FOI 27-3598 - Document 3

3.3.1. Outcomes of screening

On completion of the screening:

- Assign referral priority to indicate the timing of the assessment and the urgency in which services are delivered to an older person, which is based on an older person's level of function, the level of risk in relation to the care situation and any other relevant concerns.
- Send the referral to an appropriate assessment organisation with the older person's consent.
- For urgent referrals for the End-of-Life Pathway, ensure the referral is marked as 'End-of-Life.'
- Send urgent service referrals direct-to-CHSP provider with the older person's consent and **send an assessment referral at the same time**. If urgent services are approved, Assessment delegates can backdate approvals for the urgent services after an assessment, see Section 3.2.

Note:
Where a referral is issued to the organisation in error, the My Aged Care Service Provider and Assessor Helpline can recall the referral (see Chapter 4 Referral for assessment).

This document has been released under the Freedom of Information Act 1982 by the Department of Health, Disability and Ageing

3.4. Support networks for an older person

Where an older person is registered with My Aged Care, there may also be a network of registered supporters and/or agent organisations on the older person's record.

3.4.1. Registered supporters

Supported decision-making in aged care legislation

Everyone has the right to make decisions about their life, including the support and services they receive from aged care.

The *Aged Care Act 2024* (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.

A key change under the Act is that every older person is presumed to have the ability to make decisions. Some older people may want or need support to make these decisions. Supported decision-making is the process of providing support to help older people make and communicate their own decisions, rather than having decisions made for them. This allows older people to remain in control of their lives.

Supported decision-making in assessments

Under the Act, assessors should promote an older person's right to make decisions, engage with registered supporters in line with the older person's will and preferences, and embed supported decision-making in assessment delivery.

FOI 27-3598 - Document 3

It is important to remember that supported decision-making principles and practices are not just about engaging with registered supporters. Supported decision-making is about supporting an older person to make their own decisions, in the ways they want or need.

This might look like:

- Asking the older person to make decisions about their aged care services and needs (rather than deferring to their family, registered supporters or their active, appointed decision-maker),
- Checking whether an older person has a registered supporter, and whether the older person wants that person to provide support. Remember that having a registered supporter does not mean that the older person needs to include them in discussions and their decision-making processes. It is always up to the older person. A registered supporter can only act in line with the older person's known will and preferences, and
- Considering how supported decision-making principles can be embedded into an assessment process. This could be:
    - more time for the older person to explore options and only asking them to make one decision at a time,
    - presenting the older person with options in ways the older person prefers, such as visually, and
    - encouraging and supporting the older person to make decisions at a time and place most comfortable for the older person.

Role of registered supporters

Chapter 1, Part 4 of the Act establishes the role of a registered supporter. The registered supporter role is one of the changes under the Act that aim to promote each older persons' right to be supported to make their own decisions. The registered supporter role commenced on 1 November 2025 and replaced existing regular and authorised representative relationships in My Aged Care.

Under the Act, older people can still choose who can support them to make decisions, if they want or need support. These people can be – but don't always have to be – registered supporters. A registered supporter may be a trusted family member or friend or anyone else of an older person's choosing, who can help them to request, access and understand information and communicate their wishes.

There are benefits to registering a supporter. Registered supporters can:

- help older people to make and communicate their own decisions about aged care. This might include speaking to My Aged Care, aged care assessors, aged care providers and workers, and the Aged Care Quality and Safety Commission, and
- request, access and receive information about the older person they support.

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.

Having a registered supporter does not stop an older person from being able to receive information, make decisions, or communicate directly with others including their aged care provider, My Aged Care and assessors. Older people can continue to request, receive and communicate information and make their own decisions.

An older person does not have to register a supporter. Some older people might feel they are already supported by their carers and other significant people in their lives, without

This document has been released under the Freedom of Information Act 1982 by the Department of Health, Disability and Ageing

FOI 27-3598 - Document 3

needing any of them to become a registered supporter. These people can continue to play an important role in supporting an older person, regardless of whether they are a registered supporter. This means, with the older person's consent, someone who is not a registered supporter may continue supporting an older person during their assessment as a third party. The older person may provide their consent for the third party to communicate their decisions and wishes, but this consent is not enduring and is limited to the interaction at the time.

Assessors must ensure that the older person has provided their consent each time a third party is communicating the decisions of, or information for, the older person.

Guidance for assessors when engaging with someone seeking to make a decision on behalf of an older person is provided in the sections on appointed decision makers.

Wherever possible, aged care providers and assessment organisations must continue to ask the older person to make decisions about their aged care services and needs, even where there is a registered supporter or third party supporting the older person. An older person's ability to make decisions and communicate their will and preferences may change from day to day, or over time, so understanding who their registered supporters are and the role they can perform is essential in respecting the older person's rights.

