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Dated 1 July 2025



TASMANIA

AMBULANCE SERVICE ACT 1982

No. 105 of 1982

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AMBULANCE SERVICE ACT 1982

No. 105 of 1982

An Act to provide for the establishment and operation of an ambulance service in this State, to provide for the appointment of a Commissioner of Ambulance Services and for his or her functions and powers, to provide for related matters, and to amend and repeal certain enactments

[Royal Assent 18 January 1983]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART I – PRELIMINARY

1. Short title

This Act may be cited as the *Ambulance Service Act 1982*.

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2. Commencement

- (1) This section and section 1 shall commence on the day on which this Act receives the Royal Assent.
- (2) Except as provided in subsections (1) and (3), this Act shall commence on a date to be fixed by proclamation.
- (3) Sections 32, 33, 34, and 35 shall commence on 1st July next following the second commencement date.

3. Interpretation

In this Act, except in so far as the context or subject-matter otherwise indicates or requires –

ambulance means a vehicle –

(a) which is –

- (i) specifically equipped for the provision of out-of-hospital clinical care to, and the conveyance of, persons suffering from illness, disability or injury; and
- (ii) operated by, or on behalf of, the Ambulance Service to provide ambulance services other than non-emergency

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patient transport services;
or

(b) which is approved by the
Commissioner to be so operated;

Ambulance Service means Ambulance
Tasmania established under this Act;

ambulance services means services relating to
the work of rendering out-of-hospital
clinical care to, and the conveyance of,
persons suffering from illness or injury;

approved health profession means a class of
health profession that has been approved
by the Commissioner for the purposes of
this definition;

authorised insignia means insignia authorised
under section 20A(1);

authorised officer means a person authorised
under section 19;

Commissioner means the Commissioner of
Ambulance Services holding office under
this Act;

equipment includes vehicles, radios, plant,
appliances, and other implements used
for or in connection with the provision of
ambulance services;

fit and proper person means a person who the
Secretary, after taking into account

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matters referred to in section 3AA, is satisfied is a fit and proper person;

functions includes duties;

insignia means, unless otherwise prescribed –

- (a) any items such as uniforms, emblems, logos, devices, accoutrements and other things that are generally recognised as pertaining to the Ambulance Service; or
- (b) any part of such items; or
- (c) any reasonable imitation or replica of such items or parts; or
- (d) any thing, or class of things, that is prescribed for the purposes of this definition;

motor vehicle has the same meaning as in the *Vehicle and Traffic Act 1999*;

NEPT licence means a licence issued under section 35D(1);

NEPT Service means a service that provides non-emergency patient transport services;

non-emergency patient transport services means transport services that relate solely to the provision of transport on public roads or by air or water of patients –

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-
- (a) whose medical needs have been assessed by a member of an approved health profession as –
 - (i) requiring patient transport; and
 - (ii) not being time-critical or acute; and
 - (b) who may require –
 - (i) basic care and observation; or
 - (ii) clinical care and monitoring;

officer of the Ambulance Service means a person appointed pursuant to section 14(2) to provide ambulance services;

regulations means regulations made under this Act;

Secretary means Secretary of the Department;

repealed Act means the *Ambulance Act 1959*;

second commencement date means the date fixed by proclamation under section 2(2);

third commencement date means 1st July referred to in section 2(3);

vehicle includes –

- (a) a motor vehicle; and

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- (b) an aircraft; and
- (c) a vessel within the meaning of the *Marine and Safety Authority Act 1997*; and
- (d) any other prescribed means of transport;

volunteer ambulance officer means a person appointed and holding office under section 16.

3AA. Fit and proper person

- (1) In determining whether or not a person is a fit and proper person for the purposes of this Act, the Secretary may take into account any one or more of the following matters:
 - (a) whether or not the person has been found guilty of an offence against this Act;
 - (b) whether or not the person is of sound financial reputation and has a stable financial background;
 - (c) whether or not the person is of good repute, having regard to the character, honesty and integrity of the person;
 - (d) whether or not the person has been found guilty of one of the following offences within the immediately previous 10 years, regardless of where the person was convicted:

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-
- (i) an indictable offence against the person where the maximum penalty for the offence is a term of imprisonment of at least 3 months;
 - (ii) an offence of dishonesty, fraud, or trafficking, where the maximum penalty for the offence is a term of imprisonment of at least 3 months;
 - (e) any other matter the Secretary thinks relevant.
- (2) For the purposes of subsection (1), a person is found guilty of an offence even if a conviction is not recorded in respect of the person being found guilty of the offence.

3AB.

3A. Act binds Crown

This Act binds the Crown not only in right of Tasmania but also, so far as the legislative power of Parliament permits, binds the Crown in all of its other capacities.

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PART II – ADMINISTRATION

4. Ambulance Tasmania

There is established by this Act an ambulance service to be called the “Ambulance Tasmania” which shall be under the control of the Commissioner and which shall consist of all persons appointed and holding office pursuant to section 14, 15(1), or 16.

5. Appointment and incorporation of Commissioner of Ambulance Services

- (1) The Minister administering the *State Service Act 2000* may appoint a State Service officer or State Service employee to be Commissioner of Ambulance Services who is, by this subsection, incorporated as a corporation sole with the corporate name “Commissioner of Ambulance Services”.
- (2) The person holding office as Commissioner of Ambulance Services shall hold that office in conjunction with State Service employment.
- (3)
- (4) The Commissioner—
 - (a) has perpetual succession;
 - (b) shall have a common seal;

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-
- (c) may sue and be sued in his corporate name; and
 - (d) may do, and be subject to, all other things that corporations may by law do and be subject to and that are necessary for or incidental to the purpose for which he is incorporated.
- (5) All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the Commissioner affixed to a document and shall presume that it was duly affixed.
- (6)

6. Functions of Commissioner

- (1) The Commissioner has the following functions:
- (a)
 - (b) to formulate policy in respect of the administration and operation of the Ambulance Service;
 - (c) to co-ordinate and direct the development of all ambulance services throughout the State;
 - (d) to standardize, as far as practicable, equipment used or intended to be used throughout the State for or in connection with the provision of ambulance services;

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- (e) to ensure that effective ambulance services are provided throughout the State;
 - (f) to develop and maintain training facilities for the use of officers of the Ambulance Service and volunteer ambulance officers;
 - (g) to determine the qualifications required to be held by, and the standards of experience, training, and efficiency required of, officers of the Ambulance Service;
 - (h) to co-ordinate the provision throughout the State of ambulances and other means of transport for the conveyance of persons suffering from illness or injury other than non-emergency patient transport services;
 - (i) such other functions as are imposed or conferred on him by or under this Act.
- (2) The Commissioner is responsible for the control and management of the Ambulance Service.
- (3)
- (4) The Commissioner shall take such measures as he considers necessary to ensure the provision of efficient ambulance services throughout the State.

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7. Powers of Commissioner

(1) The Commissioner has power–

- (a) for or in connection with the performance of his functions under this Act to purchase, exchange, take on lease, hold, dispose of by way of lease or sale, or otherwise deal with, property both real and personal; and
- (ab) to charge fees –
 - (i) for the delivery of services by the Ambulance Service, other than ambulance services or services for which a fee is prescribed, and to waive all or part of any fee charged under this paragraph on the grounds of financial hardship or for any other reason the Commissioner thinks fit; and
 - (ii) to recover any expenditure made for or on behalf of another organisation, if that expenditure is not already covered under this Act; and
- (ac) to determine the scope of any services provided under the authority of this Act; and
- (ad) to determine that there is a need for the Ambulance Service to be present at an incident, or event, if the Commissioner

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believes on reasonable grounds that the incident or event may result in a person requiring ambulance services; and

- (b) to do all things necessary or convenient to be done for or in connection with, or incidental to, the exercise of his powers and the performance of his functions under this Act other than employ persons.
- (1A) Nothing in subsection (1)(ad) places an obligation on the Commissioner to actively monitor upcoming incidents or events or potential incidents or events.
- (1B) Without limiting the generality of subsection (1)(b), the Commissioner may, under that subsection, do one or more of the following actions:
 - (a) authorise the destruction of, wholly or partially, or damage to any premises, equipment, vehicle or receptacle;
 - (b) cause the gas or electricity supply, motor or any other source of energy to any premises, equipment, vehicle or receptacle to be shut off or disconnected;
 - (c) restrict access to a specified area around the site where ambulance services are being provided.
- (2) The Commissioner may, in such circumstances and upon such terms and conditions (including

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terms and conditions as to payment) as he thinks fit, undertake the conveyance of dead bodies.

- (3) The Commissioner may establish committees of such persons as the Commissioner considers appropriate for the purposes of assisting the Commissioner in the performance and exercise of the Commissioner's functions and powers.

8.

