



Safeguards from abuse

Policy for registered supporters

Summary

This policy outlines how the *Aged Care Act 2024 (Cth)* (the Act) aims to safeguard older people from abuse by their 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

Contributors to decision-making denial

People in an older person's life may feel pressure or responsibility to protect an older person. This includes aged care providers, workers, registered supporters, and any other person supporting an older person. They may do this by stopping an older person from making a decision, denying them an opportunity to make a decision, or ignoring a decision they have made.

While this may be intended to show they care, this is an example of a paternalistic attitude that underestimates older people by prioritising perceived safety at the expense of their rights, autonomy, and self-worth. Older people have the right to make their own decisions, even if those choices involve personal risk.

Negative or discriminatory attitudes towards age and ageing are known as ageism. The Royal Commission into Aged Care Quality and Safety (Aged Care Royal Commission) highlighted ageism as a fundamental driver of systemic failures and neglect within the Australian aged care system. The Aged Care Royal Commission heard that widespread, often unconscious, ageist attitudes lead to negative perceptions of older people, diminishing their agency and human rights.ⁱ

This was echoed by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability which found that ageism, and negative attitudes towards disability, known as ableism, often intersect.ⁱⁱ

- Ageism contributes to continued decision-making denial. Ageism is stereotyping, discrimination and mistreatment based solely upon age. When directed towards older people, it comes from negative attitudes and beliefs about what it means to be older.
- Ageism can operate in conjunction with attitudes and stereotypes towards people with disability. These attitudes are known as ableism. Ableism is a component of discrimination against people with disability.

These beliefs may include that an older person's age or disability means they cannot make their own decisions.

New, rights-based Act

The Act establishes a modern rights-based, person-centred approach that prioritises the safety, health and wellbeing of older people. It places older people and their wishes at the centre of the aged care system.

Safeguarding older people's decision-making

Older people receiving aged care services should be safe and free from abuse.

The Act contains safeguards to prevent older people from experiencing, or being at risk of, abuse or neglect. This includes older people being presumed able to make their own

decisions, their rights to be supported in their decision-making, if necessary, and to have their decisions respected.

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.

Presumption of capacity

Older people have the right to exercise choice and make decisions in the care they receive.

A key change under the Act is that every older person is presumed to have the ability to make their own decisions. This is known as the presumption of capacity. The presumption of capacity applies to every decision to be made. This means that an older person is presumed to be able to make every new decision.

People in an older person's life should not assume that an older person does not want to, or cannot, make decisions.

Further, if an older person is not able to make a decision on one occasion, it does not mean they should be excluded from decision-making on other occasions.

Dignity of risk

An older person's rights to continue making their own informed decisions, with knowledge of the options and possible consequences, must be respected. Open and non-judgemental discussions of options and consequences are one example of how an older person's rights to take risks in their decision-making can be enabled.

Regulation of aged care providers

The Statement of Rights in the Act recognises the rights inherent to older people accessing or seeking to access funded aged care services. It defines what older people can expect from aged care providers in receiving safe, high-quality care. This includes a right to be free from all forms of violence, degrading or inhumane treatment, exploitation, neglect, coercion, abuse or sexual misconduct.

The Statement of Rights also includes the right to have quality and safe funded aged care services delivered consistently in line with the requirements imposed on providers under the Act.

[Aged care providers](#) are expected to take steps to act compatibly with these rights in their delivery of funded aged care services. The strengthened Aged Care Quality Standards expand on the expectations on aged care providers to provide quality care, including supporting older people in their decision-making.

Regulation of registered supporters

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

The registered supporter role is one of the changes under the Act that promotes older peoples' rights to be supported to make their own decisions. Registered supporters help older people to make and communicate their own decisions about their aged care services and needs.

Having a registered supporter does not stop an older person from being able to receive information, make decisions, or communicate directly with others including aged care providers, My Aged Care and assessors. Older people can keep requesting, receiving and communicating information and making decisions.

Similarly, 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.

Registered supporters can be important in helping older people to make their own decisions and have their voices heard. This includes their ability to speak up about abuse, neglect and misconduct.

The Act also safeguards against abuse from registered supporters. It 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. Registered supporters may also face offences under the Act for acting dishonestly in abusing their position as a supporter.

Safeguards embedded in the registered supporter role

The Act embeds several safeguards against abuse of an older person from their registered supporter. Some of these safeguards are outlined in further detail below, including:

- The duties of a registered supporter.
- An older person's right to review when a supporter has been registered without their consent (labelled a 'supporter guardian' relationship).
- 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.
- The System Governor's ability to suspend and cancel the registration of a supporter.
- The System Governor's ability to share information with other people and authorities, where appropriate.
- Offences for current and former registered supporters who abuse their position.

