



Queensland Government
Department of **Emergency Services**

**National Competition Policy (NCP) Review of
the *Ambulance Service Act 1991* (the Act) and
Ambulance Service Regulation 1991 (the
Regulation)**

Queensland Government Response

June 2003

Introduction

Under the Competition Principles Agreement (CPA), which forms part of the National Competition Policy (NCP), each state and territory government is required to review, and where necessary reform, all legislation that contains restrictions on competition. The guiding principle is that: legislation should not restrict competition unless it can be demonstrated that the benefits of the restriction(s) to the community as a whole outweigh the costs; and the objectives of the legislation can only be achieved by restricting competition.

A National Competition Policy Review Committee for the Review of the *Ambulance Service Act 1991* and *the Ambulance Service Regulation 1991* was established in 2002 to examine the restrictive provisions identified in Legislation governing the Queensland Ambulance Service. The Review was undertaken in accordance with the Queensland Government *Public Benefit Test Guidelines* (Treasury 1999). Under those guidelines, NCP reforms are only implemented where it is demonstrated that such reforms are clearly in the public interest.

The Review concluded that while some restrictive provisions were considered to result in a net public benefit, more could be done to ensure a more transparent market entry process for alternative suppliers wishing to compete in the ambulance transport market.

The Review also concluded that some sections of the Act were unnecessarily restrictive and should be repealed.

The Review Committee produced a Public Benefit Test Report incorporating sixteen recommendations, which can be downloaded using the link provided www.emergency.qld.gov.au/publications/

Response from Government

In considering the recommendations of the Public Benefit Test Report, the Government is strongly convinced of the need to maintain quality of, and access to, essential ambulance services and, in accordance with recommendations contained within the Public Benefit Test (PBT) Report, ambulance services tasked through the triple zero '000' facility will continue to be provided by the QAS. Consistent with the intent of the PBT Report, this will retain a single provider with the capacity to successfully deliver a Statewide response. This was a key outcome that was identified and unanimously supported throughout the targeted consultation process.

A summary of the Government's response to each of the sixteen recommendations made within the Public Benefit Test Report is presented in Attachment 1.

The Government's position in regard to each of the identified restrictive provisions within the Ambulance Service legislation is as follows.

Recommendations relating to unauthorised ambulance transport (s43 of the Act)

The Government concurs with the PBT Report in concluding that there is a net public benefit associated with retaining the restrictions on persons implying that they provide ambulance transport services, and using the words ‘ambulance’ and ‘ambulance service’. These restrictions assist Government to ensure quality, cost and equity benefits for consumers of ambulance services across the state.

The PBT Report also acknowledges provisions within the current Legislation that allow alternative suppliers to enter the market through an existing Ministerial approval process. The recommendation to retain this non-delegable authority of the Minister to approve alternative ambulance providers is strongly supported by Government as this enhances the opportunities to deliver safe and accessible ambulance services, giving due consideration to issues of quality and cost effectiveness.

It is not considered viable at this time to develop additional Regulations establishing an accreditation process for alternative suppliers of ambulance services. While a Regulation may enhance transparency of market entry, it also places a considerable compliance impost on supplier organisations, particularly those that have already gained Ministerial approval to operate in the Queensland ambulance transport market.

On the demand side of this issue, consumers of ambulance services in Queensland have expressed their satisfaction and confidence in the current ambulance system. Furthermore, the Government will focus on effective implementation of the recently announced Community Ambulance Cover (CAC) prior to considering further changes to the regulation of the ambulance service market.

The Queensland Government remains committed to the provision of a safe and appropriate state-wide ambulance service. The QAS is currently the only ambulance service provider in Queensland with the capacity to deliver a quality statewide response at a consistent price and it is therefore appropriate that the purpose of the current Act is to establish the QAS. With the provisions contained within the current Act to enable alternative providers to seek approval to operate in the Queensland market, it is not considered a necessary step to review the existing Act in order to facilitate market entry for alternative suppliers. The Government therefore rejects Recommendation 5 of the Public Benefit Test Report to undertake a full review of the Act.

Nevertheless, the Competition Principles Agreement requires that any anti-competitive legislation retained will need to be reviewed after 10 years and, as such, legislative review will be a continuing process for the Government.

Restricted use of words “Ambulance Service” (s48 of the Act)

The Government agrees that the Minister for Emergency Services would be the appropriate authority responsible for approving use of the words ‘ambulance’ and ‘ambulance service’, consistent with the Ministerial approval for market entry under the existing s43.

Fees for services (s7 of the Regulation)

Regulation of pricing for Queensland's ambulance service is an important policy and a firm commitment of the Queensland Government. The Government therefore supports the PBT Report recommendations relating to retention of price controls. Accordingly, review work with regard to QAS pricing will be undertaken as part of the Queensland Government's broader Aligning Services and Priorities (ASAP) initiative.

