



New South Wales

# Automated External Defibrillators (Public Access) Bill 2024 (No 2)

## Explanatory note

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

## Overview of Bill

The objects of this Bill are to—

- (a) require the installation of automated external defibrillators (*defibrillators*) in certain buildings and vehicles, and
- (b) require the registration and maintenance of the defibrillators, and
- (c) require the Minister to—
  - (i) keep a publicly accessible register of the defibrillators, including the location of the defibrillators, and
  - (ii) develop a strategy to inform the public about defibrillators.

## Outline of provisions

### Part 1 Preliminary

**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.

**Clause 3** provides for the dictionary in proposed Schedule 2 to define certain words and expressions used in the proposed Act.

**Clauses 4 and 5** define certain key concepts used in the proposed Act, including *relevant building*, *relevant vehicle* and *responsible person*.

**Clause 6** provides that the proposed Act binds the Crown.

## Part 2 Installation of defibrillators

**Part 2** requires the responsible persons for relevant buildings and relevant vehicles to ensure the following—

- (a) a certain number of defibrillators are installed in each relevant building or relevant vehicle,
- (b) each defibrillator is properly maintained,
- (c) each defibrillator is tested at least once every 12 months,
- (d) signage is installed to indicate the location of each defibrillator.

The proposed part also requires responsible persons to—

- (a) give relevant information about the defibrillators required to be installed under the proposed Act to the Minister responsible for the administration of the proposed Act (the *Minister*), and
- (b) notify the Minister of changes to the relevant information.

The proposed part also makes it an offence for a person to intentionally and without a reasonable excuse—

- (a) damage or destroy a defibrillator, or
- (b) remove a defibrillator required to be installed under the proposed Act from the location at which it is installed.

## Part 3 Access to information and training

**Part 3** requires the Minister to—

- (a) establish and keep a register of the defibrillators required to be installed under the proposed Act, and
- (b) ensure the register is accessible on a software application, and
- (c) develop and implement a strategy to inform the public about defibrillators, and
- (d) ensure training in the use of defibrillators is made available to prescribed persons.

## Part 4 Miscellaneous

**Part 4** provides that the Minister must prepare a report on how the Government will support responsible persons who are required under the proposed Act to install a defibrillator.

The proposed part also—

- (a) enables the Governor to make regulations for the proposed Act, and
- (b) enables offences prescribed by the regulations as penalty notice offences to be dealt with by the issue of a penalty notice rather than through court proceedings.

## Schedule 1 Savings, transitional and other provisions

**Schedule 1** provides that the regulations may contain savings, transitional and other provisions consequent on the commencement of—

- (a) a provision of the proposed Act, or
- (b) a provision amending the proposed Act.

## Schedule 2 Dictionary

**Schedule 2** defines certain words and expressions used in the proposed Act.



New South Wales

# Automated External Defibrillators (Public Access) Bill 2024 (No 2)

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

*Legislative Assembly*

*Clerk of the Legislative Assembly*



New South Wales

## **Automated External Defibrillators (Public Access) Bill 2024 (No 2)**

No , 2024

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### **A Bill for**

An Act to require the installation and registration of automated external defibrillators in certain buildings and vehicles; and for related purposes.

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*The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.*

*Legislative Council*

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*Clerk of the Parliaments*

<b>The Legislature of New South Wales enacts—</b>	1
<b>Part 1 Preliminary</b>	2
<b>1 Name of Act</b>	3
This Act is the <i>Automated External Defibrillators (Public Access) Act 2024</i> .	4
<b>2 Commencement</b>	5
This Act commences on the day that is 2 years after the date of assent to this Act.	6
<b>3 Definitions</b>	7
(1) The dictionary in Schedule 2 defines words and expressions used in this Act.	8
<b>Note—</b> The <i>Interpretation Act 1987</i> contains definitions and other provisions that affect the interpretation and application of this Act.	9 10
(2) A reference in this Act, other than in section 7(2), to a defibrillator installed in a building includes a reference to a defibrillator installed in an external area near the building.	11 12 13
<b>4 Meaning of “relevant building” and “relevant vehicle”</b>	14
(1) In this Act, the following buildings are <i>relevant buildings</i> —	15
(a) a large commercial building,	16
(b) a government building,	17
(c) an educational establishment,	18
(d) a correctional centre,	19
(e) a retirement village within the meaning of the <i>Retirement Villages Act 1999</i> ,	20
(f) a facility that provides residential care within the meaning of the <i>Aged Care Act 1997</i> of the Commonwealth,	21 22
(g) an entertainment facility,	23
(h) a recreation facility (major),	24
(i) for a caravan park—a building that is part of the caravan park,	25
(j) a casino or other venue where gambling is authorised, other than a venue where the only gambling authorised is the selling and buying of lottery tickets.	26 27
(2) In this Act, the following vehicles are <i>relevant vehicles</i> —	28
(a) an emergency services vehicle,	29
(b) a public passenger vehicle.	30
(3) The regulations may—	31
(a) prescribe a building as a relevant building or a vehicle as a relevant vehicle, and	32 33
(b) exclude a building from being a relevant building or a vehicle from being a relevant vehicle.	34 35
(4) In this section—	36
<i>caravan park</i> , <i>correctional centre</i> , <i>educational establishment</i> , <i>entertainment facility</i> and <i>recreation facility (major)</i> have the same meaning as in the standard instrument set out in the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> .	37 38 39 40

