



# **Ambulance Service Act 1991**

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Queensland

# Ambulance Service Act 1991

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# Ambulance Service Act 1991

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

## **Part 1 Preliminary**

### **1 Short title**

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

### **2 Definitions**

The dictionary in schedule 1 defines particular words used in this Act.

## **Part 2 Queensland Ambulance Service**

### **Division 1 Queensland Ambulance Service**

#### **3A Establishment of service**

The Queensland Ambulance Service is established.

#### **3B Membership of service**

The service consists of—

- (a) the commissioner; and

- (b) ambulance officers, medical officers and other staff members employed under section 13.

### **3D Service's functions**

- (1) 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 counter-disaster 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 refer a person to another health service; and
  - (i) to provide community and workplace education in first aid, cardiopulmonary resuscitation and other related matters, to the extent that the service's personnel and equipment can reasonably be deployed or used for the purpose; and
  - (j) to identify and market products and services incidental to its other functions; and
  - (k) to collaborate with Hospital and Health Services to manage the interaction between the services provided by

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the Queensland Ambulance Service and health services provided by Hospital and Health Services; and

- (l) to perform other functions given to the service under this Act or another Act; and
  - (m) to perform functions incidental to its other functions.
- (2) In this section—

*Hospital and Health Service* see the *Hospital and Health Boards Act 2011*.

### **3E Chief executive's responsibility**

- (1) The chief executive is responsible for the way the service performs its functions.
- (2) Without limiting subsection (1), the chief executive is responsible for—
  - (a) defining the objectives, strategies and policies to be followed by the service; and
  - (b) ensuring the service performs its functions in an appropriate, effective and efficient way.

*Example—*

The chief executive could establish performance measures for the service.

- (3) This section does not affect the chief executive's responsibilities for the department under another Act.

## **Division 2 The commissioner**

### **4 Appointment of commissioner**

- (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.

#### **4A Acting commissioner**

- (1) The Minister 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 can not, for another reason, perform the functions of the office.
- (2) The Minister's power to appoint a person to act in the office of commissioner does not limit the Governor in Council's powers under the *Acts Interpretation Act 1954*, section 25(1)(b)(iv) and (v).

#### **5 Disqualification from appointment**

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) 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;

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

#### **6 Vacation of office**

- (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.

## **9 Role of commissioner**

The commissioner must, in accordance with the objectives, strategies and policies defined by the chief executive—

- (a) manage the service's operations; and
- (b) perform the commissioner's functions and exercise the commissioner's powers under this Act.

## **Division 3 Staff of the service generally**

### **13 Employees**

- (1) The chief executive may appoint and employ on salary or wages or engage and employ under contracts such persons—
- (a) as ambulance officers; and
  - (b) as medical officers; and
  - (c) as other staff members;
- as are necessary for the effectual administration of this Act.
- (2) Subject to any applicable decision within the meaning of the *Industrial Relations Act 2016*, 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 chief executive determines.

#### **14 Honorary ambulance officers**

- (1) The commissioner may 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.

#### **15 Officers employed under this Act**

Service officers are to be employed under this Act, and not under the *Public Sector Act 2022*.

### **Division 5 Other matters about the service**

#### **19 Fund**

- (1) The Queensland Ambulance Service Fund is established.
- (2) The *Financial Accountability Act 2009* applies to the fund.
- (3) Accounts for the fund must be kept as part of the departmental accounts of the department.
- (4) Amounts received for the fund must be deposited in a departmental financial-institution account of the department but may be deposited in an account used for depositing other amounts of the department.
- (5) Amounts received for the fund include the following received by the service—



- 
- (a) amounts received as charges for the use of ambulance services;
  - (b) amounts received by the department from other sources for the fund or amounts that must be paid into the fund;
  - (c) amounts received for the disposal of an asset that the chief executive considers was purchased substantially with amounts paid from the fund or the previous fund;
  - (d) interest from investment of the fund.
- (6) An amount is payable from the fund for the purposes of this Act.
- (7) In this section—

***departmental accounts***, of the department, means the accounts of the department under the *Financial Accountability Act 2009*, section 69.

***departmental financial-institution account***, of the department, means an account of the department kept under the *Financial Accountability Act 2009*, section 83.

***other amounts***, of the department, means amounts received by the department other than amounts received for the fund.

***previous fund*** means the Ambulance Service Fund mentioned in the *Financial Administration and Audit Act 1977*, schedule 2, immediately before the commencement of this section.

## 22 Delegations

- (1) The chief executive may delegate the chief executive's 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

## **23 Requirement to report pool immersion incident**

- (1) This section applies if the service is notified of a pool immersion incident.
- (2) The chief executive must ensure that, within 5 business days after notification of the pool immersion incident, the service gives written notice of the incident to the chief executive (health).
- (3) The notice must include the following information to the extent the service has it—
  - (a) the name and date of birth of the young child to whom the pool immersion incident relates;
  - (b) the date the pool immersion incident happened;
  - (c) the address of the child's parents;
  - (d) the address where the pool immersion incident happened.
- (4) In this section—

***chief executive (health)*** means the chief executive of the department in which the *Hospital and Health Boards Act 2011* is administered.

***pool immersion incident*** means an event involving the immersion or partial immersion of a young child under water in a swimming pool, if because of the immersion or partial immersion—

- (a) the child has died; or
- (b) the child has been deprived of air and the health or wellbeing of the child has been adversely affected.

***swimming pool*** means a swimming pool as defined under the *Building Act 1975*, schedule 2.

***young child*** means an individual who is under 5 years.

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## **Part 4                      Local ambulance committees**

### **Division 1                      Establishment and functions of committees**

#### **26                      Establishment of committees**

- (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.

#### **27                      Functions of committees**

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.

## **Division 2                      Conduct of business and membership of committees**

### **28            Conduct of business**

- (1) Subject to its constitution, a committee may conduct its business, including its meetings, in the way it considers appropriate.
- (2) Any matter not conducted by a committee in accordance with its constitution or the Minister's directions is invalid.

### **29            Members of committees**

- (1) Adults who permanently reside or work in the area served, or to be served, by a committee may, at a general meeting called for the purpose, elect the committee's members.
- (2) A person who—
  - (a) does not permanently reside in the area served by a committee; or
  - (b) is not an adult; or
  - (c) is a service officer; or
  - (d) is an undischarged bankrupt or takes advantage of the laws in force for the time being relating to bankruptcy; or
  - (e) 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;

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

- (2A) Also, a person is not eligible to be a member of a committee while the person is a member of another 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 11 other members.

- (3A) Despite subsection (3), a committee may consist of more than 11 other members if the Minister is satisfied additional members are required to ensure the community is adequately represented on the committee.
- (4) Nominations for election to a committee are to be sought, in the way stated in the committee's constitution, from members of the public.
- (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 remove a member of a committee from office if the Minister is satisfied it would be in the public interest to do so and has consulted the committee about the removal.

## **29A Dealing with vacancy in office of a member**

- (1) This section applies if a vacancy arises in the office of a member of a committee (the *first member*).

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- (2) Despite section 29(1), the remaining members of the committee may appoint a person who is eligible to be a member of a committee (a *replacement member*) to the office.
- (3) Subject to section 29(2), (2A) and (9) and section 35, a replacement member holds office for the balance of the first member's term of office.

### **30 Liability of members**

- (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.

### **31 Protection of members**

- (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.

## **Division 3 Other matters about committees**

### **31A Minister may approve or amend constitution**

- (1) The Minister may approve a constitution for the conduct of a committee's business.

- 
- (2) Without limiting subsection (1), the constitution may provide for the following—
    - (a) the election of committee members;
    - (b) the term of office of a committee member;
    - (c) the times and places of committee meetings;
    - (d) the quorum for meetings;
    - (e) other matters the Minister considers relevant to the conduct of a committee's business.
  - (3) The Minister may amend the constitution approved under subsection (1).
  - (4) The constitution as approved and amended from time to time under this section is the constitution for each committee.

### **31B Commissioner to give constitution to committees**

- (1) The commissioner must give a copy of the constitution to each committee as soon as practicable after it is approved under section 31A(1).
- (2) Also, if a committee is established after the commencement of this section, the commissioner must give a copy of the constitution to the committee as soon as practicable after it is established.
- (3) If the Minister amends the constitution, the commissioner must, as soon as practicable after it is amended, give each committee—
  - (a) a written notice stating the amendment; or
  - (b) a copy of the amended constitution.

### **32 Committees are statutory bodies**

- (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*.

### **33 Application of laws**

The *Collections Act 1966* does not apply to the fundraising activities of or the collecting of donations by a committee.

### **34 Investigations**

- (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.

### **35 Dissolution of committees**

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.

### **36 Effect of dissolution**

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



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## Part 4A                      Root cause analysis

### Division 1                      Preliminary

#### 36A      Definitions for pt 4A

In this part—

*commissioning authority* see section 36E.

*coroner* see the *Coroners Act 2003*, schedule 2.

*notice* means written notice.

*public risk notifiable conduct*, for a registered health practitioner, means—

- (a) placing the public at risk of substantial harm in the practitioner's practice of the profession because the practitioner has an impairment; or
- (b) placing the public at risk of substantial harm by practising the profession in a way that constitutes a significant departure from accepted professional standards.

*RCA report* see section 36G(1).

*RCA team* means a group of persons appointed under section 36E.

*registered health practitioner* means an individual who—

- (a) is registered under the Health Practitioner Regulation National Law to practise a health profession, other than as a student; or
- (b) holds non-practising registration under the Health Practitioner Regulation National Law in a health profession.

*relevant person*—

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- (a) for the commissioning authority, means a person who provides administrative or secretarial services to the authority to help it exercise its powers under this part; or
- (b) for an RCA team, means a person—
  - (i) who provides administrative or secretarial services to the RCA team; or
  - (ii) who advises the RCA team about—
    - (A) conducting an RCA of a reportable event; or
    - (B) preparing an RCA report for a reportable event.

