

# TASMANIA

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## AMBULANCE SERVICE AMENDMENT BILL 2013

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**SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS**



# **AMBULANCE SERVICE AMENDMENT BILL 2013**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*  
29 August 2013

*(Brought in by the Minister for Health, the Honourable  
Michelle Anne O'Byrne)*

## **A BILL FOR**

**An Act to amend the *Ambulance Service Act 1982* and to amend certain other legislation consequent on the commencement of this Act**

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

## **PART 1 – PRELIMINARY**

### **1. Short title**

This Act may be cited as the *Ambulance Service Amendment Act 2013*.

### **2. Commencement**

This Act commences on a day to be proclaimed but, if this Act has not commenced before 1 July 2014, this Act is taken to commence on that date.

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**3. Principal Act**

In this Act, the *Ambulance Service Act 1982\** is referred to as the Principal Act.

**4. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of *ambulance* and substituting the following definition:

***ambulance*** means a vehicle –

- (a) which is –

- (i) specifically equipped for the provision of out-of-hospital clinical care to, and the conveyance of, persons suffering from illness, disability or injury; and
- (ii) operated by, or on behalf of, the Ambulance Service to provide ambulance services other than non-emergency

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\*No. 105 of 1982

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patient transport  
services; or

- (b) which is approved by the  
Commissioner to be so  
operated;
- (b) by omitting “the Tasmanian Ambulance  
Service” from the definition of  
*Ambulance Service* and substituting  
“Ambulance Tasmania”;
- (c) by omitting “first aid” from the definition  
of *ambulance services* and substituting  
“out-of-hospital clinical care”;
- (d) by omitting the definition of *Director*  
and substituting the following  
definitions:

***approved health profession*** means a  
class of health profession that has  
been approved by the  
Commissioner for the purposes of  
this definition;

***authorised insignia*** means insignia  
authorised under section 20A(1);

***authorised officer*** means a person  
authorised under section 19;

***Commissioner*** means the  
Commissioner of Ambulance  
Services holding office under this  
Act;

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- (e) by omitting “vessels, aircraft,” from the definition of *equipment*;
- (f) by inserting the following definition after the definition of *equipment*:

***fit and proper person*** means a person who the Commissioner, after taking into account matters referred to in section 3AA, is satisfied is a fit and proper person;

- (g) by omitting the definition of *honorary ambulance officer* and substituting the following definition:

***insignia*** means, unless otherwise prescribed –

- (a) any items such as uniforms, emblems, logos, devices, accoutrements and other things that are generally recognised as pertaining to the Ambulance Service; or
- (b) any part of such items; or
- (c) any reasonable imitation or replica of such items or parts; or
- (d) any thing, or class of things, that is prescribed



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for the purposes of this  
definition;

- (h) by inserting the following definitions  
after the definition of *motor vehicle*:

***NEPT licence*** means a licence issued  
under section 35D(1);

***NEPT Service*** means a service that  
provides non-emergency patient  
transport services;

***non-emergency patient transport  
services*** means transport services  
that relate solely to the transport  
of patients –

(a) requiring basic care and  
observation; and

(b) whose medical needs  
have been assessed by a  
member of an approved  
health profession as not  
being time-critical or  
acute;

- (i) by omitting the definition of *public street*  
and substituting the following  
definitions:

***paramedic*** – see section 3AB;

***regulations*** means regulations made  
under this Act;

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- (j) by inserting the following definitions after the definition of *third commencement date*:

***vehicle*** includes –

- (a) a motor vehicle; and
- (b) an aircraft; and
- (c) a vessel within the meaning of the *Marine and Safety Authority Act 1997*; and
- (d) any other prescribed means of transport;

***volunteer ambulance officer*** means a person appointed and holding office under section 16.

**5. Sections 3AA and 3AB inserted**

After section 3 of the Principal Act, the following sections are inserted in Part I:

**3AA. Fit and proper person**

- (1) In determining whether or not a person is a fit and proper person for the purposes of this Act, the Commissioner may take into account any one or more of the following matters:

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- (a) whether or not the person has been found guilty of an offence against this Act;
- (b) whether or not the person is of sound financial reputation and has a stable financial background;
- (c) whether or not the person is of good repute, having regard to the character, honesty and integrity of the person;
- (d) whether or not the person has been found guilty of one of the following offences within the immediately previous 10 years, regardless of where the person was convicted:
  - (i) an indictable offence against the person where the maximum penalty for the offence is a term of imprisonment of at least 3 months;
  - (ii) an offence of dishonesty, fraud, or trafficking, where the maximum penalty for the offence is a term of imprisonment of at least 3 months;
- (e) any other matter the Commissioner thinks relevant.

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- (2) For the purposes of subsection (1), a person is found guilty of an offence even if a conviction is not recorded in respect of the person being found guilty of the offence.

**3AB. Meaning of *paramedic***

For the purposes of this Act, a person is a *paramedic* if the person is –

- (a) an officer of the Ambulance Service who –
- (i) holds –
- (A) a prescribed paramedic qualification; or
- (B) a qualification and experience that the Commissioner is satisfied demonstrates a satisfactory level of understanding and competence in the areas of knowledge contained within a qualification prescribed under sub-subparagraph (A); and

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- (ii) is appointed to a position determined by the Commissioner to be a paramedic position; or
- (b) an officer of a prescribed ambulance service of another jurisdiction who –
  - (i) is an officer of the ambulance service in that jurisdiction; and
  - (ii) holds the prescribed paramedic qualification, or a qualification and experience, referred to in paragraph (a)(i); and
  - (iii) is approved by the Commissioner as suitably qualified to provide clinical care; and
  - (iv) is providing clinical care in accordance with any protocols specified in the approval given by the Commissioner under subparagraph (iii); or
- (c) a prescribed person, or a member of a prescribed class of persons, who meets any requirements, conditions or approvals prescribed in respect of that person or class of persons.

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**6. Section 4 amended (Ambulance Tasmania)**

Section 4 of the Principal Act is amended as follows:

- (a) by omitting “Tasmanian Ambulance Service” and substituting “Ambulance Tasmania”;
- (b) by omitting “Director” and substituting “Commissioner”.

**7. Section 5 amended (Appointment and incorporation of Commissioner of Ambulance Services)**

Section 5 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” first occurring and substituting “Commissioner”;
- (b) by omitting from subsection (1) “Director of Ambulance Services” second occurring and substituting “Commissioner of Ambulance Services”;
- (c) by omitting from subsection (2) “Director” and substituting “Commissioner”;
- (d) by omitting from subsection (4) “Director” and substituting “Commissioner”;

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- (e) by omitting from subsection (5) “Director” and substituting “Commissioner”.

**8. Section 6 amended (Functions of Commissioner)**

Section 6 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Commissioner”;
- (b) by omitting from subsection (1)(c) “ambulance organizations and”;
- (c) by omitting from subsection (1)(f) “honorary ambulance officers” and substituting “volunteer ambulance officers”;
- (d) by inserting in subsection (1)(h) “other than non-emergency patient transport services” after “injury”;
- (e) by omitting from subsection (2) “Director” and substituting “Commissioner”;
- (f) by omitting from subsection (4) “Director” and substituting “Commissioner”.