<b>5</b>	<b>Meaning of “responsible person”</b>	1
	In this Act—	2
	<i>responsible person</i> means the following—	3
	(a) for a relevant building—the owner of the building,	4
	(b) for an emergency services vehicle—the head of the emergency services organisation,	5 6
	(c) for a public passenger vehicle—the operator of the public passenger service provided using the vehicle,	7 8
	(d) for another vehicle prescribed as a relevant vehicle—the person prescribed by the regulations.	9 10
<b>6</b>	<b>Act to bind Crown</b>	11
	This Act binds the Crown in right of New South Wales and, to the extent the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.	12 13 14

## Part 2 Installation of defibrillators

### 7 Installation, maintenance and signage

- (1) A responsible person for a relevant building or relevant vehicle must ensure—
- (a) 1 defibrillator is installed in the relevant building or relevant vehicle, and
  - (b) for a relevant building with a footprint greater than 1,200m<sup>2</sup>—1 additional defibrillator is installed for each additional 1,200m<sup>2</sup> by which the footprint of the building is greater than 1,200m<sup>2</sup>, and
  - (c) each defibrillator is properly maintained, and
  - (d) each defibrillator is tested at least once every 12 months.
- Maximum penalty—180 penalty units.

- (2) The responsible person must also ensure a sign indicating the location of a defibrillator is installed as follows—
- (a) for a defibrillator installed in a building—
    - (i) near the defibrillator, and
    - (ii) outside, and near an entrance of, the building,
  - (b) for a defibrillator installed in an external area near a building—near the defibrillator,
  - (c) for a defibrillator installed in a vehicle—on the outside of the vehicle.
- Maximum penalty—22 penalty units.

### 8 Installation of defibrillators must be notified

- (1) The responsible person for a relevant building or relevant vehicle in which a defibrillator is required to be installed under this Act must—
- (a) give relevant information about the defibrillator to the Minister, in the approved way, within 30 days after the installation of the defibrillator, and
  - (b) notify the Minister, in the approved way, of a change to the relevant information within 14 days after the change.
- (2) In this section—
- approved way*** means the way and form approved by the Minister.
- relevant information***, about a defibrillator, means the following—
- (a) for a defibrillator installed in a relevant building—the location of the defibrillator,
  - (b) for a defibrillator installed in a relevant vehicle—the ordinary location of the vehicle when it is not in use,
  - (c) the times during which the defibrillator is accessible by the public,
  - (d) for a battery within the defibrillator—
    - (i) the date the battery was last replaced, and
    - (ii) the date by which the battery must next be replaced,
  - (e) other information prescribed by the regulations.

### 9 Damage, destruction or removal

- A person must not intentionally and without a reasonable excuse—
- (a) damage or destroy a defibrillator, or
  - (b) remove a defibrillator required to be installed under this Act from the location at which it is installed.



Maximum penalty—90 penalty units or imprisonment for 5 years, or both.

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<b>Part 3</b>	<b>Access to information and training</b>	1
<b>10</b>	<b>Register</b>	2
(1)	The Minister must establish and keep a register (the <i>register</i> ) of the relevant information about defibrillators given to the Minister under section 8.	3 4
(2)	The register must be published on a website determined by the Minister and accessible by the public without charge.	5 6
(3)	The Minister must ensure the register is also accessible on a software application that—	7 8
(a)	is compatible with smartphones, and	9
(b)	directs the user of the software application to nearby defibrillators.	10
<b>11</b>	<b>Awareness strategy</b>	11
(1)	The Minister must develop and implement a strategy to inform the public about defibrillators.	12 13
(2)	The strategy must include information about the following—	14
(a)	registering and locating defibrillators,	15
(b)	signs indicating the location of a defibrillator,	16
(c)	the fact that, while training in the use of defibrillators is available, a person does not need to be trained to use a defibrillator.	17 18
(3)	The strategy must be implemented as soon as practicable after the commencement of this section and the Minister must ensure the strategy is promoted for at least 5 years.	19 20
<b>12</b>	<b>Training</b>	21
	The Minister must ensure training in the use of defibrillators is made available to a person or class of persons prescribed by the regulations.	22 23

