council meetings at which the chairperson is present.

‘(3) If the chairperson is not present at a council meeting, a member chosen by the members present at the meeting is to preside.

‘(4) If appointed a member of the council, the following are not eligible to be appointed chairperson—

- (a) the chief commissioner;
- (b) the commissioner of the Queensland Ambulance Service;
- (c) the chief executive officer of the authority or the Queensland

¹ Section 49 is about the functions of the Rural Fire Council.

Ambulance Service;

- (d) a public service officer.

‘How appointments made

‘38.(1) An appointment under section 36 or 37 is to be by gazette notice.

‘(2) The appointment starts on the day the notice is published in the gazette or, if a later day is stated in the notice, the later day.

‘(3) A person’s appointment as chairperson may be combined with the person’s appointment as a member of the council.

‘Term of office

‘39. The term of office of a member is not to exceed 3 years.

‘Removal from office

‘40.(1) The Governor in Council may remove a member from office at any time.

‘(2) The removal takes effect on notice of the removal being given to the member by the Minister.

‘(3) It is unnecessary for any reasons to be given for the removal.

‘Quorum

‘41. A quorum for the council is the number equal to one-half of the number of its members for the time being, and if one-half is not a whole number, the next higher whole number.

‘Conduct of business

‘42. Subject to this part, the council may conduct its meetings and other business in the way it considers appropriate.

‘Minutes

‘43. The council must keep minutes of its meetings.

‘Remuneration of members

‘44. A member is entitled to be paid the fees and allowances decided by the Governor in Council.’.

Insertion of new pt 12, div 2

14. After section 170—

insert—

‘Division 2—Provision for Emergency Services Legislation Amendment Act 1998

‘Board members go out of office

‘171.(1) On the commencement of this section the members of the board go out of office.

‘(2) In this section—

“**board**” means the authority’s board under this Act as in force immediately before the commencement of the *Emergency Services Legislation Amendment Act 1998*.’.

SCHEDULE

MINOR AMENDMENTS

sections 2 and 9

PART 1—MINOR AMENDMENTS OF AMBULANCE SERVICE ACT 1991

1. Section 2, definitions “appointed member” and “board”—

omit.

2. Section 2—

insert—

‘ “**chief executive officer**” means the chief executive officer of the service.’.

3. Section 9(2), ‘corporate plan incorporating performance targets developed in consultation with the board and’—

omit, insert—

‘strategic plan incorporating performance targets’.

4. Section 13(2), ‘Industrial Relations Act 1990’—

omit, insert—

‘Workplace Relations Act 1997’.

SCHEDULE (continued)

5. Section 19, ‘board’—*omit, insert—*

‘chief executive officer’.

6. Section 33(2), ‘Art Unions and Public Amusements Act 1992’—*omit, insert—*

‘Art Unions Act 1992’.

7. Section 38(2)(h), “ambulance officer”—*omit, insert—*

‘authorised officer’.

8. Section 41(1), ‘, with the approval of the board,’—*omit.***9. Section 41(2), ‘, with the approval of the board,’—***omit.***10. Section 42, penalty, after ‘penalty’—***insert—*

‘for subsection (2)’.

11. Part 8, before section 54A—*insert—**‘Division 1—Provisions for Act before commencement of Emergency Services Legislation Amendment Act 1998’.*

SCHEDULE (continued)

12. Section 54A, ‘part’—*omit, insert—*

‘division’.

13. Section 67(1), ‘part’—*omit, insert—*

‘division’.

**PART 2—MINOR AMENDMENTS OF FIRE AND
RESCUE AUTHORITY ACT 1990****14. Section 6, definitions “appointed member” and “board”—***omit.***15. Section 6—***insert—*

‘ **“chief executive officer”** means the chief executive officer of the authority.’.

16. Section 12(2), ‘corporate plan incorporating performance targets developed in consultation with the board and’—*omit, insert—*

‘strategic plan incorporating performance targets’.

SCHEDULE (continued)

17. Section 18, ‘, with the approval of the board,’—

omit.

18. Section 22(1), ‘board for its’—

omit, insert—

‘chief executive officer for the chief executive officer’s’.

19. Section 22(2), (3) and (4), ‘board’—

omit, insert—

‘chief executive officer’.

20. Section 26(1), ‘board’—

omit, insert—

‘authority’.

21. Section 27, ‘in that service’—

omit, insert—

‘by the authority’.

22. Section 30(1)(c), ‘approved by the authority’—

omit.

22A. Section 49(a), ‘board’—

omit, insert—

‘authority’.

SCHEDULE (continued)

22B. Section 49(c), ‘board’—*omit, insert—*

‘Minister’.

23. Section 75(3), ‘an officer of the public service’—*omit, insert—*

‘a public service officer’.

24. Section 104N(5), ‘*Building Act 1975*.’—*omit, insert—*‘*Building Act 1975*’.**25. Section 113(6A), ‘chief commissioner’—***omit, insert—*

‘authority’.

26. Section 118(1), ‘general fund’—*omit, insert—*

‘operating fund’.

27. Part 12, before section 155—*insert—****‘Division 1—Provisions for Act before commencement of Emergency Services Legislation Amendment Act 1998’.***

SCHEDULE (continued)

28. Section 155, ‘part’—*omit, insert—*

‘division’.

29. Section 163(1), ‘part’—*omit, insert—*

‘division’.