

AMBULANCE.

No. 20 of 1959.

AN ACT to make provision for the establishment and administration of ambulance services.

[21 August 1959.]

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 I.

PRELIMINARY.

- 1** This Act may be cited as the *Ambulance Act* 1959. Short title.
- 2** In this Act, unless the contrary intention appears— Interpretation.
- “ambulance authority” means the Commission or a board;
- “ambulance district” means an ambulance district constituted under this Act;
- “board” means an ambulance board constituted under this Act;
- “Commission” means the Ambulance Commission of Tasmania constituted under this Act;
- “constituent municipal district”, used in relation to an ambulance district or the board thereof, means a municipal district in that ambulance district;
- “contribution scheme” means a contribution scheme having effect under section thirty-eight;
- “equipment” includes any plant, furniture, fittings, goods, or materials;
- “establishment scheme” means an establishment scheme having effect under this Act;
- “municipal district” means a city or a municipality or any part of a city or municipality;

“participating municipal district” means a municipal district the council of which has entered into a participation agreement;

“participation agreement” means an agreement having effect under subsection (2) of section twenty-one;

“vehicle” includes aircraft.

PART II.

AMBULANCE COMMISSION OF TASMANIA.

Constitution
of Commis-
sion.

3—(1) There shall be a commission, to be known as the Ambulance Commission of Tasmania, which shall be a body corporate with perpetual succession and a common seal.

(2) The members of the Commission shall be appointed by the Governor, and shall comprise—

- (a) one person appointed on the nomination of the Minister;
- (b) one person appointed on the nomination of the Treasurer;
- (c) two persons appointed on the nomination of the Municipal Association of Tasmania;
- (d) one person appointed on the nomination of the St. John Council for Tasmania;
- (e) one person appointed on the nomination of the Hobart City Council; and
- (f) if the City of Launceston at any time comprises or is included within an ambulance district, one person appointed on the nomination of the Launceston City Council.

(3) The Governor shall appoint one of the members of the Commission to be the chairman of the Commission.

(4) An officer of the Public Service may be appointed a member of the Commission, and may hold office as a member thereof in conjunction with his office as an officer of the Public Service.

(5) If any of the municipalities of Latrobe, Kentish, Devonport, Ulverstone, Penguin, Burnie, Wynyard, or Circular Head at any time comprises or is included within an ambulance district, the Municipal Association of Tasmania shall so exercise its power of nomination for the purposes of paragraph (c) of subsection (2) of this section as to secure that at least one of the persons who is a member of the Commission by virtue of his appointment pursuant to that paragraph is a resident of the north-west coast of this State.

(6) The members of the Commission, as such, are not subject to the provisions of the *Public Service Act 1923*.

4—(1) Subject to this section, each member of the Commission shall hold office for a term of four years. Term of office of members.

(2) Of the members of the Commission first appointed after the commencement of this Act three, to be determined by ballot at the first meeting of the Commission held after the commencement of this Act, shall hold office for two years.

(3) The term of office of the member of the Commission first appointed under paragraph (f) of subsection (2) of section three shall expire on such date as may be determined by the Governor on his appointment, being a date not less than two, or more than four, years after his appointment.

(4) Where a member of the Commission dies or ceases to hold office otherwise than by reason of the effluxion of time, the person appointed to fill the vacancy shall hold office only for the unexpired portion of the term of office of the member in whose place he is appointed.

5 The Commission shall pay to its members such remuneration or allowances as may be determined by the Governor and make to them such payments in, or towards, the reimbursement of any expenses incurred by them in the performance of their functions as may be prescribed. Remuneration, &c., of members of Commission.

6—(1) The Commission shall appoint a secretary and such other officers as it may think fit. Officers.

(2) The Commission may pay to its secretary and its other officers such remuneration as the Governor may, on the recommendation of the Commission, in each case determine.

(3) The secretary and other officers appointed under this section are not, as such, subject to the provisions of the *Public Service Act 1923*.

7—(1) Subject to this section, the Commission may, upon such terms, and subject to such conditions, restrictions, and reservations as it may determine, delegate to any of its members or officers the performance of any of its functions. Delegation of functions.

