



Health Services (Dissolution of Health Reform Transitional Organisations) Order 2012

under the

Health Services Act 1997

THOMAS FREDERICK BATHURST, Lieutenant-Governor
I, the Honourable Thomas Frederick Bathurst, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of sections 43 and 44 of the *Health Services Act 1997*, make the following Order.
Dated, this 30th day of May 2012.

By His Excellency's Command,

JILLIAN SKINNER, MP
Minister for Health

Explanatory note

The objects of this Order are:

- (a) to dissolve the statutory health corporations called the Health Reform Transitional Organisation Northern, Health Reform Transitional Organisation Southern and Health Reform Transitional Organisation Western, and
- (b) to provide for the transfer of certain of their assets, rights and liabilities to the Health Administration Corporation and certain local health districts, and
- (c) to make consequential amendments to the *Health Services Act 1997*.

This Order is made under sections 43 and 44 of the *Health Services Act 1997*.

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Part 1 Preliminary

1 Name of Order

This Order is the *Health Services (Dissolution of Health Reform Transitional Organisations) Order 2012*.

2 Commencement

This Order commences on 1 June 2012 and is required to be published on the NSW legislation website.

3 Definitions

(1) In this Order:

former area health service means an area health service constituted under the *Health Services Act 1997* before 1 January 2011 that is referred to in the definition of **applicable health reform transitional organisation** in clause 3 (1) of the previous Transfer Order.

Health Reform Transitional Organisation means any of the following statutory health corporations:

- (a) the Health Reform Transitional Organisation Northern,
- (b) the Health Reform Transitional Organisation Southern,
- (c) the Health Reform Transitional Organisation Western.

pathology collection centre property interest of a Health Reform Transitional Organisation means a freehold, leasehold or life estate or interest of the Organisation in premises that are used as a pathology collection centre (other than premises that form part of the campus of a hospital), and includes a licence to use such premises.

previous Transfer Order means the *Health Services (Transfer of Assets, Rights and Liabilities) Order 2010*.

(2) Notes included in this Order do not form part of this Order.

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Clause 4

Part 2

Dissolution of Health Reform Transitional Organisations

Part 2 Dissolution of Health Reform Transitional Organisations

4 Each Health Reform Transitional Organisation dissolved

Each Health Reform Transitional Organisation is dissolved.

5 Consequential amendment of Health Services Act 1997 No 154

Schedule 2 Statutory health corporations

Omit the matter relating to the Health Reform Transitional Organisation Northern, Health Reform Transitional Organisation Southern and Health Reform Transitional Organisation Western.

Part 3 Transfer of assets, rights and liabilities of Health Reform Transitional Organisations

Note. Clause 4 (1) (c) of Schedule 4 to the *Health Services Act 1997* provides that, on the dissolution of a statutory health corporation, the assets, rights and liabilities of the corporation are transferred to the Minister (or any other person or body specified in the order that dissolves the corporation). Consequently, any assets, rights or liabilities of a Health Reform Transitional Organisation that are not transferred to the Health Administration Corporation or a local health district as a result of this Part will be transferred to the Minister.

6 Transfers to Health Administration Corporation

(1) Transfers of certain undertakings

Each of the following is transferred to the Health Administration Corporation:

- (a) all assets, rights and liabilities of a Health Reform Transitional Organisation that relate exclusively to information technology services,
- (b) all assets, rights and liabilities of a Health Reform Transitional Organisation that relate exclusively to pathology cluster services (other than a pathology collection centre property interest of the Organisation).

