

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 10 November, 1976.*

## New South Wales



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

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Act No. , 1976.

An Act relating to the provision of ambulance services in New South Wales; to make provision for the acquisition of property by the New South Wales Ambulance Board; to amend the Local Government Act, 1919, and certain other Acts in certain respects; to repeal the Ambulance Service Act, 1972, and to make provisions consequential thereon.

BE

*Ambulance Services.*

**B**E it enacted by the Queen's Most Excellent Majesty, by  
and with the advice and consent of the Legislative  
Council and Legislative Assembly of New South Wales in  
Parliament assembled, and by the authority of the same, as  
5 follows:—

**PART I.**

**PRELIMINARY.**

**1.** This Act may be cited as the "Ambulance Services Act, Short title.  
1976".

10 **2.** (1). This section and sections 1 and 17 shall Commence-  
commence on the date of assent to this Act. ment.

(2) Except as provided in subsection (1), this Act  
shall commence on such day as may be appointed by the  
Governor in respect thereof and as may be notified by  
15 proclamation published in the Gazette.

**3.** This Act is divided as follows :—

Division  
of Act.

**PART I.—PRELIMINARY—ss. 1–4.**

**PART II.—POWERS, AUTHORITIES, DUTIES AND FUNC-  
TIONS OF THE COMMISSION—ss. 5, 6.**

20 **PART III.—CONTRIBUTION SCHEMES—ss. 7–9.**

**PART IV.—FINANCE—ss. 10–12.**

**PART V.—MISCELLANEOUS—ss. 13–20.**

**SCHEDULE 1.—REPEAL OF ACTS.**

**SCHEDULE 2.—AMENDMENT OF ACTS.**

**SCHEDULE**



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SCHEDULE 3.—SAVING AND TRANSITIONAL PROVISIONS.

4. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

5 “ambulance benefits” means benefits, services and concessions relating to ambulance services;

“ambulance services” means services relating to the work of rendering first aid to, and the transport of, sick and injured persons;

10 “appointed day” means the day appointed and notified under section 2 (2) ;

“Board” means the New South Wales Ambulance Board constituted under the repealed Act ;

15 “Commission” means the Health Commission of New South Wales ;

“contribution” means contribution to a contribution scheme ;

20 “contribution scheme” means a scheme established, conducted and operated by the Commission under section 7 ;

“contributor” means—

(a) a person who is a contributor within the meaning of a contribution scheme ; or

b) a life member of a contribution scheme ;

“regulation”



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“regulation” means a regulation made under this Act;

“repealed Act” means the Ambulance Service Act, 1972.

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**PART II.**

**POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE  
COMMISSION.**

5       **5.** (1) The Commission shall, on and after the appointed day, continue to provide, conduct, operate and maintain such ambulance services as were provided, conducted, operated and maintained by the Board immediately before the  
10 appointed day subject to such alterations as it from time to time deems necessary in the public interest.

*Powers, etc.,  
of the  
Commission.*

      (2) The Commission may, on and after the appointed day, co-operate with or provide assistance to any person or organisation for the purpose of providing, conducting,  
15 operating and maintaining ambulance services.

**6.** (1) The Commission may appoint such persons as it thinks fit to be honorary ambulance officers.

*Honorary  
ambulance  
officers.*

(2) Honorary ambulance officers—

- 20       (a) shall carry out, without remuneration, such duties relating to the provision of ambulance services as the Commission may from time to time direct; and
- (b) shall be subject to the control and supervision of the Commission.

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**PART**



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PART III.

CONTRIBUTION SCHEMES.

7. (1) The Commission may from time to time by resolution— Contribution scheme.

- 5 (a) provide for the establishment, conduct and operation of a contribution scheme whereby ambulance benefits are provided for contributors and their dependants; and
- (b) change the provisions of a contribution scheme.

10 (2) Without limiting the generality of subsection (1), a resolution of the Commission relating to a contribution scheme may make provision for or with respect to—

- 15 (a) the contributors or classes of contributors for whom ambulance benefits are to be provided under the contribution scheme;
- (b) the dependants or classes of dependants of contributors for whom ambulance benefits are to be provided under the contribution scheme;
- 20 (c) the persons or classes of persons other than contributors or their dependants for whom ambulance benefits are to be provided under the contribution scheme;
- 25 (d) the ambulance benefits or classes of ambulance benefits to be provided under the contribution scheme;
- (e) the rates or amounts of contribution to be paid in respect of the contribution scheme;
- (f) the periods in respect of which contribution to the contribution scheme is to be paid;
- 30 (g) the manner of payment, collection and recovery of contribution to the contribution scheme; and

(h)



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(h) all matters consequential upon or ancillary to the matters in respect of which a resolution may be made under the foregoing provisions of this section.

(3) A resolution referred to in this section may be  
5 limited in its application to a part of the State specified in that resolution or in a subsequent resolution.

8. The Commission may appoint as a life member of a Life contribution scheme a person who in its opinion has rendered members.  
meritorious service in the provision, conduct, operation or  
10 maintenance of ambulance services.

9. The provisions of the Truck Act of 1900 or of section Deduction  
92 or 93 of the Industrial Arbitration Act, 1940, shall not of con-  
apply in respect of deductions by way of contribution from the tribution.  
remuneration of an employee.

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15 PART IV.

FINANCE.

10. (1) There shall be established in the Special Deposits Ambulance  
Account at the Treasury a fund to be called the "Ambulance Services  
Services Fund" Fund.

20 (2) Money provided by Parliament for or in connection with the provision, conduct, operation or maintenance of ambulance services by the Commission and any other money received by the Commission for those purposes shall be paid to the credit of the Ambulance Services Fund.

(3)



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(3) The money paid to the Ambulance Services Fund may only be used for or in connection with the provision, conduct, operation or maintenance of ambulance services.

5   **11.** (1) The Commission may establish such special project accounts as it sees fit. Special  
project  
accounts.

(2) Subject to subsections (3) and (4), money in a special project account may only be used for or in connection with such purposes related to the improvement of ambulance  
10 services as are approved by the Commission and, if the Commission has, under section 14 (3) (a), specified an area in which the money shall be used, may only be used in that area.

(3) The Commission may invest money in a special project account in any manner authorised by the Trustee Act,  
15 1925, for the investment of trust funds or in any prescribed manner.

(4) Where the Commission—

(a) has, under section 14 (3) (a), specified an area in which money collected pursuant to a consent given  
20 under section 14 (1) shall be used; and

(b) subsequently forms the opinion—

(i) that ambulance services in that area would be better served by the use of that money for a purpose approved by the Commission  
25 other than that for which the money was collected; and

(ii) that the public in that area will derive a substantial benefit from the use of that money for that other purpose,

30 the Commission may, but only if the Minister consents, use that money for that other purpose whether or not the implementation of that other purpose would result in the money or any part of it being used outside that area.

(5)

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(5) A regulation may be made providing for the pooling for investment purposes of money in a special project account with money in any other special project account and for matters incidental to or arising from the investment of any such money.

12. (1) The Minister may, by notice published in the *Fees for services.*  
Gazette—

- (a) fix a scale of fees in respect of ambulance services provided by the Commission ; and
- 10 (b) amend or revoke any scale of fees so fixed.

(2) The Commission may remit or postpone payment of all or any amounts due to the Commission in respect of ambulance services provided by the Board before the appointed day and payment of all or any amounts due to the  
15 Commission in respect of ambulance services provided by the Commission.

PART V.

MISCELLANEOUS.

13. (1) A person shall not—
- 20 (a) directly or indirectly provide or take part in the *Unauthor-  
ised pro-  
vision of  
ambulance  
transport.*  
provision of transport for sick or injured persons for fee or reward ; or
  - (b) conduct for fee or reward any operations similar to the operations carried on by the Commission under  
25 this Act,
- without the consent of the Commission and except in accordance with such conditions (if any) as the Commission may from time to time impose.

(2)



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(2) The Commission may revoke any consent given, or revoke or vary any condition imposed, under subsection (1).

(3) Subsection (1) does not apply to—

- 5 (a) the Commission ;
- (b) the Saint John Ambulance Association and the Saint John Ambulance Brigade (Overseas) New South Wales District in respect of operations similar to the operations lawfully carried on by those bodies immediately before the appointed day ;
- 10 (c) the Royal Flying Doctor Service of Australia (N.S.W. Section) ;
- (d) the committee of a district constituted under the Mines Rescue Act, 1925 ; or
- 15 (e) any prescribed person or class of persons.

14. (1) A person shall not organise, conduct or take part in the collection or soliciting of money or property from the public for, towards or in return for the provision of ambulance services without the consent of the Commission and except in accordance with such conditions (if any) as the Commission may from time to time impose. Unauthor-  
ised  
collections.

(2) The Commission may revoke any consent given, or revoke or vary any condition imposed, under subsection (1).

25 (3) Where the Commission gives a consent under subsection (1) it shall specify—

- (a) the area in which any money collected pursuant to that consent shall be used ; and
  - (b) the special project account into which any money collected pursuant to that consent shall be paid.
- 30

(4)

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(4) The area to which a consent referred to in subsection (3) (a) relates may be the whole of the State of New South Wales or such part thereof as is specified by the Commission.

5 (5) Subsection (1) does not apply to—

(a) the Commission;

10 (b) an insurer under a policy of insurance to the extent that the money or the property represents consideration for an indemnity provided in that policy against the cost of the transport of sick or injured persons, being an indemnity incidental to the risks insured under that policy; or

(c) any prescribed person or class of persons.

**15.** (1) A person who contravenes or fails to comply **Offences.**  
15 with a provision of this Act is guilty of an offence against this Act.

(2) A person who is guilty of an offence against this Act shall be liable to a penalty not exceeding \$500.

(3) All proceedings for offences against this Act  
20 shall be disposed of summarily before a stipendiary magistrate.

**16.** (1) The Governor may make regulations, not **Regulations.**  
inconsistent with this Act, for or with respect to any matter which by this Act is required or permitted to be prescribed or which is necessary or convenient to be prescribed for  
25 carrying out or giving effect to this Act.

(2) A regulation may be made so as to apply differently according to such factors as are specified in the regulation.



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**17.** The Ambulance Service Act, 1972, is amended by inserting after section 18 the following section : —

Amendment  
of Act No.  
15, 1972.  
Sec. 18A.

**5** 18A. (1) The Board has power to acquire, and shall be deemed always to have had power to acquire, by gift inter vivos, devise or bequest, any property for the purposes of this Act and to agree to the condition of any such gift, devise or bequest.

Power of  
Board to  
accept  
gifts, etc.

**10** (2) The rule of law against the remoteness of vesting shall not apply, and shall be deemed never to have applied, to any such condition to which the Board has agreed.

**18.** (1) Each Act specified in Schedule 1 is repealed. Repeals.

(2) Section 17 is repealed.

**15** **19.** Each Act specified in Column 1 of Schedule 2 is amended in the manner set forth opposite that Act in Column 2 of Schedule 2.

Amendment  
of Acts.

**20.** Schedule 3 has effect.

Saving and  
transitional  
provisions.

*Ambulance Services.*

## SCHEDULE 1.

Sec. 18.

## REPEAL OF ACTS.

5	Year and number of Act.	Short title of Act.
	1972, No. 15 .. ..	Ambulance Service Act, 1972.
	1975, No. 6 .. ..	Ambulance Service (Amendment) Act, 1975.

## SCHEDULE 2.

Sec. 19.

## AMENDMENT OF ACTS.

10	Column 1.		Column 2.
15	Year and number of Act.	Short title of Act.	Amendment.
20	1919, No. 41 ..	Local Government Act, 1919.	Section 298 (1) (d)— Omit "New South Wales Ambulance Board", insert instead "Health Commission". Section 298 (2)— Omit "New South Wales Ambulance Board", insert instead "Health Commission".
25	1920, No. 47 ..	Stamp Duties Act, 1920.	Section 97AA (3) (d) (ii)— Omit "Act, or by or on behalf of the New South Wales Ambulance Board; or", insert instead "Act; or". Second Schedule, General Exemptions from Stamp Duty under Part III— Omit paragraph (11).
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SCHEDULE



*Ambulance Services.*

## SCHEDULE 2—continued.

## AMENDMENT OF ACTS—continued.

Column 1.		Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.
10	1926, No. 15..	Workers' Compensation Act, 1926.	Section 6 (14D) (a)— Omit "New South Wales Ambulance Board", insert instead "Health Commission of New South Wales".
15	1942, No. 15..	Motor Vehicles (Third Party Insurance) Act, 1942.	Section 6 (14D) (a)— Omit "that Board", insert instead "that Commission".
20	1943, No. 22..	Sydney Turf Club Act, 1943.	Section 24, definition of "Ambulance vehicle"— Omit "New South Wales Ambulance Board", insert instead "Health Commission of New South Wales".
25	1944, No. 15..	Crown Employees Appeal Board Act, 1944.	Section 11 (2) (c)— Omit "New South Wales Ambulance Board", insert instead "Health Commission of New South Wales, in respect of ambulance services".
30			Section 2 (1), definition of "Employing authority"— After "means", insert ", subject to subsection (4)".
35			Section 2 (4)— After section 2 (3), insert:— (4) Where the name of a person appears in the Second Schedule in respect of a person or class of persons, the firstmentioned person is, for the purposes of this Act, an employing authority only in respect of that other person or class of persons.
40			Second Schedule— Omit "The New South Wales Ambulance Board.", insert instead "The Health Commission of New South Wales in respect of persons employed under section 14A of the Health Commission Act, 1972, in connection with ambulance services."
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## SCHEDULE 2—continued.

## AMENDMENT OF ACTS—continued.

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	Amendment.	
10	1957, No. 28..	Attachment of Wages Limitation Act, 1957.
15		Section 10 (12), definition of "employing authority"— After "means", insert ", subject to subsection (12A)."
20		Section 10 (12A)— After section 10 (12), insert:— (12A) Where the name of a person appears in the Schedule in respect of a person or class of persons, the first-mentioned person is, for the purposes of this Act, an employing authority only in respect of that other person or class of persons.
25		Schedule— Omit "New South Wales Ambulance Board.", insert instead "Health Commission of New South Wales in respect of persons employed under section 14A of the Health Commission Act, 1972, in connection with ambulance services."

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## SCHEDULE 3.

Sec. 20.

## SAVING AND TRANSITIONAL PROVISIONS.

1. In this Schedule, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

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"permanent servant" has the meaning ascribed thereto in the Local Government and Other Authorities (Superannuation) Act, 1927;

"superannuation scheme" means a scheme, fund, account or arrangement under which any superannuation or retirement benefits are provided and which is established by or under

## SCHEDULE



*Ambulance Services.*SCHEDULE 3—*continued.*SAVING AND TRANSITIONAL PROVISIONS—*continued.*

5 the Local Government and Other Authorities (Superannuation) Act, 1927, and includes an insurance policy on the life of the secretary of the Board in respect of which a share of the premium is contributed by the Board.

## 2. On and from the appointed day—

Transfer of  
assets,  
liabilities,  
etc., of  
Board.

