



National Disability Insurance Scheme (Code of Conduct) Rules 2018

I, Graeme Head, as delegate of the Minister for Social Services, make the following rules.

Dated 17 May 2018

Graeme Head
Commissioner of the NDIS Quality and Safeguards Commission

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Preamble

- (1) The National Disability Insurance Scheme (NDIS) represents a fundamental change to how supports for people with disability are funded and delivered across Australia. The NDIS has potential to produce major benefits for people with disability, their families and the broader community.
- (2) The NDIS Quality and Safeguards Commission is responsible for a range of functions under the National Quality and Safeguarding Framework aimed at protecting and preventing harm to people with disability in the NDIS market. The Commission will build the capability of NDIS participants and providers to uphold the rights of people with disability and realise the benefits of the NDIS. The rules are intended to support participants to be informed purchasers and consumers of NDIS supports and services and to live free from abuse, neglect, violence and exploitation.
- (3) The *National Disability Insurance Scheme (Code of Conduct) Rules 2018* set out the NDIS Code of Conduct, which applies to all NDIS providers and persons employed or otherwise engaged by them, regardless of whether they are registered. The NDIS Code of Conduct supports the rights of people with disability in the National Disability Insurance Scheme to have access to safe and ethical supports, and reflects the core values and principles set out in the National Standards for Disability Services, the National Mental Health Standards and the *National Disability Insurance Scheme Act 2013*.
- (4) To ensure the safety and quality of supports within the emerging NDIS market, the NDIS Code of Conduct sets minimum expectations, shapes the behaviour and culture of NDIS providers and persons employed or otherwise engaged by NDIS providers, and empowers consumers in relation to their rights.
- (5) Anyone can raise a complaint about potential breaches of the NDIS Code of Conduct. When NDIS providers, or persons employed or otherwise engaged by NDIS providers, are found to have breached the NDIS Code of Conduct, the Commissioner is able to take a range of actions as appropriate, including education, compliance and enforcement action or prohibiting them from operating in the NDIS market.

Part 1—Preliminary

1 Name

This instrument is the *National Disability Insurance Scheme (Code of Conduct) Rules 2018*.

2 Commencement

This instrument commences on 1 July 2018.

3 Authority

This instrument is made under the *National Disability Insurance Scheme Act 2013*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) National Disability Insurance Scheme;
- (b) NDIS Code of Conduct;
- (c) NDIS provider.

In this instrument:

Act means the *National Disability Insurance Scheme Act 2013*.

Code-covered person has the meaning given under subsection 5(2) of this instrument.

Part 2—NDIS Code of Conduct

5 Persons covered by the NDIS Code of Conduct

- (1) This Part is made for the purposes of section 73V of the Act.
- (2) Each of the following persons is a *Code-covered person* for the purposes of this instrument:
 - (a) NDIS providers;
 - (b) all persons employed or otherwise engaged by an NDIS provider.
- (3) Code-covered persons must comply with the NDIS Code of Conduct set out in section 6 of this instrument.

Note: Compliance with the NDIS Code of Conduct is a civil penalty provision (see section 73V of the Act). A civil penalty provision can be enforced by obtaining an order for a person to pay a pecuniary penalty.

6 NDIS Code of Conduct

In providing supports or services to people with disability, a Code-covered person must:

- (a) act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions; and
- (b) respect the privacy of people with disability; and
- (c) provide supports and services in a safe and competent manner, with care and skill; and
- (d) act with integrity, honesty and transparency; and
- (e) promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people with disability; and
- (f) take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability; and
- (g) take all reasonable steps to prevent and respond to sexual misconduct.