

Version No. 014
Ambulance Services Act 1986

Act No. 114/1986

Version incorporating amendments as at 11 May 1999

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The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purposes

The purposes of this Act are—

- (a) to restructure the provision of ambulance services and to enable the future restructuring of ambulance services; and
- (b) to establish a Victorian Ambulance Board; and
- (c) to establish as a body corporate an Ambulance Officers Training Centre; and
- (d) to make general provision relating to ambulance services.

2. Commencement

This Act comes into operation on a day or days to be proclaimed.

3. Definitions

(1) In this Act—

"ambulance service" means an ambulance service created under section 23 or listed in Schedule 1;

"Ambulance Service—Victoria" means all ambulance services created under section 23 or listed in Schedule 1;

S. 3
amended by
No. 46/1998
s. 7(Sch. 1)
(ILA s. 39B(1)).

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"Board" means the Victorian Ambulance Board created by section 4;

"Centre" means the Ambulance Officers Training Centre created by section 24;

S. 3(1) def. of "Chief General Manager" repealed by No. 46/1998 s. 7(Sch.1).

* * * * *

"Director" means the Director of Ambulance Services appointed under section 14;

"Metropolitan Ambulance Service" means the ambulance service created under section 23 whose area of administrative jurisdiction includes the General Post Office at Melbourne;

S. 3(1) def. of "Secretary" inserted by No. 46/1998 s. 7(Sch. 1).

"Secretary" means the Secretary to the Department of Human Services.

S. 3(2) inserted by No. 46/1998 s. 7(Sch. 1).

(2) If under the **Public Sector Management and Employment Act 1998** the name of the Department of Human Services is changed, a reference in the definition of "Secretary" in subsection (1) to that Department must, from the date when the name is changed, be treated as a reference to the Department by its new name.

PART 2—THE VICTORIAN AMBULANCE BOARD

4. *Victorian Ambulance Board*

There is established by this Act a Board called the "Victorian Ambulance Board".

5. *Functions of the Board*

The functions of the Board are—

- (a) to advise the Minister and the Secretary on all matters related to ambulance services and the Centre, and, in particular, to advise and to make recommendations (where appropriate) on—
- (i) policies promoting the effective and economic operation of ambulance services and the Centre;
 - (ii) plans, priorities and strategies for the orderly development of ambulance services and the Centre;
 - (iii) standards for patient care;
 - (iv) standards for staff training, operations, vehicles, recruitment and skills maintenance;
 - (v) standards for financial management and auditing;
 - (vi) guidelines for the assessment of proposals to establish or disband control districts or branch stations;
 - (vii) budgets, fees, subscriptions, benefits and allocations relating to ambulance services or the Centre;
 - (viii) the establishment and maintenance of good communications within and between ambulance services and

S. 5(a)
amended by
No. 46/1998
s. 7(Sch. 1).

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- between ambulance services and the Centre;
- (ix) the establishment and maintenance of good communications between ambulance services and employee organizations, employer organizations, hospitals, health care providers and emergency services;
 - (x) significant developments and events concerning ambulance services and the Centre;
- (b) to advise the Minister on matters related to ambulance services or the Centre referred to the Board by the Minister;
- S. 5(c)
amended by
No. 46/1998
s. 7(Sch. 1).
- (c) to advise the Secretary on matters related to ambulance services or the Centre referred to the Board by the Secretary;
- S. 5(d)
amended by
No. 46/1998
s. 7(Sch. 1).
- (d) to participate with the Minister and employees in the Department of Human Services in negotiations on budget submissions and on subsequent allocations;
- S. 5(e)
amended by
No. 46/1998
s. 7(Sch. 1).
- (e) to promote and encourage ambulance related research, investigation and development activities and to liaise with the Secretary and organizations and individuals on the conduct of those activities;
- S. 5(f)
amended by
No. 46/1998
s. 7(Sch. 1).
- (f) to furnish an annual report to the Secretary on ambulance activities in Victoria;
- S. 5(g)
amended by
No. 46/1998
s. 7(Sch. 1).
- (g) to assist the Secretary to foster closer relations between ambulance services within Australasia;
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- (h) to assist the Secretary to foster closer relations between ambulance services and hospitals, other health care institutions, regional health officers and emergency services;
 - (i) to foster public awareness of ambulance services;
 - (j) to perform any other function related to ambulance services or the Centre determined by the Minister.

S. 5(h)
amended by
No. 46/1998
s. 7(Sch. 1).

6. Powers of the Board

- (1) The Board may do all things that are necessary or convenient to enable it to perform its functions.
- (2) The Board may establish sub-committees of its members, and working parties.
- (3) The Board may include in any working party it establishes any person whom the Board believes might assist the working party.
- (4) The Board may, by resolution, delegate any of its functions or powers (except this power of delegation) to a sub-committee, a working party or a person.

7. Membership of the Board

- (1) The Board consists of 12 members appointed by the Minister.
- (2) The members of the Board are—
 - (a) the Regional Superintendent of the Metropolitan Ambulance Service; and
 - (b) a Regional Superintendent, other than the Regional Superintendent of the Metropolitan Ambulance Service, nominated by the Regional Superintendents of ambulance

- services other than the Metropolitan Ambulance Service; and
- (c) a member of a committee of management of an ambulance service other than the Metropolitan Ambulance Service nominated by the Victorian Ambulance Services Association; and
 - (d) a member of the committee of management of the Metropolitan Ambulance Service nominated by that committee; and
 - (e) a person nominated jointly by the Ambulance Employees Association and the Victorian Ambulance Administrative Officers Association; and
 - (f) a person nominated by the Victorian Trades Hall Council; and
 - (g) the Director of Ambulance Services; and
 - (h) five people chosen by the Minister, one of whom must be a Regional Director of the Department of Human Services.
- (3) If a nomination referred to in sub-section (2)(b), (c), (d), (e) or (f) is not given to the Minister within one month after the Minister has asked the relevant body in writing for a nomination, the Minister may appoint any person who is eligible to have been nominated by the relevant body to the Board.
- (4) The Minister must appoint a Board member to be the Chairperson of the Board. The Chairperson must not be—
- (a) a person referred to in sub-section (2)(a), (b), (e), (f) or (g); or
 - (b) a person employed by an ambulance service.

