



Conflicts of interest policy

Policy for registered supporters

Summary

This policy outlines what a conflict of interest is, the types of conflicts of interest prospective or registered supporters may need to consider, and a registered supporter's duty to declare, and avoid or manage, conflicts 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.

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Policy

Supported decision-making

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

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 is about supporting an older person to make or communicate their own decisions. It does not involve making a decision on behalf of an older person based on what someone else thinks the older person would have done or wanted in the circumstances.

Under the new Act, every older person is presumed to have the ability to make their own aged care decisions.

Under the Act, all registered supporters also have duties they must comply with.

These duties are intended to promote an older person's safety, rights, will, and preferences. These duties include that registered supporters must avoid or manage any conflicts of interest.

Conflicts of interest

A conflict of interest arises if a registered supporter's personal or professional interests or obligations interfere with, could compromise, or may influence the registered supporter's ability to carry out their role under the Act. This includes a conflict between the older person's interests and the registered supporter's interests.

A conflict of interest that cannot be avoided or managed can call into question the registered supporter's ability to be impartial, selfless and act only in line with the older person's will and preferences.

A conflict of interest can be:

- **real:** where the conflict already exists
- **potential:** where the conflict is about to happen or could happen, or
- **perceived:** where other people might think that a conflict could or has occurred.

Conflicts of interest may only exist for a short amount of time, or they may be enduring.

While many involve financial elements, conflicts of interest are not limited to financial interests. Conflicts of interest could arise from non-financial interests like personal, professional, social, legal, or cultural interests.

Duty to avoid or manage conflicts of interest

The Act imposes a duty on registered supporters to avoid or manage conflicts of interest. This recognises there are some conflicts of interest that cannot be avoided. However, in these circumstances, the conflict must be able to be managed.

Failure of a registered supporter to avoid or manage a conflict of interest can present risks to the safety, autonomy and welfare of the older person being supported. Conflicts of interests can remove or dilute an older person's rights to make their own decisions, and to be supported if necessary. They can also call into question decisions that an older person made, including whether the older person was informed in their decision-making, or was otherwise influenced or under the duress of their registered supporter.

Requirements to notify

A prospective supporter must tell the System Governor about any conflicts of interest when they are applying to be registered. The registered supporter must also inform the System Governor if a conflict of interest arises or becomes known to the supporter after they have been registered.

If a registered supporter believes that there is a conflict of interest that they can avoid or manage while acting or continuing to act as a registered supporter, they must inform the System Governor of the conflict as well as their plan for avoiding or managing that conflict.

Declared conflicts of interests and the steps for avoiding or managing the conflict must be in writing from the prospective supporter. A prospective supporter can be assisted in declaring any conflicts, for example, if they would like help to write down their conflict. This may include help from another person like an assessor, and Aged Care Specialist Officer, or a trusted person of their choosing.

Any person or organisation can raise a complaint with the System Governor relating to a registered supporter's conflict of interest, whether declared or not. If the System Governor considers that a registered supporter has breached their duties to declare, avoid or manage conflicts of interest, the System Governor may suspend or cancel the supporter's registration.

Conflicts of interest that cannot be managed

There are a number of scenarios where a person or organisation may apply to be registered as the older person's supporter and a real, perceived or potential conflict of interest exists. The conflicts in the below examples are unlikely to be mitigated through any kind of management. This is where the prospective supporter, or registered supporter is:

- An aged care provider who provides aged care services to the older person.
There may be a conflict of interest in the provider's interests as a business owner or operator, and the older person's interests.
- An aged care worker, namely an employee of an aged care provider, who provides direct aged care services to the older person.
There may be a conflict of interest in the employee's professional relationship to the aged care provider, and the older person's interests.

- An aged care worker, namely a volunteer of an aged care provider, who provides direct aged care services or support to the older person.

There may be a conflict of interest in the volunteer's professional relationship to the aged care provider, and the older person's interests.

- A person or organisation who is receiving payment or other kind of compensation in exchange for providing services to the older person to access or navigate the aged care system.

There may be a conflict of interest between that person or organisation's financial interests, and the older person's interests.

- A person or organisation who is providing services to the older person to access or navigate the aged care system and has a close professional or personal relationship with an aged care provider.

There may be a conflict of interest between that person or organisation's personal or professional relationship, and the older person's interests.

- A person who is engaged, including through a paid service, to translate information or documents to the older person.

There may be a conflict of interest between that person's professional interests, including obligations to remain impartial, and the older person's interests.

The people in the above examples are unlikely to be registered as supporters. However, they may still apply to be registered. Any conflict of interest and management strategy will be considered by the System Governor on a case-by-case basis.