***reportable event***—

- (a) generally, means any of the following events that happen while an ambulance service is being provided to a person—
  - (i) the death of the person, or permanent injury suffered by the person, while giving birth;
  - (ii) the death of the person caused by the incorrect management of the person's medication;
  - (iii) the death of the person, or neurological damage suffered by the person, caused by an intravascular gas embolism;
  - (iv) the death of the person, or permanent loss of function suffered by the person, unrelated to the natural course of the person's medical condition for which he or she was receiving the ambulance service;
  - (v) the death of the person, or permanent injury suffered by the person, contributed to by an unreasonable delay in the provision of the ambulance service or a failure to meet recognised standards for providing the ambulance service;
  - (vi) the wrong procedure being performed on the person or a procedure being performed on the wrong part of the person's body; or

- (b) in relation to an RCA report, means the reportable event to which the report relates.

### **36B Meaning of *root cause analysis***

- (1) ***Root cause analysis*** or ***RCA***, of a reportable event, means a systematic process of analysis under which—
  - (a) factors that contributed to the happening of the event may be identified; and
  - (b) remedial measures that could be implemented to prevent a recurrence of a similar event may be identified.
- (2) However, a ***root cause analysis*** or ***RCA*** of a reportable event does not include—
  - (a) investigating the professional competence of a person in relation to the event; or
  - (b) finding out who is to blame for the happening of the event.

### **36C Purpose of pt 4A**

The purpose of this part is to facilitate the use of root cause analyses by the Queensland Ambulance Service as a quality improvement technique to assess and respond to reportable events that happen while ambulance services are being provided.

### **36D Guiding principles for conduct of RCA of reportable event**

The principles intended to guide the conduct of an RCA of a reportable event are the following—

- (a) reporting and acknowledging errors happening while ambulance services are being provided are encouraged if people do not fear blame or reprisal;
- (b) people involved in providing ambulance services should be accountable for their actions;

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- (c) the focus of the RCA should be on identifying and improving the policies, procedures or practices relating to the provision of the ambulance service that contributed to the happening of the event, rather than on the conduct of individuals;
- (d) participation in the RCA should be voluntary;
- (e) the benefits of conducting the RCA will be maximised—
  - (i) in an environment oriented towards learning from analysing the event; and
  - (ii) if the RCA is conducted in a timely way;
- (f) teamwork, good communication and sharing of information by people involved in providing ambulance services should be fostered.

## **Division 2                    RCA teams**

### **36E    Appointment of RCA team**

The commissioner (the *commissioning authority*) may appoint persons to be members of an RCA team to conduct an RCA of a reportable event.

### **36F    Requirements for appointment**

- (1) Before appointing persons to be members of an RCA team to conduct an RCA of a reportable event, the commissioning authority must be satisfied that—
  - (a) the persons—
    - (i) have the appropriate skills, knowledge and experience to conduct an RCA of the event, having regard to the nature of the event; and
    - (ii) were not directly involved in providing the ambulance service during the provision of which the event happened; and

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- (b) the conduct by the proposed RCA team of an RCA of the event would be assisted by the provision of immunities and protections provided to persons under divisions 5 and 6; and
  - (c) the potential benefit in disclosing relevant information is outweighed by the potential benefit of restricting disclosure of the information under division 5.
- (2) In this section—
- relevant information* means information that will be compiled by the proposed RCA team in the conduct of an RCA of the reportable event.

## Division 3 Reporting

### 36G RCA team's report

- (1) An RCA team must, as soon as practicable after conducting an RCA of a reportable event, prepare a report (the *RCA report*) stating the following—
  - (a) a description of the event;
  - (b) a statement of the factors the RCA team considers contributed to the happening of the event;
  - (c) any recommendations about changes or improvements in a policy, procedure or practice relating to the provision of ambulance services, to reduce the likelihood of, or prevent, the same type of event happening again during the provision of ambulance services.
- (2) Also, the RCA report may include a summary, or pictorial representation, of the chain of events identified by the RCA team as having led to the reportable event happening.
- (3) The RCA report must not contain the name or address of—
  - (a) a person involved in providing the relevant ambulance service; or

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- (b) the person who received the relevant ambulance service;  
or
  - (c) a member of the RCA team.
- (4) In this section—

*relevant ambulance service* means the ambulance service during the provision of which the reportable event happened.

### **36H Reporting to commissioning authority**

The RCA team must, as soon as practicable after preparing the RCA report, give the report to the commissioning authority.

## **Division 4 Stopping conduct of RCA of reportable event**

### **36I Definition for div 4**

In this division—

*blameworthy act* means any of the following—

- (a) an intentionally unsafe act;
- (b) deliberate abuse of a person receiving an ambulance service;
- (c) conduct that constitutes a criminal offence.

### **36J Stopping conduct of RCA of reportable event—RCA team**

- (1) This section applies if, while conducting an RCA of a reportable event, the RCA team conducting the RCA reasonably believes—
- (a) the event involves a blameworthy act; or
  - (b) the capacity of a person who was directly involved in providing the relevant ambulance service to safely and

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effectively provide the service was impaired by alcohol consumed, or a drug taken, by the person.

- (2) This section also applies if a member of the RCA team conducting the RCA of a reportable event, who is a registered health practitioner—
  - (a) reasonably believes the event involves behaviour of a registered health practitioner that constitutes public risk notifiable conduct; and
  - (b) notifies the health ombudsman about the conduct.
- (3) The RCA team must—
  - (a) stop conducting the RCA; and
  - (b) give notice to the commissioning authority that the RCA team has stopped conducting the RCA.
- (4) For subsection (3)(b), the notice must—
  - (a) be in the form approved by the chief executive; and
  - (b) state the reasons the RCA team stopped conducting the RCA.
- (5) In this section—

*relevant ambulance service* means the ambulance service during the provision of which the reportable event happened.

### **36K Stopping conduct of RCA of reportable event—commissioning authority**

- (1) This section applies if—
  - (a) the commissioning authority has appointed persons to be members of an RCA team to conduct an RCA of a reportable event; and
  - (b) the commissioning authority—
    - (i) receives information, other than in a notice under section 36J(3)(b), that leads the commissioning authority to reasonably believe—
      - (A) the event involves a blameworthy act; or

- (B) the capacity of a person who was directly involved in providing the relevant ambulance service to safely and effectively provide the service was impaired by alcohol consumed, or a drug taken, by the person; or
  - (ii) becomes aware that a relevant entity has started an investigation or assessment of, or enquiry into, the event; or
  - (iii) later comes to the view that the event the basis of the appointment is not a reportable event.
- (2) If subsection (1)(b)(i) or (iii) applies, the commissioning authority must, by notice given to the RCA team, direct it to stop conducting the RCA.
  - (3) If subsection (1)(b)(ii) applies, the commissioning authority may, by notice given to the RCA team, direct it to stop conducting the RCA.
  - (4) For subsection (2) or (3), the notice given to the RCA team must be in the form approved by the chief executive.
  - (5) Before acting under subsection (3), the commissioning authority may consult with any relevant entity.
  - (6) In this section—

***relevant ambulance service*** means the ambulance service during the provision of which the reportable event happened.

***relevant entity*** means—

- (a) the health ombudsman; or
- (b) a coroner; or
- (c) a board under the Health Practitioner Regulation National Law; or
- (d) the commissioner of the police service; or
- (e) another entity that has the power under an Act of the State, the Commonwealth or another State to investigate the event.



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## Division 5                      Disclosure or release of information

### 36L      Definitions for div 5

In this division—

*excluded notifiable conduct*, for a registered health practitioner, means—

- (a) practising the practitioner’s profession while intoxicated by alcohol or drugs; or
- (b) practising the practitioner’s profession in a way that constitutes a significant departure from accepted professional standards but not in a way that places the public at risk of substantial harm; or
- (c) engaging in sexual misconduct in connection with the practice of the practitioner’s profession.

*impairment* see the Health Practitioner Regulation National Law (Queensland), section 5.

*information* includes a document.

*medical director* means the Queensland Ambulance Service officer with the title ‘medical director’ or, if from time to time the title is changed, the changed title.

### 36M      Disclosure of information—RCA team member or relevant person

- (1) A person who is or was a member of an RCA team must not disclose to someone else information acquired by the person as a member of the RCA team, other than for the purpose (an *authorised purpose*) of—
  - (a) the RCA team conducting an RCA of a reportable event; or
  - (b) the RCA team preparing an RCA report; or
  - (c) the RCA team giving the commissioning authority—
    - (i) an RCA report under section 36H; or

- (ii) a notice under section 36J; or
- (d) if the person is a registered health practitioner—notifying the health ombudsman about information in relation to a reasonable belief of the person that another registered health practitioner has behaved in a way that constitutes public risk notifiable conduct.

Maximum penalty—100 penalty units.

- (2) Also, a person who is or was a relevant person for an RCA team must not disclose to someone else information acquired by the person as a relevant person for the RCA team, other than for an authorised purpose.

Maximum penalty—100 penalty units.

- (3) In this section—  
*information* includes—
  - (a) the identity of a member of the RCA team; and
  - (b) information from which a member of the RCA team could be identified.

### **36N Disclosure of information—commissioning authority or relevant person**

- (1) A person who is or was the commissioning authority must not disclose to someone else information contained in an RCA report, or give someone else a copy of an RCA report, received by the person under section 36H, other than—
  - (a) as required or permitted under sections 36O to 36S; or
  - (b) as permitted under subsection (2).

Maximum penalty—100 penalty units.

- (2) The commissioning authority may give a safety and quality report prepared by the commissioning authority to an entity with responsibilities for the management of safety initiatives and programs for the Queensland Ambulance Service.

- (3) A person who is or was the commissioning authority must not disclose to someone else—
- (a) the identity of a member of an RCA team; or
  - (b) information from which a member of the RCA team could be identified.

