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Conflicts of interest

A conflict of interest occurs when a person or organisation has an opportunity to put what will benefit them (their own interests) ahead of the interests of the person they are supporting.

These conflicts may be:

- actual – it happened or is happening
- potential – it might happen
- perceived – it seems like it has happened or might happen.

Conflicts of interest that are not managed effectively can pose risks to a participant's safety and limit their choice and control. Conflicts of interest can also pose a risk to providers and the sustainability and integrity of the National Disability Insurance Scheme (NDIS).

Examples of conflicts of interest in the NDIS provider market

Examples of conflicts of interest in the NDIS provider market may involve influencing decisions, limiting choice and control or one provider controlling multiple supports of a participant's NDIS plan.

Influencing decisions

- A person or provider influencing or pressuring a participant's choice of services to benefit their own interests. This may include making recommendations, and referrals to or prescribing services or equipment from:
 - the same or a connected organisation.

- a related third party (individual or organisation).
- an organisation from which the person or provider receives a secondary gain, gift, or financial incentive.
- A provider acting as a nominee and making decisions about a participant's supports and providers.

Limiting choice and control

- A person or provider limiting a participant's choice of services to benefit their own interests. This may look like:
 - a provider refusing to provide a support unless an additional support is also delivered by a specific provider. For example, an accommodation provider requiring the use of a specific personal care provider or a support coordinator requiring a participant to use a specific plan manager.
- A person or provider refusing to complete a referral to a specific provider, where there is a personal dispute between the providers.

One provider controls multiple supports of a participant's NDIS plan

- One provider controls multiple supports of a participant's NDIS plan which may affect the provider's due diligence and oversight of supports and services and/or limit the opportunity for the participant to raise concerns or exit services. This may occur through controlling the coordination and referrals of supports, the delivery of supports and the payment of supports. This may look like:
 - A Support Coordinator or Plan Manager delivers some of a participant's other NDIS funded supports.
 - A Plan Manager pays themselves for other supports they delivered.
 - One provider, or a group of providers from the same or connected business delivers all NDIS funded supports.

Provider obligations around conflicts of interest

All registered and unregistered NDIS providers must comply with the [NDIS Code of Conduct](#) . All providers should deliver services competently and ensure quality and safety of services.

The [NDIS Practice Standards](#) set out what registered NDIS providers are required to do to avoid real or perceived conflicts of interest in the delivery of supports and services.

A conflict of interest is considered non-compliant when it is not declared or managed properly.

Acting in a participant's best interest

All providers should act in the best interests of participants by acting with integrity, honesty and transparency. This means they should declare and avoid any real or perceived conflicts of interest. The [What is a provider?](#) page on the NDIS website can help participants decide whether the provider and supports and services are right for them.

A provider should:

- where possible avoid any real or perceived conflicts of interest
- declare and manage any unavoidable real or perceived conflicts of interest
- keep accurate and up-to-date records of the management of the conflict of interest and provide copies to all parties involved
- recommend and provide supports and services that would best suit a participant's needs
- provide alternative options for supports and services so participants can exercise choice and control where appropriate
- avoid engaging in, participating in or promoting 'sharp practices', or practices that are unethical, unscrupulous or not in the interests of participants.

Participant guide to managing a conflict of interest

The NDIA has information to help participants manage an actual, potential or perceived conflict of interest with a provider. More information can be found on the [participant guide to managing a conflict of interest](#) page.

Make a complaint

- If you are concerned about the quality or safety of a participant's 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 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.

Conflicts of interest resources

Further information and resources on Conflicts of Interest include:

- [NDIA Position Statement on Conflicts of Interest in the NDIS Provider Market \(DOCX 323KB\)](#)
- [NDIA Position Statement on Conflicts of Interest in the NDIS Provider Market \(PDF 412KB\)](#)
- [Conflicts of Interest Declaration Form \(DOCX 296KB\)](#)
- [Conflicts of Interest Declaration Form \(PDF 279KB\)](#)
- [Participant rights factsheet \(DOCX 297KB\)](#)
- [Participant rights factsheet \(PDF 193KB\)](#)
- [Conflicts of Interest – checklist for Participants \(DOCX 284KB\)](#)
- [Conflicts of Interest – checklist for Participants \(PDF 52KB\)](#)
- [Conflicts of Interest – checklist for Providers \(DOCX 283KB\)](#)
- [Conflicts of Interest – checklist for Providers \(PDF 184KB\)](#)
- [Conflicts of Interest – Allied health \(assistive technology\) \(DOCX 295KB\)](#)
- [Conflicts of Interest – Allied health \(assistive technology\) \(PDF 206KB\)](#)
- [Conflicts of Interest – Home and living supports \(DOCX 295KB\)](#)
- [Conflicts of Interest – Home and living supports \(PDF 205KB\)](#)
- [Support coordinators and conflict of interest \(DOCX 295KB\)](#)
- [Support coordinators and conflicts of interest \(PDF 228KB\)](#)
- [Conflicts of Interest – Plan management \(DOCX 296KB\)](#)
- [Conflicts of Interest – Plan management \(PDF 224KB\)](#)
- [Conflicts of Interest – in regional, rural and remote areas \(DOCX 291KB\)](#)
- [Conflicts of Interest – in regional, rural and remote areas \(PDF 225KB\)](#)
- [Conflicts of Interest – One provider of multiple supports \(DOCX 295KB\)](#)
- [Conflicts of Interest – One provider of multiple supports \(PDF 229KB\)](#)

Easy Read versions

- [NDIA Position Statement on Conflicts of Interest in the NDIS Provider Market Easy Read \(DOCX 55.3KB\)](#)
- [NDIA Position Statement on Conflicts of Interest in the NDIS Provider Market Easy Read \(PDF 5.46MB\)](#)
- [Conflicts of Interest general factsheet Easy Read \(DOCX 54.9KB\)](#)
- [Conflicts of Interest general factsheet Easy Read \(PDF 7.25MB\)](#)
- [What you can do if your provider has a conflict of interest Easy Read \(DOCX 58.3KB\)](#)
- [What you can do if your provider has a conflict of interest Easy Read \(PDF 7.33MB\)](#)
- [Conflicts of Interest – checklist for Participants - Easy Read \(DOCX 52KB\)](#)
- [Conflicts of Interest – checklist for Participants - Easy Read \(PDF 5.1MB\)](#)

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