

## AMBULANCE.

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### No. 64 of 1963.

#### AN ACT to amend the *Ambulance Act 1959*. [3 December 1963.]

**B**E 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:—

**1**—(1) This Act may be cited as the *Ambulance Act 1963*.

Short title  
and citation.

(2) The *Ambulance Act 1959*, as subsequently amended, is in this Act referred to as the Principal Act.

**2** Section three of the Principal Act is amended—

Constitution  
of Com-  
mission.

- (a) by adding at the end of subsection (3) the words  
“; and may appoint any other member thereof  
to be vice-chairman of the Commission.”; and
- (b) by inserting after that subsection the following  
subsections:—

“(3A) The chairman and vice-chairman of the Commission shall hold and vacate office under the terms of the instruments under which they are respectively appointed, but each of them shall cease to hold office on his ceasing to be a member of the Commission or on the expiration of his term of office as a member of the Commission, notwithstanding that he may be reappointed a member of the Commission for a further term of office.

“(3B) Nothing in subsection (3A) of this section prejudices or affects the operation of section twenty-one of the *Acts Interpretation Act 1931*.”.

**3** Section fifteen of the Principal Act is amended by inserting after subsection (3) the following subsection:—

Alteration  
of ambulance  
districts on  
petition of  
municipality.

“(3A) Without prejudice to the generality of subsection (3) of this section, a draft establishment scheme prepared under that subsection may provide for the revocation of an existing establishment scheme or provide for the alteration of an existing establishment scheme.”.

Constitution  
of ambulance  
boards.

**4** Section sixteen of the Principal Act is amended—

(a) by omitting subsections (1) and (2) and substituting therefor the following subsections:—

“(1) Subject to this section, a board shall consist of not more than six persons appointed by the Governor in accordance with the establishment scheme.

“(2) At least three members of a board shall be local authority representatives, and, subject to subsection (3B) of this section, one other member shall be a person appointed on the nomination of the St. John Council of Tasmania.

“(2A) A local authority representative shall be a person appointed as a member of a board on a recommendation made, in accordance with the establishment scheme, by or on behalf of the councils of the constituent municipal districts or by or on behalf of the councils of one or more of those municipal districts, as may be provided in the establishment scheme.”;

(b) by inserting after subsection (3) the following subsections:—

“(3A) Where a local authority representative is, at the time at which he is appointed a member of a board, a member of the council of a constituent municipal district and his appointment was made on a recommendation made by or on behalf of that council or by or on behalf of two or more councils of which that council was one, the Governor may, on the application of that council, or, if the recommendation was made by or on behalf of two or more councils, on the application of any one of those councils, remove him from office as a member of the board if he ceases to be a member of the council of which he was a member at the time of his appointment.

“(3B) Notwithstanding anything in subsection (2) of this section, a person shall not be required to be appointed a member of a board on the nomination of the St. John Council of Tasmania unless such arrangements as are referred to in subsection (3) of section nineteen have been made by the board with that Council and those arrangements are being carried out by the Council, and any person so appointed may be removed from office if no such arrangements are for the time being subsisting between the board and the Council.”; and

(c) by adding at the end thereof the following subsections:—

“(5) The chairman and vice-chairman of a board shall be such members of the board as may be appointed to those offices by the Governor in accordance with the establishment scheme.”

“(6) Subject to the provisions of the establishment scheme, the chairman and vice-chairman of a board shall hold and vacate office under the terms of the instruments under which they are respectively appointed but each of them shall cease to hold office on the expiration of his term of office as a member of the board notwithstanding that he may be reappointed a member of the board for a further term of office.

“(7) Nothing in subsection (6) of this section prejudices or affects the operation of section twenty-one of the *Acts Interpretation Act 1931*.”

**5** After section twenty-one of the Principal Act the following section is inserted:—

“21A—(1) A board may in such circumstances and upon such terms and conditions (including terms and conditions as to payment) undertake the conveyance of dead bodies. Conveyance of dead bodies.

“(2) The powers conferred on a board by this section may be exercised in relation to the conveyance of a dead body whether the journey on which the body is conveyed is wholly or in part within or wholly outside the ambulance district of that board.”

**6** After section twenty-two of the Principal Act the following section is inserted:—

“22A—(1) Subject to this section, the *State Employees' (Long-Service Leave) Act 1950* (in this section referred to as ‘the State Act’) has effect as if a board were a State authority within the meaning of that Act, and accordingly each board shall be deemed to be such a State authority. Long service leave of employees of boards and agencies.

“(2) Where a board has made an arrangement with a person or body (in this section referred to as ‘an agency’) under section nineteen any person in the employment of that agency shall, for the purposes of this section and the State Act, be deemed to be in the employment of the board so long as that arrangement subsists.