<b>Part 4</b>	<b>Miscellaneous</b>	1
<b>13</b>	<b>Report</b>	2
(1)	The Minister must prepare a report on how the Government will support responsible persons who are required under this Act to install a defibrillator.	3 4
(2)	The Minister must, within 6 months of the commencement of this section, ensure copies of the report are laid before both Houses of Parliament.	5 6
<b>14</b>	<b>Penalty notices</b>	7
(1)	An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.	8 9
(2)	A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.	10 11
(3)	The <i>Fines Act 1996</i> applies to a penalty notice issued under this section. <b>Note</b> — The <i>Fines Act 1996</i> provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to further proceedings for the alleged offence.	12 13 14 15
(4)	The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations, which must not be more than the maximum amount of penalty that could be imposed for the offence by a court.	16 17 18
(5)	This section does not limit the operation of another provision of, or made under, this or another Act relating to proceedings that may be taken in relation to offences.	19 20
(6)	In this section— <b>authorised officer</b> means any of the following persons designated by the Secretary of the Department as an authorised officer for this section— (a) a person employed in the Department, or (b) another person prescribed by the regulations. <b>Department</b> means the department in which this Act is administered.	21 22 23 24 25 26
<b>15</b>	<b>Regulations</b>	27
(1)	The Governor may make regulations, not inconsistent with this Act, about— (a) matters required or permitted to be prescribed by this Act, or (b) matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.	28 29 30 31
(2)	Without limiting subsection (1), the regulations may provide for matters relating to the following— (a) the installation, maintenance and testing of defibrillators, (b) the signs required to be installed under this Act, (c) the register, (d) training in the use of defibrillators.	32 33 34 35 36 37
(3)	The regulations may also create offences about the matters.	38
(4)	The maximum penalty that may be imposed for an offence created by the regulations is 10 penalty units.	39 40
(5)	The regulations may exempt specified persons or entities from specified provisions of this Act.	41 42

<b>Schedule 1</b>	<b>Savings, transitional and other provisions</b>	1
<b>Part 1</b>	<b>General</b>	2
<b>1</b>	<b>Regulations</b>	3
(1)	The regulations may contain provisions of a savings or transitional nature consequent on the commencement of—	4 5
(a)	a provision of this Act, or	6
(b)	a provision amending this Act.	7
(2)	A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after the commencement.	8 9
(3)	A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after the commencement.	10 11
(4)	A savings or transitional provision made consequent on the commencement of a provision may take effect before the commencement but not before—	12 13
(a)	for a provision of this Act—the date of assent to this Act, or	14
(b)	for a provision amending this Act—the date of assent to the amending Act.	15
(5)	A savings or transitional provision taking effect before its publication on the NSW legislation website does not—	16 17
(a)	affect the rights of a person existing before the publication in a way prejudicial to the person, or	18 19
(b)	impose liabilities on a person for anything done or omitted to be done before the publication.	20 21
(6)	In this section—	22
	<i>person</i> does not include the State or an authority of the State.	23

## Schedule 2 Dictionary

	1
section 3(1)	2
<b>building</b> includes a structure or part of a structure.	3
<b>defibrillator</b> means an automated external defibrillator that is—	4
(a) included on the Australian Register of Therapeutic Goods maintained under the <i>Therapeutic Goods Act 1989</i> of the Commonwealth, section 9A, or	5
(b) if there is no defibrillator included on the Register—approved by the Minister for this Act.	6
<b>emergency services organisation</b> means each of the following organisations—	7
(a) the Ambulance Service of NSW,	8
(b) Fire and Rescue NSW,	9
(c) the NSW Police Force,	10
(d) the NSW Rural Fire Service,	11
(e) the State Emergency Service,	12
(f) another body or organisation prescribed by the regulations as an emergency services organisation.	13
<b>emergency services vehicle</b> means a vehicle used by an emergency services organisation to provide emergency services.	14
<b>government building</b> means a building occupied by the Crown, a statutory body or a local council to which the public has access, whether or not admission is obtained by the payment of money, and includes—	15
(a) a public swimming pool, and	16
(b) a local library within the meaning of the <i>Library Act 1939</i> , and	17
(c) a courthouse, and	18
(d) a building used to provide services directly to the public.	19
<b>head</b> , of an emergency services organisation, means—	20
(a) for the Ambulance Service of NSW—the chief executive of the Ambulance Service of NSW,	21
(b) for Fire and Rescue NSW—the Commissioner of Fire and Rescue NSW,	22
(c) for the NSW Police Force—the Commissioner of Police,	23
(d) for the NSW Rural Fire Service—the Commissioner of the NSW Rural Fire Service,	24
(e) for the State Emergency Service—the Commissioner of the State Emergency Service,	25
(f) for another body or organisation prescribed by the regulations as an emergency services organisation—the person prescribed by the regulations.	26
<b>large commercial building</b> means a building that—	27
(a) has a footprint greater than 600m <sup>2</sup> , and	28
(b) is used for commercial purposes.	29
<b>public passenger service</b> has the same meaning as in the <i>Passenger Transport Act 2014</i> .	30
<b>public passenger vehicle</b> means a vehicle used to provide a public passenger service.	31
<b>register</b> —see section 10.	32
<b>relevant building</b> —see section 4.	33
<b>relevant information</b> —see section 8.	34
<b>relevant vehicle</b> —see section 4.	35
<b>responsible person</b> —see section 5.	36
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*vehicle* includes an aircraft, train or vessel but does not include a motorbike.

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