

AMBULANCE SERVICE ACT.

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 15, 1972.

An Act to re-organise the provision of ambulance services throughout New South Wales; for this purpose to constitute the New South Wales Ambulance Board and to define its powers, authorities, duties and functions; to provide for the establishment of a contribution scheme; to repeal the Ambulance Transport Service Act, 1919, and certain other enactments; and for purposes connected therewith. [Assented to, 29th March, 1972.]

BF

Ambulance Service.

No. 15, 1972 **BE** 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, and commencement. **1.** (1) This Act may be cited as the "Ambulance Service Act, 1972".
(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Division of Act.

2. This Act is divided as follows:—

PART I.—PRELIMINARY—ss. 1–4.

PART II.—THE NEW SOUTH WALES AMBULANCE BOARD—ss. 5–20.

PART III.—DISTRICT COMMITTEES—ss. 21–34.

PART IV.—THE CONTRIBUTION SCHEME—ss. 35–37.

PART V.—FINANCE—ss. 38–45.

PART VI.—GENERAL—ss. 46–56.

SCHEDULE.

Repeals and amendments. **3.** (1) An Act specified in the first column of the Schedule to this Act is amended or repealed to the extent specified opposite that Act in the second column of that Schedule.

(2) The chairman of the former Board holding office immediately before the appointed day shall not be entitled to any compensation by reason of his ceasing to hold office as such chairman.

4.

Ambulance Service.

4. (1) In this Act, except in so far as the context or No. 15, 1972 subject-matter otherwise indicates or requires—

“ambulance benefits” means benefits, services and con-
cessions relating to ambulance services;

Interpre-
tation and
saving.

“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 under
subsection two of section one of this Act;

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

“contribution” means contribution to the contribution
scheme;

“contribution scheme” means the scheme conducted by
the Board under Part IV of this Act;

“contributor” means—

- (a) a person who is a contributor within the
meaning of the contribution scheme; or
- (b) a life member of the contribution scheme;

“district” means a district established under this Act;

“district committee” means the committee of a district;

“former Board” means the New South Wales Ambu-
lance Transport Service Board established under
the Ambulance Transport Service Act, 1919;

“former district committee” means the members of a
district committee under the Ambulance Transport
Service Act, 1919, holding office immediately
before the appointed day;

“member” means a member of the Board;

“regulations” means regulations made under this Act.

Ambulance Service.

No. 15, 1972

(2) A reference in this Act to—

- (a) a permanent officer of the former Board is a reference to a person who, immediately before the appointed day—
 - (i) was an officer or servant of the former Board; and
 - (ii) was a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927;
- (b) a non-permanent officer of the former Board is a reference to a person who, immediately before the appointed day—
 - (i) was an officer or servant of the former Board; and
 - (ii) was not a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927;
- (c) a permanent officer of a former district committee is a reference to a person who, immediately before the appointed day—
 - (i) was an officer or servant of a former district committee; and
 - (ii) was a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927; and
- (d) a non-permanent officer of a former district committee is a reference to a person who, immediately before the appointed day—
 - (i) was an officer or servant of a former district committee; and
 - (ii) was not a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927.

(3)

Ambulance Service.

(3) A person who, immediately before the appointed day, was a contributor, other than a life member, within the meaning of the Ambulance Transport Service Act, 1919, 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.

PART II.

THE NEW SOUTH WALES AMBULANCE BOARD.

5. (1) There is hereby constituted a corporation under the corporate name of the "New South Wales Ambulance Board".

(2) The Board—

- (a) shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by or under this or any other Act;
- (b) shall in the exercise and discharge of its powers, authorities, duties and functions (except when it makes a report or recommendation to the Minister) be subject to the control and direction of the Minister; and
- (c) shall consist of ten members appointed by the Governor on the nomination of the Minister, one of whom shall, in and by the instrument of his appointment, be designated as the chairman.

(3)

Ambulance Service.

No. 15, 1972 (3) Notwithstanding any other provision of this section, a person who is—

- (a) of or above the age of seventy years;
- (b) an officer or employee referred to in section nine of this Act;
- (c) a servant of the Board; or
- (d) an honorary ambulance officer,

shall not be eligible for appointment as a member.

(4) The members first appointed under this Act shall hold office for a period of two years and shall be eligible for re-appointment.

(5) On the occurrence of a vacancy in the office of a member first appointed under this Act, the Governor may appoint a person to hold office for the balance of that member's term of office and that person shall for the purposes of this section be deemed to be a member first appointed under this Act.

(6) Members, other than members referred to in subsection four of this section—

- (a) shall be contributors;
- (b) shall be nominated for appointment from applications called for and submitted by district committees in the prescribed manner; and
- (c) shall hold office for a period of five years and be eligible for re-appointment,

and of those members—

- (d) three shall be at the time of their respective appointments ordinarily resident in the County of Cumberland; and
- (e) seven shall be at the time of their respective appointments ordinarily resident in the State outside the County of Cumberland.

(7)

Ambulance Service.

(7) On the occurrence of a vacancy in the office of No. 15, 1972 a member, other than a member referred to in subsection four of this section, the Governor may appoint a person who—

- (a) is a contributor; and
- (b) at the time of his appointment holds the same residence qualification as the member whose office becomes vacant,

to hold office for the balance of that member's term of office and that person shall be eligible for re-appointment.

(8) A member who is not an officer or employee of the Public Service shall be entitled to be paid such fees and travelling expenses for attending meetings and transacting business of the Board as the Governor may from time to time determine.

(9) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member or from accepting and retaining any fees or expenses payable to him under this section.

(10) The office of a member shall not for the purposes of any Act be deemed to be an office or place of profit under the Crown.