(2) A delegation under this section may be revoked at any time.

(3) Nothing in this section authorizes the delegation of any of the functions of the Commission under section fourteen or section fifteen.

8—(1) It is the duty of the Commission—

- (a) to advise the Minister in relation to the administration of this Act;
- (b) to give advice and assistance in relation to the creation, alteration, and amalgamation of ambulance districts;
- (c) to take such steps as it considers necessary to secure the standardization of vehicles and equipment used, or intended to be used, for, or in connection with, the conveyance of persons suffering from illness or injury;

Functions of Commission.

- (d) to determine the qualifications, and standards of experience, training, and efficiency, to be required of the staff of boards; and
- (e) to take such steps as it considers necessary to co-ordinate the provision of ambulances and other means of transport for the conveyance of persons suffering from illness or injury.

(2) The Commission may give directions to a board as to the manner in which the board is to carry out its functions, and the board shall comply with those directions.

Training.

9 The Commission may provide or make arrangements for the training and instruction of persons employed by boards and may make arrangements to facilitate the exchange, as between boards, of persons employed by them so as to secure the more efficient training of those persons in the exercise of their duties as employees of a board.

Supply of vehicles, equipment, &c.

10 The Commission may—

- (a) purchase or hire, and store, such vehicles or equipment as it considers may be required by boards in the exercise of their functions;
- (b) supply, whether by way of sale or hire, any such vehicles or equipment to any board; and
- (c) make arrangements for the maintenance, repair, or servicing, whether by itself or otherwise, of any vehicles or equipment of a board.

Inspection of boards by Commission.

11—(1) The Commission may at any time, and once in every period of twelve months shall, inspect—

- (a) the buildings and land owned, occupied, or used by a board;
- (b) the vehicles and equipment provided or used in the exercise of the functions of a board; and
- (c) the records and accounts kept by a board.

(2) No person shall wilfully obstruct or interfere with the Commission, or any member or officer thereof, in the exercise of its or his functions under this section.

Penalty: Fifty pounds.

Annual report and accounts of Commission.

12—(1) The Commission shall, as soon as practicable after the thirtieth day of June in every year, submit to the Minister a report on the exercise of its functions under this Act during the year ending on that date, and the Minister shall cause a copy of the report to be laid on the table of each House of Parliament within the first fourteen sitting days after it is received by him.

(2) As soon as practicable after its accounts for any year have been audited and certified by the Auditor-General, the Commission shall furnish the Minister with a copy of those accounts as so audited and certified.

PART III.

AMBULANCE DISTRICTS AND AMBULANCE BOARDS.

13—(1) In accordance with this Part and with establishment schemes there shall be established ambulance districts, and, for each of those ambulance districts, an ambulance board.

Establishment of ambulance districts and ambulance boards.

(2) A board shall be a body corporate, by the name given to it by an establishment scheme, with perpetual succession and a common seal.

(3) Subject to this Act, establishment schemes may make provision with respect to all or any of the matters specified in the schedule.

14—(1) The council of a municipal district or the councils of two or more municipal districts may submit to the Minister a draft establishment scheme providing for—

Establishment schemes.

- (a) the constitution of a municipal district or two or more municipal districts as an ambulance district;
- (b) the alteration of an ambulance district by the addition to, or removal from, that district of any municipal district or districts;
- (c) the amalgamation into one ambulance district of two or more ambulance districts;
- (d) the abolition of an ambulance district; or
- (e) any other alteration of an establishment scheme.

(2) The Minister may, on the recommendation of the Commission, approve a draft establishment scheme submitted to him under subsection (1) of this section, or approve it with alterations, and a scheme as so approved is referred to in this section as an approved draft establishment scheme.

(3) If the councils of all the municipal districts which comprise, or will comprise, an ambulance district to which an approved draft establishment scheme relates agree to the scheme, the Governor may, by proclamation, confirm the scheme, and thereupon it has effect as an establishment scheme under this Act.

(4) For the purposes of subsection (3) of this section—

- (a) where the Minister approves a draft establishment scheme under this section without alteration the councils of the municipal districts by which the scheme was submitted shall be deemed to agree to the approved draft establishment scheme; and
- (b) where an approved draft establishment scheme has been submitted to the council of a municipal district, that council shall be deemed to agree to the scheme unless within two months of its submission it notifies the Minister that it objects to the scheme.

