

Version No. 035
Ambulance Services Act 1986
No. 114 of 1986
Version incorporating amendments as at 31 March 2009

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Version No. 035
Ambulance Services Act 1986
No. 114 of 1986

Version incorporating amendments as at 31 March 2009

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 provide for education and training associated with ambulance and related services; and

**S. 1(b)
substituted by
No. 38/1998
s. 3.**

* * * * *

**S. 1(c)
repealed by
No. 38/1998
s. 3.**

- (d) to make general provision relating to ambulance services.

2 Commencement

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

s. 3

3 Definitions

(1) In this Act—

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

S. 3(1) def. of
*abolished
ambulance
service*
inserted by
No. 25/1999
s. 4.

abolished ambulance service means an ambulance service that was at any time—

- (a) created under section 23; or
- (b) listed in Schedule 1—

but was—

- (c) abolished by force of an Order under section 23(1)(g); or
- (d) removed from the list in Schedule 1 by force of an Order under section 23(1)(h);

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(1) defs of
Board, Centre
repealed by
No. 38/1998
s. 4.

* * * * *

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repealed by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

* * * * *

S. 3(1) def. of
Director
repealed by
No. 51/2004
s. 4(a).

* * * * *

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

operational staff member means a person who is employed or engaged (whether on a paid or voluntary basis) by an ambulance service—

S. 3(1) def. of *operational staff member* inserted by No. 51/2004 s. 4(b).

- (a) as an ambulance paramedic or an intensive care paramedic; or
- (b) in any other capacity to provide medical or other assistance to patients in an emergency;

Secretary means the Secretary to the Department of Human Services;

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

senior available next of kin has the same meaning as in the **Human Tissue Act 1982**;

S. 3(1) def. of *senior available next of kin* inserted by No. 51/2004 s. 4(b).

successor ambulance service, in relation to an abolished ambulance service, means an ambulance service that is by force of section 23A(1) to be taken to be the same body as the abolished ambulance service for the purposes of any trust in relation to the abolished ambulance service, whether as a result of the successor ambulance service—

S. 3(1) def. of *successor ambulance service* inserted by No. 25/1999 s. 4.

- (a) immediately succeeding the abolished ambulance service; or
- (b) succeeding an ambulance service that had succeeded the abolished ambulance service (immediately or otherwise) and regardless of the ambulance service's

s. 3A

position in any such chain of succession;

S. 3(1) def. of *trust* inserted by No. 25/1999 s. 4.

trust, in relation to an abolished ambulance service, means—

- (a) a gift, disposition or trust of property made or declared, or deemed to have been made or declared; or
- (b) a trust fund created—

whether by deed, will or otherwise to, or in favour of, for the use of, or for the purposes of, the abolished ambulance service or under its terms capable of being given to, or applied in favour of, for the use of, or for the purposes of, the abolished ambulance service.

S. 3(2) inserted by No. 46/1998 s. 7(Sch. 1), amended by No. 108/2004 s. 117(1) (Sch. 3 item 11.1).

- (2) If under the **Public Administration Act 2004** 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.

S. 3A inserted by No. 25/1999 s. 5.

3A Interpretation: trust instruments

If the terms of an instrument creating a trust (as defined in section 3(1)) in relation to an abolished ambulance service, specify particular purposes of the ambulance service for which the trust is created, then any reference to the purposes of the abolished ambulance service is a reference to the purposes (if any) of the successor ambulance service that correspond with, or are similar to, those specified purposes of the abolished ambulance service.

Ambulance Services Act 1986
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s. 3A

* * * * *

**Pt 2 (Heading
and ss 4–8)
amended by
No. 46/1998
s. 7(Sch. 1),
repealed by
No. 38/1998
s. 5.**

Pt 3 (Heading)
amended by
No. 69/2003
s. 65.

PART 3—FUNCTIONS AND POWERS OF THE SECRETARY

S. 9
amended by
Nos 100/1995
s. 32(Sch. 2
item 2),
38/1998
s. 6(1)(2),
46/1998
s. 7(Sch. 1),
substituted by
No. 51/2004
s. 5.

9 Functions of the Secretary

The functions of the Secretary in relation to ambulance services include the following—

- (a) to advise the Minister on the operation of this Act; and
- (b) to develop policies and plans with respect to ambulance services; and
- (c) to fund ambulance services and to monitor, evaluate and review those ambulance services; and
- (d) to arrange for the provision of education and training associated with ambulance and related services; and
- (e) to encourage safety and improvement in the quality of services provided by ambulance services; and
- (f) to collect and analyse data to enable the Secretary to perform the Secretary's functions under this or any other Act; and
- (g) in consultation with ambulance services, to develop criteria or measures that enable comparisons to be made between the performance of ambulance services.

10 General powers of the Secretary

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.

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No. 114 of 1986
Part 3—Functions and Powers of the Secretary

s. 10

(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 any officer of the Department of Human Services.

S. 10(2)
amended by
Nos 46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 3)),
51/2004
s. 6(1).

* * * * *

S. 10(3)
amended by
Nos 38/1998
s. 7(1)(a)(2)(a),
46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 3)),
repealed by
No. 51/2004
s. 6(2).

(4) The Secretary, for the purpose of performing a function under this Act or ensuring that an ambulance service provides high quality, accessible and efficient services, may give directions in writing to an ambulance service in relation to all or any of the following matters—

S. 10(4)
amended by
Nos 38/1998
s. 7(2)(b),
46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 3)),
substituted by
No. 51/2004
s. 6(3).

- (a) the purposes which the ambulance service is to serve or refrain from serving and those to which it is to give priority; and
- (b) the manner in which, and the extent to which, persons employed or engaged by the ambulance service as operational staff members are to be trained; and
- (c) the number and classification of persons to be employed or engaged by the ambulance service and the conditions of employment or engagement; and

S. 10(4)(g)
amended by
No. 79/2008
s. 15.

- (d) the number and categories of patients to be attended; and
- (e) the facilities, services, equipment or supplies which the ambulance service is to use or refrain from using; and
- (f) the extent to which, and the conditions on which, the ambulance service may—
 - (i) make use of or purchase facilities, services, equipment or supplies provided by another ambulance service or by any other person or body; or
 - (ii) allow another ambulance service or any other person or body to make use of or purchase its facilities, services, equipment or supplies; and
- (g) the manner in which, and the extent to which, the admission, care and treatment of patients is to be co-ordinated with hospitals and registered community health centres, registered funded agencies and health service establishments within the meaning of the **Health Services Act 1988**; and
- (h) the accounts and records to be kept by the ambulance service and the information to be supplied to the Secretary; and
- (i) the inspection by the Secretary of facilities, accounts and records; and
- (j) the preparation of financial budgets and forecasts; and
- (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 a Territory.

