

# Order of Restrictive Substitute Decision Makers (RPSDMs)

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## NOMINATIONS BY THE RESIDENT

- The Resident can nominate someone to make decisions about restrictive practices if the Resident has decision-making capacity (**RP Nominee**).
- The Resident can revoke their appointment of a RP Nominee in writing at any time, if they have decision making capacity.

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## TEMPORARY RPSDM

- Temporary RPSDMs may be appointed if there is no RP Nominee.
- The order is the Resident's: spouse or partner; primary carer; oldest to youngest child; oldest to youngest parent; followed by oldest to youngest sibling.
- Each time a restrictive practice is proposed a Temporary RPSDM is required to make a decision on its use.

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## VCAT APPOINTMENT OF a RPSDM

- If there is no RP Nominee or Temporary RPSDM, an eligible adult may apply to VCAT to be appointed as a RPSDM.
- The applicant must have an ongoing personal or professional relationship with the Resident and meet certain requirements.

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## VCAT AS RPSDM

- If there is no RP Nominee, Temporary RPSDM, or appointed RPSDM, VCAT may consent to the use of a restrictive practice, subject to any conditions VCAT considers appropriate.
- When deciding on whether to consent to a restrictive practice, VCAT must consider any preferences of the Resident.



**Contact Aged Care Justice if you would like a free legal consultation:**

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