



Let's talk about Nominated Persons

What is a nominated person?

In your enduring power of attorney document, you can direct your attorney to provide information to one or more people about your financial or personal matters. The people you nominate to receive this information are called your nominated persons.

You do not have to include a nominated person, but if you wish to, your enduring power of attorney will need to name the type of information you want provided and how often it should be provided. This may be on the request of your nominated person. The nominated person could be a trusted family member, friend or colleague. If you are prepared to pay for the service, you could nominate a solicitor, accountant, private trustee company or the Public Trustee.

What is the role of a nominated person?

Your nominated person should receive any information you direct your attorney to provide them with. Your nominated person should be someone you trust, who is completely independent from your attorney and who can check that your attorney is making decisions in your best interests.

Your nominated person cannot make decisions or act on your behalf, like an attorney. You can learn more about the role of a nominated persons in the **Enduring Power of Attorney Explanatory Guide** at publications.qld.gov.au under **power-of-attorney-and-advance-health-directive-forms**.

Who can I nominate as my nominated person?

In your enduring power of attorney document, you can direct your attorney to provide information to:

- You
- Other attorneys you have appointed
- Any other person you may wish to nominate.

A nominated person should be at least 18 years old, should not be under an incapacity and should be someone you trust. You should ask the person if they will act as your nominated person before you make your enduring power of attorney document.

What should I consider when appointing a nominated person?

To start, you should consider your reason for naming a nominated person in your enduring power of attorney document. Do you want the nominated person to have specialised knowledge and be able to form a view on whether your attorney is acting appropriately, or is your nominated person simply someone you would like to be informed about your matters?

Naming someone as your nominated person does not mean they have to take on the role. You should ask the person you want to name as nominated person if they will act as your nominated person before you make your enduring power of attorney document.

Should I consult my attorney?

You may wish to talk to your proposed attorney about any significant term or instruction you plan to put in your enduring power of attorney, including appointing a nominated person. Including a nominated person creates extra duties for your attorney and your attorney might like to know about them before they accept the appointment.

What information should I direct my attorney to give to my nominated person?

You can specify what information you want your nominated person to receive in your Enduring Power of Attorney document. For example, for financial matters this may be information such as financial records or accounts. For personal (including health) matters, this could include information such as a notification regarding any decisions your attorney makes about where you should live.

Can I update my existing enduring power of attorney to include a nominated person?

If you have an existing enduring power of attorney and you want to include a nominated person, you will need to revoke your existing enduring power of attorney and make a new one. You cannot revoke or change your enduring power of attorney document if you have lost capacity and any change can only be made by an order from the Queensland Civil and Administrative Tribunal or the Supreme Court.

Do I need to pay my nominated person for their time?

If your nominated person is someone that usually performs a professional service for you, such as a solicitor or accountant, they may require payment for the time they put into being your nominated person.

Does the Public Trustee act as a nominated person for financial matters?

The Public Trustee can act as your nominated person for financial matters only at an hourly fee.

Our nominated person services are outlined in our:



Nominated Person Policy, and



Nominated Person Service Fee Agreement

These documents are available on the Public Trustee website at www.pt.qld.gov.au

How do I go about appointing the Public Trustee as my nominated person?

If you are interested in the Public Trustee acting as your nominated person for financial matters, you can:

- Book an appointment to make your enduring power of attorney with the Public Trustee, or
- If you are preparing your own enduring power of attorney document, you can complete an application form and Nominated Person Service Fee Agreement, and email these, along with a certified copy of your completed enduring power of attorney document*, to nominatedperson@pt.qld.gov.au

Please note that the Public Trustee charges fees for its Nominated Person services.

* We recommend that you include the Public Trustee's required clauses in your enduring power of attorney document, available on the Public Trustee website www.pt.qld.gov.au

Appointing a nominated person other than the Public Trustee where we are appointed as your attorney

If you would like the Public Trustee to act as your financial attorney and also wish to appoint a separate nominated person for financial matters, please review our Policy for Acceptance as Attorney Where a Nominated Person is Appointed on the Public Trustee website www.pt.qld.gov.au

Enduring powers of attorney, attorney services, or to book an appointment, you can:

call us on
1300 360 044

visit our website
www.pt.qld.gov.au

