

NDIS Rights factsheet summaries

Dealing with Service Providers

View the full fact sheet [here](#).

This Fact Sheet is about your rights as a person using the NDIS or as a person who wants to use the NDIS

1. What the NDIS Act says about service providers

The NDIS Act says that any service provider supporting you under the scheme has to help you meet your goals, it has to be good value for money, and it has to be consistent with good practice. There are other laws it must comply with, too, such as Occupational Health and Safety. It must employ staff that are competent and trained to do their job properly.

2. Service providers and your rights

You are entitled to expect good support under the NDIS. If you are not happy with the support you are receiving, you can either complain about the service provider and get them to change what they are doing, or ask to be supported by a different service provider altogether.

Advocacy

View the full fact sheet [here](#).

1. What the NDIS says about advocacy

The Principles of the NDIS Act recognise that advocacy is important. The Agency acknowledges that there are different ways in which you can use advocacy. The importance of advocacy is recognised in the General Principles set out in Section 4 of the NDIS Act. The National Disability Insurance Agency is required by law to recognise your right to be supported by an advocate.

2. Advocacy and your rights

You are entitled to have an advocate support you in anything related to the NDIS. You have a right to choose your advocate. You don't have to limit your choice to the advocacy organisations that the NDIA tells you about.

Remember: If you need more advice or help on the issues covered in this Fact Sheet, talk to an advocate.

Making Complaints

View the full fact sheet [here](#).

Complaints can be made about any aspect of your contact with the NDIS, including your contact with the National Disability Insurance Agency, and any of the services or supports you receive through the Scheme.

1. Making a complaint

When making a complaint, usually you will start by asking the Agency to change a decision it has made. If this doesn't work, you may need to go to the Administrative Appeals Tribunal (AAT). You don't have to argue legal issues when you make a complaint. You just have to show why you think the decision is incorrect. Having an advocate or lawyer help you, especially if you are arguing your case to the AAT, can help keep you on track and give you a better chance of having your side of the story heard properly.

2. Other Laws

There are many laws outside the NDIS that might be relevant if you want to pursue your rights in relation to service providers. These include anti-discrimination law, consumer law, contract law, negligence law and human rights law. It is important to get legal advice so you know which law is the best one for you to use.

3. How the United Nations Convention on the Rights of Persons with Disabilities is relevant to your rights

The UN Convention gives you a broad range of rights. Some of these will be especially relevant to you when you are making a complaint under the NDIS. The NDIS should be run in a way that respects your rights under the Convention. An advocate can help you to refer to the right parts of the Convention, in support of your complaint.

Because these laws are very wide-ranging, and some of them can be quite complex in terms of how they might apply to your situation, it is always sensible to get legal advice if you think one of these areas of law might apply to you. Each of them involve very different courses of action, and it is important that you are guided through those processes with the help of someone who knows that area of law. Community Legal Centres can be a valuable first port of call in finding out what your legal options are in these areas.

Contracts

View the full fact sheet [here](#).

Agreements that are made between you, the National Disability Insurance Agency and service providers will all be subject to contract law. This Information Sheet explains a little bit about your rights under contract law in relation to the NDIS.

1. What the NDIS Act says about contracts

There are many different sorts of contracts that can be set up under the NDIS, including contracts between you and the Agency, contracts between you and service providers, and contracts between the Agency and service providers.

2. Contracts and your rights

You are entitled to expect people to do what they agree to do when they make a contract with you. This includes the Agency and service providers who are supporting you through the NDIS. It is important to know just who your contract is with, so you know who has an obligation towards you. A lawyer can help explain this to you.

3. Pursuing your rights about contracts

If you have a contract with someone and they do not do what they agree to do, you may be able to take legal action to fix the situation. Legal advice is very important if you are thinking about doing this.

Decision Making

View the full fact sheet [here](#).

Many decisions need to be made in relation to your support from the NDIS. These include decisions about what supports you will receive, how those supports will be managed and then day-to-day decisions about how those supports are delivered. This Information Sheet is about your rights to have control over those decisions.

1. What the NDIS Act says about decision making

The NDIS recognises your right to make decisions about the supports you receive. It also recognises your right to be supported when you make those decisions. It also sets up a system of 'nominees' if you want someone to access information on your behalf, or to make decisions on your behalf about the support you get.

2. Decision making and your rights

You are entitled to be supported with decisions you make under the NDIS. Information should be given to you in a way that you understand and have time to digest. If you need support to make decisions, you can receive this in different ways, such as from a friend, an advocate, a support person or a nominee.

3. Pursuing your rights under the NDIS Act

If you are being supported by a nominee but are not happy with them, you can ask to have another one appointed.