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NATIONAL AMBULANCE DECREE 2010

GOVERNMENT OF FIJI

[DECREE No. 20 OF 2010]

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NATIONAL AMBULANCE DECREE 2010
[DECREE NO. 20 OF 2010]

In exercise of the powers vested in me as President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority Decree 2009, I hereby make the following Decree—

TO MANAGE, REGULATE AND ENSURE QUALITY CONTROL
OF ALL AMBULANCE SERVICES IN FIJI

PART 1—PRELIMINARY

Short title

1. This Decree may be cited as the National Ambulance Decree.

Commencement

2. This Decree commences on a date appointed by the Minister by notice in the *Gazette*.

Interpretation

3. In this Decree, unless the context otherwise requires—

“ambulance” means a self-propelled vehicle used to transport sick or injured persons to, between and from a medical facility and includes motor vehicles, vessels and aircraft;

“Ambulance Service” comprises of providers of emergency and medical transport services by any person or organisation offering such service mentioned in section 8;

“ambulance officer” includes a person mentioned in section 10;

“Committee” means the National Ambulance Service Committee established in section 4;

“Honorary Ambulance Officer” means a person appointed as such under section 11;

“medical officer” means persons defined as such under the Medical and Dental Practitioner Decree 2010;

“Medical Superintendent” includes a Medical Officer in charge of a Government Hospital.

“Minister” means the Minister of Health;

“Permanent Secretary” means Permanent Secretary for the Ministry of Health;

“Service” means the National Ambulance Service

PART 2—NATIONAL AMBULANCE SERVICE COMMITTEE

Establishment of the Committee

- (4) There shall be a Committee called the National Ambulance Committee.

Composition of the Committee

- 5.—(1) The Committee shall consist of four members appointed by the Minister.

(2) The Permanent Secretary and the Chief Executive Officer of the National Fire Authority shall be members of the Committee and the Permanent Secretary shall be the Chairperson thereof.

(3) Other members of the Committee shall be appointed by the Minister and shall hold office for a term not exceeding three years or such shorter term as the Minister may determine. Such appointment shall be published in the *Gazette*.

(4) Members of the Committee shall be eligible for re-appointment.

(5) A member of the Committee may resign at any time by giving notice in writing to the Minister and such resignation shall take effect upon receipt of the notice by the Minister.

(6) If the Minister is satisfied that a member of the Committee is unable to perform the functions of that office on medical grounds or is unfit to do so by reason of bankruptcy, neglect of duty or other misconduct, the Minister may remove the member from the Committee.

(7) If a member of the Committee dies resigns or is removed, the Minister shall as soon as practicable fill the vacancy and the member thus appointed shall hold office for the remainder of the term for which the member who is being replaced was appointed.

Duties of the Committee

6.—(1) The Committee is responsible for—

- (a) defining the objectives, strategies, and policies to be followed by the Service;
- (b) defining operational standards for the Service; and
- (c) ensuring the Service performs its functions in an appropriate, effective and efficient way.

(2) The Committee may appoint a sub-committee or sub-committees to perform tasks on its behalf.

Meetings and power to co-opt

7.—(1) The Committee shall at least meet quarterly with three members of the Committee forming a quorum.

(2) The Chairman or, in his absence the Deputy Chairman nominated by the Chairman shall preside at the meetings of the Board.

(3) The office of a member of the Committee shall become vacant if he is absent from 3 consecutive meetings without the approval of the Minister.

(4) The decisions of the Committee shall be by a majority of votes and, in addition to an original vote, in any case in which the voting is equal, the person presiding at the meeting shall exercise a casting vote.

(5) If any member is present at a meeting of the Committee at which a matter is being considered in which he has any direct or indirect financial or other interests, he shall, as soon as practicable after the commencement of the meeting disclose that fact and take no further part in the consideration of that matter or vote on any question with respect to that matter.

(6) Provided that such an interest, if so disclosed, shall not disqualify the interested member for the purpose of constituting a quorum.

(7) A failure to disclose as required by subsection (5) will result in the member's vote being invalid and the matter reported to the Minister.

(8) The Committee may co-opt any person to attend any particular meeting of the Board for the purposes of assisting or advising the Committee but no such person shall have the right to vote nor shall be deemed to be a member for the purpose of constituting a quorum.

(9) In all other respects the Committee may establish its own procedures.