Maximum penalty—100 penalty units.

- (4) Subsections (1) and (3) do not apply to the disclosure of information by the commissioning authority that is necessary or incidental to the exercise by the authority of its powers under this part.
- (5) A person who is or was a relevant person for the commissioning authority must not disclose to someone else information acquired by the person as a relevant person for the authority.

Maximum penalty—100 penalty units.

- (6) Subsection (5) does not apply to the disclosure of information by a relevant person for the commissioning authority for the purpose of helping the authority exercise its powers under this part.
- (7) A person who is or was the commissioning authority must not disclose to someone else information contained in a notice given to the person under section 36J(3)(b), or give someone else a copy of the notice.

Maximum penalty—100 penalty units.

- (8) Subsection (7) does not apply to the disclosure of information by a person if the disclosure is—
- (a) required under section 36Q(7); or
  - (b) necessary or incidental to the person taking, or deciding whether to take, disciplinary, investigative or other action in relation to the reportable event the subject of the information.

- (9) This section does not authorise the attachment of a copy of an RCA report to a safety and quality report.

(10) In this section—

*safety and quality report* means a report about the safety and quality of the ambulance service to which an RCA report relates that is based on information contained in the RCA report.

### **36NA Information about excluded notifiable conduct**

- (1) This section applies for the purpose of the Health Practitioner Regulation National Law (Queensland), sections 141(4)(d) and 141C(2)(d).
- (2) An RCA team is an approved body under this Act.
- (3) Subsection (4) applies if—
  - (a) a person is or was a member of an RCA team; and
  - (b) the person is a registered health practitioner; and
  - (c) the person forms a reasonable belief that another registered health practitioner has behaved in a way that constitutes excluded notifiable conduct; and
  - (d) the information that forms the basis of the reasonable belief was acquired while the person was exercising functions as a member of the RCA team.
- (4) The person must not disclose the information that forms the basis of the reasonable belief.

### **36O Release of information to health ombudsman**

The commissioning authority must, as soon as practicable after receiving an RCA report under section 36H, give the health ombudsman—

- (a) a copy of the report; and
- (b) details of the place where the reportable event happened.

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**36P Giving of copy of RCA report—medical director**

- (1) The commissioning authority may give a copy of each RCA report received by the authority under section 36H to the medical director for an authorised purpose.
- (2) At the time of giving a copy of an RCA report to the medical director under section 36H, the commissioning authority must also give the medical director—
  - (a) details of the reportable event; and
  - (b) details of the place where the event happened.
- (3) The medical director—
  - (a) must not give a copy of the report to anyone else, other than a person who performs functions relating to the authorised purpose for the medical director; and
  - (b) must not disclose any information contained in the copy of the report, or information mentioned in subsection (2), to anyone else other than for the authorised purpose for which the copy of the report was given; and
  - (c) must not use the copy of the report, and the information mentioned in subsection (2), other than for the authorised purpose for which the copy of the report was given.

Maximum penalty—100 penalty units.

- (4) A person who performs functions relating to the authorised purpose for the medical director—
  - (a) must not give a copy of the report to anyone else; and
  - (b) must not disclose any information contained in the copy of the report, or information mentioned in subsection (2), to anyone else other than for the authorised purpose for which the copy of the report was given; and
  - (c) must not use the copy of the report, and the information mentioned in subsection (2), other than for the

authorised purpose for which the copy of the report was given.

Maximum penalty—100 penalty units.

- (5) An authorised purpose mentioned in subsection (3)(b) or (c) or subsection (4)(b) or (c) does not include the disclosure of information contained in the copy of the RCA report, or information mentioned in subsection (2), that may lead to the identification of—
- (a) a person involved in providing the relevant ambulance service; or
  - (b) the person who received the relevant ambulance service.
- (6) In this section—

*authorised purpose* means a purpose relating to the planning, implementation, management and evaluation of safety initiatives and programs for the Queensland Ambulance Service.

*relevant ambulance service* means the ambulance service during the provision of which the reportable event happened.

### **36Q Giving of copy of RCA report etc.—investigation under the Coroners Act 2003**

- (1) This section applies if—
- (a) a coroner is investigating the death of a person; and
  - (b) the death is a reportable event that happened while an ambulance service was being provided to the person.
- (2) This section also applies if—
- (a) a coroner is investigating the death of a person; and
  - (b) the coroner considers that a reportable event that happened while an ambulance service was being provided to the person may be relevant to the investigation; and
  - (c) the event is not the death.

- (3) If the coroner, or a police officer helping the coroner to investigate the death, asks the commissioning authority whether an RCA team has conducted or is conducting an RCA of the reportable event, the commissioning authority must respond to the query as soon as practicable.

Maximum penalty—50 penalty units.

- (4) Subsection (5) applies if—
- (a) an RCA of the reportable event has been conducted by an RCA team; and
  - (b) an RCA report relating to the event has been given under section 36H to the commissioning authority; and
  - (c) the commissioning authority has under subsection (3) received a query from the coroner or a police officer helping the coroner to investigate the death.
- (5) The commissioning authority must—
- (a) if the commissioning authority received the report before receiving the query under subsection (3)—give a copy of the report to the coroner or police officer as soon as practicable after receiving the query; or
  - (b) if the commissioning authority had not received the report before receiving the query under subsection (3)—give a copy of the report to the coroner or police officer as soon as practicable after receiving the report.

Maximum penalty—50 penalty units.

- (6) Subsection (7) applies if—
- (a) an RCA has been started by an RCA team in relation to the reportable event; and
  - (b) the RCA team has, under section 36J(3) or 36K(2) or (3), stopped conducting the RCA; and
  - (c) the commissioning authority has under subsection (3) received a query from the coroner or a police officer helping the coroner to investigate the death.

- (7) The commissioning authority must—
- (a) if the RCA team stopped conducting the RCA before the commissioning authority received the query under subsection (3)—give the coroner or police officer a stop notice as soon as practicable after receiving the query; or
  - (b) otherwise—give the coroner or police officer a stop notice as soon as practicable.

- (8) In this section—

***stop notice*** means a notice stating—

- (a) if the RCA team stopped conducting the RCA under section 36J(3)—
  - (i) that fact; and
  - (ii) the reasons for stopping; or
- (b) if the RCA team stopped conducting the RCA because of a direction given by the commissioning authority under section 36K(2) or (3)—
  - (i) that fact; and
  - (ii) the reasons for giving the direction.

### **36R Giving of information to Minister or chief executive**

- (1) The Minister or chief executive may, in relation to an RCA of a reportable event, ask the commissioning authority—
  - (a) whether an RCA report has been received by the authority under section 36H; and
  - (b) if an RCA report has been received by the authority under section 36H—for a copy of the report.
- (2) The authority must comply with the request as soon as practicable.



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**36S Giving of copy of, or information contained in, RCA report—person who has sufficient personal or professional interest**

The commissioning authority may give a copy of an RCA report received by the authority under section 36H, or information contained in the report, to a person who the authority reasonably believes has a sufficient personal or professional interest in the reportable event.

**36T Information not to be given in evidence**

- (1) A stated person is neither competent nor compellable—
  - (a) to produce in a proceeding, or in compliance with a requirement under an Act or legal process, any document in the person's possession or under the person's control created—
    - (i) by, or at the request of, a person under this part; or
    - (ii) solely for the conduct of an RCA of a reportable event; or
  - (b) to divulge or communicate in a proceeding, or in compliance with a requirement under an Act or legal process, information that came to the person's notice as a stated person.
- (2) Subsection (1) does not apply to a requirement made in proceedings for an alleged offence against this part or section 49 by the stated person.
- (3) In this section—

*information* includes—

  - (a) the identity of a member of an RCA team; and
  - (b) information from which a member of an RCA team could be identified.

*stated person* means a person who is or was any of the following—

- (a) a member of an RCA team;

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- (b) the commissioning authority;
- (c) a relevant person for an RCA team or the commissioning authority;
- (d) a person who performs functions for the medical director.

### **36U Information provider can not be compelled to give particular information in evidence**

A person can not be compelled to divulge or communicate in a proceeding, or in compliance with a requirement under an Act or legal process, any of the following information—

- (a) whether or not the person gave information to an RCA team for its conduct of an RCA of a reportable event;
- (b) what information the person gave to an RCA team for its conduct of an RCA of a reportable event;
- (c) information given by the person to an RCA team that was created by the person or another person solely for its conduct of an RCA of a reportable event;
- (d) information the person was given, or questions the person was asked, by an RCA team during its conduct of an RCA of a reportable event.

## **Division 6 Protections**

### **36V Protection from liability**

- (1) A person who is or was a member of an RCA team, or relevant person for an RCA team, is not civilly liable for an act done, or omission made, honestly and without negligence under this part.
- (2) Without limiting subsection (1), if the act or omission involves giving information—
  - (a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and

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- (b) if the person would otherwise be required to maintain confidentiality about the information given under an Act, oath, or rule of law or practice, the person—
- (i) does not contravene the Act, oath, or rule of law or practice by giving the information; and
  - (ii) is not liable to disciplinary action for giving the information.
- (3) If a person who is or was a member of an RCA team, or relevant person for an RCA team, incurs costs in defending proceedings relating to a liability against which the person is protected under this section, the person must be indemnified by the State.

### **36W Giving of information protected**

- (1) This section applies to a person who honestly and on reasonable grounds gives information to an RCA team, or a relevant person for an RCA team, for the RCA team's conduct of an RCA of a reportable event.

