

**SYDNEY HOSPITAL (TRUST PROPERTY) ACT,
1984, No. 133**

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 133, 1984.

An Act to provide for the transfer of certain trust property vested in The Sydney Hospital to certain public hospitals and for certain other purposes. [Assented to, 4th December, 1984.]

Sydney Hospital (Trust Property) 1984

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:--

Short title.

1. This Act may be cited as the "Sydney Hospital (Trust Property) Act, 1984".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Interpretation.

3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"appointed day" means the day appointed and notified under section 2 (2);

"trust property" means money, assets, land, items of equipment or other property vested in a hospital by or under this Act;

"unit" means a unit of The Sydney Hospital existing immediately before 1st October, 1982, being one of the following:—

- (a) Biorheology Unit;
- (b) Cardio-renal Unit;
- (c) Endocrine Unit;

Sydney Hospital (Trust Property) 1984

- (d) Immunology Unit;
 - (e) Kanematsu Memorial Institute;
 - (f) Melanoma Unit;
 - (g) Radiation Oncology Unit;
 - (h) Renal Unit;
 - (i) Solid Tissue Tumour Unit.
- (2) In this Act—
- (a) a reference to a Trust Fund Account is a reference to an account established by The Sydney Hospital for the purpose of identifying money credited to a fund; and
 - (b) a reference to an asset number is a reference to the identifying number allocated to an item of equipment listed in the asset register of The Sydney Hospital immediately before the appointed day.

Transfer of funds, equipment, etc.

4. (1) the money in, and any assets purchased with money from, each fund referred to in Part 1 of Schedule 1 (other than an item of equipment to which subsection (3) applies) are hereby divested from The Sydney Hospital and vested in the hospital specified in that Part opposite the name of that fund.

(2) The land described in Part 2 of Schedule 1 is hereby divested from The Sydney Hospital and vested in the hospital specified in that Part opposite the description of that land.

(3) Each item of equipment identified by an asset number specified in Schedule 2 is hereby divested from The Sydney Hospital and vested in the hospital specified in that Schedule opposite that asset number.

(4) Any trust property vested in a hospital under this section shall vest in that hospital upon trust for use only for such purposes as are similar to the purposes for which the property could have been used in accordance with the terms of the trust pursuant to which it was held immediately before the appointed day.

Sydney Hospital (Trust Property) 1984

(5) A reference in subsection (1) to assets is a reference to assets held for the purposes of, or in connection with, a unit and vested in The Sydney Hospital immediately before the appointed day.

Future property.

5. (1) To the extent to which, by a deed, will or other instrument, whether taking effect before, on or after the appointed day—

- (a) any property would, but for this section, be devised, bequeathed, given, granted, released, conveyed or appointed on or after the appointed day to The Sydney Hospital, or another person, for, or for the benefit of, or in trust for, a unit or the purposes of a unit; or
- (b) any property would, but for this section, be declared or directed on or after the appointed day to be held by any person for, or for the benefit of, or in trust for, a unit or the purposes of a unit,

the deed, will or other instrument shall be construed and have effect as if the reference therein to The Sydney Hospital or the person, as the case may be, were a reference to the relevant hospital.

(2) In subsection (1), “relevant hospital”, in relation to a unit, means—

- (a) where the unit is the Cardio-renal Unit, the Endocrine Unit or the Renal Unit—The Royal North Shore Hospital of Sydney;
- (b) where the unit is the Kanematsu Memorial Institute, the Melanoma Unit or the Solid Tissue Tumour Unit—The Royal Prince Alfred Hospital;
- (c) where the unit is the Immunology Unit or the Radiation Oncology Unit—the Newcastle Mater Misericordiae Hospital (Waratah);
and
- (d) where the unit is the Biorheology Unit—The Rachel Forster Hospital.

Liabilities of funds, etc.