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Part 3—Functions and Powers of the Secretary

s. 10

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- | | |
|--|---|
| (5) The Secretary may, by instrument, give directions to an ambulance service relating to—
<ul style="list-style-type: none">(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(5)
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 must comply with a direction given by the Secretary under this section. | S. 10(6)
amended by
Nos 38/1998
s. 7(2)(b),
46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 3)),
51/2004
s. 6(4). |
| (7) The Secretary must give a copy of a direction under this section to each ambulance service to which it applies. | S. 10(7)
amended by
No. 46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 3)),
substituted by
No. 51/2004
s. 6(5). |
| (8) If a person has been transported by an emergency ambulance service, the fee charged under a direction given by the Secretary under subsection (5)(a) for that service, is payable by that person whether or not the person consented to the provision of the service. | S. 10(8)
inserted by
No. 69/2003
s. 66. |
-

s. 10A

S. 10A
inserted by
No. 69/2003
s. 67.

10A Non-application of section 141 of the Health Services Act 1988

Section 141(2) of the **Health Services Act 1988** does not apply to a person who, for the purposes of—

- (a) the recovery of a fee payable under section 10(8); or
- (b) determining whether a fee is recoverable under section 10(8)—

discloses to the operator of an ambulance service the identity or address of a person transported by that service in an emergency, or other information necessary to determine if a fee is payable by such a person.

S. 11
amended by
Nos 38/1998
s. 7(2)(c),
46/1998
s. 7(Sch. 1),
repealed by
No. 51/2004
s. 7.

* * * * *

S. 12
amended by
Nos 38/1998
s. 7(2)(d),
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 and may specify conditions relating to subsidies.

13 Power to inquire

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

- (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.

- (3) For the purposes of any inquiry under this section, a board of an ambulance service and the employees of an ambulance service must permit the Secretary to have access to all documents and things belonging to, or in the possession or control of, the ambulance service.
- (4) At an inquiry under this section, where evidence is to be received and examined on oath, any director of the board of an ambulance service or employee of an ambulance service likely to be affected by the evidence is entitled to be represented by an Australian legal practitioner (within the meaning of the **Legal Profession Act 2004**) or by some person authorized in writing by the director or employee.

S. 13(3)
amended by
Nos 38/1998
s. 7(2)(d),
46/1998
s. 7(Sch. 1),
51/2004
s. 8(a).

S. 13(4)
amended by
Nos 35/1996
s. 453(Sch. 1
item 5),
38/1998
s. 7(2)(d),
51/2004
s. 8(b)(i)(ii),
18/2005
s. 18(Sch. 1
item 4).

* * * * *

S. 14
substituted by
No. 46/1998
s. 7(Sch. 1),
repealed by
No. 51/2004
s. 9.

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;
- (ca) undertake commercial exploitation of any research undertaken by, or intellectual property rights belonging to, the ambulance service to enable the ambulance service to achieve its objectives;

S. 16(ca)
inserted by
No. 51/2004
s. 10.

- (cb) be a member of or form or participate in the formation of a company, association, trust or partnership, the objects or purposes of which include one or more objects or purposes that are incidental or conducive to the exercise of the powers of the ambulance service;
- (cd) enter into a joint venture with another person or other persons, the objects or purposes of which include one or more objects or purposes that are incidental or conducive to the exercise of the powers of the ambulance service;
- (d) do all things that are necessary or convenient to enable it to achieve its objectives.

S. 16(cb)
inserted by
No. 51/2004
s. 10.

S. 16(cd)
inserted by
No. 51/2004
s. 10.

17 Board of ambulance service¹

S. 17
(Heading)
inserted by
No. 51/2004
s. 11(1).

- (1) There shall be a board of directors of each ambulance service.

S. 17(1)
amended by
No. 21/1995
s. 3(a),
substituted by
No. 51/2004
s. 11(2).

- (1A) The board of an ambulance service shall consist of not less than 6 and not more than 9 directors appointed by the Governor in Council on the recommendation of the Minister.

S. 17(1A)
inserted by
No. 51/2004
s. 11(2).

- (2) A director 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),
amended by
No. 51/2004
s. 11(3).

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s. 17

S. 17(3)
repealed by
No. 21/1995
s. 3(b), new
s. 17(3)
inserted by
No. 51/2004
s. 11(4).

(3) In making a recommendation under subsection (1A), the Minister must ensure that women and men are adequately represented.

S. 17(4)
repealed by
No. 21/1995
s. 3(b), new
s. 17(4)
inserted by
No. 51/2004
s. 11(4).

(4) The Governor in Council, on the recommendation of the Minister, may appoint one of the directors of the board to be the Chairperson of the board.

S. 17(5)
repealed by
No. 21/1995
s. 3(b), new
s. 17(5)
inserted by
No. 51/2004
s. 11(4).

(5) A director is to be paid such remuneration (if any) as is fixed in the director's instrument of appointment and is to be reimbursed for any travelling or personal expenses incurred in connection with the appointment to the board that the Minister thinks are reasonable.

S. 17(6)
repealed by
No. 21/1995
s. 3(b), new
s. 17(6)
inserted by
No. 51/2004
s. 11(4).

(6) Despite subsection (5), a director 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 director.

S. 17(7)
amended by
Nos 21/1995
s. 3(c),
51/2004
s. 11(5).

(7) Directors may be reappointed.

S. 17(8)
amended by
No. 51/2004
s. 11(6).

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

S. 17(9)
amended by
No. 51/2004
s. 11(7).

(9) The Governor in Council may, on the recommendation of the Minister, remove a director, or all the directors of a board, from office.