Alteration of ambulance districts on petition of municipality.

15—(1) Subject to this section, the council of a municipal district may submit a petition to the Minister for the addition of that district to an ambulance district, or for the removal of that district from an ambulance district.

(2) No petition may be submitted under this section for the removal of a municipal district from an ambulance district unless, during the whole of the period of three years ending on the date of the submission of the petition, that municipal district formed part of that ambulance district.

(3) On the recommendation of the Commission, the Minister may prepare a draft establishment scheme to give effect to any petition submitted to him under this section.

(4) Before making a recommendation to the Minister for the purposes of subsection (3) of this section in relation to a petition the Commission shall consult with the council of the municipal district by which the petition was submitted and with the councils of the constituent municipal districts of the ambulance district to which the petition relates.

(5) The Governor may, by proclamation, confirm any draft establishment scheme prepared under this section and thereupon it has effect as an establishment scheme under this Act.

Constitution of ambulance boards.

16—(1) The chairman and other members of a board shall be appointed by the Governor in accordance with the establishment scheme.

(2) A board shall consist of three persons appointed on the recommendation of the councils of the constituent municipal districts, a person nominated by the St. John Council for Tasmania, and, if the establishment scheme so provides, one other person or two other persons.

(3) Subject to any provisions in the establishment scheme with regard to the term of office of members appointed to a board on its first establishment or of members in office at the time of, or appointed on, the alteration of the ambulance district within the jurisdiction of the board, the term of office of each member of the board shall be three years.

(4) Where a member of a board dies or ceases to hold office otherwise than by reason of the effluxion of time, the person appointed to fill the vacancy shall hold office only for the unexpired portion of the term of office of the member in whose place he is appointed.

Allowance to chairman, &c.

17 A board may pay its chairman such an allowance as the Governor may approve, and make to him and other members of the board such payments in, or towards, the reimbursement of any expenses incurred by them in the performance of their functions as may be prescribed.

Officers of boards.

18—(1) A board shall appoint a secretary and such other officers as it may think fit.

(2) Subject to any determination under the *Wages Boards Act* 1920 or any award or agreement or order having the force of an award or agreement under the *Conciliation and Arbitration Act* 1904-1958 of the Commonwealth, the secretary and other officers of a board shall be remunerated in accordance with such scales and conditions as the Commission may determine.

(3) The remuneration of the secretary and other officers of a board shall be paid by the board in the prescribed manner.

19—(1) It is the duty of every board to make provision for securing that ambulances and other means of transport are available, where necessary, for the conveyance of persons suffering from illness or injury from places in its district to places in or outside its district. Duties of boards.

(2) A board may carry out its functions under this Act either by itself providing any necessary premises, vehicles, equipment, or staff or by making arrangements with any other person or body for the provision by him or them of any premises, vehicle, equipment, or staff.

(3) Without prejudice to the generality of the provisions of this Part, a board may, for the purpose of the exercise of its functions, make arrangements for the operation by any other person or body of any ambulance or other means of transport provided for use in the exercise of those functions.

20—(1) A board may, on such terms (including terms with respect to the services of any staff provided by it) as may be agreed upon between the board and another ambulance authority, permit the use by that ambulance authority of any premises, vehicles, or equipment provided by the board. Agreements between boards.

(2) Any two or more boards may enter into and carry into effect agreements for the provision or use by those boards jointly of any premises, vehicles, or equipment, or the employment by those boards jointly of any staff.

(3) A board may enter into and carry into effect an agreement with any other board for the conveyance of persons suffering from illness or injury from places within the ambulance district of the last-mentioned board.

21—(1) A board may undertake the conveyance from any place not within an ambulance district of any person suffering from illness or injury. Conveyance of patients outside ambulance districts.

(2) A board and the council of a municipal district not within an ambulance district may, with the approval of the Commission, enter into and carry into effect an agreement for the conveyance by the board from places within that municipal district of persons suffering from illness or injury, and any such agreement may provide for the payment by that council to the board of such sums as may be specified in or determined under the agreement.