S. 7(2)(h)
amended by
No. 46/1998
s. 7(Sch. 1).

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- (5) A member of the Board referred to in sub-section (2)(b), (c), (d), (e), (f) or (h) holds office for three years from the date of the member's appointment, unless—
 - (a) the Minister specifies a shorter period in the member's instrument of appointment; or
 - (b) the member reaches 72 years of age.
 - (6) A Board member ceases to hold office on reaching 72 years of age.
 - (7) Board members may be reappointed.
 - (8) A Board member may resign from office by delivering a signed letter of resignation to the Minister.
 - (9) The Minister may, on the recommendation of the Secretary, remove a Board member, or all the Board members, from office.
 - (10) If a vacancy occurs, or is about to occur, in the office of a Board member appointed under sub-section (2)(h) who is not eligible or available for reappointment, the Board may submit to the Minister the name of a person eligible to fill the vacancy.

**S. 7(9)
amended by
No. 46/1998
s. 7(Sch. 1).**

8. *Meetings of the Board*

- (1) A question cannot be decided at a meeting of the Board unless there are at least five members present.
- (2) The Chairperson is to preside at Board meetings.
- (3) If the Chairperson is not present at a meeting, the members present must elect one of their number who is not a person referred to in section 7(4)(a) or (b) to preside at the meeting.
- (4) The Board may regulate its own procedure.

- (5) The decision on a question of the majority of the members present at any meeting and voting on the question is the decision of the Board. If there is a tied vote, the person presiding at the meeting is to have an additional or casting vote.
 - (6) Members are not to be paid fees, but are to be reimbursed for any travelling or personal expenses incurred in connection with their membership of the Board that the Minister thinks are reasonable.
 - (7) An act or decision of the Board is not invalid by reason only of vacancies in the membership of the Board or of defects in the appointment of members of the Board.
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**PART 3—FUNCTIONS AND POWERS OF THE CHIEF
GENERAL MANAGER**

9. *Functions of the Secretary*

The functions of the Secretary in relation to ambulance services and the Centre are—

**S. 9
amended by
No. 46/1998
s. 7(Sch. 1).**

- (a) to advise the Minister on all matters related to ambulance services and the Centre including—
 - (i) matters referred to the Secretary by the Minister; and
 - (ii) significant developments and events concerning ambulance services and the Centre;
- (b) to formulate and determine policies, standards and guidelines relating to ambulance services and the Centre;
- (ba) to arrange for the provision of education and training associated with ambulance and related services;
- (c) to monitor the performance of ambulance services in relation to patient care;
- (d) to monitor the performance of ambulance services in relation to staff training, operations, vehicles, uniforms, recruitment and skills maintenance;
- (e) to monitor the performance of ambulance services and the Centre in relation to financial management and auditing;
- (f) to collect and analyse statistics and other information on the performance of ambulance services and the Centre;

**S. 9(a)(i)
amended by
No. 46/1998
s. 7(Sch. 1).**

**S. 9(b)
amended by
No. 38/1998
s. 6(1).**

**S. 9(ba)
inserted by
No. 38/1998
s. 6(2)(b).**

S. 9(k)
amended by
Nos 100/1995
s. 32 (Sch. 2
item 2),
46/1998
s. 7(Sch. 1).

- (g) to develop procedures and systems for the collection and analysis of data for the preparation of performance measures based on output and to prepare performance measures based on output;
 - (h) to maintain a staff establishments register covering all ambulance services and the Centre;
 - (i) to provide a central industrial relations and advocacy service and to represent employer interests before the appropriate industrial relations tribunals;
 - (j) to prepare a consolidated budget including fees, subscriptions and benefits for ambulance services and the Centre and to negotiate budget submissions with the committee of management of each ambulance service and the committee of management of the Centre;
 - (k) to negotiate with the Minister and employees in the Department of Treasury and Finance on budget submissions and on subsequent allocations;
 - (l) to advise Regional Superintendents and committees of management on management techniques, resource utilization, office technology and other relevant matters;
 - (m) to ensure good communications are established and maintained within and between ambulance services and between ambulance services and the Centre;
 - (n) to liaise with organizations and individuals conducting ambulance related research, investigation and development activities;
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- (o) to foster closer relations between ambulance services within Australasia;
 - (p) to foster closer relations between ambulance services and hospitals, other health care institutions, regional health officers and emergency services;
 - (q) to provide resources to the Board to assist it to carry out its functions;
 - (r) to co-ordinate and arrange for the administration of the operational activities of ambulance services, including—
 - (i) the movement of patients;
 - (ii) contracts for the supply of vehicles;
 - (iii) communication systems development;
 - (iv) vehicle and equipment design;
 - (v) centralized data processing;
 - (vi) stores;
 - (vii) research and information services;
 - (s) to promote and arrange for the administration of the collective buying by ambulance services of standard equipment, furnishings and supplies;
 - (t) to consult with employee and employer organizations on matters relating to employment in ambulance services and the Centre;
 - (u) to perform any other function related to ambulance services or the Centre determined by the Minister.

