



Confirming Authorised Representatives in My Aged Care

Purpose

This fact sheet provides additional guidance on the requirements to verify and confirm the evidentiary documents used to establish an Authorised Representative relationship and to confirm the process for establishing the relationship in My Aged Care.

Background

Authorised Representatives are only created in My Aged Care when a client does not have decision-making capacity. Legal documentation, including medical evidence if applicable, is required to support the appointment of the Authorised Representative. The documents required to establish an Authorised Representative relationship are determined by state and territory legislation and are dependent on whether a legal representative has already been appointed. It is important that the correct documents are sighted, confirmed and uploaded when establishing the Authorised Representative relationship. Only certain types of documents provide acceptable proof of the relationship.

Types of documents

The rules in each state and territory are different, so contact the relevant authority where you live or the older person's legal advisor. Additional information is available on legal documents and the role of substitute decision makers in your state or territory:

- [Australian Capital Territory](#)
- [New South Wales](#)
- [Northern Territory](#)
- [Queensland](#)
- [South Australia](#)
- [Tasmania](#)
- [Victoria](#)
- [Western Australia](#)

Medical Evidence: is a letter from a Medical Practitioner stating that the individual does not have capacity to act on their own behalf. Medical evidence is not required to support a Guardianship Order.

Legal Documentation: such as an Enduring Power of Attorney (EPOA) or Enduring Power of Guardianship (EPG), which provide another individual with the ability to act on someone's behalf after a person loses decision-making capacity for powers which may cover, for example, medical, health or personal purposes. Requirements differ for each state or territory.

Note: A Power of Attorney (POA) appoints a person to act on another person's behalf for specified time frame and powers (e.g. financial matters) and ceases to operate after a person loses decision-making capacity.

Guardianship Order: A Guardianship Order appoints a public guardian to make decisions on behalf of an individual such as personal, lifestyle and health decisions. If there is an end date on the Guardianship Order and the Order is expired the Public Guardian will need to send the



new documentation through to My Aged Care containing the new dates or a change of person responsible for the client.

Public Trustee Documentation: Public Trustees are typically appointed as administrators or financial managers and can make financial and legal decisions about a person's estate. Public Trustees do not have the legal authority to be a client's authorised representative, unless it is clearly specified in their supporting documentation that they are able to make personal, lifestyle or health decisions on behalf of the client.

Advance Care Directive: An Advance Care Directive records an individual's decisions, wishes, or values about health care now in case they lack decision-making capacity in the future. It allows the individual to request or refuse health care, including life-sustaining treatment. In some parts of Australia, it can be used to appoint a substitute decision-maker. It only takes effect once the person is no longer able to exercise decision-making capacity.

Statutory Declaration: If there is not a previously appointed legal representative, a statutory declaration and supporting medical evidence can be submitted by the intended authorised representative. The statutory declaration must state the person is the most appropriate person to represent an individual and there is no formal legal representative in place.

More information on types of documents can be found at: www.myagedcare.gov.au/legal-information.

Legal documents Authorised Representatives need

The legal documents the person needs to provide will depend on whether a legal representative has already been appointed.

If a legal representative is in place

My Aged Care will need to receive **one** of the following:

- Guardianship Order
- Enduring Guardianship **and** a letter from a Medical Practitioner that states the older person cannot act on their own behalf
- Enduring Power of Attorney (ACT, QLD and VIC only) **and** a letter from a Medical Practitioner that states the older person cannot act on their own behalf
- Advance Health Directive (ACT and WA excluded), or similar, **and** a letter from a Medical Practitioner that states the older person cannot act on their own behalf.

If a legal representative is not yet in place

If an older person is no longer be able to make decisions for themselves and has not nominated someone to act for them, if an individual believes they are the best person to act for them, they will need to provide the following documents to My Aged Care:

- a statutory declaration stating they are the most appropriate person to represent them and there is no formal legal representative in place, and
- a letter from a Medical Practitioner stating the older person is unable to act on their own behalf.



Verifying and Confirming documentation

Assessors have a role in verifying and confirming all documents used to establish the Authorised Representative relationship. This includes ensuring verified (where possible) and valid documentation is uploaded to My Aged Care, along with the completed My Aged Care Representative form. If an assessor is unable to verify the authorised representative documentation, refer to the 'Unable to obtain relevant documentation' process below.

Note: Authority document requirements vary by jurisdiction and are tailored to the individual's instructions. To inform verification, check the requirements specified in the authority document.