(11) The provisions of the Public Service Act, 1902, shall not apply to the appointment of a member and any member shall not, in his capacity as a member, be subject to the provisions of that Act during his term of office.

Ambulance Service.

No. 15, 1972 6. (1) A member shall be deemed to have vacated his office—
Casual vacancies.

- (a) if he dies;
- (b) if he resigns his office by writing under his hand addressed to the Governor;
- (c) if he becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his estate or of the fees or expenses payable to him under this Act for their benefit;
- (d) if he is convicted in New South Wales of a crime or offence which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of a crime or offence which if committed in New South Wales would be a crime or offence so punishable;
- (e) if he becomes a mentally ill person, a protected person or an incapable person, within the meaning of the Mental Health Act, 1958;
- (f) if he becomes an officer or employee referred to in section nine of this Act, a servant of the Board or an honorary ambulance officer;
- (g) if he is absent from three consecutive meetings of the Board of which reasonable notice has been given to him either personally or in the ordinary course of post except on leave granted by the Board or unless he is, before the expiration of four weeks after the last of those meetings, excused by the Board for his absence from those meetings;
- (h) if, being a member other than a member referred to in subsection four of section five of this Act, he ceases to be a contributor or to hold the residence qualification by virtue of which he was appointed;

(i)

Ambulance Service.

- (i) if he is removed from office by the Governor; or **No. 15, 1972**
(j) upon his attaining the age of seventy years.

(2) The Governor may, for any cause which appears to him sufficient, remove any member from office.

7. (1) The procedure for the calling of meetings of the Board and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Board. **Meetings of the Board.**

(2) The chairman shall preside at all meetings of the Board at which he is present and, if he is absent from any meeting, a member elected by the members present shall preside at that meeting.

(3) Five members shall form a quorum at any meeting of the Board and any duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board and shall have and may exercise and discharge all the powers, authorities, duties and functions of the Board.

(4) In the event of an equality of votes at any meeting of the Board, the person presiding at the meeting shall have, in addition to a deliberative vote, a second or casting vote.

(5) A decision of a majority of the members present at a meeting of the Board at which a quorum is present shall be the decision of the Board.

(6) The Board shall cause full and accurate minutes to be kept of the proceedings at its meetings and shall submit to the Minister a copy of the minutes of each meeting within fourteen days after the day on which it was held.

(7)

Ambulance Service.

No. 15, 1972

(7) No matter or thing done, and no contract entered into, by the Board, and no matter or thing done by any member or by any other person whomsoever acting under the direction of the Board shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act, subject the member or person so acting personally to any action, liability, claim or demand whatsoever.

(8) Nothing in subsection seven of this section shall exempt any member from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of the Board and which the member authorised or joined in authorising.

Members
not to be
personally
interested
in contracts.

8. (1) A member who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the Board shall, as soon as practicable after the relevant facts have come to his knowledge, declare the nature of his interest at a meeting of the Board at which the contract or proposed contract is considered if he is present thereat.

(2) A member shall not vote at any meeting of the Board in respect of a contract or proposed contract with the Board in which he is interested, or any matter arising thereout, and if he does so vote his vote shall not be counted.

Officers
and
employees.

9. (1) The Governor may appoint, under and subject to the Public Service Act, 1902, a secretary of the Board and such other officers and employees as may be necessary to enable the Board to exercise and discharge its powers, authorities, duties and functions under this Act except—

(a) any power, authority, duty or function; or

(b) any class of powers, authorities, duties or functions, referred to in subsection one of section ten of this Act.

(2)

Ambulance Service.

(2) The secretary of the former Board holding office No. 15, 1972 immediately before the appointed day shall, on that day—

- (a) be deemed to have been appointed as secretary of the Board under subsection one of this section; and
- (b) in addition to any rights retained by him under section fifteen of this Act, retain any rights which have accrued or are accruing to him immediately before that day under an insurance policy upon his life or by way of endowment or annuity and shall continue to contribute to any fund or account and shall be entitled to receive any payment, pension or gratuity under that policy as if this Act had not been enacted and for the purposes of that policy his service with the Board shall be deemed to be service for the purposes of that policy.

(3) The Board shall continue to pay the share of any premium contributed by the former Board immediately before the appointed day on an insurance policy referred to in subsection two of this section upon the same terms and subject to the same conditions as the premium was so contributed by the former Board.

10. (1) The Board shall appoint and employ such servants as may be necessary for carrying out— Servants of the Board.

- (a) such powers, authorities, duties or functions; or
- (b) such classes of powers, authorities, duties or functions,

relating to ambulance services, as may be prescribed.

(2) Subject to this Act, every servant of the Board shall continue in the service of the Board at the will of the Board only.

(3)

Ambulance Service.

No. 15, 1972 (3) All servants of the Board shall be subject to the sole control and governance of the Board which may fix wages and conditions of employment where they are not fixed in accordance with the provisions of any other Act.

(4) The regulations may make provision for or with respect to—

- (a) the control and governance of servants by the Board; and
- (b) any other matter or thing necessary or convenient to ensure the maintenance of discipline and efficiency in the service of the Board.

Board may make use of certain employees of the Crown or a public authority. **11.** (1) For the purpose of exercising and performing the powers, authorities, duties and functions conferred or imposed on the Board by this or any other Act, the Board may, with the approval of the Department concerned and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

(2) The Board may for the like purpose, with the approval of any other public authority and on such terms as may be arranged, make use of the services of any of the officers, servants or employees of that public authority.

Honorary ambulance officers. **12.** (1) The Board 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 Board may from time to time direct; and
- (b) shall be subject to the control and supervision of the Board.

