

# Child representatives

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**Quick summary:** A child representative is usually a person or persons who have parental responsibility for a child under the laws for the NDIS. They do things and make decisions about the NDIS on behalf of a child participant. In most cases, a child's parents or guardian will automatically be their representative. Sometimes, we need to appoint someone else as a child representative, for example, a relative. We may also decide that a child does not require a child representative, if we consider it appropriate for the child to represent themselves.

When we say 'you' in this guideline, we mean the child representative.

When we say 'child' in this guideline, we mean a participant under the age of 18 years old.<sup>1</sup>

When we say 'us' or 'we' in this guideline, we mean the NDIA.

## What's on this page?

This page covers:

- [What is a child representative and what do they do?](#)
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- [How do I become a child representative?](#)
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You may also be interested in:

- [Nominees](#)
- [Early childhood approach](#)
- [Your privacy and information](#)

## What is a child representative and what do they do?

A child representative is a person who does things and makes decisions about the NDIS on behalf of a child participant.<sup>2</sup> This does not affect any other duties or responsibilities of anyone else caring for or making decisions on behalf of a child.<sup>3</sup> A child representative is different to a nominee. Nominees, and other supports for decision making, are available for participants over the age of 18.

Most of the time the person, or persons who have parental responsibility for the child under the NDIS Act, will be the child representatives.<sup>4</sup> If you are a child's parent or parents, you will usually have parental responsibility and be the child representatives automatically.<sup>5</sup>

The parent, or parents, will have [parental responsibility](#) under the NDIS, unless:

- the child has a guardian<sup>6</sup>
- a Court or Tribunal has made an order changing parental responsibility for the child or a parenting order in relation to the child<sup>7</sup>
- the Agency has made a decision to change the child representatives.<sup>8</sup>

A participant under the age of 18 will usually have at least one child representative who will act for and make decisions about NDIS matters for them. Child representatives have a duty to learn the wishes of the child and act in their best interests.<sup>9</sup> This is because, in most cases, the child will need someone to make decisions about NDIS matters on their behalf.

A person with parental responsibility will usually apply on behalf of a child to access the Scheme. You can find out more about who can apply on behalf of a child in [Access to the NDIS](#).

There are different criteria we need to think about when [deciding whether to change a child representative](#).<sup>10</sup>

## What do we mean by parental responsibility?

Parental responsibility is a legal definition we use to identify who has authority to act and make decisions on behalf of a child. Parental responsibility determines who will be a child representative or representatives automatically.<sup>11</sup> There are different rules about who has parental responsibility.<sup>12</sup> A person with parental responsibility will either be:

- The person or persons who meet one of the 2 [parental conditions](#). In most cases this will be the child's parent or parents.
- The child's guardian, if they have one.<sup>13</sup>

## What are parental conditions?

Parental conditions is a legal definition we use to determine who has parental responsibility for a child when a guardian hasn't been appointed. There are 2 parental conditions.<sup>14</sup> If a person meets either of the conditions, they have parental responsibility and will be a child representative,<sup>15</sup> unless we decide otherwise.<sup>16</sup>

## Parental condition 1

A person meets parental condition 1 if they are the child's parent, and a Court or Tribunal order<sup>17</sup> has not removed parental responsibility from them.<sup>18</sup>

## Parental condition 2

A person meets parental condition 2 if they are identified in a parenting order<sup>19</sup> as a person who either:

- the child lives with
- the child spends time with
- is responsible for the child's day-to-day and long-term care, their welfare and helping the child's development in life.<sup>20</sup>

For example, the Family Court of Australia may make a parenting order. It states a family member, such as an aunt, has parental responsibility for a child. In this case, we will consider the person named in the parenting order to have parental responsibility for the child.

## Can a child have more than one child representative?

Yes, a child can have more than one child representative.<sup>21</sup>

Child representatives should talk to each other before doing things, or making decisions about NDIS matters, on behalf of a child.<sup>22</sup> If the child representatives can't work together on the child's behalf, we may decide that one or more of them should be the child representatives, instead.<sup>23</sup>

However, if a child has a guardian, the guardian will usually be the only child representative, even if there are other people who meet the [parental conditions](#). In limited circumstances, we [may decide that someone else should be the child representative](#) instead of the guardian.<sup>24</sup>

There may be other times we decide that more than one person can be the child representative.<sup>25</sup>

## What if parents are separated?

If both parents have parental responsibility, both parents can be the child representatives for NDIS purposes, even if they are separated.<sup>26</sup>

Unless an order made under the Family Law Act 1975 or a law of a state or territory removes parental responsibility, the parent, or parents, who were already the child representative will continue.

We expect parents to talk to each other before doing things or making decisions about NDIS matters.