10. *General powers of the Secretary*

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- S. 10(1)
amended by
No. 46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 3)).
- (1) The Secretary may do all things that are necessary or convenient to perform the functions listed in section 9.
- S. 10(2)
amended by
No. 46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 3)).
- (2) The Secretary may delegate, by instrument, any of the functions or powers given to the Secretary under this Act (except this power of delegation) to the Director or any other officer of the Department of Human Services.
- S. 10(3)
amended by
Nos 38/1998
s. 7(1)(a),
46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 3)).
- (3) The Secretary may, by instrument, direct ambulance services, the Centre or their committees of management to comply with policies, standards and guidelines formulated or determined by the Secretary.
- S. 10(4)
amended by
No. 46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 3)).
- (4) The Secretary may, by instrument, give directions to ambulance services, the Centre or their committees of management relating to any of the following matters—
- (a) which objectives or functions of each body are to be given priority;
 - (b) the manner in which, and the extent to which, ambulance service personnel are to be trained;
 - (c) the number and classification of persons to be employed, from whom services are to be obtained and conditions of employment or service;
 - (d) the categories of patients to be attended;
 - (e) which facilities are to be used or not used;
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- (f) the extent to which, and the conditions on which, facilities or services are to be shared;
- (g) the manner in which, and the extent to which, the admission of patients to hospitals and other institutions, and their care whilst in transit, is to be co-ordinated with hospitals and other institutions;
- (h) the accounts and records to be kept, and the returns and other information to be supplied to, the Secretary;
- (i) the inspection of facilities, accounts and records by the Secretary;
- (j) the preparation of financial budgets and forecasts;
- (k) action to be taken or avoided to enable the State to comply with the terms of any agreement made between it and the Commonwealth of Australia or any other State or Territory.
- (5) The Secretary may, by instrument, give directions to an ambulance service relating to—
- (a) the fees that the service may charge; and
- (b) the operation of, or the participation of the service in, subscriber schemes; and
- (c) the provision of services to members of, or contributors to, health funds.

S. 10(4)(h) amended by No. 46/1998 s. 7(Sch. 1) (as amended by No. 12/1999 s. 3(Sch. 1 item 3)).

S. 10(4)(i) amended by No. 46/1998 s. 7(Sch. 1) (as amended by No. 12/1999 s. 3(Sch. 1 item 3)).

S. 10(5) amended by No. 46/1998 s. 7(Sch. 1) (as amended by No. 12/1999 s. 3(Sch. 1 item 3)).

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S. 10(6)
amended by
No. 46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 3)).

(6) An ambulance service, the Centre or a committee of management must comply with a direction given by the Secretary under this section.

S. 10(7)
amended by
No. 46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 3)).

(7) Directions given by the Secretary under this section may be directed generally, to a specific body or to a specified class of bodies.

S. 11
amended by
No. 46/1998
s. 7(Sch. 1).

11. *Duty of the Secretary to inspect*

The Secretary must cause the facilities of every ambulance service and the Centre to be inspected from time to time.

S. 12
amended by
No. 46/1998
s. 7(Sch. 1).

12. *Power to grant subsidies*

The Secretary may grant subsidies from the Hospitals and Charities Fund to an ambulance service or the Centre and may specify conditions relating to subsidies.

S. 13(1)
amended by
No. 46/1998
s. 7(Sch. 1).

13. *Power to inquire*

(1) The Secretary may inquire about any matter arising in the performance of any duties imposed, or in the exercise of any power conferred, by this Act on the Secretary.

S. 13(2)
amended by
No. 46/1998
s. 7(Sch. 1).

(2) For the purposes of this section, the Secretary has all the powers conferred by sections 14, 15 and 16 of the **Evidence Act 1958** upon a board appointed by the Governor in Council.

S. 13(3)
amended by
No. 46/1998
s. 7(Sch. 1).

(3) For the purposes of any inquiry under this section, a committee of management and the employees of an ambulance service or the Centre must permit the Secretary to have access to all documents and

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things belonging to, or in the possession or control of, the ambulance service or the Centre.

- (4) At an inquiry under this section, where evidence is to be received and examined on oath, any member of a committee of management or employee of an ambulance service or the Centre likely to be affected by the evidence is entitled to be represented by a legal practitioner or by some person authorized in writing by the member or employee.

S. 13(4)
amended by
No. 35/1996
s 453(Sch. 1
item 5).

14. *Director of Ambulance Services*

A Director of Ambulance Services is to be employed under Part 3 of the **Public Sector Management and Employment Act 1998**.

S. 14
substituted by
No. 46/1998
s. 7(Sch. 1).

PART 4—AMBULANCE SERVICES

15. *Objectives of ambulance services*

The objectives of an ambulance service are—

- (a) to respond rapidly to requests for help in a medical emergency;
- (b) to provide specialized medical skills to maintain life and to reduce injuries in emergency situations and while moving people requiring those skills;
- (c) to provide specialized transport facilities to move people requiring emergency medical treatment;
- (d) to provide services for which specialized medical or transport skills are necessary;
- (e) to foster public education in first aid.

16. *Powers of ambulance services*

An ambulance service may—

- (a) charge reasonable fees for services rendered;
- (b) operate or participate in a subscriber scheme;
- (c) provide services to members of, or contributors to, a health fund under an agreement with a health fund;
- (d) do all things that are necessary or convenient to enable it to achieve its objectives.

17. *Membership of committees of management*¹

- (1) The committee of management of an ambulance service is to consist of not less than 4 and not more than 12 members appointed by the Governor in Council on the recommendation of the Minister.

S. 17(1)
amended by
No. 21/1995
s. 3(a).

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(2) A committee member holds office for 3 years from the date of her or his appointment unless a shorter period is specified in her or his instrument of appointment.

S. 17(2) substituted by No. 21/1995 s. 3(b).

* * * * *

S. 17(3)-(6) repealed by No. 21/1995 s. 3(b).

(7) Committee members may be reappointed.

S. 17(7) amended by No. 21/1995 s. 3(c).

(8) A committee member may resign from office by delivering a signed letter of resignation to the Governor in Council.

(9) The Governor in Council may, on the recommendation of the Minister, remove a member of a committee, or all the members of a committee, from office.

(10) If a vacancy occurs, or is about to occur, in the office of a committee member, the committee may submit to the Minister the name of a person eligible to fill the vacancy.

S. 17(10) amended by No. 21/1995 s. 3(d).

18. *Functions of committee of management*

The functions of a committee of management of an ambulance service are—

- (a) to ensure that the objectives of its ambulance service are met to the maximum extent that is practicable;
- (b) to ensure that comprehensive and efficient ambulance services are provided in the area allocated to its ambulance service;

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S. 18(c)
amended by
No. 46/1998
s. 7(Sch. 1).