- 10 (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Board shall vest in and belong to the Commission;
- 15 (b) all money and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Board shall be money and liquidated and unliquidated claims payable to or recoverable by the Commission;
- 20 (c) all proceedings commenced before that day by the Board and pending immediately before that day shall be deemed to be proceedings commenced by the Commission and all proceedings so commenced by any person against the Board and pending immediately before that day shall be proceedings deemed to be respectively commenced by that person against the Commission;
- 25 (d) all contracts, agreements, arrangements and undertakings entered into with and all securities lawfully given to or by the Board and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Commission;
- 30 (e) the Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this clause and for the prosecution of proceedings so referred to as the Board might have done but for the enactment of this Act;
- 35 (f) the Commission may enforce and realise any security or charge existing immediately before that day in favour of the Board and may exercise any powers thereby conferred on the Board as if the security or charge were a security or charge in favour of the Commission;

## SCHEDULE



*Ambulance Services.*

SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

- 5 (g) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Board shall be debts due, money payable by and claims recoverable against, the Commission; and
- 10 (h) all liquidated and unliquidated claims for which the Board would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Commission shall be liable.
- 15 3. A reference to the Board in any other Act or in any by-law, regulation, statutory instrument or other document, whether of the same or of a different kind, shall be construed as a reference to the Commission. References in documents to Board.
- 20 4. Any act, matter or thing done or omitted to be done before the appointed day by the Board or a delegate of the Board, or to or in respect of the Board shall, to the extent that but for the enactment of this Act that act, matter or thing would on or after that day have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Commission. Acts of the Board.
- 25 5. A person who, immediately before the appointed day, was a member of the Board and who ceases to be such a member by reason of the enactment of this Act is not entitled to be paid any remuneration or compensation by reason of his ceasing to be such a member. No compensation payable to members of Board.
6. No attornment to the Commission by a lessee from the Board shall be required. Attornment not required.
- 30 7. A person who, immediately before the appointed day, was a person in respect of whom an appointment as an honorary ambulance officer was in force under section 12 (1) of the repealed Act shall be deemed to be an honorary ambulance officer appointed under section 6 (1). Honorary ambulance officers.
- 35 8. (1) Money provided to the Board by Parliament before the appointed day for or in connection with the provision, conduct, operation and maintenance of ambulance services and any other money received by the Board from any other person for those purposes that has not been used shall be paid to the credit of the Ambulance Services Fund established under section 10. Financial matters.

SCHEDULE



*Ambulance Services.*SCHEDULE 3—*continued.*SAVING AND TRANSITIONAL PROVISIONS—*continued.*

(2) Where immediately before the appointed day money collected from the public for use for or in connection with the improvement of ambulance services is at credit in a bank account of the Board (not being an account from which maintenance and operating expenses are paid) that account shall be deemed to be a special project account established by the Commission pursuant to section 11, but section 11 (4) does not apply to or in respect of that account.

(3) Where the Commission is of the opinion that—

(a) money at credit in a bank account as referred to in subclause (2) had, before the appointed day, been collected from the public for use for or in connection with the improvement of ambulance services and had been collected substantially within the boundaries of a district established and defined pursuant to section 21 (1) (a) of the repealed Act;

(b) ambulance services in that district would be better served by the use of that money for a purpose other than that for which the money was collected; and

(c) the public in that district will derive a substantial benefit from the use of that money for that other purpose,

the Commission may, but only if the Minister consents, use that money for that other purpose whether or not the implementation of that other purpose would result in the money or any part of it being used outside that district.

9. Subject to section 7 (1) (b), the contribution scheme established, conducted and operated by the Board under section 35 (1) of the repealed Act as so established, conducted and operated immediately before the appointed day shall, on and after that day, be deemed to have been established by the Commission under section 7.

10. A person who, immediately before the appointed day, was a life member of the contribution scheme established, conducted and operated under section 35 (1) of the repealed Act shall be deemed to be a life member of the contribution scheme referred to in clause 9.

11. A person who, immediately before the appointed day, was a contributor (other than a life member of the contribution scheme established, conducted and operated under section 35 (1) of the repealed Act) shall, on and after that day and for such period as he would have been such a contributor if this Act had not been enacted, be deemed to be a contributor under this Act.



*Ambulance Services.*SCHEDULE 3—*continued.*SAVING AND TRANSITIONAL PROVISIONS—*continued.*

12. A person who, immediately before the appointed day, was a servant of the Board shall, on that day, become and be a servant of the Commission and shall be deemed to have been appointed and employed pursuant to section 14A of the Health Commission Act, 1972, in connection with ambulance services.

13. (1) A person to whom clause 12 applies shall retain any rights which have accrued or are accruing to him as a permanent servant and shall continue to contribute to any superannuation scheme to which he was a contributor immediately before the appointed day and shall be entitled to receive any payment, pension or gratuity, as if he had continued, as a servant of the Board, to be a permanent servant.

(2) The Commission, in respect of a person to whom clause 12 applies, shall pay to the Local Government Superannuation Board such amounts as would have been payable by the Board to the Local Government Superannuation Board in respect of that person if he had remained, as a servant of the Board, a permanent servant and as if he were receiving from the Board the same salary or wages as is or are being paid to him during his service with the Commission.

(3) A person to whom clause 12 applies shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before the appointed day, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered pursuant to an award of a competent tribunal or an industrial agreement or by the Commission.

(4) Where any condition of employment of a person to whom clause 12 applies was, immediately before the appointed day, regulated by an award or industrial agreement, that condition shall continue to be so regulated until it is varied by an award by which the Commission is bound made by a court of competent jurisdiction, or that condition is regulated by an industrial agreement to which the Commission is a party.

(5) The period of service with the Board of a person to whom clause 12 applies shall be deemed to be service with the Commission for the purposes of annual leave, sick leave or long service leave.

(6) A person to whom clause 12 applies shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

## SCHEDULE



*Ambulance Services.*

SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

14. (1) In this clause, "prescribed person" means a person who is  
5 an officer of the Public Service to whom section 15 (2) of the  
repealed Act applied.

Continua-  
tion of  
existing  
super-  
annuation  
rights of  
certain  
officers.

(2) Subject to clause 15 (5), a prescribed person shall, on  
and after the appointed day, retain any rights which have accrued  
or are accruing to him by virtue of the operation of section 15 (1)  
10 of the repealed Act immediately before that day and shall continue,  
on and after that day, to contribute to any superannuation scheme to  
which he was a contributor immediately before that day and shall be  
entitled to receive any payment, pension or gratuity, as if he had  
continued, as an officer of the Public Service, to be a permanent  
servant.

15 (3) While a prescribed person continues to contribute under  
subclause (2) to a superannuation scheme, the Commission, in respect  
of a prescribed person, shall, on and after the appointed day, pay to  
the Local Government Superannuation Board such amounts as would  
20 have been payable on and after that day by the Board to the Local  
Government Superannuation Board in respect of that person if he  
had continued to be a permanent servant employed by the Board  
receiving from the Board the same salary or wages as is or are being  
paid to him during his service with the Commission.

15. (1) In this clause—  
25 "contributor" has the meaning ascribed thereto in section 3  
(1) of the Superannuation Act, 1916;  
"prescribed person" means a person who is an officer of the  
Public Service to whom section 15 (2) of the repealed  
Act applied.

Election by  
officer to  
become con-  
tributor to  
State  
Super-  
annuation  
Fund.

30 (2) A prescribed person is not, on or after the appointed day,  
while he remains an officer of the Public Service, entitled to become a  
contributor except as provided in this clause.

(3) A prescribed person may, by instrument in writing  
delivered to the secretary of the State Superannuation Board within  
35 3 months after the appointed day, elect to become a contributor.

(4) For the purpose only of applying the provisions of section  
92A of the Superannuation Act, 1916—

40 (a) a person who makes the election referred to in subclause  
(3) in accordance with that subclause shall be deemed to be  
a person in the service of the Commission; and

SCHEDULE

*Ambulance Services.*

SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

- 5 (b) the Commission shall be deemed to be an employing authority specified in Schedule III to the Superannuation Act, 1916.

(5) A prescribed person who, but for this subclause, would be entitled to continue to contribute to a superannuation scheme or to receive any payment, pension or gratuity from any such scheme shall not be so entitled upon becoming a contributor.

- 10 (6) Subclause (5) does not prevent the payment to a prescribed person upon his ceasing to contribute to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be a permanent servant for the purposes of that scheme.

- 15 16. Where the person holding office as the secretary of the Board immediately before the appointed day does not become a contributor as referred to in clause 15—

Special provision in respect of secretary of the Board.

- 20 (a) he shall on and after that day retain any rights which have accrued or are accruing to him immediately before that day under any insurance policy upon his life by way of endowment or annuity, and shall be entitled on or after that day to receive any payment, pension or gratuity under any such policy as if this Act had not been enacted; and
- 25 (b) the Commission shall on and after that day pay the share of any premium contributed by the Board immediately before that day on any policy referred to in paragraph (a) upon the same terms and subject to the same conditions as the premium was so contributed by the Board.

- 30 17. (1) Where immediately before the appointed day an appeal is pending before, or could have been made to, the Crown Employees Appeal Board by a person who on that day becomes a servant of the Commission by the operation of clause 12, that appeal may—

Pending appeals to Crown Employees Appeal Board.

- (a) where it was pending, be continued or completed; or
- 35 (b) where it is made after that day, be commenced within the period prescribed by the Crown Employees Appeal Board Act, 1944, and be continued and completed,

and may be determined by the Crown Employees Appeal Board.

SCHEDULE



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*Ambulance Services.*

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SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

(2) The determination of the Crown Employees Appeal Board on an appeal referred to in subclause (1) shall be given effect to by  
5 the Commission.

18. For the purpose of section 298 of the Local Government Act, 1919, an ambulance service that, immediately before the appointed day, was an ambulance service approved by the Board shall, on and  
after that day, be deemed to be an ambulance service approved by  
10 the Commission.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

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No. , 1976.

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# A BILL

Relating to the provision of ambulance services in New South Wales; to make provision for the acquisition of property by the New South Wales Ambulance Board; to amend the Local Government Act, 1919, and certain other Acts in certain respects; to repeal the Ambulance Service Act, 1972, and to make provisions consequential thereon.

[Mr STEWART—28 *September*, 1976.]

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BE

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**B**E it enacted by the Queen's Most Excellent Majesty, by  
and with the advice and consent of the Legislative  
Council and Legislative Assembly of New South Wales in  
Parliament assembled, and by the authority of the same, as  
5 follows:—

**PART I.**

**PRELIMINARY.**

**1.** This Act may be cited as the "Ambulance Services Act, Short title.  
1976".

10 **2.** (1) This section and sections 1 and 17 shall Commence-  
commence on the date of assent to this Act. ment.

(2) Except as provided in subsection (1), this Act  
shall commence on such day as may be appointed by the  
Governor in respect thereof and as may be notified by  
15 proclamation published in the Gazette.

**3.** This Act is divided as follows :—

Division  
of Act.

**PART I.—PRELIMINARY—ss. 1–4.**

**PART II.—POWERS, AUTHORITIES, DUTIES AND FUNC-  
TIONS OF THE COMMISSION—ss. 5, 6.**

20 **PART III.—CONTRIBUTION SCHEMES—ss. 7–9.**

**PART IV.—FINANCE—ss. 10–12.**

**PART V.—MISCELLANEOUS—ss. 13–20.**

**SCHEDULE 1.—REPEAL OF ACTS.**

**SCHEDULE 2.—AMENDMENT OF ACTS.**

**SCHEDULE**



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**SCHEDULE 3.—SAVING AND TRANSITIONAL PROVISIONS.**

**4.** In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

5     “ambulance benefits” means benefits, services and concessions relating to ambulance services;

“ambulance services” means services relating to the work of rendering first aid to, and the transport of, sick and injured persons;

10    “appointed day” means the day appointed and notified under section 2 (2);

“Board” means the New South Wales Ambulance Board constituted under the repealed Act;

15    “Commission” means the Health Commission of New South Wales;

“contribution” means contribution to a contribution scheme;

20    “contribution scheme” means a scheme established, conducted and operated by the Commission under section 7;

“contributor” means—

(a) a person who is a contributor within the meaning of a contribution scheme; or

(b) a life member of a contribution scheme;

“regulation”

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“regulation” means a regulation made under this Act;

“repealed Act” means the Ambulance Service Act, 1972.

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**PART II.**

**POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE  
COMMISSION.**

5

5. (1) The Commission shall, on and after the appointed day, continue to provide, conduct, operate and maintain such ambulance services as were provided, conducted, operated and maintained by the Board immediately before the appointed day subject to such alterations as it from time to time deems necessary in the public interest.

Powers, etc.,  
of the  
Commission.

(2) The Commission may, on and after the appointed day, co-operate with or provide assistance to any person or organisation for the purpose of providing, conducting, operating and maintaining ambulance services.

15

6. (1) The Commission may appoint such persons as it thinks fit to be honorary ambulance officers.

Honorary  
ambulance  
officers.

(2) Honorary ambulance officers—

- 20 (a) shall carry out, without remuneration, such duties relating to the provision of ambulance services as the Commission may from time to time direct; and
- (b) shall be subject to the control and supervision of the Commission.

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**PART**



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PART III.

CONTRIBUTION SCHEMES.

7. (1) The Commission may from time to time by resolution— Contribution scheme.

- 5 (a) provide for the establishment, conduct and operation of a contribution scheme whereby ambulance benefits are provided for contributors and their dependants; and
- (b) change the provisions of a contribution scheme.

10 (2) Without limiting the generality of subsection (1), a resolution of the Commission relating to a contribution scheme may make provision for or with respect to—

- 15 (a) the contributors or classes of contributors for whom ambulance benefits are to be provided under the contribution scheme;
- (b) the dependants or classes of dependants of contributors for whom ambulance benefits are to be provided under the contribution scheme;
- 20 (c) the persons or classes of persons other than contributors or their dependants for whom ambulance benefits are to be provided under the contribution scheme;
- (d) the ambulance benefits or classes of ambulance benefits to be provided under the contribution scheme;
- 25 (e) the rates or amounts of contribution to be paid in respect of the contribution scheme;
- (f) the periods in respect of which contribution to the contribution scheme is to be paid;
- 30 (g) the manner of payment, collection and recovery of contribution to the contribution scheme; and

(h)

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(h) all matters consequential upon or ancillary to the matters in respect of which a resolution may be made under the foregoing provisions of this section.

(3) A resolution referred to in this section may be  
5 limited in its application to a part of the State specified in that resolution or in a subsequent resolution.

8. The Commission may appoint as a life member of a Life  
contribution scheme a person who in its opinion has rendered members.  
meritorious service in the provision, conduct, operation or  
10 maintenance of ambulance services.

9. The provisions of the Truck Act of 1900 or of section Deduction  
92 or 93 of the Industrial Arbitration Act, 1940, shall not of con-  
apply in respect of deductions by way of contribution from the tribution.  
remuneration of an employee.

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15 PART IV.

FINANCE.

10. (1) There shall be established in the Special Deposits Ambulance  
Account at the Treasury a fund to be called the "Ambulance Services  
Services Fund" Fund.

20 (2) Money provided by Parliament for or in connection with the provision, conduct, operation or maintenance of ambulance services by the Commission and any other money received by the Commission for those purposes shall be paid to the credit of the Ambulance Services Fund.

(3)



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(3) The money paid to the Ambulance Services Fund may only be used for or in connection with the provision, conduct, operation or maintenance of ambulance services.

5 **11.** (1) The Commission may establish such special project accounts as it sees fit. Special project accounts.

(2) Subject to subsections (3) and (4), money in a special project account may only be used for or in connection with such purposes related to the improvement of ambulance services as are approved by the Commission and, if the Commission has, under section 14 (3) (a), specified an area in which the money shall be used, may only be used in that area.

(3) The Commission may invest money in a special project account in any manner authorised by the Trustee Act, 15 1925, for the investment of trust funds or in any prescribed manner.

(4) Where the Commission—

(a) has, under section 14 (3) (a), specified an area in which money collected pursuant to a consent given under section 14 (1) shall be used; and

(b) subsequently forms the opinion—

(i) that ambulance services in that area would be better served by the use of that money for a purpose approved by the Commission other than that for which the money was collected; and

(ii) that the public in that area will derive a substantial benefit from the use of that money for that other purpose,

30 the Commission may, but only if the Minister consents, use that money for that other purpose whether or not the implementation of that other purpose would result in the money or any part of it being used outside that area.

(5)

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(5) A regulation may be made providing for the pooling for investment purposes of money in a special project account with money in any other special project account and for matters incidental to or arising from the investment of any such money.

**12.** (1) The Minister may, by notice published in the *Fees for services.*  
Gazette—

- (a) fix a scale of fees in respect of ambulance services provided by the Commission; and
- 10 (b) amend or revoke any scale of fees so fixed.

(2) The Commission may remit or postpone payment of all or any amounts due to the Commission in respect of ambulance services provided by the Board before the appointed day and payment of all or any amounts due to the  
15 Commission in respect of ambulance services provided by the Commission.