*Examples of persons who may give information under subsection (1)—*

- the commissioning authority
  - a relevant person for the commissioning authority
- (2) The person is not subject to any liability for giving the information and no action, claim or demand may be taken or made of or against the person for giving the information.
- (3) Also, merely because the person gives the information, the person can not be held to have—
- (a) breached any code of professional etiquette or ethics; or
  - (b) departed from accepted standards of professional conduct.
- (4) Without limiting subsections (2) and (3)—
- (a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and

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- (b) if the person would otherwise be required to maintain confidentiality about the information under an Act, oath, or rule of law or practice, the person—
  - (i) does not contravene the Act, oath, or rule of law or practice by giving the information; and
  - (ii) is not liable to disciplinary action for giving the information.

### **36X Reprisal and grounds for reprisals**

- (1) A person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that, anybody has provided, or may provide, assistance to an RCA team in its conduct of an RCA of a reportable event.
- (2) An attempt to cause detriment includes an attempt to induce a person to cause detriment.
- (3) A contravention of subsection (1) is a reprisal or the taking of a reprisal.
- (4) A ground mentioned in subsection (1) as the ground for a reprisal is the unlawful ground for the reprisal.
- (5) For the contravention to happen, it is sufficient if the unlawful ground is a substantial ground for the act or omission that is the reprisal, even if there is another ground for the act or omission.

### **36Y Offence for taking reprisal**

- (1) A person who takes a reprisal commits an offence.  
Maximum penalty—167 penalty units or 2 years imprisonment.
- (2) The offence is a misdemeanour.

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### **36Z Damages entitlement for reprisal**

- (1) A reprisal is a tort and a person who takes a reprisal is liable in damages to any person who suffers detriment as a result.
- (2) Any appropriate remedy that may be granted by a court for a tort may be granted by a court for the taking of a reprisal.
- (3) If the claim for damages goes to trial in the Supreme Court or the District Court, it must be decided by a judge sitting without a jury.

## **Division 7 Miscellaneous**

### **36ZA Application of provisions of this part**

If the commissioning authority acts or purports to act under section 36E and it transpires the event the basis of the action is not a reportable event, the provisions of this part apply as if the event were a reportable event.

### **36ZB RCA report not admissible in evidence**

- (1) An RCA report is not admissible in evidence in any proceedings, including, for example—
  - (a) a civil proceeding; or
  - (b) a criminal proceeding; or
  - (c) a disciplinary proceeding under the *Health Ombudsman Act 2013* or the Health Practitioner Regulation National Law.
- (2) However, a copy of an RCA report given to a coroner under section 36Q may be admitted in evidence by a coroner in an inquest under the *Coroners Act 2003* into the death of a person—
  - (a) if section 36Q(1) applies—if the reportable event is the death; or

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- (b) if section 36Q(2) applies—if the reportable event happened while an ambulance service was being provided to the person.
- (3) Subsection (1) applies subject to section 36T(2).

### **36ZC Review of pt 4A**

- (1) The Minister must, before the second anniversary of the commencement of section 36E, start a review of this part to ensure it is adequately meeting community expectations and its provisions remain appropriate.
- (2) The Minister must, as soon as practicable after the review is finished, cause a report of the outcome of the review to be laid before the Legislative Assembly.

## **Part 5 Administration and powers**

### **37 Authorised officers**

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.

### **38 Powers of authorised officers**

- (1) An authorised officer, in providing ambulance services, may take any reasonable measures—
  - (a) to protect persons from any danger or potential danger associated with an emergency situation; and
  - (b) to protect persons trapped in a vehicle, receptacle, vessel or otherwise endangered; and

- (c) to protect themselves or other officers or persons from danger, potential danger or assault from other persons.
- (2) Without limiting the measures that may be taken for a purpose specified in subsection (1)(a) or (b), an authorised officer may, for that purpose—
- (a) enter any premises, vehicle or vessel; and
  - (b) open any receptacle, using such force as is reasonably necessary; and
  - (c) bring any apparatus or equipment onto premises; and
  - (d) remove from or otherwise deal with, any article or material in the area; and
  - (e) destroy (wholly or partially) or damage any premises, vehicle, vessel or receptacle; and
  - (f) cause the gas or electricity supply or motor or any other source of energy to any premises, vehicle, vessel or receptacle to be shut off or disconnected; and
  - (g) request any person to take all reasonable measures to assist the authorised officer; and
  - (h) administer such basic life support and advanced life support procedures as are consistent with the training and qualifications of the authorised 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.

### **39 Protection from certain liability**

- (1) The State 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.

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

- (1) The State 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 State on trust for the committee.

#### **41 Codes of practice**

- (1) The commissioner may issue codes of practice, not inconsistent with this Act, relating to—
- (a) the functions, powers, conduct 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 may amend or revoke a code of practice.
- (3) Wilful failure to comply with a code of practice is grounds for disciplinary action.



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## Part 5A Investigation officers

### Division 1 Investigation officers

#### 41A Appointment

- (1) The commissioner may appoint any of the following persons as an investigation officer—
  - (a) a public service employee;
  - (b) a service officer;
  - (c) a person prescribed under a regulation.
- (2) However, the commissioner may appoint a person as an investigation officer only if the commissioner is satisfied the person is qualified for appointment because the person has the necessary expertise or experience.

#### 41B Appointment conditions and limit on powers

- (1) An investigation officer holds office on any conditions stated in—
  - (a) the officer's instrument of appointment; or
  - (b) a signed notice given to the officer; or
  - (c) a regulation.
- (2) The instrument of appointment, a signed notice given to the investigation officer or a regulation may limit the officer's powers under this Act.
- (3) In this section—

*signed notice* means a notice signed by the commissioner.

#### 41C When investigation officer ceases to hold office

- (1) An investigation officer ceases to hold office if any of the following happens—

[s 41D]

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- (a) the term of office stated in a condition of office ends;
  - (b) under another condition of office, the officer ceases to hold office.
- (2) Subsection (1) does not limit the ways an investigation officer may cease to hold office.
- (3) In this section—
- condition of office* means a condition on which the investigation officer holds office.

#### **41D Functions of investigation officers**

An investigation officer has the function of investigating offences against sections 44 to 45C and 47.

#### **41E Issue of identity card**

- (1) The commissioner must issue an identity card to each investigation officer.
- (2) The identity card must—
- (a) contain a recent photo of the investigation officer; and
  - (b) contain a copy of the investigation officer's signature; and
  - (c) identify the person as an investigation officer under this Act; and
  - (d) state an expiry date for the card.
- (3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

#### **41F Production or display of identity card**

- (1) In exercising a power under this part in relation to a person, an investigation officer must—
- (a) produce the officer's identity card for the person's inspection before exercising the power; or

- (b) have the identity card displayed so it is clearly visible to the person when exercising the power.
- (2) However, if it is not practicable to comply with subsection (1), the investigation officer must produce the identity card for the person's inspection at the first reasonable opportunity.
- (3) For subsection (1), an investigation officer does not exercise a power in relation to a person only because the officer has entered a place as mentioned in section 41H(1)(b) or (2).

#### **41G Return of identity card**

A person who ceases to be an investigation officer must return the person's identity card to the commissioner within 21 days after ceasing to be an investigation officer unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

## **Division 2 Powers of investigation officers**

#### **41H Power to enter places**

- (1) An investigation officer may enter a place if—
  - (a) an occupier of the place consents to the entry; or
  - (b) it is a public place and the entry is made when it is open to the public.
- (2) For the purpose of asking the occupier of a place for consent to enter, an investigation officer may, without the occupier's consent or a warrant—
  - (a) enter land around premises at the place to an extent that is reasonable to contact the occupier; or
  - (b) enter part of the place the officer reasonably considers members of the public ordinarily are allowed to enter when they wish to contact the occupier.
- (3) In this section—

**public place** means—

- (a) a place to which members of the public have access as of right, whether or not on payment of a fee and whether or not access to the place may be restricted at particular times or for particular purposes; or
- (b) a part of a place that the occupier of the place allows members of the public to enter, but only while the place is ordinarily open to members of the public.

#### **41I Entry with consent**

- (1) This section applies if an investigation officer intends to ask an occupier of a place to consent to the officer or another officer entering the place.
- (2) Before asking for the consent, the investigation officer must tell the occupier—
  - (a) the purpose of the entry; and
  - (b) that the occupier is not required to consent.
- (3) If the consent is given, the investigation officer may ask the occupier to sign an acknowledgement of the consent.
- (4) The acknowledgement must state—
  - (a) the occupier has been told—
    - (i) the purpose of the entry; and
    - (ii) that the occupier is not required to consent; and
  - (b) the purpose of the entry; and
  - (c) the occupier gives the investigation officer consent to enter the place and exercise powers under this part; and
  - (d) the time and date the consent was given.
- (5) If the occupier signs an acknowledgement, the investigation officer must immediately give a copy to the occupier.
- (6) If—

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- (a) an issue arises in a proceeding about whether the occupier consented to the entry; and
  - (b) an acknowledgement complying with subsection (4) for the entry is not produced in evidence;

the onus of proof is on the person relying on the lawfulness of the entry to prove the occupier consented.

#### **41J General powers after entering places**

- (1) This section applies to an investigation officer who enters a place.
- (2) However, if an investigation officer enters a place to get the occupier's consent to enter a place, this section applies to the officer only if the consent is given or the entry is otherwise authorised.
- (3) For monitoring and enforcing compliance with sections 44 to 45C and 47, the investigation officer may—
  - (a) copy a document at the place or take the document to another place to copy it; or
  - (b) require a person at the place, to give the officer reasonable help to exercise the officer's powers under paragraph (a); or
  - (c) require a person at the place, to answer questions by the officer to help the officer ascertain whether the person, or another person at the place, committed an offence against section 44, 45, 45A, 45B, 45C or 47.
- (4) When making a requirement mentioned in subsection (3)(b) or (c), the investigation officer must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.
- (5) If an authorised officer takes a document from a place to copy it, the document must be copied as soon as practicable and returned to the place.
- (6) To remove any doubt, it is declared that this section applies to an investigation officer who is also an authorised officer and

entered a place for the purpose of exercising a power under section 38(1).