- (c) to develop policies, standards and guidelines for its ambulance service consistent with the policies, standards and guidelines of the Secretary;
- (d) to develop plans, priorities, strategies and budgets to ensure the orderly development of its ambulance service;
- (e) to encourage compliance with, and to monitor the effectiveness of, policies within its ambulance service;
- (f) to establish and maintain good communication links with employee organizations, regional health offices, District Health Councils, hospitals and other health care providers and emergency services;
- (g) to liaise and negotiate with, and provide advice and reports to, the Director of Ambulance Services on matters concerning its ambulance service;
- (h) to prepare and publish an annual report of the operations of its ambulance service;
- (i) to perform any other function related to ambulance services determined by the Secretary.

S. 18(i)
amended by
Nos. 38/1998
s. 7(1)(b),
46/1998
s. 7(Sch. 1).

19. Powers of committee of management

- (1) A committee of management of an ambulance service may do all things that are necessary or convenient to enable it to perform its functions.
- (2) A committee of management may recruit, employ, promote and dismiss staff.
- (3) A committee of management may establish sub-committees of its members.

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- (4) A committee of management may, by resolution, delegate any of its functions or powers (except this power of delegation) to a sub-committee or a person and may revoke any delegation made by it.
 - (5) A committee of management may invite persons with special knowledge or expertise to attend a committee meeting to advise the committee on matters related to its functions.

20. Meetings of the committee of management

- (1) Committee members must elect a member to be the Chairperson of the committee. **S. 20(1) amended by No. 21/1995 s. 4(a).**
- (2) A question cannot be decided at a meeting of a committee of management unless there are at least 3 members present. **S. 20(2) amended by No. 21/1995 s. 4(b).**
- (3) The Chairperson is to preside at committee meetings.
- (4) If there is no Chairperson or if the Chairperson is not present at a meeting, the members present must elect one of their number to preside at the meeting. **S. 20(4) amended by No. 21/1995 s. 4(c).**
- (5) A committee may regulate its own procedure.
- (6) The decision on a question of the majority of the members present at any meeting and voting on the question is the decision of the committee. If there is a tied vote, the person presiding at the meeting is to have an additional or casting vote.
- (7) Members are to be paid such remuneration (if any) as is fixed in the member's instrument of appointment and are to be reimbursed for any travelling or personal expenses incurred in connection with their membership of the committee that the Minister thinks are reasonable. **S. 20(7) amended by No. 38/1998 s. 8(1).**

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(8) An act or decision of a committee is not invalid by reason only of vacancies in the committee membership or of defects in the appointment of committee members.

S. 20(9)
inserted by
No. 38/1998
s. 8(2).

(9) Despite sub-section (7), a member of a committee who is also a member of the Legislative Council or a member of the Legislative Assembly is not entitled to be paid remuneration as a member of the committee.

S. 20A
inserted by
No. 38/1998
s. 9.

20A. *Membership of committee not an office of profit*

A member of a committee of management of an ambulance service shall not be taken to hold an office or place of profit under the Crown which would—

- (a) prevent the member sitting or voting as a member of the Legislative Council or Legislative Assembly; or
- (b) make void the member's election to the Legislative Council or Legislative Assembly; or
- (c) prevent the member continuing to be a member of the Legislative Council or Legislative Assembly; or

subject the member to liability to pay a penalty under the **Constitution Act 1975**.

21. *Appointment of Regional Superintendent*

- (1) A committee of management must appoint a chief executive officer for its ambulance service whenever the position is vacant.
- (2) The chief executive officer appointed is to be called the "Regional Superintendent" of the committee's ambulance service.

(3) A Regional Superintendent must not be appointed unless the approval of the Secretary has been obtained.

* * * * *

S. 21(3)
amended by
No. 46/1998
s. 7(Sch. 1).

S. 21(4)
repealed by
No. 38/1998
s. 10(a).

(5) Notwithstanding sub-sections (3) and (4), a committee of management may appoint a person to perform the duties and obligations and to exercise the rights and powers of the Regional Superintendent while—

(a) the Regional Superintendent is performing any duties out of Victoria or is temporarily absent or incapacitated; or

(b) the office of the Regional Superintendent is vacant—

and all things done by the person acting as the Regional Superintendent are as valid as if done by the Regional Superintendent.

(6) For the purposes of sub-section (1), an office remains vacant despite any appointment made under sub-section (5).

22. *Suspension and dismissal of Regional Superintendent*

(1) If the Secretary is of the opinion that a Regional Superintendent is not carrying out the duties of a Regional Superintendent responsibly and efficiently, the Secretary may direct the committee of management to suspend the Regional Superintendent from office, and the committee of management must suspend the Regional Superintendent from office.

S. 22(1)
amended by
No. 46/1998
s. 7(Sch. 1).

(2) If a committee of management is of the opinion that the Regional Superintendent of its ambulance service is not carrying out the duties of a Regional

Superintendent responsibly and efficiently, it may suspend the Regional Superintendent from office.

- (3) A Regional Superintendent aggrieved by a suspension under sub-section (1) or (2) may appeal to the Minister against the suspension.
 - (4) If an appeal is made under sub-section (3), the Minister may, after considering the appeal, uphold or dismiss the appeal and—
 - (a) upon an appeal being dismissed, the Regional Superintendent ceases to hold office; and
 - (b) upon an appeal being upheld, the Regional Superintendent resumes office.
 - (5) If a Regional Superintendent does not lodge an appeal with the Minister within 14 days after being suspended under sub-section (1) or (2), the Regional Superintendent ceases to hold office upon the expiration of that period.
 - (6) If the Minister does not uphold or dismiss an appeal within 14 days of the lodging of an appeal under sub-section (3), the suspension lapses upon the expiration of that period.
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**PART 5—CREATION, MODIFICATION AND ABOLITION OF
AMBULANCE SERVICES**

23. *Creation, modification and abolition of ambulance services*

- (1) The Governor in Council may, by Order, on the recommendation of the Minister—
- (a) create an ambulance service by a name specified in the Order;
 - (b) change the name of an ambulance service;
 - (c) transfer to an ambulance service any assets, powers, works, rights, liabilities or obligations of another ambulance service;
 - (d) provide for the employment by an ambulance service of any employees of another ambulance service;
 - (e) appoint the initial Regional Superintendent of a newly constituted ambulance service;
 - (f) specify or change the boundaries of the area over which an ambulance service has administrative jurisdiction;
 - (g) abolish any ambulance service;
 - (h) remove an ambulance service from the list in Schedule 1;
 - (i) provide that a reference in any document to an ambulance service is to be construed as a reference to another ambulance service;
 - (j) specify the date on which the Order comes, or the dates on which the parts of the Order come, into operation;
 - (k) make provision for any other matter which, in the opinion of the Governor in Council, is