9. Commissioner subject to control of Minister

- (1) In the exercise of the powers conferred, and the performance of the functions imposed, on the Commissioner by or under this Act or any other Act, the Commissioner shall be subject to the control of the Minister.
- (2) The Minister may, for the purpose of enabling him to exercise the control referred to in subsection (1), from time to time give a direction in writing to the Commissioner and the Commissioner shall, subject to this section, exercise the powers conferred, and perform the functions imposed, on him by or under this Act or any other Act in accordance with any such direction.
- (3) The Commissioner is not bound by a direction given under subsection (2) unless the direction is in writing and signed by the Minister.
- (4) The power conferred on the Minister by subsection (2) shall not be exercised so as to –

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- (a) require the Commissioner to do anything that he is not empowered to do by this Act or any other Act;
- (b) prevent the Commissioner from performing any function that he is expressly required by this Act or any other Act to perform, whether conditionally or unconditionally; or
- (c) interfere with the formation by the Commissioner of any opinion or belief in relation to any matter that has to be determined as a prerequisite to the performance or exercise by the Commissioner of any of his functions or powers under this Act or any other Act.

10. Delegation by Commissioner

- (1) The Commissioner may, by instrument in writing, delegate to a person, or a class of persons, specified in the instrument the performance or exercise of such of the functions and powers under this Act or any other Act (other than this power of delegation) as are specified in the instrument, and may, by instrument in writing, revoke wholly or in part any such delegation.
- (2) A function or power, the performance or exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be performed or exercised from time to time in accordance with the terms of the delegation.

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- (3) A delegation under this section may be made subject to such conditions or limitations as to the performance or exercise of any of the functions or powers delegated, or as to time or circumstance, as are specified in the instrument.
- (4) Notwithstanding any delegation under this section, the Commissioner may continue to perform or exercise all or any of the functions or powers delegated.
- (5) Any act or thing done by or to a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done by or to the Commissioner and shall be deemed to have been done by or to the Commissioner.
- (6) An instrument purporting to be signed by a delegate of the Commissioner in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Commissioner under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Commissioner under this section.

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14. Officers of Ambulance Service

(1)

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- (2) Subject to and in accordance with the *State Service Act 2000*, persons may be appointed or employed to enable the Commissioner to provide ambulance services in accordance with this Act.

14A. Powers of entry by officer of Ambulance Service

- (1) An officer of the Ambulance Service may enter any land, premises or vehicle if the officer has reasonable grounds for believing that a person in or on the land, premises or vehicle requires urgent ambulance services.
- (2) An officer of the Ambulance Service authorised to enter land, premises or a vehicle under subsection (1) –
- (a) must, before entering the land, premises or vehicle, produce identification as such an officer; and
 - (b) may use such force as is reasonably necessary for the officer and his or her equipment to have safe entry to the land, premises or vehicle; and
 - (c) may take with him or her such other person as the officer considers necessary to effect the purpose for which entry is made.
- (3) Subsection (2)(a) does not apply if the officer of the Ambulance Service is dressed in a uniform bearing the authorised insignia of the Ambulance Service.

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14B. Powers of officer of Ambulance Service at scene

(1) If –

- (a) more than one statutory service is in attendance at an incident; and
- (b) an officer of the Ambulance Service is providing ambulance services at the incident –

the senior officer in attendance for the Ambulance Service has primary responsibility for the care and welfare of any person being provided ambulance services.

(2) To ensure the care and welfare of any person being provided ambulance services at an incident referred to in subsection (1) –

- (a) the senior officer in attendance for the Ambulance Service may recommend to another statutory service the priority of, or preference for, any activity performed by that statutory service at the incident, if that activity may impact on the care and welfare of a person being provided ambulance services at the incident; and
- (b) the senior officer in attendance for the statutory service that is the subject of the recommendation is to provide reasonable grounds, to the senior officer in attendance for the Ambulance Service at the time of the incident, for failing to comply with any recommendation made under paragraph (a).

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(3) In this section –

senior officer in attendance, in relation to an incident, means the most senior officer that is in attendance, for the relevant statutory service, at the scene of the incident;

statutory service has the same meaning as in the *Emergency Management Act 2006*.

15. Staff of Commissioner

- (1) Subject to and in accordance with the *State Service Act 2000*, persons may be appointed or employed for the purpose of providing administrative and clerical assistance to the Commissioner or for carrying out duties other than those performed by persons appointed under section 14.
- (2) The Secretary of the Department may make arrangements with another Head of a State Service Agency for State Service officers and State Service employees employed in that Agency to be made available to enable the Commissioner to perform the functions of office under this Act, and those officers and employees are to, in conjunction with State Service employment, serve the Commissioner in any capacity.

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15A.

16. Volunteer ambulance officers

- (1) The Commissioner may appoint such persons as he thinks necessary to be volunteer ambulance officers.
- (2) A volunteer ambulance officer–
 - (a) shall perform, without remuneration, such functions relating to the provision of ambulance services as the Commissioner may from time to time direct; and
 - (b) shall be subject to the control and supervision of the Commissioner.

17. Tasmanian Ambulance Clinical Council

- (1) There is established a Tasmanian Ambulance Clinical Council.
- (2) The Tasmanian Ambulance Clinical Council consists of such persons as may be determined by the Minister.
- (3) The members of the Tasmanian Ambulance Clinical Council are to be appointed by the Minister and hold office on such terms and conditions, not provided for in this Act, as are determined by the Minister.

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- (4) A member of the Tasmanian Ambulance Clinical Council is entitled to be paid such remuneration and allowances as the Minister may determine.
- (5) A member of the Tasmanian Ambulance Clinical Council who is a State Service officer or State Service employee is not entitled to be paid remuneration and allowances under subsection (4) except with the approval of the Minister administering the *State Service Act 2000*.
- (6) The Minister must appoint one of the members of the Tasmanian Ambulance Clinical Council to be the chairperson of the Tasmanian Ambulance Clinical Council.
- (7) Such number of members of the Tasmanian Ambulance Clinical Council as the Minister may determine form a quorum at any duly convened meeting of the Tasmanian Ambulance Clinical Council.
- (8) The procedure for the calling of, and for the conduct of business at, meetings of the Tasmanian Ambulance Clinical Council is to be determined by the Tasmanian Ambulance Clinical Council.

18. Functions of Tasmanian Ambulance Clinical Council

The Tasmanian Ambulance Clinical Council is to perform such functions as may be determined by the Minister.

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19. Authorised officers

- (1) The Commissioner or the Secretary, in writing, may authorise a person, or any member of a class of persons, to be an authorised officer.
- (2) An authorisation may be limited –
 - (a) to the performance or exercise of the functions or powers specified in the authorisation; or
 - (b) in any other way specified in the authorisation.
- (3) On authorising a person as an authorised officer under subsection (1), the Commissioner or the Secretary must ensure that the authorised officer is issued with an identity card that bears a recent photograph of the authorised officer.
- (4) An authorised officer must produce his or her identity card for inspection –
 - (a) before exercising a power, or performing a function, under this Act or the regulations if it is practicable to do so; and
 - (b) at any time during the exercise of such a power, or the performance of such a function, as soon as practicable after being asked to do so.

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20. Powers of authorised officers

- (1) Subject to this Act and without limiting the functions and powers that may be authorised under section 19, an authorised officer may, at any reasonable time and for the purposes of this Act, be authorised under section 19 to do one or more of the following:
 - (a) inspect and search any premises, vehicles, machinery or equipment used for the purposes of this Act;
 - (b) take photographs, films, or video or audio recordings, or make a record in any other manner or by any other means;
 - (c) require a person, who the officer reasonably believes has committed, is committing or is about to commit an offence against this Act, to state the person's full name and usual place of residence;
 - (d) require a person holding or required to hold a licence under this Act to produce the licence for inspection;
 - (e) stop or detain a vehicle, or cause a vehicle to be stopped or detained, if the authorised officer believes on reasonable grounds that the vehicle is being or is likely to be used to provide ambulance services;
 - (f) seize, examine or take copies of, or extracts from, documents;

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- (g) seize any equipment, other than a vehicle, that the authorised officer is satisfied should be seized in the interests of public safety;
 - (h) require a person to produce a document which may relate to, or contain evidence of, an offence under this Act.
- (2) An authorised officer may enter and search any premises or vehicle if the authorised officer believes on reasonable grounds that the entry and search is necessary in order to confirm –
 - (a) whether this Act is being complied with; or
 - (b) whether any condition on a licence under this Act is being complied with.
- (3) An authorised officer may enter premises or a vehicle under subsection (2) at any time.

20A. Authorised insignia, &c.

- (1) The Commissioner may authorise the insignia to be adopted for use by all or part of the Ambulance Service.
- (2) A person must not, without the permission of the Commissioner, manufacture or sell –
 - (a) authorised insignia; or
 - (b) insignia that is reasonably capable of being mistaken as authorised insignia.

