

New Legislation

Automated External Defibrillators (Public Access) Act 2022

An act to require the installation and registration of Automated External Defibrillators (AED's) in certain buildings, facilities, vehicles and for other purposes.

Recommended summary of what to do:

- Wait until the regulations have been written to support the Act to clarify who must install the AED's
- Budget for the number of AED's the site requires (1 per 1200m²) plus maintenance costs.
- If you have any queries, contact your CSH&W SA WHS Consultant.

Information

Automated External Defibrillators or AEDs are 'portable devices able to treat cardiac arrest by applying an electric shock to restore normal heart rhythm'.

That definition comes from a Private Members Bill introduced into the South Australian Parliament on 4th March 2020 by The Honourable Frank Pangallo MLC. The legislation is called the *Automated External Defibrillators (Public Access) Act 2022*.

What it does is to make mandatory the installation, maintenance, signage, and registration of AEDs in certain types of buildings. It specifically applies to retirement villages, residential parks with more than twelve (12) residents and residential aged care facilities. It also applies to buildings which fall within various categories under the Building Code of Australia. Because of this it has potential application to buildings such as hospitals, supported residential facilities and apartment buildings. It also includes any public buildings such as libraries and schools.

It will also be a requirement to install them in certain emergency service vehicles and public transportation.

The Act applies to already constructed buildings as well as new ones.

About the only thing that is excluded is a person's home.

It will be one AED for every 1200m² of floor area in existing commercial buildings in the relevant category. However, the legislation is not a model of clarity on when it will apply, and the supporting regulations have not been written.

Businesses will have till 1st January 2026 to get ready for the implementation.

The cost of an AED is around \$1800-\$3000 (and needs to be replaced about every eight years) and the cost of mandatory annual maintenance and compliance with the registration procedures need to be factored into the cost of operating these businesses.

Summary of the ACT

The Act refers to a 'designated building or facility' which means (s 3 definition of 'public building' and s 5)

- Public building or facility (such as a public swimming pool, library, local government office or town hall).
- Sporting facility listed in the regulations.
- School, tertiary education or skills training facility.
- Correctional facility.
- Custodial police station.
- Retirement village.
- Residential aged care facility.
- Caravan park.
- Residential park.
- Casino or other gambling facility.
- Theatre.
- Commercial building; or
- Other building types listed in the regulations.

The term 'prescribed building' means (s 5)

- Any building 'used for commercial purposes' built or subject to major works after the commencement of the Act (1 January 2026) if the building has a floor space greater than 600m²; or

The owner of a 'relevant designated building or facility or prescribed building' must install at least one AED, and one AED 'for every 1200m² of floor area of the building or facility' (s 7(1)) Not all 'designated' or 'prescribed' buildings are caught by the obligation to install an AED. The obligation applies to a '*relevant* designated building or facility or prescribed building' which means (s 7(7)):

... a designated building or facility or prescribed building that—

(a) is on land used for commercial purposes; and

(b) has a floor area of more than 1200m²

The Chief Officers of the South Australian Country Fire Service, the South Australian Metropolitan Fire Service, the South Australian State Emergency Service and any other prescribed organisation as well as the owner of any train, tram, public bus or other prescribed vehicle must ensure that AEDs are installed in all of their vehicles (s 8).

A person required to install an AED in a building or vehicle must ensure that the AED is maintained and tested every 12 months (s 9).

In buildings there must be signs near the AED and, if the AED is inside the building there must be a sign outside and near to the entrance to the building, indicating that an AED is 'nearby'. For vehicles there must be a sign on the vehicle indicating that there is an AED in the vehicle (s 10).

The Minister is required to maintain a register of the AEDs installed as required by the Act. The register must record where the AED is located and when it may be accessed (s 12). That information must be published on a website (s 12(3)) and made available via a smartphone

application (s 13). Anyone required to install an AED must provide those details information to the Minister within 14 days of installation (s 12(4)).

The Minister must develop a public information strategy to inform people how to locate an AED and to confirm that people do not need to be trained to use them (s 14). Even though people do not need to be trained to use an AED the Minister must establish a training scheme for people required to complete first aid training by either the *Education and Care Services National Law (South Australia)* or the *Work Health and Safety Act 2012* (s 15). The Minister must provide a report to the Parliament within 6 months of the Act receiving assent (i.e., before it comes into full effect) explaining 'how the Government will provide support to persons who are required by this Act to install an Automated External Defibrillator' (s 18).

It will be an offence to damage or remove an AED unless it is removed, or the damage occur, whilst it is being used to 'treat a person who the defendant reasonably believed to be suffering from cardiac arrest' (s 16).