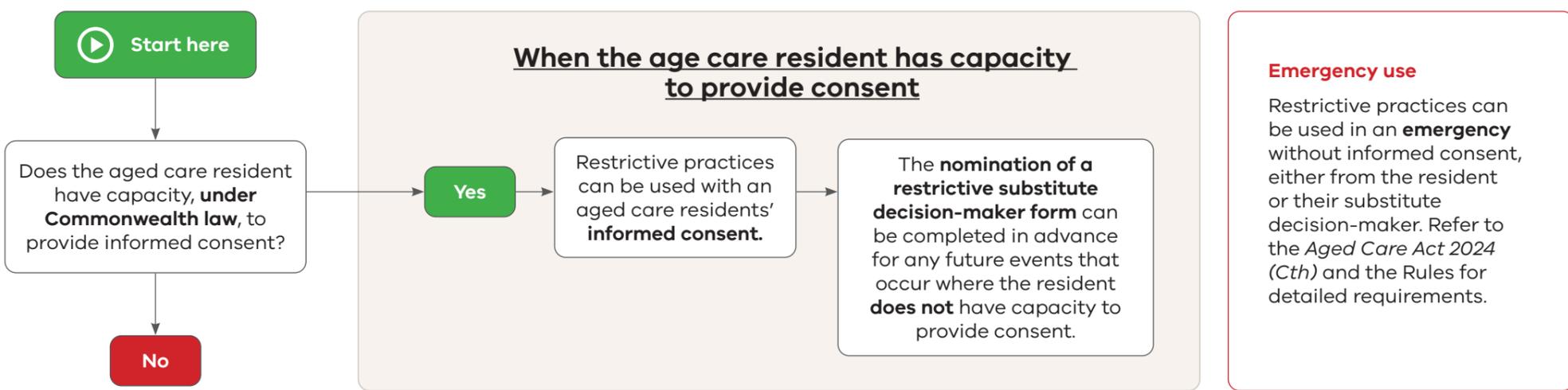
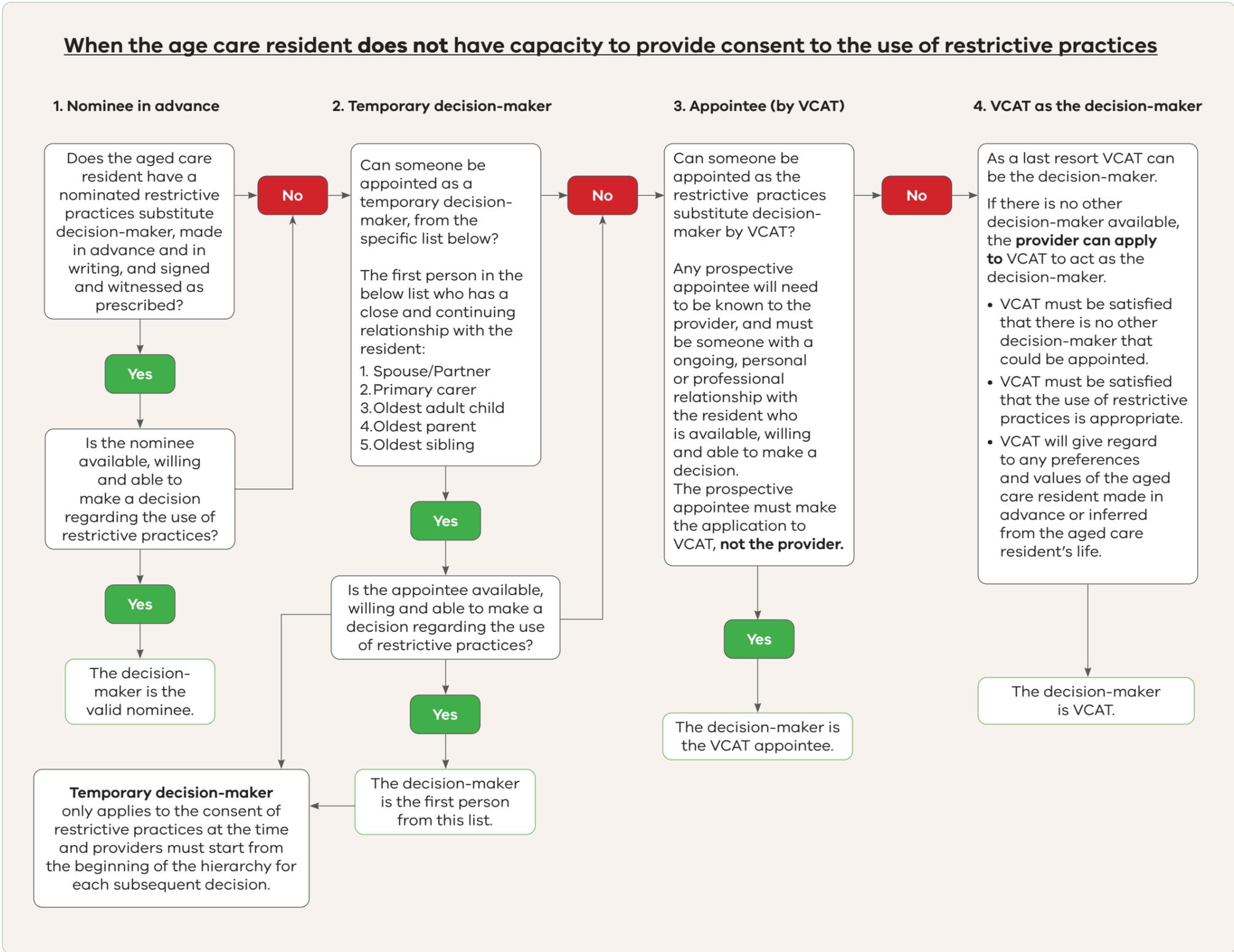


# Identifying Substitute Decision-makers under the *Aged Care Restrictive Practices Substitute Decision-maker Act 2024 (Vic)*



**Emergency use**

Restrictive practices can be used in an **emergency** without informed consent, either from the resident or their substitute decision-maker. Refer to the *Aged Care Act 2024 (Cth)* and the Rules for detailed requirements.



**When is a restrictive practices substitute decision-maker required?**

- The aged care resident is a recipient of care under the *Aged Care Act 2024 (Cth)* and receives funded aged care services in an approved residential care home.
- A behaviour support plan (BSP) has been developed under the *Aged Care Act*, that identifies behavioural supports are required for the purposes of care.
- Restrictive practices as defined by the *Aged Care Act 2024 (Cth)* are identified and documented as necessary within the BSP.

**Who can't be a substitute decision-maker?**

- ✗ an employee or agent of the residential aged care provider
- ✗ someone under the age of 18
- ✗ someone involved in the preparation or implementation of the BSP
- ✗ someone convicted (other than a spent conviction) of committing a crime against the resident
- ✗ someone subject to a family violence intervention order concerning the aged care resident

**Disputes**

VCAT has jurisdiction to intervene around disputes and make orders concerning the appointment of substitute decision-makers under this Act