- (7) Also, the powers an investigation officer mentioned in subsection (6) has under this section are in addition to, and do not limit, any powers the officer may have under section 38(1).

#### **41K Power to require name and address**

- (1) This section applies if an investigation officer—
- (a) finds a person committing an offence against section 44, 45, 45A, 45B, 45C or 47; or
  - (b) finds a person in circumstances that lead the officer to reasonably suspect the person has just committed an offence against section 44, 45, 45A, 45B, 45C or 47; or
  - (c) has information that leads the officer to reasonably suspect a person has committed an offence against section 44, 45, 45A, 45B, 45C or 47.
- (2) The investigation officer may require the person to state the person's name and residential address.
- (3) When making the requirement, the investigation officer must warn the person it is an offence to fail to state the person's name or residential address, unless the person has a reasonable excuse.
- (4) The investigation officer may require the person to give the officer evidence of the correctness of the stated name or residential address if the officer reasonably suspects the stated name or address to be false.

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## Division 3                      Protection from liability

### 41L      Protection from liability

- (1) An investigation officer is not civilly liable for an act done, or omission made, honestly and without negligence, when acting as an investigation officer.
- (2) If subsection (1) prevents a civil liability attaching to an investigation officer liability attaches instead to the State.
- (3) In this section—

*investigation officer* includes a person required to help an investigation officer under section 41J(3)(b).

## Part 6                              Offences

### 42      Right of way to ambulances

- (1) Despite the provisions of the *Transport Operations (Road Use Management) Act 1995*, 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 for subsection (2)—50 penalty units or 6 months imprisonment.

### 43      Unauthorised ambulance transport

- (1) A person, other than the chief executive or the commissioner, 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 *Hospital and Health Boards Act 2011*.

#### **44 Failure to help investigation officer**

- (1) A person required to give reasonable help under section 41J(3)(b) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

- (2) It is a reasonable excuse for the person not to comply with the requirement because complying with the requirement might tend to incriminate the person.

#### **45 Failure to answer questions**

- (1) A person of whom a requirement is made under section 41J(3)(c) must, unless the person has a reasonable excuse, comply with the requirement.

Maximum penalty—10 penalty units.

- (2) It is a reasonable excuse for the person to fail to comply with the requirement that complying with the requirement might tend to incriminate the person.



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#### **45A Failure to give name or address**

- (1) A person of whom a personal details requirement is made must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

- (2) A person does not commit an offence against subsection (1) if—
- (a) the person was required to state the person's name and residential address by an investigation officer who suspected the person had committed an offence against this Act; and
  - (b) the person is not proved to have committed the offence against this Act.

- (3) In this section—

*personal details requirement* means a requirement under section 41K(2) or (4).

#### **45B False or misleading statements**

A person must not state anything to an investigation officer the person knows is false or misleading in a material particular.

Maximum penalty—10 penalty units.

#### **45C False or misleading documents**

- (1) A person must not give an investigation officer a document containing information the person knows is false or misleading in a material particular.

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply to a person if the person, when giving the document—
- (a) tells the investigation officer, to the best of the person's ability, how it is false or misleading; and

- (b) if the person has, or can reasonably obtain, the correct information—gives the correct information.

#### **46 Obstruction**

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

Maximum penalty—16 penalty units.

#### **47 False calls for ambulance service**

- (1) A person must not request that the service provide an ambulance service for a person (the *patient*), unless the patient is sick or injured and requires an ambulance service.

Maximum penalty—100 penalty units or 1 year's imprisonment.

- (2) For subsection (1), a request may be made orally, in writing or by conduct.
- (3) An infringement notice under the *State Penalties Enforcement Act 1999* may be issued to a person for a contravention of subsection (1) only if an investigation officer—
  - (a) has investigated any lawful excuse of the person; and
  - (b) is satisfied the person does not have a lawful excuse.

#### **48 Restricted use of words 'Ambulance Service'**

- (1) A person must not—
  - (a) without the written authority of the Minister—use the 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 Minister—use the word 'Ambulance' on any vehicle that is not operated by the service; or

- (d) impersonate a service officer; or
- (e) without the written authority of the Minister—use any insignia of the service in any manner contrary to the manner approved by the Minister.

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 *Hospital and Health Boards Act 2011*; 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.

#### **49 Confidential information must not be disclosed by designated officers**

- (1) A person who is or was a designated officer must not, directly or indirectly, disclose confidential information to another person unless the disclosure is required or permitted under this Act.

Maximum penalty—100 penalty units.

*Note—*

See also part 7, division 1 for disclosures of confidential information permitted under this Act.

- (2) For subsection (1), another person includes another designated officer.
- (3) Subsection (1) applies even if a person who could be identified from the disclosure of the confidential information is deceased.

**49A Confidential information must not be disclosed by informed person**

- (1) This section applies if a person who is or was a designated officer directly or indirectly discloses confidential information to another person (the *informed person*).
- (2) The informed person must not, directly or indirectly, disclose the confidential information to another person unless the disclosure is required or permitted under this Act or another law.

Maximum penalty—50 penalty units.

- (3) The informed person may disclose the confidential information—
  - (a) to the person to whom the confidential information relates; or
  - (b) for a lawful purpose for which the confidential information was originally disclosed to the informed person; or
  - (c) if an agreement mentioned in section 50L requires or allows the disclosure—under the agreement.
- (4) Subsection (2) applies even if a person who could be identified from the disclosure of the confidential information is deceased.

**50 Proceedings for offences**

- (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 chief executive 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.

- (3) The requirement to proceed in a summary way is subject to section 50B.

### **50A Proceedings for indictable offences**

- (1) A proceeding for an indictable offence against this Act may be taken, at the election of the prosecution—
- (a) by way of summary proceeding under the *Justices Act 1886*; or
  - (b) on indictment.
- (2) A magistrate must not hear an indictable offence summarily if—
- (a) the defendant asks at the start of the hearing that the charge be prosecuted on indictment; or
  - (b) the magistrate considers the charge should be prosecuted on indictment.
- (3) If subsection (2) applies—
- (a) the magistrate must proceed by way of an examination of witnesses for an indictable offence; and
  - (b) a plea of the person charged at the start of the proceeding must be disregarded; and
  - (c) evidence brought in the proceeding before the magistrate decided to act under subsection (2) is taken to be evidence in the proceeding for the committal of the person for trial or sentence; and
  - (d) before committing the person for trial or sentence, the magistrate must make a statement to the person as required by the *Justices Act 1886*, section 104(2)(b).

### **50B Limitation on who may summarily hear indictable offence**

- (1) The proceeding must be before a magistrate if it is a proceeding—

[s 50C]

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- (a) for the summary conviction of a person on a charge for an indictable offence; or
  - (b) for an examination of witnesses for a charge for an indictable offence.
- (2) However, if the proceeding is brought before a justice who is not a magistrate, jurisdiction is limited to taking or making a procedural action or order within the meaning of the *Justices of the Peace and Commissioners for Declarations Act 1991*.

### **50C Order for payment if guilty of false call**

- (1) If a person is convicted by a court of an offence against section 47, the court may order the person to pay to the service, a reasonable amount for the expenses of or incidental to the provision of the ambulance service that was requested by the person.
- (2) The court may make an order under subsection (1) in addition to imposing a penalty for the offence.
- (3) An amount ordered to be paid under subsection (1) may be recovered by the service as a debt owing to it by the person.
- (4) Subsection (1) does not limit the court's powers under the *Penalties and Sentences Act 1992* or another law.

## **Part 7 General**

### **Division 1 Confidentiality**

#### **50D Definitions for div 1**

In this division—

*designated person* see the *Hospital and Health Boards Act 2011*, section 139A.

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*health professional* means a person registered under the Health Practitioner Regulation National Law to practise, other than as a student, in any of the following—

- (a) the medical profession;
- (b) the medical radiation practice profession;
- (c) the midwifery profession;
- (d) the nursing profession;
- (e) the occupational therapy profession;
- (f) the paramedicine profession;
- (g) the pharmacy profession;
- (h) the physiotherapy profession;
- (i) the psychology profession.

**50E Disclosure required or permitted by law**

A designated officer may disclose confidential information if the disclosure is required or permitted by an Act or law.

**50F Disclosure to, or with consent of, person to whom confidential information relates**

- (1) A designated officer may disclose confidential information if—
- (a) for confidential information relating to an adult—
    - (i) the disclosure is to the adult; or
    - (ii) the adult consents to the disclosure; or
  - (b) for confidential information relating to a child—
    - (i) the disclosure is to the child or an authorised person for the child; or
    - (ii) the officer is a health professional who reasonably believes the child has capacity to consent and the child consents to the disclosure; or

- (iii) the officer is a health professional who reasonably believes the disclosure is in the child's best interests; or
- (iv) an authorised person for the child consents to the disclosure.

(2) In this section—

**authorised person**, for a child, means a person who is authorised to consent on the child's behalf to the disclosure of confidential information relating to the child.

*Example—*

a parent or guardian of the child

**capacity to consent**, in relation to a child, means the child is of sufficient age, and mental and emotional maturity, to understand the nature of consenting to the disclosure of confidential information.

## **50G Disclosure to person who has sufficient interest in health and welfare of person**

(1) A designated officer may disclose confidential information if the disclosure is to a person who, in the officer's reasonable opinion, has a sufficient personal interest in the health and welfare of the person to whom the confidential information relates.

*Examples of a person who may have sufficient personal interest in the health and welfare of a person to whom confidential information relates—*

- the person's child, guardian, parent or spouse
- an adult who is providing home care to the person because of a chronic condition or disability
- a medical practitioner who has had responsibility for the care and treatment of the person

(2) However, subsection (1) does not apply if the person to whom the confidential information relates requests the information not to be disclosed.

