

Yes, sometimes, we decide 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](#).

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.

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. 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.
- Whether the child's guardian recommends another person should be the child representative.
- How much the child's guardian is willing and able to perform the functions of a child representative.
- Whether the proposed child representative is more willing and able to perform the functions of a child representative.

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.

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'll 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.

Learn more about [when the child is living in out-of-home care](#).