PART 3—NATIONAL AMBULANCE SERVICE

Membership of the Service

8. For the purposes of this Decree the Service comprises of providers of emergency and medical transport services by any person or organisation offering such services, including the—

- (a) Ministry of Health;
- (b) National Fire Authority as a duly incorporated statutory body;
- (c) St John Ambulance as a duly registered as a Charitable Organisation;
- (d) Fiji Red Cross as a duly registered Charitable Organisation; and
- (e) any other person or organisation whether acting for profit or otherwise and whether a Government entity, a charitable or non profit group, club or association offering ambulance service.

Functions of the Service

9. The functions of the Service includes providing—

- (a) operation, management and quality control and maintenance of the services and equipment;
- (b) ambulance services provided during rescue, evacuation and other related activities to protect persons from injury or death, whether or not the persons are sick or injured;
- (c) transport for persons requiring emergency attention at medical or health care facilities;
- (d) participation with other emergency services in counter-disaster planning;
- (e) co-ordination of volunteer first aid groups in major emergencies or disasters;
- (f) adoption of all necessary measures (including systems of planning, management and quality control) to best ensure the efficient and economic operation and use of its resources in providing ambulance services;
- (g) facilitating the provision of community and workplace education in first aid, cardiopulmonary resuscitation and other similar matters;
- (h) identification and marketing products of services incidental to its other functions;
- (i) attendance at national sports and other events involving physical activity or community gatherings; and
- (j) such other services as may facilitate, enable, extend or add to the benefits of the Service.

Staff of the Service

10. The staff of the Service includes paramedic officers, medical and nursing staff employed by the Ministry of Health who are deployed on ambulances, and where the context so admits includes Honorary Ambulance Officers.

Honorary Ambulance Officers

11.—(1) The Committee with the approval of the Minister may appoint such persons as Honorary Ambulance Officers to the Service as it believes to be appropriately qualified.

(2) Honorary Ambulance Officers may carry out, without remuneration, such functions of the Service from time to time as an ambulance officer, medical officer or nurse may direct.

Compulsory Ambulance Levy

12.—(1) The Minister may after consultation with the Committee may impose a levy or levies upon any person or organisation whom or which he believes will benefit directly or indirectly from services provided and shall publish the amount payable thereunder by notice in the *Gazette*.

(2) Any person or organisation which fails to pay to the Service the amount payable under a levy order at the time and manner specified therein shall be guilty of an offence.

(3) The Minister may by action recover the amount payable under a levy or levies, payable with interest.

PART 4—ADMINISTRATION AND POWERS

Powers of Ambulance officers

13.—(1) Ambulance officers may, in providing ambulance services, may take any reasonable measures—

- (a) to protect persons from any danger or potential danger associated with an emergency situation;
- (b) to protect persons trapped in any premises, a vehicle, receptacle, vessel or aircraft; and
- (c) to protect themselves or other officers or persons from danger, potential danger or assault.

(2) Without limiting the measures that may be taken for a purpose specified in subsection (1) (a) or (b), an ambulance officer may, for that purpose—

- (a) enter any premises, vehicle, vessel or aircraft;
- (b) open any receptacle, using such force as is reasonably necessary;
- (c) deploy any apparatus or equipment;
- (d) remove from or otherwise deal with any article or material in the area;
- (e) damage to the extent reasonably necessary any premises, vehicle, vessel, aircraft or receptacle for the purpose of gaining access or escape;
- (f) cause the gas or electricity supply or generator or any other source of energy within any premises, vehicle, vessel or receptacle to be shut off or disconnected;
- (g) request any person to take all reasonable measures to assist the officer;
- (h) administer such basic life support and advanced life support procedures as are consistent with the training and qualifications of the officer;
- (i) require any person not to enter into or remain within a specified area around the site of the danger to a patient; and
- (j) take any other action that maybe reasonably necessary.

Protection from liability

14.—(1) The State shall indemnify ambulance officers who are officers or public officers in the permanent or temporary employment of the State including Honorary Ambulance Officers against all actions, proceedings and claims in relation to—

- (a) acts done, or omitted to be done by the officer under the Decree; or
- (b) acts done or omitted to be done by the officer in good faith for the purposes of this Decree.

(2) For the purposes of sub-section (1), an ambulance officer includes a person who provides assistance under section 13 (2) (g) to an authorised officer.

Power to accept gifts

15.—(1) The Ministry of Health may accept for any purpose connected with the Service and its operation any property by way of gift, devise or bequest or otherwise and may agree to carry out the conditions that may be attached with them.