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**9. Section 7 amended (Powers of Commissioner)**

Section 7 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Commissioner”;
- (b) by inserting the following paragraphs after paragraph (a) in subsection (1):
  - (ab) to charge fees –
    - (i) for the delivery of services by the Ambulance Service, other than ambulance services or services for which a fee is prescribed, and to waive all or part of any fee charged under this paragraph on the grounds of financial hardship or for any other reason the Commissioner thinks fit; and
    - (ii) to recover any expenditure made for or on behalf of another organisation, if that expenditure is not already covered under this Act; and



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- (ac) to determine the scope of any services provided under the authority of this Act; and
  - (ad) to determine that there is a need for the Ambulance Service to be present at an incident, or event, if the Commissioner believes on reasonable grounds that the incident or event may result in a person requiring ambulance services; and
- (c) by inserting the following subsections after subsection (1):
- (1A) Nothing in subsection (1)(ad) places an obligation on the Commissioner to actively monitor upcoming incidents or events or potential incidents or events.
  - (1B) Without limiting the generality of subsection (1)(b), the Commissioner may, under that subsection, do one or more of the following actions:
    - (a) authorise the destruction of, wholly or partially, or damage to any premises, equipment, vehicle or receptacle;
    - (b) cause the gas or electricity supply, motor or any

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other source of energy to any premises, equipment, vehicle or receptacle to be shut off or disconnected;

- (c) restrict access to a specified area around the site where ambulance services are being provided.
- (d) by omitting from subsection (2) “Director” and substituting “Commissioner”;
- (e) by omitting from subsection (3) “Director” three times occurring and substituting “Commissioner”;
- (f) by omitting from subsection (3) “Director’s” and substituting “Commissioner’s”.

**10. Section 9 amended (Commissioner subject to control of Minister)**

Section 9 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” twice occurring and substituting “Commissioner”;
- (b) by omitting from subsection (2) “Director” twice occurring and substituting “Commissioner”;

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- (c) by omitting from subsection (3) “Director” and substituting “Commissioner”;
- (d) by omitting from subsection (4)(a) “Director” and substituting “Commissioner”;
- (e) by omitting from subsection (4)(b) “Director” and substituting “Commissioner”;
- (f) by omitting from subsection (4)(c) “Director” twice occurring and substituting “Commissioner”.

**11. Section 10 amended (Delegation by Commissioner)**

Section 10 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Commissioner”;
- (b) by omitting from subsection (1) “person” and substituting “person, or a class of persons,”;
- (c) by omitting from subsection (4) “Director” and substituting “Commissioner”;
- (d) by omitting from subsection (5) “Director” twice occurring and substituting “Commissioner”;

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- (e) by omitting from subsection (6) “Director” three times occurring and substituting “Commissioner”.

**12. Section 14 amended (Officers of Ambulance Service)**

Section 14(2) of the Principal Act is amended by omitting “Director” and substituting “Commissioner”.

**13. Sections 14A and 14B inserted**

After section 14 of the Principal Act, the following sections are inserted in Part II:

**14A. Powers of entry by officer of Ambulance Service**

- (1) An officer of the Ambulance Service may enter any land, premises or vehicle if the officer has reasonable grounds for believing that a person in or on the land, premises or vehicle requires urgent ambulance services.
- (2) An officer of the Ambulance Service authorised to enter land, premises or a vehicle under subsection (1) –
  - (a) must, before entering the land, premises or vehicle, produce identification as such an officer; and

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- (b) may use such force as is reasonably necessary for the officer and his or her equipment to have safe entry to the land, premises or vehicle; and
  - (c) may take with him or her such other person as the officer considers necessary to effect the purpose for which entry is made.
- (3) Subsection (2)(a) does not apply if the officer of the Ambulance Service is dressed in a uniform bearing the authorised insignia of the Ambulance Service.

**14B. Powers of officer of Ambulance Service at scene**

- (1) If –
  - (a) more than one statutory service is in attendance at an incident; and
  - (b) an officer of the Ambulance Service is providing ambulance services at the incident –

the senior officer in attendance for the Ambulance Service has primary responsibility for the care and welfare of any person being provided ambulance services.

- (2) To ensure the care and welfare of any person being provided ambulance

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services at an incident referred to in subsection (1) –

- (a) the senior officer in attendance for the Ambulance Service may recommend to another statutory service the priority of, or preference for, any activity performed by that statutory service at the incident, if that activity may impact on the care and welfare of a person being provided ambulance services at the incident; and
  - (b) the senior officer in attendance for the statutory service that is the subject of the recommendation is to provide reasonable grounds, to the senior officer in attendance for the Ambulance Service at the time of the incident, for failing to comply with any recommendation made under paragraph (a).
- (3) In this section –
- senior officer in attendance*, in relation to an incident, means the most senior officer that is in attendance, for the relevant statutory service, at the scene of the incident;

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*statutory service* has the same meaning as in the *Emergency Management Act 2006*.

**14. Section 15 amended (Staff of Commissioner)**

Section 15 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Commissioner”;
- (b) by omitting from subsection (2) “Director” twice occurring and substituting “Commissioner”.

**15. Section 16 amended (Volunteer ambulance officers)**

Section 16 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Commissioner”;
- (b) by omitting from subsection (1) “honorary ambulance officers” and substituting “volunteer ambulance officers”;
- (c) by omitting from subsection (2) “An honorary” and substituting “A volunteer”;

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- (d) by omitting from subsection (2)(a) “Director” and substituting “Commissioner”;
- (e) by omitting from subsection (2)(b) “Director” and substituting “Commissioner”.

**16. Sections 19, 20 and 20A inserted**

After section 18 of the Principal Act, the following sections are inserted in Part II:

**19. Authorised officers**

- (1) The Commissioner, in writing, may authorise a person, or any member of a class of persons, to be an authorised officer.
- (2) An authorisation may be limited –
  - (a) to the performance or exercise of the functions or powers specified in the authorisation; or
  - (b) in any other way specified in the authorisation.
- (3) On authorising a person as an authorised officer under subsection (1), the Commissioner must ensure that the authorised officer is issued with an identity card that bears a recent photograph of the authorised officer.



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- (4) An authorised officer must produce his or her identity card for inspection –
- (a) before exercising a power, or performing a function, under this Act or the regulations if it is practicable to do so; and
  - (b) at any time during the exercise of such a power, or the performance of such a function, as soon as practicable after being asked to do so.

**20. Powers of authorised officers**

- (1) Subject to this Act and without limiting the functions and powers that may be authorised under section 19, an authorised officer may, at any reasonable time and for the purposes of this Act, be authorised under section 19 to do one or more of the following:
- (a) inspect and search any premises, vehicles, machinery or equipment used for the purposes of this Act;
  - (b) take photographs, films, or video or audio recordings, or make a record in any other manner or by any other means;
  - (c) require a person, who the officer reasonably believes has committed, is committing or is about to commit an offence

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- against this Act, to state the person's full name and usual place of residence;
- (d) require a person holding or required to hold a licence under this Act to produce the licence for inspection;
  - (e) stop or detain a vehicle, or cause a vehicle to be stopped or detained, if the authorised officer believes on reasonable grounds that the vehicle is being or is likely to be used to provide ambulance services;
  - (f) seize, examine or take copies of, or extracts from, documents;
  - (g) seize any equipment, other than a vehicle, that the authorised officer is satisfied should be seized in the interests of public safety;
  - (h) require a person to produce a document which may relate to, or contain evidence of, an offence under this Act.
- (2) An authorised officer may enter and search any premises or vehicle if the authorised officer believes on reasonable grounds that the entry and search is necessary in order to confirm –

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- (a) whether this Act is being complied with; or
  - (b) whether any condition on a licence under this Act is being complied with.
- (3) An authorised officer may enter premises or a vehicle under subsection (2) at any time.

