



Duties policy

Policy for registered supporters

Summary

This policy outlines the duties of registered supporters under the Aged Care Act 2024 (Cth) (the Act) and possible consequences for non-compliance with these duties.

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

Duties

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

These duties are intended to promote an older person's safety, rights, will, and preferences. Registered supporters must act honestly, diligently, and in good faith.

When a registered supporter is supporting an older person to do a thing under, or for the purposes of, the Act, the registered supporter has a duty to:

- Act in a way that promotes the will, preferences, and personal, cultural, and social wellbeing of the older person they are supporting. This may include acting in a way that promotes decisions made by the older person.
- Act honestly, diligently and in good faith.
- Support the older person only to the extent necessary for the older person to do the thing themselves.
- Apply their best endeavours to maintain the ability of the older person to make their own decisions.

These duties apply when a person is acting as a registered supporter, including when they are requesting, accessing, receiving or communicating information for the older person to support the older person to make or communicate an aged care decision.

Informed by principles of supported decision-making

The registered supporter role is one of the changes under the Act that promotes older people's right to be supported to make their own decisions. To this end, the duties of registered supporters are informed by principles of supported decision-making, such as those recommended by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

In this context, supported decision-making principles include:

- **Presumption of decision-making ability:** older people are presumed to be able to make their own decisions.

For every new decision, the older person is presumed able to make that decision. The authority of some appointed decision makers becomes active upon the older person losing capacity. In these circumstances, the presumption of the older person's capacity may continue to operate for decisions that fall outside of the scope of the appointed decision maker's authority.

- **Access to support:** older people are provided with equitable access to support to enable them, as far as practicable in the circumstances, to make and participate in decisions affecting them, communicate their will and preferences and develop their decision-making ability.

Decision-making support includes universal design and accessibility measures and recognition of diverse, non-conventional methods of communication.

- **Decisions directed by will and preferences:** the older person's current will and preferences need to direct decisions that affect their lives.

This includes respecting decisions that are expressed in non-conventional ways including non-verbally or through observed behaviour.

- **Respect for dignity and dignity of risk:** older people are treated with dignity and respect and being supported to take risks to enable them to live their lives the way they choose, including in their social, intimate and sexual relationships.

For registered supporters, this means respecting the older person's decisions, will and preferences, even if the registered supporter does not agree with them.

- **Recognition of diversity:** the diverse experiences, identities and needs of older people are actively considered in supporting an older person to make a decision.
- **Cultural safety:** First Nations older people and culturally and linguistically diverse older people receive support that is culturally safe, sensitive and responsive.

Examples of these duties and principles in practice

When requesting, accessing, receiving or communicating information to support an older person to do a thing under, or for the purposes of, the Act, and in carrying out their duties, registered supporters can:

- Provide an older person the kind of support they have asked for and want, when they want it, without taking over or making the older person feel reliant upon the registered supporter or others.
- Check what decisions need making and identify opportunities for the older person to make decisions they can and want to make.
- Adopt communication techniques that give the older person the best chance of being involved and making their own decisions. For example, as appropriate:
 - make eye contact,
 - use positive body language and a relaxed tone,

- introduce and address one idea at a time,
 - pause and wait for acknowledgement the older person understands,
 - take breaks or revisit ideas as needed.
- Help the older person to know what is being asked of them or the decision that needs making by explaining unfamiliar or complex words, jargon or concepts in a way the older person understands.
- Remind the older person about decisions that need to be made and by when.
- Get creative and provide suggestions, ideas or examples of how an older person can be supported to make a decision and encourage the older person to communicate how they want to be supported for each decision.
- Consider what the context was when the older person has previously made decisions and if these circumstances or contexts can be replicated for other decisions. For example, consider:
 - the time of day,
 - the setting,
 - who was involved,
 - how the older person was feeling.
- Prompt the older person to consider previous decisions and previously expressed will and/or preferences in their decision-making. However, note that an older person is not necessarily bound by any previously expressed will and/or preferences and the role of a registered supporter is not to make decisions for the older person. An older person may change their mind, including by making decisions that differ from their previously expressed will and/or preferences.
- Reflect on how their support might affect the older person and whether it might give rise to real, perceived, or potential conflicts of interest between the older person's interests and a registered supporter's interest. It is a duty of a registered supporter to avoid or manage conflicts of interest, and to inform the System Governor of conflicts of interest when they arise, or when they become aware of the conflict.
- Encourage the older person to seek help from others to be informed in their decision-making. For example, other people who could help an older person may include:
 - experts like medical practitioners, accountants, and lawyers,
 - their aged care provider,
 - other trusted people in the older person's life,
- Discuss potential risks and options with the older person before a planned decision.
- Listen to the older person, talk through ideas, act as a 'sounding board', be present and provide emotional support to the older person.

