

NDIS Principles

The objects and general principles set out in the NDIS Act guide actions under the Act including reviews by the AAT.

Australia has obligations under the UN Convention on the Rights of Persons with Disabilities (effective May 2008). The purpose of this is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

The Convention defines disability as including those who have long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. The objects of the NDIS Act include:

- to give effect to Australia's obligations under the UN Convention and other international agreements;
- to support the independence and social and economic participation of people with disability;
- to provide reasonable and necessary supports for participants;
- to enable people with disability to exercise choice and control in pursuing their goals, and planning and delivery of services and supports;
- to promote high quality, innovative supports that enable people with disability to maximise independent lifestyles and full inclusion in the mainstream community;
- to raise community awareness of issues affecting the social and economic participation of people with disability, and facilitate their greater community participation.

Introduction to the NDIS Principles

The following is an overview of the objects and general principles of the NDIS Act which guide actions under the Act including reviews by the AAT.

The UN Convention on the Rights of Persons with Disabilities

Australia has obligations under the UN Convention on the Rights of Persons with Disabilities which came into effect in May 2008. The purpose of the Convention is *to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.*

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The objects of the NDIS Act

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- to give effect to Australia's obligations under the UN Convention and other international agreements;

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- to enable people with disability to exercise choice and control in pursuing their goals, and planning and delivery of services and supports;
- to promote high quality, innovative supports that enable people with disability to maximise independent lifestyles and full inclusion in the mainstream community;
- to raise community awareness of issues affecting the social and economic participation of people with disability, and facilitate their greater community participation.

(See the NDIS Act 2013 for a full list of the Objects of the Act in Section 3)

The general principles

There are 17 general principles in the NDIS Act. They aim to ensure that:

- the NDIS Act works to support the independence, inclusion, and social and economic participation, of people with disability, and recognises their right to choice and control; and
- the NDIS scheme is sustainable, equitable and promotes innovation and quality.

The principles recognise that people with disability have the same right as other members of Australian society to:

- realise their potential for physical, social, emotional and intellectual development;
- be respected for their worth and dignity and to live free from abuse, neglect and exploitation;
- pursue any grievance; and
- determine their own best interests, to the full extent of their capacity.

People with disability should be supported to:

- participate in and contribute to social and economic life to the extent of their ability;
- exercise choice, including taking reasonable risks in pursuing their goals and the planning and delivery of their supports;
- pursue their goals and maximise their independence;
- live independently and be included in the community as fully participating citizens; and
- maximise their capacity to exercise choice and control in all their dealings and communications with DisabilityCare Australia.

As well:

- people with disability should have certainty that they will receive the care and support they need over their lifetime;
- their privacy and dignity should be respected;
- the role of their families, carers and other significant persons in their lives is to be acknowledged and respected;
- their positive personal and social development is to be promoted.

(See the NDIS Act 2013 for a full list of General Principles the Act in Section 4)

Principles for people who act on behalf of a person with a disability

People who act on behalf of a person with disability must act according to the principles in s 5, including:

- people with disability should be involved in decision making processes that affect them, and where possible make decisions for themselves;
- they should be encouraged to engage in the life of the community;
- the judgements and decisions that they would have made for themselves should be taken into account;
- their cultural and linguistic circumstances, and gender should be taken into account;
- their supportive relationships, friendships and connections with others of people with disability should be recognised;
- if the person with disability is a child, his or her best interests are paramount.

(See the NDIS Act 2013 for a full list of Principles in Section 5)