We have a duty of care to make sure that whoever is representing the child is the most appropriate representative for the child specifically for NDIS matters. If separated parents are unable to work together on NDIS matters then we may decide only one parent should be the child representative. When we decide who remains a child representative, we consider:

- What the child would like.<sup>27</sup> We will try to involve the child in the discussions as much as possible or when they're able to. This may depend on their age and disability.
- The views of all of the child representatives.<sup>28</sup>
- Whether one or more of the child's representatives are best placed to perform the [duties of a child representative](#). This includes:
  - the existing arrangements between the child representatives and the child<sup>29</sup>
  - who has responsibility for day-to-day parenting decisions<sup>30</sup>
  - which representatives can work with the other representatives and the child's supporters in the best interests of the child.<sup>31</sup>
- Whether one or more of the child representatives are willing and able to work together in the best interests of the child.<sup>32</sup>
- The importance of maintaining the child's family relationships and informal support networks.<sup>33</sup> Are there any gender, cultural and language needs the child might have?
- Whether we have asked the child representatives to answer questions or provide information to inform our decision. We will also consider the answers to those questions, or refusal to answer questions or requests for information.<sup>34</sup>
- Whether the child representatives consent to the release of information about their criminal history or their suitability to work with children.
- If they have any relevant convictions for offences under Australian laws, or state or territory laws.<sup>35</sup>
- If there is other relevant information relating to the suitability of the child representatives to work with children.<sup>36</sup>

If we receive information that the child is under a parenting or court order, we will need to review the details of the order and determine the impact on child representative(s) roles. This could mean that we change or limit the child representative(s) based on what it says in the

order. Sometimes a parenting or court order will say whether someone without parental responsibility can still receive correspondence about their child. We will follow the details in the court order when we send correspondence or share information about the child.

Sometimes we will temporarily stop correspondence and stop sharing information about the child to one or both child representatives while we review the details of a court order or while we are waiting for a copy of a court order. This might also happen if we become aware of family violence, risk of family violence or any situation where the child may be at risk and we are waiting on parenting or court orders to say how information should be shared. We won't change or revoke a child representative role until we receive a parenting or court order though.

The safety of children and families is very important to us. Although we already have controls in place to protect your information, there are some situations like when there is a court order, family violence or a risk of family violence, where your records with us need more privacy protection than usual. We call this restricted access. It means only a limited number of staff with special permissions can access your information.

You can request restricted access at any time using our [request for extra privacy protections \(restricted access\) form](#). Alternatively, you can [contact us](#) and ask for restricted access in person or over the phone.

Learn more about [your privacy and information](#).

We do not disclose information to anyone other than the parents or appointed child representatives as listed on the child's record.

If you have concerns related to someone acting on behalf of the child or receiving correspondence related to the child, you can [talk to us](#). If you think the child is at immediate risk of harm, or have any concerns related to the child's safety, call the police straight away.

## What does a child representative do?

A child representative role is different to a nominee. As a child representative, you have some important duties and responsibilities.<sup>37</sup> You need to give us information about the child participant and work with us to create and review the child's plan.

You must:

- talk to and listen to the child and make sure you know their wishes<sup>38</sup>
- help the child take part in deciding things, where possible
- do things that are in the best interest of the child<sup>39</sup>
- encourage the child to do things in life and in the community.

When practical, you must consult with:

- the child's guardian (if the child has one)<sup>40</sup>
- other child representatives, or persons with parental responsibility for the child<sup>41</sup>
- another person who helps the child to make decisions and manage day-to-day activities.<sup>42</sup>

If you're a child representative, you should always consider the best interests of the child.<sup>43</sup> This means your decision-making is guided by the need to:

- protect the child from harm<sup>44</sup>
- help them grow and develop in life<sup>45</sup>
- help them work towards becoming as independent as possible<sup>46</sup>
- strengthen, preserve and promote positive relationships in their life.<sup>47</sup>

We will work with you to create the child's NDIS plan. We will make sure they have the reasonable and necessary supports they need. If you manage the funding in the child's plan, you will be responsible for spending the funding according to the child's plan.<sup>48</sup> Learn more about [plan management options](#).

We'll set up regular check-ins with you to discuss how the child's plan and supports are going.

You will:

- attend planning meetings
- take part in regular check-ins for the child
- receive and respond to letters and emails from the NDIS and service providers about the child
- communicate with us and service providers
- request how you would like funded supports to be managed.<sup>49</sup>

Learn more about [how a child representative helps us to create a child's plan](#).

## How long does the role of child representative last?

The role of child representative usually lasts until the child turns 18 years old.

There may be times when a child representative role ends sooner than the child's 18th birthday. The role may end sooner if:

- A Court or Tribunal decides you don't have parental responsibility for a child anymore.<sup>50</sup> Learn more about [who can be a child representative](#).
- We decide to [change a child's representative](#) for the purposes of the NDIS.<sup>51</sup>
- We decide to [revoke a child's representative](#) we previously appointed in writing.<sup>52</sup>
- The Agency decides that the child doesn't need a representative anymore and can [represent themselves](#).<sup>53</sup>

## What happens when the child turns 18 years old?

We know that for many people turning 18 is a big step. The role of a child representative will automatically end on the child's 18th birthday. Most people will be able to make decisions as an adult, but they may still need help. We will talk with the participant about how to get support with decision making. If an adult participant can't make decisions, even with help, we may look at appointing a nominee. But we do this in limited circumstances.