Conflicts of interest that may be managed

Conflicts of interest may be mitigated through effective management, for instance, where the prospective supporter, or registered supporter is an aged care worker (either an employee or volunteer) of an aged care provider or organisation that provides aged care services, and:

- the worker **does not directly provide aged care services** to the older person.
 - For example:
 - A person may be employed by an aged care provider whose services cover a broad range of services and geographical area and may be based at a location or facility separate to that which provides direct services to the older person. Alternatively, a person may volunteer as a gardener for an aged care provider on an ad hoc basis, and in this role has no direct involvement in the care or services provided to the older person.
 - Prospective and registered supporters must consider whether their role might have or give rise to a conflict of interest. This can involve considering the proximity of their role to the older person and the nature of any obligation to or relationship with the aged care provider or organisation. Such considerations and any management strategies should be discussed with the older person.
- the older person **does not directly receive aged care services** from that provider or organisation.
 - For example:

- An older person may want a family member or friend to be their registered supporter. However, that family member or friend may work in the aged care sector, such as with local aged care providers. Before that family member or friend requests to register as a supporter, they should discuss with the older person whether a real, perceived, or potential conflict of interest exists or may arise, and possible management strategies.
 - If the older person is not yet seeking aged care services of the kind their prospective supporter provides professionally, or is receiving aged care services from an aged care provider who is **not** their prospective supporter or the employer of their prospective supporter, the potential conflict of interest may be managed by discussing the circumstances with the older person and disclosing the conflict and management strategy to the System Governor.
 - If the older person later receives services from their registered supporter or from the employer of their registered supporter, the registered supporter should consider whether they need to declare this to the System Governor and whether this conflict can continue to be managed.

Conflicts of interest may also be mitigated through effective management, for instance, where the prospective supporter, or registered supporter:

- **will be significantly affected**, negatively or positively, by the older person seeking or receiving aged care services.
 - For example:
 - If a prospective supporter is dependent on the older person for accommodation and either seeking or receiving aged care services is likely to affect the security of that accommodation, a conflict of interest may be likely. If so, it must be declared to the System Governor and avoided or managed. The prospective supporter should discuss the conflict with the older person, and any management strategies, as part of declaring it.
 - Depending on the conflict, management strategies could vary from discussions with the older person, the involvement of third parties like independent advocates, or a change in the prospective supporter's circumstances. If the System Governor considers the conflict cannot be managed or avoided, the prospective supporter cannot be registered.
- is a **health or allied health professional** who is providing health services to the older person, independent of an aged care provider.

The people in the above examples may be registered as supporters if the conflict of interest can be managed. Whether conflicts can be managed must be considered by the System Governor on a case-by-case basis.

Circumstances that, by themselves, are unlikely to be conflicts of interest

If a prospective or registered supporter is personally invested in an older person's health and wellbeing – or is an adult child, spouse or partner, relative or possible beneficiary of the older person – it is unlikely to be considered a conflict of interest in itself.

These circumstances may co-exist with other factors that give rise to a conflict of interest, but they are not themselves likely to create the conflict. Each situation is different, so the prospective or registered supporter and older person they support should consider their situation, including any changing circumstances.

For example, if a person is an adult child of an older person, this is unlikely to, by itself, give rise to a conflict of interest. The circumstances must include some other element that gives rise to a conflict of interest that could interfere with, compromise, or influence the person's ability to carry out their role as a registered supporter under the Act. An additional element may be, for instance, dependency of the prospective or registered supporter on the older person for accommodation. In these circumstances, the older person seeking or receiving aged care services may significantly affect the prospective or registered supporter.

Conflicts of interest may arise at any time during registration as a supporter. If this happens, it is a duty of the registered supporter to declare conflicts of interest to the System Governor and avoid or manage conflicts of interest. Each situation must be considered by the System Governor on a case-by-case basis.

In the absence of any other considerations, there is unlikely to be a real, perceived, or potential conflict of interest where the prospective supporter, or registered supporter is, for example:

- a person or organisation who is an active, appointed decision maker for that older person
- a person who is an adult child of that older person
- a spouse or de facto partner of that older person
- a person who is, or is likely to be, a beneficiary of the older person's estate (for example, they may inherit assets if the older person passes away)
- an independent advocate who is providing advice or support to the older person
- a person who lives at the same residential aged care home as the older person, or who receives services from the same aged care provider as the older person.

Notifying the System Governor

If a prospective or registered supporter knows or becomes aware of a conflict of interest, they have a duty to disclose this to the System Governor.

Before registration

If the conflict of interest becomes known **before** registration, the prospective supporter must disclose it to the System Governor during the process of registration. They will be prompted

to disclose any conflicts of interest during the registration process and provide a description of the conflict and how they propose to manage it. This includes if the registration occurs by:

- using the My Aged Care 'Apply Online' Assessment tool
- using the My Aged Care digital registration form
- downloading and completing a printed registration form
- during the assessment process, or
- face to face with the assistance of an Aged Care Specialist Officer.

If, as part of applying to register, a prospective supporter thinks they may have a conflict of interest with their role and the duties of a supporter, they must declare their conflict in writing.

After registration

If the conflict of interest becomes known **after** registration but while the person is registered as a supporter, they must disclose it to the System Governor and detail their plan to manage the conflict.

This must be done as soon as reasonably practicable after the registered supporter becomes aware of the conflict, or when the registered supporter first becomes aware that the conflict is likely to occur.

