



## Message from the Acting Commissioner

3 November 2021

### SUPPORTING THE RIGHTS OF NDIS PARTICIPANTS TO ACCESS COVID-19 VACCINATION

The [National Disability Insurance Scheme Act 2013](#) (NDIS Act), together with other laws, gives effect to Australia's obligations under the Convention of the Rights of Persons with Disability.

The NDIS Act sets out a number of principles that guide the management of the NDIS, people participating in the scheme, and providers that support people under the NDIS. This includes the principle that:

***People with disability have the same right as other members of Australian society to be able to determine their own best interests, including the right to exercise choice and control, and to engage as equal partners in decisions that will affect their lives, to the full extent of their capacity.***

The supports and services that a person with disability receives in the NDIS should support them to:

- make their own decision about things that affect their lives
- pursue their goals and maximise their independence
- live independently
- be fully included in their community
- undertake activities that enable them to participate in the community.

The [NDIS Code of Conduct](#) sets out the minimum standards and obligations that people with disability and all Australians can expect of providers and workers delivering NDIS supports and services to people participating in the NDIS.

#### Accessing the COVID-19 Vaccination

It is the right of every eligible Australian citizen to access the COVID-19 vaccination if it is their choice to be vaccinated.

Every Australian citizen should have access to information about COVID-19 vaccination in a form that they can understand. This includes getting advice from their medical practitioner if they need to, so they can make an informed decision about whether to be vaccinated.

As COVID-19 restrictions start to ease across Australia, vaccination against COVID-19 is critically important for people with disability, many of whom are at greater risk of severe illness if infected, with long-term impacts, or even death, a real risk.

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***NDIS providers and workers have a clear obligation under the NDIS Code of Conduct to act with respect for individual rights to freedom of expression, self-determination, and decision-making. This extends to supporting participants to exercise their right to make their own decision about COVID-19 vaccination.***

As Acting NDIS Commissioner, I expect NDIS providers and workers who have a regular role in supporting a person with disability to assist them to make their own decision about the vaccination, or to engage with their legally appointed substitute decision maker if they have one.

Where a person with disability is having trouble making a decision about vaccination, they should be supported to make their decision, whatever it might be.

The decision to have the vaccination, or not, is their decision.

Providers and workers can meet their responsibilities by doing simple things to support the person in their decision making about COVID-19 vaccination, such as:

- **ask the person** what they want
- **give them accurate information from a reliable source** if they need it, to help them make a choice
- **support the person to visit their GP to discuss the vaccination**, if they need to
- **support the person to access an advocate**, if the need one
- **assist them to communicate their decision**
- **act on the person's choice** by providing support to make or to attend vaccination appointments, where they need assistance.

In providing this support, providers and workers should be clear about any formal or lawful substitute decision making arrangements that are in place for a person. A decision about whether or not a person should have the vaccination should only be made for the person by someone who has the appropriate lawful authority to act as substitute decision maker for that person. Providers and workers should not seek the views of others in the person's network about the person's decision. Support to access an advocate should be given to the person if they need assistance with navigating a difficult situation, such as where their decision is not supported by people in their network.

If anyone has a concern that an NDIS provider or worker is not meeting their responsibilities to support participants to exercise their rights in this regard, they should contact NDIS Quality and Safeguards Commission on 1800 035 544.

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The NDIS Commission website also contains fact sheets and links to resources about COVID-19 vaccination, outbreak planning and infection control on the [Coronavirus \(COVID-19\) information webpage](#)

The Australian Government Department of Health website contains [information for people with disability](#) on how to book a vaccination, and links to [Easy Read resources](#) and [Auslan videos](#).