

Queensland



AMBULANCE SERVICE AMENDMENT ACT 1997

Act No. 6 of 1997

Queensland



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MINOR AMENDMENTS

Queensland



Ambulance Service Amendment Act 1997

Act No. 6 of 1997

*An Act to amend the *Ambulance Service Act 1991**

[Assented to 15 May 1997]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Ambulance Service Amendment Act 1997*.

Commencement

2. This Act commences on a day to be fixed by proclamation.

Act amended

3. This Act amends the *Ambulance Service Act 1991*.

Amendment of s 2 (Interpretation)

- 4.(1) Section 2, heading—

omit, insert—

‘Definitions’.

(2) Section 2, definitions “**board**”, “**corporation**”, “**director**”, “**employee of the board**”, “**employee of a previous committee**”, “**officer of the Queensland Ambulance Service**”, “**previous committee**” and “**repealed Act**”—

omit.

- (3) Section 2—

insert—

“**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.

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

“**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).’.

(4) Section 2, definitions “**commissioner**” and “**subscriber**”, ‘Queensland Ambulance Service’—

omit, insert—

‘service’.

Insertion of new pt 2, divs 1 and 2 and div 3 hdg

5. Part 2—

insert—

‘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

‘30.(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—

- (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’.

Insertion of new s 4A

6. After section 4—

insert—

‘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.’.

Omission of ss 7 and 8

7. Sections 7 and 8—

omit.

Replacement of s 9 (Commissioner to manage Queensland Ambulance Service)

8. Section 9—

omit, insert—

‘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.’.

Omission of ss 10–12

9. Sections 10 to 12—

omit.

Replacement of s 17 (Superannuation scheme)

10. Section 17—

omit, insert—

‘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.’.

Insertion of new pt 2, div 4

11. Part 2, after section 18—

insert—

‘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. 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*.

‘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.’.

Omission of pt 3 (The Corporation)

12. Part 3—

omit.

Amendment of s 40 (Power to accept gifts etc.)

13. Section 40(2)—

omit, insert—

‘**(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.’.

Amendment of pt 8 (Savings, Transitional and Repeal Provisions)

14. Part 8, heading—

omit, insert—

**‘PART 8—SAVINGS AND TRANSITIONAL
PROVISIONS’.**

Insertion of new s 54A

15. Part 8—

insert—

‘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.’.

Amendment of s 56 (References to the board and previous committees)

16.(1) Section 56, ‘the corporation, the Queensland Ambulance Service’—

omit, insert—

‘the service’.

(2) Section 56—

insert—

‘(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.’.

Insertion of new ss 58–68

17. After section 57—

insert—

‘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.’

SCHEDULE

MINOR AMENDMENTS

section 3

1. Section 3, ‘director’—

omit, insert—

‘service’.

2. Sections 4, 14, 16 (2nd mention), 18(a), 27(a), 36, 39(1)(1st mention), 40(1), 43(1), 47, 48(1)(b), (c) and (e), 53 and 54(2)(b), ‘Queensland Ambulance Service’—

omit, insert—

‘service’.

3. Section 13(1), ‘commissioner’ to ‘director,’—

omit, insert—

‘service’.

4. Section 13(1)(b)—

omit, insert—

‘(b) as medical or administrative officers;’.

5. Section 13(2), ‘commissioner’—

omit, insert—

‘service’.

SCHEDULE (continued)

6. Section 15, ‘Officers of the ambulance service’—*omit, insert—*

‘Service officers’.

7. Sections 16 and 51, ‘An officer of the Queensland Ambulance Service’—*omit, insert—*

‘A service officer’.

8. Section 18, ‘commissioner’—*omit, insert—*

‘service’.

9. Sections 29(2)(d), 39(2), 44(1), 45(1)(b) and 48(1)(d), ‘an officer of the Queensland Ambulance Service’—*omit, insert—*

‘a service officer’.

10. Section 37, ‘an officer’ to ‘Service’—*omit, insert—*

‘a service officer, or service officers of a class of service officers,’.

11. Sections 39(1) and 42(1)(b), ‘officer of the Queensland Ambulance Service’—*omit, insert—*

‘service officer’.

SCHEDULE (continued)

12. Sections 41(1) and 54(2)(d), ‘officers of the Queensland Ambulance Service’—*omit, insert—*

‘service officers’.

13. Section 41(1) and (2), after ‘commissioner’—*insert—*

‘, with the approval of the board,’.

14. Section 42(1)(b), ‘an officer who’—*omit, insert—*

‘a service officer who’.

15. Section 49(1), ‘An officer or agent of the Queensland Ambulance Service’—*omit, insert—*

‘A service officer or agent of the service’.