(3) For subsection (1), if the person to whom the confidential information relates is deceased another person has a sufficient



personal interest in the health and welfare of the deceased person if, in the officer's reasonable opinion, the other person would have had a sufficient interest while the deceased person was alive.

#### **50H Disclosure for care or treatment of person**

A designated officer may disclose confidential information if the disclosure is required for the care or treatment of the person to whom the information relates.

#### **50I Disclosure is general condition of person**

- (1) A designated officer may disclose confidential information if the confidential information is about the condition of the person to whom the confidential information relates and is communicated in general terms.

*Example of communicated in general terms—*

A service officer discloses that a person's condition is "satisfactory".

- (2) However, subsection (1) does not apply if the person to whom the confidential information relates requests the information not to be disclosed.

#### **50IA Disclosure for protection, safety or wellbeing of child**

A designated officer may disclose confidential information if—

- (a) the disclosure is for the protection, safety or wellbeing of a child; and
- (b) the information relates to someone other than the child.

#### **50J Disclosure to police or corrective services officers**

- (1) A designated officer may disclose confidential information if the disclosure is to—
  - (a) a police officer for the purpose of the police officer exercising a power under the *Police Powers and*

*Responsibilities Act 2000* in relation to the person to whom the confidential information relates; or

- (b) a police officer and the person to whom the confidential information relates is in the custody of police; or
- (c) a corrective services officer and the person to whom the confidential information relates is in the custody of the chief executive (corrections).

*Note—*

See the *Corrective Services Act 2006*, section 7, for when a person is taken to be in the custody the chief executive (corrections).

- (2) In this section—

***chief executive (corrections)*** means the chief executive of the department in which the *Corrective Services Act 2006* is administered.

***corrective services officer*** has the meaning given by the *Corrective Services Act 2006*.

## **50K Disclosure for administering, monitoring or enforcing compliance with Act**

A designated officer may disclose confidential information if the disclosure is—

- (a) made for the purpose of administering, monitoring or enforcing compliance with, this Act; or
- (b) made for a proceeding in a court or tribunal; or
- (c) to an entity for the purpose of the entity investigating or determining if a service officer or honorary ambulance officer has failed to comply with a code of practice.

## **50KA Disclosure for funding arrangements and public health monitoring**

A designated officer may disclose confidential information if—

- (a) the disclosure is to another designated officer or to a designated person; and
- (b) the disclosure and receipt of the confidential information is—
  - (i) for giving effect to or managing a funding arrangement for the service; or
  - (ii) for analysing, monitoring or evaluating public health; and
- (c) the person mentioned in paragraph (a) is authorised in writing by the chief executive to receive the confidential information.

#### **50KB Disclosure for purposes relating to health services**

- (1) A designated officer may disclose confidential information if—
  - (a) the disclosure is for evaluating, managing, monitoring or planning a health service, including, for example, an ambulance service; and
  - (b) the disclosure is to—
    - (i) another designated officer; or
    - (ii) a designated person; or
    - (iii) an entity prescribed by regulation.
- (2) In this section—  
*health service* see the *Hospital and Health Boards Act 2011*, section 15.

#### **50KC Disclosure by chief executive or the commissioner to lawyers**

- (1) This section applies to a designated officer who is the chief executive or the commissioner.
- (2) The designated officer may disclose confidential information if—

- (a) the disclosure is to a lawyer in relation to a matter; and
  - (b) the lawyer is representing the State or the service in relation to the matter.
- (3) The lawyer may disclose the confidential information in a proceeding, before a court or tribunal, relating to the matter.

**50L Disclosure to Commonwealth, another State, or Commonwealth or State entity**

- (1) A designated officer may disclose confidential information to the Commonwealth or another State, or an entity of the Commonwealth or another State, if—
- (a) the disclosure is required or permitted under an agreement between the State and the Commonwealth, other State or entity; and
  - (b) the agreement is prescribed by regulation for this paragraph; and
  - (c) the chief executive considers the disclosure to be in the public interest; and
  - (d) the chief executive states in writing that the chief executive considers the disclosure to be in the public interest.
- (2) A designated officer may disclose confidential information to an entity of the State if—
- (a) the disclosure is required or permitted under an agreement between the service and the entity; and
  - (b) the agreement is prescribed by regulation for this paragraph; and
  - (c) the chief executive considers the disclosure to be in the public interest; and
  - (d) the chief executive states in writing that the chief executive considers the disclosure to be in the public interest.

- (3) The Commonwealth, a State or an entity that receives confidential information under an agreement mentioned in subsection (1) or (2)—
  - (a) must not disclose the information to anyone else unless allowed to do so under the agreement or in writing by the chief executive; and
  - (b) must ensure the information is used only for the purpose for which the information was given under the agreement.

#### **50M Disclosure to health ombudsman**

- (1) A designated officer may disclose confidential information to the health ombudsman for a purpose of the *Health Ombudsman Act 2013*, including for the purpose of—
  - (a) making, or giving information about, a health service complaint under that Act; or
  - (b) answering questions or otherwise giving information as part of an investigation under that Act; or
  - (c) giving aggregated data, including data that identifies persons, about complaint management, patient safety or another matter relating to the quality of health services.
- (2) Also, a designated officer may disclose confidential information to the health ombudsman for the purpose of making, or giving information about, a complaint or notification under the Health Practitioner Regulation National Law (Queensland).

#### **50N Disclosure to Australian Red Cross Society**

A designated officer may disclose confidential information if the disclosure is 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.

**50O Disclosure to person performing function under Coroners Act 2003**

A designated officer may disclose confidential information if the disclosure is to a person who requires the information to perform a function under the *Coroners Act 2003*, other than the preparation of an annual report.

**50P Disclosure is authorised by chief executive**

- (1) A designated officer may disclose confidential information if the chief executive has, in writing, authorised the disclosure.
- (2) The chief executive may only authorise a disclosure of confidential information under subsection (1) if the chief executive is satisfied, on reasonable grounds, that the disclosure is—
  - (a) in the public interest; or
  - (b) necessary to assist in averting a serious risk to the life, health or safety of any person, including the person to whom the confidential information relates; or
  - (c) made for the purpose of research which has the approval of an appropriate ethics committee.
- (3) The department's annual report for a financial year under the *Financial Accountability Act 2009* must include details of—
  - (a) the nature of any confidential information disclosed under an authorisation mentioned in subsection (2)(a) during the financial year; and
  - (b) the purpose for which the confidential information was disclosed.
- (4) However, the details mentioned in subsection (3)(a) must not identify, directly or indirectly, the person to whom the confidential information relates.
- (5) Despite section 22 and the *Public Sector Act 2022*, section 282, the chief executive—

- (a) may delegate the power to give an authorisation mentioned in subsection (2)(a) only to the commissioner; and
- (b) must not permit the subdelegation of the power.

## **50Q Necessary or incidental disclosure**

A designated officer may disclose confidential information if the disclosure is necessary or incidental to a disclosure of confidential information otherwise permitted under this division.

*Examples of necessary or incidental disclosure—*

- the disclosure of confidential information to support staff at a public sector hospital who make appointments for patients, maintain patient records and undertake other administrative tasks
- the disclosure of confidential information to advise the chief executive about authorising the disclosure of confidential information under section 50P
- accessing contact details for a person to seek the person's consent under section 50F to the disclosure of confidential information
- permitting contractors to access databases to write, test or analyse programs, perform database administration tasks or maintain technical aspects of computer hardware

## **50S Disclosure to health practitioner registration board**

- (1) A designated officer may disclose confidential information if the disclosure is to a board established under the Health Practitioner Regulation National Law or to the National Agency for the purposes of—
  - (a) making, or giving information about, a complaint or notification about a person who is or was registered under the Health Practitioner Regulation National Law; or
  - (b) answering questions or otherwise giving information as part of an investigation or a proceeding about a person who is or was registered under the Health Practitioner Regulation National Law.

- (2) In this section—

*National Agency* has the meaning given by the Health Practitioner Regulation National Law.

### **50SA Application of this division to former designated officers**

- (1) A relevant provision applies to the disclosure of confidential information by a former designated officer in the same way as the provision applies to the disclosure of confidential information by a designated officer.
- (2) For subsection (1), a reference in the relevant provision to a designated officer is taken to be a reference to a former designated officer.
- (3) In this section—

*former designated officer* means a person who was, but is no longer, a designated officer.

*relevant provision* means section 50E, 50F, 50IA, 50J, 50M, 50O or 50Q.

## **Division 2                    Other matters**

### **51            Exemption from tolls**

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.

### **52            Interstate assistance at accidents**

- (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



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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.

### **53A Function of Emergency Services Advisory Council**

- (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
  - (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 Emergency Services Act 1990*.

### **53B Exemption from payment for ambulance service**

- (1) Subject to subsection (3), the following persons are not liable to pay a charge under this Act for the use of an ambulance service—
- (a) an individual whose principal place of residence is in Queensland;

- (b) another individual who is—
  - (i) a dependant of a person mentioned in paragraph (a); or
  - (ii) under 25 and a full-time student at an educational institution in the State; or
  - (iii) under 25 and a full-time student at an educational institution in another State or a Territory if the student is a child of a person mentioned in paragraph (a).
- (2) In deciding whether an individual's principal place of residence is in Queensland, all of the person's circumstances may be taken into account, including, for example, any of the following circumstances—
  - (a) the individual's address as shown on the individual's driver's licence or an electoral roll for an electoral district under the *Electoral Act 1992*;
  - (b) whether the individual is living outside of the State.
- (3) If an ambulance service is provided to a person, a fee prescribed under a regulation is payable by the person if the person is entitled to recover the amount of the fee under any of the following—
  - (a) the *Workers' Compensation and Rehabilitation Act 2003*;
  - (b) the *Veterans' Entitlements Act 1986* (Cwlth);
  - (c) another law of a State, a Territory or the Commonwealth.