Ambulance Service.

13. (1) A permanent officer of the former Board shall, on the appointed day, become and be an officer under the Public Service Act, 1902.

No. 15, 1972
Transferred
officers and
servants of
former
Board.

(2) A non-permanent officer of the former Board shall, on the appointed day—

- (a) become and be an employee under the Public Service Act, 1902; and
- (b) unless the Public Service Board approves of employment on some other basis, be employed under section forty-four of the Public Service Act, 1902.

14. A permanent or non-permanent officer of a former district committee shall, on the appointed day, become and be a servant of the Board.

Transferred
officers and
servants of
former
district
committees.

15. (1) A permanent officer of the former Board or a former district committee shall retain any rights which have accrued or are accruing to him as a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927, and shall continue to contribute to any fund or account and shall be entitled to receive any payment, pension or gratuity as if he had continued to be such a permanent servant during his service with the Public Service or with the Board, as the case may be, and for the purposes of this section—

Rights, etc.,
of trans-
ferred
officers and
servants.

- (a) in the case of a permanent officer of the former Board—his service in the Public Service; or
- (b) in the case of a permanent officer of a former district committee—his service with the Board,

shall be deemed to be service for the purposes of the Local Government (Superannuation) Act, 1927.

(2)

Ambulance Service.

No. 15, 1972 (2) The provisions of the Superannuation Act, 1916, shall not apply to a permanent officer of the former Board.

(3) In respect of—

- (a) a permanent officer of the former Board—the Minister; or
- (b) a permanent officer of a former district committee—the Board,

shall pay to the Local Government Superannuation Board such amounts as would have been payable by the former Board or a former district committee, as the case may be, to the Local Government Superannuation Board in respect of that permanent officer if he had remained a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927, and had continued to be an officer or servant of the former Board or a former district committee, as the case may be, and as if he were receiving from the former Board or former district committee the same salary or wages as is or are being paid to him—

- (c) in the case of a permanent officer of the former Board—during his service in the Public Service; or
- (d) in the case of a permanent officer of a former district committee—during his service with the Board.

(4) A permanent or non-permanent officer of the former Board or a former district committee 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 the award of a competent tribunal or an industrial agreement or—

- (a) in the case of a permanent or non-permanent officer of the former Board—under the Public Service Act, 1902; or

(b)

Ambulance Service.

- (b) in the case of a permanent or non-permanent officer No. 15, 1972 of a former district committee—by the Board.

(5) Where any condition of employment of a permanent or non-permanent officer of the former Board or a former district committee was, immediately before the appointed day, regulated by an award or industrial agreement, that condition shall continue to be so regulated until—

- (a) in the case of a permanent or non-permanent officer of the former Board—a determination under the Public Service Act, 1902, an award of a competent tribunal or an industrial agreement; or
- (b) in the case of a permanent or non-permanent officer of a former district committee—an award of a competent tribunal by which the Board is bound or an industrial agreement,

is made regulating that condition.

(6) The period of service of a permanent or non-permanent officer of the former Board or a former district committee with the former Board or a former district committee, as the case may be, shall be deemed to be—

- (a) in the case of a permanent or non-permanent officer of the former Board—service in the Public Service; or
- (b) in the case of a permanent or non-permanent officer of a former district committee—service with the Board,

for the purposes of annual leave, sick leave or long service leave.

(7) A permanent or non-permanent officer of the former Board or a former district committee shall not be entitled to claim a benefit under this Act as well as under any other Act in respect of the same period of service.

16.

Ambulance Service.

No. 15, 1972

Pending
appeals
to Crown
Employees
Appeal
Board.

16. (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) an officer or employee under the Public Service Act, 1902; or
- (b) a servant of the Board,

by the operation of section thirteen or fourteen of this Act, that appeal may—

- (c) where it was pending, be continued or completed; or
- (d) 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.

(2) The determination of the Crown Employees Appeal Board on an appeal referred to in subsection one of this section shall be given effect to—

- (a) in the case of an appeal by a person referred to in paragraph (a) of that subsection—by the Public Service Board; or
- (b) in the case of an appeal by a person referred to in paragraph (b) of that subsection—by the Board.

Transfer of
assets,
liabilities,
etc., of
former
Board and
former
district
committees,

17. (1) On and from the appointed day—

- (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 former Board or a former district committee shall vest in and belong to the Board;

(b)

Ambulance Service.

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- (b) all moneys and liquidated and unliquidated claims No. 15, 1972 that, immediately before that day, were payable to or recoverable by the former Board or a former district committee shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Board;
- (c) all suits, actions and proceedings pending immediately before that day at the suit of the former Board or a former district committee shall be respectively suits, actions and proceedings pending at the suit of the Board and all suits, actions and proceedings so pending at the suit of any person against the former Board or a former district committee shall be respectively suits, actions and proceedings pending at the suit of that person against the Board;
- (d) all contracts, agreements, arrangements and undertakings entered into with and all securities lawfully given to or by the former Board or a former district committee 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 Board;
- (e) the Board 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 moneys and claims referred to in this subsection and for the prosecution of suits, actions and proceedings so referred to as the former Board or a former district committee might have done but for the amendments and repeals effected by this Act;
- (f) the Board may enforce and realise any security or charge existing immediately before that day in favour of the former Board or a former district committee and may exercise any powers thereby conferred on the former Board or a former district committee as if the security or charge were a security or charge in favour of the Board;

(g)

Ambulance Service.

No. 15, 1972

- (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the former Board or a former district committee shall be debts due, moneys payable by and claims recoverable against, the Board; and
- (h) all liquidated and unliquidated claims for which the former Board or a former district committee would, but for the amendments and repeals effected by this Act, have been liable shall be liquidated and unliquidated claims for which the Board shall be liable.