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Penalty: Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

(3) A person must not, for any purpose that is not authorised by the Commissioner, use –

- (a) authorised insignia; or
- (b) insignia that is reasonably capable of being mistaken as authorised insignia.

Penalty: Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

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Part III – Finances of Commissioner

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PART III – FINANCES OF COMMISSIONER

Division 1 – Funds, accounts, and estimates of expenditure

21. Funds of Commissioner

- (1) The funds of the Commissioner shall consist of–
- (a) money provided by Parliament for the purposes of this Act;
 - (b) all money derived by the Commissioner from the sale, leasing, hire, or other disposal by the Commissioner of any property which the Commissioner has power to sell, lease, hire, or dispose of;
 - (c)
 - (d) money received by way of fees charged in respect of ambulance services provided by the Commissioner; and
 - (e) all other money received from any source by the Commissioner.
- (2) The funds of the Commissioner shall be applied only–
- (a) in the payment or discharge of the expenses, charges, and obligations incurred or undertaken by the Commissioner in the performance of his functions and the exercise of his powers under this Act; and

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- (b) in the payment of any remuneration payable under this Act.

22. Authorised deposit-taking institution accounts

- (1) The Commissioner may open and maintain an account or accounts in the Treasury and with an authorised deposit-taking institution approved by the Treasurer and shall maintain at all times at least one account in the Treasury and at least one account at an authorised deposit-taking institution approved by the Treasurer.
- (2) Any money received by the Commissioner shall be paid into, and any expenditure of the Commissioner shall be drawn from, an account referred to in subsection (1).

23. Accounts and records

- (1) The Commissioner shall cause to be kept proper accounts and records of the operations of the Ambulance Service and shall do all things necessary to ensure that all payments from its funds are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Commissioner and over the incurring of liabilities by the Commissioner.
- (2)
- (3) The statement of accounts prepared by the Commissioner under this section is to include a certificate by the Commissioner that, if it is the

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case, the Commissioner has met his or her obligations under the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth in respect of any Ambulance member who is, or becomes, a member of an RSA or a complying superannuation scheme to which the Commissioner contributes.

- (4) The Commissioner is to include in the statement of accounts any other prescribed information relating to any other superannuation scheme or RSA in cases where persons appointed or employed under the *State Service Act 2000* are performing functions for the purposes of this Act.
- (5) In this section –

Ambulance member has the same meaning as in the *Public Sector Superannuation Reform Act 2016*;

complying superannuation scheme means the Tasmanian Accumulation Scheme established under section 7 of the *Public Sector Superannuation Reform Act 1999*, a default fund within the meaning of the *Public Sector Superannuation Reform Act 2016* or a superannuation scheme that is a complying superannuation fund for the purposes of the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth;

RSA means a Retirement Savings Account within the meaning of the *Retirement*

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*Savings Accounts Act 1997 of the
Commonwealth.*

24.

25. Temporary accommodation

For the temporary financial accommodation of the Commissioner, the Commissioner may obtain advances by overdraft of current account in any authorised deposit-taking institution on the credit of the funds of the Commissioner to such extent as may, from time to time, be approved by the Treasurer.

26. Expenditure outside Act

The Commissioner may, in any financial year, expend out of the funds of the Commissioner any sum of money, not exceeding in the aggregate the amount prescribed in the regulations, for any purpose approved by the Minister, notwithstanding that the expenditure may not be authorized under any other provision of this Act.

27. Annual estimate of expenditure and revenue

The Commissioner shall, before the commencement of each financial year, submit to the Minister an estimate of the expenditure and revenue of the Commissioner for that financial year in, or in connection with, the administration of this Act.

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Part III – Finances of Commissioner

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Division 2 –

28 - 34.

Division 3 – Amount payable by Treasurer

35. Amount payable by Treasurer

- (1) The Treasurer shall, in respect of an operating year, pay to the Commissioner, out of money provided by Parliament, an amount that is equal to the difference between the expenditure and the revenue specified in the estimate approved by the Minister under section 27.
- (2) The payment to be made by the Treasurer under subsection (1) shall be made as soon as practicable after the commencement of the operating year in respect of which the payment relates.
- (3) For the purposes of this section,

operating year means the financial year commencing on 1st July 1983 and each subsequent financial year.

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**PART IIIA – NON-EMERGENCY PATIENT
TRANSPORT**

35A. Application for NEPT licence

- (1) A person may apply to the Secretary for a licence to provide non-emergency patient transport services.
- (2) An application under subsection (1) –
 - (a) must be in a form approved by the Secretary; and
 - (b) must be accompanied by the prescribed fee.
- (3) The Secretary may –
 - (a) require the applicant to provide such information as the Secretary considers necessary in order to determine the application; and
 - (b) if the Secretary has required further information under paragraph (a), refuse to consider the application until the information requested has been provided.

35B. Determining application for NEPT licence

- (1) The Secretary must not grant a licence to provide non-emergency patient transport services unless satisfied that –

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- (a) if the applicant is a natural person, the applicant is a fit and proper person; or
 - (b) if the applicant is a body corporate, the chief executive officer and each director of the body corporate is a fit and proper person.
 - (2) In determining an application under section 35A, the Secretary may consider the suitability of the following:
 - (a) the equipment and vehicles intended to provide the non-emergency patient transport services;
 - (b) the intended operating arrangements for staff of the NEPT Service and whether such arrangements comply with this Act;
 - (c) the intended arrangements for maintaining or improving the quality of the non-emergency patient transport services to be provided;
 - (d) the evaluation and monitoring processes intended to be in place in respect of the NEPT Service;
 - (e) any other matter or information the Secretary thinks relevant.

35C. Determination of application

- (1) After considering the matters referred to in section 35B, the Secretary is to –

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- (a) grant an application under section 35A;
or
 - (b) refuse to grant the application.
- (2) On refusing to grant an application under section 35A, the Secretary is to notify the applicant in writing of that refusal and the reasons for the refusal.

35D. Issue of NEPT licence

- (1) The Secretary is to issue an NEPT licence, subject to any conditions the Secretary thinks fit, to an applicant on payment of any prescribed licence fee if the Secretary –
 - (a) grants an application for an NEPT licence; or
 - (b) varies an NEPT licence; or
 - (c) renews an NEPT licence.
- (2) An NEPT licence is to be in a form approved by the Secretary and is to contain the following particulars:
 - (a) the name and address of the holder of the licence;
 - (b) the non-emergency patient transport services that may be provided under the licence;

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- (c) the conditions to which the licence is subject other than conditions specified in this Act or prescribed in the regulations;
 - (d) the date on which the licence expires, being a date that is not more than 5 years from the issue of the licence;
 - (e) any other prescribed particular.
- (3) An NEPT licence takes effect on the day it is issued or such other day as may be specified in the licence.

35E. Authority of NEPT licence

- (1) An NEPT licence authorises the person to whom it is issued to provide, in accordance with the licence, the non-emergency patient transport services specified in the licence.
- (2) An NEPT licence is not transferrable to any other person or organisation except in accordance with section 35O.

35F. NEPT licence subject to conditions

- (1) An NEPT licence is subject to any conditions –
 - (a) specified in this Act or prescribed in the regulations; and
 - (b) that the Secretary has specified in respect of the licence.

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- (2) The holder of an NEPT licence must comply with the conditions to which the licence is subject.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

35G. Renewal of NEPT licence

- (1) Not less than 3 months before the expiry day of an NEPT licence, the holder of the NEPT licence may apply to the Secretary for a renewal of the licence.
- (2) An application under subsection (1) –
- (a) is to be in a form approved by the Secretary; and
 - (b) must be accompanied by the prescribed fee.
- (3) If an application under subsection (1) is made less than 3 months before the NEPT licence expires –
- (a) the application is to also be accompanied by the prescribed late fee; and
 - (b) the Secretary may refuse to accept the application.
- (4) The Secretary may renew an NEPT licence if the Secretary is satisfied that –

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- (a) the holder of the licence is a fit and proper person; and
 - (b) the quality of the non-emergency patient transport services provided under the licence is satisfactory; and
 - (c) the non-emergency patient transport services provided under the licence comply with this Act, the regulations and any other law relating to, or affecting the operation of, the relevant NEPT Service; and
 - (d) the conditions of the NEPT licence have been complied with.
- (5) If an NEPT licence is renewed under this section –
- (a) the Secretary is to reissue a licence under section 35D with the new date on which the licence expires; and
 - (b) the renewal takes effect on –
 - (i) if the NEPT licence is renewed on or before the expiry day, the day immediately following the expiry day; or
 - (ii) if the NEPT licence is renewed after the expiry day, the day the applicant is notified that the licence has been renewed.

