

# **Policy Statement**

## **Cross-border Operational Issues**

### **Council of Ambulance Authorities**

#### **1. Purpose**

To identify significant cross border operational issues for consideration and resolution by Australian state and territory Health Ministers.

#### **2. Key decisions sought**

1. Agreement by state and territory Health Ministers on the development of concurrent and consistent state/territory legislative amendments to:

- authorize the provision of cross-border ambulance services
- provide the authority for paramedics to operate within their scope of practice in cross border responses to emergencies or incidents
- provide the authority for paramedics operating out-of-jurisdiction to carry and administer scheduled drugs.

2. Agreement by state and territory Health Ministers on the need for the development of relevant, enabling policy and operational arrangements between jurisdictions.

3. Agreement by state and territory Health Ministers to establish a national working party to identify impediments, evaluate options, and recommend appropriate legislation, systems and processes.

#### **3. Background to the problem**

State and territory ambulance services operate under Acts which clearly establish their functions and authority to operate, but only within their own jurisdictions.

However, despite that, single ambulance units routinely respond to emergencies across borders as and when required. In addition, there is an increasing potential for the deployment of multiple ambulance units and paramedics to support mass casualty operations in other jurisdictions which cannot be ignored.

Current legislation does not provide an adequate or appropriate legal basis for the operation of ambulances as emergency vehicles out of their own jurisdictions, nor does it provide authorisation for paramedics in those circumstances to perform essential procedures and administer restricted medications.

Australian state and territory ambulance services are a vital component of the respective health services, and the pre-hospital expertise of their paramedics ensures communities have all the benefits of emergency medical response capabilities of world class standards.

Under normal working conditions within their own jurisdictions, paramedics are amongst the limited number of health professionals authorised to possess and administer heavily regulated, dangerous drugs. Their authority to carry and use scheduled drugs is established under the relevant state and territory poisons or drugs Acts, not their own ambulance service legislation, and their authority to use scheduled drugs isn't currently transferrable to another jurisdiction.

When an out-of-jurisdiction ambulance is the nearest available unit to a critically ill patient, the crew stopping first at the border to offload and secure their scheduled drugs before proceeding might address one potential legal problem, but it would also severely curtail their ability to provide the specialised medical treatment necessary to maintain life and reduce suffering. Hardly a viable option, then, in the circumstances.

On the other hand, under s 51 of the Constitution, the Commonwealth is able to enact legislation which would enable a licence or authority in one state or territory to be valid in every other state and territory. This is one of the issues which should be explored by a working party.

Recent amendments to legislation in Tasmania (Tasmanian Ambulance Service Act 1982, S 38. Interstate ambulance services and interstate officers) and the ACT (ACT Emergencies Act 2004 Part 4.7 Services from outside ACT) while not fully or specifically addressing all the areas of concern, do provide a very useful starting point upon which to base the development of uniform state and territory legislative amendments.

Other state and territory emergency service organisations including police, fire services and State Emergency Services have developed and implemented procedures and formal agreements to facilitate their agencies' cross border operations.

Notwithstanding those arrangements, legislative amendments to sanction cross border ambulance roles and functions demand meticulous analysis and precise construction to ensure that all essential operational elements are authorised.

#### **4. Risks and Risk Management**

Although any restrictions upon ambulance cross border operations would inevitably have serious if not fatal consequences for patients, the current situation poses significant risks for ambulance services and their paramedics, and for state and territory Governments. These include but are not limited to:

- increased public condemnation of ambulance response times
- intense media scrutiny of adverse outcomes
- financial liabilities in the event of an accident
- restrictions and limitation upon vital clinical practices, including the administration of controlled substances
- conflicting priorities for paramedics between measures necessary to save lives and the requirement to abide by existing regulations
- loss of confidence by the community in the adequacy of pre-hospital emergency services

Even a cursory analysis of the risks inherent in the present situation identifies the likelihood of an adverse event occurring with a high probability that the consequences for governments, ambulance services, and the community could be severe and, ultimately of course, politically, ethically and morally unacceptable.

Existing legislation neither provides appropriate protections nor mitigates the risks involved.

As always in an emergency risk management process, the purpose of treating these risks is to reduce the likelihood of harm to the community through the selection and implementation of risk treatment options, specifically legislative amendments authorising ambulance paramedics to carry out the full range of patient treatments within their scopes of practice, to administer restricted medications as required, and for ambulances to be approved to operate as emergency vehicles in other jurisdictions.

## **5. Conclusion**

The positive results of this suggested risk management process would include improved protection of life and enhanced community safety.

The Council of Ambulance Authorities hereby submits this proposal for your consideration and approval, and for the further actions necessary to achieve the key decisions and important outcomes it seeks.

Ends.