

South Australia

Automated External Defibrillators (Public Access) Regulations 2024

under the *Automated External Defibrillators (Public Access) Act 2022*

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Legislative history

1—Short title

These regulations may be cited as the *Automated External Defibrillators (Public Access) Regulations 2024*.

2—Commencement

These regulations come into operation on the day on which section 3 of the *Automated External Defibrillators (Public Access) Act 2022* comes into operation.

3—Interpretation

In these regulations—

Act means the *Automated External Defibrillators (Public Access) Act 2022*;

publicly accessible floor area has the same meaning as in section 7 of the Act.

4—Definition of public building or facility

- (1) For the purposes of paragraph (e) of the definition of *public building or facility* in section 3(1) of the Act, a place of worship is prescribed.
- (2) For the purposes of paragraph (g) of the definition of *public building or facility* in section 3(1) of the Act, a carpark (whether indoor or outdoor) is excluded from the ambit of that definition.

- (3) In this regulation—

place of worship means a building or facility the primary purpose of which is to be a place for an organised group of people to gather to worship or undertake other religious activities.

5—Relevant authority for prescribed vehicle

For the purposes of the definition of *relevant authority* for a prescribed vehicle in section 3(1) of the Act, the following entities are prescribed:

- (a) in the case of a train or tram—the owner of the train or tram (as the case may be);
- (b) in the case of a public bus—the registered owner of the bus.

6—Relevant facility—prescribed distance

For the purposes of paragraph (a) of the definition of *relevant facility* in section 3(1) of the Act, the prescribed distance is 100 m.

7—Calculating floor area

- (1) For the purposes of section 3(4)(a) of the Act, the method for calculating the floor area of a building or facility is—

- (a) for the purposes of determining whether a building or facility is a relevant building or relevant facility, or the floor area of a building referred to in section 5(a) of the Act after the completion of the construction or major works—calculating the sum of each relevant area of the building or facility; or
- (b) for the purposes of determining the publicly accessible floor area of a building or facility for the purposes of section 7 of the Act—calculating the sum of each relevant area of the building or facility that constitutes publicly accessible floor area.

- (2) In this regulation—

relevant area means—

- (a) in the case of a building (whether a relevant building or otherwise)—
 - (i) internal floor space within the exterior walls of the building, including rooms, stairs, toilets, lifts, lift shafts and columns; and
 - (ii) any external balcony or rooftop terrace; or
- (b) subject to paragraph (c), in the case of a facility (whether a relevant facility or otherwise)—the relevant area of any buildings of the facility as determined in accordance with paragraph (a), but does not include an outdoor swimming pool or other external areas of a building, or between buildings, of the facility (including gardens, pathways and driveways); or
- (c) in the case of a facility (whether a relevant facility or otherwise) that is a single enclosed (whether fully or partially) structure—any area within the perimeter of the facility.

8—Prescribed sporting facility

- (1) For the purposes of section 4(b) of the Act, a building or facility the primary purpose of which is to be a place where a sport is played, or an activity for health or wellbeing purposes that involves physical exertion takes place, is a prescribed sporting facility.
- (2) A prescribed sporting facility does not include a building or facility (or a building that is part of a facility) referred to in section 4(c) to (k) (inclusive) of the Act.

9—Application of Act—hospital or other medical facility

- (1) For the purposes of section 6A(1)(a) of the Act, the following requirements are prescribed in relation to a hospital or other medical facility:
 - (a) a medical practitioner, a registered nurse or a paramedic is on site at the hospital or facility at all times during the opening hours of the hospital or facility;
 - (b) a defibrillator is available at the hospital or facility for use by staff of the hospital or facility.
- (2) A facility that provides residential care within the meaning of the *Aged Care Act 1997* of the Commonwealth will be taken not to be a medical facility for the purposes of section 6A(1)(a) of the Act.
- (3) In this regulation—

defibrillator means a medical apparatus which uses an electric shock to restore normal heart rhythm and includes an Automated External Defibrillator.

10—Maximum number of Automated External Defibrillators required to be installed

For the purposes of section 7(1)(c) of the Act, the maximum number of Automated External Defibrillators required to be installed is—

- (a) in the case of a building or facility with a publicly accessible floor area of or exceeding 12 000 m² but less than 37 000 m²—10; or
- (b) in the case of a building or facility with a publicly accessible floor area of or exceeding 37 000 m² but less than 50 000 m²—12; or
- (c) in the case of a building or facility with a publicly accessible floor area of or exceeding 50 000 m² but less than 77 000 m²—15; or
- (d) in the case of a building or facility with a publicly accessible floor area of or exceeding 77 000 m² but less than 100 000 m²—18; or
- (e) in the case of a building or facility with a publicly accessible floor area of or exceeding 100 000 m² but less than 115 000 m²—20; or
- (f) in the case of a building or facility with a publicly accessible floor area of or exceeding 115 000 m² but less than 130 000 m²—25; or
- (g) in the case of a building or facility with a publicly accessible floor area of or exceeding 130 000 m²—30.

11—Definition of relevant designated building or facility or prescribed building

For the purposes of the definition of *relevant designated building or facility or prescribed building* in section 7(3) of the Act, a school is excluded from the ambit of that definition.

12—Exemptions—vehicles

In accordance with section 17(2)(a) of the Act, the following classes of vehicles are exempt from the application of the Act:

- (a) aircraft used for the purposes of firefighting;
- (b) trains that carry freight but no passengers.

13—Placement and accessibility of Automated External Defibrillators

- (1) For the purposes of section 17(2)(ab) of the Act, and subject to subregulation (3), the following requirements are prescribed in relation to an Automated External Defibrillator installed in accordance with the Act:
 - (a) in the case of an Automated External Defibrillator installed in a building or facility—the Automated External Defibrillator must be accessible to the public;
 - (b) in any case—the Automated External Defibrillator must not be installed in a cabinet, container or other structure in a manner that prevents immediate access to the Automated External Defibrillator in an emergency (such as a cabinet, container or other structure that requires a key or access code to be opened).
- (2) For the purposes of subregulation (1)(a), an Automated External Defibrillator will be taken to be accessible to the public if a member of the public may request access to it.
- (3) The requirement in subregulation (1)(a) does not apply to an Automated External Defibrillator installed in a facility that provides residential care within the meaning of the *Aged Care Act 1997* of the Commonwealth.

14—Installation of Automated External Defibrillators

- (1) For the purposes of section 17(2)(ac) of the Act, the following constitutes installation of an Automated External Defibrillator for the purposes of the Act:
 - (a) in the case of an Automated External Defibrillator in a building or facility—placement of the Automated External Defibrillator in the building or facility (whether behind a reception desk or otherwise) provided that it remains in the same location at all times, other than when it is in use;
 - (b) in the case of an Automated External Defibrillator in a vehicle—placement of the Automated External Defibrillator in the vehicle.
- (2) Nothing in subregulation (1)(a) prevents the owner of a building or facility from moving an Automated External Defibrillator to an alternative permanent location if the owner considers that it is necessary or appropriate to do so.

- (3) For the purposes of subregulation (1)(a), an Automated External Defibrillator will be taken to be in use if it is being used to treat a cardiac arrest or if it is being transported for that purpose or because it is suspected that it may need to be used for that purpose.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations

Year	No	Reference	Commencement
2024	127	<i>Gazette 12.12.2024 p4669</i>	1.1.2025: r 2