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

S. 17(10)
amended by
Nos 21/1995
s. 3(d),
51/2004
s. 11(8).

18 Functions of board of ambulance service

- (1) The functions of the board of an ambulance service are—
- (a) to ensure that the objectives of the ambulance service are met to the maximum extent that is practicable; and
 - (b) to develop statements of priorities (where applicable) and strategic plans for the operation of the ambulance service and to monitor compliance with those statements and plans; and
 - (c) to develop financial and business plans, strategies and budgets to ensure the accountable and efficient provision of services by the ambulance service and the long term financial viability of the ambulance service; and
 - (d) to establish and maintain effective systems to ensure that the services provided meet the needs of the communities served by the ambulance service and that the views of users of the services provided are taken into account; and
 - (e) to monitor the performance of the ambulance service to ensure that—
 - (i) the ambulance service operates within its budget; and

S. 18
amended by
Nos 38/1998
s. 7(1)(b),
46/1998
s. 7(Sch. 1),
substituted by
No. 51/2004
s. 12.

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- (ii) its audit and accounting systems accurately reflect the financial position and viability of the ambulance service; and
 - (iii) the ambulance service adheres to its financial and business plans, strategic plans and statements of priorities; and
 - (iv) effective and accountable risk management systems are in place; and
 - (v) effective and accountable systems are in place to monitor and improve the safety, quality and effectiveness of the services provided by the ambulance service; and
 - (vi) any problems identified with the quality or effectiveness of the services provided are addressed in a timely manner; and
 - (vii) the ambulance service continuously strives to improve the quality of the services it provides and to foster innovation; and
- (f) to appoint a chief executive officer of the ambulance service and to determine, subject to the Secretary's approval, his or her remuneration and the terms and conditions of appointment; and
- (g) to monitor the performance of the chief executive officer of the ambulance service each financial year, having regard to the objectives, priorities and key performance outcomes specified in the ambulance service's statement of priorities under section 22F; and
-

-
- (h) to establish the organisational structure, including the management structure, of the ambulance service; and
 - (i) to develop arrangements with other health, emergency and community service agencies and providers to enable effective and efficient service delivery and continuity of care; and
 - (j) to ensure that the Minister and the Secretary are advised about significant board decisions and are informed in a timely manner of any issues of public concern or risks that may affect the ambulance service; and
 - (k) to establish a finance committee, an audit committee and a quality committee; and
 - (l) to facilitate research and education in relation to ambulance services; and
 - (m) to adopt a code of conduct for staff of the ambulance service; and
 - (n) to provide appropriate training for directors; and
 - (o) any other functions conferred on the board by or under this Act.
- (2) In performing its functions and exercising its powers, the board of an ambulance service must have regard to—
- (a) the needs and views of patients and other users of the services that the ambulance service provides and the communities that the ambulance service serves; and
 - (b) the need to ensure that the ambulance service uses its resources in an effective and efficient manner; and
-

(c) the need to ensure that resources of the Victorian public health system and emergency response services generally are used effectively and efficiently.

(3) The board of an ambulance service has such powers as are necessary to enable it to carry out its functions, including the power, subject to section 36, to make, amend or revoke by-laws.

19 Procedure of board

Subject to this Part, the procedure of the board of an ambulance service is at the discretion of the board.

S. 19
amended by
Nos 38/1998
s. 7(2)(e),
74/2000
s. 3(Sch. 1
item 9),
substituted by
No. 51/2004
s. 12.

20 Disclosure of interest

- (1) If a director of the board of an ambulance service has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the board, the director, as soon as practicable after the relevant facts come to the director's knowledge, must disclose the nature of the interest at a meeting of the board.
- (2) The person presiding at the meeting must cause the disclosure to be recorded in the minutes of the meeting.
- (3) If a majority of the other directors present at the meeting consider that the director has a conflict of interest in a matter, the director—
 - (a) must not be present during any deliberations on the matter; and
 - (b) is not entitled to vote on the matter.
- (4) If a director votes on a matter in contravention of subsection (3)(b), his or her vote must be disallowed.

S. 20
amended by
Nos 21/1995
s. 4, 38/1998
s. 8,
substituted by
No. 51/2004
s. 12.

- (5) This section does not apply in relation to a matter relating to the supply of goods or services to the director if the goods or services are, or are to be, available to members of the public on the same terms and conditions.

20A Director of board not an office of profit

A director of the board of an ambulance service shall not be taken to hold an office or place of profit under the Crown which would—

- (a) prevent the director sitting or voting as a member of the Legislative Council or Legislative Assembly; or
- (b) make void the director's election to the Legislative Council or Legislative Assembly; or
- (c) prevent the director continuing to be a member of the Legislative Council or Legislative Assembly; or
- (d) subject the director to liability to pay a penalty under the **Constitution Act 1975**.

S. 20A
(Heading)
inserted by
No. 51/2004
s. 13(1).

S. 20A
inserted by
No. 38/1998
s. 9,
amended by
No. 51/2004
s. 13(2)(a).

S. 20A(a)
amended by
No. 51/2004
s. 13(2)(b).

S. 20A(b)
amended by
No. 51/2004
s. 13(2)(c).

S. 20A(c)
amended by
No. 51/2004
s. 13(2)(b).

S. 20A(d)
amended by
No. 51/2004
s. 13(2)(b).

21 Chief executive officer

- (1) The board of an ambulance service must appoint a person as the chief executive officer and must cause any vacancy in the office of chief executive officer to be filled as soon as possible.

S. 21
amended by
Nos 38/1998
s. 10(a),
46/1998
s. 7(Sch. 1),
substituted by
No. 51/2004
s. 14.

Note

Section 23(1)(e) provides that the Governor in Council, by Order, on the recommendation of the Minister, may appoint the initial chief executive officer of a newly constituted ambulance service.

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- (2) The board of an ambulance service must not appoint a person as chief executive officer unless the Secretary approves—
- (a) the appointment of that person; and
 - (b) the terms and conditions (including remuneration) of the appointment.
- (3) The functions of the chief executive officer are—
- (a) to manage the ambulance service in accordance with—
 - (i) the financial and business plans, strategies and budgets developed by the board; and
 - (ii) the instructions of the board; and
 - (b) to assist the board to enable it to perform its functions effectively and efficiently; and
 - (c) to prepare material for consideration by the board including statements of priorities (where applicable), strategic plans, business plans, strategies and budgets; and
 - (d) to implement effective and accountable systems to monitor the quality and effectiveness of services provided by the ambulance service; and
 - (e) to ensure that the ambulance service continuously strives to improve the quality of the services it provides and to foster innovation; and
 - (f) to ensure that the board's decisions are implemented effectively and efficiently throughout the ambulance service; and
 - (g) to inform the board in a timely manner of any issues of public concern or risks that affect or may affect the ambulance service; and
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- (h) to inform the board, the Secretary and the Minister without delay of any significant issues of public concern or significant risks affecting the ambulance service.
- (4) In performing his or her functions, the chief executive officer must have regard to—
- (a) the needs and views of patients and other users of the ambulance service and the communities that the ambulance service serves; and
 - (b) the need to ensure that the ambulance service uses its resources in an effective and efficient manner; and
 - (c) the need to ensure that resources of the Victorian public health system and emergency response services generally are used effectively and efficiently.

