

Conflicts of interest and your rights

This fact sheet will explain:

- your rights as a participant
- what you can do if you feel unsafe, pressured or concerned about a conflict of interest.

Your rights as a participant

You have rights when buying goods and services from a business or provider.

Sometimes, when buying National Disability Insurance Scheme (NDIS) supports, you may find yourself in a situation where there is a conflict of interest. You and your provider should disclose and manage all conflicts of interest.

It is important to note that not all conflicts of interest are bad, pose a risk to you or are unavoidable.

It is important you understand your rights about conflicts of interest when you buy your NDIS supports.

Your rights under Australian Consumer Law

The law makes it clear that you have the right to:

- take your time and ask for what you want
- be treated fairly
- be given accurate information before you buy

- cancel a faulty service
- be given a repair, replacement or refund if something goes wrong.

Not all of these rights apply when you buy something privately, for example, from a friend, a garage sale or someone selling an item they have owned.

For more information about your rights as a consumer, read the following resources on the Australian Competition and Consumer Commission ACCC website:

- [Your rights when you buy something guide](#)
- [Information for consumers with disability](#)
- [Consumers with disability - where to go for advice or complaints](#)

Your rights when dealing with NDIS providers

The NDIS has rules to protect your rights when dealing with providers. The NDIS Commission can act against providers who are in breach of the [NDIS Code of Conduct](#).

You have the right to:

- choose who delivers your supports and how they do this. You do not have to use just one provider for all your supports
- not use a provider if you feel they are not acting in your best interests
- ask if a provider has a conflict of interest
- not feel pressured to buy services or supports you do not want or need
- pay for supports at a fair and reasonable rate. For any plan budgets that are NDIA-managed or plan-managed, providers must follow the [NDIS Pricing Arrangements and Price Limits](#)
- decide what personal information you give to a provider so they can deliver supports.

Your privacy rights

Privacy is a human right. Rights related to privacy are set out in the Commonwealth *Privacy Act 1988* and state and territory privacy laws. People with disability have a right to privacy, including in relation to the collection, use and disclosure of information about them and the services they receive.

The [NDIS Code of Conduct](#) outlines how providers must comply with privacy laws.

What you can do if you feel unsafe, pressured or concerned about a conflict of interest

It is OK to speak up if you:

- find out about a conflict of interest your provider has not told you about
- feel pressured to do something you are not OK with
- feel pressured to use services your support coordinator, plan manager or supports provider prefers
- feel unsafe with your provider
- are not happy with the quality of the services from your provider.

Speaking up can help to improve services for you and other people. You can use the [participant guide](#) or the [participant checklist](#) to help you have a conversation and record your concerns.

Seek assistance

- You should talk with someone you trust, like your nominee, family member or decision supporter.
- You can also talk to your My NDIS contact, whose name is on your NDIS plan, or your local area coordinator, early childhood partner in the community, support coordinator or recovery coach. They can help make sure you are safe.
- You may want to talk directly to your provider to explain your concerns. You can seek support from an advocate or someone you trust to help you have this conversation.

Make a complaint

- If you are concerned about the quality and safety of your current NDIS supports, you can make a complaint to the [NDIS Quality and Safeguards Commission](#) on their website or call them on 1800 035 544.
- If you feel your NDIS funding has been misused, you can [report suspicious behaviour](#) to the NDIA.

- If you are at immediate risk of harm, or have concerns about a person's wellbeing, call 000 at once.

National Disability Insurance Agency

[ndis.gov.au](https://www.ndis.gov.au)

Telephone 1800 800 110

Webchat [ndis.gov.au](https://www.ndis.gov.au)

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For people who need help with English

TIS: 131 450

For people who have hearing or speech loss

TTY: 1800 555 677

Voice relay: 1800 555 727

National Relay Service: relayservice.gov.au