- Provide reassurance to the older person that they have the right to make their own decisions. Help the older person to see their decisions through, including communicating decisions to others if the older person wants.
- Debrief on the decision-making process with the older person. Be receptive to the older person's feedback about how they feel about the support provided, and how they want to be supported in the future.
- If it helps, make notes on how the older person wants to be supported, by whom and when.

The examples in this policy are drawn from the supported decision-making guide from the Cognitive Decline Partnership Centre.ⁱ

Promoting the will, preferences, and personal, cultural and social wellbeing of the older person

Registered supporters have a duty to act in a way that promotes the will, preferences and personal, cultural and social wellbeing of the older person. This includes that registered supporters must act in a way that provides culturally safe and inclusive support.

As such, registered supporters are expected to ensure an older person's diversity is respected and that they perform their role in a way that is culturally safe, sensitive and responsive to the older person they support. Registered supporters should respect the cultural, religious, linguistic and gender identity, sexual orientation, and life experiences of the person they support.

In some circumstances, a registered supporter may be unsure how they can do this, or how to balance an older person's will and/or preferences with their wellbeing, if they believe there is a conflict.

The role of a registered supporter is to support the older person to make and communicate their own decisions, not for the registered supporter to make decisions on behalf of the older person. Registered supporters should:

- Act in a manner that promotes the actual will and/or preferences of the older person, not what the registered supporter believes their will and preferences would or should be.
 - Recognise that an older person's will and preferences are unique to them. Some people may want to balance their will and preferences, whilst others may want to prioritise one over the other, or prioritise particular decisions. An older person's will and preferences are not static; they can also evolve or change. Registered supporters should follow the older person's lead on how they want to act on or communicate their will and preferences to others.
- Act in a manner that promotes the actual personal, cultural and social wellbeing of an older person, not what the registered supporter believes is best for the older person's wellbeing.
 - Recognise that 'personal, cultural and social wellbeing' means something different for each older person. Adopt the older person's idea of what wellbeing means for them. The older person may then ask a registered supporter to communicate their understanding of wellbeing or support them to do a thing or make a decision in line with their wellbeing goals.

- Only act to promote the personal, cultural and social wellbeing of an older person when doing something as a registered supporter. This is when a registered supporter is communicating information, including the decisions, will, and preferences of the older person. It is not a duty of a registered supporter to promote the older person's personal, cultural and social wellbeing outside of performing their role as a registered supporter.

Becoming a registered supporter does not provide a person with decision-making authority for the older person. A registered supporter's role is to support the older person to make their own decisions. This applies even where the older person has made a decision based on their will, preferences or concept of wellbeing that is not the same as the registered supporter's own decisions, will, preferences, or concept of wellbeing.

How people define and conceptualise a person's will and preferences vary and continue to evolve. As either an older person or registered supporter, it may be useful to consider and discuss what these concepts mean to you.

Conflicts of interest

Registered supporters have a duty to avoid or manage any real, potential or perceived conflict of interest they have in their role as a registered supporter, and to inform the System Governor of conflicts as they arise.

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

For example, a conflict of interest may arise if a prospective supporter is also an aged care provider, or aged care worker, who provides direct aged care services to the older person they are seeking to be a registered supporter for. In these circumstances, if the aged care provider or worker requested to be registered as that older person's supporter, the conflict is unlikely to be able to be avoided or managed, and their request for registration may be declined.

Conflicts of interest, and any management strategies, will be considered by the System Governor on a case-by-case basis.

Change in circumstances

A registered supporter must notify the System Governor of any event or change in circumstances, or likely event or change in circumstances, that will or may affect their ability to:

- act as a registered supporter
- comply with their duties or any requirements or notices given to them by the System Governor, or
- be contacted by the System Governor.

The registered supporter must inform the System Governor as soon as reasonably practical after the event or change of circumstances happens, or when the registered supporter first becomes aware that the event or change in circumstances is likely to happen.

Examples of changes in circumstance

An event or change in circumstances might include if the registered supporter:

- No longer is a decision maker for an older person under a Commonwealth, state or territory arrangement. For example, if the older person, a court, or tribunal has revoked their legal instrument of appointment.
- Is experiencing a loss of decision-making ability, or anticipate that they will experience a loss in decision-making ability in the near future, such that they no longer have, or anticipate that they will no longer have, decision-making capacity.
- Will be outside of Australia, including for an extended period of time such that they cannot act as a registered supporter or be contacted by the System Governor.
- Will not be able to be contacted by the System Governor, including for an extended period of time.
- Has or anticipates a conflict of interest.
- Is the subject of allegations of abuse or neglect, including to the older person, or if they have been found by a court to have perpetrated abuse or neglect, including to the older person, so as to compromise the safety and wellbeing of the older person.
- Cannot otherwise provide support to the older person to make and communicate their own decisions.