## Who can be a child representative?

In most cases, the person or persons who have [parental responsibility](#) for a child will be the child representative. If you are the child's parent or parents, this will be you.

This means when you apply for access to the NDIS for your child and they become a participant, you are automatically your child's representative. You won't need to apply to be a child representative. This is because those persons with parental responsibility will be the child representative for the purposes of the NDIS. We don't need to make a decision about it. Learn more about [what a child representative is and what do they do](#).

But we will ask you some questions to make sure you have parental responsibility for your child. For example, we will check if your child has a legal guardian. We will also need to check that you are who you say you are. For more information about this, see our [Your privacy and information](#) guideline.

If you are the child's guardian you will usually be the child representative.<sup>54</sup> Guardians are appointed under Commonwealth, state, or territory law to do things and make decisions on a child's behalf. You will need to provide documents confirming you are the guardian and proof of your identity.

In particular cases, we [may decide to change a child representative](#).

In some cases, a participant under 18 can make decisions for themselves.<sup>55</sup> Learn more about [when a child can represent themselves](#).

## What if the child is living in out-of-home care?

Out-of-home care can include voluntary and court ordered living arrangements. There are different considerations to decide who the most appropriate child representative is in these situations.

### Who can be the child representative if the child is in voluntary out-of-home care?

At times, a child may enter care arrangements outside of the family home. This occurs when the child's parent or carer is not able to provide care. In most cases, the parent or parents still have [parental responsibility](#) and remain the child representative for NDIS purposes.

Under voluntary arrangements the child usually lives full or part-time with other family members or care givers, or in temporary accommodation with an out-of-home care provider.

The voluntary arrangement is jointly coordinated and overseen by the relevant state or territory authority, the out-of-home care provider and the parent or carer. Under these circumstances, the parents will remain the child representatives if they have parental responsibility for the child.

There may be times when the parents or carer aren't involved in day-to-day decisions about the child. Or they don't have much contact with the child. In this case, the persons identified in a family court order or a kinship arrangement would be the child representative. Or we will work with the state or territory authority to [appoint an alternative person to be the child representative](#). Then they can manage NDIS related matters.<sup>56</sup>

### Who can be the child representative if the child is in statutory (court ordered) out-of-home care?

Statutory out-of-home care is when a child is living outside the family home because of a state or territory court order or direction to remove the child from the family home. The types of statutory out-of-home care are foster or kinship (family member) care, and residential-based accommodation where support workers look after children.

In statutory out-of-home care, parental responsibility for the child changes from the parent or carer to the state or territory minister or head of department of state. So the state or territory minister or head of department of state becomes the child representative under the NDIS Act.

Learn more about [when the child's guardian is a minister of a state or territory or the head of a state or territory department](#).

In particular cases, we may decide to appoint someone instead of the state or territory minister or head of department.<sup>57</sup> Learn more about [when we can appoint someone with parental responsibility as the child representative instead of the guardian](#).



## Can a foster carer be the child representative?

When a child is in a foster family arrangement, the state or territory minister or the head of the state or territory department is usually the child's guardian and will be the child representative. However, this may vary across states and territories.

The state or territory minister or the head of a state or territory department may have a case manager from an organisation act on their behalf.<sup>58</sup> The case manager will work with the foster family to include them in meetings with us and to understand any matters related to the NDIS. If a foster carer makes a request to become a child representative, we will make sure the child's guardian and case manager are aware of the request.

We need written approval from the guardian to [appoint someone else who doesn't have parental responsibility to be the child representative](#).<sup>59</sup> Sometimes a state or territory minister, or the head of a state or territory department, will give someone else the authority to provide us with written approval on their behalf.<sup>60</sup>

## Can we appoint someone with parental responsibility as the child representative instead of the guardian?

Yes, sometimes, we decide that one or more people who have parental responsibility should be the child representative instead of the guardian. For example, someone who meets [parental conditions 1 or 2](#).<sup>61</sup>

When we decide whether to appoint someone who has parental responsibility for the child, instead of the guardian, we must write to the child's guardian to ask their opinion.<sup>62</sup>

When we make a decision to appoint someone with [parental responsibility](#) instead of the guardian, we must think about a number of things. For example:

- What the child would like.<sup>63</sup> We like to involve the child in the discussions as much as possible or when they're able to. This may depend on their age and disability.
- The principle that the child's guardian should be the child representative unless we think this would be inappropriate.<sup>64</sup>
- Whether the child's guardian recommends another person should be the child representative.<sup>65</sup>
- How much the child's guardian is willing and able to perform the functions of a child representative.<sup>66</sup>
- Whether the proposed child representative is more willing and able to perform the functions of a child representative.<sup>67</sup>

## **What if the child's guardian is a minister of a state or territory or the head of a state or territory department?**

In some cases a state or territory minister or head of a state or territory department is appointed as the child's guardian. If we want to appoint someone else as the child representative, we can only make this decision if the minister or the head of a department of state, or their delegate, agree to this in writing.<sup>68</sup>

If the child's guardian is a state or territory minister or the head of a state or territory department, we'll need to see the guardianship or child protection orders for the child before we make a decision.