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**PART V.**

**MISCELLANEOUS.**

- 13.** (1) A person shall not—
- 20 (a) directly or indirectly provide or take part in the provision of transport for sick or injured persons for fee or reward; or
  - (b) conduct for fee or reward any operations similar to the operations carried on by the Commission under  
25 this Act,

without the consent of the Commission and except in accordance with such conditions (if any) as the Commission may from time to time impose.

(2)



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(2) The Commission may revoke any consent given, or revoke or vary any condition imposed, under subsection (1).

(3) Subsection (1) does not apply to—

- 5 (a) the Commission ;
- (b) the Saint John Ambulance Association and the Saint John Ambulance Brigade (Overseas) New South Wales District in respect of operations similar to the operations lawfully carried on by those bodies immediately before the appointed day ;
- 10 (c) the Royal Flying Doctor Service of Australia (N.S.W. Section) ;
- (d) the committee of a district constituted under the Mines Rescue Act, 1925 ; or
- 15 (e) any prescribed person or class of persons.

14. (1) A person shall not organise, conduct or take part in the collection or soliciting of money or property from the public for, towards or in return for the provision of ambulance services without the consent of the Commission and except in accordance with such conditions (if any) as the Commission may from time to time impose.

Unauthor-  
ised  
collections.

(2) The Commission may revoke any consent given, or revoke or vary any condition imposed, under subsection (1).

25 (3) Where the Commission gives a consent under subsection (1) it shall specify—

- (a) the area in which any money collected pursuant to that consent shall be used ; and
- 30 (b) the special project account into which any money collected pursuant to that consent shall be paid.

(4)

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(4) The area to which a consent referred to in subsection (3) (a) relates may be the whole of the State of New South Wales or such part thereof as is specified by the Commission.

5 (5) Subsection (1) does not apply to—

(a) the Commission ;

10 (b) an insurer under a policy of insurance to the extent that the money or the property represents consideration for an indemnity provided in that policy against the cost of the transport of sick or injured persons, being an indemnity incidental to the risks insured under that policy ; or

(c) any prescribed person or class of persons.

**15.** (1) A person who contravenes or fails to comply **Offences.**  
15 with a provision of this Act is guilty of an offence against this Act.

(2) A person who is guilty of an offence against this Act shall be liable to a penalty not exceeding \$500.

(3) All proceedings for offences against this Act  
20 shall be disposed of summarily before a stipendiary magistrate.

**16.** (1) The Governor may make regulations, not **Regulations.**  
inconsistent with this Act, for or with respect to any matter which by this Act is required or permitted to be prescribed or which is necessary or convenient to be prescribed for  
25 carrying out or giving effect to this Act.

(2) A regulation may be made so as to apply differently according to such factors as are specified in the regulation.



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**17.** The Ambulance Service Act, 1972, is amended by inserting after section 18 the following section : —

Amendment  
of Act No.  
15, 1972.  
Sec. 18A.

5       18A. (1) The Board has power to acquire, and shall be deemed always to have had power to acquire, by gift inter vivos, devise or bequest, any property for the purposes of this Act and to agree to the condition of any such gift, devise or bequest.

Power of  
Board to  
accept  
gifts, etc.

10       (2) The rule of law against the remoteness of vesting shall not apply, and shall be deemed never to have applied, to any such condition to which the Board has agreed.

**18.** (1) Each Act specified in Schedule 1 is repealed.

Repeals.

(2) Section 17 is repealed.

**19.** Each Act specified in Column 1 of Schedule 2 is amended in the manner set forth opposite that Act in Column 2 of Schedule 2.

Amendment  
of Acts.

**20.** Schedule 3 has effect.

Saving and  
transitional  
provisions.

Act No. , 1976.

12

*Ambulance Services.*

SCHEDULE 1.

Sec. 18.

REPEAL OF ACTS.

5	Year and number of Act.		Short title of Act.
	1972, No. 15	.. ..	Ambulance Service Act, 1972.
	1975, No. 6	.. ..	Ambulance Service (Amendment) Act, 1975.

SCHEDULE 2.

Sec. 19.

AMENDMENT OF ACTS.

10	Column 1.		Column 2.
	Year and number of Act.	Short title of Act.	Amendment.
15	1919, No. 41..	Local Govern- ment Act, 1919.	Section 298 (1) (d)— Omit "New South Wales Ambulance Board", insert instead "Health Com- mission". Section 298 (2)— Omit "New South Wales Ambulance Board", insert instead "Health Com- mission".
20	1920, No. 47..	Stamp Duties Act, 1920.	Section 97AA (3) (d) (ii)— Omit "Act, or by or on behalf of the New South Wales Ambulance Board; or", insert instead "Act; or". Second Schedule, General Exemptions from Stamp Duty under Part III— Omit paragraph (11).
25			
30			

SCHEDULE



*Ambulance Services.*

## SCHEDULE 2—continued.

## AMENDMENT OF ACTS—continued.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
10 1926, No. 15..	Workers' Compensation Act, 1926.	Section 6 (14D) (a)— Omit "New South Wales Ambulance Board", insert instead "Health Commission of New South Wales". Section 6 (14D) (a)— Omit "that Board", insert instead "that Commission".
15 1942, No. 15..	Motor Vehicles (Third Party Insurance) Act, 1942.	Section 24, definition of "Ambulance vehicle"— Omit "New South Wales Ambulance Board", insert instead "Health Commission of New South Wales".
20 1943, No. 22..	Sydney Turf Club Act, 1943.	Section 11 (2) (c)— Omit "New South Wales Ambulance Board", insert instead "Health Commission of New South Wales, in respect of ambulance services".
25 1944, No. 15..	Crown Employees Appeal Board Act, 1944.	Section 2 (1), definition of "Employing authority"— After "means", insert ", subject to subsection (4),". Section 2 (4)— After section 2 (3), insert:— (4) Where the name of a person appears in the Second Schedule in respect of a person or class of persons, the firstmentioned person is, for the purposes of this Act, an employing authority only in respect of that other person or class of persons.
30		Second Schedule— Omit "The New South Wales Ambulance Board", insert instead "The Health Commission of New South Wales in respect of persons employed under section 14A of the Health Commission Act, 1972, in connection with ambulance services."
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40		
45		

*Ambulance Services.*SCHEDULE 2—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	15	20
25	Amendment.	
10	1957, No. 28..	Attachment of Wages Limitation Act, 1957.
15		Section 10 (12), definition of "employing authority"— After "means", insert " subject to subsection (12A)".
20		Section 10 (12A)— After section 10 (12), insert:— (12A) Where the name of a person appears in the Schedule in respect of a person or class of persons, the first-mentioned person is, for the purposes of this Act, an employing authority only in respect of that other person or class of persons.
25		Schedule— Omit "New South Wales Ambulance Board.", insert instead "Health Commission of New South Wales in respect of persons employed under section 14A of the Health Commission Act, 1972, in connection with ambulance services."

30

## SCHEDULE 3.

Sec. 20.

## SAVING AND TRANSITIONAL PROVISIONS.

1. In this Schedule, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

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"permanent servant" has the meaning ascribed thereto in the Local Government and Other Authorities (Superannuation) Act, 1927;

"superannuation scheme" means a scheme, fund, account or arrangement under which any superannuation or retirement benefits are provided and which is established by or under

## SCHEDULE



*Ambulance Services.*

SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

5 the Local Government and Other Authorities (Superannua-  
tion) Act, 1927, and includes an insurance policy on the  
life of the secretary of the Board in respect of which a share  
of the premium is contributed by the Board.

2. On and from the appointed day—

Transfer of  
assets,  
liabilities,  
etc., of  
Board.

10 (a) all real and personal property and all right and interest  
therein and all management and control thereof that, imme-  
diately before that day, was vested in or belonged to the  
Board shall vest in and belong to the Commission;

15 (b) all money and liquidated and unliquidated claims that, imme-  
diately before that day, were payable to or recoverable by  
the Board shall be money and liquidated and unliquidated  
claims payable to or recoverable by the Commission;

20 (c) all proceedings commenced before that day by the Board and  
pending immediately before that day shall be deemed to be  
proceedings commenced by the Commission and all proceed-  
ings so commenced by any person against the Board and  
pending immediately before that day shall be proceedings  
deemed to be respectively commenced by that person against  
the Commission;

25 (d) all contracts, agreements, arrangements and undertakings  
entered into with and all securities lawfully given to or by  
the Board and in force immediately before that day shall be  
deemed to be contracts, agreements, arrangements and  
undertakings entered into with and securities given to or by  
the Commission;

30 (e) the Commission may, in addition to pursuing any other  
remedies or exercising any other powers that may be avail-  
able to it, pursue the same remedies for the recovery of  
money and claims referred to in this clause and for the  
prosecution of proceedings so referred to as the Board  
might have done but for the enactment of this Act;

35 (f) the Commission may enforce and realise any security or  
charge existing immediately before that day in favour of the  
Board and may exercise any powers thereby conferred on  
the Board as if the security or charge were a security or  
charge in favour of the Commission;

SCHEDULE

*Ambulance Services.*

SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

- 5 (g) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Board shall be debts due, money payable by and claims recoverable against, the Commission; and
- 10 (h) all liquidated and unliquidated claims for which the Board would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Commission shall be liable.
- 15 3. A reference to the Board in any other Act or in any by-law, regulation, statutory instrument or other document, whether of the same or of a different kind, shall be construed as a reference to the Commission. References in documents to Board.
- 20 4. Any act, matter or thing done or omitted to be done before the appointed day by the Board or a delegate of the Board, or to or in respect of the Board shall, to the extent that but for the enactment of this Act that act, matter or thing would on or after that day have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Commission. Acts of the Board.
- 25 5. A person who, immediately before the appointed day, was a member of the Board and who ceases to be such a member by reason of the enactment of this Act is not entitled to be paid any remuneration or compensation by reason of his ceasing to be such a member. No compensation payable to members of Board.
6. No attornment to the Commission by a lessee from the Board shall be required. Attornment not required.
- 30 7. A person who, immediately before the appointed day, was a person in respect of whom an appointment as an honorary ambulance officer was in force under section 12 (1) of the repealed Act shall be deemed to be an honorary ambulance officer appointed under section 6 (1). Honorary ambulance officers.
- 35 8. (1) Money provided to the Board by Parliament before the appointed day for or in connection with the provision, conduct, operation and maintenance of ambulance services and any other money received by the Board from any other person for those purposes that has not been used shall be paid to the credit of the Ambulance Services Fund established under section 10. Financial matters.

SCHEDULE



*Ambulance Services.*

SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

(2) Where immediately before the appointed day money collected from the public for use for or in connection with the improvement of ambulance services is at credit in a bank account of the Board (not being an account from which maintenance and operating expenses are paid) that account shall be deemed to be a special project account established by the Commission pursuant to section 11, but section 11 (4) does not apply to or in respect of that account.

10 (3) Where the Commission is of the opinion that—

(a) money at credit in a bank account as referred to in subclause (2) had, before the appointed day, been collected from the public for use for or in connection with the improvement of ambulance services and had been collected substantially within the boundaries of a district established and defined pursuant to section 21 (1) (a) of the repealed Act;

(b) ambulance services in that district would be better served by the use of that money for a purpose other than that for which the money was collected; and

20 (c) the public in that district will derive a substantial benefit from the use of that money for that other purpose,

the Commission may, but only if the Minister consents, use that money for that other purpose whether or not the implementation of that other purpose would result in the money or any part of it being used outside that district.

9. Subject to section 7 (1) (b), the contribution scheme established, conducted and operated by the Board under section 35 (1) of the repealed Act as so established, conducted and operated immediately before the appointed day shall, on and after that day, be deemed to have been established by the Commission under section 7.

10. A person who, immediately before the appointed day, was a life member of the contribution scheme established, conducted and operated under section 35 (1) of the repealed Act shall be deemed to be a life member of the contribution scheme referred to in clause 9.

35 11. A person who, immediately before the appointed day, was a contributor (other than a life member of the contribution scheme established, conducted and operated under section 35 (1) of the repealed Act) shall, on and after that day and for such period as he would have been such a contributor if this Act had not been enacted, be deemed to be a contributor under this Act.



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SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

12. A person who, immediately before the appointed day, was a servant of the Board shall, on that day, become and be a servant of the Commission and shall be deemed to have been appointed and employed pursuant to section 14A of the Health Commission Act, 1972, in connection with ambulance services.

13. (1) A person to whom clause 12 applies shall retain any rights which have accrued or are accruing to him as a permanent servant and shall continue to contribute to any superannuation scheme to which he was a contributor immediately before the appointed day and shall be entitled to receive any payment, pension or gratuity, as if he had continued, as a servant of the Board, to be a permanent servant.

(2) The Commission, in respect of a person to whom clause 12 applies, shall pay to the Local Government Superannuation Board such amounts as would have been payable by the Board to the Local Government Superannuation Board in respect of that person if he had remained, as a servant of the Board, a permanent servant and as if he were receiving from the Board the same salary or wages as is or are being paid to him during his service with the Commission.

(3) A person to whom clause 12 applies shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before the appointed day, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered pursuant to an award of a competent tribunal or an industrial agreement or by the Commission.

(4) Where any condition of employment of a person to whom clause 12 applies was, immediately before the appointed day, regulated by an award or industrial agreement, that condition shall continue to be so regulated until it is varied by an award by which the Commission is bound made by a court of competent jurisdiction, or that condition is regulated by an industrial agreement to which the Commission is a party.

(5) The period of service with the Board of a person to whom clause 12 applies shall be deemed to be service with the Commission for the purposes of annual leave, sick leave or long service leave.

(6) A person to whom clause 12 applies shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.



*Ambulance Services.*

SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

14. (1) In this clause, "prescribed person" means a person who is an officer of the Public Service to whom section 15 (2) of the repealed Act applied.

Continuation of existing superannuation rights of certain officers.

(2) Subject to clause 15 (5), a prescribed person shall, on and after the appointed day, retain any rights which have accrued or are accruing to him by virtue of the operation of section 15 (1) of the repealed Act immediately before that day and shall continue, on and after that day, to contribute to any superannuation scheme to which he was a contributor immediately before that day and shall be entitled to receive any payment, pension or gratuity, as if he had continued, as an officer of the Public Service, to be a permanent servant.

(3) While a prescribed person continues to contribute under subclause (2) to a superannuation scheme, the Commission, in respect of a prescribed person, shall, on and after the appointed day, pay to the Local Government Superannuation Board such amounts as would have been payable on and after that day by the Board to the Local Government Superannuation Board in respect of that person if he had continued to be a permanent servant employed by the Board receiving from the Board the same salary or wages as is or are being paid to him during his service with the Commission.

15. (1) In this clause—  
"contributor" has the meaning ascribed thereto in section 3 (1) of the Superannuation Act, 1916;  
"prescribed person" means a person who is an officer of the Public Service to whom section 15 (2) of the repealed Act applied.

Election by officer to become contributor to State Superannuation Fund.

(2) A prescribed person is not, on or after the appointed day, while he remains an officer of the Public Service, entitled to become a contributor except as provided in this clause.

(3) A prescribed person may, by instrument in writing delivered to the secretary of the State Superannuation Board within 3 months after the appointed day, elect to become a contributor.

(4) For the purpose only of applying the provisions of section 92A of the Superannuation Act, 1916—

(a) a person who makes the election referred to in subclause (3) in accordance with that subclause shall be deemed to be a person in the service of the Commission; and

SCHEDULE



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SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

- (b) the Commission shall be deemed to be an employing authority specified in Schedule III to the Superannuation Act, 1916.

(5) A prescribed person who, but for this subclause, would be entitled to continue to contribute to a superannuation scheme or to receive any payment, pension or gratuity from any such scheme shall not be so entitled upon becoming a contributor.

- (6) Subclause (5) does not prevent the payment to a prescribed person upon his ceasing to contribute to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be a permanent servant for the purposes of that scheme.

16. Where the person holding office as the secretary of the Board immediately before the appointed day does not become a contributor as referred to in clause 15—

Special provision in respect of secretary of the Board.