**20A. Authorised insignia, &c.**

- (1) The Commissioner may authorise the insignia to be adopted for use by all or part of the Ambulance Service.
- (2) A person must not, without the permission of the Commissioner, manufacture or sell –
  - (a) authorised insignia; or
  - (b) insignia that is reasonably capable of being mistaken as authorised insignia.

Penalty: Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

- (3) A person must not, for any purpose that is not authorised by the Commissioner, use –

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- (a) authorised insignia; or
- (b) insignia that is reasonably capable of being mistaken as authorised insignia.

Penalty: Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

**17. Part III: Heading amended**

Part III of the Principal Act is amended by omitting “**FINANCES OF DIRECTOR**” from the heading to that Part and substituting “**FINANCES OF COMMISSIONER**”.

**18. Section 21 amended (Funds of Commissioner)**

Section 21 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” first occurring and substituting “Commissioner”;
- (b) by omitting from subsection (1)(b) “Director” three times occurring and substituting “Commissioner”;
- (c) by omitting from subsection (1)(d) “Director” and substituting “Commissioner”;

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- (d) by omitting from subsection (1)(e) “Director” and substituting “Commissioner”;
- (e) by omitting from subsection (2) “Director” first occurring and substituting “Commissioner”;
- (f) by omitting from subsection (2)(a) “Director” and substituting “Commissioner”.

**19. Section 22 amended (Authorised deposit-taking institution accounts)**

Section 22 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Commissioner”;
- (b) by omitting from subsection (2) “Director” twice occurring and substituting “Commissioner”.

**20. Section 23 amended (Accounts and records)**

Section 23 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” three times occurring and substituting “Commissioner”;

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(b) by omitting from subsection (3) “Director” four times occurring and substituting “Commissioner”;

(c) by omitting from subsection (4) “Director” and substituting “Commissioner”.

**21. Section 25 amended (Temporary accommodation)**

Section 25 of the Principal Act is amended by omitting “Director” three times occurring and substituting “Commissioner”.

**22. Section 26 amended (Expenditure outside Act)**

Section 26 of the Principal Act is amended as follows:

(a) by omitting “Director” twice occurring and substituting “Commissioner”;

(b) by omitting “regulations made under this Act,” and substituting “the regulations,”.

**23. Section 27 amended (Annual estimate of expenditure and revenue)**

Section 27 of the Principal Act is amended by omitting “Director” twice occurring and substituting “Commissioner”.

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**24. Section 35 amended (Amount payable by Treasurer)**

Section 35(1) of the Principal Act is amended by omitting “Director” and substituting “Commissioner”.

**25. Part IIIA inserted**

After section 35 of the Principal Act, the following Part is inserted:

**PART IIIA – NON-EMERGENCY PATIENT  
TRANSPORT**

**35A. Application for NEPT licence**

- (1) A person may apply to the Commissioner for a licence to provide non-emergency patient transport services.
- (2) An application under subsection (1) –
  - (a) must be in a form approved by the Commissioner; and
  - (b) must be accompanied by the prescribed fee.
- (3) The Commissioner may –
  - (a) require the applicant to provide such information as the Commissioner considers necessary in order to determine the application; and

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- (b) if the Commissioner has required further information under paragraph (a), refuse to consider the application until the information requested has been provided.

**35B. Determining application for NEPT licence**

- (1) The Commissioner must not grant a licence to provide non-emergency patient transport services unless satisfied that –
  - (a) if the applicant is a natural person, the applicant is a fit and proper person; or
  - (b) if the applicant is a body corporate, the chief executive officer and each director of the body corporate is a fit and proper person.
- (2) In determining an application under section 35A, the Commissioner may consider the suitability of the following:
  - (a) the equipment and vehicles intended to provide the non-emergency patient transport services;
  - (b) the intended operating arrangements for staff of the NEPT Service and whether such



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arrangements comply with this Act;

- (c) the intended arrangements for maintaining or improving the quality of the non-emergency patient transport services to be provided;
- (d) the evaluation and monitoring processes intended to be in place in respect of the NEPT Service;
- (e) any other matter or information the Commissioner thinks relevant.

**35C. Determination of application**

- (1) After considering the matters referred to in section 35B, the Commissioner is to –
  - (a) grant an application under section 35A; or
  - (b) refuse to grant the application.
- (2) On refusing to grant an application under section 35A, the Commissioner is to notify the applicant in writing of that refusal and the reasons for the refusal.

**35D. Issue of NEPT licence**

- (1) The Commissioner is to issue an NEPT licence, subject to any conditions the

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Commissioner thinks fit, to an applicant on payment of any prescribed licence fee if the Commissioner –

- (a) grants an application for an NEPT licence; or
  - (b) varies an NEPT licence; or
  - (c) renews an NEPT licence.
- (2) An NEPT licence is to be in a form approved by the Commissioner and is to contain the following particulars:
- (a) the name and address of the holder of the licence;
  - (b) the non-emergency patient transport services that may be provided under the licence;
  - (c) the conditions to which the licence is subject other than conditions specified in this Act or prescribed in the regulations;
  - (d) the date on which the licence expires, being a date that is not more than 2 years from the issue of the licence;
  - (e) any other prescribed particular.
- (3) An NEPT licence takes effect on the day it is issued or such other day as may be specified in the licence.

**35E. Authority of NEPT licence**

- (1) An NEPT licence authorises the person to whom it is issued to provide, in accordance with the licence, the non-emergency patient transport services specified in the licence.
- (2) An NEPT licence is not transferrable to any other person or organisation except in accordance with section 35O.

**35F. NEPT licence subject to conditions**

- (1) An NEPT licence is subject to any conditions –
  - (a) specified in this Act or prescribed in the regulations; and
  - (b) that the Commissioner has specified in respect of the licence.
- (2) The holder of an NEPT licence must comply with the conditions to which the licence is subject.

Penalty: Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

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**35G. Renewal of NEPT licence**

- (1) Not less than 3 months before the expiry day of an NEPT licence, the holder of the NEPT licence may apply to the Commissioner for a renewal of the licence.
- (2) An application under subsection (1) –
  - (a) is to be in a form approved by the Commissioner; and
  - (b) must be accompanied by the prescribed fee.
- (3) If an application under subsection (1) is made less than 3 months before the NEPT licence expires –
  - (a) the application is to also be accompanied by the prescribed late fee; and
  - (b) the Commissioner may refuse to accept the application.
- (4) The Commissioner may renew an NEPT licence if the Commissioner is satisfied that –
  - (a) the holder of the licence is a fit and proper person; and
  - (b) the quality of the non-emergency patient transport services provided under the licence is satisfactory; and

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- (c) the non-emergency patient transport services provided under the licence comply with this Act, the regulations and any other law relating to, or affecting the operation of, the relevant NEPT Service; and
  - (d) the conditions of the NEPT licence have been complied with.
- (5) If an NEPT licence is renewed under this section –
  - (a) the Commissioner is to reissue a licence under section 35D with the new date on which the licence expires; and
  - (b) the renewal takes effect on –
    - (i) if the NEPT licence is renewed on or before the expiry day, the day immediately following the expiry day; or
    - (ii) if the NEPT licence is renewed after the expiry day, the day the applicant is notified that the licence has been renewed.
- (6) If an application for the renewal of an NEPT licence is made in accordance with this section but the licence is not renewed before the expiry day, the

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unrenewed licence continues to have effect –

- (a) if the Commissioner has not determined the application before the expiry day, until –
    - (i) the Commissioner renews the licence under this section and the renewal takes effect; or
    - (ii) 7 days after the holder of the licence receives written notification from the Commissioner that the licence is not to be renewed; or
  - (b) if the Commissioner, before the expiry day, refuses to renew the licence, until whichever of the following last occurs:
    - (i) the expiry day;
    - (ii) 7 days after the holder of the licence receives written notification from the Commissioner that the licence is not to be renewed.
- (7) If the Commissioner refuses to renew an NEPT licence, the Commissioner is to notify the holder of the NEPT licence of that refusal and the reasons why the

Commissioner refused to renew the licence.