We'll also need a letter from the relevant state or territory department, minister or department head. They will need to tell us who has authority to act on their behalf. For example, a case manager.

In some cases, the minister or head of a department of state will give a carer certain powers, duties and responsibilities for the child. The appointment of a child representative doesn't affect other duties or functions of carers.<sup>69</sup> Learn more about [when the child is living in out-of-home care](#).

## **Can we appoint someone else who doesn't have parental responsibility to be the child representative?**

Yes, in very rare cases, we may decide that it's in the best interest of the child for someone else other than those who have [parental responsibility](#) to be the child representative.<sup>70</sup> For example, we might do this if you are caring for the child and there's no formal parenting order in place.

This might happen if:

- The person with parental responsibility can't do the things we need them to do as the child representative. For example, because they're sick in hospital and not able to act on the child's behalf.
- The child is living with someone else who doesn't have parental responsibility for them, and there are no parenting orders in place for the child. For example, the child has started living with a relative, like a grandmother or uncle, who is providing all their day-to-day care in an informal kinship arrangement.

## **What do we consider when we appoint someone who doesn't have parental responsibility for the child?**

When deciding to appoint a person who doesn't have parental responsibility for a child, we look at:<sup>71</sup>

- What the child would like.<sup>72</sup> We will try to involve the child in the discussions as much as possible or when they're able to. This may depend on their age and disability.
- The importance of maintaining relationships with family and others who help care for the child.<sup>73</sup> For example, extended family and friends.
- Who can best carry out the [duties of the child representative](#).<sup>74</sup>

Then we will think about whether the proposed child representative:

- Is currently caring for the child in any existing carer arrangements.<sup>75</sup>
- Makes day-to-day parenting decisions for the child.<sup>76</sup>
- Can work with others who are involved in the care of the child, including other child representatives, and act in their best interests.<sup>77</sup>
- Has answered questions or provided information in relation to our decision to appoint them as a child representative. Or if they have refused to answer questions or provide information, including about their criminal history and their suitability to work with children.<sup>78</sup>
- Consents to the release of information about their criminal history, or their suitability to work with children.
- Has relevant convictions for offences under Australian laws, or state or territory laws.
- Has any other relevant information about their suitability to work with children.<sup>79</sup>

If we decide to make someone who doesn't have parental responsibility the child representative, we will notify each person who might be directly affected and explain this decision.<sup>80</sup>

If the child's guardian is a minister or the head of department of state, they must agree in writing with any decision we make about who will be the child representative.<sup>81</sup>

### **Can we revoke a decision about a child representative?**

Yes, if we appoint a child representative that does not have [parental responsibility](#) for a child, we can revoke that appointment. We may do this if either:

- The child representative we appointed tells us in writing they no longer want to be the child representative.<sup>82</sup>
- We decide that it is no longer appropriate for the person to be the child representative.<sup>83</sup> We'd make this decision after receiving copies of a court order, or we've been advised there is a change in the child's living arrangements. In

some instances, we will temporarily stop sending correspondence and stop sharing information about the child to one or both child representatives while we review the details of a court order, or while we are waiting for a copy of a court order.

When we revoke a decision about a child representative we must inform you in writing.<sup>84</sup>

Learn more about [who can be a child representative](#).

### Example

Janet is going through a difficult time in her life after her husband died. She has arranged for her friend Ann to care for her son Anthony who has a disability. Anthony lives full-time with Ann and she makes all the day-to-day parenting decisions for him. Janet tells us she can't be Anthony's child representative for the foreseeable future. Ann is happy to help Janet and Anthony and requests to be Anthony's child representative. Janet is supportive of this action. Before making a decision, we check that Janet is the only person with parental responsibility for Anthony (the only person who meets [parental condition 1 or 2](#)).