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- (6) If an application for the renewal of an NEPT licence is made in accordance with this section but the licence is not renewed before the expiry day, the unrenewed licence continues to have effect –
 - (a) if the Secretary has not determined the application before the expiry day, until –
 - (i) the Secretary renews the licence under this section and the renewal takes effect; or
 - (ii) 7 days after the holder of the licence receives written notification from the Secretary that the licence is not to be renewed; or
 - (b) if the Secretary, before the expiry day, refuses to renew the licence, until whichever of the following last occurs:
 - (i) the expiry day;
 - (ii) 7 days after the holder of the licence receives written notification from the Secretary that the licence is not to be renewed.
- (7) If the Secretary refuses to renew an NEPT licence, the Secretary is to notify the holder of the NEPT licence of that refusal and the reasons why the Secretary refused to renew the licence.
- (8) In this section –

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expiry day means the day on which an NEPT licence would expire if no application for its renewal were made.

35H. Variation of NEPT licence

- (1) The Secretary may, either on the application of the holder of an NEPT licence or on the Secretary's own initiative –
 - (a) vary an NEPT licence, including varying the licence to impose, or revoke, a condition on the licence, other than a condition imposed by this Act or prescribed in the regulations; or
 - (b) vary a condition on an NEPT licence, other than a condition imposed by this Act or prescribed in the regulations.
- (2) If the holder of an NEPT licence applies under subsection (1) for a variation of the NEPT licence, the application –
 - (a) is to be in a form approved by the Secretary; and
 - (b) must be accompanied by the prescribed fee.
- (3) If the Secretary intends to vary an NEPT licence or a condition on an NEPT licence under subsection (1) on the Secretary's own initiative, the Secretary –

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- (a) is to notify the holder of the NEPT licence in writing of the proposed variation; and
 - (b) is to specify in the written notice a period of time, of not less than 14 days, in which the holder of the NEPT licence may make submissions in respect of the variation.
- (4) The Secretary must not vary an NEPT licence, or a condition on an NEPT licence, under subsection (1) unless the Secretary –
 - (a) has considered the matters specified in section 35B(2) in respect of the variation and the licence generally; and
 - (b) is satisfied that the variation will not negatively affect the quality of the non-emergency patient transport services provided, or to be provided, under the licence.
- (5) If an NEPT licence, or a condition of an NEPT licence, is varied under this section –
 - (a) the Secretary is to –
 - (i) notify the holder of the NEPT licence in writing of the variation; and
 - (ii) reissue the NEPT licence under section 35D to the holder of the NEPT licence; and

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- (b) the variation takes effect on the date specified in the notice.
- (6) If the Secretary refuses an application under subsection (1) to vary an NEPT licence, or a condition of an NEPT licence, the Secretary is to notify the holder of the NEPT licence of that refusal and the reasons why the Secretary refused to vary the licence or condition.

35I. Issue of replacement NEPT licence

The Secretary must issue a replacement NEPT licence if –

- (a) satisfied that the NEPT licence has been lost, destroyed or badly damaged or defaced; and
- (b) any prescribed fee for the replacement has been paid.

35J. Surrender of NEPT licence

The holder of an NEPT licence may surrender the licence to the Secretary by causing the licence to be delivered to the Secretary during business hours.

35K. Suspension and cancellation of NEPT licence

- (1) The Secretary may cancel or suspend an NEPT licence at any time if the Secretary believes on reasonable grounds that –

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- (a) if the holder of the NEPT licence is a natural person, the holder of the licence is not a fit and proper person; or
 - (b) if the holder of the NEPT licence is a body corporate, the chief executive officer or a director of the body corporate is not a fit and proper person; or
 - (c) the health or safety of staff, patients, or clients of the holder of the NEPT licence is at risk; or
 - (d) the holder of the NEPT licence –
 - (i) has failed to carry on the non-emergency patient transport services authorised under the NEPT licence in accordance with this Act, the regulations or the licence; or
 - (ii) is unlikely to carry on the non-emergency patient transport services authorised under the NEPT licence in accordance with this Act, the regulations or the licence; or
 - (e) the holder of the NEPT licence has been found guilty of an offence against this Act or the regulations.
- (2) In deciding under subsection (1) whether cancellation or suspension is the more appropriate course of action in the circumstances, the Secretary is to regard public

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safety, rather than the rights and convenience of the holder of the NEPT licence, as being the paramount consideration.

- (3) The Secretary is to notify the holder of the NEPT licence in writing that the Secretary intends to suspend or cancel the licence.
- (4) A notice under subsection (3) must –
 - (a) state when the suspension or cancellation takes effect; and
 - (b) state that the Secretary is satisfied that there are grounds for cancelling the licence and set out those grounds; and
 - (c) state that the holder of the licence may make written submissions to the Secretary in respect of the suspension or proposed cancellation within the period specified in the notice; and
 - (d) in the case of a suspension, state the period of the suspension and any conditions that must be met before the Secretary will consider revoking the suspension.
- (5) A suspension of an NEPT licence under this section –
 - (a) may be for an indefinite period; and
 - (b) may be revoked by the Secretary at any time.

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- (6) The Secretary is to consult the holder of an NEPT licence before cancelling or suspending the licence, unless the Secretary considers that the cancellation or suspension should be effected urgently in the interests of public safety.
- (7) A suspended NEPT licence is of no effect during the period of suspension.

35L. When NEPT licence ceases to have effect

An NEPT licence ceases to have effect –

- (a) if the licence is cancelled, on the day on which the cancellation takes effect; or
- (b) if the licence is surrendered, on the day on which it is surrendered; or
- (c) if the licence is not cancelled or surrendered –
 - (i) on the day on which the licence expires, unless it is renewed for a period under section 35G; or
 - (ii) at the end of that period if it is so renewed.

35M. Notification of changes

- (1) If the holder of an NEPT licence is a body corporate, the body corporate must notify the Secretary in writing –

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- (a) in accordance with subsection (2), if a person ceases to be, or is appointed as, the chief executive officer or a director of the body corporate; and
- (b) within 30 days after the change occurs.

Penalty: Fine not exceeding 15 penalty units and, in the case of a continuing offence, a further fine not exceeding 1.5 penalty units for each day during which the offence continues.

- (2) A written notice under subsection (1) is to include, as the case requires –
 - (a) the name and address of the person who has ceased to hold, or has been appointed to, a position within the body corporate; and
 - (b) the position which the person has ceased to hold or has been appointed to.

35N. Production of documents or vehicles for inspection

- (1) For the purpose of monitoring compliance under this Act, the regulations or an NEPT licence, an authorised officer may require the holder of an NEPT licence, at a time and place specified by the authorised officer, to –
 - (a) produce for inspection any vehicles used to provide non-emergency patient transport services under the licence; or

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- (b) produce for inspection any documents required to be kept in respect of an NEPT Service by the holder of an NEPT licence under this Act or any other Act.
- (2) A person is not excused from complying with a requirement of an authorised officer under subsection (1) on the ground that to do so may result in information being provided that might incriminate the person.
- (3) Any information obtained as a consequence of an inspection under subsection (1) is not admissible in evidence against the person, who produced the vehicle or document for inspection, in criminal proceedings other than in proceedings in respect of the provision of false information, unless the information is contained in a document that –
 - (a) the person is required to keep by any law; or
 - (b) the holder of an NEPT licence is required to keep under any law; or
 - (c) was obtained without the direct assistance of the person.
- (4) For the purposes of subsection (3)(c), a person provides direct assistance to obtain a document if the person identifies, reveals the location of, or explains the content of, the document.
- (5) For the avoidance of doubt, an authorised officer may use any power authorised under section 19, or specified in section 20, in relation to –

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- (a) any vehicle or document produced under this section; or
 - (b) any person who produces such a vehicle or document.

35O. Death of holder of NEPT licence

- (1) If the holder of an NEPT licence dies, a person who is, or persons who are, the legal representative of the estate of the holder of the NEPT licence may apply to the Secretary, within 28 days after the death of the person or such longer period as the Secretary allows, to carry on the NEPT Service being operated under the licence until the expiration of the period of 3 months after the death.
- (2) The Secretary must grant an application under subsection (1) unless the Secretary is not satisfied that the applicant is a fit and proper person.
- (3) If the Secretary grants an application under this section, the Secretary is to issue the applicant with an NEPT licence under section 35D.

35P. Review of decisions

A person who is aggrieved by a decision of the Secretary under this Part may apply to the Tasmanian Civil and Administrative Tribunal for a review of that decision.

