# Being an NDIS nominee

This information sheet will help you understand what it means to be an NDIS nominee.

## What is a nominee?

A nominee is a person who can make NDIS decisions for a participant aged 18 or older. A nominee can do things on behalf of the participant when working with the NDIS. We call this representative decision making.

The two types of nominees that can be appointed under the NDIS Act are:

* correspondence nominee
* plan nominee.

You can read more about the types of nominees on the NDIS website ([ndis.gov.au)](http://www.ndis.gov.au/). Search for ‘Our Guidelines’ and click on the link to select ‘Appointing a nominee.’

## Duties to the participant and the NDIS

As a nominee, under the NDIS Act you have:

* [duties to the participant](#_Duties_to_the)
* [duties to the NDIS](#_Duties_to_the_1).

### Duties to the participant

#### Duty to understand the participant’s wishes, and promote the participant’s personal and social wellbeing

As a nominee, you must:

* find out what the participant would like to happen
* act in a way that supports the participant’s personal and social wellbeing.

Sometimes the participant may not be able to let you know what they want. When this happens, you must try to work out what they think the participant would like to happen. You might do this by:

* looking back on other decisions the participant made
* thinking about the experiences you’ve had with the participant
* talking with other people who know the participant well.

#### Duty to consult

Before making an NDIS decision, you must also talk with other people in the participant’s life. These people include:

* any other appointed NDIS nominee the participant has
* any court-appointed decision-maker the participant has
* any other decision-maker the participant has appointed
* any person who helps the participant manage day-to-day activities and make decisions, for example a support worker.

#### Duty to develop the participant’s capacity

As a nominee you must help build the participant’s skills to make decisions. Ideally, to a point where the participant can make decisions for themselves. This would mean they no longer need a nominee.

The NDIS must help you with this duty.

#### Duty to avoid or manage conflicts of interest

As a nominee you must tell the NDIS about any conflict of interest you have in relation to the participant. For example, if you provide the participant with services that you get paid for, the NDIS needs to know. You must also tell the NDIS how you will manage this conflict of interest.

#### For body corporate nominees only

A body corporate nominee is an organisation or company appointed as the participant’s nominee.

For each participant they are the nominee for, they must:

* make sure there is a person (officer or employee) who is involved with making the nominee decisions
* tell the NDIA who that person is
* tell the NDIA if that person changes.

### Duties to the NDIS

#### Notices

We may send you or the participant a notice. A notice, usually a letter, will tell you when you need to complete an action or provide us with information.

As a nominee, you need to give us the information the notice asks for in the timeframe we tell you, unless you have a reason.

#### Correspondence nominees

We send all notices to the correspondence nominee. When we send a notice to you, as the correspondence nominee, we treat this as giving notice to the participant.

Sometimes we contact the participant directly and give them a notice. If we do this, we will tell you that we gave the participant a notice and provide you with the details.

#### Plan nominees

We must tell plan nominees when we send a notice to the participant about the preparation, management or review of their plan. This includes the details of the notice.

#### Notice about the nominee’s ability to act

We will send a written notice to you asking you to tell us of any event or change in situation that may affect:

* your ability to act as a nominee
* your ability to comply with notices we give them
* our ability to give you notices.

#### Notice about use of the participant’s NDIS funding

We may send plan nominees a notice asking them to tell us how the participant has used their NDIS funds.

#### Notices asking the participant to do something personally

When the notice asks the participant to do something personally, the participant must do this. You can’t do it on the participant’s behalf. For example, the notice asks the participant to complete an allied health assessment. The participant must attend the allied health assessment personally. This is not something you can do for the participant. But the participant could ask you to go with them if they want. You should check with the person doing the assessment that this is okay.

## Further information

You can find more information in Our Guideline – Appointing a nominee. On the NDIS website ([ndis.gov.au)](http://www.ndis.gov.au/) search for ‘Our Guidelines’ and click on the link to select ‘Appointing a nominee’.