- (a) he shall on and after that day retain any rights which have accrued or are accruing to him immediately before that day under any insurance policy upon his life by way of endowment or annuity, and shall be entitled on or after that day to receive any payment, pension or gratuity under any such policy as if this Act had not been enacted; and

- (b) the Commission shall on and after that day pay the share of any premium contributed by the Board immediately before that day on any policy referred to in paragraph (a) upon the same terms and subject to the same conditions as the premium was so contributed by the Board.

17. (1) Where immediately before the appointed day an appeal is pending before, or could have been made to, the Crown Employees Appeal Board by a person who on that day becomes a servant of the Commission by the operation of clause 12, that appeal may—

Pending appeals to Crown Employees Appeal Board.

- (a) where it was pending, be continued or completed; or  
(b) where it is made after that day, be commenced within the period prescribed by the Crown Employees Appeal Board Act, 1944, and be continued and completed,

and may be determined by the Crown Employees Appeal Board.

SCHEDULE



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*Ambulance Services.*

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SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

(2) The determination of the Crown Employees Appeal Board  
on an appeal referred to in subclause (1) shall be given effect to by  
5 the Commission.

18. For the purpose of section 298 of the Local Government Act, Approved  
1919, an ambulance service that, immediately before the appointed ambulance  
day, was an ambulance service approved by the Board shall, on and service.  
after that day, be deemed to be an ambulance service approved by  
10 the Commission.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

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## AMBULANCE SERVICES BILL, 1976

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### EXPLANATORY NOTE

THE object of this Bill is to transfer the operation of the ambulance services and contribution scheme conducted by the New South Wales Ambulance Board to the Health Commission of New South Wales (herein referred to as the Commission).

The Bill contains the following provisions :—

Clause 1. Short title.

Clause 2. Commencement.

Clause 3. Division of the proposed Act.

Clause 4. Interpretation.

Clause 5 provides for the continuation by the Commission of the ambulance services provided, conducted, operated and maintained by the New South Wales Ambulance Board before the appointed day as defined in clause 4 of the proposed Act.

Clause 6 provides for the appointment, and specifies the duties, of honorary ambulance officers.

Clause 7 provides for contribution schemes to which persons may contribute money in anticipation of a need for ambulance services.

Clause 8 authorises the appointment by the Commission of life members of the contribution scheme referred to in clause 7.

Clause 9 exempts deductions by an employer out of the remuneration of an employee from the Truck Act of 1900, and from certain provisions of the Industrial Arbitration Act, 1940, where those deductions are paid as contribution to a contribution scheme referred to in clause 7.

Clause 10 provides for the establishment in the Treasury of, and for the income of and expenditure from, an Ambulance Services Fund.

Clause 11 provides for the establishment by the Commission of special project accounts into which money collected for special projects approved by the Commission shall be paid and in certain circumstances authorises the Commission, with the approval of the Minister, to use money collected for an approved purpose for some other approved purpose.

Clause 12 authorises the Minister to fix fees in respect of ambulance services provided by the Commission.

Clause 13 makes it an offence, except in certain specified cases, to provide transport for sick or injured persons for fee or reward.

Clause 14 makes it an offence for a person to conduct collections for money or property for use in connection with ambulance services unless the Commission consents.

Clause 15 specifies the penalty for an offence against the proposed Act.

Clause 16 empowers the Governor to make regulations for the purposes of the proposed Act.

Clause 17 amends the Ambulance Service Act, 1972, by giving the New South Wales Ambulance Board authority to accept gifts of property.

Clause 18 repeals clause 17 and the Acts specified in Schedule 1.

Clause 19 gives effect to the amendment of the Acts specified in Column 1 of Schedule 2 in the manner specified in Column 2 of that Schedule.

Clause 20 gives effect to the saving and transitional provisions contained in Schedule 3.

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**PROOF**

No. , 1976.

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# A BILL

Relating to the provision of ambulance services in New South Wales; to make provision for the acquisition of property by the New South Wales Ambulance Board; to amend the Local Government Act, 1919, and certain other Acts in certain respects; to repeal the Ambulance Service Act, 1972, and to make provisions consequential thereon.

[Mr STEWART—28 *September*, 1976.]

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BE

*Ambulance Services.*

**B**E it enacted by the Queen's Most Excellent Majesty, by  
and with the advice and consent of the Legislative  
Council and Legislative Assembly of New South Wales in  
Parliament assembled, and by the authority of the same, as  
5 follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Ambulance Services Act, Short title.  
1976".

10 2. (1) This section and sections 1 and 17 shall Commence-  
commence on the date of assent to this Act. ment.

(2) Except as provided in subsection (1), this Act  
shall commence on such day as may be appointed by the  
Governor in respect thereof and as may be notified by  
15 proclamation published in the Gazette.

3. This Act is divided as follows :— Division  
of Act.

PART I.—PRELIMINARY—ss. 1–4.

PART II.—POWERS, AUTHORITIES, DUTIES AND FUNC-  
TIONS OF THE COMMISSION—ss. 5, 6.

20 PART III.—CONTRIBUTION SCHEMES—ss. 7–9.

PART IV.—FINANCE—ss. 10–12.

PART V.—MISCELLANEOUS—ss. 13–20.

SCHEDULE 1.—REPEAL OF ACTS.

SCHEDULE 2.—AMENDMENT OF ACTS.

SCHEDULE



*Ambulance Services.*

**SCHEDULE 3.—SAVING AND TRANSITIONAL PROVISIONS.**

**4.** In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

5     “ambulance benefits” means benefits, services and concessions relating to ambulance services;

“ambulance services” means services relating to the work of rendering first aid to, and the transport of, sick and injured persons;

10    “appointed day” means the day appointed and notified under section 2 (2);

“Board” means the New South Wales Ambulance Board constituted under the repealed Act;

15    “Commission” means the Health Commission of New South Wales;

“contribution” means contribution to a contribution scheme;

20    “contribution scheme” means a scheme established, conducted and operated by the Commission under section 7;

“contributor” means—

(a) a person who is a contributor within the meaning of a contribution scheme; or

(b) a life member of a contribution scheme;

“regulation”

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“regulation” means a regulation made under this Act;

“repealed Act” means the Ambulance Service Act, 1972.

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PART II.

POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE  
COMMISSION.

5        5. (1) The Commission shall, on and after the appointed day, continue to provide, conduct, operate and maintain such ambulance services as were provided, conducted, operated and maintained by the Board immediately before the  
10 appointed day subject to such alterations as it from time to time deems necessary in the public interest.

Powers, etc.,  
of the  
Commission.

15        (2) The Commission may, on and after the appointed day, co-operate with or provide assistance to any person or organisation for the purpose of providing, conducting, operating and maintaining ambulance services.

6. (1) The Commission may appoint such persons as it thinks fit to be honorary ambulance officers.

Honorary  
ambulance  
officers.

(2) Honorary ambulance officers—

- 20        (a) shall carry out, without remuneration, such duties relating to the provision of ambulance services as the Commission may from time to time direct; and
- (b) shall be subject to the control and supervision of the Commission.

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PART



*Ambulance Services.*

PART III.

CONTRIBUTION SCHEMES.

7. (1) The Commission may from time to time by resolution— Contribution scheme.

- 5 (a) provide for the establishment, conduct and operation of a contribution scheme whereby ambulance benefits are provided for contributors and their dependants; and
- (b) change the provisions of a contribution scheme.

10 (2) Without limiting the generality of subsection (1), a resolution of the Commission relating to a contribution scheme may make provision for or with respect to—

- 15 (a) the contributors or classes of contributors for whom ambulance benefits are to be provided under the contribution scheme;
- (b) the dependants or classes of dependants of contributors for whom ambulance benefits are to be provided under the contribution scheme;
- 20 (c) the persons or classes of persons other than contributors or their dependants for whom ambulance benefits are to be provided under the contribution scheme;
- (d) the ambulance benefits or classes of ambulance benefits to be provided under the contribution scheme;
- 25 (e) the rates or amounts of contribution to be paid in respect of the contribution scheme;
- (f) the periods in respect of which contribution to the contribution scheme is to be paid;
- 30 (g) the manner of payment, collection and recovery of contribution to the contribution scheme; and

(h)

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(h) all matters consequential upon or ancillary to the matters in respect of which a resolution may be made under the foregoing provisions of this section.

(3) A resolution referred to in this section may be  
5 limited in its application to a part of the State specified in that resolution or in a subsequent resolution.

8. The Commission may appoint as a life member of a Life  
contribution scheme a person who in its opinion has rendered members.  
meritorious service in the provision, conduct, operation or  
10 maintenance of ambulance services.

9. The provisions of the Truck Act of 1900 or of section Deduction  
92 or 93 of the Industrial Arbitration Act, 1940, shall not of con-  
apply in respect of deductions by way of contribution from the tribution.  
remuneration of an employee.

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PART IV.

FINANCE.

10. (1) There shall be established in the Special Deposits Ambulance  
Account at the Treasury a fund to be called the "Ambulance Services  
Services Fund" Fund.

20 (2) Money provided by Parliament for or in connection with the provision, conduct, operation or maintenance of ambulance services by the Commission and any other money received by the Commission for those purposes shall be paid to the credit of the Ambulance Services Fund.

(3)



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(3) The money paid to the Ambulance Services Fund may only be used for or in connection with the provision, conduct, operation or maintenance of ambulance services.

5 11. (1) The Commission may establish such special Special project accounts as it sees fit.

(2) Subject to subsections (3) and (4), money in a special project account may only be used for or in connection with such purposes related to the improvement of ambulance  
10 services as are approved by the Commission and, if the Commission has, under section 14 (3) (a), specified an area in which the money shall be used, may only be used in that area.

(3) The Commission may invest money in a special project account in any manner authorised by the Trustee Act,  
15 1925, for the investment of trust funds or in any prescribed manner.

(4) Where the Commission—

(a) has, under section 14 (3) (a), specified an area in which money collected pursuant to a consent given  
20 under section 14 (1) shall be used; and

(b) subsequently forms the opinion—

(i) that ambulance services in that area would be better served by the use of that money for a purpose approved by the Commission  
25 other than that for which the money was collected; and

(ii) that the public in that area will derive a substantial benefit from the use of that money for that other purpose,

30 the Commission may, but only if the Minister consents, use that money for that other purpose whether or not the implementation of that other purpose would result in the money or any part of it being used outside that area.

(5)

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(5) A regulation may be made providing for the pooling for investment purposes of money in a special project account with money in any other special project account and for matters incidental to or arising from the investment of any such money.

**12.** (1) The Minister may, by notice published in the *Fees for services.*  
Gazette—

- (a) fix a scale of fees in respect of ambulance services provided by the Commission; and
- 10 (b) amend or revoke any scale of fees so fixed.

(2) The Commission may remit or postpone payment of all or any amounts due to the Commission in respect of ambulance services provided by the Board before the appointed day and payment of all or any amounts due to the  
15 Commission in respect of ambulance services provided by the Commission.

**PART V.**

**MISCELLANEOUS.**

- 13.** (1) A person shall not—
- 20 (a) directly or indirectly provide or take part in the provision of transport for sick or injured persons for fee or reward; or
  - (b) conduct for fee or reward any operations similar to the operations carried on by the Commission under  
25 this Act,

without the consent of the Commission and except in accordance with such conditions (if any) as the Commission may from time to time impose.

(2)



*Ambulance Services.*

(2) The Commission may revoke any consent given, or revoke or vary any condition imposed, under subsection (1).

(3) Subsection (1) does not apply to—

- 5 (a) the Commission ;
- (b) the Saint John Ambulance Association and the Saint John Ambulance Brigade (Overseas) New South Wales District in respect of operations similar to the operations lawfully carried on by those bodies immediately before the appointed day ;
- 10 (c) the Royal Flying Doctor Service of Australia (N.S.W. Section) ;
- (d) the committee of a district constituted under the Mines Rescue Act, 1925 ; or
- 15 (e) any prescribed person or class of persons.

14. (1) A person shall not organise, conduct or take part in the collection or soliciting of money or property from the public for, towards or in return for the provision of ambulance services without the consent of the Commission and except in accordance with such conditions (if any) as the Commission may from time to time impose. Unauthorised collections.

(2) The Commission may revoke any consent given, or revoke or vary any condition imposed, under subsection (1).

25 (3) Where the Commission gives a consent under subsection (1) it shall specify—

- (a) the area in which any money collected pursuant to that consent shall be used ; and
- 30 (b) the special project account into which any money collected pursuant to that consent shall be paid.

(4)

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*Ambulance Services.*

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(4) The area to which a consent referred to in subsection (3) (a) relates may be the whole of the State of New South Wales or such part thereof as is specified by the Commission.

5 (5) Subsection (1) does not apply to—

(a) the Commission ;

(b) an insurer under a policy of insurance to the extent that the money or the property represents consideration for an indemnity provided in that policy against the cost of the transport of sick or injured persons, being an indemnity incidental to the risks insured under that policy ; or

(c) any prescribed person or class of persons.

15 **15.** (1) A person who contravenes or fails to comply with a provision of this Act is guilty of an offence against this Act.

(2) A person who is guilty of an offence against this Act shall be liable to a penalty not exceeding \$500.

20 (3) All proceedings for offences against this Act shall be disposed of summarily before a stipendiary magistrate.

**16.** (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which by this Act is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) A regulation may be made so as to apply differently according to such factors as are specified in the regulation.



*Ambulance Services.*

**17.** The Ambulance Service Act, 1972, is amended by inserting after section 18 the following section : —

Amendment  
of Act No.  
15, 1972.  
Sec. 18A.

5       18A. (1) The Board has power to acquire, and shall be deemed always to have had power to acquire, by gift inter vivos, devise or bequest, any property for the purposes of this Act and to agree to the condition of any such gift, devise or bequest.

Power of  
Board to  
accept  
gifts, etc.

10       (2) The rule of law against the remoteness of vesting shall not apply, and shall be deemed never to have applied, to any such condition to which the Board has agreed.

**18.** (1) Each Act specified in Schedule 1 is repealed.

Repeals.

(2) Section 17 is repealed.

**15**       **19.** Each Act specified in Column 1 of Schedule 2 is amended in the manner set forth opposite that Act in Column 2 of Schedule 2.

Amendment  
of Acts.

**20.** Schedule 3 has effect.

Saving and  
transitional  
provisions.

Act No. , 1976.

12

*Ambulance Services.*

SCHEDULE 1.

Sec. 18.

REPEAL OF ACTS.

5	Year and number of Act.	Short title of Act.
	1972, No. 15 .. ..	Ambulance Service Act, 1972.
	1975, No. 6 .. ..	Ambulance Service (Amendment) Act, 1975.

SCHEDULE 2.

Sec. 19.

AMENDMENT OF ACTS.

10	Column 1.		Column 2.
15	Year and number of Act.	Short title of Act.	Amendment.
20	1919, No. 41 ..	Local Government Act, 1919.	Section 298 (1) (d)— Omit "New South Wales Ambulance Board", insert instead "Health Commission". Section 298 (2)— Omit "New South Wales Ambulance Board", insert instead "Health Commission".
25	1920, No. 47 ..	Stamp Duties Act, 1920.	Section 97AA (3) (d) (ii)— Omit "Act, or by or on behalf of the New South Wales Ambulance Board; or", insert instead "Act; or". Second Schedule, General Exemptions from Stamp Duty under Part III— Omit paragraph (11).
30			

SCHEDULE



*Ambulance Services.*

## SCHEDULE 2—continued.

## AMENDMENT OF ACTS—continued.

Column 1.		Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.
10	1926, No. 15..	Workers' Compensation Act, 1926.	Section 6 (14D) (a)— Omit "New South Wales Ambulance Board", insert instead "Health Commission of New South Wales".
15	1942, No. 15..	Motor Vehicles (Third Party Insurance) Act, 1942.	Section 6 (14D) (a)— Omit "that Board", insert instead "that Commission".
20	1943, No. 22..	Sydney Turf Club Act, 1943.	Section 24, definition of "Ambulance vehicle"— Omit "New South Wales Ambulance Board", insert instead "Health Commission of New South Wales".
25	1944, No. 15..	Crown Employees Appeal Board Act, 1944.	Section 11 (2) (c)— Omit "New South Wales Ambulance Board", insert instead "Health Commission of New South Wales, in respect of ambulance services".
30			Section 2 (1), definition of "Employing authority"— After "means", insert ", subject to subsection (4),".
35			Section 2 (4)— After section 2 (3), insert:— (4) Where the name of a person appears in the Second Schedule in respect of a person or class of persons, the firstmentioned person is, for the purposes of this Act, an employing authority only in respect of that other person or class of persons.
40			Second Schedule— Omit "The New South Wales Ambulance Board.", insert instead "The Health Commission of New South Wales in respect of persons employed under section 14A of the Health Commission Act, 1972, in connection with ambulance services.".
45			

*Ambulance Services.*

SCHEDULE 2—continued.

