



New South Wales

Health Services (St Joseph's Hospital) Order 2023

under the

Health Services Act 1997

MARGARET BEAZLEY, Governor

I, the Honourable Margaret Beazley AC KC, Governor of New South Wales, with the advice of the Executive Council, and under the *Health Services Act 1997*, sections 62 and 64, make the following order.

Dated, this 1st day of November 2023.

By Her Excellency's Command,

RYAN PARK, MP
Minister for Health

Explanatory note

The objects of this order are to—

- (a) transfer St Joseph's Hospital (Auburn), a recognised establishment operated by St Vincent's Hospital Sydney Limited, an affiliated health organisation under the *Health Services Act 1997* (*the Act*), and certain assets, rights and liabilities to Western Sydney Local Health District, and
- (b) make a consequential amendment to the Act.

Contents

	Page
Part 1 Preliminary	
1 Name of order	3
2 Commencement	3
3 Definitions	3
Part 2 Transfer of St Joseph's Hospital (Auburn)—the Act, s 64(1)	
4 Transfer of St Joseph's Hospital (Auburn) to Western Sydney Local Health District	4
5 Consequential amendment of Health Services Act 1997 No 154	4
Part 3 Transfer of assets, rights and liabilities—the Act, s 64(1)	
6 Transfer of trusts	5
7 Transfer of employees and funds for accrued employee entitlements	5
8 Transfer of equipment and intellectual property	5
9 Transfer of records	5
10 Exclusions from transfer	6

Health Services (St Joseph's Hospital) Order 2023

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Health Services Act 1997

Part 1 Preliminary

1 Name of order

This order is the *Health Services (St Joseph's Hospital) Order 2023*.

2 Commencement

This order commences on 8 November 2023.

3 Definitions

In this order—

the Act means the *Health Services Act 1997*.

transfer date means 8 November 2023.

transfer deed means the agreement entered into by St Vincent's Hospital Sydney Limited and Western Sydney Local Health District to set out—

- (a) St Vincent's Hospital Sydney Limited's consent to transfer St Joseph's Hospital (Auburn) and certain assets, rights and liabilities to Western Sydney Local Health District under the Act, section 64(1)(a), and
- (b) the process and other relevant matters for the transfer.

transferring employee means a person whose employment is transferred under section 7 on the transfer date.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this order.

Part 2 Transfer of St Joseph's Hospital (Auburn)—the Act, s 64(1)

4 Transfer of St Joseph's Hospital (Auburn) to Western Sydney Local Health District

- (1) For the Act, section 64(1)(a), St Joseph's Hospital (Auburn) is transferred to Western Sydney Local Health District on the transfer date.
- (2) This section applies only to the employees and assets, rights and liabilities referred to in Part 3.

5 Consequential amendment of Health Services Act 1997 No 154

Schedule 3 Affiliated health organisations

Omit "St Joseph's Hospital (Auburn)." from the matter relating to St Vincent's Hospital Sydney Limited.

Part 3 Transfer of assets, rights and liabilities—the Act, s 64(1)

Note— The Act, Schedule 4, clause 5(1) provides that on and from the date specified in an order under the Act, section 64(1)(a) transferring a public hospital or health institution of an affiliated health organisation that is a recognised establishment of the organisation to a local health district, the Act, Schedule 4, Part 2 has effect to the extent of the transfer.

6 Transfer of trusts

St Vincent's Hospital Sydney Limited's interest as trustee on the transfer date for the following trusts, as identified in the transfer deed, is transferred to Western Sydney Local Health District on the transfer date—

- (a) the Kamberra bequest trust fund,
- (b) the motor neurone disease trust fund.

7 Transfer of employees and funds for accrued employee entitlements

- (1) The relevant employees immediately before the transfer date are transferred with their accrued employee entitlements to the Western Sydney Local Health District division of the NSW Health Service on the transfer date.
- (2) From the transfer date, Western Sydney Local Health District is solely responsible for the accrued employee entitlements transferred in subsection (1).
- (3) On the date specified in the transfer deed, St Vincent's Hospital Sydney Limited must pay Western Sydney Local Health District the amount determined in accordance with the transfer deed as representing the accrued entitlements and liabilities associated with the relevant employees.
- (4) In this section—
relevant employees means employees—
 - (a) employed by St Vincent's Hospital Sydney Limited exclusively in relation to St Joseph's Hospital (Auburn), and
 - (b) identified in the transfer deed as transferring employees.

8 Transfer of equipment and intellectual property

- (1) The following are transferred to Western Sydney Local Health District on the transfer date—
 - (a) all relevant equipment,
 - (b) intellectual property in relation to relevant documents.
- (2) On the transfer date, Western Sydney Local Health District must pay St Vincent's Hospital Sydney Limited the amount specified in the transfer deed as compensation for the transfer of relevant equipment.
- (3) In this section—
relevant documents means the documents containing copyright material that are identified in the transfer deed as transferring to Western Sydney Local Health District.
relevant equipment means the equipment identified in the transfer deed as transferring to Western Sydney Local Health District.

9 Transfer of records

- (1) The following documents relating exclusively to St Joseph's Hospital (Auburn) are transferred to Western Sydney Local Health District on the transfer date—
 - (a) relevant patient records,

- (b) the records and files of the transferring employees held by St Vincent's Hospital Sydney Limited that are required to be—
 - (i) held under applicable NSW Health Service terms and conditions, and
 - (ii) maintained by St Vincent's Hospital Sydney Limited under the enterprise agreement applying to the transferring employees immediately before the transfer date,
 - (c) other documents necessary for the continuity of services as agreed between St Vincent's Hospital Sydney Limited and Western Sydney Local Health District.
- (2) All other documents relating to St Joseph's Hospital (Auburn) remain the property of St Vincent's Hospital Sydney Limited.
- (3) In this section—
relevant patient records means records for the classes of patients referred to in the transfer deed.

10 Exclusions from transfer

- (1) No interests in, or liabilities in relation to, real property or fixtures are transferred to Western Sydney Local Health District.
- (2) Except as provided by this order, the following are not transferred to Western Sydney Local Health District—
 - (a) assets or rights,
 - (b) liabilities relating to St Joseph's Hospital (Auburn) incurred in, or that relate to, the period before the transfer date.