Unauthorised collections (s45 of the Act)

The Government supports the recommendation for repeal of s45 of the Act relating to collection of funds from the public in return for ambulance services without approval from the Commissioner. Advice has been provided that there are other legislative mechanisms that will protect the public from fraudulent representation.

Unauthorised teaching of first aid (s44 of the Act)

The PBT Report recommends repeal of s44 of the Act prohibiting a person, other than a QAS officer, from teaching first aid without the approval of the QAS Commissioner.

The Government agrees that it is appropriate to separate the regulatory approval function for first aid providers from the service provision function, thus improving transparency in the first aid training market.

The Queensland Government is satisfied that the national and state accreditation processes for first aid training will be sufficient to ensure quality training services remain available to Queenslanders. Importantly, the removal of this restriction may also improve access to first aid training services across the state.

Implementation

The Queensland Parliament passed the *Community Ambulance Cover Act 2003* on the 29 May 2003 which included the necessary legislative amendments to action the supported recommendations in regard to s44, s45 and s48 of the *Ambulance Service Act 1991*. These amendments will be enacted on 1 July 2003.

Summary Response of Government to each Recommendation

Recommendation	Action	Summary Response
1. That, in the interests of public safety, and to ensure quality of, and access to, essential services, ambulance services tasked through the triple zero '000' facility continue to be provided by a single provider with the capability to deliver a Statewide response (such as the QAS).	Supported	This restriction assists the Government to ensure quality, cost and equity benefits for consumers of ambulance services across Queensland.
2. That a project team with appropriate representation be formed to develop a new Regulation which establishes transparent entry (accreditation) criteria for the provision of emergency, urgent and non-urgent ambulance services.	Not supported	Not supported at this time.
3. That an independent technical advisory group be established to advise the Minister on accreditation of individuals and organisations.	Supported	This recommendation is supported
4. That s43 of the Act be reviewed to give the Minister for Emergency Services the non-delegable power to approve alternative ambulance providers.	Supported	Existing s43 gives the Minister the non-delegable power to approve alternative ambulance providers.
5. That in the longer-term, Government undertake a full review of the Act to update and change the focus of this legislation to deal with the provision of ambulance services in Queensland, rather than being simply a vehicle for the establishment of the Queensland Ambulance Service.	Not supported	Unnecessary to achieve market entry for alternative suppliers.
6. That it be noted some provisions in the Health (Drugs and Poisons) Regulation 1996, and the Transport Operations (Road Use Management) Act 1995 may require minor changes as a consequence of the proposed revision of s43 of the Act.	Not Supported	Not applicable in light of the decision not to support Recommendation 2.
7. That once the new Regulation is promulgated, existing ambulance services, including the QAS, undergo the accreditation process during a transitional period.	Not Supported	Not applicable in light of the decision not to support Recommendation 2.
8. That pricing Regulation be retained for QAS under the Act. A subsequent review will be undertaken by the Department of Emergency Services to ensure QAS pricing in various market segments accurately reflects the cost of service delivery in those market segments.	Supported	The pricing review will be undertaken as part of the Aligning Services and Priorities (ASAP) initiative of Government.
9. That advice be sought from the Crown Solicitor with regard to s54 subsection 2(a) of the Act to determine its impact, if any, on fees charged by alternative suppliers of ambulance services.	Supported	Advice will be sought from the Crown Solicitor in due course.

Recommendation	Action	Summary Response
10. That s45 of the Act be repealed.	Supported	Repeal of this section is not considered to have an adverse impact on the market as other legislation exists which protects consumers against fraudulent representation.
11. That s48 subsection 1(a) and 1(c), and s48 subsection 2(a), (b) and (c) of the Act be repealed.	Not Supported	Not applicable in light of the decision not to support Recommendation 2.
12. That s43 of the Act be redrafted to incorporate the current provisions of s48 subsection 1(a) and 1(c) of the Act.	Not Supported	Not applicable in light of the decision not to support Recommendation 2.
13. That the Minister be the authority responsible for approving use of the words 'ambulance' and 'ambulance service' as part of the accreditation process under s43 of the Act.	Supported	Support amending the existing s48 to make the approving authority the Minister for Emergency Services
14. That currently exempted services under s48 subsection 2 of the Act, and the Queensland Ambulance Service, be provided with an automatic approval to use the words 'ambulance service' and 'ambulance' as part of implementation of Recommendation 11 above.	Not Supported	Not applicable.
15. That organisations or individuals holding a current approval under s48 1(a) and s48 1(c) of the Act be granted approval where appropriate to use the words 'ambulance service' and 'ambulance' in a manner consistent with their current approval from the Commissioner.	Not Supported	Not applicable.
16. That s44 of the Act be repealed.	Supported	It is appropriate to separate the regulatory approval function from the service provision to ensure transparency in the approval process.