(8) In this section –

*expiry day* means the day on which an NEPT licence would expire if no application for its renewal were made.

**35H. Variation of NEPT licence**

- (1) The Commissioner may, either on the application of the holder of an NEPT licence or on the Commissioner's own initiative –
  - (a) vary an NEPT licence, including varying the licence to impose, or revoke, a condition on the licence, other than a condition imposed by this Act or prescribed in the regulations; or
  - (b) vary a condition on an NEPT licence, other than a condition imposed by this Act or prescribed in the regulations.
- (2) If the holder of an NEPT licence applies under subsection (1) for a variation of the NEPT licence, the application –
  - (a) is to be in a form approved by the Commissioner; and

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- (b) must be accompanied by the prescribed fee.
- (3) If the Commissioner intends to vary an NEPT licence or a condition on an NEPT licence under subsection (1) on the Commissioner's own initiative, the Commissioner –
  - (a) is to notify the holder of the NEPT licence in writing of the proposed variation; and
  - (b) is to specify in the written notice a period of time, of not less than 14 days, in which the holder of the NEPT licence may make submissions in respect of the variation.
- (4) The Commissioner must not vary an NEPT licence, or a condition on an NEPT licence, under subsection (1) unless the Commissioner –
  - (a) has considered the matters specified in section 35B(2) in respect of the variation and the licence generally; and
  - (b) is satisfied that the variation will not negatively affect the quality of the non-emergency patient transport services provided, or to be provided, under the licence.



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- (5) If an NEPT licence, or a condition of an NEPT licence, is varied under this section –
- (a) the Commissioner is to –
    - (i) notify the holder of the NEPT licence in writing of the variation; and
    - (ii) reissue the NEPT licence under section 35D to the holder of the NEPT licence; and
  - (b) the variation takes effect on the date specified in the notice.
- (6) If the Commissioner refuses an application under subsection (1) to vary an NEPT licence, or a condition of an NEPT licence, the Commissioner is to notify the holder of the NEPT licence of that refusal and the reasons why the Commissioner refused to vary the licence or condition.

**35I. Issue of replacement NEPT licence**

The Commissioner must issue a replacement NEPT licence if –

- (a) satisfied that the NEPT licence has been lost, destroyed or badly damaged or defaced; and

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- (b) any prescribed fee for the replacement has been paid.

**35J. Surrender of NEPT licence**

The holder of an NEPT licence may surrender the licence to the Commissioner by causing the licence to be delivered to the Commissioner during business hours.

**35K. Suspension and cancellation of NEPT licence**

- (1) The Commissioner may cancel or suspend an NEPT licence at any time if the Commissioner believes on reasonable grounds that –
  - (a) if the holder of the NEPT licence is a natural person, the holder of the licence is not a fit and proper person; or
  - (b) if the holder of the NEPT licence is a body corporate, the chief executive officer or a director of the body corporate is not a fit and proper person; or
  - (c) the health or safety of staff, patients, or clients of the holder of the NEPT licence is at risk; or
  - (d) the holder of the NEPT licence –

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- (i) has failed to carry on the non-emergency patient transport services authorised under the NEPT licence in accordance with this Act, the regulations or the licence; or
    - (ii) is unlikely to carry on the non-emergency patient transport services authorised under the NEPT licence in accordance with this Act, the regulations or the licence; or
  - (e) the holder of the NEPT licence has been found guilty of an offence against this Act or the regulations.
- (2) In deciding under subsection (1) whether cancellation or suspension is the more appropriate course of action in the circumstances, the Commissioner is to regard public safety, rather than the rights and convenience of the holder of the NEPT licence, as being the paramount consideration.
- (3) The Commissioner is to notify the holder of the NEPT licence in writing that the Commissioner intends to suspend or cancel the licence.

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- (4) A notice under subsection (3) must –
- (a) state when the suspension or cancellation takes effect; and
  - (b) state that the Commissioner is satisfied that there are grounds for cancelling the licence and set out those grounds; and
  - (c) state that the holder of the licence may make written submissions to the Commissioner in respect of the suspension or proposed cancellation within the period specified in the notice; and
  - (d) in the case of a suspension, state the period of the suspension and any conditions that must be met before the Commissioner will consider revoking the suspension.
- (5) A suspension of an NEPT licence under this section –
- (a) may be for an indefinite period; and
  - (b) may be revoked by the Commissioner at any time.
- (6) The Commissioner is to consult the holder of an NEPT licence before cancelling or suspending the licence, unless the Commissioner considers that the cancellation or suspension should be

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effected urgently in in the interests of public safety.

- (7) A suspended NEPT licence is of no effect during the period of suspension.

**35L. When NEPT licence ceases to have effect**

An NEPT licence ceases to have effect –

- (a) if the licence is cancelled, on the day on which the cancellation takes effect; or
- (b) if the licence is surrendered, on the day on which it is surrendered; or
- (c) if the licence is not cancelled or surrendered –
  - (i) on the day on which the licence expires, unless it is renewed for a period under section 35G; or
  - (ii) at the end of that period if it is so renewed.

**35M. Notification of changes**

- (1) If the holder of an NEPT licence is a body corporate, the body corporate must notify the Commissioner in writing –

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- (a) in accordance with subsection (2), if a person ceases to be, or is appointed as, the chief executive officer or a director of the body corporate; and
- (b) within 30 days after the change occurs.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

- (2) A written notice under subsection (1) is to include, as the case requires –
  - (a) the name and address of the person who has ceased to hold, or has been appointed to, a position within the body corporate; and
  - (b) the position which the person has ceased to hold or has been appointed to.

**35N. Production of documents or vehicles for inspection**

- (1) For the purpose of monitoring compliance under this Act, the regulations or an NEPT licence, an authorised officer may require the holder

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of an NEPT licence, at a time and place specified by the authorised officer, to –

- (a) produce for inspection any vehicles used to provide non-emergency patient transport services under the licence; or
  - (b) produce for inspection any documents required to be kept in respect of an NEPT Service by the holder of an NEPT licence under this Act or any other Act.
- (2) A person is not excused from complying with a requirement of an authorised officer under subsection (1) on the ground that to do so may result in information being provided that might incriminate the person.
- (3) Any information obtained as a consequence of an inspection under subsection (1) is not admissible in evidence against the person, who produced the vehicle or document for inspection, in criminal proceedings other than in proceedings in respect of the provision of false information, unless the information is contained in a document that –
- (a) the person is required to keep by any law; or

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- (b) the holder of an NEPT licence is required to keep under any law; or
  - (c) was obtained without the direct assistance of the person.
- (4) For the purposes of subsection (3)(c), a person provides direct assistance to obtain a document if the person identifies, reveals the location of, or explains the content of, the document.
- (5) For the avoidance of doubt, an authorised officer may use any power authorised under section 19, or specified in section 20, in relation to –
  - (a) any vehicle or document produced under this section; or
  - (b) any person who produces such a vehicle or document.