“(3) Where a person is in the employment of an agency with which two or more boards have made arrangements under section nineteen that person shall for the purposes of this section be deemed to be in the employment of such one of those boards as may be agreed between them or, in default of agreement, as may be determined by the Commission on the application of any of them or of that person or any person who is entitled to the payment of any sum in respect of his entitlement to long service leave.

“(4) In relation to a person in the employment of a board, that board shall be deemed to be the prescribed authority for the purposes of the State Act.

“(5) Where a person enters, whether before or after the commencement of this section, the employment of a board from employment with a former ambulance authority such period of his service with that authority as the board may approve for the purposes of this subsection shall be treated, for the purposes of the State Act, as a period of service in the employment of the board continuous with his service in the employment of the board.

“(6) For the purposes of subsection (5) of this section, ‘former ambulance authority’, when used in relation to a board, means any person or body of persons (including the council of a municipal district), any of whose property, rights, or liabilities are transferred to or vested in the board under an establishment scheme, or for the disposal of all or any of whose assets provision is made in an establishment scheme relating to that board.

“(7) For the purpose of computing for the purposes of the State Act the length of service of a person who is or has been in the employment of an agency there shall be reckoned only that part or those parts of his service in the employment of the agency during which he was solely or mainly engaged in duties necessary for the purpose of carrying out the arrangements made between a board and the agency, but his ceasing to be engaged solely or mainly in those duties while remaining in the employment of the agency shall not be deemed, for the purposes of that Act, to break his continuity of service.

“(8) Any sum that apart from this subsection would be required to be paid by or to the Treasurer or a board under the State Act as applied by this section in respect of the taking of long service leave by, or the entitlement to long service leave of, any person who is employed by, or has retired or resigned from employment with, an agency, or who, immediately before his death, was in the employment of an agency, shall, instead of being paid by or to the Treasurer or that board be paid by or to the agency.

“(9) A dispute arising under this section as to whether a person is or was at any time or for any period solely or mainly engaged in duties necessary for the purpose of carrying out arrangements made between a board and an agency shall be determined by the Commission on the application of any party thereto.

“(10) Nothing in this section alters or affects any rights accrued, or confers any further rights, in respect of the death of any person before the commencement of the *Ambulance Act 1963*, or in respect of the termination, before the commencement of that Act, of the employment of any person who was not, immediately before the commencement of that Act, an employee within the meaning of the State Act or a person in the employment of a board.”.

Estimate of  
expenditure  
of boards.

**7** Section twenty-six of the Principal Act is amended by omitting from subsection (1) the word “thirty-first” and substituting therefor the word “first”.

8 After section twenty-nine of the Principal Act the following section is inserted:—

“29A The Commission 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 Commission.”

Temporary  
borrowing by  
Commission  
by overdraft.

9 Section thirty-seven of the Principal Act is amended—

Charges for  
conveyance.

(a) by inserting after subsection (7) the following subsection:—

“(7A) A board or the council of a municipal district, if it considers it reasonable in the circumstances so to do, may remit the whole or part of any charge that it is authorized under this section to recover for or in respect of the conveyance of any person.”;

(b) by omitting paragraphs (a), (b), (c), and (d) of subsection (8) and substituting therefor the following paragraphs:—

“(a) a person named in a valuation list as an owner of land in an ambulance district or a participating municipal district;

“(b) a person who is an occupier of land in an ambulance district or a participating municipal district;

“(c) a person who ordinarily resides at a place in an ambulance district or a participating municipal district and whose name, by virtue of a claim made by him in respect of service in His Majesty's Forces within the meaning of section twenty-eight of the *Constitution Act* 1934, is included in an electoral roll for the city or municipality within which that place is situated;

“(d) the spouse of any person referred to in paragraph (a), paragraph (b), or paragraph (c) of this subsection; or

“(e) a person who has not attained the age of eighteen years at least one of whose parents is such a person as is referred to in paragraph (a), paragraph (b), paragraph (c), or paragraph (d) of this subsection.”;

(c) by omitting from subsection (11) the words “the total of whose income (including any such pension)” and substituting therefor the words “, if he is in receipt of a pension under the *Superannuation Act* 1938, is a person whose total income (including any pension referred to in this subsection)”;

(d) by inserting in subsection (12), before the definition of "*Repatriation Act*", the following definitions:—

“ ‘electoral roll’ , when used in relation to a city or a municipality, means any electoral index or voters’ roll that has been prepared in pursuance of any enactment and specifies persons who are entitled to vote at an election of aldermen of that city or councillors of that municipality ;

“ ‘occupier’ has the meaning assigned to that expression by the *Local Government Act 1962* ;” ; and

(e) by inserting in that subsection, after the definition of "*Social Services Act*", the following definition:—

“ ‘valuation list’ has the meaning assigned to that expression by the *Local Government Act 1962* .” .