Restriction
on age of
ambulance
drivers.

22 Except in an emergency a board or any person or body with whom a board has entered into any arrangement under section nineteen shall not authorize or allow any person who is over the age of sixty-five years to drive any vehicle for the purpose of taking that vehicle to any place in order to convey from that place any person suffering from illness or injury or to drive any vehicle in which is being conveyed any person suffering from illness or injury.

Annual
reports and
accounts of
boards.

23—(1) As soon as practicable after the thirtieth day of June in each year a board shall submit to the Commission a report on the exercise of its functions during the year ending on that date.

(2) As soon as practicable after its accounts for any year have been audited and certified by the Auditor-General, a board shall furnish the Minister and the Commission with copies of those accounts as so audited and certified.

PART IV.

FINANCIAL PROVISIONS.

Interpreta-
tion.

24 For the purposes of this Part, a person conveyed in the exercise of the functions conferred on a board from a place within an ambulance district shall be deemed to have been conveyed by the board for that district and, subject to this section, any person conveyed in pursuance of an agreement or arrangement made by a board under this Act shall be deemed to have been conveyed by that board.

25—(1) The Commission shall, in each financial year, prepare and submit to the Minister an estimate of its expenditure.

(2) The expenses incurred by the Commission shall be defrayed out of moneys provided by Parliament for the purpose.

Expenses of
Commission.
Estimate of
expenditure
of boards.

26—(1) Each board shall, on or before the thirty-first day of May in each year, submit to the Commission an estimate of the expenditure proposed to be incurred by the board during the financial year commencing on the first day of July next following.

(2) An estimate submitted under subsection (1) of this section shall be in such form and shall contain such particulars as the Commission may require and shall be accompanied by a statement containing such particulars with regard to the financial position and the financial transactions of the board as the Commission may require.

(3) The Commission may approve any estimate submitted to it under this section.

(4) If the Commission considers that variations should be made in an estimate submitted by a board under this section, it shall notify the board of those variations and, if no representations are received with respect thereto under subsection (5) of this section, the Commission may approve the estimate with those variations.

(5) Where a board receives a notification under subsection (4) of this section it may, within such time as the Commission allows, make representations with respect to the variations specified in the notification, and the Commission may, after considering any representations so made, approve the estimate, either as submitted by the board or with such variations as the Commission may consider necessary or desirable in the circumstances.

27—(1) Contributions shall be made to a board by the councils of the constituent municipal districts in accordance with this section. Contributions to expenditure of boards.

(2) The amount of contributions required to be made to a board in any financial year under this section shall be notified by the Commission to the councils of the constituent municipal districts as soon as practicable after the approval under section twenty-six of the estimates of the board for that year.

(3) All contributions required to be made to a board under this section shall, unless otherwise agreed, be made by equal quarterly instalments.

(4) Where an ambulance district comprises two or more municipal districts the amount of the contribution required to be made under this section in any financial year by the council of any one of those municipal districts shall bear the same ratio to the aggregate of the contributions required to be made in that year under this section by the councils of all the constituent municipal districts of that ambulance district as the ratable value of that municipal district bears to the aggregate of the ratable values of all those constituent municipal districts.

(5) The contribution required from the council of a municipal district under this section in any financial year shall not exceed a sum equivalent to one halfpenny for each pound of the ratable value of that district.

(6) A council which fails to pay to a board any contribution required to be paid by it under this section within thirty days after it becomes due is liable to pay to that board a daily penalty of ten pounds.

(7) References in this section to the ratable value of a municipal district shall, with reference to any financial year, be construed as a reference to the aggregate, as determined at the commencement of that financial year, of the annual values or the assessed annual values (as shown in the assessment roll in force under the *Annual Values Assessment Act 1911* or in the valuation roll in force under the *Valuation Act 1950*) of the properties in that municipal district upon which a rate may be levied for the purposes of defraying any contributions payable to a board under this section by the council of the municipal district.

Special rates
in municipal
districts.