AMENDMENT OF ACTS—continued.

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	1957, No. 28..	Section 10 (12), definition of "employing authority"— After "means", insert ", subject to sub-section (12A)".
15	Attachment of Wages Limitation Act, 1957.	Section 10 (12A)— After section 10 (12), insert:— (12A) Where the name of a person appears in the Schedule in respect of a person or class of persons, the first-mentioned person is, for the purposes of this Act, an employing authority only in respect of that other person or class of persons.
20		Schedule— Omit "New South Wales Ambulance Board.", insert instead "Health Commission of New South Wales in respect of persons employed under section 14A of the Health Commission Act, 1972, in connection with ambulance services."
25		

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SCHEDULE 3.

Sec. 20.

SAVING AND TRANSITIONAL PROVISIONS.

1. In this Schedule, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

35

"permanent servant" has the meaning ascribed thereto in the Local Government and Other Authorities (Superannuation) Act, 1927;

"superannuation scheme" means a scheme, fund, account or arrangement under which any superannuation or retirement benefits are provided and which is established by or under

SCHEDULE



*Ambulance Services.*SCHEDULE 3—*continued.*SAVING AND TRANSITIONAL PROVISIONS—*continued.*

5 the Local Government and Other Authorities (Superannuation) Act, 1927, and includes an insurance policy on the life of the secretary of the Board in respect of which a share of the premium is contributed by the Board.

## 2. On and from the appointed day—

- 10 (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Board shall vest in and belong to the Commission;
- 15 (b) all money and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Board shall be money and liquidated and unliquidated claims payable to or recoverable by the Commission;
- 20 (c) all proceedings commenced before that day by the Board and pending immediately before that day shall be deemed to be proceedings commenced by the Commission and all proceedings so commenced by any person against the Board and pending immediately before that day shall be proceedings deemed to be respectively commenced by that person against the Commission;
- 25 (d) all contracts, agreements, arrangements and undertakings entered into with and all securities lawfully given to or by the Board and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Commission;
- 30 (e) the Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this clause and for the prosecution of proceedings so referred to as the Board might have done but for the enactment of this Act;
- 35 (f) the Commission may enforce and realise any security or charge existing immediately before that day in favour of the Board and may exercise any powers thereby conferred on the Board as if the security or charge were a security or charge in favour of the Commission;

Transfer of  
assets,  
liabilities,  
etc., of  
Board.

## SCHEDULE



*Ambulance Services.*

SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

- (g) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Board shall be debts due, money payable by and claims recoverable against, the Commission; and
- (h) all liquidated and unliquidated claims for which the Board would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Commission shall be liable.
3. A reference to the Board in any other Act or in any by-law, regulation, statutory instrument or other document, whether of the same or of a different kind, shall be construed as a reference to the Commission.
4. Any act, matter or thing done or omitted to be done before the appointed day by the Board or a delegate of the Board, or to or in respect of the Board shall, to the extent that but for the enactment of this Act that act, matter or thing would on or after that day have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Commission.
5. A person who, immediately before the appointed day, was a member of the Board and who ceases to be such a member by reason of the enactment of this Act is not entitled to be paid any remuneration or compensation by reason of his ceasing to be such a member.
6. No attornment to the Commission by a lessee from the Board shall be required.
7. A person who, immediately before the appointed day, was a person in respect of whom an appointment as an honorary ambulance officer was in force under section 12 (1) of the repealed Act shall be deemed to be an honorary ambulance officer appointed under section 6 (1).
8. (1) Money provided to the Board by Parliament before the appointed day for or in connection with the provision, conduct, operation and maintenance of ambulance services and any other money received by the Board from any other person for those purposes that has not been used shall be paid to the credit of the Ambulance Services Fund established under section 10.

SCHEDULE



*Ambulance Services.*

SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

- (2) Where immediately before the appointed day money collected from the public for use for or in connection with the improvement of ambulance services is at credit in a bank account of the Board (not being an account from which maintenance and operating expenses are paid) that account shall be deemed to be a special project account established by the Commission pursuant to section 11, but section 11 (4) does not apply to or in respect of that account.
- 10 (3) Where the Commission is of the opinion that—
- (a) money at credit in a bank account as referred to in subclause (2) had, before the appointed day, been collected from the public for use for or in connection with the improvement of ambulance services and had been collected substantially within the boundaries of a district established and defined pursuant to section 21 (1) (a) of the repealed Act;
- 15 (b) ambulance services in that district would be better served by the use of that money for a purpose other than that for which the money was collected; and
- 20 (c) the public in that district will derive a substantial benefit from the use of that money for that other purpose,
- the Commission may, but only if the Minister consents, use that money for that other purpose whether or not the implementation of that other purpose would result in the money or any part of it being
- 25 used outside that district.
9. Subject to section 7 (1) (b), the contribution scheme established, Conducted and operated by the Board under section 35 (1) of the repealed Act as so established, conducted and operated immediately before the appointed day shall, on and after that day, be deemed to
- 30 have been established by the Commission under section 7.
10. A person who, immediately before the appointed day, was a life member of the contribution scheme established, conducted and operated under section 35 (1) of the repealed Act shall be deemed to be a life member of the contribution scheme referred to in clause 9.
- 35 11. A person who, immediately before the appointed day, was a contributor (other than a life member of the contribution scheme established, conducted and operated under section 35 (1) of the repealed Act) shall, on and after that day and for such period as he would have been such a contributor if this Act had not been
- 40 enacted, be deemed to be a contributor under this Act.

*Ambulance Services.*

SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

12. A person who, immediately before the appointed day, was a servant of the Board shall, on that day, become and be a servant of the Commission and shall be deemed to have been appointed and employed pursuant to section 14A of the Health Commission Act, 1972, in connection with ambulance services. Transfer of servants.
13. (1) A person to whom clause 12 applies shall retain any rights which have accrued or are accruing to him as a permanent servant and shall continue to contribute to any superannuation scheme to which he was a contributor immediately before the appointed day and shall be entitled to receive any payment, pension or gratuity, as if he had continued, as a servant of the Board, to be a permanent servant. Preservation of rights of transferred servants.
- (2) The Commission, in respect of a person to whom clause 12 applies, shall pay to the Local Government Superannuation Board such amounts as would have been payable by the Board to the Local Government Superannuation Board in respect of that person if he had remained, as a servant of the Board, a permanent servant and as if he were receiving from the Board the same salary or wages as is or are being paid to him during his service with the Commission.
- (3) A person to whom clause 12 applies shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before the appointed day, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered pursuant to an award of a competent tribunal or an industrial agreement or by the Commission.
- (4) Where any condition of employment of a person to whom clause 12 applies was, immediately before the appointed day, regulated by an award or industrial agreement, that condition shall continue to be so regulated until it is varied by an award by which the Commission is bound made by a court of competent jurisdiction, or that condition is regulated by an industrial agreement to which the Commission is a party.
- (5) The period of service with the Board of a person to whom clause 12 applies shall be deemed to be service with the Commission for the purposes of annual leave, sick leave or long service leave.
- (6) A person to whom clause 12 applies shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.



*Ambulance Services.*

SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

14. (1) In this clause, "prescribed person" means a person who is an officer of the Public Service to whom section 15 (2) of the repealed Act applied.

Continuation of existing superannuation rights of certain officers.

(2) Subject to clause 15 (5), a prescribed person shall, on and after the appointed day, retain any rights which have accrued or are accruing to him by virtue of the operation of section 15 (1) of the repealed Act immediately before that day and shall continue, on and after that day, to contribute to any superannuation scheme to which he was a contributor immediately before that day and shall be entitled to receive any payment, pension or gratuity, as if he had continued, as an officer of the Public Service, to be a permanent servant.

(3) While a prescribed person continues to contribute under subclause (2) to a superannuation scheme, the Commission, in respect of a prescribed person, shall, on and after the appointed day, pay to the Local Government Superannuation Board such amounts as would have been payable on and after that day by the Board to the Local Government Superannuation Board in respect of that person if he had continued to be a permanent servant employed by the Board receiving from the Board the same salary or wages as is or are being paid to him during his service with the Commission.

15. (1) In this clause—  
"contributor" has the meaning ascribed thereto in section 3 (1) of the Superannuation Act, 1916;  
"prescribed person" means a person who is an officer of the Public Service to whom section 15 (2) of the repealed Act applied.

Election by officer to become contributor to State Superannuation Fund.

(2) A prescribed person is not, on or after the appointed day, while he remains an officer of the Public Service, entitled to become a contributor except as provided in this clause.

(3) A prescribed person may, by instrument in writing delivered to the secretary of the State Superannuation Board within 3 months after the appointed day, elect to become a contributor.

(4) For the purpose only of applying the provisions of section 92A of the Superannuation Act, 1916—

(a) a person who makes the election referred to in subclause (3) in accordance with that subclause shall be deemed to be a person in the service of the Commission; and

SCHEDULE

*Ambulance Services.*

SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

- 5 (b) the Commission shall be deemed to be an employing authority specified in Schedule III to the Superannuation Act, 1916.

(5) A prescribed person who, but for this subclause, would be entitled to continue to contribute to a superannuation scheme or to receive any payment, pension or gratuity from any such scheme shall not be so entitled upon becoming a contributor.

- 10 (6) Subclause (5) does not prevent the payment to a prescribed person upon his ceasing to contribute to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be a permanent servant for the purposes of that scheme.

- 15 16. Where the person holding office as the secretary of the Board immediately before the appointed day does not become a contributor as referred to in clause 15—

Special provision in respect of secretary of the Board.

- 20 (a) he shall on and after that day retain any rights which have accrued or are accruing to him immediately before that day under any insurance policy upon his life by way of endowment or annuity, and shall be entitled on or after that day to receive any payment, pension or gratuity under any such policy as if this Act had not been enacted; and

- 25 (b) the Commission shall on and after that day pay the share of any premium contributed by the Board immediately before that day on any policy referred to in paragraph (a) upon the same terms and subject to the same conditions as the premium was so contributed by the Board.

- 30 17. (1) Where immediately before the appointed day an appeal is pending before, or could have been made to, the Crown Employees Appeal Board by a person who on that day becomes a servant of the Commission by the operation of clause 12, that appeal may—

Pending appeals to Crown Employees Appeal Board.

- 35 (a) where it was pending, be continued or completed; or  
(b) where it is made after that day, be commenced within the period prescribed by the Crown Employees Appeal Board Act, 1944, and be continued and completed,

and may be determined by the Crown Employees Appeal Board.

SCHEDULE



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*Ambulance Services.*

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SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

(2) The determination of the Crown Employees Appeal Board on an appeal referred to in subclause (1) shall be given effect to by  
5 the Commission.

18. For the purpose of section 298 of the Local Government Act, Approved  
1919, an ambulance service that, immediately before the appointed ambulance  
day, was an ambulance service approved by the Board shall, on and service.  
after that day, be deemed to be an ambulance service approved by  
10 the Commission.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

1978

Department of Justice

ATTORNEY GENERAL

Washington, D.C. 20530

RE: The Department of Justice, Civil Rights Division, has received information that certain individuals are engaged in activities which may be in violation of the Civil Rights Act of 1964, as amended.

10. The Department of Justice, Civil Rights Division, has received information that certain individuals are engaged in activities which may be in violation of the Civil Rights Act of 1964, as amended.

BY ATTORNEY

UNITED STATES DEPARTMENT OF JUSTICE









# New South Wales



ANNO VICESIMO QUINTO

## ELIZABETHÆ II REGINÆ

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### Act No. 72, 1976.

An Act relating to the provision of ambulance services in New South Wales; to make provision for the acquisition of property by the New South Wales Ambulance Board; to amend the Local Government Act, 1919, and certain other Acts in certain respects; to repeal the Ambulance Service Act, 1972, and to make provisions consequential thereon. [Assented to, 2nd December, 1976.]

BE

*Ambulance Services.*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**PART I.****PRELIMINARY.**

**Short title.** 1. This Act may be cited as the "Ambulance Services Act, 1976".

**Commence-ment.** 2. (1) This section and sections 1 and 17 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Division of Act.**

3. This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–4.

PART II.—POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE COMMISSION—ss. 5, 6.

PART III.—CONTRIBUTION SCHEMES—ss. 7–9.

PART IV.—FINANCE—ss. 10–12.

PART V.—MISCELLANEOUS—ss. 13–20.

SCHEDULE 1.—REPEAL OF ACTS.

SCHEDULE 2.—AMENDMENT OF ACTS.

**SCHEDULE**



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**SCHEDULE 3.—SAVING AND TRANSITIONAL PROVISIONS.**

4. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— **Interpretation.**

“ambulance benefits” means benefits, services and concessions relating to ambulance services;

“ambulance services” means services relating to the work of rendering first aid to, and the transport of, sick and injured persons;

“appointed day” means the day appointed and notified under section 2 (2);

“Board” means the New South Wales Ambulance Board constituted under the repealed Act;

“Commission” means the Health Commission of New South Wales;

“contribution” means contribution to a contribution scheme;

“contribution scheme” means a scheme established, conducted and operated by the Commission under section 7;

“contributor” means—

(a) a person who is a contributor within the meaning of a contribution scheme; or

(b) a life member of a contribution scheme;

“regulation”

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“regulation” means a regulation made under this Act;

“repealed Act” means the Ambulance Service Act, 1972.

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## PART II.

### POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE COMMISSION.

Powers, etc.,  
of the  
Commission.

5. (1) The Commission shall, on and after the appointed day, continue to provide, conduct, operate and maintain such ambulance services as were provided, conducted, operated and maintained by the Board immediately before the appointed day subject to such alterations as it from time to time deems necessary in the public interest.

(2) The Commission may, on and after the appointed day, co-operate with or provide assistance to any person or organisation for the purpose of providing, conducting, operating and maintaining ambulance services.

Honorary  
ambulance  
officers.

6. (1) The Commission may appoint such persons as it thinks fit to be honorary ambulance officers.

(2) Honorary ambulance officers—

(a) shall carry out, without remuneration, such duties relating to the provision of ambulance services as the Commission may from time to time direct; and

(b) shall be subject to the control and supervision of the Commission.

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## PART



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PART III.

CONTRIBUTION SCHEMES.

7. (1) The Commission may from time to time by *Contribution scheme.*  
resolution—

- (a) provide for the establishment, conduct and operation of a contribution scheme whereby ambulance benefits are provided for contributors and their dependants; and
- (b) change the provisions of a contribution scheme.

(2) Without limiting the generality of subsection (1), a resolution of the Commission relating to a contribution scheme may make provision for or with respect to—

- (a) the contributors or classes of contributors for whom ambulance benefits are to be provided under the contribution scheme;
- (b) the dependants or classes of dependants of contributors for whom ambulance benefits are to be provided under the contribution scheme;
- (c) the persons or classes of persons other than contributors or their dependants for whom ambulance benefits are to be provided under the contribution scheme;
- (d) the ambulance benefits or classes of ambulance benefits to be provided under the contribution scheme;
- (e) the rates or amounts of contribution to be paid in respect of the contribution scheme;
- (f) the periods in respect of which contribution to the contribution scheme is to be paid;
- (g) the manner of payment, collection and recovery of contribution to the contribution scheme; and

(h)

*Ambulance Services.*

- (h) all matters consequential upon or ancillary to the matters in respect of which a resolution may be made under the foregoing provisions of this section.

