

Ambulance Service Act 1982
Section 37(1)

**CONSENT TO PROVISION OF PRIVATE
AMBULANCE SERVICES**

I, ALICE BURCHILL, Director of Ambulance Services for the State of Tasmania, acting under section 37 of the *Ambulance Service Act 1982*, hereby consent to the provision by St John Ambulance Australia (Tas) Inc. (ABN 65 764 484 851) ("the Licensee") of the ambulance services specified in Schedule 1, in accordance with the conditions specified in Schedule 2.

This Consent expires on 5 October 2012. The Licensee will be granted the option to extend the licence for a further term not exceeding 5 years provided that there are no significant changes in the market for private ambulance services.

The Licensee shall contact the Director of Ambulance Services 6 months prior to the expiry of this Consent to advise on whether the Licensee wishes to exercise the option of a an extension to the Consent for a further term.

The Consent is liable to revocation if the licensee ceases to be a fit and proper person to hold a licence.

The Consent is liable to revocation if any of the Conditions is breached.

Subject to the powers of the Director under S.37 of the Act, any dispute in relation to the terms of this consent is to be addressed in accordance with Schedule 5.

Variations to this consent may be notified by the Director of Ambulance Services to the Licensee in writing.

.....*ABurchill*.....

Alice T Burchill
DIRECTOR OF AMBULANCE SERVICES

Date: *8 September 2011*

Interpretation

1. In this Consent, including the Schedules to the Consent, unless the contrary appears -

"**Act**" means the *Ambulance Services Act 1982*;

"**Ambulance**" means a Motor Vehicle which has been specifically equipped for the provision of first aid to, and the conveyance of, persons suffering from illness, disability, or injury, and does not include any form of aircraft [or vessel];

"**Approved Person**" means a person who satisfies the qualification requirements in Schedule 3 with respect to the particular ambulance service being provided by that person.

"**Conditions**" means the conditions specified in Schedule 2, to which this Consent is subject;

"**Director**" means the Director of Ambulance Services holding office under s 5 of the Act, and includes a delegate exercising powers given to the Director of Ambulance Services under the Act and any person authorised in writing by the Director to act on the Director's behalf for the purposes of this Consent;

"**Event**" means a sporting or public event at which the Licensee provides Services referred to in clause 2 of Schedule 1.

"**Escort**" means a medical practitioner, or a nurse who has the training and experience to provide the level of care required during the journey and who is employed by a Health Institution to or from which the patient is being conveyed or a family member relative or friend of the patient who is assessed as being suitable to travel with the patient to assist with care needs.

"**Health Institution**" means a public hospital, a private hospital, a nursing home or a medical diagnostic facility;

"**Licensee**" means St John Ambulance Australia (Tas) Inc. (ABN 65 764 484 851), to whom this Consent is given;

"**Motor Vehicle**" has the same meaning as in the *Vehicle and Traffic Act 1999*;

"**Services**" means the ambulance services which are specified in Schedule 1 and which, subject to compliance with the Conditions, the Licensee is authorised by this Consent to provide.

2. In this Consent, unless the contrary appears -
 - (a) a word importing the singular includes the plural and vice versa;
 - (b) a word importing a gender includes each other gender; and
 - (c) a reference to a statute includes any regulation or other instrument made under the statute and includes any amendment or replacement of the statute or instrument;
3. For the purposes of this Consent, a body corporate is not a fit and proper person to be a licensee unless each director and each person concerned in the management of the corporation is a fit and proper person to be a licensee.

SCHEDULE 1

AMBULANCE SERVICES WHICH MAY BE PROVIDED BY LICENSEE

1. Conveyance of a patient by Ambulance to or from -
 - (A) a Health Institution, provided that a medical practitioner has first confirmed that this form of transport and the level of care which the Licensee is able to provide in the course of that transport is appropriate to the patient's condition; or
 - (B) the surgery of a general medical practitioner if the practitioner has first confirmed that this form of transport and the level of care which the Licensee is able to provide in the course of that transport is appropriate to the patient's condition.
 - (C) the premises of a health professional practice where the health professional has initially confirmed that the patient can be treated at the premises and the level of care which the Licensee is able to provide in the course of that transport is appropriate to the patient's condition.

