



New South Wales

# Health Services Amendment (Ambulance Services) Bill 2015

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are:

- (a) to make it lawful for non-government organisations and private operators to provide supported non-emergency transport (that is, transport for sick and injured persons, to or from hospitals or other places where those persons can obtain medical services) for fee or reward without the consent of the Secretary of the Ministry of Health, subject to certain requirements, and
- (b) to prohibit emergency ambulance services (rather than all transport for sick or injured persons, as at present) from being provided by non-government organisations and private operators for fee or reward without the consent of the Health Secretary.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day to be appointed by proclamation.

## Schedule 1 Amendment of Health Services Act 1997 No 154

**Schedule 1 [1]** makes it clear that a reference in the *Health Services Act 1997* to the public health system refers to the Health Secretary only in respect of the provision by or on behalf of the Health Secretary of ambulance services.

**Schedule 1 [2]** prohibits persons from directly or indirectly providing or taking part in the provision of emergency ambulance services for fee or reward unless they have the consent of the Health Secretary and act in accordance with any conditions that the Health Secretary imposes on that consent. This replaces the current prohibition on providing any type of ambulance transport without consent. Accordingly, the amendment permits supported non-emergency transport to be provided without the need to obtain consent (but subject to certain new requirements in proposed sections 67FA and 67FB).

**Schedule 1 [3]** is a consequential amendment. It makes it an offence to collect money from the public for the provision of emergency ambulance services (at present the relevant provision prohibits the collection of money for any ambulance services).

**Schedule 1 [4]** inserts provisions that regulate supported non-emergency transport. Supported non-emergency transport is a service (other than an emergency ambulance service) that provides transport to sick and injured persons to or from hospitals or other places where those persons can obtain medical services, in certain circumstances.

Proposed section 67FA:

- (a) provides that a person must not provide supported non-emergency transport unless the person has taken reasonable steps to ensure that any vehicles or other methods of transportation used to provide the transport are equipped in a manner that ensures patient safety and that clinical care or monitoring provided as part of that service is provided in a manner that ensures patient safety, and
- (b) provides for the regulations to make provision for the standards to be complied with in the provision of supported non-emergency transport and makes it an offence to provide such transport for fee or reward in contravention of the prescribed standards.

Proposed section 67FB provides that a person must not engage another person to provide supported non-emergency transport unless the person takes all reasonable steps to ensure that any vehicles or other methods of transportation used to provide the transport are equipped in a manner that ensures patient safety, that the service provider is able to provide clinical care or monitoring in a manner that ensures patient safety and that complies with the prescribed standards and that the service provider has obtained any accreditation or authorisation necessary under the prescribed standards or other State or Commonwealth laws relating to the transportation of passengers by road, waterway or air.

Proposed section 67FC provides for the Health Secretary to make orders prohibiting persons from providing or taking part in the provision of supported non-emergency transport or orders placing conditions on the provision of such transport. Such an order can be made only if the Health Secretary is satisfied that the relevant transport has been provided in contravention of certain requirements and the order is necessary to protect the health or safety of members of the public. The proposed section makes it an offence to provide, or take part in the provision of, supported non-emergency transport in contravention of a prohibition order.

**Schedule 1 [5]** inserts definitions of terms used in the proposed provisions.

## **Schedule 2     Amendment of Health Insurance Levies Act 1982 No 159**

**Schedule 2 [1]** inserts a definition of a term used in the proposed amendments.

**Schedule 2 [2]** makes it clear that a reference to a person who is otherwise exempt from the payment of fees for the provision of ambulance services refers only to a person exempt from fees for services provided by or on behalf of the Health Secretary.

**Schedule 2 [3]–[5]** make it clear that an exemption from ambulance fees for contributors to certain health benefits funds or to the State Ambulance Insurance Plan refers only to services provided by or on behalf of the Health Secretary.