(2) A reference to the former 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 read and construed as a reference to the Board.

(3) No attornment to the Board by a lessee from the former Board or a former district committee shall be required.

Powers,
authorities,
duties and
functions of
the Board,

18. The Board—

- (a) shall provide, conduct, operate and maintain such ambulance services as it deems necessary from time to time;
- (b) may enter into any agreement or arrangement with any other person to provide, conduct, operate and maintain ambulance services;
- (c) may co-operate with or provide assistance to any person or organisation for the purpose of providing, conducting, operating and maintaining ambulance services;
- (d) shall control, direct and co-ordinate the activities and operations of district committees; and

(e)

Ambulance Service.

- (e) may do such supplemental, incidental and consequential acts as may be necessary or expedient for the exercise of its powers, authorities, duties and functions under this or any other Act. No. 15, 1972

19. Any contract entered into by the Board shall be deemed, for the purposes of the Constitution Act, 1902, to be a contract or agreement for or on account of the Public Service of New South Wales. Contracts.

20. (1) The Board may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on the Board by or under this Act as may be prescribed in relation to that office and may in like manner revoke wholly or in part any such delegation. Delegation
by the
Board.

(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section, the Board may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5)

Ambulance Service.

No. 15, 1972 (5) Any act or thing done or suffered by 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 or suffered by the Board.

PART III.

DISTRICT COMMITTEES.

- Districts.** **21.** (1) The Board may in the prescribed manner—
- (a) establish and define the boundaries of a district;
 - (b) alter the boundaries of a district; or
 - (c) abolish a district.
- (2) In exercising its powers under subsection one of this section the Board shall take into account—
- (a) the boundaries of districts defined or proposed to be defined under section sixteen of the Public Health Act, 1902; and
 - (b) the economic, social and geographical aspects of the proposed exercise of those powers and such other aspects as the Board may consider desirable to improve the standard and efficiency of ambulance services.
- (3) The districts appointed and delimited under the Ambulance Transport Service Act, 1919, and existing immediately before the appointed day shall be deemed to be districts established under this Act.

Ambulance Service.

22. (1) Subject to section thirty-four of this Act, there shall be a district committee for each district. No. 15, 1972

District
committees.

(2) Subject to subsection five of this section and to section thirty-three of this Act, a district committee shall consist of seven members elected triennially in the prescribed manner by the contributors ordinarily resident in the district of that district committee.

(3) Notwithstanding any other provision of this Part, a person shall not be eligible for election under this Act as a member of a district committee unless he is a contributor ordinarily resident in the district of that district committee or if he is—

- (a) of or above the age of seventy years;
- (b) an officer or employee referred to in section nine of this Act;
- (c) a servant of the Board; or
- (d) an honorary ambulance officer.

(4) Members of district committees may be paid such actual out-of-pocket expenses incurred in attending meetings of the district committee of which they are members or in carrying out such duties on behalf of that district committee as may be authorised by the Board.

(5) The persons who, immediately before the appointed day, were members of a district committee for a district deemed to be established under this Act shall, subject to this Part—

- (a) continue to be members of that district committee; and
- (b) hold office until the completion of the next elections of members of that district committee held under section twenty-nine of this Act.

23.

Ambulance Service.

No. 15, 1972 **23.** Subject to this Part, a member of a district committee shall hold office until—

Term of office of members of district committees.

- (a) the completion of the next elections of members of the district committee of which he is a member held under section twenty-nine of this Act; or
- (b) the district for the district committee of which he is a member is abolished by the Board under subsection one of section twenty-one of this Act,

whichever first happens.

Casual vacancies.

24. (1) A member of a district committee shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if he resigns his office by writing under his hand addressed to the Board;
- (c) if he becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his estate or of the expenses payable to him under this Act for their benefit;
- (d) if he is convicted in New South Wales of a crime or offence which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of a crime or offence which if committed in New South Wales would be a crime or offence so punishable;
- (e) if he becomes a mentally ill person, a protected person or an incapable person, within the meaning of the Mental Health Act, 1958;
- (f) if he becomes an officer or employee referred to in section nine of this Act, a servant of the Board or an honorary ambulance officer;

(g)

Ambulance Service.

- (g) if he is absent from three consecutive meetings of the district committee of which he is a member of which reasonable notice has been given to him either personally or in the ordinary course of post except on leave granted by that district committee or unless he is, before the expiration of four weeks after the last of those meetings, excused by the Board for his absence from those meetings;
- (h) if he ceases to be a contributor ordinarily resident in the district of that district committee;
- (i) if he is removed from office by the Minister; or
- (j) upon his attaining the age of seventy years.

(2) The Minister may, for any cause which appears to him sufficient, remove any member of a district committee from office.

(3) On the occurrence of a vacancy in the office of a member of a district committee, the Board may appoint a person eligible for election as a member of that district committee to hold office for the balance of that member's term of office.

25. (1) The procedure for the calling of meetings of a district committee and for the conduct of business at those meetings shall, subject to the regulations, be as determined by that district committee. ^{Meetings} ^{of district} ~~committees.~~

(2) At the first meeting of a district committee after the appointed day and at the first meeting of a district committee after each triennial election the members of that district committee shall elect one of their number to be chairman of that district committee.

(3) The chairman shall preside at all meetings of the district committee at which he is present and, if he is absent from any meeting, a member elected by the members present shall preside at that meeting.

(4)

Ambulance Service.