(2) Savings and transitional provisions relating to agreements and statutory authorisations

Without limiting the generality of clause 10 (Vesting of undertaking in transferee) of Schedule 4 to the *Health Services Act 1997* in its application to this Order:

- (a) any land or other property transferred to the Health Administration Corporation that is subject to a lease or licence between the Health Reform Transitional Organisation and any other person or body is, on the transfer, taken to be a lease or licence between the Health Administration Corporation and that other person or body on the same terms, and
- (b) any other agreement to which a Health Reform Transitional Organisation is a party that is transferred to the Health Administration Corporation is transferred on the same terms so that the Corporation becomes a party instead of the Organisation, and
- (c) any statutory authorisation that is held by, or applies to, a Health Reform Transitional Organisation that is transferred to the Health Administration Corporation is transferred so that it is held by, or applied to, the Corporation.

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Clause 6
Part 3 Transfer of assets, rights and liabilities of Health Reform Transitional Organisations

(3) Definitions

In this clause:

agreement includes a contract, deed, licence agreement, memorandum of understanding, heads of agreement, funding agreement, clinical trial agreement or research agreement.

information technology services means all information technology and associated equipment other than the following:

- (a) personal computers (including laptops) and printers,
- (b) equipment used for the management and control of medical imaging,
- (c) laboratory and analytical instruments,
- (d) medical monitoring equipment.

pathology cluster service means the following services:

- (a) South Eastern Sydney Illawarra Cluster also known as South Eastern Area Laboratory Services (incorporating the former business unit known as Illawarra Area Health Pathology Service or IPATH),
- (b) Sydney South West Cluster also known as Sydney South West Pathology Service (incorporating the former business units known as Central Sydney Laboratory Service and South Western Area Pathology Service),
- (c) Western Pathology Cluster also known as Pathology West (incorporating the former business units known as Central West Pathology Services, Far West Pathology Service, the Institute of Clinical Pathology and Medical Research, Nepean Blue Mountains and Lithgow Pathology Service, South Eastern Public Pathology Service, South West Pathology Services, Orana Pathology Service, Dubbo Base Hospital Pathology and Mudgee District Hospital Pathology),
- (d) Pathology North (incorporating the former business units known as Hunter Area Pathology Services, Mid-North Coast Pathology Service, Northern Rivers Pathology Service, Pacific Laboratory Medicine Services and Pathology New England).

statutory authorisation includes an approval, licence, permit, consent, certificate or authorisation granted, given or conferred by or under an Act.

7 Transfers of pathology collection centre property interests to local health districts

A pathology collection centre property interest of a Health Reform Transitional Organisation is transferred to the local health district for the area in which the premises concerned are located.

8 Transfers to corresponding local health districts of former area health services

- (1) Any asset, right or liability of a Health Reform Transitional Organisation transferred to it by the previous Transfer Order from a former area health service that continued to be an asset, right or liability of the Organisation immediately before its dissolution is transferred to the corresponding local health district for the service.
- (2) The *corresponding local health district* for a former area health service is:
 - (a) in the case of the former Northern Sydney and Central Coast Area Health Service—the North Sydney Local Health District, and
 - (b) in the case of the former Hunter and New England Area Health Service—the Hunter New England Local Health District, and
 - (c) in the case of the former North Coast Area Health Service—the Northern NSW Local Health District, and
 - (d) in the case of the former South Eastern Sydney Illawarra Area Health Service—the South Eastern Sydney Local Health District, and
 - (e) in the case of the former Greater Southern Area Health Service—the Murrumbidgee Local Health District, and
 - (f) in the case of the former Sydney South West Area Health Service—the Sydney Local Health District, and
 - (g) in the case of the former Sydney West Area Health Service—the Western Sydney Local Health District, and
 - (h) in the case of the former Greater Western Area Health Service—the Western NSW Local Health District.
- (3) This clause does not apply to any asset, right or liability that is transferred to the Health Administration Corporation or a local health district as referred to in clause 6 or 7.

Note. Assets, rights and liabilities of Health Reform Transitional Organisations that may be transferred under this provision include obligations in respect of trust monies previously held by former area health services, private practice income of staff specialists of former area health services, bequests and donations previously held by former area health services, litigation to which a former area health service was a party or the intellectual property rights of a former area health service.