**350. Death of holder of NEPT licence**

- (1) If the holder of an NEPT licence dies, a person who is, or persons who are, the legal representative of the estate of the holder of the NEPT licence may apply to the Commission, within 28 days after the death of the person or such longer period as the Commissioner allows, to carry on the NEPT Service being operated under the licence until the expiration of the period of 3 months after the death.



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- (2) The Commissioner must grant an application under subsection (1) unless the Commissioner is not satisfied that the applicant is a fit and proper person.
- (3) If the Commissioner grants an application under this section, the Commissioner is to issue the applicant with an NEPT licence under section 35D.

**35P. Review of decisions**

A person who is aggrieved by a decision of the Commissioner under this Part may apply to the Magistrates Court (Administrative Appeals Division) for a review of that decision.

**26. Section 36 amended (Fees for ambulance services)**

Section 36 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” twice occurring and substituting “Commissioner”;
- (b) by omitting from subsection (1) “under this Act”;
- (c) by inserting the following subsections after subsection (1A):
  - (1B) Where any ambulance services are provided in the following circumstances by the

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Commissioner, a fee determined in accordance with the scale of fees prescribed in the regulations, or as agreed to with the Commissioner, is payable to the Commissioner –

- (a) if the provision of ambulance services is requested by the Commonwealth, another State Service Agency, a Government Business Enterprise or State Authority to discharge functions or powers not normally discharged by the Ambulance Service – by the Commonwealth or that State Service Agency, Government Business Enterprise or State Authority;
- (b) if the provision of ambulance services is to a person whose principal place of residence is in another jurisdiction, by the person to whom the ambulance services are provided;
- (c) in any other prescribed circumstances, by the

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person prescribed for those circumstances.

(1C) If the Commissioner determines, under section 7(1)(ad), that there is a need for the Ambulance Service to be present at an incident or event –

(a) a fee determined in accordance with the scale of fees prescribed in the regulations is payable to the Commissioner for the incident or event; and

(b) the person whom the Commissioner determines to be the organiser of that incident or event is to ensure that the fee is paid, if such an organiser exists.

(d) by omitting from subsection (2) “under this Act”;

(e) by omitting from subsection (2) “Director” and substituting “Commissioner”;

(f) by omitting from subsection (2B) “Director” first occurring and substituting “Commissioner”;

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- (g) by omitting from subsection (2B)(b) “Director” and substituting “Commissioner”;
- (h) by omitting from subsection (3) “Director” and substituting “Commissioner”;
- (i) by omitting from subsection (5) “Director” and substituting “Commissioner”;
- (j) by omitting from subsection (5) “nursing home” three times occurring and substituting “residential aged care facility”.

**27. Section 36A amended (Quality assurance committees)**

Section 36A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Commissioner”;
- (b) by omitting from subsection (2)(a) “Director” and substituting “Commissioner”;
- (c) by omitting from subsection (2)(b) “Director” and substituting “Commissioner”.

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**28. Section 37 amended (Unauthorized provision of ambulance services)**

Section 37 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” three times occurring and substituting “Commissioner”;
- (b) by omitting from subsection (2) “Director” and substituting “Commissioner”.

**29. Sections 37A and 37B inserted**

After section 37 of the Principal Act, the following sections are inserted in Part IV:

**37A. Unauthorized provision of non-emergency patient transport services**

- (1) A person must not provide non-emergency patient transport services unless the person –
  - (a) holds an NEPT licence; or
  - (b) is providing the service as part of the Ambulance Service.

Penalty: Fine not exceeding 200 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues.

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- (2) Subsection (1) does not apply to a person if the person is a person, or a member of a class of persons, prescribed as exempt from the application of this section.

**37B. Representation of person as licensed NEPT Service**

A person who is not the holder of an NEPT licence must not –

- (a) claim, or imply, that he or she is the holder of an NEPT licence; or
- (b) hold himself or herself out to be the holder of an NEPT licence.

Penalty: Fine not exceeding 200 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues.

**30. Section 38 amended (Assistance to existing ambulance services)**

Section 38 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” twice occurring and substituting “Commissioner”;
- (b) by omitting from subsection (2) “Director” first occurring and substituting “Commissioner”;

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- (c) by omitting from subsection (2)(a) “Director” and substituting “Commissioner”;
- (d) by omitting from subsection (3) “Director” and substituting “Commissioner”.

**31. Section 39 substituted**

Section 39 of the Principal Act is repealed and the following sections are substituted:

**38A. Interstate ambulance services and interstate officers**

- (1) The Commissioner may make an arrangement, with any agency which manages or controls an interstate service, for the interstate service –
  - (a) to provide equipment to be used to provide ambulance services in this State; and
  - (b) to provide personnel to provide ambulance services in this State.
- (2) A vehicle from an interstate service which provides ambulance services in accordance with an interstate arrangement is taken to be an ambulance while providing those services.
- (3) For the avoidance of doubt –

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- (a) an interstate service may only provide ambulance services in this State under this Act if the interstate service is providing those ambulance services in accordance with an interstate arrangement; and
- (b) a person from an interstate service who is providing ambulance services in accordance with an interstate arrangement is subject to the direction of the Commissioner, or the most senior officer of the Ambulance Service who is present at the scene where the ambulance services are being provided, while providing those services.

(4) In this section –

*interstate arrangement* means an arrangement under subsection (1);

*interstate service* means a service established and operating in another State, a Territory or the Commonwealth that is prescribed for the purposes of this definition.

**39. Representation of vehicles as ambulances, &c.**

- (1) Unless authorised by the Commissioner, a person must not drive, operate or have



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charge of, or allow another person to drive, operate or have charge of, a vehicle, other than an ambulance, that is –

- (a) marked with the word “ambulance”; or
- (b) otherwise marked or altered, or bears any inscription –

so as to imply, or lead to the belief, that the vehicle is an ambulance capable of providing ambulance services.

Penalty: Fine not exceeding 100 penalty units.

- (2) A person must not drive, operate or have charge of, or allow another person to drive, operate or have charge of, a vehicle that is –
  - (a) marked with the word “paramedic”; or
  - (b) otherwise marked or altered so as to imply, or bears any inscription that may lead to the belief, that the vehicle is operated by a paramedic –

unless the vehicle is staffed and operated by a paramedic.

Penalty: Fine not exceeding 100 penalty units.

**39A. Representation of person as paramedic**

- (1) A person, other than a paramedic, must not present himself or herself in such a manner as to imply, or lead to the belief, that the person is a paramedic capable of providing ambulance services.

Penalty: Fine not exceeding 100 penalty units.

- (2) Unless otherwise authorised by the Commissioner, a person must not present his or her business in such a manner as to imply, or lead to the belief, that the business is staffed or operated by paramedics.

Penalty: Fine not exceeding 100 penalty units.