(2) If the gift, devise or bequest or otherwise is of property other than money than it shall be made to the Permanent Secretary or his nominee on behalf of the Service.

(3) Details of the gift and any conditions attached to it must be accounted for in a Gift Register.

Codes of Conduct

16.—(1) The Committee with the approval of the Minister may issue, amend or revoke a Code or Codes of Conduct applicable including those to any ambulance, its operation, personnel, equipment, maintenance, handling of patients in furtherance of the implementation of this Decree.

(2) Wilful failure to comply with a Code of Practice by an officer in the employment of the State is grounds for disciplinary action.

PART 5—REPORTS OF INCIDENTS

Reports

17. Incidents which are reportable to the Permanent Secretary for the purposes of this Decree include any accident involving death or injury to any patient or other person howsoever arising during the course of the provision of services and any traffic or other accidents involving an ambulance.

Processing a Report

18.—(1) When a reportable incident occurs, an ambulance officer present in the ambulance shall make a written statement explaining the circumstances of the incident, to the Permanent Secretary or his delegate within 48 hours of the incident.

(2) The reporting of an incident should identify the factors that contributed to the incident and must identify remedial preventative measures which could be implemented to prevent a recurrence.

(3) Upon receipt of the report the Permanent Secretary or his delegate shall advise the Minister on the details of the incident making any recommendations as the Permanent Secretary or the delegate thinks fit;

(4) Any reportable incident which occurs on an ambulance run by a private organization, or a non-government organisation, or disciplined services shall submit a report directly to the Permanent Secretary within the time period stipulated by subsection (1).

Disclosure of Report

19. Except as authorised or required under any written law or by a court no person who is or was a member of the Service may disclose to any other person the information acquired by the person as a member of the Service in relation to a reportable incident. Any person who discloses information in breach of this provision is guilty of an offence and is liable to a fine not exceeding \$1,000.

Protection of Personnel from liability

20.—(1) No ambulance officer or honorary ambulance officer, who is the subject of a reportable incident under this Part, is civilly liable for an act done, or omission made, honestly and without negligence on his part.

(2) Without limiting subsection (1), if the act or omission involves giving information—

- (a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and
- (b) if the person would otherwise be required to maintain confidentiality about the information given under any written law, oath or rule of law or practice, the person—
 - (i) does not contravene the written law, oath or rule of law or practice by giving the information; and
 - (ii) is not liable to disciplinary action for giving the information.

(3) If an ambulance officer employed by the state incurs costs in defending proceedings relating to a liability against which the officer is protected under this section, the officer shall be indemnified by the State.

PART 6—OFFENCES

Right of way to Ambulances

21.—(1) A driver of a vehicle (other than a train) to the extent practicable, is to give clear and uninterrupted passage to any ambulance with warning devices activated.

(2) Any person who fails to comply with subsection (1) commits an offence and is liable for a fine not exceeding \$5000 and/or not more than 6 months imprisonment.

Obstruction

22. Any person who wilfully obstructs or hinders an ambulance officer acting under the authority of this Decree is guilty of an offence and is liable for a fine not exceeding \$5,000 or not more than 6 months imprisonment.

False Calls

23.—(1) Any person who—

- (a) by conduct;
- (b) by statements (oral or written);
- (c) by conduct and statements or
- (d) by setting off an alarm

falsely represents a situation or event which results in the utilisation of any resources of the Service is guilty of an offence and is liable for a fine not exceeding \$5000 and/or not more than 6 months imprisonment.

(2) A court before which a person is found guilty or before which a person has pleaded guilty of an offence under subsection (1) may order that person to pay to the Permanent Secretary a reasonable sum for the expenses of the utilisation of the resources of the Service.

No Additional Remuneration

24. No person shall seek or accept on account of anything done in the course of duty in the Service or charge any fee or reward not authorised by the terms of their employment.

Proceedings

25. A prosecution for an offence against this Decree is to be by way of summary proceedings on the complaint of the Permanent Secretary or a Police Officer.

PART 7—GENERAL

Exemption from tolls

26. An ambulance is exempted from the payment of any toll in respect of the use of any road, bridge or ferry.

Use of vessels and aircraft

27.—(1) In the case of medical evacuations, the Permanent Secretary or Medical Superintendent may engage the use of vessels and aircraft to assist in the provision of service.

(2) Where an ambulance officer accompanying is present in any vessel or aircraft specified in sub-section (1), that vessel or aircraft is deemed to be an ambulance for the purposes of this Decree.

