

Ambulance Service Regulation 2015

Explanatory notes for SL 2015 No. 97

made under the

Ambulance Service Act 1991

General Outline

Short title

Ambulance Service Regulation 2015

Authorising law

Section 54 of the *Ambulance Service Act 1991*

Policy objectives and the reasons for them

The primary objective of the *Ambulance Service Act 1991* (the Act) is to establish the Queensland Ambulance Service (QAS) to allow for the rapid transport of seriously ill people to hospital in emergency situations and in situations where appropriate but less intensive medical treatment or monitoring is required. Secondary objectives of the Act include providing for the QAS to be appropriately structured, funded and staffed to strengthen the efficient delivery of ambulance services, better meeting the needs of Queenslanders.

Under part 7 of the *Statutory Instruments Act 1992*, the *Ambulance Service Regulation 2003* (the 2003 Regulation) will expire on 31 August 2015. The *Ambulance Service Regulation 2015* (the Regulation) replaces the 2003 Regulation, prescribing certain matters to support the Act.

The Act provides that regulations may be made under the Act, including about:

- charges to be made for the use of ambulance services, and
- the entitlements of persons who use ambulance services.

Section 50L of the Act authorises the disclosure of confidential information if the disclosure is to:

- the Commonwealth or another State
- an entity of the Commonwealth or another State, or
- an entity of the State

and the disclosure is required or allowed under an agreement prescribed under a regulation.

Achievement of policy objectives

The Regulation replaces the 2003 Regulation to prescribe matters necessary to support the Act. The Regulation has been updated to reflect contemporary drafting practices.

Transport by ambulance

The Regulation prescribes where a person may be taken when being transported by ambulance. The Regulation also provides that the Commissioner of the QAS may decide certain conditions for transport, such as diverting an ambulance to the scene of an accident or emergency or allowing more than one person to be transported in an ambulance. These provisions are consistent with the 2003 Regulation.

Fees for use of ambulance services

Section 53B of the Act provides that certain persons are not liable to pay charges for the use of an ambulance service. The Regulation prescribes the fees payable by persons who are not exempt from liability under section 53B. Fees are payable for emergency transport, non-emergency transport, examination by an ambulance officer and treatment by an ambulance officer or at an ambulance casualty centre. The Regulation also sets out how these fees are to be calculated and when the fees are not payable.

The amounts of the fees are the same as the 2003 Regulation.

Agreements authorising disclosure of confidential information

The Regulation prescribes agreements between the following parties, for the purposes of authorising the disclosure of confidential information:

- the Commonwealth of Australia, as represented by the Department of Veterans' Affairs, the Repatriation Commission and the Military Rehabilitation and Compensation Commission, and the State of Queensland as represented by the Department of Emergency Services—Queensland Ambulance Service
- Queensland Health and the Department of Community Safety through Queensland Ambulance Service, and
- the Department of Justice and Attorney-General and Queensland Ambulance Service.

The names of the agreements prescribed have been updated to reflect changes since the 2003 Regulation was last amended.

Consistency with policy objectives of authorising law

The Regulation is consistent with the policy objectives of the *Ambulance Service Act 1991*.

Inconsistency with policy objectives of other legislation

No inconsistencies with the policy objectives of other legislation have been identified.

Alternative ways of achieving policy objectives

The Regulation is the only effective means of achieving the policy objectives.

Benefits and costs of implementation

The Regulation is consistent with the 2003 Regulation and accordingly imposes no additional costs on persons or organisations.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles, as set out in section 4 of the *Legislative Standards Act 1992*.

Consultation

The QAS was consulted and supports the Regulation. There was no external consultation in relation to the Regulation as it is consistent with the 2003 Regulation.

The Office of Best Practice Regulation was consulted on the Regulation and advised that a Regulatory Impact Statement is not required.

Notes on provisions

Part 1 Preliminary

Short title

Clause 1 provides that the short title is the *Ambulance Service Regulation 2015*.

Definitions

Clause 2 provides that the dictionary in schedule 3 defines particular words used in the Regulation.

Transport by ambulance

Clause 3 outlines where a person may be taken by ambulance if a person is involved in an accident or emergency and is transported by ambulance, or is in need of ambulance transport.

Commissioner may decide conditions for transport by ambulance

Clause 4 provides that the QAS Commissioner may decide certain conditions for transport by ambulance.

Fees

Clause 5 provides that the fees payable under the Act are set out in schedule 1. *Clause 5* also sets out how these fees are to be calculated and when the fees are not payable.

Prescribed agreement between Queensland and the Commonwealth, another State or an entity—Act, s 50L(1)(a)

Clause 6 provides that an the agreement in schedule 2, part 1 is prescribed for the purposes of section 50L(1)(a) of the Act, which deals with authorised disclosures of confidential information.

Prescribed agreements between the service and an entity of the State—Act, s 50L(1)(b)

Clause 7 provides that the agreements in schedule 2, part 2 are prescribed agreements for the purposes of section 50L(1)(b) of the Act, which deals with authorised disclosures of confidential information.

Repeal of the Ambulance Service Regulation 2003

Clause 8 provides that the *Ambulance Service Regulation 2003*, SL No. 148 is repealed.

Schedule 1 Fees

Schedule 1 prescribes the fees payable for emergency transport, non-emergency transport, examination by an ambulance officer if ambulance transport is refused or not required, first

aid or emergency treatment provided by an ambulance officer if ambulance treatment is refused or not required and treatment at an ambulance casualty centre.

Schedule 2 Agreements

Part 1 Agreement with Commonwealth, State or entity

Part 1 of schedule 2 prescribes the agreement dated 1 December 2008 between Queensland and the Commonwealth.

Part 2 Agreement with entity of the State

Part 2 of schedule 2 prescribes agreements between:

- Queensland Health and the Department of Community Safety through the QAS, and
- the Department of Justice and Attorney-General and the QAS.

Schedule 3 Dictionary

Schedule 3 prescribes defined terms for the Regulation.