28—(1) The council of a municipal district may make and levy a special rate for the purpose of paying any contributions or defraying any other expenditure incurred by the council under this Act, as if that purpose were a purpose specified in sections one hundred and seventy-one and one hundred and seventy-two of the *Local Government Act 1906*.

(2) Subsection (3) of section one hundred and seventy-two of the *Local Government Act 1906* does not apply in respect of the making and levying of a separate local rate under this section in a municipal district for and in respect of any period, if for any period ending within the year ending on the commencement of that period a separate local rate had been made and levied under this section upon that municipal district.

(3) Subsections (4) to (9) of section one hundred and seventy-two of the *Local Government Act 1906* do not apply in respect of the making and levying of a separate local rate under this section.

Advances to
Commission.

29—(1) The Minister may advance money by way of loan to the Commission upon such security (if any) as he may think fit and upon such other terms and conditions as he may determine for the purpose of—

- (a) the exercise by the Commission of its powers under section ten; or
- (b) enabling the Commission to advance to a board any money that the board is authorized to borrow.

(2) Where any sum has been advanced to the Commission under this section for the purpose of the acquisition of any vehicles or equipment required by the Commission for the purpose of the exercise of its functions under section ten the Commission shall, until the repayment of the whole of the sum so advanced, pay to the Treasurer all moneys received by the Commission from any board in respect of the supply of any such vehicles or equipment to that board under that section.

Grants to
boards.

30—(1) The Minister may, on the recommendation of the Commission, make grants to a board for the purchase of vehicles or equipment.

(2) No grant shall be made under subsection (1) of this section which exceeds one-half of the cost incurred by a board in effecting the purpose for which the grant is made.

(3) In addition to any grants made under subsection (1) of this section, the Minister may, on the recommendation of the Commission, make contributions towards the expenses incurred by a board.

Purpose for
which boards
may borrow.

31—(1) A board may, with the approval of the Commission, borrow money for—

- (a) the acquisition of land;

- (b) the erection of any building or the execution of any permanent work; and
- (c) the purchase of any vehicles or equipment.

(2) A board may, with the approval of the Commission, borrow money for the purpose of paying off any other money borrowed by it.

32 Where a board is authorized to borrow money it may borrow the money from the Commission upon such security (if any) and upon such other terms and conditions as the Commission may determine, or it may raise the money—

- (a) by a mortgage or charge of any of its property; or
- (b) by the sale of debentures under this Part.

33—(1) Debentures shall be in a prescribed form specifying—

- (a) the principal sum secured thereby;
- (b) the rate of interest payable thereon; and
- (c) the time and place at which the principal and interest or any instalments of the principal and interest are payable.

(2) A debenture may have coupons in the prescribed form attached thereto, entitling the bearer thereof to the payment of such interest as may be specified therein.

(3) The title of every debenture and coupon (whether or not separated from a debenture) passes by delivery only, without any assignment or endorsement.

(4) The amount secured by any debenture and the interest payable thereon are a charge on the revenue of the board (whether accrued or to accrue) and on all real and personal property of the board.

(5) All debentures, when redeemed by a board, shall be forthwith cancelled by the board, and shall not be sold or reissued.

(6) The *Bills of Sale Act* 1900 does not apply to any debenture.

(7) The *Trustee Act* 1898 has effect in relation to debentures as if the board by which they were issued were a body corporate of a municipality in this State.

34—(1) In such cases and in such manner as may be prescribed a board shall provide a sinking fund for the repayment of any money borrowed by the board.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section regulations under this Act may—

- (a) prescribe the amount or rate of the periodical or other repayments to be made to the sinking fund; and

- (b) regulate the establishment and application of the fund.

Temporary overdrafts.

35 With the approval of the Commission, a board may, for the purpose of obtaining temporary accommodation, obtain advances from a bank by an overdraft of the current account upon the credit of the board, not exceeding one-half of the expenditure of the board during the previous financial year.

Government guarantees of loans of boards.

36—(1) Subject to this section, the Treasurer may, on behalf of the State, guarantee the repayment by a board of any principal moneys borrowed by it and the payment by the board of any interest on those moneys.

