

02 March 2020

Attorney-General's Department  
Attn.: Elder Abuse Team, Family Safety Branch  
3-5 National Circuit  
CANBERRA ACT 2600

Email: [EPOAConsultationRIS@ag.gov.au](mailto:EPOAConsultationRIS@ag.gov.au)

**Re: Regulation Impact Statement (RIS) - Enhancing protections relating to the use of Enduring Power of Attorney instruments**

**Leading Age Services Australia (LASA) submission to the above RIS consultation**

Thank you for giving LASA the opportunity to provide comment to the RIS about enhancing protections for enduring powers of attorney (EPOA) relating to financial and property matters.

Providers of aged care services enter into commercial transactions with older people who choose to receive their aged care services. These aged care arrangements are commonly facilitated by the older person's next-of-kin, particularly if the older person lives with dementia. For providers, being able to verify the currency of an EPOA in an EPOA register would be very useful as providers' duty of care obligates them to safeguard their care recipients' best interest. LASA Members have commented to us that the establishment of such an EPOA register has been long overdue.

LASA supports RIS Option 2 *National register with mandatory registration* as mandatory registration would assure aged care providers of an EPOA's definite validity. By contrast, voluntary registration (Option 3) would still leave doubt whether an unregistered EPOA is valid when presented to an aged care provider.

LASA proposes that any registration fees or fees for changes to an EPOA should be waived for full pensioners to ensure that all people, regardless of financial means, have access to the assurance of only valid EPOAs being enacted.

Further, providers in the aged care sector would like to see all Enduring Guardianships registered, as these cover important issues such as accommodation choices, personal care

matters, health care matters and medical research matters. LASA would encourage the Attorney-General's Department to consider the expansion of mandatory registration to include Enduring Guardianships.

Please do not hesitate to contact me with any queries you may have.

Regards

[Signed]

Tim Hicks  
General Manager, Policy and Advocacy  
Leading Age Services Australia