



# Changes to board members, company directors and partners of firms and trusts

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## 1. Purpose

To outline the notification requirements of Licence Holders of a licensed healthcare facility when a change to board members, company directors or partners/members of a firm or trust occurs.

## 2. Legislative Requirements

In accordance to the *Private Hospitals and Health Services Act 1927 (the Act)*, section 26D (2) the Chief Executive Officer, Director General of Health may impose terms and conditions on a licence. The general terms and conditions are listed in an appendix to the licence called 'Annexure A Additional Licence Terms and Conditions'.

Annexure A refers to a specific condition requiring that a licence holder notify the Licensing and Accreditation Regulatory Unit (LARU) within four weeks of any change in the constitution of the company board, the membership of a firm or trust as applicable

Any changes must comply with the requirements set out in the Licensing Standards for Assessing the Suitability of a Licence Applicant or a Licence Holder (the Standards) in relation to establishing the identity of the applicant or licence holder, their character and reputation, their material and financial resources and their competency to operate a hospital.

## 3. Licence Holder Notification requirements

When there is a change in board members, company directors or partners/members of a firm or trust, the form titled "*Declaration of Change in Board Members, Company Directors and Partners of a Firm*" shall be completed and provided to the LARU within four weeks of the change occurring. The form [Declaration of Change in Board Members, Company Directors and Partners of a Firm](#) requests information related to the Standards as outlined below.

### 3.1. Standard 1 - Identity

A declaration that the new board member, company director or partner of a firm or trust, as applicable, shall meet the age and identity criteria.

### 3.2. Standard 2 – Character and Reputation

- A character reference and a national police clearance certificate (dated within the preceding 6 months) for the new board member, company director or partner of a firm or trust, as applicable, is forwarded to the LARU. In relation to the character reference the person providing the reference should have known the person for at least 3 years in a work-related capacity.
- A declaration that the new board member, company director or partner/member of a firm or trust, as applicable, can demonstrate they have not been convicted/are not

subject to any charge for an offence which, if convicted, would render them unsuitable to hold a licence.

### 3.3. Standard 3 – Material and Financial Resources

A declaration that the new board member, company director or partner of a firm or trust as applicable can demonstrate evidence of:

- Sufficient material and financial resources to conduct the private licensed facility
- insurance and indemnity that is reasonably appropriate to the private licensed health facility.

### 3.4. Standard 4 – Competency

A declaration that the new board member, company director or partner of a firm or trust, as applicable can demonstrate that operational management personnel:

- Have appropriate skills and qualifications
- are persons who are fit to manage and control the private licensed health facility
- understand and comply with the duties and obligations of governing the private licensed health facility.

## 4. Review

This document will be reviewed as required to determine effectiveness, relevance and currency and at least every 3 years.

Version	Effective from	Effective to	Amendment(s)
V1	December 2003	November 2008	Original version
V2 – V4	November 2008	June 2020	
V5	March 2021	March 2023	

The review table indicates previous versions of policy and any significant changes.

## 5. Approval

Approval by	Lynda Campbell, Manager, Licensing and Accreditation Regulatory Unit
Approval date	April 2021

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