



# Conflicts of interest for registered supporters: factsheet

Frequently asked questions for older people and people supporting them in the registered supporter context

The registered supporter role comes under the *Aged Care Act 2024* (the Act).

A registered supporter can be someone an older person chooses, like a friend or family member, who can help them make and communicate their own aged care decisions.

Under the Act, all registered supporters have duties to declare, and avoid or manage, conflicts of interest.

## What is a conflict of interest?

A conflict of interest occurs when a registered supporter's personal, professional, financial, or social interests get in the way of their responsibilities, as a registered supporter, to the older person they support. Conflicts may be:

- **Real** – currently exists
- **Potential** – could arise in the future
- **Perceived** – others might believe a conflict exists

A conflict might impact the registered supporter's ability to carry out their duties as a supporter, including being impartial, selfless and only acting in line with the older person's will and preferences.

## Do prospective and registered supporters have to declare, avoid, and manage conflicts?

Yes. Registered supporters have a legal duty under the Act to:

- Declare conflicts to the System Governor when they arise
- Avoid conflicts, where possible, and
- Manage unavoidable conflicts.

This involves prospective and registered supporters being upfront about any conflicts, considering and planning the steps they will take to manage or avoid conflicts, and talking to the older person and System Governor about any conflicts and their plan for managing or avoiding them.

Under the new Act, the **System Governor** is the decision maker under the Act who makes decisions relating to registered supporters. This includes making decisions to register

supporters, and to suspend and cancel the registration of supporters. The System Governor is the secretary of the Department of Health, Disability and Ageing, and has delegated their powers and functions to other people.

## **When do prospective or registered supporters need to declare conflicts of interest?**

Conflicts (either real, potential or perceived) must be declared:

- **While registering as a supporter:** If you want to register as a supporter and you have a conflict of interest, you should discuss this conflict with the older person including how you plan to avoid or manage the conflict. You must then declare your conflict, and any strategies you have to manage it, as part of applying to be a registered supporter.
- **Once registered as a supporter:** If a conflict of interest arises while you are registered as a supporter, you should discuss this conflict with the older person including how you plan to avoid or manage the conflict. You must then declare your conflict, and any strategies you have to manage it, to continue being registered as a supporter.

## **Do My Aged Care representatives who transitioned to become registered supporters need to declare conflicts of interest?**

Yes. My Aged Care representatives who transitioned to become registered supporters under the Act on 1 November need to declare any conflicts of interest immediately.

## **How do prospective or registered supporters declare a conflict of interest to the System Governor?**

Prospective and registered supporters must declare conflicts of interest to the System Governor by completing and submitting **Part E of the Registration of a Supporter Form**. The form is available on the [My Aged Care website](#). The form provides instructions on how to submit a declaration to the System Governor for consideration, depending on your circumstances.

- If you are applying to be registered as a supporter: use any of the methods listed on page 2 of the Registration of a Supporter Form.
- If you are **already** registered as a supporter, submit Part E by uploading it to the [online form](#) available on the department's webpage for registered supporters in aged care.

## Does declaring a conflict prevent a person from being a registered supporter?

No. Declaring a conflict does not automatically stop someone from being registered. If the conflict can be managed or avoided, the person may still be registered or remain registered. Each case is assessed individually by the System Governor.

If you are unsure if you have a conflict of interest, it's best to declare it. The System Governor will consider if the conflict can be managed or avoided.

## What happens if I do not declare a conflict of interest?

Failing to declare a conflict of interest may result in a supporter's registration being suspended or cancelled. A registered supporter could also face an offence under the Act if they abused their powers as a supporter by not declaring a conflict of interest.

## What are some common examples of conflicts of interest?

The scenarios below are general examples only. They set out examples of conflicts that are likely or unlikely to be managed, as well as examples that are unlikely to be considered conflicts of interest.

Any conflict of interest and management strategy will be considered by the System Governor on a case-by-case basis.

### Conflicts that cannot be managed

- Aged care providers, workers or volunteers directly involved in the older person's care
- People helping an older person to navigate the aged care system with ties to an aged care provider
- Paid translators (written communication) and interpreters (spoken language)

### Conflicts that may be managed

- Aged care workers not directly involved in the older person's care
- Family members employed in aged care but not directly involved in the older person's care
- Health professionals providing independent services to an older person
- Potential beneficiaries of an older person's estate, where the estate assets may be impacted by the provision of aged care services
- Adult children and spouses who are dependent on the older person for financial support, housing or other support that may be impacted by the provision of aged care services

## **Unlikely to be conflicts**

- Adult children and spouses who are not dependent on the older person for financial, housing, or other support that may be impacted by the provision of aged care services
- Co-residents in aged care homes

## **For more information**

- For general enquiries:
  - call My Aged Care on 1800 200 422
  - email: [SupportedDecisionMaking@Health.gov.au](mailto:SupportedDecisionMaking@Health.gov.au)
- For more details on conflicts of interest, view the [Conflicts of Interest Policy for Registered Supporters](#)