



Choice and control

Policy for registered supporters

Summary

This policy outlines key elements involved in the registration and regulation of registered supporters that aim to promote the choice and control of older people seeking or receiving aged care services under the *Aged Care Act 2024 (Cth)* (the Act).

This policy also explores the broader concept of supported decision-making in aged care, which underpins the role and purpose of registered supporters.

Disclaimer

This policy has been published in anticipation of the commencement of the *Aged Care Act 2024 (Cth)* (the Act). The information in this policy is not applicable before the Act commences on 1 November 2025.

The Act and related rules take precedence over this policy, which should be read alongside them. The guidance provided in this policy about registered supporters does not constitute legal advice.

The Department of Health, Disability and Ageing will update this policy, periodically and/or as required.

This policy is one part of the [registered supporters policy library](#). Please refer to the online version of the policies in the registered supporter policy library located on the department's website to ensure you have the most recent version.

Version history

Version	Date published	Commentary on changes
1	October 2025	First version published.

Contents

Summary	1
Version history.....	1
Policy	3
Choice, control and supported decision-making.....	3
Registered supporters.....	3
Duties of providers	4
Meaning of consent.....	4
Currency of consent.....	5
Meaning of known will and preferences in the registered supporter context.....	5
Academic perspectives on will and preferences.....	5
Choice and control in the registration process.....	6
When an active, appointed decision maker requests to register as a supporter	7
Choice and control during a registered supporter relationship	9
Consent may be required to provide information to registered supporters	9
Ending a registered supporter relationship	9
Safeguards	10
Complaints	10
Audience.....	11
Roles and Responsibilities	11
Contact	12
Definitions	12
Related legislation and conventions.....	12

Policy

Choice, control and supported decision-making

The Royal Commission into Aged Care Quality and Safety noted the importance of supported decision-making to ensure people have control and choice over their own life and care.

The Act puts the rights of older people first. It aims to ensure aged care services are safe and older people are treated with respect. In the Act, the new Statement of Rights also provides the right for older people to exercise choice and make decisions that affect their life, including in relation to:

- the funded aged care services they have been approved to access,
- how, when, and by whom those services are delivered to them, and
- their financial affairs and personal possessions.

The Statement of Rights also provides that an older person has the right to be supported, if necessary, to make these decisions, have those decisions respected, and take personal risks. This includes in pursuit of the older person's quality of life, social participation and intimate and sexual relationships.

Supported decision-making refers to processes and approaches that enable people to exercise their legal capacity, including making or communicating their decisions, will and preferences, by provision of the support they may want or need to do so. This support may involve a range of persons, services, and assistive technologies.

Supported decision-making does not mean making a decision for, or on behalf of, another person.

Supported decision-making starts from the understanding that everyone can make decisions and can be supported to do so. It involves asking if an older person would like supports, and if so, what supports an older person wants to make a decision. As such, it focuses on older people being supported, only to the extent necessary, to make their own aged care decisions.

More information on the Statement of Rights is available on the department's [website](#).

Registered supporters

The Act establishes a legal framework for the registration of supporters, which will help embed supported decision-making across the aged care system.

Under the Act, older people can seek to register people who can support them to make decisions, if they want or need this support. These people are called registered supporters, including in My Aged Care.

This policy outlines key elements involved in the registration and regulation of registered supporters that aim to promote the choice and control of older people seeking or receiving aged care services under the Act. These include:

- the registration process

- when a registered supporter is supporting an older person, and
- ending a supporter relationship.

Some of these choices must be formal consent from an older person.

Duties of providers

Aged care providers, responsible persons, and aged care workers should implement supported decision-making principles and processes where appropriate, regardless of the presence or absence of a registered supporter, active appointed decision-maker, or other person supporting an older person. Decision-making support includes universal design and accessibility measures and recognition of diverse, non-conventional methods of communication.

Aged care providers can embed effective supported decision-making processes by making supported decision-making and accessibility a core principle of everyday service delivery.