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PART IV – MISCELLANEOUS

36. Fees for ambulance services

- (1) Where any ambulance services are provided to any person by the Commissioner, a fee determined in accordance with the scale of fees prescribed in the regulations is payable to the Commissioner by or on behalf of that person if that person is entitled to recover that fee under the *Workers Rehabilitation and Compensation Act 1988*, the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011*, the *Motor Accidents (Liabilities and Compensation) Act 1973*, the *Veterans' Entitlements Act 1986* of the Commonwealth or any other enactment.
- (1A) The Minister may enter into an arrangement or agreement with the Minister responsible for the administration of the *Veterans' Entitlements Act 1986* of the Commonwealth in relation to the payment of fees for ambulance services provided under this Act.
- (1B) Where any ambulance services are provided in the following circumstances by the Commissioner, a fee determined in accordance with the scale of fees prescribed in the regulations, or as agreed to with the Commissioner, is payable to the Commissioner:
 - (a) if the provision of ambulance services is requested by the Commonwealth, another State Service Agency, a Government Business Enterprise or State

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Authority to discharge functions or powers not normally discharged by the Ambulance Service – by the Commonwealth or that State Service Agency, Government Business Enterprise or State Authority;

- (b) if the provision of ambulance services is to a person whose principal place of residence is in another jurisdiction, by the person to whom the ambulance services are provided;
 - (c) in any other prescribed circumstances, by the person prescribed for those circumstances.
- (1C) If the Commissioner determines, under section 7(1)(ad), that there is a need for the Ambulance Service to be present at an incident or event –
- (a) a fee determined in accordance with the scale of fees prescribed in the regulations is payable to the Commissioner for the incident or event; and
 - (b) the person whom the Commissioner determines to be the organiser of that incident or event is to ensure that the fee is paid, if such an organiser exists.
- (2) A fee determined in accordance with the scale of fees prescribed in the regulations is payable to the Commissioner for the conveyance of a patient from one hospital or institution, being–

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- (a) a hospital maintained and operated by or on behalf of the State; or
- (b) a hospital operated by the Commonwealth or a public authority of the Commonwealth; or
- (c) a private hospital within the meaning of the *Health Service Establishments Act 2006*; or
- (d) an approved hospital within the meaning of the *Mental Health Act 2013* –

to another such hospital or institution.

(2A) A fee determined in accordance with the scale of fees prescribed is payable for –

- (a) the return conveyance of a patient from a hospital or institution referred to in subsection (2) to a place at which diagnostic or other health services are provided to the patient; and
- (b) the conveyance of a patient from a hospital referred to in subsection (2)(c) to any other place.

(2B) The Commissioner is to waive all or part of a fee payable under this section if–

- (a) the conveyance is of a newborn child up to and including the age of 28 days; or
- (b) the Commissioner is satisfied that it is appropriate to do so after taking into

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account any matter determined by the
Tasmanian Ambulance Clinical Council.

- (3) The Commissioner may recover a fee payable to him under this section in a court of competent jurisdiction as a debt due to him.
- (4) The fee for the conveyance of patients referred to in subsection (2) or (2A) is payable by the hospital or institution, as the case may be, from which the patient is conveyed.
- (5) A fee is payable to the Commissioner on and after the appointed day, by any residential aged care facility wholly or partly maintained by the State or any hospital wholly or partly maintained by the State, other than a hospital referred to in subsection (2), for the conveyance, on and after that day, of persons from that residential aged care facility or hospital to another such residential aged care facility or hospital.
- (6) The Governor may, by order, fix an appointed day for the purposes of subsection (5).

36A. Quality assurance committees

- (1) The Minister, by notice published in the *Gazette*, may declare that a specified committee established by the Commissioner is an approved quality assurance committee for the purposes of this Act and by like notice may revoke the declaration.
- (2) The Minister must not make a declaration under subsection (1) unless satisfied –

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- (a) that the committee is established by the Commissioner; and
 - (b) that the committee's functions include the assessment and evaluation of the quality of ambulance services provided by the Commissioner; and
 - (c) that the carrying out of the committee's functions and powers would be facilitated by the provision of immunities afforded by this section in respect of its proceedings; and
 - (d) that it is in the public interest that persons be prohibited from disclosing information given to the committee in the course of the performance of its functions.
- (3) A person who is or has been a member of a committee in respect of which a declaration under subsection (1) has been made must not either directly or indirectly –
- (a) make a record of or divulge or communicate to any person any information gained by or conveyed to that person as such a member while the declaration was in force; or
 - (b) make use of any such information –
- except to the extent necessary for the performance of the functions of that committee or of the person as such a member.

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Penalty: Fine not exceeding 50 penalty units.

- (4) A person who is or has been a member of a committee in respect of which a declaration under subsection (1) has been made is not required –
 - (a) to produce before any court, tribunal, board, agency or person any document in the person's possession or under the person's control as such a member while the declaration was in force; or
 - (b) to divulge or communicate to any court, tribunal, board, agency or person any matter or thing coming under the person's notice as such a member while the declaration was in force.
- (5) Subsections (3) and (4) apply to a person who prepares or has prepared information or documents concerning the proceedings, or for the purposes, of a committee in respect of which a declaration under subsection (1) has been made as if that person is or was a member of the committee.
- (6) Evidence of any information or document relating to the proceedings, or prepared for the purposes, of a committee at any time when a declaration under subsection (1) was in force in respect of it is not admissible in any action or proceedings before any court, tribunal, board, agency or person.
- (7) If there is an inconsistency between this section and a provision of any other Act or law, this

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section prevails to the extent of the inconsistency.

- (8) Section 62B of the *Health Complaints Act 1995* and section 17 of the *Ombudsman Act 1978* do not apply to a disclosure or communication of information to which this section refers.

37. Unauthorized provision of ambulance services

- (1) A person shall not provide ambulance services similar to the services provided by the Commissioner under this Act without the written consent of the Commissioner and except in accordance with such conditions (if any) as the Commissioner may from time to time impose in relation to the provision of ambulance services by that person.

Penalty: Fine not exceeding 200 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues.

- (2) The Commissioner may revoke any consent given, or revoke or vary any condition imposed, under subsection (1).
- (3) Subsection (1) does not apply to –
- (a) St John Ambulance – Tasmania in respect of operations similar to the operations lawfully carried on by that body immediately before the second commencement date; or

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-
- (b) any prescribed person or class of persons.

37A. Unauthorized provision of non-emergency patient transport services

- (1) A person must not provide non-emergency patient transport services unless the person –
 - (a) holds an NEPT licence; or
 - (b) is providing the service as part of the Ambulance Service.

Penalty: Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

- (2) Subsection (1) does not apply to a person if the person is a person, or a member of a class of persons, prescribed as exempt from the application of this section.

37B. Representation of person as licensed NEPT Service

A person who is not the holder of an NEPT licence must not –

- (a) claim, or imply, that he or she is the holder of an NEPT licence; or
- (b) hold himself or herself out to be the holder of an NEPT licence.

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Penalty: Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

38. Assistance to existing ambulance services

- (1) Where immediately before the second commencement date any person, other than an ambulance board constituted under the repealed Act, is providing ambulance services in any area, the Commissioner may furnish to that person such assistance as the Commissioner considers necessary to enable that person to continue to provide ambulance services in that area.
- (2) The assistance which may be provided by the Commissioner under subsection (1) may take the form of—
 - (a) a grant to a person referred to in that subsection for the purchase of equipment to replace any equipment used by that person in the provision of ambulance services in the area in which the Commissioner considers those ambulance services should continue to be provided by that person; or
 - (b) contributions towards the expenses incurred, or advances by way of loan to meet any expenditure incurred, by that person in providing ambulance services in that area.

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- (3) The amount of a grant referred to in subsection (2)(a) made by the Commissioner shall not exceed 50 per cent of the amount paid by the person providing ambulance services in the area referred to in subsection (1) for the purchase of equipment to replace the equipment used by that person in the provision of ambulance services.

38A. Interstate ambulance services and interstate officers

- (1) The Commissioner may make an arrangement, with any agency which manages or controls an interstate service, for the interstate service –
 - (a) to provide equipment to be used to provide ambulance services in this State; and
 - (b) to provide personnel to provide ambulance services in this State.
- (2) A vehicle from an interstate service which provides ambulance services in accordance with an interstate arrangement is taken to be an ambulance while providing those services.
- (3) For the avoidance of doubt –
 - (a) an interstate service may only provide ambulance services in this State under this Act if the interstate service is providing those ambulance services in accordance with an interstate arrangement; and

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- (b) a person from an interstate service who is providing ambulance services in accordance with an interstate arrangement is subject to the direction of the Commissioner, or the most senior officer of the Ambulance Service who is present at the scene where the ambulance services are being provided, while providing those services.

- (4) In this section –

interstate arrangement means an arrangement under subsection (1);

interstate service means a service established and operating in another State, a Territory or the Commonwealth that is prescribed for the purposes of this definition.

39. Representation of vehicles as ambulances, &c.

- (1) Unless authorised by the Commissioner, a person must not drive, operate or have charge of, or allow another person to drive, operate or have charge of, a vehicle, other than an ambulance, that is –
 - (a) marked with the word “ambulance”; or
 - (b) otherwise marked or altered, or bears any inscription –

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so as to imply, or lead to the belief, that the vehicle is an ambulance capable of providing ambulance services.

Penalty: Fine not exceeding 100 penalty units.

