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| Guideline for Transfer of Registration |
| Health service establishments |

# Guideline for Application for Transfer of Registration of a Health Service Establishment

## When must an application for registration be made?

The proprietor of a registered health service establishment may apply for the variation of registration of the establishment.

The Department of Health and Human Services (the department) assesses an application for the variation of registration in accordance with the criteria detailed in section 93 of the *Health Services Act 1988* (the Act). A variation of registration can be made for:

* change of the kind of establishment to which the registration applies; or
* transfer of the certificate of registration to another person who intends to become the proprietor of the establishment; or
* variation of any condition to which the registration is subject; or
* an alteration in the number of beds to which the registration relates; or
* variation of the kinds of prescribed health services that may be carried out at or from the premises; or
	+ variation in the number of beds that may be used for specified kinds of prescribed health services.

### These guidelines are specifically for the transfer of registration certificate to another person.

Should the application relate to any other kind of variation, please refer to the Guideline for Application for Variation of Registration, available on the [Private Hospitals website](https://www2.health.vic.gov.au/hospitals-and-health-services/private-hospitals/forms-checklists-guides).

## How to complete an application for registration

### Current (outgoing) proprietor

#### 1. Schedule 6 form and prescribed fee

Applicants are required to complete Schedule 6 - Application for Variation of Registration of a Health Service Establishment (available for download from [Private Hospitals - forms](https://www2.health.vic.gov.au/hospitals-and-health-services/private-hospitals/forms-checklists-guides)) and include the information outlined below.

The application must include the prescribed fee as indicated on the Private Hospitals website - [Private Hospitals - fees](https://www2.health.vic.gov.au/hospitals-and-health-services/private-hospitals/registration-fees). Cheques or money orders should be made payable to “Department of Health and Human Services”. Email privatehospitals@dhhs.vic.gov.au and request an invoice accompanied by Schedule 6 form. If payment is made by EFT, a copy of confirmation of payment is to be provided with the application.

Please note that only the registered proprietor (recorded on the current certificate of registration) can make an application for transfer of registration.

### Proposed (incoming) proprietor

#### 2. Entity information

The Act requires the Secretary to the department (the Secretary) to ensure proposed proprietors of health service establishments are fit and proper persons to operate such a facility. The following documents must be provided for the person or entity who is likely to be the proprietor of the health service establishment. This includes sole proprietors, partnerships, all company directors and/or board members.

#### Natural person (sole trader or partnership)

 ASIC current business name extract showing business name holder details obtained in past 30 days.

#### OR

#### Company

ASIC current business name extract showing business name holder details obtained in past 30 days.

ASIC company extract search showing company office details and listing all directors and office holders obtained in past 30 days.

If a subsidiary company, a company structure chart.

Director, Board or Office Bearer form for AIP (available for download from [Private Hospitals - forms](https://www2.health.vic.gov.au/hospitals-and-health-services/private-hospitals/forms-checklists-guides)).

#### OR

#### Other body corporate

Director, Board or Office Bearer form for AIP and any requested attachment (available for download from [Private Hospitals - forms](https://www2.health.vic.gov.au/hospitals-and-health-services/private-hospitals/forms-checklists-guides)).

Certificate of incorporation or other document as evidence of the status of the incorporated association or body corporate.

The most recent annual report or annual return.

## Probity

In order to assess the fitness and propriety of the proposed proprietor, the department requires the following documents for each person:

* A completed Statutory Declaration-Fitness and Propriety (available for download from [Private Hospitals - forms](https://www2.health.vic.gov.au/hospitals-and-health-services/private-hospitals/forms-checklists-guides)).
	+ A National Police Record Check issued within the past twelve (12) months (see Note 1 and Note 2).

Note 1: The department will only accept a National Police Record Check (certified copy only) from any of the following agencies:

* Victoria Police;

NOTE: If a police check application is lodged through Victoria Police, they will only do checks for Victorian residents.

* Australian Federal Police;

NOTE: If there are directors or board members residing in other states, they must apply for their police check with that State or through a national accredited agency.