Patients suitable for transport include:-

- a) Patients who are in a stable condition; or
- b) Patients who present with a low potential for deterioration in transit; or
- c) Patients who require no ongoing invasive medical treatment in transit; or
- d) Patients requiring oxygen therapy provided patient condition is stable; or
- e) Patients for whom prior medical intervention or assessment has been conducted.
- f) Patients receiving intravenous transfusions may be transported where;

- (i) the patient has an intravenous line *in situ* that does not require constant monitoring/adjusting but excluding patients who are dependent on insulin infusion.
- (ii) the patient has an intravenous line *in situ* receiving an intravenous infusion of a drug requiring monitoring (e.g. inotropes) and a two person crew or escort is provided.
- (iii) the patient is given an intravenous infusion whilst being conveyed in an Ambulance where it is inappropriate for this to be avoided, for instance by the administration prior to travel of a bolus or subcutaneous injection; and the person is attended during the journey by an Approved Person or a medical practitioner, or a nurse employed by the Health Institution to or from which the patient is being conveyed who has the training and experience to provide the level of care required during the journey.

Patients who are not to be transported include -

1. Patients who are critically ill; or
2. Patients who have the potential for rapid deterioration *en route*; or
3. Patients who require airway support (oro/nasal – pharyngeal airway tracheal tube); or
4. Patients with instability of heart rate or rhythm,
5. Patients who have on-going chest pain of suspected cardiac origin or chest trauma who have not had prior assessment by a medical practitioner; or
6. Patients whose condition is considered unstable and inappropriate for transportation by non-urgent patient transport
7. Primary response patients (i.e. no preceding medical intervention or assessment).

2. The provision of first aid to a person at, and the conveyance of a patient by Ambulance from, a sporting or public event, provided that -
 - (a) the Licensee has first obtained the written approval of the Director to provide such services at the event, or at an event of that type; and
 - (b) in relation to the conveyance of a patient from the event -
 - (i) the patient care en route is provided by the Approved Person who has the higher level of clinical training; and
 - (ii) if the patient needs to be transported to a hospital, the Licensor or agent notifies the State Ambulance Communications Centre as soon as possible of this fact and of the status of the patient, and takes such steps as may be required by the staff of the Centre to transfer the patient to the care of the Tasmanian Ambulance Service.

3. Patient care

- 3.1 No invasive technique of any kind is to be used on any patient to whom the Services are provided, unless the Services are being provided at or in relation to an Event and the technique is used by a person in accordance with authority given to that person under s 37 of the Act.
- 3.2 The following patients require a two person crew or escort -
- a. confused patients;
 - b. nauseated patients or a history of travel sickness;
 - c. patients receiving continued medical care en route e.g. administration of drugs;
 - d. children 16 years or younger;
 - e. psychiatric patients who pose a risk to themselves or others;
 - f. patients undergoing cardiac investigation;
- 3.3 If an Ambulance being used to convey a patient in the provision of the Services is staffed by 2 or more persons -
- (a) at least one of those persons must be an Approved Person; and
 - (b) if one of the persons is not an Approved Person, that person must be an appropriate escort with regard to the the patient's clinical condition.

SCHEDULE 2

CONDITIONS

This Consent is subject to the following conditions -

1. Personnel

- 1.1 Any ambulance service provided by the Licensee pursuant to this Consent must be provided by a person who is an Approved Person with respect to that service.
- 1.2 The Licensee must immediately comply with any notice in writing from the Director which requires the Licensee to cease to use a specified person in the provision of the Services, on one of the following grounds –
 - (a) that the person does not satisfy the qualification requirements in Schedule 3; or
 - (b) that the person is not a fit and proper person for the provision of the Services, for reasons to be specified in the notice.
- 1.3 Each person used by the Licensee in providing the Services must whilst doing so wear a badge which identifies the person.
- 1.4 The Licensee must keep the following records with respect to each person used by the Licensee in the provision of the Services
 - (a) Name
 - (b) Address
 - (c) Age
 - (d) Sex
 - (e) Driver's Licence
 - (f) Evidence of Qualifications
 - (g) Currency of Qualifications
 - (h) Police Check
 - (i) Dates and Times of Duty
- 1.5 The Licensee must, on 24 hours' written notice from the Director, permit any person nominated in writing by the Director to inspect and copy any records specified in Clause 1.4.

- 1.6 The Licensee must provide the Director with a complete and accurate list of all persons being used by the Licensee in the provision of the Services (including casual employees and volunteers), together with the clinical qualifications of each of those persons, within 4 working days of receipt by the Licensee of a written request from the Director for that information.