S. 23(1)
amended by
No. 38/1998
s. 10(b).

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- necessary or expedient for the creation or abolition of an ambulance service.
- (2) An ambulance service created under this section—
- (a) is a body corporate having perpetual succession;
 - (b) is capable of acquiring, holding and disposing of property;
 - (c) is capable of suing and being sued;
 - (d) is to have a common seal;
 - (e) is to be governed by a committee of management;
 - (f) is capable of doing and suffering all acts and things that bodies corporate may by law do or suffer.
- (3) Members of the committee of management of an ambulance service created under this section are not personally liable for any debt of the ambulance service.
- (4) The common seal of an ambulance service created under this section must not be used except as authorized by a resolution of the service's committee of management.
- (5) All courts must take judicial notice of the common seal of an ambulance service created under this section affixed to any document.
- (6) An Order under this section does not render defective any legal proceedings by or against an ambulance service. Any legal proceedings which might have been continued or commenced against an ambulance service in relation to assets, powers, works, rights, liabilities or obligations which have been transferred may be continued or commenced against the ambulance service to which the assets,
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powers, works, rights, liabilities or obligations were transferred.

- (7) Any employee of an ambulance service who is transferred to an ambulance service created under this section—
- (a) is to be, subject to the Order creating the service, an employee of the service created under this section; and
 - (b) is to be continued to be employed on terms and conditions no less favourable than the terms and conditions applicable immediately before the transfer; and
 - (c) retains all rights, benefits and entitlements accrued up to the time of the transfer.
- (8) Before making a recommendation to the Governor in Council—
- (a) that the Alexandra and District Ambulance Service should be abolished or removed from the list in Schedule 1; or
 - (b) that any other ambulance service should be abolished or removed from the list in Schedule 1 after the expiration of 18 months from the commencement of this section—
- the Minister must—
- (c) cause careful inquiry to be made into the intended abolition or removal; and
 - (d) hear the committee of management or give the committee of management an opportunity to be heard; and
 - (e) at least 28 days before submitting the recommendation to the Governor in Council, give to the committee of management notice in writing setting out the substance of the recommendation and stating that the

Minister proposes to submit it to the Governor in Council.

- (9) If an Order is made under sub-section (1)(g) or (h) abolishing the Alexandra and District Ambulance Service or removing the Alexandra and District Ambulance Service from the list in Schedule 1, the Minister must cause a copy of the Order to be tabled before each House of the Parliament forthwith or, if a House is not then sitting, on the first sitting day of the House after the Order is made.
- (10) A House of Parliament may, by resolution made before the expiration of 14 sitting days of the House after the Order is tabled, disallow the Order.
- (11) An Order referred to in sub-section (9) takes effect on the day after the last day on which it could be disallowed by reason of sub-section (10), unless earlier disallowed by both Houses of Parliament.
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PART 6—AMBULANCE OFFICERS TRAINING CENTRE

24. *Ambulance Officers Training Centre*

- (1) There is established by this Act a body corporate to be called the "Ambulance Officers Training Centre".
- (2) The Centre—
 - (a) has perpetual succession;
 - (b) is capable of acquiring, holding and disposing of property;
 - (c) is capable of suing and being sued;
 - (d) is to have a common seal;
 - (e) is to be governed by a committee of management;
 - (f) is capable of doing and suffering all acts and things that bodies corporate may by law do or suffer.
- (3) Members of the committee of management of the Centre are not personally liable for any debt of the Centre.
- (4) The common seal of the Centre must not be used except as authorized by a resolution of the Centre's committee of management.
- (5) All courts must take judicial notice of the common seal of the Centre affixed to any document.

25. *Objectives of the Centre*

The objectives of the Centre are—

- (a) to provide for the education of persons charged with the administration or operation of ambulance and related services;

- (b) to provide technical training associated with ambulance services;
- (c) to promote the efficient management of ambulance services by providing lectures and courses for members of ambulance services and the members of their committees of management;
- (d) to engage in research activities and to undertake pilot courses of study aimed at raising the standard of training of ambulance officers and related institutional staff;
- (e) to provide vocational guidance with respect to ambulance or related services;
- (f) to provide such other educational activities associated with ambulance services as the Secretary may direct.

S. 25(f) amended by No. 46/1998 s. 7(Sch. 1).

26. Powers of the Centre

The Centre may do all things that are necessary or convenient to enable it to achieve its objectives.

27. Committee of management of the Centre²

S. 27(1) amended by No. 21/1995 s. 5(a).

(1) The committee of management of the Centre is to consist of not less than 4 and not more than 12 members appointed by the Governor in Council on the recommendation of the Minister.

S. 27(2) substituted by No. 21/1995 s. 5(b).

(2) A committee member holds office for 3 years from the date of her or his appointment unless a shorter period is specified in her or his instrument of appointment.

S. 27(3)-(5) repealed by No. 21/1995 s. 5(b).

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(6) The provisions of sections 17(7), (8) and (9) apply to committee members.

S. 27(6)
amended by
No. 21/1995
s. 5(c).

(7) If a vacancy occurs, or is about to occur, in the office of a committee member the committee may submit to the Minister the name of a person eligible to fill the vacancy.