After seeking all relevant information and considering all [relevant factors](#) we make a decision. We appoint Ann as Anthony's child representative,<sup>85</sup> so she can perform the child representative duties while Janet recovers. After a year, Janet is managing better and can perform the child representative duties for Anthony. Ann asks us in writing to revoke her as a child representative. We decide to revoke Ann's appointment as Anthony's child representative.<sup>86</sup> As Janet still has parental responsibility for Anthony, Janet will automatically become Anthony's child representative when we revoke the decision to appoint Ann. We send Ann and Janet a copy of our decision.<sup>87</sup>

## When would we decide to change or appoint a different child representative?

At times, it may not be appropriate for persons with parental responsibility to remain the child representative. We have a duty of care to make sure that whoever is representing the child is the most appropriate representative for the child specifically for NDIS matters. We will follow any court or parenting orders, and we may temporarily stop sending correspondence and stop sharing information about the child while we review the details of a court order or while we are waiting for a copy of a court order. In exceptional circumstances, we might need to change a child representative and decide:

- A child should be represented by [someone who doesn't have parental responsibility](#) for them. For example, we may decide to appoint someone involved with the child's long-term or day-to-day care, like their grandparent, as the child's representative.<sup>88</sup>

- The child should be represented by [someone with parental responsibility instead of the child's guardian](#).<sup>89</sup>
- The child does not need a child representative as they can make decisions and do things for themselves. This is more likely as the child gets closer to turning 18.<sup>90</sup> Learn more about [when a child can represent themselves](#).

There are many things we have to consider when we make a decision to change a child representative. We will consider each case individually and make a decision based on the best interests of the child.

### Can we limit the number of child representatives?

Yes. Often more than one person will have parental responsibility for a child. In these cases we may decide that one or more of those persons should be the child representative for the purposes of the NDIS, instead of all of them.<sup>91</sup>

When we decide who has parental responsibility for the purposes of the NDIS for the child, and who remains a child representative, we consider:

- What the child would like.<sup>92</sup> We will try to involve the child in the discussions as much as possible or when they're able to. This may depend on their age and disability.
- The views of all of the child representatives.<sup>93</sup>
- Whether one or more of the child's representatives are best placed to perform the [duties of a child representative](#). This includes:
  - the existing arrangements between the child representatives and the child<sup>94</sup>
  - who has responsibility for day-to-day parenting decisions<sup>95</sup>
  - which representatives can work with the other representatives and the child's supporters in the best interests of the child.<sup>96</sup>
- Whether one or more of the child representatives are willing and able to work together in the best interests of the child.<sup>97</sup>
- The importance of maintaining the child's family relationships and informal support networks.<sup>98</sup> Are there any gender, cultural and language needs the child might have?
- Whether we have asked the child representatives to answer questions or provide information to inform our decision. We will also consider the answers to those questions, or refusal to answer questions or requests for information.<sup>99</sup>

- Whether the child representatives consent to the release of information about their criminal history or their suitability to work with children.
- If they have any relevant convictions for offences under Australian laws, or state or territory laws.<sup>100</sup>
- If there is other relevant information relating to the suitability of the child representatives to work with children.<sup>101</sup>

We will use this information to decide who should be a child representative for the purposes of the NDIS, which may not be everyone with parental responsibility for the child. We will also consider this information when removing or changing a child representative.

### Can a child represent themselves?

As a child gets closer to turning 18, we know their ability to make decisions and do things for themselves may increase. This means they may not need a child representative anymore. As much as possible, we want to include them in decisions about their own care and supports.<sup>102</sup> If a child would like to represent themselves, they should discuss this with their planner or local area coordinator.

### When doesn't a child need a child representative?

Sometimes a child can make decisions for themselves. It may not be appropriate for them to have a representative. In those circumstances, they may not need a child representative to act and make decisions about the NDIS on their behalf. A child may be able to communicate with us and make decisions about the NDIS on their own, or with some support.

When we decide to remove a child's representative, we need to be satisfied that:

- the child is able to make their own decisions
- it is appropriate for the child to represent themselves.<sup>103</sup>

When deciding if a child is able to make their own decisions and it is appropriate for them to represent themselves, we must talk with them and their representatives.<sup>104</sup> We talk about whether the child would like to make their own decisions about the NDIS.

When deciding whether a child is able to make their own decisions, we consider whether:

- the child can understand the information they need to make decisions about the NDIS, including decisions about their plan<sup>105</sup>
- the child can use that information to make decisions about the NDIS<sup>106</sup>
- the child can understand the consequences of their decisions and what it means in their life<sup>107</sup>

- the child can communicate their decisions in some way<sup>108</sup>
- there are people in the child's life who are happy and able to support them to make their own decisions<sup>109</sup>
- family relationships can continue<sup>110</sup>
- any existing arrangements are in place under other Commonwealth, state and territory schemes,<sup>111</sup> for example, the child's arrangements with Services Australia.