**10** After section forty of the Principal Act the following section is inserted:—

Representa-  
tion of  
vehicles as  
ambulances.

“ 40A—(1) A person who drives or has charge of in a public street, or who allows any other person to drive or have charge of in a public street, a motor vehicle (other than an ambulance) that is marked with the word ‘ambulance’ in such a manner as to indicate, or bears any inscription that indicates, that that vehicle is suitable or available for use for the conveyance of persons suffering from illness or injury is guilty of an offence and liable to a penalty of fifty pounds.

“(2) In this section—

‘ambulance’ means a motor vehicle that has been specially equipped for the conveyance of persons suffering from illness or injury ;

‘motor vehicle’ and ‘public street’ have the same meaning as they have for the purposes of the *Traffic Act 1925* .” .

**11** After section forty-two of the Principal Act the following section is inserted:—

Superannua-  
tion, &c., of  
transferred  
employees.

“ 42A—(1) Where a former authority has entered into any policy of assurance or other agreement with any person or body carrying on life assurance business, for the purpose of providing superannuation allowances, retiring allowances, pensions, gratuities, or other benefits for or in respect of any person who is or was employed by that authority, the rights, liabilities, and obligations of that former ambulance authority under that policy or other agreement may be transferred by that authority to the Commission, subject to such terms and conditions (if any) as may be agreed between the the Commission and that authority.

“(2) On the transfer to the Commission under subsection (1) of this section of any rights, liabilities, or obligations under such a policy or other agreement as is referred to in that subsection there shall be transferred to the Commission all rights, liabilities, and obligations under or arising out of any other agreement entered into by the former authority in pursuance of that policy or agreement.

“(3) Any rights, liabilities, or obligations transferred to the Commission under this section may be varied, abrogated, or discharged by agreement with the person against or by whom they may be enforced.

“(4) Where under subsection (2) of this section there are transferred to the Commission any rights, liabilities, or obligations arising out of an agreement entered into by a former authority with any person, the regulations made under section forty-two do not apply to or in respect of that person, except in so far as may otherwise be agreed between the Commission and that person and subject to such modifications as may be so agreed.

“(5) The provisions of any establishment scheme have effect subject to the provisions of this section, except in so far as may otherwise be expressly provided in any provision of such a scheme that comes into effect after the commencement of the *Ambulance Act 1963*, and the powers conferred on the Commission and a former authority by this section may be exercised notwithstanding any provision in any agreement to the contrary.

“(6) In this section ‘former authority’ means any person or body (other than the council of a municipal district) provision for the transfer, vesting, or disposal of any of the assets, property, rights, liabilities, or obligations of which is made in an establishment scheme.

“(7) This section shall be deemed to have commenced on the commencement of this Act.”.

**12** Section forty-four of the Principal Act is amended by omitting subsection (3) and substituting therefor the following subsections:—

Proceedings,  
&c., of  
Commission  
and boards.

“(3) The chairman of an ambulance authority, or, if there is no chairman or the chairman is absent, the vice-chairman, shall preside at meetings of the authority.

“(3A) Where at a meeting of an ambulance authority there is present no person who is required to preside by virtue of subsection (3) of this section, such one of the other members of the authority present at the meeting, as they may choose, shall preside at that meeting.”.

The schedule.

**13** The schedule to the Principal Act is amended—

(a) by omitting paragraph 3 and substituting therefor the following paragraph:—

“3. The manner in which a recommendation made by or on behalf of the councils of one or more municipal districts for the appointment of any person as a member of the board is to be made.”; and

(b) by inserting in paragraph 5 after the word “chairman” the words “and vice-chairman”.

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## PUBLIC SERVICE SUPERANNUATION FUND.

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No. 65 of 1963.

AN ACT to amend the *Public Service Superannuation Fund Act 1905*.

[3 December 1963.]

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 *Public Service Superannuation Fund Act 1963*.

(2) The *Public Service Superannuation Fund Act 1905*, as subsequently amended, is in this Act referred to as the Principal Act.

Annuities.

**2** Section twenty of the Principal Act is amended by adding at the end thereof the following subsections:—

“(3) Annuities under this Act shall be paid in fortnightly instalments.

“(4) In order to ascertain the amount of an annuity covering a period of a fortnight, the rate of the annuity shall be divided by twenty-six.”.