22 Immunity

- (1) A director of the board of an ambulance service is not personally liable for anything done or omitted to be done in good faith—
- (a) in the exercise of a power or the discharge of a duty under this Act; or
 - (b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under this Act.
- (2) Any liability resulting from an act or omission that would but for subsection (1) attach to a director of the board of an ambulance service attaches instead to the ambulance service.

S. 22
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
No. 51/2004
s. 14.

S. 22(2)
amended by
No. 29/2006
s. 3(Sch. 1
item 1).

s. 22A

S. 22A
inserted by
No. 51/2004
s. 14.

22A Validity of acts or decisions

An act or decision of the board of an ambulance service is not invalid by reason only of—

- (a) a defect or irregularity in or in connection with the appointment of a director of the board; or
- (b) a vacancy in the directorship of the board.

S. 22B
inserted by
No. 51/2004
s. 14.

22B Appointment of delegate to board

- (1) The Minister may appoint not more than 2 delegates to the board of an ambulance service if the Minister considers that such an appointment will assist the board to improve the performance of the ambulance service.
- (2) A delegate is not a director of the board of an ambulance service.
- (3) In determining if an appointment of a delegate under subsection (1) will assist the board to improve the performance of the ambulance service, the Minister must have regard to—
 - (a) in the case of an ambulance service to which a statement of priorities applies—
 - (i) the need to ensure that the ambulance service is meeting or has met the objectives, priorities and key performance outcomes specified in the service's statement of priorities under section 22F; and
 - (ii) whether the board has requested such an appointment;

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- (b) in the case of an ambulance service to which a statement of priorities does not apply—
- (i) the financial performance of the ambulance service; and
 - (ii) the safety and quality of the services provided by the ambulance service; and
 - (iii) whether the ambulance service is complying with any funding agreement to which it is a party; and
 - (iv) whether the board has requested such an appointment.
- (4) The Minister may appoint a delegate irrespective of whether the board has requested such an appointment.
- (5) The instrument of appointment of a delegate—
- (a) must be published in the Government Gazette; and
 - (b) must specify the terms and conditions of appointment; and
 - (c) may specify any remuneration to which the delegate is entitled.
- (6) A delegate—
- (a) holds office for the period specified in the instrument of appointment, being a period of not more than 12 months from the date of appointment; and
 - (b) is eligible for re-appointment; and
 - (c) is entitled to be reimbursed reasonable expenses incurred in holding office as delegate; and
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s. 22C

S. 22B(6)(d)
substituted by
No. 108/2004
s. 117(1)
(Sch. 3
item 11.2).

- (d) is not, in respect of the office of delegate, subject to the **Public Administration Act 2004** (other than Part 5 of that Act).

S. 22C
inserted by
No. 51/2004
s. 14.

22C Functions of delegate

The functions of a delegate to the board of an ambulance service are—

- (a) to attend meetings of the board and observe its decision-making processes; and
- (b) to provide advice or information to the board to assist it in understanding its obligations under the Act relating to the ambulance service; and
- (c) to advise the Minister and the Secretary on any matter relating to the ambulance service or the board.

S. 22D
inserted by
No. 51/2004
s. 14.

22D Obligations of board to delegate

The board of an ambulance service must—

- (a) permit a delegate appointed to the board to attend any meeting of the board; and
- (b) provide a delegate appointed to the board with information or a copy of any notice or other document provided to the directors of the board at the same time as such information, notice or other document is provided to the directors.

S. 22E
inserted by
No. 51/2004
s. 14.

22E Strategic plan

- (1) The board of an ambulance service must, at the direction of the Minister and at the time or times determined by the Minister, prepare and submit to the Minister for approval a strategic plan for the operation of the ambulance service.

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- (2) A strategic plan must be prepared in accordance with the guidelines, if any, established by the Minister from time to time.
 - (3) The Minister may—
 - (a) approve a strategic plan; or
 - (b) approve a strategic plan with amendments; or
 - (c) refuse to approve a strategic plan.
 - (4) The board of an ambulance service must advise the Minister if it intends to exercise its functions in a manner inconsistent with its approved strategic plan.

22F When statement of priorities to be prepared

S. 22F
inserted by
No. 51/2004
s. 14.

- (1) In respect of each financial year, the board of an ambulance service must—
 - (a) prepare, in consultation with the Secretary, a proposed statement of priorities in relation to the ambulance service in accordance with section 22H; and
 - (b) submit the proposed statement to the Minister.
- (2) If the board of the ambulance service and the Minister fail to agree on a statement of priorities before 1 October of the financial year to which the statement of priorities relates, the Minister may make a statement of priorities in relation to the ambulance service in accordance with section 22H.
- (3) A statement of priorities may be varied at any time if the board of the ambulance service and the Minister so agree.

s. 22G

- (4) If the board of the ambulance service and the Minister fail to agree to a proposed variation of a statement of priorities within 28 days after the variation is proposed, the Minister may—
 - (a) vary the statement of priorities; or
 - (b) decline to vary the statement of priorities.
- (5) The Minister must cause copies of each statement of priorities and any variation to be made available on request to members of the public.

S. 22G
inserted by
No. 51/2004
s. 14.

22G Exemption from requirement to prepare statement of priorities

An ambulance service is exempt from the requirement to prepare a statement of priorities under section 22F if the revenue of the ambulance service during the last financial year was less than the prescribed amount.