By designing accessibility into processes and service delivery from the outset rather than as an addition for a select group of people, aged care providers can ensure that all older people they provide care and services to benefit from supported decision-making processes, while promoting consistent compliance with the regulatory model for the aged care workforce.

Further information is detailed in the [Aged care providers policy](#)

Meaning of consent

Consent is free, voluntary and informed agreement between two or more people. It must be free from duress and current and specific to each thing that the person is agreeing to.

Consent is voluntary if it is given:

- without coercion or threat
- with sufficient time to understand the request or reason for giving consent, and
- with sufficient time to take advice, if appropriate.

For consent to be voluntary the person must be free to exercise genuine choice to provide or withhold consent.

Informed consent can be achieved through a process of communication, discussion and support in decision-making. Informed consent means that a person has sufficient information to provide or not provide consent. It means that the person fully understands what they are consenting to. To make an informed decision, information must be provided to the person in their preferred format and about:

- who they are providing consent to
- what the consent relates to
- the benefits of providing consent
- the risks and consequences of providing consent, and/or
- the alternatives to providing consent.

If the System Governor forms an opinion that consent was not informed, or given freely or voluntarily, the System Governor may not consider that consent was given.

Whether or not a person is considered to have legal capacity for a certain decision may also be considered by the System Governor. Further information on capacity in the registered supporter context is detailed in the Capacity policy.

Currency of consent

The Act does not set rules or timeframes about the currency of a person's consent to establish or continue a registered supporter relationship. How long consent lasts and remains valid will depend on the context. Regardless of the time passed since the consent was given, to be valid, the consent must continue to represent the person's will and preferences.

A person is entitled to change their mind and revoke their consent at any time.

Meaning of known will and preferences in the registered supporter context

Registered supporters have a duty to act in a manner that promotes the older person's will, preferences, and personal, cultural and social wellbeing.

When acting as a registered supporter, a person must only act in line with the known will and preferences of the older person they support. The only way to know an older person's will and preferences is to communicate with them.

It is **not** the role of a registered supporter to make decisions on behalf of an older person, even if those decisions are made in line with the older person's actual or likely will and preferences.

When acting as a registered supporter, registered supporters are required to act only in line with an older person's **known** will and preferences. In this context, this means what the older person currently wants, now or in the future. This means that a registered supporter needs to communicate with the older person about how they want to be supported with their decision-making and what their current will and preferences are.

Academic perspectives on will and preferences

What the term "will and preferences" means is a contentious topic in academic research literature and human rights discourse. Some argue that "will" and "preferences" are two separate constructs driven by different neurological and cognitive processes that may lead to different decisions. Others argue that the expression of preferences is the means to achieve the will of a person. There is general agreement that will and preferences tend to align, even if they are driven by different processes. However, this is not always true of all older people, and registered supporters must consider this on a case-by-case basis when acting to support an older person.

The academic debate on the meaning of "will and preferences" is important in the context of substitute decision-making and supporting people with complex neurological and cognitive conditions that impact their ability to make particular decisions. However, in the context of the role of registered supporters under the Act, it is most important to remember that registered

supporters can only support an older person, receive information, or communicate an older person's decision if this is in line with their **known** will and preferences. Simply put, this means what the registered supporter knows the older person currently wants, now or in the future.

A person's will and preferences can also change. If an older person is currently expressing a will or preference that is different to their previously expressed will and preference, the most current expression of their will or preferences can be considered their known will and preferences.

A registered supporter can learn about an older person's will and preferences in a number of ways. However, all methods to do so involve communication with the older person. For example:

- Registered supporters can trust that a request made by the older person for the registered supporter to do something is an expression of the older person's known will and preferences. The older person does not have to share the reasons *why* they want something with their registered supporter.
- In other cases, the older person may ask their registered supporter to support them in exploring different options and reflecting on their will and preferences before the older person decides what they want.

Registered supporters can act in line with and communicate these known will and preferences. The role of a registered supporter **does not** include making decisions on behalf of an older person, even if that decision is based on the older person's known or likely will and preferences.