2. Provision of the Services

2.1 Vehicles and Equipment

2.1.1 Any Ambulance which is used in providing the Services must -

- (a) be of modern design; and
- (b) be equipped with all equipment reasonably necessary for the provision of the Services for which it is being used;
- (c) be equipped with such equipment as the Director may require by notice in writing to the Licensee; and
- (d) if the Ambulance is to be used for stretcher transport -
 - (i) have tinted windows around the patient compartment to the effect that vision from the outside is limited; and
 - (ii) carry oxygen and equipment for administering oxygen, and attachments for holding intravenous fluids , and such medical monitoring equipment as complies with all current and relevant Australian Design Rule requirements and Australian Standards recommendations as varied from time to time; and
- (e) be fitted with a fully functioning hands-free mobile phone.

2.1.2 All equipment in any Ambulance which is used in providing the Services must be reasonably suitable for its purpose, and maintained in accordance with Australian Standard AS/NZS 3551:1996 or any current Australian Standard which replaces that Standard.

- 2.1.3 All stretchers, seating and floor locking devices in any Ambulance which is used in providing the Services must comply with Australian Standard AS/NZS 4535:1999 or any current Australian Standard which replaces that Standard.
- 2.1.4 Any Ambulance which is used in providing the Services and all equipment which is used in providing the Services must be kept clean and must be maintained in good order and condition.
- 2.1.5 The Licensee may affix emergency flashing lights and/or warning sirens to vehicles but these may only be used under the following conditions: -
- When the Licensee is required by Tasmanian Ambulance Service to provide pre-hospital care and transport at Multi-Casualty-Incidents and at other times when requested or approved by TAS Communications.
 - If the patient needs to be transported to a hospital, the Licensee or agent notifies the state Ambulance Communications Centre as soon as possible prior to transport of this fact and of the status of the patient, and takes such steps as may be required by the staff of the centre to transfer the patient to the care of the Tasmanian Ambulance Service.
 - On occasions when there is a hazard from traffic during the access and egress of patients.
 - All cases where emergency flashing lights and/or sirens are used by The Licensee will be advised by the Licensee to the Director within four working days and will be reviewed by a committee declared to be an approved quality assurance committee under s 36A of the Act.
 - The Licensee must -
 - (a) carry out any clinical audit of the Services which may be required by notice in writing from the Director or from the chairperson of any committee declared to be an approved quality assurance committee under section 36A of the Act, doing so in accordance with the terms of that notice and by the time required in the notice which will not be less than four working days; and
 - (b) provide a report in relation to the audit in accordance with the terms of the notice by which the audit was

required and by the time required in the notice which will not be less than four working days; and

- (c) produce such information or documentation in relation to the audit as the person who required the audit may by notice in writing require, doing so by the time required in the notice which will not be less than four working days; and
- (d) cooperate with any request by the person who required the audit to either personally or by another person inspect records or interview personnel in relation to any matter raised by the audit or to which the audit is relevant.

The Licensee's officers who may be using lights and sirens must have successfully completed an independent advanced driver assessment which is to be reviewed every two years.

- 2.1.6 The word "ambulance" must not appear on the front of an Ambulance which is used in the provision of the Services unless the word is qualified by the word "private" or another word authorised in writing by the Director.
- 2.1.7 The Licensee must comply with any requirement imposed by the Director in relation to the signage upon an Ambulance which is used in the provision of the Services, within such time as the Director may specify.
- 2.1.8 The Licensee must maintain a stretcher maintenance program, to the satisfaction of the Director.
- 2.1.9 In the event that an Ambulance breaks down whilst a patient is in transit and the patient's medical condition is unstable, the Licensee must immediately notify the State Ambulance Communications Centre and arrange for the immediate transfer of the patient to the care of the Tasmanian Ambulance Service.

Clinical audit and review

- 3.1 The Licensee must carry out a clinical review of every case in which the Licensee provides first aid or ambulance transport services in connection with a service referred to in clause 2 of Schedule 1 which to the knowledge of the Licensee results in the patient being admitted to hospital.
- 3.2 If required to do so by notice in writing from the Director, the Licensee must enable a person nominated by the Director to accompany the Licensee or an Approved Person in the provision of the Services, for the purpose of observing the manner in which the Services are being provided.
- 3.3 The Licensee must -
- (a) carry out any clinical audit of the Services which may be required by notice in writing from the Director or from the chairperson of any committee declared to be an approved quality assurance committee under s 36A of the Act, doing so in accordance with the terms of that notice and by the time required in the notice which will not be less than four working days; and
 - (b) provide a report in relation to the audit in accordance with the terms of the notice by which the audit was required and by the time required in the notice which will not be less than four working days; and
 - (c) produce such information or documentation in relation to the audit as the person who required the audit may by notice in writing require, doing so by the time required in the notice which will not be less than four working days; and
- 3.4 cooperate with any request by the person who required the audit to either personally or by another person inspect records or interview personnel in relation to any matter raised by the audit or to which the audit is relevant; and
- 3.5 report to the Director and to the Police every occasion arising in connection with the delivery of the Services where a patient dies in transit, or whilst in the care of the Licensee or its servants or agents.