No. 15, 1972

(4) Four members of a district committee shall form a quorum at any meeting of that district committee and any duly convened meeting of a district committee at which a quorum is present shall be competent to transact any business of that district committee and shall have and may exercise and discharge all the powers, authorities, duties and functions of that district committee.

(5) In the event of an equality of votes at any meeting of a district committee, the person presiding at that meeting shall have, in addition to a deliberative vote, a second or casting vote.

(6) A decision of the majority of the members present at a meeting of a district committee at which a quorum is present shall be the decision of that district committee.

(7) A district committee shall cause full and accurate minutes to be kept of the proceedings at its meetings and shall submit to the Board a copy of the minutes of each meeting within fourteen days after the day on which it was held.

(8) No matter or thing done, and no contract entered into, by a district committee and no matter or thing done by any member of a district committee or by any other person whomsoever acting under the direction of a district committee shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act, subject such a member or person so acting personally to any action, liability, claim or demand whatsoever.

(9) Nothing in subsection eight of this section shall exempt any member of a district committee from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of the Board and which the member authorised or joined in authorising.

Ambulance Service.

26. (1) A member of a district committee who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the Board or that district committee shall, as soon as practicable after the relevant facts have come to his knowledge, declare the nature of his interest at a meeting of that district committee at which the contract or proposed contract is considered if he is present thereat.

No. 15, 1972
Members of district committees not to be personally interested in contracts.

(2) A member of a district committee shall not vote at any meeting of a district committee of which he is a member in respect of a contract or proposed contract with that district committee in which he is interested, or any matter arising thereout, and if he does so vote his vote shall not be counted.

27. A district committee shall—

- (a) give advice to the Board concerning all matters involving the provision, conduct, operation and maintenance of ambulance services relating to the district of that district committee; and
- (b) exercise and may carry out such powers, authorities, duties and functions as the Board may delegate to it from time to time.

Powers, authorities, duties and functions of district committees.

28. Any real or personal property or any right or interest therein which after the appointed day is vested in or belongs to a district committee shall, if the Board so requires, be forthwith assured to and vested in the Board or as the Board may direct.

Vesting of property.

29. Subject to sections thirty and thirty-four of this Act, elections of members of district committees shall be held in the prescribed manner—

Elections of district committees.

- (a) on such day (being not later than the first anniversary of the appointed day); and

(b)

Ambulance Service.

- No. 15, 1972** (b) on such day in each third year thereafter (being within one month before the expiration of three years after the next previous elections of members of district committees),

as is determined by the Board and notified as prescribed.

First and second elections of new district committees.

30. (1) In this section "a district to which this section applies" means a district established after the appointed day but does not include a district whose boundaries have been altered by the Board under subsection one of section twenty-one of this Act.

(2) The first elections of members of a district committee for a district to which this section applies shall be held in the prescribed manner on such day within six months after the establishment of that district as is determined by the Board and notified as prescribed.

(3) Subject to section thirty-four of this Act, where—

- (a) a district to which this section applies is established more than two years after the date of the last elections held pursuant to section twenty-nine of this Act; and
- (b) the first elections of members of a district committee for that district are held in accordance with subsection two of this section,

the next subsequent elections of members of that district committee shall be held in the prescribed manner on the same date as elections are held pursuant to section twenty-nine of this Act next after the expiration of twelve months after that establishment.

(4) The first elected members of a district committee for a district referred to in paragraph (a) of subsection three of this section shall, subject to this Part, hold office until the completion of the next subsequent elections of members of that district committee held pursuant to that subsection.

Ambulance Service.

31. A person shall not be eligible to vote at an election of members of a district committee for a district unless he is a contributor ordinarily resident in that district. No. 15, 1972
Eligibility
to vote.

32. (1) Where less than seven persons are nominated for election as members of a district committee at any election of those members— Uncontested
elections.

- (a) the Board may appoint such number of persons eligible for election as members of that district committee to be members of that district committee as is equal to the difference between the number of persons to be elected and the number of persons so nominated; and
- (b) the persons so nominated or appointed shall be deemed to be elected as members of that district committee—
 - (i) without any poll being taken; and
 - (ii) at an election of members of that district committee which shall be deemed to have been held and completed on the day determined by the Board and notified in respect of that election in accordance with this Act.

(2) Subject to subsection one of this section, where, at any election of the members of a district committee, less than seven members of that district committee are elected, the Board may appoint as members of that district committee a sufficient number of persons eligible for election as members of that district committee to make up that number.

33. (1) In this section, “an adjustment to the membership” of a district committee means— Adjustment
to member-
ship of
district
committees.

- (a) the removal from office of any existing member of a district committee;

(b)

Ambulance Service.

No. 15, 1972

(b) the appointment as a member of a district committee of a person who has ceased to be a member of another district committee by reason of the exercise by the Board of its powers under this section; or

(c) the extension or shortening of the term of office of any member of a district committee.

(2) Where the Board exercises its powers and duties under subsection one of section twenty-one of this Act, it may upon that exercise make an adjustment to the membership of a district committee affected by that exercise.

(3) A member of a district committee—

(a) who has been appointed; or

(b) whose term of office has been extended,

pursuant to an adjustment to the membership of that district committee in accordance with subsection two of this section shall, subject to section thirty-four of this Act, hold office as such member until the completion of the next elections of members of that district committee held under section twenty-nine or thirty of this Act.

(4) A person who is not eligible for election as a member of a district committee shall not be appointed as a member of that district committee under this section.

Suspension
or removal
from office
of members
of district
committees.

34. (1) Where the Minister is of the opinion that it is not in the public interest for the powers, authorities, duties or functions of a district committee to be conducted by the members of that district committee he may suspend for any specified period or remove from office all of those members.

(2)

Ambulance Service.