If a registered supporter is unable to determine the older person's known will and preferences and therefore does not know which action to take, if any, as a registered supporter, they can explore other ways the older person may be supported to make and communicate their decision, will, and preferences. This support may involve a range of:

- persons
- services, and
- assistive technologies.

For example, an older person can be supported by someone who is not registered as a supporter, or they can use decision-making supports that an aged care provider offers. If an older person cannot make a decision, with or without supports, they and the people supporting them may wish to consider whether substitute decision-making arrangements for the decision are available and appropriate.

Choice and control in the registration process

In most cases, both an older person and prospective supporter will be asked to consent to the establishment of a supporter relationship. The older person will also be asked to consent to automatically sharing information about them with their registered supporter. This is information that may or must be given to the older person under the Act. This means that, for most registered supporter relationships, the consents asked are:

Older person	Prospective supporter
Consent to establishing the supporter relationship (mandatory ; relationship cannot be established without this)	Consent to establishing the supporter relationship (mandatory ; relationship cannot be established without this)
Consent to sharing information with their registered supporter that may or must be provided to the older person under the Act (optional ; relationship can be established without this)	

Relationships created with the mutual consent of the older person and prospective supporter are labelled as '**supporter**' and '**supporter lite**' relationships.

- In a **supporter** relationship, the older person has consented to automatically sharing **all** information with their registered supporter that may or must be provided to the older person under the Act.
- In a **supporter lite** relationship, the older person has **not** consented to automatically sharing all information with their registered supporter that may or must be provided to the older person under the Act. Instead, the older person can direct their supporter lite to request, access or receive certain information on a case-by-case or ad hoc basis in line with their known will and preferences once registered.

A person can withdraw or change their consent at any time. Where the older person provides or withdraws their consent to automatically sharing information with their registered supporter, the relationship will change from supporter to supporter lite and vice versa.

However, at the point of registration, an older person cannot choose for some, but not other, information to be automatically given to their registered supporter. The older person's consent to automatic information sharing is given on an all or nothing basis. For example, this means that when requesting to register a supporter, the older person cannot consent to financial information being automatically given to their registered supporter, but not information about personal care.

More information on these processes is available in the [Registration policy](#) for registered supporters.

When an active, appointed decision maker requests to register as a supporter

If a person is an active, appointed decision maker for an older person and also requests to register as a supporter for that older person, the System Governor may decide to register them without the consent of the older person. This can only happen if the System Governor:

- receives a request from the active, appointed decision maker to register as supporter of the older person
- is satisfied that the decision-making authority is of a kind recognised by the Act
- is satisfied that the active, appointed decision maker can comply with the duties of a supporter under the Act

- has considered the nature of the active, appointed decision maker's authority, including the extent to which it extends to making decisions relevant to the delivery of funded aged care services to the older person, and
- has the consent of the active, appointed decision maker to register them as a supporter under the Act.

The registration of an active, appointed decision maker as a supporter for an older person does not require that older person's consent because the Act acknowledges the position of people exercising decision-making authority under Commonwealth, state and territory arrangements. Additionally, a registered supporter who is also an older person's active, appointed decision maker does not need the consent of the older person to automatically access, request and receive information and documents that must be provided to the older person under the Act.

Relationships created without the consent of an older person are labelled '**supporter guardian**' relationships. Although the older person's consent is not required to register a supporter guardian relationship, the System Governor will give written notice of the registration to the older person. This notification will include the reasons for the decision to register the supporter guardian and how the older person may apply for an internal review of the decision if they do not want that person registered as their supporter guardian.

Having a registered supporter (including a supporter, supporter lite, or supporter guardian) **does not** prevent an older person from doing something under the Act. An older person can continue to access, request and receive information and documents, and communicate information and make decisions. Their registered supporters can only act in line with the older person's currently known will or preferences, or in accordance with an active, legal decision-making authority under a Commonwealth, state or territory arrangement. If a supporter guardian is supporting the older person to make a decision that falls outside the scope of their legal authority under a Commonwealth, state or territory arrangement, they must not make the decision on the older person's behalf.

