



New South Wales

Health Services Amendment (PPP Prohibition) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Health Services Act 1997* to prohibit new public-private partnership arrangements that provide for the construction of acute hospitals and the provision of acute hospitals services at the hospitals.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Health Services Act 1997 No 154

Schedule 1 inserts proposed section 133E into the *Health Services Act 1997* to give effect to the object set out in the overview.

The proposed section prohibits certain government entities from entering into a public-private partnership arrangement that provides for—

- (a) the construction of an acute hospital building or complex, and
- (b) the provision of an acute hospital service at the acute hospital building or complex.

The proposed section contains other provisions relating to the operation of the prohibition.

Proposed section 133E(4) is a Henry VIII provision because the provision enables the making of regulations to limit the operation of the prohibition in the proposed section.



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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Health Services Amendment (PPP Prohibition) Bill 2025

No. _____, 2025

A Bill for

An Act to amend the *Health Services Act 1997* to prohibit new public-private partnership arrangements for the provision of acute hospitals and services; and for related purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Health Services Amendment (PPP Prohibition) Act 2025*.

3

2 Commencement

4

This Act commences on the date of assent to this Act.

5

Schedule 1 Amendment of Health Services Act 1997 No 154

Section 133E

Insert after section 133D—

133E Prohibition of certain public-private partnership arrangements

- (1) This section applies to the following entities—
 - (a) the State, including a Minister of the Crown or a person acting on behalf of the State, including the Health Secretary,
 - (b) a local health district,
 - (c) a statutory health corporation.
- (2) An entity to which this section applies must not enter into an arrangement with a private person for the purpose of the private person—
 - (a) constructing an acute hospital building or complex, and
 - (b) providing an acute hospital service to public patients in New South Wales at the acute hospital building or complex.
- (3) Subsection (2) applies only if under the arrangement—
 - (a) the entity has, or will have, an interest, liability or responsibility in the hospital building or complex, and
 - (b) the hospital building or complex is constructed in part or in whole through private sector financing, ownership or control.
- (4) However, subsection (2) does not apply to an arrangement, or an arrangement of a class, excluded from the operation of this section by the regulations.
- (5) Nothing in subsection (2), affects an arrangement in effect at the commencement of this section, including a variation to, or an option to extend, an existing arrangement.
- (6) In this section—

acute hospital building or complex means a hospital building or complex at which an acute hospital service is provided.

acute hospital service means a hospital service that includes the provision of—
 - (a) emergency services, and
 - (b) surgical services, and
 - (c) in-patient services.

private person means a person other than—
 - (a) the Commonwealth, a State or a Territory, including a Minister of the Crown in any of its capacities or a person acting on behalf of the Commonwealth, a State or a Territory, or
 - (b) a public or local authority of the Commonwealth, a State or a Territory, including a local council or a State owned corporation, however described, or

(c) a public health organisation.

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