Registered supporter duties

All registered supporters have [duties](#) under the Act they must comply with. These duties are intended to promote an older person's safety, rights, will, and preferences.

When acting as a registered supporter, a person must:

- Act honestly, diligently, and in good faith.
- Avoid or manage conflicts of interest.
- 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.
- Support the older person only to the extent necessary for that older person to make their own decision or do something themselves.
- Apply their best endeavours to maintain the ability of the older person to make their own decisions.
- Inform the System Governor of any event or change to their circumstances, actual or likely, that may affect:
 - their ability to act as a supporter
 - the ability of the System Governor to contact them, or
 - their ability to comply with notices given to, and imposing requirements on, them by the System Governor.

Registration

Older person has not consented to establishing a relationship

Some registered supporters also have guardianship, 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, when their authority is active.

Where a person is an active, appointed decision maker for an older person, they can register as a supporter without the older person's consent. To do this, the appointed decision maker will need to provide proof of their legal authority to make decisions for the older person and that their legal authority is active. This is likely to be legal documentation. If registered, they will be recorded as a **'supporter guardian'**.

Active, appointed decision makers are encouraged to discuss their intent to apply to register as a supporter with the older person they have decision-making authority for. If a person is registered as a supporter without the consent of an older person, the older person will be notified and given an opportunity to seek reconsideration of the decision. Reconsideration is also known as internal review.

Note: The registration of most supporter relationships will be on the mutual consent of an older person and their prospective supporter. In these circumstances, the registered supporter is recorded as either a **'supporter'** or **'supporter lite'** depending on the older person's consent to automatically sharing certain information with them.

Older person's consent cannot be coerced

The System Governor can make enquiries, with an older person and others, if the System Governor considers that an older person's consent was not given freely during the registration process.

If the System Governor believes that a person has established, or is attempting to establish, a supporter relationship by use of force, coercion, fraud, or other dishonest means, the System Governor may consider it necessary to inform relevant Commonwealth, state, and territory authorities. This may include where the System Governor reasonably believes that this is necessary to mitigate 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.

An older person can also revoke or change their consent at any time.

Suspension and cancellation pathways

Direct cancellation

An older person or their registered supporter, acting in line with the will and preferences of the older person, can request that the System Governor cancel the supporter's registration at any time.

Requests from a registered supporter to cancel their registration

All requests by registered supporters (being, a supporter, supporter lite or supporter guardian) to cancel their own registration will be actioned, and the registration will be cancelled.

Requests from an older person to cancel the registration of their supporter or supporter lite

If an older person who initially consented to establishing a registered supporter relationship later requests that the supporter's registration be cancelled, that request will be actioned and the registration cancelled. This is because the relationship between the registered supporter and the older person was entered into with the mutual consent of both parties (being, supporter or supporter lite relationships). Either party withdrawing their consent means the relationship must end.

Requests from an older person to cancel the registration of their supporter guardian

If an older person requests that their supporter's registration be cancelled, and that registered supporter is also an active, appointed decision maker for the older person (being, a supporter guardian), the System Governor must consider all of the relevant information and decide if it is appropriate for the registration to be cancelled.

As the older person did not have to consent to the initial registration, the relationship will not necessarily end at the older person's request. The registration was instead contingent on that registered supporter having decision-making authority for the older person, and that authority being active. This means it is a discretionary decision of the System Governor. As such, the System Governor may consider whether the older person, or any other person, has:

- raised a complaint about the supporter guardian's ability to comply with the duties of a supporter
- made an allegation that the supporter guardian has caused abuse or neglect to the older person, or

- provided information to indicate the supporter guardian is no longer an active, appointed decision maker for the older person, or there has been a change in their decision-making authority.

Each request must be considered by the System Governor on a case-by-case basis.

Once the System Governor receives a request from an older person to cancel the registration of their supporter guardian, that registered supporter will be notified by the System Governor. The notification will:

- Be given as soon as practical after the request is received by the System Governor.
- Inform the supporter guardian that a request for the System Governor to cancel their registration has been made by the older person.
- Explain that the supporter guardian will have 28 days after the day the notice is given to provide a statement of reasons setting out why they should not have their registration cancelled. This statement of reasons can include any information that the supporter guardian considers relevant, including whether there are any alternative arrangements to support the older person. During this time, the supporter guardian's registration remains active.

A decision of the System Governor not to cancel a supporter's registration on the request of the older person is also a reviewable decision.

When the older person's safety is, or may be, at risk

Regardless of how the relationship was established, an older person does not have to provide a reason as to why they want to cancel their supporter's registration.