**39B. Offences**

- (1) A person must not directly or indirectly resist, impede, obstruct or intentionally assault –
- (a) the Commissioner; or
  - (b) a person who is providing ambulance services, or is otherwise performing a function or exercising a power, under this Act; or
  - (c) an authorised officer, or a paramedic, who is performing a

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function, or exercising a power,  
under this Act.

Penalty: Fine not exceeding 100 penalty  
units or imprisonment for a term  
not exceeding 3 months, or both.

(2) A person must not use threatening,  
abusive or insulting language to –

(a) the Commissioner; or

(b) a person who is providing  
ambulance services, or is  
otherwise performing a function  
or exercising a power, under this  
Act; or

(c) an authorised officer, or a  
paramedic, who is performing a  
function, or exercising a power,  
under this Act.

Penalty: Fine not exceeding 100 penalty  
units or imprisonment for a term  
not exceeding 3 months, or both.

(3) A person must comply with a lawful  
requirement or direction made by –

(a) the Commissioner; or

(b) a person who is providing  
ambulance services, or is  
otherwise performing a function  
or exercising a power, under this  
Act; or

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- (c) an authorised officer who is performing a function, or exercising a power, under this Act.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 3 months, or both.

- (4) A person must not knowingly provide false or misleading information to –
  - (a) the Commissioner; or
  - (b) a person who is providing ambulance services, or is otherwise performing a function or exercising a power, under this Act; or
  - (c) an authorised officer who is performing a function, or exercising a power, under this Act.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 3 months, or both.

- (5) A person must not impersonate –
  - (a) the Commissioner; or
  - (b) an officer of the Ambulance Service who is providing ambulance services, or is otherwise performing a function

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or exercising a power, under this Act; or

- (c) an authorised officer, or a paramedic, who is performing a function, or exercising a power, under this Act.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 3 months, or both.

**39C. Offences generally**

- (1) Proceedings for an offence under this Act may be commenced –
  - (a) by the Commissioner, an authorised officer, a police officer, or any person authorised by the Commissioner to do so; and
  - (b) for and on behalf of the Commissioner.
- (2) A police officer may arrest without warrant any person committing an offence against section 39B(1) or (2).
- (3) If in any proceedings for an offence under this Act it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show that –

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- (a) the conduct was engaged in by an officer or agent of the body corporate within the scope of his or her actual or apparent authority; and
- (b) the officer or agent had that state of mind in relation to the conduct.

**32. Section 40 amended (False ambulance calls)**

Section 40 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:

- (1) A person must not cause an ambulance to attend at any place by any false pretence.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or both.

- (b) by omitting from subsection (2) “a motor vehicle provided by the Director” and substituting “an ambulance”;
- (c) by omitting from subsection (2) “Director” second occurring and substituting “Commissioner”;

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- (d) by omitting from subsection (2) “a motor vehicle” second occurring and substituting “the ambulance”;
- (e) by inserting the following subsection after subsection (2):
  - (3) Unless the court otherwise specifies, an amount payable under an order referred to in subsection (2) is payable to the Commissioner.

**33. Section 40A amended (Provisions relating to employment)**

Section 40A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Commissioner”;
- (b) by omitting from subsection (1) “Director’s” and substituting “Commissioner’s”;
- (c) by omitting from subsection (2) “Board” and substituting “Crown”.

**34. Sections 41, 41A and 41B inserted**

After section 40A of the Principal Act, the following sections are inserted in Part IV:

**41. Protection from liability**

- (1) An officer of the Ambulance Service, or a volunteer ambulance officer acting under the authority of this Act, does not incur any civil or criminal liability in respect of any act done or omitted to be done by the person in good faith –
  - (a) in providing ambulance services or a prescribed activity; or
  - (b) in the performance or exercise, or the purported performance or exercise, of any function or power under this Act; or
  - (c) in the administration or execution, or the purported administration or execution, of this Act.
- (2) Subsection (1) does not apply to the provision of non-emergency patient transport services unless those services are provided by an officer of the Ambulance Service while he or she is operating in that capacity.

**41A. Protection of employment rights**

A person who is absent from his or her place of employment for the purpose of providing ambulance services is not liable for dismissal or loss of long service leave, sick leave or other benefits to which he or she may be entitled under



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any industrial award or agreement or under any law by reason only of that absence if –

- (a) the person is a member of, or has member-like status within, the Ambulance Service and –
  - (i) was requested by the Commissioner, or on behalf of the Commissioner, to provide the ambulance services; or
  - (ii) if no such request was made, but it would be reasonable in the circumstances to expect such a request – is responding as if such a request had been made; and
- (b) the person takes leave from his or her employment, whether paid or unpaid, for the duration of the absence.

**41B. Infringement notices**

- (1) An officer of the Ambulance Service authorised under section 19 to issue infringement notices, or a police officer, may issue and serve an infringement notice on a person if the officer

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reasonably believes that the person has committed an infringement offence.

- (2) An infringement notice may not be served on an individual who has not attained the age of 16 years.
- (3) An infringement notice –
  - (a) is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*; and
  - (b) is not to relate to more than 3 offences.
- (4) The regulations –
  - (a) may prescribe, for infringement offences, the penalties payable under infringement notices; and
  - (b) may prescribe different penalties for bodies corporate and individuals.
- (5) In this section –

*infringement offence* means an offence against this Act, or the regulations, that is prescribed by the regulations to be an infringement offence.

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**35. Section 42 amended (Regulations)**

Section 42 of the Principal Act is amended as follows:

- (a) by omitting paragraphs (a) and (b) from subsection (2) and substituting the following paragraph:
  - (a) prescribe a scale of fees payable, or a means for calculating fees payable, in respect of –
    - (i) ambulance services (including the conveyance of dead bodies) provided by the Commissioner; and
    - (ii) any other service provided by the Commissioner, an authorised officer or the Ambulance Service; and
    - (iii) applications made under this Act; and
- (b) by omitting from subsection (2)(c) “Director” and substituting “Commissioner”;
- (c) by inserting the following paragraphs after paragraph (c) in subsection (2):
  - (d) prescribe standards and requirements for the operation of non-emergency patient transport

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services including, but not limited to, the following matters:

- (i) safety, cleanliness and hygiene (including infection control procedures);
- (ii) the welfare of persons being transported (including comfort, privacy and respectful treatment);
- (iii) staffing (including staff numbers, qualifications and clinical accreditation);
- (iv) the provision, inspection and maintenance of vehicles and equipment;
- (v) storage facilities;
- (vi) the amount and type of insurance required to be maintained;
- (vii) the evaluation, monitoring and improvement of the quality of the NEPT Service and its staff;
- (viii) the provision and display of information including the livery, signage and

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branding of the NEPT  
Service and its apparatus;

- (ix) communication devices to be carried by staff or installed in vehicles of the NEPT Service; and
- (e) prescribe conditions that may apply to an NEPT licence or a class or classes of NEPT licences; and
- (f) prescribe records to be kept by an NEPT Service and, but not limited to, the form and nature of such records, the time within which such records are to be made and the period for which the records must be kept; and
- (g) prescribe, or provide for, conditional or unconditional exemptions from all or any part of this Act; and
- (h) prescribe fees payable for non-emergency patient transport services that are provided by the Ambulance Service; and
- (i) provide for the reduction, waiver or refund of all or any part of a fee payable under this Act; and
- (j) prescribe the qualifications that an officer of the Ambulance

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Service, a paramedic or a  
volunteer ambulance officer may  
be required to hold; and

- (d) by omitting from subsection (2)(k) “honorary ambulance officers” and substituting “volunteer ambulance officers”;
- (e) by inserting the following subsection after subsection (2):
  - (3) The regulations may adopt, either wholly or in part and with or without modification, and either specifically or by reference, any document, whether the document is published or issued before or after the commencement of this Act.
- (f) by omitting from subsection (6) “10 penalty units” and substituting “20 penalty units”.