(2) Where the Minister has exercised his powers No. 15, 1972 under subsection one of this section, he may, during the suspension or from the date of the removal referred to in that subsection, appoint a person as administrator of the district of the district committee so referred to.

(3) A person appointed as administrator of a district under subsection two of this section shall exercise and discharge such of the powers, authorities, duties and functions of the district committee for that district as the Minister may specify from time to time.

(4) The Minister may authorise the holding of an election in the prescribed manner of members of a district committee for a district during the period a person holds office as administrator of that district under subsection two of this section.

(5) Upon the completion of an election of members of a district committee at an election authorised under this section—

(a) the person appointed as administrator of the district of that district committee; and

(b) the members of that district committee suspended from office under subsection one of this section,

shall cease to hold office.

(6) Subject to this section, the members of a district committee elected at an election authorised under this section shall hold office until the completion of the next elections of members of that district committee held under section twenty-nine or thirty of this Act.

PART

Ambulance Service.

No. 15, 1972

PART IV.

THE CONTRIBUTION SCHEME.

Contribution
scheme. 35. (1) Subject to the regulations, the Board may, by
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) from time to time change the provisions of the contribution scheme.

(2) Without limiting the generality of subsection one of this section, a resolution of the Board relating to the 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;
- (f) the periods in respect of which contribution is to be paid;
- (g) the manner of payment, collection and recovery of contribution; and
- (h) all consequential or ancillary matters.

(3)

Ambulance Service.

(3) A resolution referred to in this section may be No. 15, 1972 limited in its application to a specified part of the State.

36. (1) The Board may appoint as a life member of the contribution scheme a person who in its opinion has rendered meritorious service in carrying out the purposes of this Act. ^{Life members.}

(2) A person who, immediately before the appointed day, was a life member within the meaning of the Ambulance Transport Service Act, 1919, shall, on that day, be deemed to have been appointed a life member of the contribution scheme under this Act.

37. The provisions of the Truck Act of 1900 or of section ninety-two or ninety-three of the Industrial Arbitration Act, 1940, shall not apply in respect of deductions by way of contribution from the remuneration of an employee. ^{Deduction of contribution.}

PART V.

FINANCE.

38. The Treasurer may, out of moneys provided by Parliament, from time to time make such contributions to the funds of the Board as may be determined by the Treasurer. ^{Contributions by Treasurer.}

39. (1) The Board shall cause to be kept proper books of account in relation to all of its operations, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to ^{Accounts to be kept by the Board.}

Parliament

Ambulance Service.

No. 15, 1972 Parliament a statement of accounts audited by the Auditor-General and in a form approved by him exhibiting a true and correct view of the financial position and transactions of the Board.

(2) The Minister shall cause the statement of accounts to be laid before Parliament within fourteen sitting days after receipt thereof by him if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

Audit of
accounts.

40. (1) The accounts of the Board shall be audited by the Auditor-General who shall have, in respect thereof, all the powers conferred on him by any law in force relating to the audit of public accounts, and the Audit Act, 1902, shall apply to members of the Board and its servants in the same manner as it applies to accounting officers of Public Departments.

(2) The Auditor-General shall report to the Board and the Minister—

(a) whether or not in his opinion—

- (i) due diligence and care have been shown in the collection and banking of moneys payable to the Board;
- (ii) the expenditure incurred has been duly authorised, vouched and supervised; and
- (iii) any of the moneys or other property of the Board have been misappropriated or improperly or irregularly dealt with; and

(b) as to any other matters which in his judgment call for special notice or which are prescribed.

(3) Towards defraying the costs and expenses of an audit under this section the Board shall pay to the Consolidated Revenue Fund such sums, at such periods, as the Treasurer may decide.

41.

Ambulance Service.

41. (1) For the temporary accommodation of the Board No. 15, 1972 it may obtain advances by overdraft on current account in any bank or banks to such extent as may from time to time be approved by the Governor. Temporary accommodation.

(2) The Treasurer may advance such moneys to the Board, upon such terms and conditions as to repayment and interest, as may be agreed upon.

42. The Board may invest moneys held by it in Government securities of the Commonwealth or of the State of New South Wales, or in any securities guaranteed by the Government of New South Wales, or on call or on fixed deposit or partly on call and partly on fixed deposit with the Treasurer or with any bank, or in such other manner as the Governor may approve or as may be prescribed. Investment of funds.

43. The Board may from time to time with the concurrence of the Treasurer and the approval of the Governor borrow money for— Purposes for which money may be borrowed.

- (a) the purpose of carrying out and performing any of its responsibilities, powers, authorities, duties and functions;
- (b) the renewal of loans;
- (c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or any bank; or
- (d) any other purpose of this Act.

44. (1) The Board shall establish a reserve for loan repayment fund in respect of each loan or renewal loan raised by the Board. Reserves for repayments.

(2)

Ambulance Service.

No. 15, 1972

(2) The Board shall during each year transfer to each such fund from the revenue of the Board a sum not less than the sum that the Board in its application for approval of the loan specified that it proposed to transfer to that fund.

(3) Moneys held as a reserve for loan repayment may be invested in Government securities of the Commonwealth or of the State of New South Wales, or in any securities guaranteed by the Government of that State, in each case at their current market price, or in such other manner as the Governor may approve or as may be prescribed.

(4) Any interest or profits realised on such investments shall be added to and form part of the reserve for loan repayment fund from which the investments were made.

(5) All moneys paid into the reserve for loan repayment fund in respect of any loan or renewal loan may be applied in or towards repayment of any other loan or renewal loan but may not be applied for any other purpose until the loan or renewal loan in respect of which the fund has been established has been repaid.