Pending relationships in My Aged Care

There may be occasions where the older person or prospective supporter provides consent, and the relationship is pending while the System Governor confirms the consent of the other party.

The System Governor cannot register a relationship without receiving the consent required under the Act. Older people and their prospective supporters are encouraged to discuss their intention to request to register supporter relationships before making an application.

If both parties are not together when a request is made and two-party consent is required to establish the relationship, they are encouraged to continue discussing the request when they can and coordinate consent to ensure that the registration process can be completed without delay.

In order to make a decision about a request to register, the System Governor may contact the parties if consent has not been provided. If the parties cannot be contacted, or fail to provide consent, the System Governor may decide not to register the relationship. This is a reviewable decision under the Act for both the older person and declined supporter (pursuant to Part 2 of Chapter 8 of the Act).

Choice and control during a registered supporter relationship

A registered supporter must act in line with an older person's known will and preferences. This includes when a registered supporter is:

- requesting, accessing, or receiving information or documents, and
- communicating information, including the will, preferences and decisions of the older person.

The role of a registered supporter is **not** to make decisions on behalf of an older person, even if that decision is based on the older person's known or likely will and preferences. The meaning of known will and preferences in the registered supporter context was explored [earlier](#) in this policy.

If a registered supporter seeks to make a decision on behalf of an older person, they can only do so as an active, appointed decision maker (if that decision is within the scope of their active, legal authority), not as a registered supporter.

Active, appointed decision makers must act in accordance with the conditions and requirements under their relevant Commonwealth, state or territory arrangement. These arrangements will have specific requirements relating to how and when decision-making authority can be exercised.

Consent may be required to provide information to registered supporters

Registered supporters must act in line with the known will and preferences of an older person when requesting, accessing, or receiving information or documents in their position as a registered supporter.

However, information or documents may not be provided to the registered supporter if the consent of the older person to share this information or document cannot be ascertained. This may occur:

- if the older person did not consent to automatically sharing information or documents that may or must be provided to them under the Act, at the point of registration, or
- if the information or documents sought by the registered supporter are not information or documents that may or must be provided to an older person under the Act. In this case, the older person has not previously been asked to consent to sharing this information or document to their registered supporter.

In these circumstances, the older person may be asked to provide their consent to sharing this information or document. This is to ensure that the privacy of older people is protected, and information is handled in accordance with the protections afforded by the Act and other legislation.

Ending a registered supporter relationship

An older person or registered supporter can make a request to the System Governor to end their registered supporter relationship at any time. Where both parties consented to the

supporter relationship (supporter or supporter lite relationships), the request to end the relationship will be taken as withdrawal of that consent. These requests will be actioned as soon as possible by the System Governor.

When an older person requests to end their supporter guardian relationship, the System Governor must consider this request in accordance with processes set out in the Act.

Processes for ending supporter, supporter lite and supporter guardian relationships are detailed in the Cancellation policy.

Safeguards

The Act embeds several safeguards against abuse of an older person from their registered supporter, including safeguards which enshrine an older persons' right to provide informed consent and make informed decisions.

The Act sets out clear duties on an older person's registered supporters. If a registered supporter does not, or cannot, comply with these duties their registration can be suspended and ultimately cancelled by the System Governor. This includes where the registered supporter has failed to act honestly, diligently and in good faith by coercing or pressuring an older person to say they consent or want to make certain decisions. Registered supporters may also face offences under the Act for acting dishonestly in abusing their position as a supporter.

Additional safeguards for older people embedded in the role and regulation of registered supporters include:

- An older person's right to review the decision to register a supporter without their consent (that being, a supporter guardian relationship).
- An older person's right to consent to automatic information sharing with their supporter at point of registration.
- The System Governor's ability to make enquiries about the alleged coercion of an older person to consent to a registered supporter relationship.
- An older person's ability to request to end a registered supporter relationship at any time. This may involve the withdrawal of their consent to a registered supporter relationship.
- The System Governor's ability to suspend and cancel the registration of a supporter, following a registered supporter being held to have breached their duties.
- The System Governor's ability to share information with other people and authorities, where appropriate.