S. 27(7)
amended by
No. 21/1995
s. 5(d).

28. *Functions of committee of management*

The functions of the committee of management of the Centre are—

- (a) to ensure that the objectives of the Centre are met to the maximum extent that is practicable;
- (b) to ensure that comprehensive and effective training programs are provided for the Ambulance Service—Victoria;
- (c) to develop policies and educational standards for the Centre which are consistent with the overall policies, standards and guidelines of the Secretary;
- (d) to develop plans and strategies for the on-going development and delivery of training programs for the Ambulance Service—Victoria;
- (e) to establish a budget and a financial management program for the Centre;
- (f) to establish and maintain good communication links with ambulance services, employee organizations, hospitals, educational institutions and related organizations;
- (g) to liaise and negotiate with, and to provide reports to, the Director of Ambulance

S. 28(c)
amended by
No. 46/1998
s. 7(Sch. 1).

Services on matters concerning staff training and development;

- (h) to prepare and publish an annual report of the operations of the Centre;
- (i) to appoint educational advisory committees and any other committees or sub-committees that may be appropriate;
- (j) to perform any other function relating to the Centre determined by the Minister.

29. Powers of the committee of management

- (1) The committee of management of the Centre may do all things that are necessary or convenient to enable it to perform its functions.
- (2) The committee of management may recruit, employ, promote and dismiss staff.
- (3) The committee of management may establish sub-committees of its members.
- (4) The committee of management may, by resolution, delegate any of its functions or powers (except this power of delegation) to a sub-committee or a person.
- (5) The committee of management may invite persons with special knowledge or expertise to attend a committee meeting to advise the committee on matters related to its functions.

30. Meetings of the committee of management

- (1) Committee members must elect a member to be the Chairperson of the committee.
- (2) A question cannot be decided at a meeting of the committee of management unless there are at least 3 members present.

S. 30(1)
amended by
No. 21/1995
s. 6(a).

S. 30(2)
amended by
No. 21/1995
s. 6(b).

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- (3) The Chairperson is to preside at committee meetings.
 - (4) If there is no Chairperson or if the Chairperson is not present at a meeting, the members present must elect one of their number to preside at the meeting.
 - (5) The committee may regulate its own procedure.
 - (6) The decision on a question of the majority of the members present at any meeting and voting on the question is the decision of the committee. If there is a tied vote, the person presiding at the meeting is to have an additional or casting vote.
 - (7) Members are not to be paid fees, but are to be reimbursed for any travelling or personal expenses incurred in connection with their membership of the committee that the Minister thinks are reasonable.
 - (8) An act or decision of the committee is not invalid by reason only of vacancies in the committee membership or of defects in the appointment of committee members.

S. 30(4)
amended by
No. 21/1995
s. 6(c).

31. *Appointment of an Executive Director*

- (1) The committee of management of the Centre must appoint a chief executive officer for the Centre whenever the position is vacant.
- (2) The chief executive officer appointed is to be called the "Executive Director" of the Centre.
- (3) An Executive Director must not be appointed unless the approval of the Secretary has been obtained.
- (4) The Secretary must consult the Board before approving the appointment of an Executive Director.

S. 31(3)
amended by
No. 46/1998
s. 7(Sch. 1).

S. 31(4)
amended by
No. 46/1998
s. 7(Sch. 1).

(5) Notwithstanding sub-sections (3) and (4), a committee of management may appoint a person to perform the duties and obligations and to exercise the rights and powers of the Executive Director while—

- (a) the Executive Director is performing any duties out of Victoria or is temporarily absent or incapacitated; or
- (b) the office of the Executive Director is vacant—

and all things done by the person acting as the Executive Director are as valid as if done by the Executive Director.

(6) For the purposes of sub-section (1), an office remains vacant despite any appointment made under sub-section (5).

32. Suspension and dismissal of Executive Director

The provisions of section 22 apply to the position of Executive Director as if a reference to "Regional Superintendent" was a reference to the Executive Director.

PART 7—GENERAL PROVISIONS

33. *Power to accept gifts*

An ambulance service or the Centre may accept gifts and bequests.

34. *Capital expenditure*

- (1) An agreement entered into by an ambulance service or the Centre involving or likely to involve expenditure on a capital project of an amount exceeding \$50 000 is void unless, before the agreement was entered into, the approval in writing of the Secretary was obtained.

S. 34(1)
amended by
No. 46/1998
s. 7(Sch. 1).

- (2) For the purposes of sub-section (1), capital projects include—
- (a) the purchase of land;
 - (b) the purchase, construction, extension, alteration or renovation of buildings or works;
 - (c) the engaging of consultants in connection with a matter referred to in paragraph (a) or (b);
 - (d) the acquisition of plant, furniture, furnishings, vehicles or fittings.

- (3) The approval of an agreement under this section by the Secretary does not impose or imply an obligation relating to the financing of the capital project on the Secretary.

S. 34(3)
amended by
No. 46/1998
s.7(Sch. 1).

- (4) The Governor in Council may, by notice published in the Government Gazette, increase the monetary limit set out in sub-section (1) or in a previous notice under this sub-section either generally or in relation to a specified ambulance service or class of ambulance service or the Centre.

35. Appointment of an administrator

- (1) If, in the opinion of the Minister, an ambulance service or the Centre is inefficiently or incompetently managed, or is not providing an effective service, the Governor in Council may, on the recommendation of the Minister, by Order published in the Government Gazette, appoint an administrator of the ambulance service or the Centre.
- (2) The members of a committee of management cease to hold office upon the appointment of an administrator under this section.
- (3) An administrator appointed under this section is deemed to be the committee of management of the ambulance service or the Centre, and has all the functions, powers, immunities and duties of the committee of management.
- (4) The Governor in Council may, by Order published in the Government Gazette—
 - (a) remove an administrator and appoint another administrator; or
 - (b) declare that a committee of management is to be re-established by the election or appointment of members of the committee under this Act; or
 - (c) declare that the administrator has ceased to be the administrator and that the committee of management has been re-established.
- (5) The powers and duties of an administrator cease upon the publication of an Order under subsection (4)(c).