However, if the older person discloses information that indicates their safety is or may be at risk, the System Governor may recommend that they instead submit a complaint so a suspension pathway can be undertaken. A suspension pathway may be preferable in certain circumstances because the supporter's registration and powers are suspended while the System Governor investigates whether the registration should be cancelled. This is most relevant where the older person is considering making a request to cancel their supporter guardian relationship.

The effect of a suspension is detailed later in this policy. Further information on the differences between a request to end a relationship and a complaint is provided in the policy for complaints and reviews of decisions.

An older person can always make a complaint before, or after, asking for their registered supporter relationship to be ended.

Suspension and cancellation

The System Governor can suspend a supporter's registration in certain circumstances. This includes where:

- The System Governor reasonably believes that the registered supporter has caused, or is likely to cause, physical, sexual, financial, psychological or emotional abuse or neglect to the older person.
- The System Governor reasonably believes that the supporter has misused information provided to them under the Act.
- The System Governor reasonably believes that the registered supporter has not complied with, or is not able to comply with, a duty of registered supporters.
- The registered supporter has informed the System Governor that there has been, or is likely to be, an event or change of circumstances that the System Governor reasonably believes is likely to affect:
 - the ability of the registered supporter to act as a supporter, including complying with their duties under the Act
 - the ability of the System Governor to contact the registered supporter for the purposes of the Act, or
 - the ability of the registered supporter to comply with notices given to, and imposing requirements on, the registered supporter by the System Governor under, or for the purposes of, the Act.
- There has been a change in relation to an active, appointed decision maker for the older person under a Commonwealth, state or territory arrangement. This could include the older person having a new or different decision maker appointed, or an appointed decision maker being removed from their appointment or changes being made to their decision-making authority.

The System Governor can decide to suspend a supporter's registration based on any information provided to the System Governor. This includes information provided by the older person or their registered supporters, aged care providers and workers, other people supporting the older person, or anonymously.

An older person may want to be supported when raising concerns or complaints about a registered supporter. Older people may work with their other registered supporters (if any), aged care providers and workers, or anyone else to raise a concern or make a complaint about a registered supporter that may lead to that supporter's suspension.

Notifications and statements following suspension

The System Governor will notify the registered supporter and older person that the supporter's registration has been suspended. Both will be told the reasons for the suspension and given an opportunity to provide a statement to the System Governor that includes reasons why the registration should not be cancelled. This process ensures the older person knows why their supporter's registration is suspended, as it may not have been the older person who raised a concern or complaint, or the older person may not have been aware of it.

The System Governor will then consider any statements made by the older person and suspended supporter, before deciding whether to cancel the supporter's registration.

If a supporter's registration is cancelled, they can no longer access the older person's details and information through their My Aged Care Online Account and will not automatically

receive certain information about the older person. Their cancelled status will permanently remain on their My Aged Care record. Should they request to be registered as a supporter in the future, the System Governor can consider their previous suspension and/or cancellation, including the reasons the System Governor made those decisions.

A decision of the System Governor to cancel a suspended supporter's registration is also a reviewable decision.

Benefits of a suspension pathway

While suspended, a supporter's registration is not in effect. This means they cannot communicate decisions in line with the older person's will and preferences and cannot receive information or documents relating to the older person.

However, where the registration of a supporter guardian is suspended or cancelled, they may still be able to make decisions for the older person under their Commonwealth, state or territory arrangements. This is because the System Governor cannot revoke or alter a legal instrument or arrangement that grants a person decision-making authority.

The power to do so sits with either the older person themselves (if they have capacity) or the relevant Commonwealth, state or territory body.

System Governor may notify others

Suspending or cancelling a supporter's registration may not be sufficient to protect an older person, if the person whose registration as a supporter has been suspended or cancelled can continue to make decisions for the older person and access information about them under Commonwealth, state or territory arrangements. Though the System Governor cannot remove or change an active, appointed decision maker's authority to make decisions for the older person, the System Governor may notify other bodies, such as state and territory tribunals. The System Governor may also notify these bodies of information relating to an active, appointed decision maker, or a person attempting to make decisions on behalf of another person, even if they have never been registered as a supporter.

Circumstances where the System Governor may notify other bodies include where the System Governor:

- Reasonably believes that the disclosure is necessary to lessen or prevent a serious threat to the safety, health or wellbeing of an older person seeking to access, or accessing, funded aged care services.
- Reasonably believes that the disclosure is for the purpose of, or in relation to, reporting a past threat to an older person's life, health or safety to certain entities.
- Makes a written determination certifying that it is necessary in the public interest.

The System Governor may also alert law enforcement authorities.