**36. Section 43 inserted**

After section 42 of the Principal Act, the  
following section is inserted in Part IV:

**43. Transitionals**

- (1) If, immediately before the commencement day, a person holds the written consent of the Commissioner under section 37 to provide non-

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emergency patient transport, however described –

- (a) the person is taken, on and after the commencement day, to be the holder of an NEPT licence; and
- (b) the written consent –
  - (i) is taken to be an NEPT licence, in the same terms as the written consent, for the purposes of this Act; and
  - (ii) may be suspended or cancelled, or otherwise dealt with, in accordance with Part IIIA of this Act; and
  - (iii) expires on whichever of the following days first occurs:
    - (A) the day specified in the written consent as the day on which the written consent expires;
    - (B) the day 2 years from the commencement day.

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- (2) A person is not guilty of an offence under section 39(1) if the person drives, operates or has charge of, or allows another person to drive, operate or have charge of, a vehicle that –
- (a) immediately before the commencement day –
    - (i) was operated under a consent of the Commissioner, under section 37, to provide non-emergency patient transport; and
    - (ii) displayed the word *ambulance* as part of the name of the business operated under that consent; and
  - (b) on or after the commencement day –
    - (i) is operated under an NEPT licence by the holder of the consent referred to in paragraph (a)(i); and
    - (ii) displays the word *ambulance* as it did immediately before the commencement day.



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- (3) Subsection (2) ceases to have effect 2 years after the commencement day.
- (4) On and after the commencement day –
- (a) a reference to the Director in any document that is in force immediately before that day is taken to be a reference to the Commissioner; and
  - (b) the document is to be construed, and have effect, accordingly.
- (5) In this section –

***amending Act*** means the *Ambulance Service Amendment Act 2013*;

***commencement day*** means the day on which the amending Act commences;

***Director*** means the Director of Ambulance Services holding office under this Act immediately before the commencement day.

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Part 2 – Miscellaneous

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**PART 2 – MISCELLANEOUS**

**37. Consequential amendments**

The legislation specified in Schedule 1 is amended as specified in that Schedule.

**38. Consequential amendments of regulations, &c., do not prevent their subsequent amendment**

The amendment by this Act of a provision of any regulations or other statutory rules does not prevent that or any other provision of those regulations or statutory rules from being amended or rescinded by a subsequent regulation or statutory rule.

**39. Repeal of Act**

This Act is repealed on the three hundred and sixty fifth day from the day on which all of the provisions of this Act commence.

**SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS**

Section 37

***Ambulance Service Regulations 2006***

1. Regulation 4 is amended by omitting “an honorary ambulance officer” and substituting “a volunteer ambulance officer”.

***Asbestos-Related Diseases (Occupational Exposure)  
Compensation Act 2011***

1. Section 20 is amended as follows:
  - (a) by omitting “Director” from paragraph (b) of the definition of *ambulance provider* in subsection (1) and substituting “Commissioner of Ambulance Services”;
  - (b) by omitting “Ambulance Service.” from paragraph (c) of the definition of *ambulance provider* in subsection (1) and substituting “Ambulance Service;”;
  - (c) by inserting the following definition after the definition of *ambulance provider* in subsection (1):

***Commissioner of Ambulance Services***  
means the Commissioner within the meaning of the *Ambulance Service Act 1982*.

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- (d) by omitting from subsection (2) “**ambulance services**”, “**Director**” and substituting “*ambulance services*”;
- (e) by omitting from subsection (3)(b) “Director” and substituting “Commissioner of Ambulance Services”;
- (f) by omitting from subsection (3)(b) “the Director’s” and substituting “that Commissioner’s”;
- (g) by omitting from subsection (4)(b) “Director” and substituting “Commissioner of Ambulance Services”.

***Burial and Cremation (Handling of Human Remains)***  
***Regulations 2005***

**1.** Regulation 3 is amended as follows:

- (a) by omitting the definition of *paramedic*;
- (b) by omitting paragraphs (b) and (c) from the definition of *responsible person* and substituting the following paragraph:
  - (b) an officer of the Ambulance Service; or

**2.** Regulation 5 is amended as follows:

- (a) by omitting from subregulation (1)(d) “Service;” and substituting “Service.”;

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- (b) by omitting paragraph (e) from subregulation (1);
- (c) by omitting from subregulation (2) “midwife, officer of the Ambulance Service or paramedic” and substituting “midwife or officer of the Ambulance Service”.

***Emergency Management Act 2006***

1. Section 3 is amended by omitting “the Tasmanian Ambulance Service” from paragraph (b) of the definition of *statutory service* and substituting “Ambulance Tasmania”.
2. Section 31 is amended as follows:
  - (a) by omitting from subsection (1)(g) “Director” and substituting “Commissioner”;
  - (b) by omitting from subsection (2)(g) “Director” and substituting “Commissioner”.

***Explosives Act 2012***

1. Section 3 is amended by omitting “the Tasmanian Ambulance Service” from paragraph (b) of the definition of *emergency services* and substituting “Ambulance Tasmania”.

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***Mental Health Act 2013***

1. Section 139(3)(c) is amended by omitting “Director” and substituting “Commissioner”.
2. Section 212(1) is amended by omitting “Director” and substituting “Commissioner”.
3. Schedule 2 is amended by omitting “Director” from paragraph (d) of the definition of *relevant* in clause 1 of Part 1 and substituting “Commissioner”.

***Poisons Act 1971***

1. Section 3(1) is amended as follows:
  - (a) by inserting the following definitions after the definition of *aircraft*:

***ambulance officer*** means an officer of the Ambulance Service as defined in the *Ambulance Service Act 1982*;

***ambulance services*** has the same meaning as in the *Ambulance Service Act 1982*;
  - (b) by inserting the following definition after the definition of *coca leaves*:

***Commissioner of Ambulance Services***  
means the Commissioner as

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defined in the *Ambulance Service Act 1982*;

- (c) by inserting the following definition after the definition of *inspector*:

***interstate ambulance officer*** means a person providing ambulance services in this State in accordance with an interstate arrangement within the meaning of section 38A of the *Ambulance Service Act 1982*;

- (d) by inserting the following definition after the definition of *package*:

***paramedic*** has the same meaning as in the *Ambulance Service Act 1982*;

- (e) by inserting the following definition after the definition of *veterinary surgeon*:

***volunteer ambulance officer*** has the same meaning as in the *Ambulance Service Act 1982*;

2. Section 36 is amended as follows:

- (a) by omitting from subsection (1) “subsection (2A)” and substituting “subsections (2A) and (2B)”;
- (b) by omitting from subsection (1)(a) “subsection (1A) or subsection (1B)” and substituting “subsection (1A), (1B) or (1C)”;

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(c) by inserting the following subsection after subsection (1B):

(1C) A person is authorised, in respect of ambulance services, to have in his or her possession, or to attempt to obtain possession of, a substance to which this section applies to the extent the person is authorised under any Secretary's written authority for the use of the substance to which this section applies for ambulance services.

