

1990 - No. 402

**AMBULANCE SERVICES ACT 1990 - REGULATION**  
(Ambulance Services (Staff) Regulation 1990)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Ambulance Services Act 1990, has been pleased to make the Regulation set forth hereunder.

PETER COLLINS  
Minister for Health.

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**Citation**

**1.** This Regulation may be cited as the Ambulance Services (Staff) Regulation 1990.

**Commencement**

**2.** This Regulation commences on 1 July 1990.

**Definitions**

**3.** In this Regulation:

“**employee**” means a person appointed and employed by the Ambulance Service under section 13 of the Act;

“**officer**” means an officer or employee appointed under and subject to the Public Sector Management Act 1988;

“**supervisor**” in relation to an employee, means the person

under whose control or supervision the employee is placed;  
“the Act” means the Ambulance Services Act 1990.

#### **Acquaintance with Regulation**

**4.** Every employee must acquaint himself or herself with the provisions of this Regulation.

#### **Lawful instructions to be obeyed**

**5. (1)** An employee must obey promptly a lawful instruction given to the employee by an officer or employee under whose immediate control or supervision the employee is placed.

**(2)** If an employee has a ground of complaint arising out of any instruction referred to in subclause (1), the employee may appeal in writing to the Ambulance Service through the person who gave the employee the instruction, but the employee must, pending the determination of the appeal, as far as possible carry out any such instruction which has been given to the employee.

#### **Absence from duty**

**6. (1)** An employee must not absent himself or herself from duty without the permission of the Ambulance Service or an officer or employee who is superior to the employee, being an officer or employee authorised by the Ambulance Service to grant leave.

**(2)** Subject to any award or industrial agreement applying in respect of an employee, an employee who is absent from duty without leave must, as soon as practicable, furnish the employee's supervisor with an explanation of the reason for the employee's absence together with:

- (a) if the absence exceeds 2 working days or is of such lesser period as the Ambulance Service may determine in individual cases and is due to illness - a certificate signed by a medical practitioner certifying that the employee is, because of that illness, unfit to perform the employee's duties; or
- (b) if the absence is due to a pressing necessity requiring the employee's absence from duties - such evidence, if any, relating to the necessity as the Ambulance Service directs, either generally or in any particular case or class of cases, be furnished.

**Performance of duties of absent employee**

**7.** Subject to any direction of the Ambulance Service, the duties of any absent employee must be performed by some other employee in such manner as a supervisor directs.

**Holding of certain civic offices**

**8.** An employee may accept and hold the office of president of a shire or county council or mayor of a city or municipality, but must resign that office if, in the opinion of the Ambulance Service, the holding of that office is incompatible with the proper discharge of his or her duties as an employee.

**Engagement in other paid employment**

**9. (1)** An employee must not, except with the written permission of the Ambulance Service, engage in any other paid employment.

**(2)** If an employee is the holder of any office or is engaged in any employment other than in connection with his or her employment by the Ambulance Service, the employee must at once notify that fact to the Ambulance Service which may require that employee to resign that office or abstain from engaging in that employment.

**(3)** A permission given for the purposes of subclause (1) may be withdrawn by the Ambulance Service at any time.

**Certain public comment prohibited**

**10.** An employee must not publicly comment upon the administration of the Ambulance Service.

**Seeking of another person's influence to obtain promotion etc. prohibited**

**11.** An employee must not seek the influence of any person in order to obtain promotion, transfer or other advantage.

**Care of property**

**12. (1)** An employee must take reasonable care of any property of the Ambulance Service in the employee's custody or care.

**(2)** An employee must report to his or her supervisor any defect which occurs in any property referred to in subclause (1).

**Borrowing of money**

**13.** An employee must not borrow money from a subordinate.

**Demanding etc. present or other remuneration in return for services**

**14.** An employee must not demand or receive for his or her own use from any person (other than the Ambulance Service) any present or other remuneration of any kind for services performed or to be performed by the employee, either in or out of duty hours, in connection with the employee's official position.

**Employee's entitlements as witness in official capacity**

**15. (1)** An employee who is subpoenaed or called as a witness in his or her official capacity must pay any money received by the employee as a witness to the Ambulance Service.