(3) A resolution referred to in this section may be limited in its application to a part of the State specified in that resolution or in a subsequent resolution.

**Life members.**

8. The Commission may appoint as a life member of a contribution scheme a person who in its opinion has rendered meritorious service in the provision, conduct, operation or maintenance of ambulance services.

**Deduction of contribution.**

9. The provisions of the Truck Act of 1900 or of section 92 or 93 of the Industrial Arbitration Act, 1940, shall not apply in respect of deductions by way of contribution from the remuneration of an employee.

**PART IV.****FINANCE.****Ambulance Services Fund.**

10. (1) There shall be established in the Special Deposits Account at the Treasury a fund to be called the "Ambulance Services Fund".

(2) Money provided by Parliament for or in connection with the provision, conduct, operation or maintenance of ambulance services by the Commission and any other money received by the Commission for those purposes shall be paid to the credit of the Ambulance Services Fund.

(3)



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*Ambulance Services.*

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(3) The money paid to the Ambulance Services Fund may only be used for or in connection with the provision, conduct, operation or maintenance of ambulance services.

11. (1) The Commission may establish such special project accounts as it sees fit. **Special project accounts.**

(2) Subject to subsections (3) and (4), money in a special project account may only be used for or in connection with such purposes related to the improvement of ambulance services as are approved by the Commission and, if the Commission has, under section 14 (3) (a), specified an area in which the money shall be used, may only be used in that area.

(3) The Commission may invest money in a special project account in any manner authorised by the Trustee Act, 1925, for the investment of trust funds or in any prescribed manner.

(4) Where the Commission—

(a) has, under section 14 (3) (a), specified an area in which money collected pursuant to a consent given under section 14 (1) shall be used; and

(b) subsequently forms the opinion—

(i) that ambulance services in that area would be better served by the use of that money for a purpose approved by the Commission other than that for which the money was collected; and

(ii) that the public in that area will derive a substantial benefit from the use of that money for that other purpose,

the Commission may, but only if the Minister consents, use that money for that other purpose whether or not the implementation of that other purpose would result in the money or any part of it being used outside that area.

(5)

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(5) A regulation may be made providing for the pooling for investment purposes of money in a special project account with money in any other special project account and for matters incidental to or arising from the investment of any such money.

**Fees for  
services.**

**12.** (1) The Minister may, by notice published in the Gazette—

- (a) fix a scale of fees in respect of ambulance services provided by the Commission; and
- (b) amend or revoke any scale of fees so fixed.

(2) The Commission may remit or postpone payment of all or any amounts due to the Commission in respect of ambulance services provided by the Board before the appointed day and payment of all or any amounts due to the Commission in respect of ambulance services provided by the Commission.

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**PART V.**

**MISCELLANEOUS.**

**Unauthor-  
ised pro-  
vision of  
ambulance  
transport.**

**13.** (1) A person shall not—

- (a) directly or indirectly provide or take part in the provision of transport for sick or injured persons for fee or reward; or
- (b) conduct for fee or reward any operations similar to the operations carried on by the Commission under this Act,

without the consent of the Commission and except in accordance with such conditions (if any) as the Commission may from time to time impose.

(2)



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(2) The Commission may revoke any consent given, or revoke or vary any condition imposed, under subsection (1).

(3) Subsection (1) does not apply to—

- (a) the Commission;
- (b) the Saint John Ambulance Association and the Saint John Ambulance Brigade (Overseas) New South Wales District in respect of operations similar to the operations lawfully carried on by those bodies immediately before the appointed day;
- (c) the Royal Flying Doctor Service of Australia (N.S.W. Section);
- (d) the committee of a district constituted under the Mines Rescue Act, 1925; or
- (e) any prescribed person or class of persons.

14. (1) A person shall not organise, conduct or take part in the collection or soliciting of money or property from the public for, towards or in return for the provision of ambulance services without the consent of the Commission and except in accordance with such conditions (if any) as the Commission may from time to time impose.

Unauthor-  
ised  
collections.

(2) The Commission may revoke any consent given, or revoke or vary any condition imposed, under subsection (1).

(3) Where the Commission gives a consent under subsection (1) it shall specify—

- (a) the area in which any money collected pursuant to that consent shall be used; and
- (b) the special project account into which any money collected pursuant to that consent shall be paid.

(4)

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*Ambulance Services.*

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(4) The area to which a consent referred to in subsection (3) (a) relates may be the whole of the State of New South Wales or such part thereof as is specified by the Commission.

(5) Subsection (1) does not apply to—

- (a) the Commission;
- (b) an insurer under a policy of insurance to the extent that the money or the property represents consideration for an indemnity provided in that policy against the cost of the transport of sick or injured persons, being an indemnity incidental to the risks insured under that policy; or
- (c) any prescribed person or class of persons.

**Offences.**

**15.** (1) A person who contravenes or fails to comply with a provision of this Act is guilty of an offence against this Act.

(2) A person who is guilty of an offence against this Act shall be liable to a penalty not exceeding \$500.

(3) All proceedings for offences against this Act shall be disposed of summarily before a stipendiary magistrate.

**Regulations.**

**16.** (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which by this Act is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) A regulation may be made so as to apply differently according to such factors as are specified in the regulation.



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*Ambulance Services.*

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17. The Ambulance Service Act, 1972, is amended by inserting after section 18 the following section : —

Amendment  
of Act No.  
15, 1972.  
Sec. 18A.

18A. (1) The Board has power to acquire, and shall be deemed always to have had power to acquire, by gift inter vivos, devise or bequest, any property for the purposes of this Act and to agree to the condition of any such gift, devise or bequest.

Power of  
Board to  
accept  
gifts, etc.

(2) The rule of law against the remoteness of vesting shall not apply, and shall be deemed never to have applied, to any such condition to which the Board has agreed.

18. (1) Each Act specified in Schedule 1 is repealed.

Repeals.

(2) Section 17 is repealed.

19. Each Act specified in Column 1 of Schedule 2 is amended in the manner set forth opposite that Act in Column 2 of Schedule 2.

Amendment  
of Acts.

20. Schedule 3 has effect.

Saving and  
transitional  
provisions.

*Ambulance Services.*

## SCHEDULE 1.

Sec. 18.

## REPEAL OF ACTS.

Year and number of Act.	Short title of Act.
1972, No. 15 .. ..	Ambulance Service Act, 1972.
1975, No. 6 .. ..	Ambulance Service (Amendment) Act, 1975.

## SCHEDULE 2.

Sec. 19.

## AMENDMENT OF ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1919, No. 41 ..	Local Government Act, 1919.	Section 298 (1) (d)— Omit "New South Wales Ambulance Board", insert instead "Health Commission". Section 298 (2)— Omit "New South Wales Ambulance Board", insert instead "Health Commission".
1920, No. 47 ..	Stamp Duties Act, 1920.	Section 97AA (3) (d) (ii)— Omit "Act, or by or on behalf of the New South Wales Ambulance Board; or", insert instead "Act; or". Second Schedule, General Exemptions from Stamp Duty under Part III— Omit paragraph (11).



*Ambulance Services.*SCHEDULE 2—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1926, No. 15.	Workers' Compensation Act, 1926.	Section 6 (14D) (a)— Omit "New South Wales Ambulance Board", insert instead "Health Commission of New South Wales". Section 6 (14D) (a)— Omit "that Board", insert instead "that Commission".
1942, No. 15.	Motor Vehicles (Third Party Insurance) Act, 1942.	Section 24, definition of "Ambulance vehicle"— Omit "New South Wales Ambulance Board", insert instead "Health Commission of New South Wales".
1943, No. 22.	Sydney Turf Club Act, 1943.	Section 11 (2) (c)— Omit "New South Wales Ambulance Board", insert instead "Health Commission of New South Wales, in respect of ambulance services".
1944, No. 15.	Crown Employees Appeal Board Act, 1944.	Section 2 (1), definition of "Employing authority"— After "means", insert " , subject to subsection (4),". Section 2 (4)— After section 2 (3), insert:— (4) Where the name of a person appears in the Second Schedule in respect of a person or class of persons, the firstmentioned person is, for the purposes of this Act, an employing authority only in respect of that other person or class of persons. Second Schedule— Omit "The New South Wales Ambulance Board.", insert instead "The Health Commission of New South Wales in respect of persons employed under section 14A of the Health Commission Act, 1972, in connection with ambulance services.".

*Ambulance Services.*SCHEDULE 2—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1957, No. 28..	Attachment of Wages Limitation Act, 1957.	<p>Section 10 (12), definition of “employing authority”—  After “means”, insert “, subject to sub-section (12A),”.</p> <p>Section 10 (12A)—  After section 10 (12), insert:—  (12A) Where the name of a person appears in the Schedule in respect of a person or class of persons, the first-mentioned person is, for the purposes of this Act, an employing authority only in respect of that other person or class of persons.</p> <p>Schedule—  Omit “New South Wales Ambulance Board.”, insert instead “Health Commission of New South Wales in respect of persons employed under section 14A of the Health Commission Act, 1972, in connection with ambulance services.”.</p>

## Sec. 20.

## SCHEDULE 3.

## SAVING AND TRANSITIONAL PROVISIONS.

## Interpretation.

1. In this Schedule, except in so far as the context or subject-matter otherwise indicates or requires—

“permanent servant” has the meaning ascribed thereto in the Local Government and Other Authorities (Superannuation) Act, 1927;

“superannuation scheme” means a scheme, fund, account or arrangement under which any superannuation or retirement benefits are provided and which is established by or under



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*Ambulance Services.*

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SCHEDULE 3—*continued.*SAVING AND TRANSITIONAL PROVISIONS—*continued.*

the Local Government and Other Authorities (Superannuation) Act, 1927, and includes an insurance policy on the life of the secretary of the Board in respect of which a share of the premium is contributed by the Board.

## 2. On and from the appointed day—

Transfer of  
assets,  
liabilities,  
etc., of  
Board.

- (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Board shall vest in and belong to the Commission;
- (b) all money and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Board shall be money and liquidated and unliquidated claims payable to or recoverable by the Commission;
- (c) all proceedings commenced before that day by the Board and pending immediately before that day shall be deemed to be proceedings commenced by the Commission and all proceedings so commenced by any person against the Board and pending immediately before that day shall be proceedings deemed to be respectively commenced by that person against the Commission;
- (d) all contracts, agreements, arrangements and undertakings entered into with and all securities lawfully given to or by the Board and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Commission;
- (e) the Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this clause and for the prosecution of proceedings so referred to as the Board might have done but for the enactment of this Act;
- (f) the Commission may enforce and realise any security or charge existing immediately before that day in favour of the Board and may exercise any powers thereby conferred on the Board as if the security or charge were a security or charge in favour of the Commission;

*Ambulance Services.*SCHEDULE 3—*continued.*SAVING AND TRANSITIONAL PROVISIONS—*continued.*

- (g) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Board shall be debts due, money payable by and claims recoverable against, the Commission; and
- (h) all liquidated and unliquidated claims for which the Board would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Commission shall be liable.

References  
in  
documents  
to Board.

3. A reference to the Board in any other Act or in any by-law, regulation, statutory instrument or other document, whether of the same or of a different kind, shall be construed as a reference to the Commission.

Acts of  
the Board.

4. Any act, matter or thing done or omitted to be done before the appointed day by the Board or a delegate of the Board, or to or in respect of the Board shall, to the extent that but for the enactment of this Act that act, matter or thing would on or after that day have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Commission.

No com-  
pensation  
payable to  
members of  
Board.

5. A person who, immediately before the appointed day, was a member of the Board and who ceases to be such a member by reason of the enactment of this Act is not entitled to be paid any remuneration or compensation by reason of his ceasing to be such a member.

Attornment  
not  
required.

6. No attornment to the Commission by a lessee from the Board shall be required.

Honorary  
ambulance  
officers.

7. A person who, immediately before the appointed day, was a person in respect of whom an appointment as an honorary ambulance officer was in force under section 12 (1) of the repealed Act shall be deemed to be an honorary ambulance officer appointed under section 6 (1).

Financial  
matters.

8. (1) Money provided to the Board by Parliament before the appointed day for or in connection with the provision, conduct, operation and maintenance of ambulance services and any other money received by the Board from any other person for those purposes that has not been used shall be paid to the credit of the Ambulance Services Fund established under section 10.

## SCHEDULE



*Ambulance Services.*

SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

(2) Where immediately before the appointed day money collected from the public for use for or in connection with the improvement of ambulance services is at credit in a bank account of the Board (not being an account from which maintenance and operating expenses are paid) that account shall be deemed to be a special project account established by the Commission pursuant to section 11, but section 11 (4) does not apply to or in respect of that account.

(3) Where the Commission is of the opinion that—

(a) money at credit in a bank account as referred to in subclause (2) had, before the appointed day, been collected from the public for use for or in connection with the improvement of ambulance services and had been collected substantially within the boundaries of a district established and defined pursuant to section 21 (1) (a) of the repealed Act;

(b) ambulance services in that district would be better served by the use of that money for a purpose other than that for which the money was collected; and

(c) the public in that district will derive a substantial benefit from the use of that money for that other purpose,

the Commission may, but only if the Minister consents, use that money for that other purpose whether or not the implementation of that other purpose would result in the money or any part of it being used outside that district.

9. Subject to section 7 (1) (b), the contribution scheme established, conducted and operated by the Board under section 35 (1) of the repealed Act as so established, conducted and operated immediately before the appointed day shall, on and after that day, be deemed to have been established by the Commission under section 7. Contribution scheme.

10. A person who, immediately before the appointed day, was a life member of the contribution scheme established, conducted and operated under section 35 (1) of the repealed Act shall be deemed to be a life member of the contribution scheme referred to in clause 9. Life member of contribution scheme.

11. A person who, immediately before the appointed day, was a contributor (other than a life member of the contribution scheme established, conducted and operated under section 35 (1) of the repealed Act) shall, on and after that day and for such period as he would have been such a contributor if this Act had not been enacted, be deemed to be a contributor under this Act. Contributor to contribution scheme.

*Ambulance Services.*SCHEDULE 3—*continued.*SAVING AND TRANSITIONAL PROVISIONS—*continued.*Transfer of  
servants.

12. A person who, immediately before the appointed day, was a servant of the Board shall, on that day, become and be a servant of the Commission and shall be deemed to have been appointed and employed pursuant to section 14A of the Health Commission Act, 1972, in connection with ambulance services.

Preserva-  
tion of  
rights of  
transferred  
servants.

13. (1) A person to whom clause 12 applies shall retain any rights which have accrued or are accruing to him as a permanent servant and shall continue to contribute to any superannuation scheme to which he was a contributor immediately before the appointed day and shall be entitled to receive any payment, pension or gratuity, as if he had continued, as a servant of the Board, to be a permanent servant.

(2) The Commission, in respect of a person to whom clause 12 applies, shall pay to the Local Government Superannuation Board such amounts as would have been payable by the Board to the Local Government Superannuation Board in respect of that person if he had remained, as a servant of the Board, a permanent servant and as if he were receiving from the Board the same salary or wages as is or are being paid to him during his service with the Commission.

(3) A person to whom clause 12 applies shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before the appointed day, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered pursuant to an award of a competent tribunal or an industrial agreement or by the Commission.

(4) Where any condition of employment of a person to whom clause 12 applies was, immediately before the appointed day, regulated by an award or industrial agreement, that condition shall continue to be so regulated until it is varied by an award by which the Commission is bound made by a court of competent jurisdiction, or that condition is regulated by an industrial agreement to which the Commission is a party.

(5) The period of service with the Board of a person to whom clause 12 applies shall be deemed to be service with the Commission for the purposes of annual leave, sick leave or long service leave.

(6) A person to whom clause 12 applies shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.



*Ambulance Services.*

SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

14. (1) In this clause, "prescribed person" means a person who is an officer of the Public Service to whom section 15 (2) of the repealed Act applied.

Continuation of existing superannuation rights of certain officers.

(2) Subject to clause 15 (5), a prescribed person shall, on and after the appointed day, retain any rights which have accrued or are accruing to him by virtue of the operation of section 15 (1) of the repealed Act immediately before that day and shall continue, on and after that day, to contribute to any superannuation scheme to which he was a contributor immediately before that day and shall be entitled to receive any payment, pension or gratuity, as if he had continued, as an officer of the Public Service, to be a permanent servant.