6. (1) On and from the appointed day—
- (a) all money and liquidated and unliquidated claims that, immediately before that day, was or were payable to or recoverable by The Sydney Hospital in respect of trust property shall be money and liquidated and unliquidated claims payable to or recoverable by the specified hospital in respect of the trust property;
 - (b) all proceedings commenced before that day by The Sydney Hospital in respect of trust property and pending immediately before that day shall be deemed to be proceedings pending on that day by the specified hospital in respect of the trust property and all proceedings so commenced by any person against The Sydney Hospital in respect of trust property and pending immediately before that day shall be deemed to be proceedings pending on that day by that person against the specified hospital in respect of the trust property;
 - (c) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, The Sydney Hospital in respect of trust property and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the specified hospital in respect of the trust property;
 - (d) the specified hospital in respect of trust property may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this section and for the prosecution of proceedings so referred to as The Sydney Hospital might have done, but for this Act, in respect of the trust property;
 - (e) the specified hospital in respect of trust property may enforce and realise any security or charge existing immediately before that day in favour of The Sydney Hospital in respect of the trust property and may exercise any powers thereby conferred on The Sydney Hospital as if the security or charge were a security or charge in favour of the specified hospital;
 - (f) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, The Sydney Hospital in respect of trust property shall be debts due by, money payable by and claims recoverable against, the specified hospital in respect of the trust property; and

Sydney Hospital (Trust Property) 1984

- (g) all liquidated and unliquidated claims for which The Sydney Hospital would, but for this Act, have been liable in respect of trust property shall be liquidated and unliquidated claims for which the specified hospital in respect of the trust property shall be liable.

(2) In subsection (1), "specified hospital", in relation to trust property, means the hospital in which that property is vested by or under this Act.

Transfer of property and amendment of Schedules 1 and 2 by proclamation.

7. (1) The Governor may, at any time not later than 6 months after the appointed day, by proclamation published in the Gazette—

- (a) divest from The Sydney Hospital and vest in another hospital any property held for the purposes of, or in connection with, a unit and vested in The Sydney Hospital immediately before the day on which the proclamation was published, not being property transferred by the operation of section 4; or
- (b) amend Schedule 1 or 2 by making such alterations to the entries therein as appear to be necessary or appropriate.

(2) The provisions of sections 4 (4), 6 and 8 shall apply to or in respect of property the subject of a proclamation published under subsection (1) (a) as if a reference to the appointed day in those provisions were a reference to the day on which the proclamation was published.

(3) Where a proclamation published under subsection (1) (b) amends Schedule 1 or 2 by altering an entry therein, the proclamation may contain such provisions as are necessary or convenient to be made for the purpose of dealing with matters that are incidental to or consequential on the alteration.

(4) In a proclamation published under subsection (1)—

- (a) a fund may be described by reference to a trust fund account or in any other manner; and
- (b) an item of equipment may be described by reference to an asset number or in any other manner.

Sydney Hospital (Trust Property) 1984

(5) A proclamation under this section may be revoked or amended by a subsequent proclamation.

Validation.

8. Any act, matter or thing which was done or omitted to be done by The Sydney Hospital or by a hospital referred to in section 6 in relation to trust property at any time on or after 1st October, 1982, and before the appointed day, being an act, matter or thing which is generally consistent with the objects of this Act, is hereby validated.

SCHEDULE 1.

(Sec. 4 (1).)

PART 1.

FUNDS.

<i>Fund.</i>	<i>Hospital.</i>
Isobel Menzies Fund (Trust Fund Account No. 1074).	The Royal North Shore Hospital of Sydney.
Immunology and Renal Unit Fund (Trust Fund Account No. 1032).	The Royal North Shore Hospital of Sydney.
Renal Research and Equipment Fund (Trust Fund Account No. 153).	The Royal North Shore Hospital of Sydney.
Social Work Development—Dialysis Patients Fund (Trust Fund Account No. 1029A).	The Royal North Shore Hospital of Sydney.
Cardio-renal Unit Fund (Trust Fund Account No. 106A).	The Royal North Shore Hospital of Sydney.
Department of Medicine Fund—Professor Posen (Trust Fund Account No. 145).	The Royal North Shore Hospital of Sydney.
Endocrine Unit Research Fund—Dr Clifton-Bligh (Trust Fund Account No. 146).	The Royal North Shore Hospital of Sydney.
Endocrine Unit Research Fund—Interest Account Fund (Trust Fund Account No. 146A).	The Royal North Shore Hospital of Sydney.
Denise Appeal Fund (Trust Fund Account No. 121).	The Royal Prince Alfred Hospital.
Leukaemia Fund (Trust Fund Account No. 182).	The Royal Prince Alfred Hospital.
Salaries Account (Mr Lee) Fund (Trust Fund Account No. 105).	The Royal Prince Alfred Hospital.
Medical Research Department—Special Fund (Trust Fund Account No. 106).	The Royal Prince Alfred Hospital.
Mr and Mrs T. R. Urban Research Fellowship Fund (Trust Fund Account No. 1017).	The Royal Prince Alfred Hospital.
Mr and Mrs T. R. Urban Research Fellowship—Interest Account Fund (Trust Fund Account No. 1017A).	The Royal Prince Alfred Hospital.

