

# **PARLIAMENTARY INQUIRY QUESTION ON NOTICE**

## **Department of Health and Aged Care**

### **Senate Standing Committee on Community Affairs Legislation Committee**

#### **Inquiry into the Aged Care Bill 2024 (Provisions)**

**03 October 2024**

**PDR Number: IQ24-000159**

#### **Differences between supporter and a substitute decision maker**

##### **Written**

**Senator:** Marielle Smith

##### **Question:**

What is the difference between a supporter and a substitute decision maker

##### **Answer:**

A supporter registered under the Aged Care Bill, can receive and access information to support an individual in their decision-making in relation to aged care. A supporter may also communicate the older person's wills and preferences to relevant parties in relation to their decision-making under the Bill. Supporters are not permitted to make decisions for an older person and their engagement should always be at the direction of the person they are supporting.

The supporter arrangements provide safeguards to ensure an older person's right to autonomy and enduring involvement in their decision-making about their care, quality of life and right to social participation.

Supporter relationships are generally established through the mutual consent of the older person and the individual that they want to support them. These relationships can be ended by either party withdrawing their consent. There is no obligation or requirement for an older person to establish a supporter relationship if they don't want to.

In contrast, a substitute decision-maker is a person permitted under state / territory law to make decisions on behalf of someone who does not have capacity, for example an individual who has been given authority to make decisions under a guardianship order, enduring power of attorney or similar. There are differences in legislative arrangements in each jurisdiction, including the different types of decisions an individual is permitted to make on behalf of another person and when such arrangements take effect. There may be a point in a person's aged care journey where they do not have capacity to make their own decisions, and the Bill provides for such arrangements to be honoured.