(2) If the Treasurer is called upon to make any payment in consequence of the giving of a guarantee under this section, the Treasurer may, without any authority other than this section, make the payment out of the Consolidated Revenue (which, to the necessary extent, is appropriated accordingly).

(3) The Treasurer may recover from the board, as a debt due to him by the board, any amount paid by him under subsection (2) of this section, together with interest thereon at the rate of five and one half per cent per annum calculated from the date on which the amount was paid by him until the date on which it is repaid to him by the board.

(4) All moneys received by the Treasurer under subsection (3) of this section shall be paid by him into the Consolidated Revenue.

Charges for conveyance.

37—(1) A board may make by-laws prescribing the scales of the charges which may be recovered under this section for the conveyance of persons under this Act.

(2) By-laws made under this section have no effect unless they are approved by the Commission.

(3) Subject to the provisions of this section, a board may, in accordance with the appropriate scales, recover charges for the conveyance of persons by the board, otherwise than in pursuance of a participation agreement.

(4) Subject to this section, the council of a municipal district which has entered into a participation agreement with a board may, in accordance with the appropriate scales, recover charges for the conveyance of persons in pursuance of that agreement.

(5) Charges which may be recovered under this section may be recovered from any of the following persons, namely:—

- (a) The person conveyed;
- (b) If the person conveyed is a married woman, her husband, unless she is separated from him under any decree or order of a court, or unless they are living apart under a deed of separation; or
- (c) If the person conveyed is under sixteen years of age, either or both of his parents.

(6) Except as may be otherwise agreed, where a person is conveyed by a board from a place not within an ambulance district, and not within a municipal district with the council of which it has entered into a participation agreement, the board may, without prejudice to any other rights it may have under this section, recover the charges it is authorized to recover under this section for the conveyance of that person from the council of the municipal district in which that place is situated.

(7) Where a council has, under subsection (6) of this section, paid any sum to a board in respect of the conveyance of any person it may recover the sum from any person referred to in subsection (5) of this section.

(8) Nothing in this section entitles a board or the council of a participating municipal district to recover any charge for the conveyance of—

- (a) a person named in an assessment roll in force under the *Annual Values Assessment Act 1911* or in a valuation roll in force under the *Land Valuation Act 1950* as the owner of any property in an ambulance district or a participating municipal district;
- (b) a person who is permitted to occupy a dwelling-house in an ambulance district or a participating municipal district by virtue of subsection (5) of section seventeen of the *Homes Act 1935*;
- (c) the spouse of any person referred to in paragraph (a) or paragraph (b) of this subsection; or
- (d) a person under eighteen years of age at least one of whose parents is such a person as is referred to in paragraph (a), paragraph (b), or paragraph (c) of this subsection,

or prejudices or affects the rights of any person under a contribution scheme.

(9) Where a person named in an assessment roll in force under the *Annual Values Assessment Act 1911* or in a valuation roll in force under the *Land Valuation Act 1950* as the owner of any property in an ambulance district or a participating municipal district carries on any trade or business on that property, nothing in this section entitles a board or the council of a participating municipal district to recover any charge for the conveyance from that property of an employee of that person.

(10) In this section, "appropriate scales" means, when used in relation to a board or the council of a municipal district which has entered into a participation agreement with a board, the scales prescribed in the by-laws of the board having effect under this section.

Contribution
schemes.

38—(1) The Commission may formulate draft schemes containing provision for the conveyance free, or at a reduced charge, of any person by a board in consideration of the payment of periodical contributions, and may formulate draft schemes amending any such schemes.

(2) A board may formulate a draft scheme containing provision for the matters referred to in subsection (1) of this section, and may formulate draft schemes amending or revoking any contribution scheme applying to the board.

(3) A draft scheme formulated under this section may specify—

- (a) the rate or rates of contribution, and the intervals at which they are to be, or may be, paid;
- (b) the board to which the contributions are to be, or may be, paid;
- (c) the persons who are to be conveyed free, or at a reduced charge, in respect of the contributions made by any person;
- (d) the circumstances in which any person referred to in paragraph (c) of this subsection is to be conveyed free of charge or at a reduced charge;
- (e) the amount of the reduction to be made in any charge; and
- (f) the minimum contributions that are required to be paid by any person before, in respect of those contributions, any person may be conveyed free or at a reduced charge,

and may make provision for any consequential or incidental matters.

