



Membership of governing bodies

Effective governance and leadership are vital to ensure the safety and quality of aged care and positive experiences for older people.

Your governing body has the ultimate responsibility and influence over the care and services provided to older people. It must have a mix of members with diverse skills, experience and expertise.

Who this applies to

These responsibilities apply to certain providers registered in:

- Category 5 – Nursing and transition care
- Category 6 – Residential care (including respite)

What's required

Your governing body needs to:

✓	meet new membership requirements
✓	establish and maintain a quality care advisory body
✓	offer to establish a consumer advisory body at least once every 12 months
✓	use feedback from advisory bodies in decision-making and continuous improvement strategies
✓	respond to advisory bodies in writing about the feedback and reports they provide, including how this feedback is being considered and used within your service.

Governing body membership

Your governing body must have a majority of independent non-executive members and at least one member with experience in providing clinical care.

An independent non-executive member is someone who:

✓	does not hold a position in your service
✓	cannot be influenced by your organisation
✓	does not have preferential relationships within the service (e.g. family receiving care or company shares)
✓	can act objectively and in the best interests of older people.

A member with experience in providing clinical care is someone who:

✓	has clinical experience and qualifications that can support decision-making in your organisation
✓	is currently practicing or delivering clinical care or has relevant and current experience.

Determinations




If you cannot meet the membership requirements (and are not automatically exempt), you can apply to the Commission for a determination that one or both requirements should not apply for a period of time determined by the Commission.

To apply for a determination, download and complete the *Request for a Determination form* from the Commission's website.

www.agedcarequality.gov.au. You'll need evidence to support your application.

Record keeping

You must keep:

	a current list of governing body members (full names and roles)
	for any member with clinical care experience, details of their clinical background and experience
	records that show which members are independent, non-executive, so you can demonstrate a majority of independent, non-executive members.

If an exemption applies, keep clear evidence (for example, the relevant determination) to show at audit.

Exemptions

Governing body membership requirements don't apply to providers that:

- are a government entity or local government authority
- have fewer than 5 members on their governing body, and deliver funded aged care services to less than 40 people
- have a determination made under section 159 of the Aged Care Act in force at the time.

The requirement to have a majority of independent, non-executive members doesn't apply to providers that are:

- an Aboriginal Community Controlled Organisation
- a body registered as a co-operative under the Co-operatives National Law (or the *Co-operatives Act 2009 (WA)*) with certain clauses in its rules.

The requirement to have at least one member with experience in providing clinical care doesn't apply to a provider that is an Aboriginal Community Controlled Organisation.

Key information

- [Governing for Reform in Aged Care Program](#)
- [Provider governance policy](#)

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Write

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