Sydney Hospital (Trust Property) 1984

SCHEDULE 1—*continued.*

PART 1—*continued.*

<i>Fund.</i>	<i>Hospital.</i>
Melanoma Unit Fund (Trust Fund Account No. 1018).	The Royal Prince Alfred Hospital.
Bulldog Cancer Appeal for Leukaemia and Melanoma Research Fund (Trust Fund Account No. 1019A).	The Royal Prince Alfred Hospital.
Melanoma Unit—Laser Development and Research Fund (Trust Fund Account No. 140A).	The Royal Prince Alfred Hospital.
Department of Surgery Fund—Professor Stephens (Trust Fund Account No. 1018A).	The Royal Prince Alfred Hospital.
Hallstrom Institute of Radiotherapy and Nuclear Medicine (and Tumour Clinics) Fund (Trust Fund Account No. 114).	Newcastle Mater Misericordiae Hospital (Waratah).
Hallstrom Institute of Radiotherapy Library Fund (Trust Fund Account No. 114A).	Newcastle Mater Misericordiae Hospital (Waratah).
Immunology Unit Fund—Dr P. Hersey (Trust Fund Account No. 1083).	Newcastle Mater Misericordiae Hospital (Waratah).
Sydney Jones Memorial Fund (Trust Fund Account No. 1083A).	Newcastle Mater Misericordiae Hospital (Waratah).
N.A.S.A. Equipment Grant Fund (Trust Fund Account No. 106B).	The Rachel Forster Hospital.
Dr Dintenfass Medical Research Department—U.S.A. Space Shuttle Experiment Fund (Trust Fund Account No. 106C).	The Rachel Forster Hospital.

PART 2.

(Sec. 4 (2).)

LAND.

<i>Land.</i>	<i>Hospital.</i>
Lot 22 of Section 10 in Deposited Plan 28266, Certificate of Title Volume 7512, Folio 199, Shire of Tweed, Parish of Terranora, County of Rous.	The Royal North Shore Hospital of Sydney.

Sydney Hospital (Trust Property) 1984

SCHEDULE 2.

(Sec. 4 (3).)

ITEMS OF EQUIPMENT.

<i>Items.</i>	<i>Hospital.</i>
Items of equipment—asset numbers 1002, 1393, 2063–2064, 2346, 2357, 2402–2404, 2484, 2499–2504, 2725, 2899, 2992, 3030, 3104, 3334, 3362–3363.	The Royal North Shore Hospital of Sydney.
Items of equipment—asset numbers 3269, 3278.	The Prince of Wales Hospital.
Items of equipment—asset numbers 2528, 2917, 3242–3245, 3313–3314, 3323, 3356–3357, 3391.	St Vincent's Hospital (Darlinghurst).
Items of equipment—asset numbers 0550, 1093–1094, 1149, 1158, 1161, 1933, 1955, 1962, 2193–2194, 2233, 2238, 2289, 2317, 2319, 2456, 2550, 2558–2559, 2596, 2601, 2717, 2800, 2802, 2828–2829, 2947, 2949, 2952, 3005, 3007, 3216, 3268, 3300–3301, 3444, 3477, 3484–3486.	The Royal Prince Alfred Hospital.
Items of equipment—asset numbers 0017, 1157, 1881, 1919, 1956–1960, 2041, 2048, 2051, 2053–2054, 2234, 2266, 2306, 2675, 2847, 2878, 2922, 2951, 2954, 3110, 3143, 3388, 3470.	Newcastle Mater Misericordiae Hospital (Waratah).
Items of equipment—asset numbers 2187, 2196, 3293.	The Rachel Forster Hospital.
Item of equipment—asset number 3511.	The Royal Newcastle Hospital.