(d) by inserting the following subsection after subsection (2A):

(2B) A person may have in his or her possession a substance to which this section applies if –

(a) the substance was lawfully supplied to the person in another State or a Territory; and

(b) the person brought the substance into this State to provide ambulance services under the *Ambulance Service Act 1982*.

**3.** Section 38(1) is amended as follows:



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- (a) by inserting the following paragraph after paragraph (b):
    - (ba) the sale or supply of a restricted substance that is sold or supplied by a pharmaceutical chemist, or licensed wholesale chemist, otherwise than on and in accordance with such a prescription, but only where that sale or supply is to a person holding the Secretary's written authority for the use of the substance in respect of ambulance services;
  - (b) by omitting from paragraph (h) "an ambulance officer" and substituting "a volunteer ambulance officer, an ambulance officer, a paramedic or an interstate ambulance officer";
  - (c) by omitting from paragraph (h)(ii) "Director" and substituting "Commissioner".
4. Section 45(2) is amended by inserting after paragraph (a) the following paragraph:
- (ab) a person who –
    - (i) has been lawfully supplied with the raw narcotic or narcotic substance in another jurisdiction; and

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(ii) is importing, or bringing into the State, the raw narcotic or narcotic substance to provide ambulance services under the *Ambulance Service Act 1982*; or

**5.** Section 47(1)(dd) is amended as follows:

- (a) by inserting “or paramedic” after “officer”;
- (b) by omitting from subparagraph (ii) “Director” and substituting “Commissioner”.

***Poisons Regulations 2008***

**1.** Regulation 3(1) is amended as follows:

- (a) by omitting the definition of *ambulance officer*;
- (b) by omitting “the Tasmanian Ambulance Service” from the definition of *Ambulance Service* and substituting “Ambulance Tasmania”;
- (c) by omitting the definition of *Director of Ambulance Services*.

**2.** Regulation 9 is amended by omitting paragraph (d) and substituting the following paragraph:

- (d) an ambulance officer, paramedic or interstate ambulance officer –

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3. Regulation 11(10)(d) is amended by omitting “an ambulance service” and substituting “ambulance services”.
  
4. Regulation 38(1) is amended as follows:
  - (a) by omitting “Director” and substituting “Commissioner”;
  - (b) by omitting “ambulance officers” first occurring and substituting “ambulance officers, paramedics or interstate ambulance officers”;
  - (c) by omitting from paragraph (b) “by ambulance officers”;
  - (d) by omitting from paragraph (c) “by ambulance officers”.
  
5. Regulation 62A is amended by omitting the definition of *qualified ambulance paramedic*.
  
6. Regulation 62B(2) is amended as follows:
  - (a) by omitting from paragraph (b) “qualified ambulance”;
  - (b) by omitting from paragraph (c) “qualified ambulance”;
  - (c) by omitting from paragraph (d) “qualified ambulance”.
  
7. Regulation 62C(2) is amended as follows:

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- (a) by omitting from paragraph (b) “qualified ambulance”;
  - (b) by omitting from paragraph (c) “qualified ambulance”;
  - (c) by omitting from paragraph (d) “qualified ambulance”.
- 8.** Regulation 62F(2) is amended by omitting “qualified ambulance”.
- 9.** Regulation 76 is amended as follows:
- (a) by omitting from subregulation (2)(g) “Director” and substituting “Commissioner”;
  - (b) by omitting from subregulation (3)(h) “Director” and substituting “Commissioner”;
  - (c) by omitting from subregulation (4)(g) “Director” and substituting “Commissioner”.

***Police Offences Act 1935***

- 1.** Section 3(1) is amended by omitting “the Tasmanian Ambulance Service” from paragraph (b) of the definition of *emergency services* and substituting “Ambulance Tasmania”.
- 2.** Section 37JA(3)(b) is amended by omitting “members of the Tasmanian Ambulance Service

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established” and substituting “officers of the Ambulance Service”.

***Proclamation under the Duties Act 2001 (S. R. 2001, No. 76)***

1. Paragraph (a) is amended by omitting subparagraph (v) and substituting the following subparagraph:

(v) Ambulance Tasmania;

***Public Sector Superannuation Reform Act 1999***

1. Section 3(1) is amended as follows:

(a) by omitting paragraph (f) from the definition of *Agency* and substituting the following paragraph:

(f) Ambulance Tasmania;

(b) by omitting “Director” from paragraph (g) of the definition of *Agency manager* and substituting “Commissioner”.

***Rail Safety National Law (Tasmania) Act 2012***

1. Section 5(1) is amended by omitting “the Tasmanian Ambulance Service” from paragraph (b) of the definition of *emergency services* and substituting “Ambulance Tasmania”.

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***Retirement Benefits (Tasmanian Ambulance Service  
Superannuation Scheme) Act 2006***

**1.** Section 3 is amended as follows:

- (a) by omitting the definition of *Ambulance Service* and substituting the following definition:

***Ambulance Service*** means the  
Ambulance Service as defined in  
the *Ambulance Service Act 1982*;

- (b) by inserting the following definition after the definition of *commencement day*:

***Commissioner of Ambulance Services***  
means the person holding office  
as the Commissioner of  
Ambulance Services under the  
*Ambulance Service Act 1982*;

- (c) by omitting the definition of *Director of Ambulance Services*.

**2.** Section 9(1) is amended by omitting “Director” and substituting “Commissioner”.

***Security-sensitive Dangerous Substances Act 2005***

- 1.** Section 6A(3) is amended by omitting “the Tasmanian Ambulance Service” from paragraph (b) of the definition of *emergency service* and substituting “Ambulance Tasmania”.

***State Service Regulations 2011***

1. Schedule 1 is amended by omitting item 3 and substituting:
3. Commissioner of Ambulance Services

***Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010***

1. Regulation 12(13) is amended by omitting “Director” from paragraph (b) of the definition of *authorised emergency vehicle* and substituting “Commissioner”.

***Vehicle and Traffic (Vehicle Standards) Regulations 2001***

1. Regulation 45(6)(b) is amended by omitting “ambulance” and substituting “vehicle providing non-emergency patient transport services under the *Ambulance Service Act 1982*, ambulance”.
2. Regulation 108(1) is amended by omitting paragraph (f) from the definition of *exempt vehicle* and substituting:
  - (f) an ambulance; or
3. Regulation 172 is amended by inserting after the definition of *air brake* the following definition:

***ambulance*** has the same meaning as in the *Ambulance Service Act 1982*;

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***Work Health and Safety Regulations 2012***

1. Regulation 5(1) is amended by omitting “the Tasmanian Ambulance Service” from paragraph (b) of the definition of *emergency service organisation* and substituting “Ambulance Tasmania”.

***Workers Rehabilitation and Compensation Act 1988***

1. Section 6 is amended as follows:
  - (a) by omitting from subsection (1) “Director” three times occurring and substituting “Commissioner for Ambulance Services”;
  - (b) by inserting the following subsection after subsection (1):
    - (1A) For the avoidance of doubt, subsection (1) does not apply to –
      - (a) a person providing ambulance services for, or on behalf of, a commercial business or commercial organisation; or
      - (b) a person providing ambulance services in this State in accordance with an interstate arrangement within the meaning of section 38A of the



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- (c) by omitting from subsection (4)  
“***Director***” and substituting  
“***Commissioner***”.