(4) A board, with the approval of the Commission, may, by resolution, adopt a draft scheme formulated under this section by the Commission or the board, and shall cause notice of the resolution to be gazetted.

(5) Where a board has adopted a draft scheme under this section, that scheme, on such date as may be specified in the resolution by which it was adopted, has effect as a contribution scheme under this Act.

(6) Notwithstanding anything in section thirty-seven, a person has, as against a board or the council of a participating municipal district, such rights as may be conferred on him by a contribution scheme.

(7) With the approval of the Commission a board may enter into an agreement with any person or body of persons for the receipt or collection by that person or body on behalf of the board of contributions payable to that board under a contribution scheme.

Audit of
accounts.

39 The accounts of the Commission and of each board are subject to the provisions of the *Audit Act 1918*.

PART V.

MISCELLANEOUS.

40—(1) A person who, by any false pretence, causes a vehicle provided by, or for the purpose of the exercise of the functions of, a board to attend at any place is guilty of an offence. False ambulance calls.

Penalty: Fifty pounds or six months' imprisonment.

(2) A pecuniary penalty imposed under this section shall be paid to the board or the council of a participating municipal district which, if any person had been conveyed in the vehicle from the place at which it was required to attend, would have been entitled to recover any charge that might be recoverable under this Act for the conveyance of that person from that place.

41—(1) Where at the commencement of this Act any body of persons is providing, free of charge, an ambulance service for any area, the Commission may, until that area, or any part thereof, is contained in an ambulance district, afford to that body, upon such terms and conditions as the Commission may determine, such assistance as is referred to in subsection (2) of this section to enable that body to continue to provide an ambulance service for that area, or any part thereof. Assistance to existing ambulance services.

(2) Assistance which may be afforded to a body under this section may take the form of—

- (a) the replacement, whether by way of loan or otherwise, of any vehicle or equipment used by that body in the provision of an ambulance service in the area in which the Commission considers that service should continue to be provided by that body; or
- (b) contributions towards the expenses incurred, or advances by way of loan to meet any expenditure incurred, by that body in providing an ambulance service in that area.

42—(1) Regulations under this Act may provide for, and regulate, the provision, grant, and payment of benefits, by way of superannuation allowance, retiring allowance, pension, or gratuity, to any person who is or was in the employment of an ambulance authority, or any person or body with whom a board has entered into an arrangement under section nineteen, or to any person who is or was a spouse or dependant of such a person. Superannuation and other benefits.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section any regulations made for the purposes of this section may—

- (a) provide for the establishment, administration, and maintenance of funds from which the benefits are to be paid, and the making of contributions to any such fund by an ambulance authority;

- (b) provide for the entering into, and carrying out, by ambulance authorities of agreements with persons or bodies carrying on life assurance business;
- (c) require the making of contributions by persons to or in respect of whom benefits may be granted or paid under this section;
- (d) authorize the deduction of any such contributions as are referred to in paragraph (c) of this subsection from any remuneration due to that person from an ambulance authority, and the return of any such contributions (with or without interest) in prescribed circumstances; and
- (e) provide for any matters incidental to, or consequential upon, those referred to in the foregoing paragraphs of this subsection.

Disqualification, &c., of members of Commission and boards.

43—(1) Subject to this section, a person is disqualified from being a member of an ambulance authority if he—

- (a) is an undischarged bankrupt;
- (b) has made any composition or arrangement with his creditors, unless the debts to which the composition or arrangement relates have been paid in full or its terms have been fulfilled; or
- (c) has been convicted of a crime, or has been sentenced for an offence to imprisonment without the option of a fine.

(2) No person shall be appointed as a member of an ambulance authority if he is disqualified under this section from being a member of that authority, and a member of an ambulance authority who becomes disqualified from being a member of an ambulance authority thereupon ceases to be a member of that authority.

(3) No person shall act as a member of an ambulance authority while he is disqualified under this section from being a member of that authority.

Penalty: Fifty pounds.

(4) A member of an ambulance authority ceases to hold office if he is absent, without leave granted by the authority, from four consecutive meetings of the authority.