4. Records and reporting

- 4.1 The Licensee must cause patient care records to be completed and maintained in accordance with, and must otherwise comply with each of, the requirements specified in Schedule 4.
- 4.2 The Licensee must ensure that confidentiality is maintained in respect of all patient care records made in connection with the provision of the Services.
- 4.3 The Licensee must keep all patient care records in a safe place, and must establish a system under which the records are kept for at least the period of this Consent and are regularly and frequently audited by a person appointed by the Licensee and approved by the Director of Ambulance Services (i.e. internal audit process).
- 4.4 The Licensee must, on at least 24 hours' written notice from the Director, permit any person nominated in writing by the Director to inspect and copy any records relating to the provision of the Services.
- 4.5 The Director of Ambulance Services may require a separate external audit of patient care records be conducted from time to time by a person appointed by the Director.

5. Audit and Inspection of Vehicles and Equipment

- 5.1 The Licensee must -
 - (a) carry out any audit of the vehicles and equipment used by the Licensee in providing the Services which may be required by notice in writing from the Director or from the chairperson of any committee declared to be an approved quality assurance committee under s 36A of the Act, doing so in accordance with the terms of that notice and by the time required in the notice which will not be less than four working days; and
 - (b) provide a report in relation to the audit in accordance with the terms of the notice by which the audit was a required and by the time required in the notice which will not be less than four working days; and

- (c) produce such information or documentation in relation to the audit as the person who required the audit may by notice in writing require, doing so by the time required in the notice which will not be less than four working days; and
- (d) cooperate with any request by the Director or by the chairperson of any committee declared to be an approved quality assurance committee under s 36A of the Act, whether made in connection with such an audit or otherwise, to either personally or by another person inspect vehicles or equipment used in the provision of the Services.

6. Insurance

- 6.1 The Licensee must take out and keep current in an insurance office previously approved of in writing by the Director -
 - (a) public risk insurance policy to cover liability for personal injury or death or property damage arising from the operations authorised by this Consent, in the amount of not less than \$10 million for any one claim or series of claims arising out of a single occurrence; and
 - (b) professional indemnity insurance for an amount of not less than \$5 million for any one claim or series of claims arising out of a single occurrence.
- 6.2 The Licensee must provide written proof of the currency of such insurance at least annually by 1 September of each year or as the Director may by notice in writing require, within such time and in such manner as is specified in the notice.
- 6.3 The Licensee must not do or permit or suffer to be done any thing whereby such insurance is either wholly or partly vitiated or rendered void or voidable, or whereby any rate or premium in respect of the insurance is liable to be increased

7. Other

- 7.1 The Licensee must comply with all relevant laws in providing the Services, and must take all reasonable steps to ensure that all persons used in providing the Services do likewise.
- 7.2 The Licensee must not imply in any promotional or other information distributed by the Licensee that the Licensee provides an emergency service.
- 7.3 The Licensee must take all reasonable steps to ensure that any advertising or publicity or publicly available material in relation to the Licensee's business, the operations authorised by this Consent or the Services is -
 - (a) consistent with this Consent; and
 - (b) not false or misleading.

SCHEDULE 3

MINIMUM QUALIFICATIONS

A service specified in column A must not be provided by a person who does not hold, at minimum, the qualifications specified in column B with respect to that service.

Type of Service	Minimum Qualifications Required
Provision of medical cover at motor sports events Police Permit category 1 and 2	Paramedic accredited by Director of Ambulance Services
Police Permit category 3	Workplace Level II First Aid Certificate (current) Certificate III in Non Emergency Patient Transport (required to transport patients) or Tasmanian Ambulance Service Level II Volunteer Ambulance Officer qualification or equivalent.
Provision of medical cover at public and sporting events other than motor sports events. (Minimum level of medical cover may be specified by event organiser).	Minimum level of cover (where not specified by event organiser) - Workplace Level II First Aid Certificate (current) Certificate III in Non Emergency Patient Transport (where there may be a requirement to transport patients) or Tasmanian Ambulance Service Level II Volunteer Ambulance Officer qualification or equivalent.
Patient transport not requiring escort	Certificate III in Non Emergency Patient Transport,

or
 Tasmanian Ambulance Service Level
 II Volunteer Ambulance Officer
 qualification or equivalent.