Fees

28.—(1) The Minister after consultation with the Committee may gazette the fees payable for the use of an ambulance.

(2) Subject to this section all residents and non-residents must pay a fee for the use of an ambulance.

(3) The Medical Superintendent of a Government Hospital may in any case waive payment of a fee for the use of an ambulance, where in the opinion of the Medical Superintendent the person using the ambulance is unable to pay.

(4) Where there has been a waiver of fee under sub-section (3) the Medical Superintendent shall sign such waiver in Form 1 as prescribed in the Schedule and send a copy to the Permanent Secretary.

(5) A copy of each waiver form must be retained for Audit purposes.

Regulations

29. The Minister may make Regulations in furtherance of the provisions of this Decree.

Minister may enter into Contracts

30. The Minister may enter into contracts on behalf of the Ministry of Health to sub contract, delegate or outsource any services provided by the Ministry of Health in such terms as the Minister may think fit, subject to the approval of Cabinet.

Decree binds State

31. This Decree binds the State.

GIVEN under my hand this 10th day of April 2010.

EPELI NAILATIKAU
President of the Republic of Fiji

SCHEDULE

Form – 1: Waiver of Ambulance Fees

WAIVER OF FEES

FII AMBULANCE SERVICE

Name of person using Ambulance: _____

Purpose for use of Ambulance: _____

Date of use of Ambulance: _____

Time Period for User: _____

Application for Waiver and Reasons: _____

Decision of Medical Superintendent:

Approved: _____ Not Approved: _____

Reasons: _____

Date of decision: _____ 20 _____

Signature:

Medical Superintendent

EXPLANATORY NOTE

[This Note is not part of the Decree that is gazetted and it is only intended to give its general effect and implications]

1.0 BACKGROUND

1.01 The Decree gives effect to the management, regulation and ensures quality control of all Ambulance Services in Fiji.

2.0 CLAUSES IN THE AMENDMENT

PART 1 – Short Title and Commencement

PART 2– establishes the National Ambulance Service Committee, which is responsible for defining operational standards for the Service, defining the objectives, strategies, and policies to be followed by the Service; and ensuring

the Service performs its functions in an appropriate, effective and efficient way. Furthermore the composition of the Committee is also clearly set out within this Part as well as the meetings and the power to co-opt during a meeting.

PART 3 – includes the membership of the National Ambulance Service which comprises of providers of emergency and medical transport services by any person or organisation offering such services.

The many functions of the Service are specified within this Part of the Decree as well the staff of the Service. Honorary Ambulance Officers may also be appointed within the provisions of this Part.

In addition, the Minister may after consultation with the Committee impose a levy or levies upon any person or organisation that he believes will benefit greatly from the services provided. This levy or levies should be gazetted and a failure to pay the levy or levies would amount to an offence. The Minister may by action recover the amount payable under a levy or levies with interest.

PART 4 – includes the Administration and Powers of Ambulance Officers. Apart from the provision on the powers of the Officers it also provides for the protection from liability of these Officers for acts done, or omitted to be done by the officer under the Decree; or acts done or omitted to be done by the officer in good faith for the purposes of this Decree.

The Ambulance Service is also empowered to accept gifts that are given to the Service. Furthermore, the with the approval of the Minister may issue, amend or revoke a Code or Codes of Conduct applicable including those to any ambulance, its operation, personnel, equipment, maintenance, handling of patients in furtherance of the implementation of this Decree.

PART 5 – includes the reporting of incidents within an ambulance, the processing of these reports, the disclosure of these reports and the protection of personnel from liability for an act done, or omission made, honestly and without negligence on his part.

PART 6 – includes the offences under this Decree. This includes the failure to give right of way to ambulances, anyone trying to obstruct Ambulance Officers from carrying out their work and false calls. No Ambulance Officer shall seek or accept on account of anything done in the course of duty in the Service or charge any fee or reward not authorised by the terms of their employment.

A prosecution for an offence against this Decree is to be by way of summary proceedings on the complaint of the Permanent Secretary for Health or a Police Officer.

PART 7 – includes a general provision which deals with an exemption from tolls, the use of vessels and aircrafts as ambulances, fees, the power of the Minister to make Regulation in pursuant to the Decree and the power of the Minister to enter into contracts, outsourcing of services or otherwise as the Minister may think fit subject to Cabinet approval.

SCHEDULE – there is one Schedule within this Decree which contains the form for a Waiver of Service Fees that can be filled by people and signed by the Medical Superintendent.