Offences for abuse of position

Current or former registered supporter can also face offences for dishonestly abusing their position as a supporter. These offences attract significant penalties and reflect the

responsibility of registered supporters to ensure they undertake their roles with respect and integrity.

Current registered supporters

It is an offence for a current registered supporter to use their position, including exercising influence as a registered supporter, engaging in conduct as a registered supporter, or using information obtained as a registered supporter, with the intention of dishonestly obtaining a benefit for themselves or any other person, or dishonestly causing a detriment to another person.

Former registered supporters

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 of dishonestly obtaining a benefit for themselves or any other person or dishonestly causing a detriment to another person.

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 by calling My 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](#).

Ensuring an older person is not left without support

There are several safeguards outside of the Act that serve to ensure older people are not left without support. This is particularly important for older people who experience a loss in decision-making ability before a decision maker is appointed under a Commonwealth, state or territory arrangement, or older people who do not have people to support them in their decision-making.

Supports that may be available to older people, including vulnerable older people, include:

- Assistance from a care finder. This is a free service for vulnerable older people who need intensive support to access aged care and other local services. More information is available at www.myagedcare.gov.au/help-care-finder.
- Assistance from the Older Persons Advocacy Network (OPAN). OPAN aged care advocates provide free, confidential and independent information and support to older people seeking or receiving Australian Government-funded aged care as well as their

families and other people who provide support to the older person. More information is available at opan.org.au/ or by calling 1800 700 600.

- Assistance from an Elder Care Support worker, who help older First Nations people, their families and carers to access aged care services. More information is available at www.health.gov.au/our-work/elder-care-support.

My Aged Care has up to date information on the different kinds of supports available to an older person, their families and others concerned for their well-being. Information is available at www.myagedcare.gov.au/getting-support.

Other resources

Older people and the people who support them should be aware of how to recognise and respond to abuse, neglect, or misconduct. Options for information and support can include:

- Elder Abuse Helpline at 1800 353 373 and www.compass.info for information on elder abuse and ageism
- 1800RESPECT at 1800 737 732 and www.1800respect.org.au
- state and territory tribunals (for issues relating to a decision-maker appointed under a state or territory arrangement), and
- police (for allegations of criminal activity).

Further information on state and territory laws and organisations

Find more information on the laws in your state or territory relating to decision-making arrangements and organisations like tribunals and Public Guardians who can assist you:

- [Australian Capital Territory](#)
- [New South Wales](#) (and the [Ageing and Disability Commission](#)).
- [Northern Territory](#)
- [Queensland](#)
- [South Australia](#)
- [Tasmania](#)
- [Victoria](#)
- [Western Australia](#)

Audience

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

This policy applies to older people and their registered supporters, aged care providers and workers and others who engage My Aged Care and the broader aged care system.

Roles and Responsibilities

The System Governor is responsible for receiving and assessing any requests for the cancellation of a supporter's registration. The System Governor is responsible for considering any information requested or received that could justify the suspension of a supporter's registration, and for overseeing the suspension process that may lead to cancellation. The System Governor is also responsible for internal reviews of decisions (i.e. reviewable decisions). These include a decision to cancel a registration following a supporter's suspension, as well as a decision not to cancel a registration following a request by the older person.

Registered supporters are responsible for understanding their role and duties. Registered supporters are responsible for informing the System Governor of any change of circumstances that are likely to affect their ability to act as a registered supporter, including [conflicts of interest](#). Registered supporters are responsible for engaging in any suspension and cancellation process that involve them, including refraining from acting as a registered supporter while suspended. **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 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, 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 with the System Governor for the supporter's registration to be cancelled.

Aged care providers and workers are responsible for upholding their obligations under the Act to safeguard against abuse. These include responsibilities in relation to the Strengthened Aged Care Quality Standards, the Code of Conduct for Aged Care, and the Serious Incident Response Scheme. Aged care providers and workers are also responsible for raising awareness of other pathways to respond to abuse, neglect or misconduct, and supporting older people to raise a concern or complaint about their registered supporter, if they want support.

The **Aged Care Quality and Safety Commission** is responsible for receiving complaints from older persons, their registered supporters, and the public about aged care providers. They receive reports under the Serious Incident Response Scheme. The Commission may share allegations of abuse perpetrated by registered supporters with the System Governor and/or appropriate law enforcement persons or bodies.

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 Royal Commission into Aged Care Quality and Safety, 'Final Report Volume 2: The current system', pp 217-220, available at <https://www.royalcommission.gov.au/aged-care/final-report>.

ⁱⁱ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 'Executive Summary, Our vision for an inclusive Australia and Recommendations', pp 17-20, available at [Final Report - Executive Summary, Our vision for an Inclusive Australia and Recommendations | Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability](#).