These are explored in further detail in the Safeguards from abuse policy.

Complaints

Any person or organisation can raise a complaint or concern with the System Governor relating to a registered supporter's conduct, including alleged non-compliance with the duties of a registered supporter.

Complaints may be made by the older person, their other registered supporters, aged care providers or workers, medical or allied health practitioners, advocates or any other person who is concerned for the welfare or treatment of themselves or the older person.

- **For complaints relating to a registered supporter's conduct:** Any person can raise a complaint or concern with the System Governor about the conduct of a registered supporter. Complaints to the System Governor can be submitted via the online form available on the department's webpage for [registered supporters in aged care](#).
- **For complaints relating to the provision of aged care services:** Older people and people supporting them can raise complaints or concerns about aged care providers, including their engagement with registered supporters, with the [Aged Care Quality and Safety Commission](#).

Audience

This policy is intended for all stakeholders across the aged care system.

This policy applies to older people, their registered supporters, and other people who support them.

Roles and Responsibilities

The System Governor is responsible for receiving, assessing, and actioning any applications to register supporters. In doing so, the System Governor must be satisfied that the consent requirements to establish the relationship have been met. The System Governor is also responsible for seeking and recording consent from older people relating to the automatic sharing of information and documents that must be provided to them under the Act with their registered supporters. The System Governor is responsible for responding to any request from an older person or registered supporter to change their consent provided in the course of establishing a supporter relationship. The System Governor is also responsible for regulating the registration of supporters, including responding to information that suggests a registered supporter may not be acting in line with the known will and preferences of an older person they support.

Registered supporters are responsible for understanding their role and duties. This extends to their engagement with aged care providers and the aged care workforce. **Supporter guardians** may also have additional responsibilities under the Commonwealth, state or territory legal arrangement they have relied on to become registered as a supporter guardian.

Older people are responsible for engaging with the registration process. Older people can communicate the outcome of a registration process with their family, aged care providers and workers, and any other person who is supporting them, to inform those around them who and how they want to be supported. Older people are responsible for communicating with their registered supporters and directing them to act in line with their known will and preferences. Older people should also raise when they feel their registered supporter is not acting in line with their known will and preferences.

Aged care providers and workers are responsible for upholding their obligations under the Act, particularly in relation to an older person's right to make their own decisions, be supported in their decision-making, as necessary, and have their decisions respected. Aged care providers, responsible persons, and aged care workers should implement supported decision-making principles and processes, where appropriate, regardless of the presence or

absence of a registered supporter or other person supporting an older person. Decision-making support includes universal design and accessibility measures and recognition of diverse, non-conventional methods of communication. If the older person has a registered supporter, aged care providers and workers should work with the older person and their registered supporters, at the older person's direction, to facilitate effective supported decision-making and to manage any concerns. They should remain aware of an older person's registered supporters, if any. They can do so by speaking to the older person, and by regularly reviewing the older person's record on the My Aged Care Service and Support Portal. Before another person is involved in any decision-making process or information sharing, it is the provider's responsibility to ensure that this person has the relevant authority to be involved, either as a registered supporter, an active appointed decision maker under a Commonwealth, state or territory legal arrangement, or otherwise at the request of the older person.

Contact

For any further information on this policy, please contact:

Supported Decision-Making Section

Email: SupportedDecisionMaking@Health.gov.au

Definitions

To learn more about some of the terms used in this policy, and across the Policy Library for registered supporters, please go to the [Glossary](#).

Related legislation and conventions

[Aged Care Act 2024 \(Cth\)](#)

[Aged Care \(Consequential and Transitional Provisions\) Act 2024](#)

[Aged Care Rules 2025 \(Cth\)](#)

[Convention on the Rights of Persons with Disabilities, Article 12](#)

- Article 12 of the CPRD recognises that people with disability should enjoy legal capacity on an equal basis with others in all aspects of life, and that appropriate measures should be taken to provide people with disability access to the support they may require in exercising their legal capacity.