



1. THE ASSOCIATION

1.1 *The Association Concept*

- a) Persons employed in the Emergency Services Industry as Ambulance Officers are frontline in emergency situations which can be difficult and dangerous. Ambulance Officers can be accused of negligence or even criminal behaviour by fellow employees, personnel of allied/associated organisations and members of the public.
- b) The Emergency Medical Services Protection Association (also referred to herein as "the Association" and "the EMSPA"), is a not-for-profit incorporated association, incorporated under the Associations Incorporation Act 1981. The Association rules are registered with the Queensland Office of Fair Trade.
- c) The Association, through its membership fees, is primarily a pooled financial resource which can be utilised to provide financial assistance for legal representation to fee-paying members who are implicated or charged with an offence which occurs whilst on duty as a Queensland Ambulance Service Officer. Please refer to Section 2 for further details of financial assistance for legal representation.
- d) The membership consists of employees and former employees of the Queensland Ambulance Service. Please refer to Section 3 for further details of membership classes of the Association.

1.2 *Administration of the Association*

- a) The administration of the EMSPA and its associated funds will be conducted by the Management Committee.
- b) The Management Committee is formed as per Part 4.1.c of the Association bylaws and sections 13 and 14 of the Association rules.
- c) The Management Committee is to operate within the boundaries of the Association rules, bylaws and appropriate legislation.
- d) As the EMSPA is a not-for-profit incorporated association, all members involved in its operation do so on a volunteer/honorary basis, with the exception of external professional services such as legal and accounting. Operational expenditure to wages and superannuation are non-existent.
- e) Members will receive reimbursement for costs such as postage, stationery etc incurred in the performance of duties on behalf of the Association. Financial reimbursement is approved by the Executive Committee.
- f) Voting on all matters will be as per Association rules and bylaws.
- g) Due to the geographical spread of the Management Committee, an emphasis is to be placed on efficient time management and cost to the Association. Therefore EMSPA meetings will be held via electronic media.
- h) The management committee will:
 - i. Approve and organise legal assistance for members for employment-based reasons as per Part 2 of the Association bylaws;
 - ii. Manage general daily operations of the Association.
- i) All other matters must be voted on by the membership at General Meetings:
 - i. Articles of Association rules;
 - ii. Bylaws
 - iii. The Association's financial structure
 - iv. Members' rights and entitlements
 - v. Executive and representative powers

1.3 *Business Premises*

- a) The Association's fixed mailing address is:
PO Box 524
Biggera Waters
Queensland 4216
- b) The post office box can change as required, based upon the residential location of the **Secretary** of the Association.

2. FINANCIAL ASSISTANCE FOR LEGAL REPRESENTATION

- a) Legal assistance and representation and information can be provided to fee-paying members of the EMSPA in relation to any alleged offence arising out of or in the course of their employment with the Department of Emergency Services.



- b) Financial assistance is for legal representation for fee-paying members who are implicated or charged with an offence. An offence can include, but is not limited to:
 - i. Grievances, charges and inquiries placed against member(s) from any party including parties outside the Queensland Ambulance Service (QAS);
 - ii. Breach of any legislation, policy or procedure by another person or party against any fee-paying member(s) of the Association whilst on duty;
 - iii. Should one member(s) place any action or grievance etc. against another members(s) the Association must be able to adequately represent all parties involved on a fair and equitable basis.
- c) The EMSPA can not financially assist any member in respect of any matter relating to libel and/or defamation or equal opportunity and/or sexual harassment whether such claim arises out, of or in the course of his/her, employment or otherwise.
- d) The EMSPA does not assist members in relation to criminal charges which arise outside of the normal course of their duties even where the charge may impact on their employment activity. For example, a drink driving charge.
- e) The EMSPA does not provide assistance in relation to any personal legal affairs of members.
- f) If any member is implicated or charged with any offence arising out of or in the course of his/her employment that member shall **immediately** advise the EMSPA in full of the following:
 - i. the nature of the inquiry, implication or charge;
 - ii. the date of the alleged offence;
 - iii. the location of the alleged offence;
 - iv. any other material fact relating to the alleged offence.
- g) Initial approval for the provision of legal assistance is at the discretion of the EMSPA Executive Committee. The Executive Committee are the persons at any given time holding the positions of EMSPA President, EMSPA Vice-President, EMSPA Secretary and EMSPA Treasurer.
- h) Upon denial of legal assistance by the Executive Committee, a member may within fourteen days, forward to the Secretary, written notice of an intention to appeal against the decision of the Executive Committee.
- i) Upon receipt of a written notice as described in Part 2.h of the bylaws, the Secretary will call a meeting, the member can put forward their case to the EMSPA membership for appeal against the Executive Committee's decision.
- j) As per Part 2.i of the bylaws, EMSPA members present at the meeting have the power to overturn the Executive Management decision. This decision will be final and can not be appealed against. The quorum (minimum amount of members) required for the Special General Meeting is as per Section 28 of the Association rules.
- k) Legal assistance is only provided if the alleged offence is as a consequence of the member acting reasonably and in good faith in the performance of their duties
- l) The trustees must meet within seven days of an application for assistance. At least two trustees must be present.
- m) The Association will form working agreements with legal firms as required from time to time in order to represent members.
- n) Members approved for financial assistance are entitled to all funds held by the EMSPA at the time of approval, but no more. Upon approval of membership, the member acknowledges that members are not liable, nor obligated to provide further financial resources than what is available in the Association bank account.