**(2)** An employee referred to in subclause (1) is entitled to be paid in full by the Ambulance Service for any time spent as a witness and, in addition, to be paid such travelling and out-of-pocket expenses as the Ambulance Service may determine.

**Employee's entitlements as witness in private capacity**

**16.** An employee who is subpoenaed or called as a witness in his or her private capacity:

- (a) if subpoenaed or called by the Crown (whether in right of a State or of the Commonwealth):
  - (i) must be granted special leave of absence with pay for the period the employee is necessarily absent from duty; and
  - (ii) must pay to the Ambulance Service any money paid to the employee as a witness (other than money paid to the employee on account of travelling and out-of-pocket expenses); or
- (b) if subpoenaed or called other than by the Crown (whether in right of a State or of the Commonwealth):
  - (i) is entitled to be granted leave of absence for the period the employee is necessarily absent from duty; and

(ii) may retain any money paid to the employee as a witness.

**Bankruptcy to be reported**

**17.** An employee who becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes any assignment of his or her estate for their benefit must forthwith report that fact to the Ambulance Service.

**Medical examination**

**18.** If the Ambulance Service directs that an employee submit himself or herself to medical examination for the purpose of ascertaining the employee's fitness to perform his or her duties, that examination must be made by a medical practitioner approved by the Ambulance Service.

**Ambulance Service to be advised where employee charged with or convicted of certain offences**

**19. (1)** If an employee is charged before any court with, or is convicted of any criminal or quasi-criminal offence, whether punishable summarily or not, the fact must be immediately reported to the Ambulance Service:

- (a) by the employee; or
- (b) by the employee's supervisor, where the supervisor has knowledge of the fact and has reason to believe that the fact has not been reported by the employee.

**(2)** Except as provided by subclauses (3) and (5), the provisions of subclause (1) do not apply in respect of any offence under the Traffic Act 1909, or the Regulations made under that Act.

**(3)** The provisions of subclause (1) apply in respect of the following offences:

- (a) driving a motor vehicle upon a public street furiously or recklessly or at a speed or in a manner which is dangerous to the public;
- (b) refusing to produce a motor vehicle driver's licence and to state name and place of abode when lawfully required or stating a false name or place of abode;

- (c) driving or while occupying the driving seat attempting to drive a motor vehicle while under the influence of intoxicating liquor or of a drug;
- (d) driving a motor vehicle while disqualified from holding or obtaining a licence or after a licence is suspended or cancelled or an application for a licence is refused;
- (e) failing to stop and give assistance or particulars after an accident;
- (f) driving or while occupying the driving seat attempting to drive a motor vehicle while there is present in the blood the prescribed centration of alcohol within the meaning of the Traffic Act 1909;
- (g) refusing or failing to undergo a breath test or submit to breath analysis when required to do so by a member of the police force;
- (h) having been required by a member of the police force to undergo a breath test or submit to breath analysis wilfully doing anything to alter the concentration of alcohol in the blood prior to undergoing such a test or submitting to such an analysis.

(4) Notwithstanding subclause (3), it is not obligatory for a supervisor to report to the Ambulance Service the fact that an employee has been charged with, or convicted of, an offence referred to in subclause (3) (c), (f), (g) or (h) if:

- (a) the supervisor has no knowledge that the employee has any previous convictions, whether summary or on indictment; and
- (b) any suspension or cancellation of the employee's driver's licence, or disqualification from obtaining a licence to drive motor vehicles, arising from such a conviction does not prevent the employee from performing the full range of his or her duties; and
- (c) the employee's conduct and services have been satisfactory.

(5) The provisions of subclause (1) apply in any case where, following conviction for any offence or after action by the Roads and Traffic Authority, an employee:

- (a) has his or her driver's licence suspended or cancelled; or
- (b) is disqualified from obtaining a licence to drive motor vehicles, and the suspension, cancellation or disqualification will interfere with the performance by that employee of the employee's normal duties.

**(6)** The provisions of subclause (1) do not apply in respect of any offence relating to parking or parking meters.

**Rent payable for use of certain buildings**

**20.** Except where otherwise covered by an industrial award or agreement, an employee who is allowed to use, for the purpose of residence, any building belonging to the Ambulance Service must pay to the Ambulance Service such rent as the Ambulance Service may from time to time determine.