(5) The power of the Governor under section twenty-one of the *Acts Interpretation Act 1931* to remove or suspend a member of an ambulance authority may be exercised without any such recommendation, approval, or consent as is referred to in subsection (1) of that section, but may only be exercised on the grounds of the misconduct of the member or if the Governor considers that, by reason of bodily or mental illness or infirmity, the member is incapable of performing adequately the functions of his office.

44—(1) The seal of an ambulance authority shall not be affixed to a document except by resolution of the authority, and the sealing of any document shall be authenticated by the signatures of the chairman, or any two members, and the secretary of the authority. Proceedings, &c., of Commission and boards.

(2) A board shall meet at least four times in each financial year, and not more than four months shall elapse between any two consecutive meetings of a board.

(3) The chairman of an ambulance authority or, in his absence such one of the other members of the authority as they may choose, shall preside at meetings of the authority.

(4) The person presiding at a meeting of an ambulance authority has a deliberative vote only.

(5) In the event of an equality of votes on any matter before a meeting of an ambulance authority, the matter stands adjourned to the next meeting of the authority.

(6) Three members of the Commission constitute a quorum at any meeting of the Commission.

(7) Such number of members of a board as may be specified in the establishment scheme relating to that board constitute a quorum at any meeting of the board.

(8) An ambulance authority may act notwithstanding any vacancy in its membership so long as a quorum remains.

(9) No act or proceeding of an ambulance authority is invalidated by any defect or irregularity in its constitution, or in the appointment of any member thereof.

(10) Subject to this Act, an ambulance authority may regulate its own proceedings.

45 The Commission and, with the consent of the Commission, a board may, for the purpose of the exercise of its functions, take land by compulsory process under the *Public Authorities' Land Acquisition Act 1949*, and that purpose shall be deemed to be an undertaking within the meaning of that Act. Taking of land by Commission and boards.

46—(1) The *Southern Tasmanian Ambulance Transport Service Act 1932* and the *Northern Ambulance Act 1942* shall expire on such dates respectively as the Governor may, by proclamation, appoint for the purposes of this section. Expiry of local Acts.

(2) An establishment scheme providing for the constitution of an ambulance district comprising or including the city of Hobart may provide—

(a) for the vesting in the Crown of any land belonging to the Southern Tasmanian Ambulance Transport Service Board; and

(b) for the sale of any land so vested, and the application of the proceeds of the sale.

47 The Governor may make regulations for the purposes of this Act. Regulations.

THE SCHEDULE.

(Section 13.)

Matters for which provision may be made in establishment schemes.

1. The name and constitution of an ambulance district and the board thereof.
2. The date on which the scheme, or any provision thereof, is to come into operation.
3. Where the appointment of any member of a board is to be made on the recommendation of the councils of a municipal district or of more municipal districts than one, the manner in which that recommendation is to be made.
4. The appointment of not more than two members of a board otherwise than on the recommendation of councils of municipal districts or the St. John Council for Tasmania.
5. The appointment of the chairman of a board.
6. The term of office of any member of a board.
7. The quorum of a board.
8. The transfer and vesting of any property, rights, or liabilities from, to, or in, any board, or the council of a municipal district, or any body incorporated by an Act relating specially to that body, the main function of which is the provision of an ambulance service.
9. The disposal (including the transfer to a board) of any assets of any person or body engaging in any activity which may be carried on under this Act.
10. The making of compensation and other payments to any person or body, for the disposal of whose assets provision is made in the establishment scheme.
11. The transfer of, and payment of compensation to, any staff of a board, or of the council of a municipal district, or of any person or body engaging in any activity which may be carried on under this Act.
12. Any matters consequential upon those referred to in the foregoing paragraphs of this schedule.

POLICE OFFENCES (No. 2).

No. 21 of 1959.

AN ACT to amend the *Police Offences Act 1935*.
 [21 August 1959.]

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:—

Short title
and citation.

1—(1) This Act may be cited as the *Police Offences Act (No. 2) 1959*.

(2) The *Police Offences Act 1935*, as subsequently amended, is in this Act referred to as the Principal Act.