### **53C Agreement about payment for ambulance service**

The chief executive may enter into an agreement with any of the following entities about the payment of an amount for ambulance services provided to a person under this Act—

- (a) WorkCover Queensland established under the *Workers' Compensation and Rehabilitation Act 2003*;

- (b) the Repatriation Commission continued in existence under the *Veterans' Entitlements Act 1986* (Cwlth), section 179;
- (c) the chief executive of the department in which the *Hospital and Health Boards Act 2011* is administered;
- (d) another entity the chief executive considers appropriate.

### **53D Recovery of fees and charges**

A fee or charge payable under this Act and not paid is a debt due to the State and may be recovered by the chief executive in a court having jurisdiction for the recovery of the amount claimed.

## **54 Regulation-making power**

- (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 entitlements of persons who use ambulance services; and
  - (c) all matters that arise in connection with the entitlements of and the conditions of employment, occupational superannuation, retrenchment or redundancy of service officers; and
  - (d) the procedures to be followed by an RCA team in its conduct of an RCA of a reportable event.
- (4) The chief executive 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

### Division 1 Provisions for Act before commencement of Emergency Services Legislation Amendment Act 1998

#### 54A Definitions

In this division—

*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.

#### 55 Superannuation entitlements

- (1) The Queensland Ambulance Service Superannuation Scheme is continued in existence.
- (2) A person who, under section 8.2 becomes an employee of the Queensland Ambulance Service—

- (a) retains all entitlements accrued or accruing to that person as a contributor to or member of the superannuation scheme to which that person contributed and was a member of immediately prior to the commencement of this Act; and
  - (b) is entitled to payments and other benefits from it in respect of that person.
- (3) A person who becomes an employee of the Queensland Ambulance Service is to continue to contribute to the scheme referred to in subsection (1).
  - (4) The 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.

## 56 References to the board and previous committees

- (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.

## 57 References to Ambulance Services Act 1967

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

## **58 References to corporation and former service**

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.

## **59 Vesting of assets**

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

## **60 Legal proceedings**

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.

## **61 Ambulance officers**

- (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.

## **62 Medical officers**

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.

## **63 Administrative and service officers**

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.

## **64 Conditions of employment of transferred officers**

- (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.

## **65 Honorary ambulance officers**

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.

## **66 Trusts**

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.

## **67 Duty to assist transfer of property**

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

## **Division 2 Provision for Emergency Services Legislation Amendment Act 1998**

### **68 Board members go out of office**

- (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*.

## **Division 3 Provisions for Emergency Services Legislation Amendment Act 2001**

### **69 Definitions for div 3**

In this division—

*Act after amendment* means the *Ambulance Service Act 1991* as in force immediately after the commencement.

*Act before amendment* means the *Ambulance Service Act 1991* as in force immediately before the commencement.

*amendment Act* means the *Emergency Services Legislation Amendment Act 2001*.

*commencement* means the commencement of the amendment Act.



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

*transferred officer* means a person taken to be employed as a service officer under section 76.

## **70 Former service dissolved**

The corporate entity that is the former service is dissolved.

## **71 Superannuation entitlements**

The amendment Act does not—

- (a) affect the continuation of a transferred officer as an employed member for the purposes of the *Superannuation (State Public Sector) Deed 1990*; or
- (b) otherwise affect any superannuation of a transferred officer.

## **72 References to former service**

A reference in an Act or document in existence immediately before the commencement to the former service is, if the context permits, taken to be a reference to the State.

## **73 Vesting of assets**

On the commencement, the assets, rights and liabilities of the former service vest in the State.

## **74 Legal or disciplinary proceedings**

- (1) A legal proceeding relating to something that happened before the commencement that could have been started or continued by or against the former service if the Amendment Act had not been passed may from the commencement be started or continued by or against the State.

- (2) A disciplinary proceeding relating to something that happened before the commencement that could have been started or continued by the former service if the Amendment Act had not been passed may from the commencement be started or continued by the chief executive.

## **75 Suspension**

The suspension of a service officer in force immediately before the commencement is taken, from the commencement, to continue in force under this Act.

## **76 Service officers**

A person who, immediately before the commencement, was employed as a service officer of the former service is, on the commencement, taken to be employed as a service officer of an equivalent class for the service.

## **77 Conditions of employment of transferred officers**

- (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) Subsection (1) does not limit section 13.

## **78 Honorary ambulance officers**

A person who, immediately before the commencement, was an honorary ambulance officer with the former service is

taken, on the commencement, to be appointed as an honorary ambulance officer for the service.

## 79 Trusts

Any property that, immediately before the commencement, was held in trust by the former service, on the commencement, vests in the State on the same trusts to which the property was subject immediately before the vesting.

## 80 Duty to help transfer of property

- (1) The registrar of titles and all persons who keep registers of dealings in property must, if asked by the chief executive, make in the register all entries necessary to record the vesting of property in the State by this division.
- (2) A request under this section is not liable to fees or stamp duty.

## 81 Things taken to have been done etc. by commissioner

- (1) Anything declared, done, given, granted, made or issued by the commissioner under a commissioner's section and in force, or having effect, immediately before the commencement is, from the commencement, taken to have been declared, done, given, granted, made or issued by the commissioner.
- (2) If the action mentioned in subsection (1) involves a period of time, the subsection must not be taken to extend or otherwise affect the period.
- (3) In this section—  
*commissioner's section* means a section that, immediately before the commencement, referred to action of the commissioner as commissioner of the former service and after the commencement refers to action of the commissioner of the service.

## **82 Things taken to have been done etc. by chief executive**

- (1) Anything declared, done, given, granted, made or issued by the commissioner under a chief executive's section and in force, or having effect, immediately before the commencement is, from the commencement, taken to have been declared, done, given, granted, made or issued by the chief executive.
- (2) If the action mentioned in subsection (1) involves a period of time, the subsection must not be taken to extend or otherwise affect the period.
- (3) In this section—

*chief executive's section* means a section that, immediately before the commencement, referred to action of the commissioner and after the commencement refers to action of the chief executive.

## **83 Other things taken to have been done etc. by chief executive**

- (1) Anything declared, done, given, granted, made or issued by the former service under a chief executive's section and in force, or having effect, immediately before the commencement is, from the commencement, taken to have been declared, done, given, granted, made or issued by the chief executive.
- (2) If the action mentioned in subsection (1) involves a period of time, the subsection must not be taken to extend or otherwise affect the period.
- (3) In this section—

*chief executive's section* means a section that, immediately before the commencement, referred to action of the former service and after the commencement refers to action of the chief executive.

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## 84 Other things taken to have been done etc. by the State

- (1) Anything declared, done, given, granted, made or issued by the former service under a State's section and in force, or having effect, immediately before the commencement is, from the commencement, taken to have been declared, done, given, granted, made or issued by the State.
- (2) If the action mentioned in subsection (1) involves a period of time, the subsection must not be taken to extend or otherwise affect the period.
- (3) In this section—

*State's section* means a section that, immediately before the commencement, referred to action of the former service and after the commencement refers to action by the State.

## 85 Closure of Ambulance Service Fund

- (1) On the commencement—
  - (a) the Ambulance Service Fund is closed; and
  - (b) the chief executive must record the closing balance of the accounts for the Ambulance Service Fund as the opening balance of the accounts for the new fund.
- (2) An entry that, apart from subsection (1), would need to be made in the accounts for the Ambulance Service Fund must be made in the accounts for the new fund.
- (3) In this section—

*Ambulance Service Fund* means the Ambulance Service Fund mentioned in the *Financial Administration and Audit Act 1977*, schedule 2, immediately before the commencement of this section.

*new fund* means the Queensland Ambulance Service Fund established under section 19.

## **Division 4                      Provisions for Emergency Services Legislation Amendment Act 2002**

### **87            Definitions for div 4**

In this division—

*approval day* means the day the Minister approves, under section 31A(1), the constitution for the conduct of a committee's business.

*former constitution*, of a committee, means the committee's constitution immediately before the approval day.

### **88            Former constitution ceases to apply**

On the approval day, a committee's former constitution ceases to apply to the committee.

### **89            Committee members continue in office**

- (1) This section applies to a person who, immediately before the approval day, is a member of a committee.
- (2) Subject to section 29(2), (2A) and (9) and section 35, the person continues as a member of the committee, unless the person earlier resigns—
  - (a) for the period the person would have been a member under the committee's former constitution; or
  - (b) until the end of any longer period specified under section 29(6).

### **90            Office holders continue to hold office**

- (1) This section applies to a person who, immediately before the approval day, holds an office mentioned in section 29(3)(a) to (d) for a committee.

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- (2) Subject to section 29(2), (2A) and (9) and section 35, the person continues to hold the office, unless the person earlier resigns—
- (a) for the period the person would have been a member of the committee under the committee's former constitution; or
  - (b) until the end of any longer period specified under section 29(6).

### **91 Minister must notify approval day**

The Minister must notify the approval day by a gazette notice.

## **Division 5 Provisions for Community Ambulance Cover Act 2003**

### **92 Definitions for div 5**

In this division—

*commencement* means the commencement of this section.

*former subscriber* means a person who, immediately before the commencement, is a subscriber under the pre-amended Act.

*pre-amended Act* means this Act as in force before the commencement.

### **93 Former subscriber's entitlement ends**

On the commencement, a former subscriber's entitlement to ambulance services under the pre-amended Act ends.

### **94 Charge not payable for particular ambulance service**

- (1) This section applies to an ambulance service provided to a person mentioned in section 53B(1) if the provision of the

service began before the commencement and ended after the commencement.

- (2) The person is not liable to pay a charge under this Act for the use of the ambulance service.

## **95 Continuation of written authority**

- (1) This section applies to a written authority of the commissioner mentioned in section 48(1)(a), (c) or (e) of the pre-amended Act if the authority is in force immediately before the commencement.
- (2) After the commencement, the written authority is taken to be a written authority of the Minister under section 48(1)(a), (c) or (e).

