

## AMBULANCE SERVICES BILL 1990

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The objects of this Bill are:

- \* to provide for the constitution of the Ambulance Service of New South Wales.
- \* to provide for the management of the Ambulance Service by a board the membership of which includes a Chief Executive Officer appointed by the Governor and a staff elected director.
- \* to define the functions of the Ambulance Service - it will be responsible for ambulance services in New South Wales.
- \* to enact other provisions for the effective operation of the Ambulance Service.
- \* to repeal the Ambulance Services Act 1976 (which makes the Health Administration Corporation responsible for ambulance services in New South Wales).

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### PART 1 - PRELIMINARY

**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a proclaimed day or days.

**Clause 3** defines expressions used in the proposed Act.

### PART 2 - CONSTITUTION OF AMBULANCE SERVICE OF NEW SOUTH WALES

**Clause 4** constitutes, as a statutory body representing the Crown, the Ambulance Service of New South Wales.

*Ambulance Services 1990*

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**PART 3 - AMBULANCE SERVICE BOARD**

**Clause 5** establishes an Ambulance Service Board.

**Clause 6** provides that the Board's function is to control the affairs of the Ambulance Service.

**Clause 7** subjects the Board to the control and direction of the Minister.

**Clause 8** provides that the Board is to consist of:

- (a) the Chief Executive Officer; and
- (b) not fewer than 6 and not more than 11 other directors appointed by the Minister (including a person elected by the employees of the Ambulance Service).

**Clause 9** provides for the appointment of a Chief Executive Officer of the Board.

**Clause 10** provides for the affairs of the Board to be managed by the Chief Executive Officer in accordance with the directions of the Board.

**Clause 11** empowers the Governor, by order published in the Gazette, to remove from office any or all of the directors of the Board. The clause also enables the Governor to appoint the Chief Executive Officer or some other person as administrator in place of the Board.

**PART 4 - FUNCTIONS OF AMBULANCE SERVICE**

**Clause 12** sets out the functions of the Ambulance Service. In addition to providing ambulance services, its functions include:

- \* assisting others to provide ambulance services.
- \* planning the future development of ambulance services.

**Clauses 13 and 14** provide for the appointment of staff and honorary ambulance officers of the Service.

**Clause 15** provides that the conditions of employment, including salaries, wages or remuneration, of employees are to be determined by the Health Administration Corporation, subject to any other law.

**Clause 16** imposes on the Service, in dealing with land, a requirement to obtain the Minister's approval.

**Clause 17** empowers the Service, with the approval of the Minister, to acquire land by resumption or appropriation for the purpose of the exercise of its functions.

**Clause 18** enables the Service to acquire property by gift, devise or bequest and abrogates the operation of the rule of law against remoteness of vesting in relation to the conditions of any such gift, devise or bequest.

**Clause 19** enables the Service to make and enter into contracts or agreements for the performance of services or the supply of goods.

## *Ambulance Services 1990*

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**Clause 20** sets out the investment powers of the Service.

**Clause 21** provides for the custody and use of the seal of the Service.

### **PART 5 - MISCELLANEOUS**

**Clause 22** enables the Minister to fix a scale of fees for ambulance services by notice in the Gazette.

**Clause 23** requires a person or body to first obtain the consent of the Director-General before providing ambulance services. The clause does not apply to bodies such as the Saint John Ambulance Association or the Royal Flying Doctor Service.

**Clause 24** makes it an offence to collect money from the public for ambulance services without first obtaining the consent of the Director-General.

**Clause 25** provides for the Service to delegate its functions under the proposed Act.

**Clause 26** protects employees and honorary ambulance officers of the Service against liability for any injury or damage they may cause when providing ambulance services in good faith.

**Clause 27** provides for the authentication of documents by the Service without the use of the seal of the Service.

**Clause 28** sets out certain matters of which proof is not required in legal proceedings.

**Clause 29** provides that proceedings for an offence against the proposed Act or regulations are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

**Clause 30** empowers the making of regulations for the purposes of the proposed Act.

**Clause 31** repeals the Ambulance Services Act 1976 and the regulations made under that Act.

**Clause 32** gives effect to Schedule 2 which contains consequential amendments to other Acts.

**Clause 33** gives effect to Schedule 3 which contains savings, transitional and other provisions.

### **SCHEDULE 1 - PROVISIONS RELATING TO THE DIRECTORS AND PROCEDURE OF THE AMBULANCE SERVICE BOARD**

**Clause 1** defines expressions used in the Schedule.

**Clause 2** makes provision for the election of a director by the employees of the Service.

**Clause 3** provides for the appointment of a director (other than the Chief Executive Officer) as Chairperson of the Board.

**Clause 4** provides for the appointment of acting directors and an acting Chairperson of the Board.

*Ambulance Services 1990*

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**Clause 5** specifies that an appointed director holds office:

- \* in the case of the elected staff director - for up to 2 years.
- \* in the case of the other appointed directors - for up to 4 years.

**Clause 6** specifies the circumstances in which there is a casual vacancy in the office of an appointed director.

**Clause 7** requires, and establishes a procedure for, the disclosure by a director of any direct or indirect pecuniary interest in matters being considered or done by the Board.

**Clause 8** provides that Part 2 of the Public Sector Management Act 1988 does not apply to the appointment of an appointed director. The clause also declares that the office of director is not an office of profit under the Crown.

**Clause 9** provides for the payment of a director's travelling and other out-of-pocket expenses.

**Clause 10** protects directors or persons acting under the direction of the Service from personal liability for matters or things done in good faith for the purposes of executing the proposed Act or any other Act.

**Clauses 11-15** make provision with respect to meetings of the Board.

**SCHEDULE 2 - CONSEQUENTIAL AMENDMENT OF OTHER ACTS**

This Schedule updates references in other Acts to references to the Ambulance Service.

The amendments to Schedule 3 to the Health Administration Act 1982 extend certain provisions of that Act (relating to the transfer of staff of the Department of Health and of the Health Administration Corporation to public hospitals and area health services) to include the transfer of staff to the Ambulance Service.

The amendments also extend those transfer provisions to 1 July 1991. (The provisions at present expire on 17 December 1990.)

This Schedule also contains amendments to certain superannuation legislation to provide that the Ambulance Service is an employer for the purposes of that legislation.

**SCHEDULE 3 - SAVINGS, TRANSITIONAL AND OTHER PROVISIONS**

'This Schedule contains savings and transitional provisions consequent on the enactment of the proposed Act.

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