This is not an exhaustive list. Registered supporters should consider their own circumstances and consider whether they must inform the System Governor.

Registered supporters who are also active, appointed decision makers

Some registered supporters have decision-making authority for the older person under a Commonwealth, state or territory arrangement. Examples of these are a guardianship order or an enduring power of attorney or similar legal authority. These people are appointed decision makers for the older person and can make decisions on their behalf under Commonwealth, state or territory arrangements. An appointed decision maker can only make decisions on the older person's behalf in line with their legal authority and if that legal authority is active.

In addition to the duties of registered supporters in the Act, appointed decision makers may also have duties, conditions or requirements they must adhere to under their Commonwealth, state and territory arrangements. This includes when they communicate with others, access information and make decisions on behalf of an older person. Where an older person has multiple active, appointed decision makers, an example of a condition on how they exercise their authority may include that the decision makers must act jointly in their decision-making. This means they have to make decisions together.

A registered supporter who is also an active, appointed decision maker is called a 'supporter guardian'.

If a supporter guardian is supporting the older person to make a decision that falls outside the scope of their Commonwealth, state or territory arrangement, they must not make the decision on the older person's behalf. For example, where an active, appointed decision maker has financial decision-making authority only, they cannot make personal decisions for the older person - they should instead allow the older person to make that decision. If the older person wants support, the supporter guardian should adopt principles of supported decision-making in line with the duties of a registered supporter, and assist the older person to make their own decision.

A registered supporter's role is to support the older person to make their own decisions and becoming a registered supporter does not provide a person with decision-making authority for the older person.

Substitute decision-making vs supported decision-making approaches

Active, appointed decision makers exercise decision-making authority within substitute decision-making frameworks. These frameworks may require a substitute decision maker to make decisions for an older person in line with the Commonwealth, state or territory requirements for that appointment. In some substitute decision-making legislative frameworks, this may be to act in the older person's best interests (which may or may not require consideration of the older person's will and preferences). Other legislative frameworks may require that substitute decision makers only make decisions in line with the older person's will and preferences.

These frameworks adopt substitute decision-making practices and principles. The new registered supporter role is **not** a substitute decision-making role. The role of the registered supporter is instead informed by supported decision-making principles to help an older person make or communicate their own aged care decisions.

While active, appointed decision makers may make decisions under Commonwealth, state or territory arrangements, either making decisions in line with an older person's best interests or will and preferences, they are still encouraged to consider and adopt supported decision-making practices.

Where an older person can make their own aged care decisions, with or without provision of support, appointed decision makers should support them to do so in line with the duties of a registered supporter and using the principles of supported decision-making.

Failure to comply with duties

The supporter provisions under the Act embed safeguards against the abuse of an older person, in relation to the conduct of registered supporters. This includes consequences for registered supporters who do not comply with their duties, and offence provisions for registered supporters who act dishonestly in abusing their position as a supporter.

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

If the System Governor reasonably believes a registered supporter has or will fail to comply with a duty, the supporter's 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 a detriment to another person.

It is an offence for a former registered supporter to use any information obtained in their capacity as a registered supporter with the intent to dishonestly obtain a benefit for themselves or another person, or cause detriment to another person.

When there is no breach of duty

A registered supporter is not considered to have breached their duties if the registered supporter had a reasonable belief that they were doing, or not doing, a thing to comply with their duties.

Similarly, a registered supporter is protected from liability for something they did, or did not do, in good faith in their capacity as a registered supporter. This protection provides assurance to those taking on the role of registered supporter that their exposure to liability is only in respect of something they did that was not in good faith.

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 with 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 considering if the person can comply with the duties of a registered supporter. 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. Registered supporters must inform the System Governor of any changes in their circumstances that may affect their ability to comply with the duties of a registered supporter, be contacted by, and comply with any notices given to the registered supporter by the System Governor. 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 and consider they have not, or cannot, comply with their duties, they 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 and 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 \(Cth\)](#)

ⁱ Sinclair C, Field S, Williams K, Blake M, Bucks R, Auret K, Clayton J, Kurrle S, *Supporting decision-making: A guide for people living with dementia, family members and carers*. Sydney: Cognitive Decline Partnership Centre, 2018, pp. 13, 23.