3. MEMBERSHIPS

3.1 Ordinary Membership

- a) Any person who is employed on a permanent basis as an Officer of the Queensland Ambulance Service (QAS) may apply for ordinary membership of the EMSPA.
- b) Ordinary members have voting rights at all EMSPA meetings as described in the Association bylaws and rules.
- c) As per Section 7 of the Association rules, full membership fees are set at \$15 and are required to be paid to the EMSPA bank account on a fortnightly basis.

3.2 Casual/Student Membership

- a) Any person who is employed on a casual basis as an Officer of the QAS may apply for casual/student membership of the EMSPA.



- b) Any person who is enrolled as a student in the Bachelor Degree of Health Science (EHS) at the Queensland University of Technology (QUT) may apply for casual/student membership of the EMSPA.
- c) Casual/Student members pay current ordinary membership fees of fifteen (\$15) dollars only on the fortnights they perform paid shifts for the QAS, with no fees required when they do not. This fee structure ensures that the EMSPA's casual/student members have access to full financial assistance if required as they are paying full fees.

3.3 *Honorary Membership*

- a) Any person who was previously employed as an Officer of the QAS may be nominated for honorary membership of the EMSPA as per Part 3.1.c. of the Association bylaws.
- b) Any person deemed by EMSPA members to be beneficial to the Association may be nominated for honorary membership of the EMSPA as per Part 3.1.c. of the Association bylaws.
- c) Honorary membership applications are to be nominated by a member at the next applicable General Meeting as per Section 8 of the Association rules.
- d) Nil membership fees are applicable for honorary membership.
- e) Honourary members do not have voting rights, nor are they able to access any form of financial assistance from the EMSPA.
- f) Honorary membership is viewed ideally for persons who would develop a mutually beneficial relationship between the person and EMSPA members.

3.4 *Membership Rejection or Termination – Special Circumstances*

- a) With reference to Section 9.3(d) of the Model Rules; Where an Organisation has distributed documented information considered to be injurious or prejudicial to the character of the EMSPA; an EMSPA member's membership may be terminated if they are a member of another Organisation and hold a position of Delegate or Representative in said Organisation.
- b) Specific to this bylaw is that if the EMSPA member holds a position of Delegate or Representative within another Organisation they are considered to be an "active" member of that Organisation and therefore would be expected to perform duties on behalf of the other Organisation to the detriment of the EMSPA.

4. **EMPLOYEE ADVOCACY**

- a) All QAS employees are entitled to the same entitlements under current legislation and Department of Emergency Services (DES) / QAS Policies (EPA, Code of Conduct etc) regardless of their affiliation to any organisation.
- b) Members are required to be proactive and remain contemporary on issues in relation to staff rights and privileges resulting from legislation, policies and procedures.
- c) It is recognised that members of the Association may not have any other form of information or advice on such matters. Therefore the Association, through members and industrial specialists, undertakes such research and provides consult and advice to Association members as required from time to time.

4.1 *Regional Liaisons*

- a) During each EMSPA AGM, members from each QAS Region will hold elections to elect Regional Liaisons. Regional Liaisons are authorised to support members under the banner of the EMSPA.
- b) Based upon member numbers, each Region can nominate 2 Regional Liaisons to support the members within that Region.
- c) Along with the EMSPA Executive Committee, the Regional Liaisons will form the 'Management Committee' as per Section 13 of the Association rules.
- d) The nomination and election process will be as per Section 14 of the Association rules.
- e) Upon written request, Regional Liaisons will be given viewing access to the Association bank account via the internet. This access will not enable any transaction privileges in any form. It will however allow each Regional Representative to ensure that actual finances are as per the financial records state.