### Example

Ebony is 16 years old and would like to make her own decisions about the NDIS. Ebony's family is happy to support her and help her make decisions. She is happy for her family to help her when she needs it. They also know that she has done a lot of work to develop her decision-making skills. Ebony doesn't need a child representative because we are satisfied that Ebony is able to make decisions for herself.<sup>112</sup> We make this decision based on:

- Ebony's ability to identify and use information to make and communicate decisions about the NDIS.
- Ebony's ability to understand the consequences of her decisions.
- The support Ebony will receive when making decisions.<sup>113</sup>

In Ebony's circumstances it is appropriate for her to represent herself.<sup>114</sup> When we made this decision we considered:

- Ebony's wishes and the views of her child representatives.
- The effect of our decision on Ebony's family relationships.
- The arrangements under other Schemes for Ebony.<sup>115</sup>

Ebony also gave us her [consent for us to share information](#) with her parents.

## How do I become a child representative?

If you have [parental responsibility](#) for a child, you will automatically be the [child representative](#). You won't need to apply.

If you don't have parental responsibility for a child and want to become a child representative you need to [contact us](#). We'll send you a form to complete. A form must be completed for each person applying to become a child representative. This form will ask you to provide information that'll help us decide if it's the right thing to make you the child representative instead of the current child representatives.

We'll also ask you to give us [proof of who you are](#).

When you return the completed form we'll contact you to ask you some questions and to get some more information. There are lots of things we need to think about before we decide whether to make you a child representative. Learn more about when we would [decide to change a child representative](#).

One of the most important things we'll look at is whether you can make decisions that are in the best interests of the child. We'll need to know that the child trusts you, and that you listen to what the child wants.

Learn more about the [responsibilities of a child representative](#).

## What happens after we make a decision about a child representative?

We will notify you in writing when we make a decision about a child representative.<sup>116</sup> We may make a decision to change a child representative, or we may decide not to change a child representative.<sup>117</sup> The child representative will then be able to do things and make decisions about the NDIS on the child's behalf. This includes helping to create a child's plan. The exception would be if we decide the child is able to represent themselves.

## How does a child representative help us to create a child's plan?

As a child representative, you can do anything a participant can do under the NDIS Act. This includes working with us to create the child's NDIS plan.<sup>118</sup> Everyone has different goals, living situations and circumstances. Where possible, you will include the child in planning discussions or talk to them about their plan and supports to find out what they would like.

You will be responsible for working with us to create the child's plan. This includes:

- Answering, or helping the child to answer, questions about the child's life, care arrangements, people who are important to them, and their disability.
- Preparing a statement of goals and aspirations on the child's behalf, or helping them to prepare one. This means working out what goals the child would like to pursue and what they would like to be able to do. Learn more about [setting goals](#).
- Talking to us about what supports the child might need to help them to pursue their goals.
- Talking to us about how the NDIS funded supports are managed.

Learn more about [your plan](#) and [creating your plan](#).

The different ways the supports can be managed are:



- **Self-managed**, where the NDIS funds are paid directly to you and you make sure providers are paid. You will be responsible for keeping all the records and managing the child's plan budget.
- **Plan-managed**, where the plan is managed by a plan manager who will pay providers on your behalf.
- **Agency-managed**, where the NDIA will pay registered providers of services on your behalf.

A child representative can request how they would like the supports in a child's plan to be managed.<sup>119</sup> For example, the child representative can make a request to self-manage some or all of the funding for supports under the child's plan. In most cases, the Agency will approve this request.<sup>120</sup> However, we will not approve the request if the child representative is currently bankrupt. Or, if their management of the funding will present an unreasonable risk to the child.<sup>121</sup> When making this decision we must consider:

- whether the child representative is able to manage finances<sup>122</sup>
- whether there is reason to believe that the child representative might not spend funding according to the child's plan<sup>123</sup>
- whether, and to what extent, any risks are reduced by any safeguards or strategies we could put in place through the child's plan.<sup>124</sup>

Learn more about [how we decide how funding in a plan is managed](#).

If a child representative is managing the funding for supports, they will need to nominate one bank account into which all self-managed NDIS funding is paid.<sup>125</sup>

You may combine different types of plan management. For example, some supports can be self-managed, and others managed by a plan manager or agency-managed. Learn more about [plan management](#).

You can discuss with us which ones apply to the child you are representing.

You are also responsible for requesting plan reviews if there are changes in the child's life or their supports need to change. We may also need to check with you on how the plan is working for the child and make sure the supports are still the right ones.

Learn more about [plan reviews](#).

## **What if you don't agree with a decision we have made about a child representative?**

If you don't agree with a decision we have made, you should talk to your local area coordinator, early childhood partner, support coordinator, or planner.

We can also give you written reasons on why we made the decision. [Contact us](#) if you'd like reasons for our decision.