Registered supporters can notify the System Governor:

- via a direct pathway for written declarations of conflict of interests
- during the assessment process
- face to face with the assistance of an Aged Care Specialist Officer, or
- in the registered supporter's My Aged Care Online Account, if they have one.

Managing conflicts of interest

Where a real, perceived, or potential conflict of interest cannot be avoided, the registered supporter has a duty to manage that conflict of interest. This might include:

- The registered supporter discussing the circumstances with the older person, so the older person is informed, and able to consent to having, or continuing to have, this person as their registered supporter and act if they have concerns about the registered supporter's conduct.
- The registered supporter reviewing their duties to ensure confidence and compliance.
- The registered supporter reviewing their role in supporting the older person to make their own decisions, including how this complements any role they might hold as an active, appointed decision maker under Commonwealth, state or territory arrangements.
- Keeping the registered supporter's and older person's finances separate.
- The registered supporter consulting other people, including other registered supporters and any other person providing support to the older person, to discuss alternative ways to support the older person.
- The registered supporter making changes, where possible and proportionate, in the registered supporter's personal or professional life.
- The registered supporter stepping back from a supporter role either permanently or temporarily and encouraging another registered supporter, or other trusted people in the older person's life who provide support, to assist during that time.

If a conflict cannot be avoided or managed, that person or organisation cannot be registered, or remain registered, as a supporter.

Failure to disclose, avoid or manage conflicts of interest

Any person or organisation can raise a complaint with the System Governor relating to a registered supporter's conflict of interest.

If a prospective supporter failed to disclose a conflict of interest that is otherwise known to the System Governor or cannot avoid or manage that conflict of interest, their request for registration can be denied. Once registered, if a supporter fails to disclose, avoid or manage a conflict of interest their registration can be suspended, and ultimately cancelled, by the System Governor.

Registered supporters can also face offences under the Act:

- It is an offence for current registered supporters to exercise any influence they have in their capacity as a registered supporter, engage in any conduct as a registered supporter, or use any information obtained in their capacity as a registered supporter to dishonestly obtain a benefit for themselves or any other person, or dishonestly cause detriment to another person.
- It is an offence for a former registered supporter to use any information they obtained in their capacity as a registered supporter with the intention to dishonestly obtain a benefit for themselves or any other person or dishonestly cause detriment to another person.

The System Governor may also inform relevant Commonwealth, state, and territory authorities of information that has been provided or made available to the System Governor in their consideration of a prospective or registered supporter's conflict of interest. This may include where the System Governor reasonably believes this is necessary to reduce or prevent a serious threat to the safety, health, or wellbeing of the older person, or where it is necessary for the enforcement of criminal law.

Consideration of the older person

When a conflict of interest is declared, the System Governor must consider if that conflict can be avoided or managed. Part of deciding whether a prospective supporter should be registered, or if a supporter's registration should be suspended or cancelled because the conflict cannot be avoided or managed, includes how the older person feels about the conflict. The older person should know about the conflict, be aware of any agreed management strategies, and with awareness of those circumstances, consent to that person being registered, or continuing to be registered, as their supporter.

This does not apply when the registered supporter is also an active, appointed decision maker and the older person was not required to consent to the supporter being registered. An active, appointed decision maker is a person who can make decisions on behalf of an older person under a Commonwealth, state or territory arrangement. They can only make decisions on the older person's behalf in line with their legal authority and if that legal authority is active.

Active, appointed decision makers who are also registered supporters have the same duties in relation to conflicts of interest as any other registered supporter, including that they must avoid or manage conflicts of interest. A registered supporter who is also an active, appointed decision maker is called a 'supporter guardian'.

Audience

This policy is intended for all stakeholders across the aged care system – such as older people and the people who support them, registered supporters, aged care providers and others who engage My Aged Care and the broader aged care system.

This policy applies to registered supporters.

Roles and responsibilities

The **System Governor** is responsible for receiving, assessing, and actioning any requests for the registration of a supporter. This includes recording, assessing and tracking any disclosures relating to conflicts of interest, and strategies to manage the conflict. The System Governor is also responsible for receiving and considering any information that might justify the suspension and cancellation of a supporter's registration, as well as whether the registered supporter's behaviour would be considered an offence under the Act.

Registered supporters are responsible for understanding their role and duties, including their duty to avoid and manage any conflicts of interest, and to inform the System Governor of any such conflicts as they arise. Registered supporters are also responsible for engaging in any suspension and cancellation processes underway that involve them.

Older people are responsible for communicating with their registered supporters and directing them to act as they wish. If an older person is unhappy with the actions of their registered supporter or consider their registered supporter has not, or cannot, comply with their duties, the older person should first raise this with their registered supporter. If they cannot agree on a pathway forward, the older person can escalate a concern, complaint, or request to cancel the supporter's registration with the System Governor.

Aged care providers and workers are responsible for upholding their obligations under the Act, including those that relate to conflicts of interest for registered supporters. Aged care providers and workers also have broader responsibilities relating to safeguarding the welfare of older people that they provide aged care services to. This may include informing the System Governor if they consider a registered supporter has not, or cannot, comply with their duties.

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

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