36. By-laws

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- (1) A committee of management of an ambulance service or the Centre may make by-laws for or with respect to—
- (a) the regulation of the proceedings of the committee;
 - (b) the employment and removal of staff; S. 36(1)(b)
amended by
No. 46/1998
s. 7(Sch. 1).
 - (c) all matters relating to the management of the body it governs.
- (2) A by-law—
- (a) has no effect until it has been approved by the Secretary; and S. 36(2)(a)
amended by
No. 46/1998
s. 7(Sch. 1).
 - (b) must specify the date from which it is intended to have effect; and
 - (c) subject to paragraph (a), commences on the date referred to in paragraph (b); and
 - (d) has no effect unless, at least 21 days prior to its submission to the Secretary for approval, a copy of it has been displayed in a newspaper or newspapers whose area of distribution— S. 36(2)(d)
amended by
No. 46/1998
s. 7(Sch. 1).
 - (i) in the case of the Centre, covers Victoria; and
 - (ii) in the case of an ambulance service, covers the area over which the service has administrative jurisdiction—together with a description of how objections to the proposed by-law can be made.
- (3) Without prejudice to the power of the committee of management to revoke or amend any by-law,
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the Governor in Council may, by Order published in the Government Gazette, revoke any by-law created under this section. The revocation takes effect from the date of the publication of the Order.

S. 36(4)
amended by
No. 46/1998
s. 7(Sch. 1).

- (4) The Secretary must prepare model by-laws which—
- (a) are to be the by-laws of an ambulance service or the Centre until the date on which they are replaced by by-laws made under this section; and
 - (b) may be adopted in whole or in part as the by-laws of an ambulance service or the Centre by a resolution of the committee of management, subject to the approval of the Secretary.

S. 36(4)(b)
amended by
No. 46/1998
s. 7(Sch. 1).

- (5) Model by-laws prepared under sub-section (4)—

S. 36(5)(a)
amended by
No. 46/1998
s. 7(Sch. 1).

- (a) may be amended by the Secretary; and

S. 36(5)(b)
amended by
No. 46/1998
s. 7(Sch. 1).

- (b) have no effect until they are signed and dated by the Secretary.

S. 36(6)
amended by
No. 46/1998
s. 7(Sch. 1).

- (6) Amendments made to model by-laws may be adopted by a resolution of the committee of management, subject to the approval of the Secretary.
- (7) A committee of management must keep a copy of all of its by-laws in force in a place accessible to the public, and must permit inspection of those by-laws without fee upon demand made during ordinary working hours.

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s. 36

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**Ss 37, 38
repealed by
No. 31/1994
s. 4 (Sch. 2
item 6).**

PART 8—OFFENCES

39. Offences

(1) A person must not—

S. 39(1)(a)
amended by
No. 46/1998
s. 7(Sch. 1).

- (a) use the words "ambulance service" or any name, title or description to imply an association with an ambulance service, unless such an association exists, without the written authority of the Secretary; or
- (b) represent that the person is associated with an ambulance service or the Centre unless such an association exists; or

S. 39(1)(c)
amended by
No. 46/1998
s. 7(Sch. 1).

- (c) use the word "ambulance" (other than on a registration label) on any vehicle that is not owned or operated by an ambulance service or by the Centre without the written authority of the Secretary; or

S. 36(1)(e)
amended by
No. 46/1998
s. 7(Sch. 1).

- (d) impersonate an ambulance officer; or
- (e) use any insignia described or set out in the regulations in any manner contrary to the manner set out in the regulations without the written authority of the Secretary.

Penalty: 20 penalty units.

- (2) This section does not apply to the use of the words "ambulance" or "ambulance service" by—
 - (a) the St. John Ambulance Association; and
 - (b) the St. John Ambulance Brigade.
- (3) This section does not apply to the use of the words "animal ambulance" on a vehicle owned or operated by a genuine animal welfare organization for the transport of sick or injured animals.

PART 9—REGULATIONS

40. *Regulations*

- (1) The Governor in Council may make regulations for or with respect to—
- (a) the qualifications of ambulance officers;
 - (b) the insignia of ambulance services;
 - (c) the insignia and uniforms of ambulance officers;
 - (d) the use of the title and the emblem of the "Ambulance Service—Victoria";
 - (e) the establishment, management, amalgamation and abolition of—
 - (i) control districts by ambulance services; and
 - (ii) control district advisory committees;
 - (f) generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) The regulations—
- (a) may be of general or limited application; and
 - (b) may differ according to differences in time, place or circumstance.
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**PART 10—TRANSITIONAL PROVISIONS, AMENDMENTS
AND REPEALS**

41. *Transitional provisions for ambulance services*

- (1) For the purposes of section 7, the Ambulance Service—Melbourne is deemed to be the Metropolitan Ambulance Service until a Metropolitan Ambulance Service is created under section 23.
- (2) The Minister may declare that section 17 is not to apply in whole or in part to the committee of management of an ambulance service listed in Schedule 1.
- (3) A declaration made under sub-section (2) must be published in the Government Gazette and may be revoked or amended by a declaration published in the Government Gazette.
- (4) The ambulance services listed in Schedule 1, other than the Alexandra and District Ambulance Service, are deemed to have been created under section 23.
- (5) Section 36(4)(a) does not apply to an ambulance service listed in Schedule 1.
- (6) The by-laws of an ambulance service listed in Schedule 1 in force immediately prior to the commencement of this section continue to be the by-laws of the ambulance service.

42. *Ambulance Officers Training Centre*

- (1) In this section, "former Centre" refers to the Ambulance Officers Training Centre in existence prior to the commencement of this section.
- (2) The Ambulance Officers Training Centre created by section 24 is the successor in law to the former Centre.

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- (3) All acts, matters and things, made, done or authorized by, or in relation to, the former Centre are deemed to have been made, done or authorized by, or in relation to, the Centre.
 - (4) Any proceedings which might have been continued or commenced by or against the former Centre may be continued or commenced by or against the Centre.

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S. 42(5)(6)
repealed by
No. 21/1995
s. 29(1).

43. *Investments*

An ambulance service or the Centre may invest all money that is not immediately required to be spent for the purposes of the service or the Centre in any manner authorized by law for the investment of trust funds or in such other manner as the Treasurer approves.