Patient transports requiring escorts

As above

Patient transport for stable patients not requiring an escort where no treatment or intervention is required and the patient is being transported to or from an outpatient or health professional appointment or upon discharge from a hospital to return to the patient's current address.

Current Workplace Two First Aid Certificate.

SCHEDULE 4

REQUIREMENTS IN RELATION TO PATIENT RECORDS

Requirement to complete and maintain records

- 1 A basic patient care record ("PCR") is to be completed in accordance with clause 6 for each patient treated at an Event .
- 2 A patient being transported on discharge from a Health Institution does not require completion of a detailed PCR unless the patient's clinical circumstances require reporting to the Health Institution from which the patient is conveyed.
- 3 Subject to clause 2, a detailed PCR is to be completed and maintained in accordance with clauses 6 and 7 for each case in which:
 - (a) Where active patient care, including the recording of observations, and/or treatment is instigated or maintained; or
 - (b) Any situation where details of a patient's recent medical condition or social situation may be required by the receiving nursing / medical staff; or
 - (c) Any patient assessed and/or attended during the course of a public Event standby. or
 - (d) Any patient transported to any Emergency Department for assessment or treatment.
- 4 The receiving Health Institution should be given a copy of a detailed PCR at the time of handover
- 5 The Licensee is to retain a copy of each PCR for at least the period of this Consent.

Content of Records

- 6 The minimum information to be kept on any case including a basic PCR is –
 - (a) Date;
 - (b) Time details;
 - (c) Crew names;
 - (d) Vehicle Fleet number;
 - (e) The name and address of the patient; and
 - (f) Address from where transported, and destination.

- 7 A detailed PCR must record the chain of events that occurred while the patient was in the care of the Licensee, and also must record the clinical decisions and treatment of attending persons. In particular, it must record the name of the treating doctor who authorised the transport by the Licensee, and also contain the following details:
 - (a) a general indication of the patient's immediate health problem linked to the transport request; and
 - (b) relevant past history which may help doctors assessing the patient later (especially relevant to injury or illness at an Event); and
 - (c) changes to patient's condition whilst under Licensee's care; and
 - (d) in the cases of traumatic injury at an Event, –
 - (i) incident time
 - (ii) nature /speed/ dynamics of incident in which injury sustained; and
 - (iii) any loss of consciousness; and
 - (iv) mechanisms that may have contributed to injury; and management provided by patient/doctor/relatives/ bystanders and any effect; and
 - (v) details of examination of the patient including but not limited to irregularities/injuries detected, areas examined with no irregularities/injuries detected, level of pain, changes in sensations, any nausea/vomiting, ability to ambulate; and
 - (vi) any known allergies; and
 - (vii) record of any treatment; and

- (viii) details of notification/ reporting of the incident to ambulance communications to request back-up and/or transport; and
 - (ix) The name of any person to whom care is transferred, whether that is an attending doctor or Tasmanian Ambulance Service; and
 - (x) details of hazards at the scene which may have affected the management of the patient or the health of the persons attending; and
- (e) instructions from the Health Institution from which the patient is being conveyed for IV lines, IV fluids/additives; and
- (f) any difficulties with the management of the patient; and
- (g) all patient management details including time and action taken and results observed due to the treatment given.

SCHEDULE 5

DISPUTE RESOLUTION

1. Subject to the powers of the director under s 37 of the Act, any dispute between the Director and the Licensee in relation to this Consent will be addressed in accordance with this Schedule.
2. When a dispute arises, either party may serve a notice on the other specifying:
 - A) the nature and substance of the matter or issue in dispute; and
 - B) that it is a dispute which the party seeks to resolve in accordance with this schedule.
3. Within 7 days of a notice being served under clause 2 the parties will meet to attempt to settle the dispute and, in default of settlement, will appoint a mediator to conduct a mediation concerning the matter or issue in dispute.
4. If the parties fail to appoint a mediator, either of them may request the Chief Executive Officer of the Australian Commercial Disputes Centre Limited (ACN 003 042 840) to nominate a mediator to conduct the mediation.
5. The costs of a mediator under this Schedule will be shared equally between the parties.
6. Each of the parties will use its best endeavours to resolve the dispute through mediation.