If you don't agree with our decision to change or not change a child representative, or our decision about whether a child can represent themselves, you can ask for an internal review.<sup>126</sup> Both our decision to change a child representative and our decision not to change a child representative are reviewable. For example:

- We may decide to appoint someone without parental responsibility instead of the current child representatives, or we may decide not to make that decision.<sup>127</sup>
- We may decide that a child will not have a child representative because they can represent themselves, or we may decide not to make that decision.<sup>128</sup>
- We may decide that one or more of the current child representatives should remain as the child representatives, or we may decide not to make that decision.<sup>129</sup>
- We may decide that one or more persons with parental responsibility for a child should be the child representative instead of the child's guardian, or we may decide not to make that decision.<sup>130</sup>

If you don't agree with our decision, you can ask us to review our decision. We call this process an internal review. This means another one of our staff, who wasn't involved in the original decision, will look at whether we made the right decision.

It's up to you to decide whether you want an internal review. We don't decide this for you.

You'll need to ask for an internal review within 3 months of the child representative decision.<sup>131</sup>

Learn more about [reviewing our decisions](#).

## Reference list

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- <sup>1</sup> NDIS Act s 9.
  - <sup>2</sup> NDIS Act s 74(1); NDIS (Children) Rules 2013 r1.1.
  - <sup>3</sup> NDIS (Children) Rules 2013 r1.3.
  - <sup>4</sup> NDIS Act s 74(1)(a).
  - <sup>5</sup> NDIS Act s 75(1)(a).
  - <sup>6</sup> NDIS Act s 75(2).
  - <sup>7</sup> NDIS Act ss 75(1)(a)-(b).
  - <sup>8</sup> NDIS Act s 74(1)(b).
  - <sup>9</sup> NDIS Act s 76(1).
  - <sup>10</sup> NDIS Act s 74(1)(b), 75(2)-(3).
  - <sup>11</sup> NDIS Act 2013 s 75.
  - <sup>12</sup> NDIS (Children) Rules 2013 r 4.1.
  - <sup>13</sup> NDIS Act, ss 75(1), (2); NDIS (Children) Rules, r4.1.
  - <sup>14</sup> NDIS (Children) Rules 2013, r 4.2.
  - <sup>15</sup> NDIS (Children) Rules 2013, r 4.1.
  - <sup>16</sup> NDIS Act, ss 74(1)(b), 75(3).
  - <sup>17</sup> Made under the Family Law Act or a law of a state or territory.
  - <sup>18</sup> NDIS Act s 75(1)(a).
  - <sup>19</sup> Made under the Family Law Act.
  - <sup>20</sup> NDIS Act s 75(1)(b).
  - <sup>21</sup> NDIS Act s 74(1)(a); NDIS (Children) Rules 2013 r4.1(b).
  - <sup>22</sup> NDIS (Children) Rules r 6.4(a).
  - <sup>23</sup> NDIS Act s 75(3).
  - <sup>24</sup> NDIS Act s 75(2).
  - <sup>25</sup> NDIS Act s 75(3).
  - <sup>26</sup> NDIS Act s 75(1)(a).
  - <sup>27</sup> NDIS (Children) Rules r 4.9(a).
  - <sup>28</sup> NDIS (Children) Rules r 4.9(b).
  - <sup>29</sup> NDIS (Children) Rules r 4.9(c)(i).
  - <sup>30</sup> NDIS (Children) Rules r 4.9(c)(ii).
  - <sup>31</sup> NDIS (Children) Rules r 4.9(c)(iii).
  - <sup>32</sup> NDIS (Children) Rules r 4.9(d).
  - <sup>33</sup> NDIS (Children) Rules r 4.9(e).
  - <sup>34</sup> NDIS (Children) Rules r 4.9(f)(i).
  - <sup>35</sup> NDIS (Children) Rules r 4.9(f)(ii).
  - <sup>36</sup> NDIS (Children) Rules r 4.9(f)(iii).
  - <sup>37</sup> NDIS Act s 76(1); NDIS (Children) Rules 2013 6.2 - 6.4.
  - <sup>38</sup> NDIS Act s 76(1); NDIS (Children) Rules r 6.2(a).
  - <sup>39</sup> NDIS Act s 76(1); NDIS (Children) Rules r 6.2(b).
  - <sup>40</sup> NDIS (Children) Rules r 6.4(a).
  - <sup>41</sup> NDIS (Children) Rules r 6.4(a).
  - <sup>42</sup> NDIS (Children) Rules r 6.4(b).
  - <sup>43</sup> NDIS Act s 76(1); NDIS (Children) Rules r 1.4(b).
  - <sup>44</sup> NDIS (Children) Rules r 1.4(b)(i).
  - <sup>45</sup> NDIS (Children) Rules r 1.4(b)(ii).
  - <sup>46</sup> NDIS (Children) Rules r 1.4(b)(ii).
  - <sup>47</sup> NDIS (Children) Rules r 1.4(b)(iii).
  - <sup>48</sup> NDIS Act, s 46.
  - <sup>49</sup> NDIS Act, s 74(2).
  - <sup>50</sup> NDIS Act ss 74(1)(a), 75(1).
  - <sup>51</sup> NDIS Act ss 74(1)(b), 75(2)-(3).
  - <sup>52</sup> NDIS Act ss 74(1)(b), 77.