The suggested steps to follow for verifying the Authorised Representative relationship are set out below:

1. View referral on the My Aged Care assessor portal to confirm that an Authorised Representative relationship is required (e.g. the client does not have decision-making capacity and the referrer has advised that they would like to be set up as the client's Authorised Representative).
2. Contact the representative or nominated contact person and request that the My Aged Care Appointment of Representative Form (Part A and Part C) and a copy of the legal documentation to confirm the Authorised Representative relationship be available at the time of the assessment.
3. The assessor, when determining whether to validate a document, should be aware:
 - a) that more than one document may be required to establish the Authorised Representative relationship in My Aged Care, e.g. some EPOA's may require additional documentation such as medical evidence from a medical practitioner confirming that the person has ceased to have decision-making capacity from a certain date, thus enabling the EPOA to be effective from that date. **Note:** If the EPOA provisions do not include a medical evidence requirement, My Aged Care still requires a copy of a letter from a medical practitioner confirming lack of decision-making capacity for an Authorised Representative relationship to be established. If the person still has decision-making capacity, a regular representative relationship can be created.
 - b) of any limitations prescribed in the authority documentation, including expiration dates or scope of powers, e.g. a document appointing a person to make financial and/or legal decisions on behalf of a client but does not cover personal matters may not be a complete set of evidence.
 - c) that the documents provided are appropriate, e.g. a POA is not classified as an appropriate document when verifying an Authorised Representative relationship, as the person still has capacity to make decisions on their own behalf (and only requires someone to act on their behalf for a specified time frame). Refer to Checklist A of this fact sheet for documents that would be deemed appropriate in your jurisdiction.
4. Upload copies of all relevant and validated documents establishing the Authorised Representative relationship to **both** the client and the representative records on the My Aged Care assessor portal. If the pending representative does not have a copy to provide to the assessor at the time of the assessment, the myAssessor application camera can be used to take a photo of the document to upload as an attachment as long as the document photographs are clear and readable.



5. More guidance is found on the [My Aged Care Appointment of Representative form](#), Part C, and at [Checklist A](#) of this fact sheet to inform verification of documents.

Finalising the Authorised Representative relationship in My Aged Care

Once documentation has been verified, it is uploaded to the My Aged Care assessor portal (See Quick Reference Guides (QRG) 4 - Navigating and Updating the Client Record (RAS/ACAT)). Then the assessor needs to confirm the Authorised Representative relationship in the My Aged Care assessor portal. More information on adding and activating the Authorised Representative relationships is at QRG 2 - Registering Representatives and Adding Relationships (RAS/ACAT). See links under Key Resources below.

Unable to obtain relevant documentation

In certain situations, it will not be possible to obtain or verify the required documents to establish the Authorised Representative relationship. In such cases the Authorised Representative relationship should be created as 'pending' until the appropriate documents are provided and able to be verified. In this situation, advise the client and/or pending authorised representative to return the relevant documents by mail or fax to My Aged Care, where the contact centre will process the documents and, if validated, activate the relationship:

- Fax: 1800 728 174, or
- Mail: My Aged Care, PO Box 1237, Runaway Bay, Queensland, 4216.

Note: For ACATs in exceptional circumstances where the person does not have decision-making capacity, lack of documentation should not prevent the assessment. The Application for Care form has provision to be completed by another person who is acting in the best interests of the client such as a spouse or other close relative, close friend, general practitioner or solicitor. This other person may not necessarily be listed as a representative within My Aged Care for that client.

Key Resources

- [My Aged Care Appointment of Representative form](#)
- [My Aged Care Legal information](#)
- [My Aged Care representatives](#)
- [QRG 2 - Registering Representatives and Adding Relationships \(RAS\)](#)
- [QRG 2 - Registering Representatives and Adding Relationships \(ACAT\)](#)
- [QRG 4 – Navigating and Updating the Client Record \(RAS\)](#)
- [QRG 4 – Navigating and Updating the Client Record \(ACAT\)](#)
- [My Aged Care Assessment Manual](#)
- [Summary of Changes in My Aged Care System – January 2020](#)



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Attachment A. Checklist

The table below is a tool to assist assessors with checking the documentary evidence requirements for the Authorised Representative relationship in their jurisdiction.

Example of using the Checklist. An assessor seeks to establish an Authorised Representative relationship for a client in Victoria. In this example the client has an EPOA as she is no longer able to exercise decision-making capacity. Her daughter has been appointed as her EPOA for personal and medical decisions.

To identify the required documentation, refer to [Checklist](#) table below.

1. Under the first column, **Jurisdiction**, go to Victoria.
2. Follow the row along to the second column, **Establishing an Authorised Representative**, go to the row **Chosen by Individual**.
3. Move along the row until the third column, **Document 1**, which identifies the primary document establishing the Authorised Representative relationship. In this example an EPOA.
4. Now move along the row to the column titled **Document 2**. Sight **Medical Evidence** (i.e. a letter from a medical practitioner stating lack of decision-making capacity).
5. Finally, Part A and C of the My Aged Care Appointment and Representative form will also need to be completed, as per the column titled **Document 3**.
6. Hover over the jurisdiction link to see detailed information on legal documents and the role of substitute decision makers in your state or territory (in this example: [Victoria](#))