(3) While a prescribed person continues to contribute under subclause (2) to a superannuation scheme, the Commission, in respect of a prescribed person, shall, on and after the appointed day, pay to the Local Government Superannuation Board such amounts as would have been payable on and after that day by the Board to the Local Government Superannuation Board in respect of that person if he had continued to be a permanent servant employed by the Board receiving from the Board the same salary or wages as is or are being paid to him during his service with the Commission.

15. (1) In this clause—

"contributor" has the meaning ascribed thereto in section 3 (1) of the Superannuation Act, 1916;

"prescribed person" means a person who is an officer of the Public Service to whom section 15 (2) of the repealed Act applied.

Election by officer to become contributor to State Superannuation Fund.

(2) A prescribed person is not, on or after the appointed day, while he remains an officer of the Public Service, entitled to become a contributor except as provided in this clause.

(3) A prescribed person may, by instrument in writing delivered to the secretary of the State Superannuation Board within 3 months after the appointed day, elect to become a contributor.

(4) For the purpose only of applying the provisions of section 92A of the Superannuation Act, 1916—

(a) a person who makes the election referred to in subclause (3) in accordance with that subclause shall be deemed to be a person in the service of the Commission; and

SCHEDULE

*Ambulance Services.*SCHEDULE 3—*continued.*SAVING AND TRANSITIONAL PROVISIONS—*continued.*

- (b) the Commission shall be deemed to be an employing authority specified in Schedule III to the Superannuation Act, 1916.

(5) A prescribed person who, but for this subclause, would be entitled to continue to contribute to a superannuation scheme or to receive any payment, pension or gratuity from any such scheme shall not be so entitled upon becoming a contributor.

(6) Subclause (5) does not prevent the payment to a prescribed person upon his ceasing to contribute to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be a permanent servant for the purposes of that scheme.

Special provision in respect of secretary of the Board.

16. Where the person holding office as the secretary of the Board immediately before the appointed day does not become a contributor as referred to in clause 15—

- (a) he shall on and after that day retain any rights which have accrued or are accruing to him immediately before that day under any insurance policy upon his life by way of endowment or annuity, and shall be entitled on or after that day to receive any payment, pension or gratuity under any such policy as if this Act had not been enacted; and
- (b) the Commission shall on and after that day pay the share of any premium contributed by the Board immediately before that day on any policy referred to in paragraph (a) upon the same terms and subject to the same conditions as the premium was so contributed by the Board.

Pending appeals to Crown Employees Appeal Board.

17. (1) Where immediately before the appointed day an appeal is pending before, or could have been made to, the Crown Employees Appeal Board by a person who on that day becomes a servant of the Commission by the operation of clause 12, that appeal may—

- (a) where it was pending, be continued or completed; or
- (b) where it is made after that day, be commenced within the period prescribed by the Crown Employees Appeal Board Act, 1944, and be continued and completed,

and may be determined by the Crown Employees Appeal Board.

SCHEDULE



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*Ambulance Services.*

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SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

(2) The determination of the Crown Employees Appeal Board on an appeal referred to in subclause (1) shall be given effect to by the Commission.

18. For the purpose of section 298 of the Local Government Act, 1919, an ambulance service that, immediately before the appointed day, was an ambulance service approved by the Board shall, on and after that day, be deemed to be an ambulance service approved by the Commission. Approved ambulance service.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

June 2, 1976

Dear Mr. [illegible]

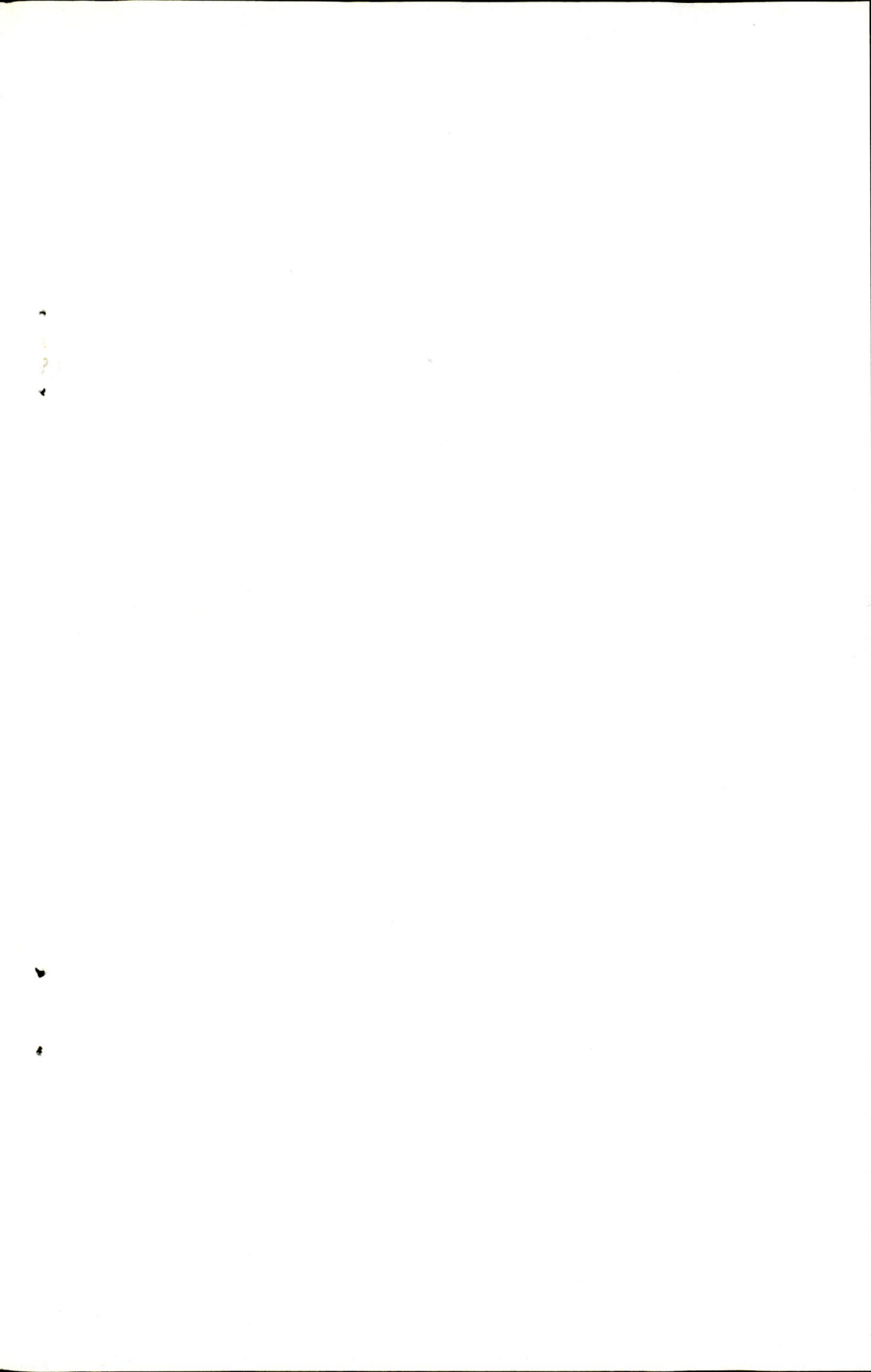
Re: [illegible]

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*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 18 November, 1976.*

## **New South Wales**



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 72, 1976.**

An Act relating to the provision of ambulance services in New South Wales; to make provision for the acquisition of property by the New South Wales Ambulance Board; to amend the Local Government Act, 1919, and certain other Acts in certain respects; to repeal the Ambulance Service Act, 1972, and to make provisions consequential thereon. [Assented to, 2nd December, 1976.]

**BE**

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

**T. J. CAHILL,**  
*Chairman of Committees of the Legislative Assembly.*



*Ambulance Services.*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**PART I.****PRELIMINARY.**

**Short title.**     **1.** This Act may be cited as the "Ambulance Services Act, 1976".

**Commence-  
ment.**

**2.** (1) This section and sections 1 and 17 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Division  
of Act.**

**3.** This Act is divided as follows :—

**PART I.—PRELIMINARY—ss. 1–4.**

**PART II.—POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE COMMISSION—ss. 5, 6.**

**PART III.—CONTRIBUTION SCHEMES—ss. 7–9.**

**PART IV.—FINANCE—ss. 10–12.**

**PART V.—MISCELLANEOUS—ss. 13–20.**

**SCHEDULE 1.—REPEAL OF ACTS.**

**SCHEDULE 2.—AMENDMENT OF ACTS.**

**SCHEDULE**



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*Ambulance Services.*

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SCHEDULE 3.—SAVING AND TRANSITIONAL PROVISIONS.

4. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— **Interpretation.**

“ambulance benefits” means benefits, services and concessions relating to ambulance services;

“ambulance services” means services relating to the work of rendering first aid to, and the transport of, sick and injured persons;

“appointed day” means the day appointed and notified under section 2 (2) ;

“Board” means the New South Wales Ambulance Board constituted under the repealed Act;

“Commission” means the Health Commission of New South Wales;

“contribution” means contribution to a contribution scheme;

“contribution scheme” means a scheme established, conducted and operated by the Commission under section 7;

“contributor” means—

(a) a person who is a contributor within the meaning of a contribution scheme; or

(b) a life member of a contribution scheme;

“regulation”



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*Ambulance Services.*

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“regulation” means a regulation made under this Act;

“repealed Act” means the Ambulance Service Act, 1972.

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PART II.

POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE  
COMMISSION.

Powers, etc.,  
of the  
Commission.

5. (1) The Commission shall, on and after the appointed day, continue to provide, conduct, operate and maintain such ambulance services as were provided, conducted, operated and maintained by the Board immediately before the appointed day subject to such alterations as it from time to time deems necessary in the public interest.

(2) The Commission may, on and after the appointed day, co-operate with or provide assistance to any person or organisation for the purpose of providing, conducting, operating and maintaining ambulance services.

Honorary  
ambulance  
officers.

6. (1) The Commission may appoint such persons as it thinks fit to be honorary ambulance officers.

(2) Honorary ambulance officers—

- (a) shall carry out, without remuneration, such duties relating to the provision of ambulance services as the Commission may from time to time direct; and
- (b) shall be subject to the control and supervision of the Commission.

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PART



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*Ambulance Services.*

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PART III.

CONTRIBUTION SCHEMES.

7. (1) The Commission may from time to time by Contribution scheme resolution—

- (a) provide for the establishment, conduct and operation of a contribution scheme whereby ambulance benefits are provided for contributors and their dependants; and
- (b) change the provisions of a contribution scheme.

(2) Without limiting the generality of subsection (1), a resolution of the Commission relating to a contribution scheme may make provision for or with respect to—

- (a) the contributors or classes of contributors for whom ambulance benefits are to be provided under the contribution scheme;
- (b) the dependants or classes of dependants of contributors for whom ambulance benefits are to be provided under the contribution scheme;
- (c) the persons or classes of persons other than contributors or their dependants for whom ambulance benefits are to be provided under the contribution scheme;
- (d) the ambulance benefits or classes of ambulance benefits to be provided under the contribution scheme;
- (e) the rates or amounts of contribution to be paid in respect of the contribution scheme;
- (f) the periods in respect of which contribution to the contribution scheme is to be paid;
- (g) the manner of payment, collection and recovery of contribution to the contribution scheme; and

(h)



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*Ambulance Services.*

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(h) all matters consequential upon or ancillary to the matters in respect of which a resolution may be made under the foregoing provisions of this section.

(3) A resolution referred to in this section may be limited in its application to a part of the State specified in that resolution or in a subsequent resolution.

**Life  
members.**

8. The Commission may appoint as a life member of a contribution scheme a person who in its opinion has rendered meritorious service in the provision, conduct, operation or maintenance of ambulance services.

**Deduction  
of con-  
tribution.**

9. The provisions of the Truck Act of 1900 or of section 92 or 93 of the Industrial Arbitration Act, 1940, shall not apply in respect of deductions by way of contribution from the remuneration of an employee.

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**PART IV.**

**FINANCE.**

**Ambulance  
Services  
Fund.**

10. (1) There shall be established in the Special Deposits Account at the Treasury a fund to be called the "Ambulance Services Fund".

(2) Money provided by Parliament for or in connection with the provision, conduct, operation or maintenance of ambulance services by the Commission and any other money received by the Commission for those purposes shall be paid to the credit of the Ambulance Services Fund.

(3)



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*Ambulance Services.*

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(3) The money paid to the Ambulance Services Fund may only be used for or in connection with the provision, conduct, operation or maintenance of ambulance services.

11. (1) The Commission may establish such special project accounts as it sees fit. Special project accounts.

(2) Subject to subsections (3) and (4), money in a special project account may only be used for or in connection with such purposes related to the improvement of ambulance services as are approved by the Commission and, if the Commission has, under section 14 (3) (a), specified an area in which the money shall be used, may only be used in that area.

(3) The Commission may invest money in a special project account in any manner authorised by the Trustee Act, 1925, for the investment of trust funds or in any prescribed manner.

(4) Where the Commission—

(a) has, under section 14 (3) (a), specified an area in which money collected pursuant to a consent given under section 14 (1) shall be used; and

(b) subsequently forms the opinion—

(i) that ambulance services in that area would be better served by the use of that money for a purpose approved by the Commission other than that for which the money was collected; and

(ii) that the public in that area will derive a substantial benefit from the use of that money for that other purpose,

the Commission may, but only if the Minister consents, use that money for that other purpose whether or not the implementation of that other purpose would result in the money or any part of it being used outside that area.

(5)



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*Ambulance Services.*

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(5) A regulation may be made providing for the pooling for investment purposes of money in a special project account with money in any other special project account and for matters incidental to or arising from the investment of any such money.

Fees for  
services.

**12.** (1) The Minister may, by notice published in the Gazette—

- (a) fix a scale of fees in respect of ambulance services provided by the Commission; and
- (b) amend or revoke any scale of fees so fixed.

(2) The Commission may remit or postpone payment of all or any amounts due to the Commission in respect of ambulance services provided by the Board before the appointed day and payment of all or any amounts due to the Commission in respect of ambulance services provided by the Commission.

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**PART V.**

**MISCELLANEOUS.**

Unauthor-  
ised pro-  
vision of  
ambulance  
transport.

**13.** (1) A person shall not—

- (a) directly or indirectly provide or take part in the provision of transport for sick or injured persons for fee or reward; or
- (b) conduct for fee or reward any operations similar to the operations carried on by the Commission under this Act,

without the consent of the Commission and except in accordance with such conditions (if any) as the Commission may from time to time impose.

(2)



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*Ambulance Services.*

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(2) The Commission may revoke any consent given, or revoke or vary any condition imposed, under subsection (1).

(3) Subsection (1) does not apply to—

- (a) the Commission;
- (b) the Saint John Ambulance Association and the Saint John Ambulance Brigade (Overseas) New South Wales District in respect of operations similar to the operations lawfully carried on by those bodies immediately before the appointed day;
- (c) the Royal Flying Doctor Service of Australia (N.S.W. Section);
- (d) the committee of a district constituted under the Mines Rescue Act, 1925; or
- (e) any prescribed person or class of persons.

14. (1) A person shall not organise, conduct or take part in the collection or soliciting of money or property from the public for, towards or in return for the provision of ambulance services without the consent of the Commission and except in accordance with such conditions (if any) as the Commission may from time to time impose.

Unauthor-  
ised  
collections.

(2) The Commission may revoke any consent given, or revoke or vary any condition imposed, under subsection (1).

(3) Where the Commission gives a consent under subsection (1) it shall specify—

- (a) the area in which any money collected pursuant to that consent shall be used; and
- (b) the special project account into which any money collected pursuant to that consent shall be paid.

(4)



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*Ambulance Services.*

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(4) The area to which a consent referred to in subsection (3) (a) relates may be the whole of the State of New South Wales or such part thereof as is specified by the Commission.