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- 53 NDIS Act s 74(5).  
54 NDIS (Children) Rules 2013 r4.3.  
55 NDIS Act s 74(5).  
56 NDIS Act s 74(1)(b).  
57 NDIS Act s 75(2).  
58 NDIS (Children) Rules, r 3.4.  
59 NDIS (Children) Rules r 3.4.  
60 NDIS (Children) Rules r 3.4.  
61 NDIS Act s 75(2).  
62 NDIS (Children) Rules r 4.6(a).  
63 NDIS (Children) Rules r 4.6(b)(i).  
64 NDIS (Children) Rules r 4.6(b)(ii).  
65 NDIS (Children) Rules r 4.6(b)(iii).  
66 NDIS (Children) Rules r 4.6(b)(iv).  
67 NDIS (Children) Rules r4.6(b)(v).  
68 NDIS Act, ss 74(1)(b), 75(2), 75(3A); NDIS (Children) Rules 2013 rr 3.4, 4.5.  
69 NDIS (Children) Rules 2013 r 7.5.  
70 NDIS Act 2013 s 74(1)(b).  
71 NDIS (Children) Rules r 3.5.  
72 NDIS (Children) Rules r 3.5(a).  
73 NDIS (Children) Rules r 3.5(b).  
74 NDIS (Children) Rules r 3.5(c).  
75 NDIS (Children) Rules r 3.5(d)(i).  
76 NDIS (Children) Rules r 3.5(d)(ii).  
77 NDIS (Children) Rules r 3.5(d)(iii).  
78 NDIS (Children) Rules r 3.5(d)(iv).  
79 NDIS (Children) Rules r 3.5(d)(v)-(vi).  
80 NDIS Act s 100(1).  
81 NDIS (Children) Rules 2013 r 3.4.  
82 NDIS Act 2013 s 77(1)(a).  
83 NDIS Act 2013 s 77(1)(b).  
84 NDIS Act 2013 s 77(2) and 100(1).  
85 NDIS Act s 74(1)(b).  
86 NDIS Act s 77.  
87 NDIS Act s 100(1).  
88 NDIS Act s 74(1)(b).  
89 NDIS Act s 75(2).  
90 NDIS Act s 74(5).  
91 NDIS Act s 75(3).  
92 NDIS (Children) Rules, r 4.9(a).  
93 NDIS (Children) Rules r 4.9(b).  
94 NDIS (Children) Rules r 4.9(c)(i).  
95 NDIS (Children) Rules r 4.9(c)(ii).  
96 NDIS (Children) Rules r 4.9(c)(iii).  
97 NDIS (Children) Rules r 4.9(d).  
98 NDIS (Children) Rules r 4.9(e).  
99 NDIS (Children) Rules r 4.9(f)(i).  
100 NDIS (Children) Rules r 4.9(f)(ii).  
101 NDIS (Children) Rules r 4.9(f)(iii).  
102 NDIS (Children) Rules 2013 r1.2.  
103 NDIS Act s 74(5)(a)-(b); NDIS (Children) Rules r 5.1.  
104 NDIS (Children) Rules r 5.2(a), 5.3(a).  
105 NDIS (Children) Rules r 5.2(b)(i)(A).  
106 NDIS (Children) Rules r 5.2(b)(i)(B).  
107 NDIS (Children) Rules r 5.2(b)(i)(C).  
108 NDIS (Children) Rules r 5.2(b)(i)(D).

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- 109 NDIS (Children) Rules r 5.2(b)(ii).
  - 110 NDIS (Children) Rules r 5.3(b)(iii).
  - 111 NDIS (Children) Rules r 5.3(b)(iv).
  - 112 NDIS Act s 74(5)(a).
  - 113 NDIS (Children) Rules r 5.2(b)(i).
  - 114 NDIS Act s 74(5)(b).
  - 115 NDIS (Children) Rules r 5.3(b).
  - 116 NDIS Act s 100(1).
  - 117 NDIS Act s 99, Items 17-19.
  - 118 NDIS Act s 74(1).
  - 119 NDIS Act s 74(2).
  - 120 NDIS Act s 74(3).
  - 121 NDIS Act s 74(4).
  - 122 NDIS (Plan Management) Rules r 3.7(a).
  - 123 NDIS (Plan Management) Rules r 3.7(b).
  - 124 NDIS (Plan Management) Rules r 3.7(c).
  - 125 NDIS (Plan Management) Rules r 4.5.
  - 126 NDIS Act s 99, Items 17-19
  - 127 NDIS Act ss 74(1)(b), 99, Item 17.
  - 128 NDIS Act ss 74(5)(c), 99, Item 18.
  - 129 NDIS Act ss 75(3), 99, Item 19.
  - 130 NDIS Act ss 75(2), 99, Item 19.
  - 131 NDIS Act s 100(2).