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There are laws and rules we must apply when deciding who can be your nominee. Some of the things we ask you to think about in the section [What should you think about when deciding who you want to be your nominee](#) are about these rules. We work with you to make sure whoever is appointed as your nominee is the right person for you. We want to make sure that as a nominee, they'll always be doing everything to support your personal and social wellbeing.

We'll ask you who you want us to appoint as your nominee, in whatever way you express your wishes. For example, you might tell us verbally, write to us, you might express in a non-verbal way, or through a support person.

### Can I decide who I want as my nominee?

If you ask us to appoint a specific person, we'll probably appoint that person. We'll check:

- that this is your decision, and you haven't been pressured to appoint them
- if there is a conflict of interest, for example, they're also one of your providers
- if the person is already helping you in your life and what they're already doing to help you.

We'll ask you if you have carers or other people who support you and make decisions in your day-to-day life. If so, we'll also talk to them and ask their opinion about you having a nominee and if they think the person would do a good job.

You might already have a government or court appointed decision-maker, who has similar responsibilities to a nominee.

Learn more about [how we work with legally appointed decision makers](#).

We need to make sure the person who'll be your nominee understands what it means to be a nominee and will do the best job they can for you.

Learn more about the [duties of a nominee](#).

### What questions do we ask about your proposed nominee?

When you have asked for someone to be made your nominee we'll appoint them if we can.

But there is information we'll need to collect, and things we'll need to think about, before we decide to appoint someone to be your nominee.

We'll ask you and your proposed nominee some questions.

We'll think about the answers we get to these questions before we decide to appoint your proposed nominee.

We'll ask:

- Has your proposed nominee given written consent to be made your nominee?
- Have you and your nominee thought about your wishes, and how you might communicate them to your nominee?
- Will the nominee appointment have a positive or negative effect on your relationships with your family, friends and informal networks?
- Do you already have any arrangement with your proposed nominee?
- Have you and your proposed nominee talked about how they will help you to build your capacity to make decisions for yourself?
- Has your proposed nominee put any pressure on you to make them your nominee?
- What do some of the other people who support you think about your proposed nominee being your representative decision maker?
- Is your proposed nominee willing and able to:
  - work with others who look after your wellbeing
  - involve you in decision-making
  - help you to make decisions for yourself
  - work out what judgements and decisions you'd want to make for yourself
  - do all the activities needed of a nominee, for example, they might have to enter into contracts on your behalf.
- Does your proposed nominee understand what they need to do in this role, and will they be able to carry out these responsibilities?
- Do you trust your proposed nominee?
- Is your proposed nominee sensitive to your cultural and language background?
- Can your proposed nominee understand and work with any communication system or other supports you have (including relevant technology)?
- Do you make life decisions without help from a court or participant appointed decision maker?
- Does your proposed nominee have any conflict of interest with you?
- Does your proposed nominee have any convictions that would make them not suitable to be your nominee?
- Has your proposed nominee given any information or answered any questions in relation to their appointment, or refused to, particularly about any criminal history or conflicts of interest?

We need to think about their answers to these questions, and also think about them being your nominee if they refuse to answer the questions.

We're responsible for making the final decision on who is appointed as your nominee for the NDIS.

However, we can't appoint a nominee unless they have agreed to their appointment in writing.

If the person you want to be your nominee can't be appointed for some reason, we'll discuss this with you.

We'll discuss if there is someone else we can appoint, or help you come up with another option to support you in making decisions.

We'll also talk with you about what type of nominee you want them to be.

Learn more about the [different types of nominees](#).

## What should you think about when deciding who you want to be your nominee?

When you think about who you want to be your nominee you should ask yourself if that person:

- is able and willing to carry out the duties and responsibilities of a nominee
- is someone you trust
- will do things that support your personal and social wellbeing
- will support you by making decisions that are good for your personal and social wellbeing
- has the skills to support you
- will help you to make decisions
- will work with you to build your decision-making skills
- is able to act on your behalf and make decisions for you
- is able and willing to give written consent to be your nominee.

If you have a family member or friend who has always supported you to make decisions in the past, you might want them to be your nominee. If we make this person your nominee, it's a way we can help you to:

- strengthen your relationship with that person
- make the support networks you already have more official.

You can also ask us to appoint a body corporate (an organisation or company) as your nominee.

The body corporate or organisation would need to give us the name of the person who'll be acting on your behalf.

Being a nominee can be rewarding and can also be challenging and complex, even for those people who already play a strong and important role in your life.

We're happy to explain what the role involves, and to give support to the person, or people, who become your nominee.

Learn more about the [duties of a nominee](#).

## Who can't be a nominee?

There are some people who can't be appointed nominees.

A person under the age of 18 can't be a nominee.

The NDIA can't be a nominee, but in some cases, someone who works for the NDIA could be your nominee.

They would need to have a personal relationship with you, for example, if they're a family member or friend.

If so, they would be a nominee because of their personal relationship to you, not as part of their work at the NDIA.