* A police force of another Australian State; or
	+ An agency accredited with Crimtrac (see Australian Criminal Intelligence Commission) for further information). It is recommended that police check applications are lodged on-line through a nationally accredited agency (e.g. http://www.fit2work.com.au/) as the turn-around time can be as little as one hour.

Note 2: Certification of the National Police Check can be carried out by a Justice of the Peace, registered nurse, accountant, bank manager, barrister, solicitor, police officer, registered pharmacist, medical practitioner, dentist, chiropractor, physiotherapist, veterinary surgeon or optometrist.

#### 3. Financial capacity of the proposed proprietor

When making a decision to transfer the registration to another person or entity, the Secretary (or Delegate) must consider whether the proprietor has, and is likely to continue to have, the financial capacity to carry on the establishment.

Please arrange for an appropriately qualified independent certified practicing accountant (CPA) or associate chartered accountant (ACA) to review the proposed proprietor’s financial records and its capacity to operate the proposed health service establishment.

Generally, registration of a health service establishment is for two (2) years unless otherwise decided by the Secretary. The assessment of financial capacity should be made on the basis of the period of registration being two (2) years.

Complete the ‘Registration — Statement by Accountant’ (available for download from [Private Hospitals - forms](https://www2.health.vic.gov.au/hospitals-and-health-services/private-hospitals/forms-checklists-guides)).

Any disclaimer, qualification or reservation to this statement must be attached.

#### 4. Security of tenure

The Secretary is required to consider whether the proprietor has security of tenure over the premises.

* If the proprietor is the owner of the land on which the private hospital or day procedure centre is conducted, then please provide a written statement to this effect.
	+ If the proprietor is not the owner of the land then provide a written statement detailing the commercial or leasing arrangements that are in place and confirm that these arrangements will continue for the period of registration, which is ordinarily two (2) years.

#### 5. Management, staffing and quality arrangements

The proposed (incoming) proprietor should provide details of key appointments and arrangements for ensuring the quality of the health services provided post transfer.

Please provide an outline of the proposed management and staffing arrangements of the service including key appointments such as director of nursing, chief executive officer (however titled) and medical director.

NB: A director of nursing is not required for a mobile health service

 Please indicate whether the establishment will have the following after transfer of registration:

* a documented patient and staff complaints system (mandatory);
* an infection control and prevention strategy (mandatory);
* by-laws (mandatory);
* an open disclosure policy (mandatory);
* an evacuation plan (mandatory);
* a health services permit (mandatory);
* a policy and procedures manual;
* a quality improvement plan; and
	+ a clinical risk management program.

Please provide details of any changes to external accrediting body and accreditation program details post transfer.

#### 7. Changes to bed numbers or types of prescribed services

The proposed proprietor should indicate whether there will be any changes to the types of services provided or bed numbers following transfer of registration.

#### 6. Accuracy of information

It is an offence under section 151 of the Act to provide false or misleading information for the purposes of complying with the Act.

## What happens after an application is made?

### Maximum time frame for processing applications

The Secretary (or Delegate) has 60 days after receiving an application (comprising the scheduled form and prescribed fee) to inform the applicant of a decision. If the Secretary (or Delegate) requests the applicant to provide additional information, a decision must be made within 28 days of receipt of the information last requested or within the 60-day period, whichever is later. Applicants should keep these timeframes in mind when submitting an application for assessment.

### Endorsement of Certificate

If the Secretary (or Delegate) approves the application, the Certificate of Registration or Renewal of Registration will be endorsed with the particulars of the new proprietor and the date of the transfer. Private Hospitals Unit staff will contact the applicant during the application process to arrange for the return of the original Certificate to the department for endorsement. The certificate will be returned by post after endorsement.

#### Please note that a new certificate will not be issued.

### Send the completed applications

Please send the signed and completed form by email to Private Hospitals privatehospitals@dhhs.vic.gov.au

or by post to:

The Manager
Private Hospitals
Department of Health & Human Services
GPO Box 4057
MELBOURNE VIC 3001

For further information please contact the Private Hospitals Unit on (03) 9096 2164.

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