- (2) A person must not drive, operate or have charge of, or allow another person to drive, operate or have charge of, a vehicle that is –
- (a) marked with the word “paramedic”; or
 - (b) otherwise marked or altered so as to imply, or bears any inscription that may lead to the belief, that the vehicle is operated by a paramedic –

unless the staffing of the vehicle, at the time, includes a paramedic.

Penalty: Fine not exceeding 100 penalty units.

39A. Representation of person as paramedic

- (1) A person, other than a paramedic, must not present himself or herself in such a manner as to imply, or lead to the belief, that the person is a paramedic capable of providing ambulance services.

Penalty: Fine not exceeding 100 penalty units.

- (2) Unless otherwise authorised by the Commissioner, a person must not present his or her business in such a manner as to imply, or lead to the belief, that the business is staffed or operated by paramedics.

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Penalty: Fine not exceeding 100 penalty units.

39B. Offences

- (1) A person must not directly or indirectly resist, impede, obstruct or intentionally assault –
- (a) the Commissioner; or
 - (b) a person who is providing ambulance services, or is otherwise performing a function or exercising a power, under this Act; or
 - (c) an authorised officer, or a paramedic, who is performing a function, or exercising a power, under this Act.

Penalty: Fine not exceeding 100 penalty units
or imprisonment for a term not
exceeding 3 months, or both.

- (2) A person must not use threatening, abusive or insulting language to –
- (a) the Commissioner; or
 - (b) a person who is providing ambulance services, or is otherwise performing a function or exercising a power, under this Act; or
 - (c) an authorised officer, or a paramedic, who is performing a function, or exercising a power, under this Act.

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Penalty: Fine not exceeding 100 penalty units
or imprisonment for a term not
exceeding 3 months, or both.

- (3) A person must comply with a lawful requirement
or direction made by –
- (a) the Commissioner; or
 - (b) a person who is providing ambulance
services, or is otherwise performing a
function or exercising a power, under
this Act; or
 - (c) an authorised officer who is performing a
function, or exercising a power, under
this Act.

Penalty: Fine not exceeding 100 penalty units
or imprisonment for a term not
exceeding 3 months, or both.

- (4) A person must not knowingly provide false or
misleading information to –
- (a) the Commissioner; or
 - (b) a person who is providing ambulance
services, or is otherwise performing a
function or exercising a power, under
this Act; or
 - (c) an authorised officer who is performing a
function, or exercising a power, under
this Act.

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Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 3 months, or both.

(5) A person must not impersonate –

- (a) the Commissioner; or
- (b) an officer of the Ambulance Service who is providing ambulance services, or is otherwise performing a function or exercising a power, under this Act; or
- (c) an authorised officer, or a paramedic, who is performing a function, or exercising a power, under this Act.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 3 months, or both.

39C. Offences generally

- (1) Proceedings for an offence under this Act may be commenced –
 - (a) by the Commissioner, an authorised officer, a police officer, or any person authorised by the Commissioner to do so; and
 - (b) for and on behalf of the Commissioner.
- (2) A police officer may arrest without warrant any person committing an offence against section 39B(1) or (2).

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- (3) If in any proceedings for an offence under this Act it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show that –
- (a) the conduct was engaged in by an officer or agent of the body corporate within the scope of his or her actual or apparent authority; and
 - (b) the officer or agent had that state of mind in relation to the conduct.

40. False ambulance calls

- (1) A person must not cause an ambulance to attend at any place by any false pretence.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or both.

- (2) Where a person is convicted by a court of causing, by false pretence, an ambulance to attend at any place, the court may, in addition to imposing the penalty referred to in subsection (1), order that person to pay the cost incurred by the Commissioner in providing the ambulance to attend at that place as a result of that false pretence.
- (3) Unless the court otherwise specifies, an amount payable under an order referred to in subsection (2) is payable to the Commissioner.

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40A. Provisions relating to employment

- (1) The salaries, wages, and allowances payable to all persons appointed or employed pursuant to sections 14 and 15 shall be payable by the Commissioner out of the Commissioner's funds.
- (2) For the purposes of the *Workers Rehabilitation and Compensation Act 1988* the Crown shall be deemed to be the employer of all persons appointed or employed pursuant to sections 14 and 15.

41. Protection from liability

- (1) An officer of the Ambulance Service, or a volunteer ambulance officer acting under the authority of this Act, does not incur any civil or criminal liability in respect of any act done or omitted to be done by the person in good faith –
 - (a) in providing ambulance services or a prescribed activity; or
 - (b) in the performance or exercise, or the purported performance or exercise, of any function or power under this Act; or
 - (c) in the administration or execution, or the purported administration or execution, of this Act.
- (2) Subsection (1) does not apply to the provision of non-emergency patient transport services unless those services are provided by an officer of the

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Ambulance Service while he or she is operating in that capacity.

41A. Protection of employment rights

A person who is absent from his or her place of employment for the purpose of providing ambulance services is not liable for dismissal or loss of long service leave, sick leave or other benefits to which he or she may be entitled under any industrial award or agreement or under any law by reason only of that absence if –

- (a) the person is a member of, or has member-like status within, the Ambulance Service and –
 - (i) was requested by the Commissioner, or on behalf of the Commissioner, to provide the ambulance services; or
 - (ii) if no such request was made, but it would be reasonable in the circumstances to expect such a request – is responding as if such a request had been made; and
- (b) the person takes leave from his or her employment, whether paid or unpaid, for the duration of the absence.

41B. Infringement notices

- (1) An officer authorised under section 19 to issue infringement notices, or a police officer, may

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issue and serve an infringement notice on a person if the officer reasonably believes that the person has committed an infringement offence.

- (2) An infringement notice may not be served on an individual who has not attained the age of 16 years.
- (3) An infringement notice –
 - (a) is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*; and
 - (b) is not to relate to more than 3 offences.
- (4) The regulations –
 - (a) may prescribe, for infringement offences, the penalties payable under infringement notices; and
 - (b) may prescribe different penalties for bodies corporate and individuals.
- (5) In this section –

infringement offence means an offence against this Act, or the regulations, that is prescribed by the regulations to be an infringement offence.

42. Regulations

- (1) The Governor may make regulations for the purposes of this Act.

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- (2) Without limiting subsection (1), the regulations may –
- (a) prescribe a scale of fees payable, or a means for calculating fees payable, in respect of –
 - (i) ambulance services (including the conveyance of dead bodies) provided by the Commissioner; and
 - (ii) any other service provided by the Commissioner, an authorised officer or the Ambulance Service; and
 - (iii) applications made under this Act; and
 - (b)
 - (c) provide for the payment of a special allowance or gratuity to any person in respect of voluntary or special services rendered by that person to the Commissioner; and
 - (d) prescribe standards and requirements for the operation of non-emergency patient transport services including, but not limited to, the following matters:
 - (i) safety, cleanliness and hygiene (including infection control procedures);

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- (ii) the welfare of persons being transported (including comfort, privacy and respectful treatment);
 - (iii) staffing (including staff numbers, qualifications and clinical accreditation);
 - (iv) the provision, inspection and maintenance of vehicles and equipment;
 - (v) storage facilities;
 - (vi) the amount and type of insurance required to be maintained;
 - (vii) the evaluation, monitoring and improvement of the quality of the NEPT Service and its staff;
 - (viii) the provision and display of information including the livery, signage and branding of the NEPT Service and its apparatus;
 - (ix) communication devices to be carried by staff or installed in vehicles of the NEPT Service; and
- (e) prescribe conditions that may apply to an NEPT licence or a class or classes of NEPT licences; and
 - (f) prescribe records to be kept by an NEPT Service and, but not limited to, the form

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- and nature of such records, the time within which such records are to be made and the period for which the records must be kept; and
- (g) prescribe, or provide for, conditional or unconditional exemptions from all or any part of this Act; and
 - (h) prescribe fees payable for non-emergency patient transport services that are provided by the Ambulance Service; and
 - (i) provide for the reduction, waiver or refund of all or any part of a fee payable under this Act; and
 - (j) prescribe the qualifications that an officer of the Ambulance Service, a paramedic or a volunteer ambulance officer may be required to hold; and
 - (k) prescribe the methods of training of officers of the Ambulance Service and volunteer ambulance officers.
- (3) The regulations may adopt, either wholly or in part and with or without modification, and either specifically or by reference, any document, whether the document is published or issued before or after the commencement of this Act.
- (4)
- (5) Regulations under this section may be made subject to such conditions, or be made so as to

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apply differently according to such factors, as may be specified in the regulations, or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.

- (6) Regulations under this section may provide that it is an offence, punishable on summary conviction, for a person to contravene, or fail to comply with, any of the regulations and may provide in respect of any such offence for the imposition of a fine not exceeding 20 penalty units and, in the case of a continuing offence, a further fine not exceeding 0.2 penalty unit for each day during which the offence continues.
- (7) A regulation under this section may authorize any matter or thing to be from time to time determined, applied, or regulated by any person specified in the regulation.