S. 22H
inserted by
No. 51/2004
s. 14.

22H Content of statement of priorities

An ambulance service's statement of priorities under section 22F must—

- (a) be consistent with the strategic plan approved by the Minister for the operation of the service; and
- (b) specify in respect of the financial year to which it relates—
 - (i) the services to be provided by the ambulance service and the funds to be provided to the ambulance service; and
 - (ii) the objectives, priorities and key performance outcomes to be met by the ambulance service; and
 - (iii) the performance indicators, targets or other measures against which the ambulance service's performance is to be assessed and monitored; and

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- (iv) how and when the ambulance service must report to the Minister and the Secretary on its performance in relation to the specified objectives, priorities and key performance outcomes; and
 - (v) such other matters as, from time to time, are agreed by the Minister and the board of the ambulance service or are determined by the Minister.
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**PART 5—CREATION, MODIFICATION AND ABOLITION OF
AMBULANCE SERVICES**

23 Creation, modification and abolition of ambulance services

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

(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;

S. 23(1)(b)
repealed by
No. 51/2004
s. 15(1)(a).

* * * * *

(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;

S. 23(1)(e)
amended by
No. 51/2004
s. 15(1)(b).

(e) appoint the initial chief executive officer 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;

Ambulance Services Act 1986
No. 114 of 1986

Part 5—Creation, Modification and Abolition of Ambulance Services

s. 23

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- (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 necessary or expedient for the creation or abolition of an ambulance service.
- (1A) An ambulance service must not change its name without the approval in writing of the Secretary. **S. 23(1A) inserted by No. 51/2004 s. 15(2).**
- (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 board of directors; **S. 23(2)(e) amended by No. 51/2004 s. 15(3).**
- (f) is capable of doing and suffering all acts and things that bodies corporate may by law do or suffer.
- (3) The directors of the board of an ambulance service created under this section are not personally liable for any debt of the ambulance service. **S. 23(3) amended by No. 51/2004 s. 15(4).**
- (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 board. **S. 23(4) amended by No. 51/2004 s. 15(5).**

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s. 23

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- (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, 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 that an ambulance service should be abolished or removed from the list in Schedule 1, the Minister must—
- (a) cause careful inquiry to be made into the intended abolition or removal; and
 - (b) give the board of the ambulance service an opportunity to be heard; and

S. 23(8)
substituted by
No. 51/2004
s. 15(6).

- (c) at least 28 days before submitting the recommendation to the Governor in Council, give to the board of the ambulance service notice in writing setting out the substance of the recommendation and stating that the Minister proposes to submit it to the Governor in Council.

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S. 23(9)–(11) repealed by No. 51/2004 s. 15(7) (as amended by No. 29/2006 s. 3(Sch. 1 item 2)).

23A Trusts in relation to ambulance services

S. 23A inserted by No. 25/1999 s. 6.

- (1) On and from the date on which an Order under section 23 comes into operation, being an Order that abolishes an ambulance service or removes an ambulance service from the list in Schedule 1 and transfers its assets, powers, works, rights, liabilities or obligations to another ambulance service (the new ambulance service)—
- (a) the abolished ambulance service must be taken, for the purposes of any trust in relation to it, not to have been abolished or removed from the list in Schedule 1; and
 - (b) the new ambulance service must be taken to be the same body as the abolished ambulance service for those purposes; and
 - (c) without limiting the effect of paragraphs (a) and (b), an instrument creating a trust in relation to—
 - (i) the abolished ambulance service; or

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Part 5—Creation, Modification and Abolition of Ambulance Services

s. 23A

(ii) another abolished ambulance service of which the abolished ambulance service is the successor ambulance service—

continues to have effect according to its tenor as if the trust were in relation to the new ambulance service.

(2) Subsection (1) has effect with respect to—

(a) an Order made under section 23 before the commencement of the **Ambulance Services (Further Amendment) Act 1999**; and

(b) an instrument of a kind referred to in subsection (1)(c)—

in the same way as it would if it had been in force at the time when the Order was made and must be taken to have always had that effect on and from that time.

Pt 6 (Heading and ss 24–32) amended by Nos 21/1995 ss 5(a)–(d), 6(a)–(c), 46/1998 s. 7(Sch. 1), repealed by No. 38/1998 s. 11.

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PART 7—GENERAL PROVISIONS

33 Power to accept gifts

An ambulance service may accept gifts and bequests.

S. 33
amended by
No. 38/1998
s. 12(a).

34 Limits or controls on expenditure or entering into of contracts etc.

(1) The Secretary may determine in writing—

- (a) limits or controls on expenditure, or expenditure of a specified kind, by a specified ambulance service; and
- (b) limits or controls on the entering into of contracts or agreements by a specified ambulance service—

and may, in writing, vary or revoke any such determination.

- (2) A determination under subsection (1) may be made subject to conditions.
- (3) In making a determination under subsection (1), the Secretary must have regard to—
 - (a) the record of the ambulance service in the management of resources and the provision of services; and
 - (b) the extent to which the ambulance service receives or received public funds; and
 - (c) whether or not any relevant funding agreement is in force.
- (4) The Secretary must cause a copy of a determination under this section to be given to each ambulance service to which it applies.

S. 34
amended by
Nos 38/1998
s. 12(a),
46/1998
s. 7(Sch. 1),
substituted by
No. 51/2004
s. 16.

s. 34A

S. 34A
inserted by
No. 51/2004
s. 16.

34A Notice of proposed direction

- (1) If the Minister proposes to issue the board of an ambulance service with a direction under section 34B, the Minister must give a copy of the proposed direction to the board at least 7 days before issuing the direction.
- (2) The board of an ambulance service may give the Minister comments in relation to the proposed direction before the day on which the direction is to be issued.
- (3) The Minister must take into account the comments of the board of an ambulance service in determining—
 - (a) whether to issue the direction; and
 - (b) if the direction is to be issued, the content of the direction.

S. 34B
inserted by
No. 51/2004
s. 16.

34B Minister may issue directions

- (1) Subject to subsection (4), the Minister may issue written directions to the board of an ambulance service on any matter in relation to ambulance services that the Minister considers necessary or expedient.
- (2) A direction may be given generally to ambulance services or to a specified ambulance service.
- (3) The board of an ambulance service must comply with any direction issued to it.
- (4) A direction issued under this section must not—
 - (a) refer to the service provided or proposed to be provided by an ambulance service to a particular person; or
 - (b) refer to the employment or engagement of a particular person by an ambulance service;
or

- (c) require the supply of goods or services to an ambulance service by any particular person or organisation.
- (5) The Minister must cause copies of each direction issued to be made available on request to members of the public.