**Breach of Regulation to be reported**

**21.** An employee must report any breach of this Regulation which comes to the employee's knowledge to the Ambulance Service through his or her supervisor.

**Uniform to be worn**

**22.** An employee must, when performing the employee's duties, wear such uniform, if any, as the Ambulance Service may from time to time determine in respect of the class of employees to which the employee belongs.

**Uniform not to be worn at certain times**

**23.** An employee to whom a uniform is issued must not, without the permission of the Ambulance Service, wear the uniform otherwise than when the employee is on duty or when the employee is travelling to or from his or her duties.

**Payment of increment**

**24.** Subject to the provisions of any industrial award or agreement, the payment of any increment to an employee is subject to the Ambulance Service being satisfied that the conduct of the employee and the manner in which the employee discharges his or her duties warrants that payment.

**Retirement age**

**25.** An employee is not entitled to continue in the service of the Ambulance Service after the employee attains the age of 65 years.

**Breaches of discipline**

**26. (1)** An employee who:

- (a) acts in contravention of this Regulation; or
- (b) misconducts himself or herself in the course of his or her employment; or
- (c) uses intoxicating beverages or drugs to excess; or
- (d) wilfully disobeys or disregards any order or direction relating to his or her employment given by a supervisor; or
- (e) is negligent, careless, inefficient or incompetent in the discharge of his or her duties; or
- (f) conducts himself or herself in a disgraceful or improper manner in the course of his or her employment; or
- (g) is convicted of an offence,

is guilty of a breach of discipline.

**(2)** Subclause (1) (g) does not apply in respect of an offence referred to in clause 19 (2).

**Charge of breach of discipline**

**27. (1)** If it appears to the Ambulance Service that an employee has committed a breach of discipline, the employee may be charged by the Ambulance Service, either orally or in writing, with having committed a breach of discipline.

**(2)** An employee may be suspended without pay by the Ambulance Service until a charge referred to in subclause (1) is dealt with.

**(3)** Upon a charge referred to in subclause (1) being laid against an employee, the employee is to be furnished with a copy of the charge within a reasonable time after being so charged and is to be directed to advise the Ambulance Service in writing, within the time specified in the direction, whether the employee admits or denies the truth of the charge and to give any explanation the employee desires in respect of the substance of the charge.

**(4)** An employee who fails to comply with a direction of the Ambulance Service as referred to in subclause (3) is to be considered to have denied the truth of the charge.

### **Inquiry**

**28. (1)** If an employee who is charged as referred to in clause 27 (1) does not admit the truth of the charge, the Ambulance Service may conduct an inquiry into the charge.

**(2)** The Ambulance Service may consent to an employee being represented at an inquiry referred to in subclause (1) by counsel, a solicitor or an agent.

**(3)** The Ambulance Service is not responsible for the payment of any costs incurred by an employee who is represented as referred to in subclause (2) in respect of that representation.

### **Ambulance Service's power to penalised etc.**

**29.** Without affecting the power of the Ambulance Service to dismiss an employee, if a charge referred to in clause 27 (1) is admitted or established to the satisfaction of the Ambulance Service, the Ambulance Service may:

- (a) caution the employee, or
- (b) reprimand the employee; or
- (c) fine the employee an amount not exceeding \$100; or
- (d) reduce the employee to a lower classification or position; or
- (e) take all or any action specified in paragraphs (a)-(d); or
- (f) direct that the employee resign, or be allowed to resign; within such period as is specified in the direction.

### **Ambulance Service's decision to be given effect**

**30.** Subject to the provisions of the Government and Related Employees Appeal Tribunal Act 1980, a decision of the Ambulance Service under clause 29 may be given effect to at any time.

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### **EXPLANATORY NOTE**

The object of this Regulation is to make provision for the control and governance of persons employed by the Ambulance Service.

The Regulation is the same (subject to necessary modifications) as the Health Administration Regulation 1983 which applied to staff of the Ambulance Service before the commencement of the Ambulance Services Act 1990.

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