43. Transitionals

- (1) If, immediately before the commencement day, a person holds the written consent of the Director under section 37 to provide non-emergency patient transport, however described –
 - (a) the person is taken, on and after the commencement day, to be the holder of an NEPT licence; and
 - (b) the written consent –
 - (i) is taken to be an NEPT licence, in the same terms as the written

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consent, for the purposes of this Act; and

(ii) may be suspended or cancelled, or otherwise dealt with, in accordance with Part IIIA of this Act; and

(iii) remains in force until the later of the following days:

(A) the day specified in the written consent as the day on which the written consent expires;

(B) the day 2 years from the commencement day.

(2) A person is not guilty of an offence under section 39(1) if the person drives, operates or has charge of, or allows another person to drive, operate or have charge of, a vehicle that –

(a) immediately before the commencement day, was operated under a consent of the Director, under section 37, to provide non-emergency patient transport; and

(b) on or after the commencement day –

(i) is operated under an NEPT licence by the holder of the consent referred to in paragraph (a); and

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- (ii) displays, as it did immediately before the commencement day, the word “ambulance” other than on the front of the vehicle.
- (3) For the avoidance of doubt, subsection (2) –
 - (a) ceases to apply to a vehicle once the vehicle ceases to be operated under an NEPT licence by the holder of the relevant consent referred to in subsection (2)(a); and
 - (b) does not apply to any vehicle purchased or leased after the commencement of the amending Act.
- (4) On and after the commencement day –
 - (a) a reference to the Director in any document that is in force immediately before that day is taken to be a reference to the Commissioner; and
 - (b) the document is to be construed, and have effect, accordingly.
- (5) In this section –

amending Act means the *Ambulance Service Amendment Act 2013*;

commencement day means the day on which the amending Act commences;

Director means the Director of Ambulance Services holding office under this Act

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immediately before the commencement
day.

44 - 45.

46. Repeal

The Acts specified in Schedule 8 are repealed.

47.

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SCHEDULE 8 – ACTS REPEALED

Section 46

Year and number of Act	Short title of Act
No. 20 of 1959	<i>Ambulance Act 1959</i>
No. 2 of 1968	<i>Ambulance Board of Southern Tasmania (Lands) Act 1968</i>
No. 87 of 1975	<i>Ambulance Act 1975</i>
No. 88 of 1977	<i>Ambulance Act 1977</i>
No. 41 of 1978	<i>Ambulance Act 1978</i>
No. 27 of 1979	<i>Ambulance Amendment Act 1979</i>
No. 65 of 1979	<i>Ambulance Amendment Act (No. 2) 1979</i>
No. 17 of 1980	<i>Ambulance Amendment Act 1980</i>
No. 66 of 1980	<i>Ambulance Amendment Act (No. 2) 1980</i>
No. 102 of 1980	<i>Ambulance Amendment Act (No. 3) 1980</i>
No. 16 of 1981	<i>Ambulance Amendment Act 1981</i>

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NOTES

The foregoing text of the *Ambulance Service Act 1982* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 July 2025 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Ambulance Service Act 1982</i>	No. 105 of 1982	18.1.1983 (ss. 1 & 2) 20.1.1983 (rest of Act, except ss. 1, 2, 32-25)
<i>Ambulance Service Amendment Act 1983</i>	No. 1 of 1983	20.1.1983
<i>Ambulance Service Act 1982</i>	No. 105 of 1982	1.7.1983 (ss. 32-35)
<i>Ambulance Service Amendment Act (No. 2) 1983</i>	No. 49 of 1983	10.11.1983
<i>Local Government (City of Launceston Reorganization) Consequential Amendments Act 1985</i>	No. 31 of 1985	8.5.1985
<i>Ambulance Service Amendment Act 1985</i>	No. 34 of 1985	15.5.1985
<i>Tasmanian State Service (Miscellaneous Amendments) Act 1984</i>	No. 29 of 1984	1.12.1985
<i>Ambulance Service Amendment Act 1987</i>	No. 22 of 1987	1.7.1987
<i>Ambulance Service Amendment Act (No. 2) 1987</i>	No. 105 of 1987	23.12.1987
<i>Administrative Arrangements (Miscellaneous Amendments) Act 1990</i>	No. 5 of 1990	1.7.1990
<i>Penalty Units and Other Penalties Amendment Act 1991</i>	No. 43 of 1991	18.12.1991
<i>Statute Law Revision Act 1991</i>	No. 46 of 1991	18.12.1991
<i>Statute Law Revision Act 1994</i>	No. 68 of 1994	25.11.1994
<i>Workers Rehabilitation and Compensation Reform (Consequential Amendments) Act 1996</i>	No. 42 of 1996	16.8.1995

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Act	Number and year	Date of commencement
<i>Ambulance Service Amendment Act (No. 2) 1995</i>	No. 59 of 1995	13.10.1995 (s. 5 (a) & (b))
<i>Ambulance Service Amendment Act 1995</i>	No. 41 of 1995	1.5.1996
<i>Ambulance Service Amendment (Superannuation) Act 1996</i>	No. 4 of 1996	29.6.1996
<i>Ambulance Service Amendment Act (No. 2) 1995</i>	No. 59 of 1995	1.7.1996 (ss. 4, 5 (c), (d) & (e))
<i>Financial Institutions (Miscellaneous Amendments) Act 1996</i>	No. 62 of 1996	1.1.1997
<i>Health Act 1997</i>	No. 13 of 1997	1.7.1997
<i>Mental Health (Consequential Amendments) Act 1996</i>	No. 32 of 1996	1.11.1999
<i>Financial Sector Reform (Tasmania) (Miscellaneous Amendments) Act 1999</i>	No. 74 of 1999	1.1.2000
<i>Vehicle and Traffic (Transitional and Consequential) Act 1999</i>	No. 90 of 1999	14.8.2000
<i>Superannuation (Miscellaneous and Consequential Amendments) Act 2000</i>	No. 103 of 2000	13.12.2000
<i>State Service (Consequential and Miscellaneous Amendments) Act 2000</i>	No. 86 of 2000	1.5.2001
<i>Relationships (Consequential Amendments) Act 2003</i>	No. 45 of 2003	1.1.2004
<i>Retirement Benefits (Tasmanian Ambulance Service Superannuation Scheme) Act 2006</i>	No. 2 of 2006	30.6.2006
<i>Health Amendment (Quality Assurance Committees) Act 2007</i>	No. 33 of 2007	28.9.2007
<i>Audit (Consequential Amendments) Act 2008</i>	No. 50 of 2008	1.3.2009
<i>Health Service Establishments Act 2006</i>	No. 17 of 2006	1.7.2010 1.10.2011
<i>Asbestos-Related Diseases (Occupational Exposure) Compensation (Consequential Amendments) Act 2011</i>	No. 28 of 2011	31.10.2011
<i>Mental Health (Transitional and Consequential Provisions) Act 2013</i>	No. 69 of 2013	17.2.2014
<i>Ambulance Service Amendment Act 2013</i>	No. 73 of 2013	1.7.2014
<i>Public Sector Superannuation Reform (Consequential and Transitional Provisions) Act 2016</i>	No. 54 of 2016	31.3.2017

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Act	Number and year	Date of commencement
<i>Community, Health, Human Services and Related Legislation (Miscellaneous Amendments) Act 2019</i>	No. 13 of 2019	18.6.2019
<i>Health Miscellaneous Amendments Act 2019</i>	No. 15 of 2019	28.6.2019
<i>Health Legislation (Miscellaneous Amendments) Act 2022</i>	No. 23 of 2022	24.10.2022
<i>Tasmanian Civil and Administrative Tribunal (Additional Jurisdictions) Act 2025</i>	No. 7 of 2025	1.7.2025