44. *Power to borrow money*

- (1) In this section, "**financial accommodation**" means a financial benefit or assistance to obtain a financial benefit in any of the following forms—
 - (a) by way of overdraft of account at any bank or other financial institution;
 - (b) by way of loan;
 - (c) by issuing, endorsing or otherwise dealing in promissory notes;
 - (d) by drawing, accepting or otherwise dealing in bills of exchange;
 - (e) by issuing, purchasing or otherwise dealing in securities;

- (f) in any other form that the Treasurer approves.
- (2) An ambulance service or the Centre may, with the approval of the Treasurer, obtain financial accommodation for a period not exceeding 12 months by way of overdraft of account at any bank or other financial institution in Australia.
- (3) An ambulance service or the Centre may, with the approval of the Treasurer, obtain financial accommodation within Australia for a period not exceeding 12 months.
- (4) An ambulance service or the Centre may, with the approval of the Treasurer, obtain financial accommodation within Australia for a period exceeding 12 months.
- (5) If the Treasurer executes a certificate of guarantee in or to the effect of the form prescribed under sub-section (11) relating to the provision to an ambulance service or the Centre of financial accommodation, the due satisfaction of the financial accommodation obtained and the due payment of any interest, charges and expenses chargeable against the ambulance service or the Centre in relation to the financial accommodation and the payment of the expenses of enforcing or obtaining or endeavouring to enforce or obtain such due satisfaction or payment is guaranteed by the Government of Victoria.
- (6) A guarantee under sub-section (5) has effect and may be enforced as if the guarantee were a contract made on behalf of the Crown and section 23(1)(a) of the **Crown Proceedings Act 1958** applied accordingly.
- (7) Any sums required by the Treasurer in fulfilling any liability arising under a guarantee by or on behalf of the Government of Victoria provided by
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this section or given under this section are to be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly).

- (8) Any sums received or recovered by the Treasurer from an ambulance service or the Centre or otherwise in respect of any sums paid by the Treasurer under a guarantee must be paid into the Consolidated Fund.
- (9) An ambulance service or the Centre may, with the approval of the Treasurer, do anything necessary for, or incidental or conducive to, the exercise of any power conferred on it by this section or section 43.
- (10) An approval by the Treasurer under this section or section 43 may be given unconditionally or subject to any conditions the Treasurer thinks fit.
- (11) The Governor in Council may, on the recommendation of the Treasurer, make regulations prescribing the form of the certificate referred to in sub-section (5).

*	*	*	*	*	S. 45 repealed by No. 21/1995 s. 29(1).
*	*	*	*	*	S. 46 repealed by No. 21/1988 s. 60(1)(Sch.). ³
*	*	*	*	*	S. 47 repealed by No. 21/1995 s. 29(1).

SCHEDULES

SCHEDULE 1

Alexandra and District Ambulance Service
Ambulance Service—Melbourne
Ballarat and District Ambulance Service
Central Victoria District Ambulance Service
East Gippsland Ambulance Service
Geelong and District Ambulance Service
Glenelg District Ambulance Service
Goulburn Valley Ambulance Service
Latrobe Valley District Ambulance Service
Mid Murray District Ambulance Service
North-Eastern Victoria District Ambulance Service
Northern District Ambulance Service
North West Victorian Ambulance Service
Peninsula Ambulance Service
South Gippsland District Ambulance Service
South-Western Victoria Ambulance Service
Wimmera District Ambulance Service

Sch. 2
repealed by
No. 21/1995
s. 29(1).

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Ambulance Services Act 1986
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Notes

NOTES

1. General Information

The **Ambulance Services Act 1986** was assented to on 23 December 1986 and came into operation as follows:

Sections 1-14 on 27 May 1987: Government Gazette 27 May 1987 page 1303; rest of Act on 30 June 1987: Special Gazette (No. 29) 30 June 1987 page 1.

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2. Table of Amendments

This Version incorporates amendments made to the **Ambulance Services Act 1986** by the following Acts and subordinate instruments.

Hospitals Superannuation Act 1988, No. 21/1988

Assent Date: 17.5.88
Commencement Date: 1.7.88: Government Gazette 18.5.88 p. 1273
Current State: All of Act in operation

Financial Management (Consequential Amendments) Act 1994, No. 31/1994

Assent Date: 31.5.94
Commencement Date: S. 4(Sch. 2 item 6) on 1.1.95: Government Gazette 28.7.94 p. 2055
Current State: This information relates only to the provision/s amending the **Ambulance Services Act 1986**

Health Acts (Amendment) Act 1995, No. 21/1995

Assent Date: 16.5.95
Commencement Date: Ss 3–7, 29(1) on 16.5.95: s. 2(1)
Current State: This information relates only to the provision/s amending the **Ambulance Services Act 1986**

Miscellaneous Acts (Omnibus Amendments) Act 1995, No. 100/1995

Assent Date: 5.12.95
Commencement Date: S. 32(Sch. 2 item 2) on 5.12.95: s. 2(1)
Current State: This information relates only to the provision/s amending the **Ambulance Services Act 1986**

Legal Practice Act 1996, No. 35/1996

Assent Date: 6.11.96
Commencement Date: S. 453(Sch. 1 item 5) on 1.1.97: s. 2(3)
Current State: This information relates only to the provision/s amending the **Ambulance Services Act 1986**

Ambulance Services (Amendment) Act 1998, No. 38/1998

Assent Date: 26.5.98
Commencement Date: Ss 6(1)(2)(b), 7(1), 8–10 on 30.6.98: Government Gazette 25.6.98 p. 1562
Current State: This information relates only to the provision/s amending the **Ambulance Services Act 1986**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998 (as amended by No. 12/1999)

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Ambulance Services Act 1986**

3. Explanatory Details

¹ S. 17: Section 7 of the **Health Acts (Amendment) Act 1995**, No. 21/1995 reads as follows:

7. Transitional provision

A person who is a member of the committee of an ambulance service or the Ambulance Officers Training Centre on the day before this section comes into operation continues to hold office until he or she would have ceased to hold office under the **Ambulance Services Act 1986** in the form it was in on that day.

² S. 27: See note 1.

³ S. 46 (*repealed*): Section 60(2) of the **Hospitals Superannuation Act 1988**, No. 21/1988 reads as follows:

60. Repeals and savings

- (2) Unless the context otherwise requires, any reference to the **Hospitals Superannuation Act 1965** in any Act, regulation, subordinate instrument or other document is to be construed as a reference to the **Hospitals Superannuation Act 1988**.