35 Appointment of an administrator

- (1) On the recommendation of the Minister, the Governor in Council, by Order published in the Government Gazette, may appoint an administrator of an ambulance service if the Minister considers that the ambulance service—
 - (a) is inefficiently or incompetently managed; or
 - (b) is failing to provide an effective service; or
 - (c) has—
 - (i) substantially failed to meet any of the objectives, priorities or key performance outcomes specified in its current statement of priorities under section 22F or in its statements of priorities in relation to the last 2 financial years; and
 - (ii) failed to identify and adequately address any problems relating to the failure referred to in paragraph (c) in a timely manner; or
 - (d) has failed to comply with a direction issued by the Minister under section 34B.
- (2) The directors of the board of the ambulance service cease to hold office upon the appointment of an administrator under this section.

S. 35(1)
amended by
No. 38/1998
s. 12(a),
substituted by
No. 51/2004
s. 17(1).

S. 35(2)
amended by
No. 51/2004
s. 17(2).

s. 36

S. 35(3)
amended by
Nos 38/1998
s. 12(a),
51/2004
s. 17(3).

(3) An administrator appointed under this section is deemed to be the board of the ambulance service, and has all the functions, powers, immunities and duties of the board.

(4) The Governor in Council may, by Order published in the Government Gazette—

(a) remove an administrator and appoint another administrator; or

S. 35(4)(b)
substituted by
No. 51/2004
s. 17(4)(a).

(b) declare that the board of an ambulance service is to be re-established by the appointment of a board of directors; or

S. 35(4)(c)
amended by
No. 51/2004
s. 17(4)(b).

(c) declare that the administrator has ceased to be the administrator and that the board of directors 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

S. 36
amended by
Nos 38/1998
s. 12(a)(b),
46/1998
s. 7(Sch. 1),
substituted by
No. 51/2004
s. 18.

(1) The board of an ambulance service must not make or amend the by-laws of the ambulance service without the approval in writing of the Secretary.

(2) The board of an ambulance service must amend the by-laws of the ambulance service or make by-laws of the ambulance service if the Secretary directs the board to do so with respect to—

(a) the management of the ambulance service; or

(b) the provision of services by the ambulance service; or

(c) the election of committees or office bearers of the ambulance service; or

(d) except in relation to an audit commissioned under section 37, the auditing of financial statements of the ambulance service; or

- (e) the keeping of accounts and records, the qualifications of auditors (except those auditors appointed or engaged under section 38) and reporting to the Minister.

37 Secretary may commission audits

- (1) Having regard to the public interest, the Secretary may commission an audit of an ambulance service to determine whether the ambulance service—
- (a) is effectively using the public funds allocated to it; or
 - (b) is providing services of a high quality; or
 - (c) is meeting the objectives, priorities and key performance outcomes specified in its current statement of priorities under section 22F.
- (2) If the Secretary commissions an audit, the Secretary must set the terms of reference for the audit, including when the auditor is to report to the Secretary.
- (3) An auditor must report to the Secretary in accordance with subsection (2).

S. 37
repealed by
No. 31/1994
s. 4(Sch. 2
item 6),
new s. 37
inserted by
No. 51/2004
s. 18.

38 Appointment or engagement of auditors

- (1) The Secretary may appoint an employee under Part 3 of the **Public Administration Act 2004** or engage any other person with the qualifications, skills or expertise which, in the opinion of the Secretary, are appropriate to carry out an audit.

S. 38
repealed by
No. 31/1994
s. 4(Sch. 2
item 6),
new s. 38
inserted by
No. 51/2004
s. 18.

S. 38(1)
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 11.3).

- (2) The Secretary must specify the terms and conditions on which a person is engaged to carry out an audit.
- (3) The Secretary must give written notice to the chief executive officer of an ambulance service in respect of which an audit will be carried out stating—
 - (a) that an audit will be carried out and the terms of reference for the audit; and
 - (b) the name of the auditor who has been appointed or engaged to carry out the audit.
- (4) The Secretary must issue to an auditor a copy of the auditor's authorisation to act as an auditor.

S. 38A
inserted by
No. 51/2004
s. 18.

38A Powers of auditors

- (1) An auditor may at any time, with such assistance as he or she reasonably requires, for the purpose of carrying out an audit under this Act enter the premises of an ambulance service and may—
 - (a) inspect the premises; and
 - (b) inspect, take possession of, make copies of or take extracts from any document; and
 - (c) ask questions of any—
 - (i) person who is engaged or employed by the ambulance service;
 - (ii) director of the ambulance service.
- (2) If any document is seized under subsection (1), the auditor must return the document to the ambulance service within 7 days after it is seized.

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- (3) A person must not refuse or fail to give full and true answers to the best of that person's knowledge to any questions asked by an auditor in the performance or exercise of any power under this Act.

Penalty: 60 penalty units.

- (4) An answer given pursuant to a requirement under subsection (3) is not admissible in evidence against the person in criminal proceedings other than proceedings under this section.

- (5) A person must not, in purported compliance with this section, give information or make a statement that is false or misleading in a material particular.

Penalty: 60 penalty units.

- (6) It is a defence in proceedings under subsection (5) if the person proves that he or she did not know that the information or statement was false or misleading.

- (7) A person must not obstruct or hinder an auditor in the performance or exercise of the auditor's powers under this Act.

Penalty: 60 penalty units.

- (8) An auditor must produce a copy of his or her authorisation to act as an auditor if requested to do so.

38B Confidentiality requirements

- (1) A person who is, or at any time has been, an auditor under this Act must not, except to the extent necessary to perform any official duties or to perform or exercise any function or power under this Act, either directly or indirectly, make a record of or divulge or communicate to any person any information that is or was acquired by the person by reason of being, or having been, an auditor or make use of any such information for

S. 38B
inserted by
No. 51/2004
s. 18.

any purpose other than the performance of official duties or the performance or exercise of that function or power.

Penalty: 100 penalty units.

- (2) Subsection (1) does not preclude a person from—
- (a) producing a document to a court in the course of criminal proceedings; or
 - (b) divulging or communicating to a court in the course of any criminal proceedings any matter or thing coming under the notice of the person in the performance of official duties or in the performance or exercise of a function or power referred to in subsection (1); or
 - (c) producing a document or divulging or communicating information with the prior consent of the person to whom it relates, or if that person has died, with the consent of the senior available next of kin of that person.