## **Division 6 Provisions for Integrity Reform (Miscellaneous Provisions) Amendment Act 2010**

### **96 Definition for div 6**

In this division—

*commencement* means the commencement of this section.

### **97 Disciplinary action for acts or omissions happening before commencement**

- (1) Part 2, division 4, subdivision 1 applies in relation to a disciplinary ground arising before the commencement only if, before the commencement, disciplinary action could have been taken against a service officer on the same ground under a relevant disciplinary provision.
- (2) If, at the commencement, the chief executive or commissioner has started disciplinary action against a service officer under a relevant disciplinary provision—



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- (a) the chief executive may continue to take disciplinary action against the person under part 2, division 4, subdivision 1; and
- (b) for that purpose, anything done by the chief executive or commissioner in relation to the disciplinary action under the relevant disciplinary provision is taken to have been done by the chief executive under part 2, division 4, subdivision 1.
- (3) In this section—  
*relevant disciplinary provision* means a disciplinary provision of a code of practice.

**98 Disciplinary action against former public service employee or fire service officer**

Part 2, division 4, subdivision 2 only applies to a service officer who commenced employment under section 13 after the commencement.

**99 Disciplinary action against former service officer**

Part 2, division 4, subdivisions 3 and 4 apply to a person who was a service officer only if the person's employment under section 13 ends after the commencement.

**Division 7 Transitional provision for Health and Other Legislation Amendment Act 2014**

**100 Transitional provision for chain of event documents**

- (1) This section applies if, before the commencement, an RCA team conducting an RCA of a reportable event prepared a chain of events document in relation to the event.
- (2) Part 4A, divisions 5 and 6, as in force immediately before the commencement, continue to apply in relation to the chain of

events document as if the *Health and Other Legislation Amendment Act 2014* had not been enacted.

(3) In this section—

*chain of events document* see section 36G(2) as in force from time to time before the commencement.

## **Division 8                      Transitional provisions for Crime and Corruption and Other Legislation Amendment Act 2018**

### **101      Disciplinary action against a service officer who was a relevant commission officer**

- (1) This section applies to a person who is a service officer and was a relevant commission officer.
- (2) The person may be disciplined under part 2, division 4, subdivision 2 in relation to a relevant disciplinary ground arising when the person was a relevant commission officer only if the ground arose after the commencement.
- (3) However, if the relevant disciplinary ground arising after the commencement relates to conduct that is a part of a course of conduct that also includes conduct giving rise to a relevant disciplinary ground arising before the commencement, the person may be disciplined under part 2, division 4, subdivision 2 in relation to all of the grounds as if they all arose after the commencement.
- (4) Subsection (3) does not apply in relation to a relevant disciplinary ground arising before the commencement if disciplinary action has been, or is being, taken in relation to the ground under this Act or a relevant disciplinary law for the person within the meaning of section 18AB(3).
- (5) In this section—  
*relevant commission officer* see the *Crime and Corruption Act 2001*, section 273A.

## **102 Sharing disciplinary information**

Sections 18J and 18K apply in relation to a request for information made by or to the chief executive officer under the *Crime and Corruption Act 2001* only if the request is made after the commencement.

## **Division 9 Transitional provisions for Health and Other Legislation Amendment Act 2022**

### **103 Definition for division**

In this division—

*new*, for a provision of this Act, means the provision as in force on the commencement.

### **104 Application of new pt 7, div 1**

Subject to section 105, new part 7, division 1 applies in relation to confidential information whether the information came into existence before or after the commencement.

### **105 Application of s 50L to agreements in force immediately before commencement**

- (1) This section applies in relation to an agreement mentioned in former section 50L that was in effect immediately before the commencement.
- (2) New section 50L does not apply in relation to the agreement.
- (3) Despite its repeal, former section 50L continues to apply in relation to the agreement.
- (4) In this section—  
*former section 50L* means section 50L as in force immediately before the commencement.

## **Division 10                      Transitional provisions for Public Sector Act 2022**

### **106      Definition for part**

In this part—

*former*, for a provision of this Act, means the provision as in force immediately before the commencement.

### **107      Words have meanings given by former provision**

Words defined under a former provision of this Act immediately before its repeal and used in this division have the same meanings as they had under the former provision.

### **108      Existing requirement to disclose previous history of serious disciplinary action**

- (1) This section applies if, before the commencement—
  - (a) the chief executive proposed to appoint or second a person; and
  - (b) the chief executive required the person, under former section 13A, to disclose to the chief executive particulars of any serious disciplinary action taken against the person; and
  - (c) the chief executive had not decided whether to appoint or second the person.
- (2) From the commencement—
  - (a) former section 13A, as in force immediately before the commencement, continues to apply in relation to the requirement despite the repeal of that section by the *Public Sector Act 2022*; and
  - (b) the chief executive may use the information disclosed under the requirement in making an assessment about the person's suitability for the appointment or secondment.

### **109 Existing disciplinary action**

- (1) This section applies if—
  - (a) before the commencement, the chief executive started to take disciplinary action against a service officer or former service officer under former part 2, division 4; and
  - (b) immediately before the commencement, the disciplinary action had not been completed.
- (2) From the commencement, the disciplinary action continues under the *Public Sector Act 2022*.

### **110 Existing disciplinary finding**

- (1) This section applies if—
  - (a) before the commencement, the chief executive made a disciplinary finding against a service officer or former service officer under former part 2, division 4; and
  - (b) immediately before the commencement, any disciplinary action in relation to the disciplinary finding had not been completed.
- (2) From the commencement, the disciplinary finding is taken to be a disciplinary finding under the *Public Sector Act 2022*.

### **111 Disciplinary ground arising before commencement**

The *Public Sector Act 2022*, chapter 3, part 8, division 3 applies in relation to a disciplinary ground whether the disciplinary ground arises before or after the commencement.

### **112 Disciplinary information obtained before commencement**

- (1) This section applies if, before the commencement, the chief executive obtained disciplinary information about a person under former part 2, division 4.

- (2) From the commencement, the disciplinary information is taken to be information obtained under the *Public Sector Act 2022*, section 97.

### **113 Existing suspensions**

- (1) This section applies to a service officer who, immediately before the commencement, was subject to a suspension imposed under former part 2, division 4.
- (2) From the commencement, the suspension continues under the *Public Sector Act 2022* on the same terms that applied to the service officer immediately before the commencement.

### **114 Reason for suspension arising before commencement**

A suspension may be imposed on a service officer under the *Public Sector Act 2022* after the commencement whether the reason for the suspension arises before or after the commencement.

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## Schedule 1      Dictionary

### section 2

***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 patient care to, and the transport of, sick and injured persons.

***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.

***blameworthy act***, for part 4A, division 4, see section 36I.

***code of practice*** means a code of practice under section 41.

***commencement***, for part 8, division 6, see section 96.

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

***commissioning authority***, for part 4A, see section 36A.

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

***confidential information*** means information—

- (a) acquired by a person in the person's capacity as a designated officer; and
- (b) from which a person receiving, or who has received, an ambulance service could be identified.

***constitution***, of a committee, means the committee's constitution under this Act.

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

**coroner**, for part 4A, see section 36A.

**designated officer** means each of the following persons—

- (a) the chief executive;
- (b) the commissioner;
- (c) a service officer;
- (d) an honorary ambulance officer;
- (e) a public service employee employed in the service other than as a service officer;
- (f) an agent of the service.

**designated person**, for part 7, division 1, see section 50D.

**excluded notifiable conduct**, for part 4A, division 5, see section 36L.

**health ombudsman** means the health ombudsman under the *Health Ombudsman Act 2013*.

**Health Practitioner Regulation National Law (Queensland)** see the *Health Practitioner Regulation National Law Act 2009*, section 4.

**health professional**, for part 7, division 1, see section 50D.

**health service** see the *Health Ombudsman Act 2013*, section 7.

**honorary ambulance officer** means a person appointed as an honorary ambulance officer under section 14(1).

**impairment**, for part 4A, division 5, see section 36L.

**industrial instrument** includes—

- (a) an industrial instrument under the *Industrial Relations Act 2016*; and
- (b) a determination or rule of a commission, court, board, tribunal or other entity having authority under a law of the Commonwealth or this State to exercise powers of



conciliation or arbitration for industrial matters or industrial disputes.

**information**, for part 4A, division 5, see section 36L.

**medical director**, for part 4A, division 5, see section 36L.

**normal remuneration**, in relation to a service officer, means all of the remuneration and other entitlements to which the officer is or would be entitled, calculated on the basis of—

- (a) the ordinary hours worked by the officer; and
- (b) the amounts payable to the officer for the hours worked by the officer, including, for example, allowances, loadings and penalties; and
- (c) any other amounts payable to the officer under the officer's contract of employment.

**notice**, for part 4A, see section 36A.

**public risk notifiable conduct**, for part 4A, see section 36A.

**RCA report**, for part 4A, see section 36A.

**RCA team** see section 36A.

**registered health practitioner**, for part 4A, see section 36A.

**relevant person**, for part 4A, see section 36A.

**reportable event** see section 36A.

**reprisal** means a reprisal mentioned in section 36X(3).

**root cause analysis** or **RCA** see section 36B.

**serious disciplinary action**, in relation to a person, means—

- (a) disciplinary action under a disciplinary law involving—
  - (i) termination of employment; or
  - (ii) reduction of classification level or rank; or
  - (iii) transfer or redeployment to other employment; or
  - (iv) reduction of remuneration level; or
- (b) a disciplinary declaration under a public sector disciplinary law that states a disciplinary action mentioned in paragraph (a)(i) or (ii) as the disciplinary

action that would have been taken against the person if the person's employment had not ended.

*service* means the Queensland Ambulance Service.

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

*takes a reprisal* means the taking of a reprisal as mentioned in section 36X(3).