(5) Subsection (1) does not apply to—

- (a) the Commission;
- (b) an insurer under a policy of insurance to the extent that the money or the property represents consideration for an indemnity provided in that policy against the cost of the transport of sick or injured persons, being an indemnity incidental to the risks insured under that policy; or
- (c) any prescribed person or class of persons.

**Offences.**

**15.** (1) A person who contravenes or fails to comply with a provision of this Act is guilty of an offence against this Act.

(2) A person who is guilty of an offence against this Act shall be liable to a penalty not exceeding \$500.

(3) All proceedings for offences against this Act shall be disposed of summarily before a stipendiary magistrate.

**Regulations.**

**16.** (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which by this Act is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) A regulation may be made so as to apply differently according to such factors as are specified in the regulation.



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*Ambulance Services.*

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**17.** The Ambulance Service Act, 1972, is amended by inserting after section 18 the following section : —

Amendment  
of Act No.  
15, 1972.  
Sec. 18A.

18A. (1) The Board has power to acquire, and shall be deemed always to have had power to acquire, by gift inter vivos, devise or bequest, any property for the purposes of this Act and to agree to the condition of any such gift, devise or bequest.

Power of  
Board to  
accept  
gifts, etc.

(2) The rule of law against the remoteness of vesting shall not apply, and shall be deemed never to have applied, to any such condition to which the Board has agreed.

**18.** (1) Each Act specified in Schedule 1 is repealed.

Repeals.

(2) Section 17 is repealed.

**19.** Each Act specified in Column 1 of Schedule 2 is amended in the manner set forth opposite that Act in Column 2 of Schedule 2.

Amendment  
of Acts.

**20.** Schedule 3 has effect.

Saving and  
transitional  
provisions.

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**SCHEDULE**



*Ambulance Services.*

Sec. 18.

## SCHEDULE 1.

## REPEAL OF ACTS.

Year and number of Act.	Short title of Act.
1972, No. 15 .. ..	Ambulance Service Act, 1972.
1975, No. 6 .. ..	Ambulance Service (Amendment) Act, 1975.

## SCHEDULE 2.

Sec. 19.

## AMENDMENT OF ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1919, No. 41 ..	Local Government Act, 1919.	Section 298 (1) (d)— Omit "New South Wales Ambulance Board", insert instead "Health Commission". Section 298 (2)— Omit "New South Wales Ambulance Board", insert instead "Health Commission".
1920, No. 47 ..	Stamp Duties Act, 1920.	Section 97AA (3) (d) (ii)— Omit "Act, or by or on behalf of the New South Wales Ambulance Board; or", insert instead "Act; or". Second Schedule, General Exemptions from Stamp Duty under Part III— Omit paragraph (11).

SCHEDULE



*Ambulance Services.*SCHEDULE 2—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1926, No. 15..	Workers' Compensation Act, 1926.	Section 6 (14D) (a)— Omit "New South Wales Ambulance Board", insert instead "Health Commission of New South Wales". Section 6 (14D) (a)— Omit "that Board", insert instead "that Commission".
1942, No. 15..	Motor Vehicles (Third Party Insurance) Act, 1942.	Section 24, definition of "Ambulance vehicle"— Omit "New South Wales Ambulance Board", insert instead "Health Commission of New South Wales".
1943, No. 22..	Sydney Turf Club Act, 1943.	Section 11 (2) (c)— Omit "New South Wales Ambulance Board", insert instead "Health Commission of New South Wales, in respect of ambulance services".
1944, No. 15..	Crown Employees Appeal Board Act, 1944.	Section 2 (1), definition of "Employing authority"— After "means", insert ", subject to subsection (4),". Section 2 (4)— After section 2 (3), insert:— (4) Where the name of a person appears in the Second Schedule in respect of a person or class of persons, the firstmentioned person is, for the purposes of this Act, an employing authority only in respect of that other person or class of persons. Second Schedule— Omit "The New South Wales Ambulance Board.", insert instead "The Health Commission of New South Wales in respect of persons employed under section 14A of the Health Commission Act, 1972, in connection with ambulance services.".



*Ambulance Services.*SCHEDULE 2—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1957, No. 28..	Attachment of Wages Limitation Act, 1957.	<p>Section 10 (12), definition of "employing authority"— After "means", insert " , subject to subsection (12A),".</p> <p>Section 10 (12A)— After section 10 (12), insert:— (12A) Where the name of a person appears in the Schedule in respect of a person or class of persons, the first-mentioned person is, for the purposes of this Act, an employing authority only in respect of that other person or class of persons.</p> <p>Schedule— Omit "New South Wales Ambulance Board.", insert instead "Health Commission of New South Wales in respect of persons employed under section 14A of the Health Commission Act, 1972, in connection with ambulance services.".</p>

## Sec. 20.

## SCHEDULE 3.

## SAVING AND TRANSITIONAL PROVISIONS.

## Interpretation.

1. In this Schedule, except in so far as the context or subject-matter otherwise indicates or requires—

"permanent servant" has the meaning ascribed thereto in the Local Government and Other Authorities (Superannuation) Act, 1927;

"superannuation scheme" means a scheme, fund, account or arrangement under which any superannuation or retirement benefits are provided and which is established by or under

## SCHEDULE



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*Ambulance Services.*

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SCHEDULE 3—*continued.*SAVING AND TRANSITIONAL PROVISIONS—*continued.*

the Local Government and Other Authorities (Superannuation) Act, 1927, and includes an insurance policy on the life of the secretary of the Board in respect of which a share of the premium is contributed by the Board.

## 2. On and from the appointed day—

Transfer of  
assets,  
liabilities,  
etc., of  
Board.

- (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Board shall vest in and belong to the Commission;
- (b) all money and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Board shall be money and liquidated and unliquidated claims payable to or recoverable by the Commission;
- (c) all proceedings commenced before that day by the Board and pending immediately before that day shall be deemed to be proceedings commenced by the Commission and all proceedings so commenced by any person against the Board and pending immediately before that day shall be proceedings deemed to be respectively commenced by that person against the Commission;
- (d) all contracts, agreements, arrangements and undertakings entered into with and all securities lawfully given to or by the Board and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Commission;
- (e) the Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this clause and for the prosecution of proceedings so referred to as the Board might have done but for the enactment of this Act;
- (f) the Commission may enforce and realise any security or charge existing immediately before that day in favour of the Board and may exercise any powers thereby conferred on the Board as if the security or charge were a security or charge in favour of the Commission;

## SCHEDULE



*Ambulance Services.*SCHEDULE 3—*continued.*SAVING AND TRANSITIONAL PROVISIONS—*continued.*

- (g) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Board shall be debts due, money payable by and claims recoverable against, the Commission; and
- (h) all liquidated and unliquidated claims for which the Board would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Commission shall be liable.
- References in documents to Board. 3. A reference to the Board in any other Act or in any by-law, regulation, statutory instrument or other document, whether of the same or of a different kind, shall be construed as a reference to the Commission.
- Acts of the Board. 4. Any act, matter or thing done or omitted to be done before the appointed day by the Board or a delegate of the Board, or to or in respect of the Board shall, to the extent that but for the enactment of this Act that act, matter or thing would on or after that day have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Commission.
- No compensation payable to members of Board. 5. A person who, immediately before the appointed day, was a member of the Board and who ceases to be such a member by reason of the enactment of this Act is not entitled to be paid any remuneration or compensation by reason of his ceasing to be such a member.
- Attornment not required. 6. No attornment to the Commission by a lessee from the Board shall be required.
- Honorary ambulance officers. 7. A person who, immediately before the appointed day, was a person in respect of whom an appointment as an honorary ambulance officer was in force under section 12 (1) of the repealed Act shall be deemed to be an honorary ambulance officer appointed under section 6 (1).
- Financial matters. 8. (1) Money provided to the Board by Parliament before the appointed day for or in connection with the provision, conduct, operation and maintenance of ambulance services and any other money received by the Board from any other person for those purposes that has not been used shall be paid to the credit of the Ambulance Services Fund established under section 10.



*Ambulance Services.*

SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

(2) Where immediately before the appointed day money collected from the public for use for or in connection with the improvement of ambulance services is at credit in a bank account of the Board (not being an account from which maintenance and operating expenses are paid) that account shall be deemed to be a special project account established by the Commission pursuant to section 11, but section 11 (4) does not apply to or in respect of that account.

(3) Where the Commission is of the opinion that—

(a) money at credit in a bank account as referred to in subclause (2) had, before the appointed day, been collected from the public for use for or in connection with the improvement of ambulance services and had been collected substantially within the boundaries of a district established and defined pursuant to section 21 (1) (a) of the repealed Act;

(b) ambulance services in that district would be better served by the use of that money for a purpose other than that for which the money was collected; and

(c) the public in that district will derive a substantial benefit from the use of that money for that other purpose,

the Commission may, but only if the Minister consents, use that money for that other purpose whether or not the implementation of that other purpose would result in the money or any part of it being used outside that district.

9. Subject to section 7 (1) (b), the contribution scheme established, conducted and operated by the Board under section 35 (1) of the repealed Act as so established, conducted and operated immediately before the appointed day shall, on and after that day, be deemed to have been established by the Commission under section 7. Contribution scheme.

10. A person who, immediately before the appointed day, was a life member of the contribution scheme established, conducted and operated under section 35 (1) of the repealed Act shall be deemed to be a life member of the contribution scheme referred to in clause 9. Life member of contribution scheme.

11. A person who, immediately before the appointed day, was a contributor (other than a life member of the contribution scheme established, conducted and operated under section 35 (1) of the repealed Act) shall, on and after that day and for such period as he would have been such a contributor if this Act had not been enacted, be deemed to be a contributor under this Act. Contributor to contribution scheme.

SCHEDULE



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*Ambulance Services.*

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SCHEDULE 3—*continued.*SAVING AND TRANSITIONAL PROVISIONS—*continued.*

Transfer of  
servants.

12. A person who, immediately before the appointed day, was a servant of the Board shall, on that day, become and be a servant of the Commission and shall be deemed to have been appointed and employed pursuant to section 14A of the Health Commission Act, 1972, in connection with ambulance services.

Preserva-  
tion of  
rights of  
transferred  
servants.

13. (1) A person to whom clause 12 applies shall retain any rights which have accrued or are accruing to him as a permanent servant and shall continue to contribute to any superannuation scheme to which he was a contributor immediately before the appointed day and shall be entitled to receive any payment, pension or gratuity, as if he had continued, as a servant of the Board, to be a permanent servant.

(2) The Commission, in respect of a person to whom clause 12 applies, shall pay to the Local Government Superannuation Board such amounts as would have been payable by the Board to the Local Government Superannuation Board in respect of that person if he had remained, as a servant of the Board, a permanent servant and as if he were receiving from the Board the same salary or wages as is or are being paid to him during his service with the Commission.

(3) A person to whom clause 12 applies shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before the appointed day, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered pursuant to an award of a competent tribunal or an industrial agreement or by the Commission.

(4) Where any condition of employment of a person to whom clause 12 applies was, immediately before the appointed day, regulated by an award or industrial agreement, that condition shall continue to be so regulated until it is varied by an award by which the Commission is bound made by a court of competent jurisdiction, or that condition is regulated by an industrial agreement to which the Commission is a party.

(5) The period of service with the Board of a person to whom clause 12 applies shall be deemed to be service with the Commission for the purposes of annual leave, sick leave or long service leave.

(6) A person to whom clause 12 applies shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

## SCHEDULE



*Ambulance Services.*

SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

14. (1) In this clause, "prescribed person" means a person who is an officer of the Public Service to whom section 15 (2) of the repealed Act applied. Continuation of existing superannuation rights of certain officers.

(2) Subject to clause 15 (5), a prescribed person shall, on and after the appointed day, retain any rights which have accrued or are accruing to him by virtue of the operation of section 15 (1) of the repealed Act immediately before that day and shall continue, on and after that day, to contribute to any superannuation scheme to which he was a contributor immediately before that day and shall be entitled to receive any payment, pension or gratuity, as if he had continued, as an officer of the Public Service, to be a permanent servant.

(3) While a prescribed person continues to contribute under subclause (2) to a superannuation scheme, the Commission, in respect of a prescribed person, shall, on and after the appointed day, pay to the Local Government Superannuation Board such amounts as would have been payable on and after that day by the Board to the Local Government Superannuation Board in respect of that person if he had continued to be a permanent servant employed by the Board receiving from the Board the same salary or wages as is or are being paid to him during his service with the Commission.

15. (1) In this clause—

"contributor" has the meaning ascribed thereto in section 3 (1) of the Superannuation Act, 1916;

"prescribed person" means a person who is an officer of the Public Service to whom section 15 (2) of the repealed Act applied.

Election by officer to become contributor to State Superannuation Fund.

(2) A prescribed person is not, on or after the appointed day, while he remains an officer of the Public Service, entitled to become a contributor except as provided in this clause.

(3) A prescribed person may, by instrument in writing delivered to the secretary of the State Superannuation Board within 3 months after the appointed day, elect to become a contributor.

(4) For the purpose only of applying the provisions of section 92A of the Superannuation Act, 1916—

(a) a person who makes the election referred to in subclause (3) in accordance with that subclause shall be deemed to be a person in the service of the Commission; and

SCHEDULE



*Ambulance Services.*SCHEDULE 3—*continued.*SAVING AND TRANSITIONAL PROVISIONS—*continued.*

- (b) the Commission shall be deemed to be an employing authority specified in Schedule III to the Superannuation Act, 1916.

(5) A prescribed person who, but for this subclause, would be entitled to continue to contribute to a superannuation scheme or to receive any payment, pension or gratuity from any such scheme shall not be so entitled upon becoming a contributor.

(6) Subclause (5) does not prevent the payment to a prescribed person upon his ceasing to contribute to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be a permanent servant for the purposes of that scheme.

Special provision in respect of secretary of the Board.

16. Where the person holding office as the secretary of the Board immediately before the appointed day does not become a contributor as referred to in clause 15—

- (a) he shall on and after that day retain any rights which have accrued or are accruing to him immediately before that day under any insurance policy upon his life by way of endowment or annuity, and shall be entitled on or after that day to receive any payment, pension or gratuity under any such policy as if this Act had not been enacted; and
- (b) the Commission shall on and after that day pay the share of any premium contributed by the Board immediately before that day on any policy referred to in paragraph (a) upon the same terms and subject to the same conditions as the premium was so contributed by the Board.

Pending appeals to Crown Employees Appeal Board.

17. (1) Where immediately before the appointed day an appeal is pending before, or could have been made to, the Crown Employees Appeal Board by a person who on that day becomes a servant of the Commission by the operation of clause 12, that appeal may—

- (a) where it was pending, be continued or completed; or
- (b) where it is made after that day, be commenced within the period prescribed by the Crown Employees Appeal Board Act, 1944, and be continued and completed,

and may be determined by the Crown Employees Appeal Board.

## SCHEDULE



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*Ambulance Services.*

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SCHEDULE 3—*continued.*

SAVING AND TRANSITIONAL PROVISIONS—*continued.*

(2) The determination of the Crown Employees Appeal Board on an appeal referred to in subclause (1) shall be given effect to by the Commission.

18. For the purpose of section 298 of the Local Government Act, 1919, an ambulance service that, immediately before the appointed day, was an ambulance service approved by the Board shall, on and after that day, be deemed to be an ambulance service approved by the Commission. Approved ambulance service.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 2nd December, 1976.*

Act No. 72, 1970

Amended Statute

ARTICLE 1

Section 1. The following provisions shall be added to the

(2) The Commission of the Crown Employees Appeal Board  
on an appeal referred to in subsection (1) shall be given effect to by  
the Commission.

1. For the purpose of section 2 of the Local Government Act, 1970, in relation to any matter referred to the Commission, the Commission  
may, with the concurrence of the majority of its members, refer the matter to a  
tribunal constituted by the Commission, and the tribunal shall, on and after  
the day that it is constituted, be deemed to be an authorized tribunal referred to  
in the Commission.

2. The Commission shall, in relation to any matter referred to it, have the same powers as the

W. B. C. 1970

Commission

1970, 1st December, 1970