PART 8—OFFENCES

39 Offences

(1) A person must not—

- | | |
|--|---|
| (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 | S. 39(1)(a)
amended by
No. 46/1998
s. 7(Sch. 1). |
| (b) represent that the person is associated with an ambulance service unless such an association exists; or | S. 39(1)(b)
amended by
No. 38/1998
s. 12(c). |
| (c) use the word "ambulance" (other than on a registration label) on any vehicle that is not owned or operated by an ambulance service without the written authority of the Secretary; or | S. 39(1)(c)
amended by
Nos 38/1998
s. 12(d),
46/1998
s. 7(Sch. 1). |
| (d) impersonate an operational staff member; or | S. 39(1)(d)
amended by
No. 51/2004
s. 19. |
| (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. | S. 39(1)(e)
amended by
No. 46/1998
s. 7(Sch. 1). |

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.

s. 39AA

S. 39AA
inserted by
No. 51/2004
s. 20.

39AA False report of emergency to ambulance service

A person must not wilfully give or cause to be given a false report of an emergency to an ambulance service.

Penalty: 60 penalty units.

S. 39AB
inserted by
No. 51/2004
s. 20.

39AB Police authorised to remove persons when requested

At the request of an operational staff member providing care or treatment to a patient or attempting to provide care or treatment to a patient, a member of the police force is authorised to remove any person who interferes or may interfere, by his or her presence or otherwise, with the provision of care or treatment.

PART 9—MISCELLANEOUS

Pt 9 (Heading)
amended by
No. 25/1999
s. 7.

39A Supreme Court—limitation of jurisdiction

S. 39A
inserted by
No. 25/1999
s. 8.

It is the intention of section 42B to alter or vary section 85 of the **Constitution Act 1975**.

40 Regulations

(1) The Governor in Council may make regulations for or with respect to—

(a) the qualifications of operational staff members;

S. 40(1)(a)
amended by
No. 51/2004
s. 21(a).

(b) the insignia of ambulance services;

(c) the insignia and uniforms of operational staff members;

S. 40(1)(c)
amended by
No. 51/2004
s. 21(a).

(d) the use of the title and the emblem of the "Ambulance Service—Victoria";

(e) the use of the word "paramedic" on any vehicle that is used to operate a non-emergency patient transport service within the meaning of the **Non-Emergency Patient Transport Act 2003** by a person required to hold a licence under section 5(1) of that Act;

S. 40(1)(e)
substituted by
No. 51/2004
s. 21(b).

(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.

Ambulance Services Act 1986
No. 114 of 1986
Part 9—Miscellaneous

s. 40

- (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**

Division 1—General

Pt 10 Div. 1
(Heading)
inserted by
No. 38/1998
s. 12(e).

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 subsection (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.
- (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.

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

* * * * *

S. 42A
inserted by
No. 25/1999
s. 9.

42A Transitional provision (1999 amendments)

The amendments of this Act made by the **Ambulance Services (Further Amendment) Act 1999** apply with respect to a trust (as defined in section 3(1)) in relation to an abolished ambulance service, whether the trust was created before or after the commencement of that Act.

S. 42B
inserted by
No. 25/1999
s. 9.

42B Savings provision: validity of things done by trustees

- (1) Anything done or omitted to be done before the commencement day by a trustee of a trust (as defined in section 3(1)) that would not have constituted a breach of trust had the **Ambulance Services (Further Amendment) Act 1999** been enacted at the time at which the thing was done or omitted to be done is not to be regarded as

constituting a breach of trust and the trustee is not liable for breach of trust on account of that act or omission.

- (2) Nothing effected by the **Ambulance Services (Further Amendment) Act 1999** is to be regarded as making a trustee of a trust (as defined in section 3(1)) liable for breach of trust on account of anything done or omitted to be done before the commencement day by the trustee that would not have constituted a breach of trust had the **Ambulance Services (Further Amendment) Act 1999** never been enacted and on and from that day the trustee is not liable for breach of trust on account of that act or omission.
- (3) In this section *commencement day* means the day on which the **Ambulance Services (Further Amendment) Act 1999** comes into operation.

43 Investments

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

S. 43
amended by
No. 38/1998
s. 12(f).

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 with any financial institution;
- (b) by way of loan;
- (c) by issuing, endorsing or otherwise dealing in promissory notes;

S. 44(1)(a)
amended by
No. 11/2001
s. 3(Sch.
item 4(a)).

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s. 44

S. 44(2)
amended by
Nos 38/1998
s. 12(f),
11/2001
s. 3(Sch.
item 4(b)).

S. 44(3)
amended by
No. 38/1998
s. 12(f).

S. 44(4)
amended by
No. 38/1998
s. 12(f).

S. 44(5)
amended by
No. 38/1998
s. 12(f).

- (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 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 financial institution in Australia.
- (3) An ambulance service may, with the approval of the Treasurer, obtain financial accommodation within Australia for a period not exceeding 12 months.
- (4) An ambulance service 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 subsection (11) relating to the provision to an ambulance service 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 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.

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- (6) A guarantee under subsection (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 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 otherwise in respect of any sums paid by the Treasurer under a guarantee must be paid into the Consolidated Fund. **S. 44(8) amended by No. 38/1998 s. 12(f).**
- (9) An ambulance service 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. **S. 44(9) amended by No. 38/1998 s. 12(f).**
- (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 subsection (5).

Pt 10 Div. 2
(Heading and
ss 45–48)
inserted by
No. 38/1998
s. 13.

S. 45
repealed by
No. 21/1995
s. 29(1),
new s. 45
inserted by
No. 38/1998
s. 13.

S. 46
repealed by
No. 21/1988
s. 60(1)(Sch.),
new s. 46
inserted by
No. 38/1998
s. 13.

Division 2—Abolition of bodies

45 Definitions

In this Division—

Board means the Victorian Ambulance Board created by section 4 as in force immediately before the commencement of section 5 of the **Ambulance Services (Amendment) Act 1998**;

Centre means the Ambulance Officers Training Centre created by section 24 as in force immediately before the commencement of section 11 of the **Ambulance Services (Amendment) Act 1998**;

Secretary means the body corporate established by section 6 of the **Health Act 1958**.