(6) If, after a loan has been repaid, there remains in the reserve for repayment of that loan any balance, that balance shall form part of the general funds of the Board.

(7) A reserve for loan repayment fund shall not be subject to seizure in satisfaction of any debt other than the loan in respect of which the reserve was created.

(8) This section shall not apply to any loan to be repaid by instalments at intervals of one year or less.

Protection
of invest-
ments.

45. (1) A person advancing money to the Board shall not be bound to inquire into the application of the money advanced, or be in any way responsible for its non-application or misapplication.

(2)

Ambulance Service.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the Board shall, in favour of the lender, be conclusive evidence that all conditions precedent to the borrowing have been complied with and, where the approval notified is to the borrowing by the Board in a place outside New South Wales and in a particular currency, shall also be conclusive evidence in favour of the lender of the approval of the Governor to the borrowing in the place and in the currency specified in the notification.

PART VI.

GENERAL.

46. (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 Board under this Act,

Unauthorised provision of ambulance transport.

without the consent of the Board and subject to such conditions as the Board may from time to time impose.

(2) Subsection one of this section shall not apply to—

- (a) the Board;
- (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)

Ambulance Service.

- No. 15, 1972
- (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.

Unauthorised collections.

47. (1) A person shall not organise, conduct or take part in the collection or soliciting of funds or property from the public for, towards or in return for the provision of transport for sick or injured persons without the consent of the Board and subject to such conditions as the Board may from time to time impose.

(2) Subsection one of this section shall not apply to—

- (a) the Board;
- (b) an insurer under a policy of insurance to the extent that those funds represent or that 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.

Disclosure of information.

48. A member, a member of a district committee, an officer or employee referred to in section nine of this Act or a servant of the Board shall not disclose any information obtained by him in the course of his duties under this Act unless the disclosure is made—

- (a) with the consent of the person from whom the information was obtained;
- (b) in connection with the administration or execution of this Act; or
- (c) for the purposes of any legal proceedings or of any report of those proceedings.

Ambulance Service.

49. (1) A person who contravenes or fails to comply with a provision of this Act shall be guilty of an offence against this Act. No. 15, 1972
Offences
generally.

(2) A person who is guilty of an offence against this Act shall be liable to a penalty not exceeding two hundred dollars.

(3) All proceedings for offences against this Act or the regulations shall be disposed of summarily before a stipendiary magistrate or any two justices of the peace in petty sessions.

50. Any charge, fee, remuneration or money due to the Board under the provisions of this Act or the regulations may be recovered as a debt or liquidated demand in a court of competent jurisdiction. Recovery of
charges,
etc.

51. Any notice, summons, writ or other proceeding required to be served on the Board may be served by being left at the office of the Board, or, in the case of a notice, by posting it addressed to the Board at its office. Service of
notice of
proceedings
on the
Board.

52. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Board may be sufficiently authenticated without the seal of the Board if signed by the chairman of the Board. Documents—
how authen-
ticated.

53.

Ambulance Service.

No. 15, 1972 **53.** In any legal proceedings by or against the Board no proof shall be required (until evidence is given to the contrary) of—

Proof of certain matters not required.

- (a) the constitution of the Board;
- (b) any resolution of the Board;
- (c) the appointment of any member or servant of the Board; or
- (d) the presence of a quorum at any meeting at which any determination is made or any act is done by the Board.

Notice of action.

54. (1) Proceedings in respect of any damage or injury to person or property shall not be commenced against the Board or any member or any servant of the Board or any person acting in aid of the Board for anything done or intended to be done or omitted to be done under this Act, until the expiration of one month after notice in writing has been served on the Board or member or servant, as provided in this section.

(2) The notice shall state—

- (a) the cause of action;
- (b) the time and place at which the damage or injury was sustained; and
- (c) the name and place of abode or business of the intended plaintiff and of his attorney, if any, in the case.

(3) In the case of damage to property, any person who produces on demand his authority from the Board shall be permitted to inspect the property damage, and all facilities and information necessary to ascertain fully the value of the property damaged, the nature and extent of the damage, and the amount of money, if any, expended in repairing the damage shall be given to him.

(4)

Ambulance Service.

(4) Subject to subsection five of this section, at the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action that is not stated in the notice and, unless the notice has been served and subsection three of this section complied with, the plaintiff shall not be entitled to maintain the action. No. 15, 1972

(5) At any stage of the proceedings the court in which the action is pending may, if it deems it to be just or reasonable in the circumstances so to do—

- (a) amend any defect in the notice on such terms and conditions, if any, as the court may fix; and
- (b) direct that non-compliance or insufficient compliance with this section shall not be a bar to the maintenance of the action.

(6) Subject to subsection seven of this section, every such action shall be commenced within the period (in subsections seven and eight of this section referred to as the "prescribed period") of twelve months next after the occurring of the cause of action.

(7) Where application is made to the Supreme Court for an extension of the prescribed period the Court may, if it is satisfied that sufficient cause has been shown, or that, having regard to all the circumstances of the case, it would be reasonable so to do, make an order for the extension of the prescribed period for such further period and subject to such terms and conditions, if any, as may be set out in the order.

(8) An application under subsection seven of this section may be made either within the prescribed period or at any time within twelve months thereafter.

(9)

Ambulance Service.

No. 15, 1972 (9) The Board, or any member, servant or person to whom any such notice of action is given, may tender amends to the plaintiff, his attorney or agent at any time within one month after service of notice of action, and in case the tender is not accepted may plead it as a defence to the action.

Annual
report.

55. (1) As soon as practicable after the thirtieth day of June in each year, the Board shall prepare and furnish to the Minister a report upon the operations and activities of the Board during the year ending on that day.