Jurisdiction	Establishing an Authorised Representative	Document 1	Document 2	Document 3
Australian Capital Territory	Appointed by the Court	Guardianship or Guardianship Order	Appointment of Representative Form	N/A
	Chosen by the individual	Enduring Power of Attorney: <ul style="list-style-type: none"> • Medical decisions specified • Personal decisions specified • Medical and personal decisions are specified 	Medical Evidence	Appointment of Representative Form: Part A and C
		Advance Care Directive	Medical Evidence	Appointment of Representative Form: Part A and C.
	No appointed legal representative	A statutory declaration by a person wishing to become an authorised representative	Medical Evidence	Appointment of Representative Form
New South Wales	Appointed by the Court	Guardianship or Guardianship Order	Appointment of Representative Form	N/A



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Jurisdiction	Establishing an Authorised Representative	Document 1	Document 2	Document 3
	Chosen by the individual	Enduring Guardianship	Medical Evidence	Appointment of Representative Form: Part A and C
		Advance Care Directive	Medical Evidence	Appointment of Representative Form: Part A and C
	No appointed legal representative	A statutory declaration by a person wishing to become an authorised representative.	Medical Evidence	Appointment of Representative Form: Part A and C
<u>Northern Territory</u>	Appointed by the Court	Guardianship or Guardianship Order	Appointment of Representative Form	N/A
	Chosen by the individual	Advance Personal Plan <ul style="list-style-type: none"> • Medical decisions specified • Personal decisions specified • Medical and personal decisions are specified 	Medical Evidence	Appointment of Representative Form: Part A and C
		Pre-17 March 2014 Enduring Power of Attorney <ul style="list-style-type: none"> • Medical decisions specified • Personal decisions specified • Medical and personal decisions are specified 	Medical Evidence	Appointment of Representative Form: Part A and C
	No appointed legal representative	A statutory declaration by a person wishing to become an authorised representative.	Medical Evidence	Appointment of Representative Form: Part A and C
<u>Queensland</u>	Appointed by the Court	Guardianship or Guardianship Order	Appointment of Representative Form	N/A
	Chosen by the individual	Advance Health Directive <ul style="list-style-type: none"> • Medical decisions specified • Personal decisions specified • Medical and personal decisions are specified 	Medical Evidence	Appointment of Representative Form: Part A and C



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Jurisdiction	Establishing an Authorised Representative	Document 1	Document 2	Document 3
		Enduring Power of Attorney <ul style="list-style-type: none"> Medical decisions specified Personal decisions specified Medical and personal decisions are specified 	Medical Evidence	Appointment of Representative Form: Part A and C
	No appointed legal representative	A statutory declaration by a person wishing to become an authorised representative.	Medical Evidence	Appointment of Representative Form: Part A and C
<u>South Australia</u>	Appointed by the Court	Guardianship or Guardianship Order	Appointment of Representative Form	N/A
	Chosen by the individual	Advance Care Directive	Medical Evidence	Appointment of Representative Form: Part A and C
		Pre July 2014 Medical Power of Attorney	Medical Evidence	Appointment of Representative Form: Part A and C
		Pre July 2014 Enduring Power of Guardianship <ul style="list-style-type: none"> Medical decisions specified Personal decisions specified Medical and personal decisions are specified 	Medical Evidence	Appointment of Representative Form: Part A and C
	No appointed legal representative	A statutory declaration by a person wishing to become an authorised representative.	Medical Evidence	Appointment of Representative Form: Part A and C
<u>Tasmania</u>	Appointed by the Court	Guardianship or Guardianship Order	Appointment of Representative Form	N/A
	Chosen by the individual	Enduring Guardianship <ul style="list-style-type: none"> Medical decisions specified Personal decisions specified Medical and personal decisions are specified 	Medical Evidence	Appointment of Representative Form: Part A and C



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Jurisdiction	Establishing an Authorised Representative	Document 1	Document 2	Document 3
	No appointed legal representative	Advanced Care Directive A statutory declaration by a person wishing to become an authorised representative.	Medical Evidence Medical Evidence	Appointment of Representative Form: Part A and C
Victoria	Appointed by the Court	Guardianship or Guardianship Order	Appointment of Representative Form	N/A
	Chosen by the individual	Pre 1 September 2015 Enduring Guardianship	Medical Evidence	Appointment of Representative Form: Part A and C
		Enduring Power of Attorney <ul style="list-style-type: none"> • Medical decisions specified • Personal decisions specified • Medical and personal decisions are specified 	Medical Evidence	Appointment of Representative Form: Part A and C
		Medical treatment decision maker	Medical Evidence	Appointment of Representative Form: Part A and C
		Advance Care Directive	Medical Evidence	Appointment of Representative Form: Part A and C
	No appointed legal representative	A statutory declaration by a person wishing to become an authorised representative.	Medical Evidence	Appointment of Representative Form: Part A and C
Western Australia	Appointed by the Court	Guardianship or Guardianship Order	Appointment of Representative Form	N/A
	Chosen by the individual	Enduring Power of Guardianship	Medical Evidence	Appointment of Representative Form: Part A and C
	No appointed legal representative	A statutory declaration by a person wishing to become an authorised representative.	Medical Evidence	Appointment of Representative Form: Part A and C