46 Abolition of bodies

- (1) The Victorian Ambulance Board is abolished.
- (2) The Ambulance Officers Training Centre is abolished.
- (3) A person holding office as a member of—
 - (a) the Board; or
 - (b) the committee of management of the Centre—

immediately before the commencement of section 11 of the **Ambulance Services (Amendment) Act 1998** ceases to hold that office.

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- (4) A person who, immediately before the commencement of section 11 of the **Ambulance Services (Amendment) Act 1998** was an officer or employee of the Centre including the person who held office as the Executive Director of the Ambulance Officers Training Centre under section 31 ceases to be such an officer or employee.

47 Transfer of assets and liabilities

- (1) All assets and rights including intellectual property vested in or held by the Centre immediately before the commencement of section 11 of the **Ambulance Services (Amendment) Act 1998** vest in the Secretary.
- (2) All liabilities of the Centre existing immediately before the commencement of section 11 of the **Ambulance Services (Amendment) Act 1998** become liabilities of the Secretary.
- (3) The Secretary is substituted as a party to any agreement, contract, lease or other arrangement (except any contract, agreement or arrangement relating to the employment of an officer or employee referred to in section 46(4)) and to any proceedings to which the Centre was a party immediately before the commencement of section 11 of the **Ambulance Services (Amendment) Act 1998**.
- (4) Any permit, licence or authority of any kind issued or granted to the Centre by or under any Act continues to operate as if issued or granted to the Secretary.
- (5) All records and documents of the Board and the Centre become the property of the Secretary.

S. 47
repealed by
No. 21/1995
s. 29(1),
new s. 47
inserted by
No. 38/1998
s. 13.

S. 48
inserted by
No. 38/1998
s. 13.

48 Certain land to vest in the Secretary

- (1) The land described in the folios of the Register under the **Transfer of Land Act 1958** with the identifying references of volume 8122 folio 663, volume 8122 folio 664 and volume 8122 folio 665 vests in fee simple (together with any appurtenant rights) in the Secretary, subject to the conditions, encumbrances, limitations, exceptions, reservations and restrictions to which the land was subject immediately before its vesting under this section.
- (2) The Registrar of Titles, on being requested to do so and on delivery of any relevant certificate of title, instrument or document must make any amendments in the Register under the **Transfer of Land Act 1958** that are necessary because of the operation of this Division.

Pt 10 Div. 3
(Heading and
ss 49–51)
inserted by
No. 51/2004
s. 22.

Division 3—Change to board of an ambulance service

S. 49
inserted by
No. 51/2004
s. 22.

49 Board same body as former committee of management

The board of an ambulance service is to be taken to be the same body as the committee of management of an ambulance service was before section 11 of the **Ambulance Services (Amendment) Act 2004** comes into operation, despite any of the changes made to its name, structure, functions and operation by that Act and no matter or thing is to be affected because of those changes.

**50 References to former committees of management
and former members of committees of management**

S. 50
inserted by
No. 51/2004
s. 22.

- (1) Any reference to the committee of management of an ambulance service in any subordinate instrument, certificate of title, agreement or other document as far as it relates to any period after section 11 of the **Ambulance Services (Amendment) Act 2004** comes into operation is to be construed as a reference to the board of the ambulance service, unless the contrary intention appears.
- (2) Any reference to a member of the committee of management of an ambulance service in any subordinate instrument, certificate of title, agreement or other document as far as it relates to any period after section 11 of the **Ambulance Services (Amendment) Act 2004** comes into operation is to be construed as a reference to a director of the board of the ambulance service, unless the contrary intention appears.

**51 Former members of committee of management to
remain in office**

S. 51
inserted by
No. 51/2004
s. 22.

The members of the committee of management of an ambulance service continue to hold office as directors of the board of the ambulance service after section 11 of the **Ambulance Services (Amendment) Act 2004** comes into operation for the remaining period for which they were appointed, subject to sections 17(8) and 17(9) of this Act.

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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ENDNOTES

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; ss 3–5, 6(2)(a)(c)–(f), 7(2), 11–13 on 1.12.99: s. 2(3)
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**

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Ambulance Services (Further Amendment) Act 1999, No. 25/1999

Assent Date: 1.6.99
Commencement Date: 1.6.99
Current State: All of Act in operation

Statute Law Revision Act 2000, No. 74/2000

Assent Date: 21.11.00
Commencement Date: S. 3(Sch. 1 item 9) on 22.11.00: s. 2(1)
Current State: This information relates only to the provision/s amending the **Ambulance Services Act 1986**

Statute Law Amendment (Authorised Deposit-taking Institutions) Act 2001, No. 11/2001

Assent Date: 8.5.01
Commencement Date: S. 3(Sch. item 4) on 1.6.01: s. 2(2)
Current State: This information relates only to the provision/s amending the **Ambulance Services Act 1986**

Non-Emergency Patient Transport Act 2003, No. 69/2003

Assent Date: 14.10.03
Commencement Date: Ss 65–67 on 25.3.04: Government Gazette 25.3.04 p. 627
Current State: This information relates only to the provision/s amending the **Ambulance Services Act 1986**

Ambulance Services (Amendment) Act 2004, No. 51/2004 (as amended by No. 29/2006)

Assent Date: 22.6.04
Commencement Date: 5.8.04: Government Gazette 5.8.04 p. 2172—see **Interpretation of Legislation Act 1984**
Current State: All of Act in operation

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 11) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Ambulance Services Act 1986**

Legal Profession (Consequential Amendments) Act 2005, No. 18/2005

Assent Date: 24.5.05
Commencement Date: S. 18(Sch. 1 item 4) on 12.12.05: Government Gazette 1.12.05 p. 2781
Current State: This information relates only to the provision/s amending the **Ambulance Services Act 1986**

Statute Law (Further Revision) Act 2006, No. 29/2006

Assent Date: 6.6.06
Commencement Date: S. 3(Sch. 1 item 1) on 5.8.04: s. 2(2)(a)
Current State: This information relates only to the provision/s amending the **Ambulance Services Act 1986**

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Health Services Legislation Amendment Act 2008, No. 79/2008

Assent Date: 11.12.08

Commencement Date: S. 15 on 31.3.09: Government Gazette 19.2.09 p. 328

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.