(2) The Minister shall lay the report, or cause it to be laid, before both Houses of Parliament as soon as practicable after receipt by him of the report.

Regulations. 56. (1) The Governor may make regulations for or with respect to—

- (a) any of the powers conferred or duties imposed upon the Board under this Act;
- (b) the nomination for election and election of members of district committees;
- (c) the procedure for the calling and conduct of meetings of the Board or a district committee;
- (d) the training and qualifications of servants of the Board and honorary ambulance officers;
- (e) fees and charges in respect of ambulance services;
- (f) the contributors to the contribution scheme and the establishment, conduct and operation of the contribution scheme;

(g)

Ambulance Service.

(g) all matters which by this Act are required or No. 15, 1972 permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) A regulation made pursuant to paragraph (b) of subsection one of this section may make different provisions for or with respect to different elections of different district committees.

(3) The regulations may impose a penalty not exceeding fifty dollars for any offence against the regulations.

SCHEDULE.

Sec. 3.

FIRST COLUMN.		SECOND COLUMN.
Year and No. of Act.	Short title.	Extent of amendment or repeal.
1919, No. 5	Ambulance Transport Service Act, 1919.	Repeal the whole Act.
1919, No. 41	Local Government Act, 1919.	Omit section 298 (1) (d) and insert in lieu thereof the following paragraph:— (d) ambulance services approved by the New South Wales Ambulance Board; Omit from section 298 (2) the words "civil ambulance brigades which are certified to it by the New South Wales Ambulance Transport Service Board to be working under and in conformity with the regulations made under the Ambulance Transport Service Act, 1919," and insert in lieu thereof the words "ambulance services approved by the New South Wales Ambulance Board".

SCHEDULE

Ambulance Service.

No. 15, 1972

SCHEDULE—*continued.*

FIRST COLUMN.		SECOND COLUMN.
Year and No. of Act.	Short title.	Extent of amendment or repeal.
1920, No. 47	Stamp Duties Act, 1920.	Omit from section 97AA (3) (d) (ii) the words "New South Wales Ambulance Transport Service Board or any district committee constituted under the Ambulance Transport Service Act, 1919, as amended by subsequent Acts" and insert in lieu thereof the words "New South Wales Ambulance Board". Omit from paragraph (11) under the heading "General Exemptions from Stamp Duty under Part III." in the Second Schedule the words "New South Wales Ambulance Transport Service Board or any district committee constituted under the Ambulance Transport Service Act, 1919, as amended, not being a conveyance from such board or committee or from any person on their behalf" and insert in lieu thereof the words "New South Wales Ambulance Board not being a conveyance from that Board or from any person on its behalf".
1924, No. 74	Ambulance Transport Service (Amendment) Act, 1924.	Repeal the whole Act.
1926, No. 15	Workers' Compensation Act, 1926.	Omit from section 6 (14D) (a) the words "New South Wales Ambulance Transport Service Board or any district committee within the meaning of the Ambulance Transport Service Act, 1919, as amended by subsequent Acts, shall be deemed to be a worker employed by the said Board or district committee, as the case may be" and insert in lieu thereof the words "New South Wales Ambulance Board shall be deemed to be a worker employed by that Board".

SCHEDULE

*Ambulance Service.*SCHEDULE—*continued.*

No. 15, 1972

FIRST COLUMN.		SECOND COLUMN.
Year and No. of Act.	Short title.	Extent of amendment or repeal.
1942, No. 15	Motor Vehicles (Third Party Insurance) Act, 1942.	Omit from the definition of "Ambulance vehicle" in section 24 the words "by a district committee within the meaning of the Ambulance Transport Service Act, 1919, as amended by subsequent Acts," and insert in lieu thereof the words "by the New South Wales Ambulance Board".
1943, No. 22	Sydney Turf Club Act, 1943.	Omit section 11 (2) (c) and insert in lieu thereof the following paragraph:— (c) to the funds of the New South Wales Ambulance Board; or.
1944, No. 15	Crown Employees Appeal Board Act, 1944.	Omit from section 2 (1) the definition of "District committee". Omit section 6A. Omit from section 7 (1) (g) the words "Governor; or" and insert in lieu thereof the word "Governor". Omit section 7 (1) (h). Omit from section 11 (3) the words "In this subsection, 'employer' means, in relation to employees of district committees, the New South Wales Ambulance Transport Service Board." Omit from section 12 (5) the words "In this subsection, 'employer' means, in relation to employees of district committees, the New South Wales Ambulance Transport Service Board." Omit from the Second Schedule the words "District Committees elected under the provisions of the Ambulance Transport Service Act, 1919, as amended by subsequent Acts." and insert in lieu thereof the words "The New South Wales Ambulance Board".
1948, No. 30	Local Government (Areas) Act, 1948.	Omit section 35.
1951, No. 22	Ambulance Transport Service (Amendment) Act, 1951.	Repeal the whole Act.

SCHEDULE

Ambulance Service.

No. 15, 1972

SCHEDULE—*continued.*

FIRST COLUMN.		SECOND COLUMN.
Year and No. of Act.	Short title.	Extent of amendment or repeal.
1956, No. 13	Ambulance Transport Service (Amendment) Act, 1956.	Repeal the whole Act.
1957, No. 28	Attachment of Wages Limitation Act, 1957.	Omit from the Schedule to section 10 the words "New South Wales Ambulance Transport Service Board," and insert in lieu thereof the words "New South Wales Ambulance Board."
1962, No. 10	Ambulance Transport Service and Crown Employees Appeal Board (Amendment) Act, 1962.	Repeal the whole Act.

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