TABLE OF AMENDMENTS

Provision affected	How affected
The long title	Amended by No. 13 of 2019, Sched. 1
Section 3	Amended by No. 29 of 1984, s. 3 and Sched. 1, No. 22 of 1987, s. 4, No. 59 of 1995, s. 4, No. 4 of 1996, s. 4, No. 90 of 1999, Sched. 1, No. 2 of 2006, Sched. 2, No. 17 of 2006, Sched. 3, No. 73 of 2013, s. 4, No. 15 of 2019, Sched. 1 and No. 23 of 2022, s. 8
Section 3AA	Inserted by No. 73 of 2013, s. 5
Section 3AB	Inserted by No. 73 of 2013, s. 5
Section 3A	Repealed by No. 23 of 2022, s. 9
Section 4	Inserted by No. 105 of 1987, s. 4
Section 5	Amended by No. 29 of 1984, s. 3 and Sched. 1 and No. 73 of 2013, s. 6
Section 6	Amended by No. 22 of 1987, s. 5, No. 5 of 1990, s. 3 and Sched. 1, No. 86 of 2000, Sched. 1 and No. 73 of 2013, s. 7
Section 7	Amended by No. 22 of 1987, s. 6, No. 46 of 1991, s. 4 and Sched. 3 and No. 73 of 2013, s. 8
Section 8	Amended by No. 29 of 1984, s. 3 and Sched. 1, No. 41 of 1995, s. 4 and No. 73 of 2013, s. 9
Section 9	Repealed by No. 22 of 1987, s. 7
Section 10	Amended by No. 73 of 2013, s. 10
Section 11	Amended by No. 73 of 2013, s. 11
Section 12	Repealed by No. 22 of 1987, s. 8
Section 13	Repealed by No. 22 of 1987, s. 9
Section 14	Repealed by No. 22 of 1987, s. 10
Section 14A	Substituted by No. 29 of 1984, s. 3 and Sched. 1
Section 14B	Amended by No. 22 of 1987, s. 11, No. 86 of 2000, Sched. 1 and No. 73 of 2013, s. 12
Section 15	Inserted by No. 73 of 2013, s. 13
	Inserted by No. 73 of 2013, s. 13
	Substituted by No. 29 of 1984, s. 3 and Sched. 1
	Amended by No. 5 of 1990, s. 3 and Sched. 1, No. 86 of

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Provision affected	How affected
	2000, Sched. 1 and No. 73 of 2013, s. 14
Section 15A	Repealed by No. 5 of 1990, s. 3 and Sched. 1
Section 16	Amended by No. 73 of 2013, s. 15
Section 17	Substituted by No. 41 of 1995, s. 5
	Amended by No. 86 of 2000, Sched. 1
Section 18	Inserted by No. 41 of 1995, s. 5
Section 19	Repealed by No. 22 of 1987, s. 12
	Inserted by No. 73 of 2013, s. 16
	Amended by No. 13 of 2019, Sched. 1
Section 20	Repealed by No. 22 of 1987, s. 13
	Inserted by No. 73 of 2013, s. 16
Section 20A	Inserted by No. 73 of 2013, s. 16
Part III	Heading amended by No. 73 of 2013, s. 17
Section 21	Amended by No. 22 of 1987, s. 14 and No. 73 of 2013, s. 18
Section 22	Amended by No. 62 of 1996, s. 3 and Sched. 1, No. 74 of 1999, Sched. 2 and No. 73 of 2013, s. 19
Section 23	Amended by No. 2 of 2006, Sched. 2, No. 50 of 2008, Sched. 2, No. 73 of 2013, s. 20 and No. 54 of 2016, s. 4
Section 24	Amended by No. 68 of 1994, s. 3 and Sched. 1, No. 50 of 2008, Sched. 1
	Repealed by No. 50 of 2008, Sched. 2
Section 25	Amended by No. 62 of 1996, s. 3 and Sched. 1, No. 74 of 1999, Sched. 2 and No. 73 of 2013, s. 21
Section 26	Amended by No. 73 of 2013, s. 22
Section 27	Substituted by No. 22 of 1987, s. 15
	Amended by No. 73 of 2013, s. 23
Part III, Div. 2	Repealed by No. 22 of 1987, s. 16
Section 28	Repealed by No. 22 of 1987, s. 16
Section 29	Repealed by No. 22 of 1987, s. 16
Section 30	Repealed by No. 22 of 1987, s. 16
Section 31	Repealed by No. 22 of 1987, s. 16
Section 32	Repealed by No. 22 of 1987, s. 16
Section 33	Repealed by No. 22 of 1987, s. 16
Section 34	Repealed by No. 22 of 1987, s. 16
Section 35	Amended by No. 73 of 2013, s. 24
Section 35A	Inserted by No. 73 of 2013, s. 25
Section 35B	Inserted by No. 73 of 2013, s. 25
Section 35C	Inserted by No. 73 of 2013, s. 25
Section 35D	Inserted by No. 73 of 2013, s. 25
Section 35E	Inserted by No. 73 of 2013, s. 25
Section 35F	Inserted by No. 73 of 2013, s. 25
	Amended by No. 15 of 2019, Sched. 1
Section 35G	Inserted by No. 73 of 2013, s. 25
Section 35H	Inserted by No. 73 of 2013, s. 25
Section 35I	Inserted by No. 73 of 2013, s. 25
Section 35J	Inserted by No. 73 of 2013, s. 25
Section 35K	Inserted by No. 73 of 2013, s. 25

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Provision affected	How affected
Section 35L	Inserted by No. 73 of 2013, s. 25
Section 35M	Inserted by No. 73 of 2013, s. 25
	Amended by No. 15 of 2019, Sched. 1
Section 35N	Inserted by No. 73 of 2013, s. 25
Section 35O	Inserted by No. 73 of 2013, s. 25
Section 35P	Inserted by No. 73 of 2013, s. 25
	Amended by No. 7 of 2025, s. 9
Section 36	Amended by No. 34 of 1985, s. 3, No. 22 of 1987, s. 17, No. 105 of 1987, s. 5, No. 46 of 1991, s. 4 and Sched. 2, No. 68 of 1994, s. 3 and Sched. 1, No. 59 of 1995, s. 5, No. 32 of 1996, Sched. 1, No. 42 of 1996, s. 3 and Sched. 1, No. 13 of 1997, Sched. 4, No. 17 of 2006, Sched. 3, No. 28 of 2011, s. 4, No. 69 of 2013, Sched. 1 and No. 73 of 2013, s. 26
Section 36A	Inserted by No. 41 of 1995, s. 6
	Amended by No. 33 of 2007, s. 4 and No. 73 of 2013, s. 27
Section 37	Amended by No. 43 of 1991, s. 5 and Sched. 1, No. 73 of 2013, s. 28 and No. 15 of 2019, Sched. 1
Section 37A	Inserted by No. 73 of 2013, s. 29
	Amended by No. 15 of 2019, Sched. 1
Section 37B	Inserted by No. 73 of 2013, s. 29
	Amended by No. 15 of 2019, Sched. 1
Section 38	Amended by No. 73 of 2013, s. 30
Section 38A	Inserted by No. 73 of 2013, s. 31
Section 39	Amended by No. 43 of 1991, s. 5 and Sched. 1
	Substituted by No. 73 of 2013, s. 31
Section 39A	Inserted by No. 73 of 2013, s. 31
Section 39B	Inserted by No. 73 of 2013, s. 31
Section 39C	Inserted by No. 73 of 2013, s. 31
Section 40	Amended by No. 43 of 1991, s. 5 and Sched. 1 and No. 73 of 2013, s. 32
Section 40A	Inserted by No. 29 of 1984, s. 3 and Sched. 1
	Amended by No. 5 of 1990, s. 3 and Sched. 1, No. 68 of 1994, s. 3 and Sched. 1, No. 42 of 1996, s. 3 and Sched. 1 and No. 73 of 2013, s. 33
Section 41	Inserted by No. 4 of 1996, s. 5
	Repealed by No. 2 of 2006, Sched. 2
	Inserted by No. 73 of 2013, s. 34
Section 41A	Inserted by No. 4 of 1996, s. 5
	Substituted by No. 103 of 2000, Sched. 1
	Repealed by No. 2 of 2006, Sched. 2
	Inserted by No. 73 of 2013, s. 34
Section 41B	Inserted by No. 4 of 1996, s. 5
	Repealed by No. 2 of 2006, Sched. 2
	Inserted by No. 73 of 2013, s. 34
	Amended by No. 13 of 2019, Sched. 1
Section 42	Amended by No. 29 of 1984, s. 3 and Sched. 1, No. 43 of 1991, s. 5 and Sched. 1, No. 4 of 1996, s. 6, No. 45 of 2003, Sched. 1, No. 2 of 2006, Sched. 2 and No. 73 of 2013, s. 35

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Provision affected	How affected
Section 43	Repealed by No. 22 of 1987, s. 18 Inserted by No. 73 of 2013, s. 36
Section 44	Repealed by No. 22 of 1987, s. 19
Section 45	Repealed by No. 68 of 1994, s. 3 and Sched. 1
Section 47	Amended by No. 49 of 1983, s. 5 Repealed by No. 22 of 1987, s. 20
Schedule 1	Amended by No. 29 of 1984, Sched. 1 Repealed by No. 5 of 1990, s. 3 and Sched. 1
Schedule 2	Amended by No. 29 of 1984, Sched. 1 Repealed by No. 22 of 1987, s. 21
Schedule 3	Repealed by No. 29 of 1984, s. 3 and Sched. 1
Schedule 4	Amended by No. 29 of 1984, Sched. 1 Repealed by No. 41 of 1995, s. 7
Schedule 5	Amended by No. 29 of 1984, Sched. 1 Repealed by No. 22 of 1987, s. 22
Schedule 6	Amended by No. 1 of 1983, s. 3 Repealed by No. 22 of 1987, s. 23
Schedule 7	Repealed by No. 22 of 1987, s. 24