The System Governor plays a role in regulating registered supporters. This includes registration, suspension and cancellation.

Active, appointed decision makers

Some registered supporters may also have guardianship, enduring power of attorney or similar legal authority recognised under the Act. These people are referred to as appointed decision makers for the older person and can make decisions on behalf of the older person under Commonwealth, state or territory arrangements. They can only make decisions in line with their active, legal authority.

Decision-making arrangements differ across Commonwealth, state and territory jurisdictions. As such, the authority a person may have to make decisions for an older person may be subject to different requirements and conditions. In some circumstances, a person's authority to make decisions for an older person is not enlivened until the older person is found to have lost, or be experiencing a loss, in their decision-making ability, for some or all decisions. Before actioning a request or decision made by a person other than an older person, assessors need to consider the person's decision-making authority for an older person, including when it becomes active, on a case-by-case basis. This may involve sighting medical evidence about the older person.

If a registered supporter who is also an appointed decision maker 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 support the older person to make that decision. If the older person wants support, the registered supporter should adopt principles of supported decision-making in line with the duties of 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 and communicate their own decisions.

This document has been released under the Freedom of Information Act 1982 by the Department of Social Services, Disability and Ageing

There is no requirement to register a supporter, including where that person is also an appointed decision-maker under a Commonwealth, state or territory arrangement. Provided their authority is recognised under the Act, an active, appointed decision-maker can continue to exercise their legal authority, without being registered as a supporter.

Where there is no appointed decision maker

My Aged Care understands that there may be times where an older person is no longer able to make decisions and has no one in place with legal authority to make decisions for them.

While My Aged Care cannot give anyone decision-making powers to act on an older person's behalf, there are steps that those supporting them can take to enable an older person to receive the care and support they need.

One option is to submit an application for a guardianship and/or administration order with a state or territory court, board, panel or tribunal. They can conduct a hearing and decide if a person requires a legal decision maker. They can also decide who this person will be and what decisions they may make. Some state and territory processes also include emergency options to appoint a decision maker quickly if necessary.

Further information about appointed decision makers can be found on the My Aged Care website at appointed decision makers.

Consent and registered supporter types

In most cases, both the older person and their prospective supporter must consent to the relationship being registered. As part of obtaining consent, the older person will be asked: (1) if they would like to register a supporter; and (2) if they would like that supporter to be automatically given certain information and documents about them. This is information that may or must be provided to the older person under the Act. An older person should not feel pressured to register a supporter relationship.

Active, appointed decision makers recognised under the Act can seek to register as an older person's supporter without the consent of the older person.

This means there are three types under the umbrella term of 'registered supporter':

- **Supporter –** a person who the older person consented to registering as a supporter **and** to be automatically given information and documents that may or must be given to the older person under the Act.
- **Supporter lite –** a person who the older person consented to registering as a supporter but **not** to be automatically given information and documents that may or must be given to the older person under the Act.
- **Supporter guardian –** a person who is registered by the System Governor as a supporter and who, in becoming registered, relied on their authority as an active, appointed decision-maker for the older person under a Commonwealth, state or territory arrangement.

This document has been released under the Freedom of Information Act 1982 by the Department of Health, Disability and Ageing

The following table summarises these types and the consent requirements:

Table 13. Supporter relationships and consent requirements

	Two party consent		One party consent
	Supporter	**Supporter lite**	**Supporter guardian**
Can help an older person make and communicate their own aged care decisions	✓	✓	✓
Must comply with the duties of a registered supporter, including to avoid or manage conflicts of interest	✓	✓	✓
Will be given certain aged care information about the older person automatically	✓	✗	✓
Can request aged care information about the older person	✓	✓	✓
Can make decisions on behalf of the older person, in line with their active, authority under Commonwealth, state or territory arrangements	✗	✗	✓

This document has been released under the Freedom of Information Act 1982 by the Department of Health, Disability and Ageing

The labels 'supporter,' 'supporter lite' and 'supporter guardian' may be referred to in the My Aged Care Assessor Portal and App during the supporter registration process. For example, if an older person indicates they consent to registering a supporter, but not to that supporter automatically being given certain information about them, the My Aged Care Assessor Portal or App will note that a supporter lite relationship is being progressed. These labels will also be visible in the My Aged Care Assessor Portal or App to indicate the type of relationship that was registered.

An active, appointed decision-maker may choose not to register as a supporter, but to otherwise make themselves known to My Aged Care. Requests to do so should be escalated to the departmental delegate responsible for supporters, with proof that demonstrates the appointed decision maker has decision-making authority for the older person under a Commonwealth, state or territory arrangement and that their authority is active.

Duties

All registered supporters have duties under the Act that they must comply with. Registered supporters must act honestly, diligently, and in good faith when undertaking these duties. These duties are intended to promote an older person's safety, rights and will and preferences.