

# NDIS

## A Guide for Freelance Auslan Interpreters, what we need to know

### ASLITA Member Guide: Working on NDIS-Funded Interpreting Jobs and Freelance Services

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#### Introduction

The Australian Sign Language Interpreters And Translators Association Ltd (ASLITA) is a not-for-profit body and is the national peak organisation representing the interests of Auslan/English Interpreters and Deaf Interpreters in Australia.

Auslan English Interpreters have had their ways of working change with the roll out of the NDIS. Many Auslan interpreters have taken up freelance bookings funded by the NDIS, and now have two new systems to manage. Australian Business Consumer Law and NDIS funding requirements.

This landscape has changed rapidly, and continues to evolve as new systems are rolled out and funding methods adapt. This guide is designed to help members of the Australian Sign Language Interpreters and Translators Association (ASLITA Ltd) understand their rights, responsibilities, and the necessary processes when working on interpreting jobs funded by the National Disability Insurance Scheme (NDIS). Additionally, it covers essential information for members who are working as freelance interpreters, including obtaining an Australian Business Number (ABN) and fulfilling mandatory requirements.

As Australian Business Owners, freelance Interpreters have a legal responsibility to ensure they keep up to date on any changes in legislation or requirements that may impact the way they work.

ASLITA has the long established Code of Ethics that provides the professional expectations of interpreters working in the industry, and includes section 5 **Integrity in Business relationships** that support the Australian Government legislation on business operations.

**5. INTEGRITY IN BUSINESS RELATIONSHIPS:** Interpreters establish and maintain professional boundaries with participants and colleagues in a manner that is honest and fair.

### **5.1. Business Practices**

5.1.1. Practitioners will refrain from any unfair competition with their colleagues, including, but not limited to: a. engaging in comparative advertising, b. willfully undercutting, or c. artificially inflating fees during times when market demand exceeds supply.

5.1.2. Practitioners will conduct themselves in all phases of the interpreting situation in a manner befitting the profession, including negotiating work and contracts, obtaining suitable preparation material, choice of attire, presentation and professional demeanour.

5.1.3. Practitioners will honour professional commitments made when accepting work, and will follow through on their obligations. Practitioners may not unilaterally terminate work or a contract unless they have fair and reasonable grounds to do so. Termination for the purposes of gaining better paid work is not fair or reasonable.

5.1.4. Practitioners shall take reasonable care of material and/or property given to them by a participant or employer (for example, speech notes or a textbook) and may not lend such or use it for purposes other than those for which it was entrusted to them.

### **5.2. Accurate Representation of Credentials**

5.2.1. Practitioners shall not by any means engage in, nor allow, the use of statements regarding their credentials that are false, misleading, incomplete, or likely to mislead participants or members of the public.

5.2.2. Practitioners will refrain from making inaccurate statements regarding their competence, education, experience or certification. This may include, but is not limited to, interpreter directories, business cards and forms, promotional materials, resumes or publications they have authored. ASLIA Code of Ethics © 2007 Page 8 of 8

### **5.3. Reimbursement for Services**

5.3.1. Practitioners will bill only for services provided. Practitioners will negotiate fees, including cancellation policies, preferably in writing or contract form, before service is provided. Practitioners will be sensitive to professional and community norms when establishing fees for services.

5.3.2. Practitioners may also provide pro bono service in situations where the profession of interpreting and the livelihood of other practitioners will not be threatened (refer to the ASLIA pro bono interpreting policy).

## Section 1: Working on NDIS-Funded Interpreting Jobs

### Introduction to Legislation

When working on NDIS-funded interpreting jobs, your rights and responsibilities are governed by several key pieces of Commonwealth and National legislation. These include the **National Disability Insurance Scheme Act 2013 (NDIS Act)**, which establishes the framework for the NDIS and outlines the roles and responsibilities of participants and providers. Additionally, the **NDIS Code of Conduct**, as outlined in the **National Disability Insurance Scheme (Code of Conduct) Rules 2018**, sets the standards for ethical and professional behavior for all NDIS workers. You are also required to comply with the **Privacy Act 1988**, which governs the handling of personal information, and the **Fair Work Act 2009**, which provides the foundation for workplace rights and obligations.

### 1.1 Interpreters do not necessarily need to register as an NDIS service provider to get paid, but it depends on how the NDIS participant's plan is managed:

1. **Self-Managed Participants:** If the NDIS participant manages their own plan, they can choose to hire any interpreter, whether registered with the NDIS or not. In this case, the interpreter would invoice the participant directly, and the participant would use their NDIS funds to pay the interpreter.
2. **Plan-Managed Participants:** If the participant's plan is managed by a plan management service (a third-party provider), the interpreter does not need to be registered with the NDIS. The plan manager will handle the payment, and the interpreter would invoice the plan manager.
3. **NDIA-Managed Participants:** If the participant's plan is managed by the National Disability Insurance Agency (NDIA), the interpreter must be registered as an NDIS provider to receive payment. NDIA-managed participants can only use NDIS-registered providers, so interpreters need to go through the registration process with the NDIS to work with these participants.

If you plan to work with NDIA-managed participants, registration as an NDIS service provider is necessary. Otherwise, you may still work with self-managed and plan-managed participants without being registered.

### 1.2 Your Rights

- **Fair Compensation:** You are entitled to fair and timely payment for services rendered under the NDIS. Ensure that your rates align with the NDIS pricing arrangements and guidelines.
- **Workplace Safety:** You have the right to work in a safe environment. If you encounter any unsafe conditions, you should report them immediately to your employer or the [NDIS Quality and Safeguards Commission](#).
- **Non-Discrimination:** You have the right to work in an environment free from discrimination based on gender, ethnicity, disability, or any other protected characteristic.

### 1.3 Your Responsibilities

- **Adherence to NDIS Code of Conduct:** As a provider of NDIS-funded services, you must comply with the NDIS Code of Conduct, which requires you to act with integrity, honesty, and transparency.
  - **Confidentiality:** You must maintain the confidentiality of all participants' personal and sensitive information.
  - **Professional Standards:** Uphold professional standards and ensure that your interpreting services meet the needs of NDIS participants effectively.
  - **Reporting Requirements:** You may be required to submit reports on your services as part of NDIS compliance. Ensure that all documentation is accurate and submitted on time.
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## Section 2: Relevant NDIS Line Items for Interpreters

### Introduction to Legislation

Interpreting services under the NDIS are categorized and governed by the **National Disability Insurance Scheme (Supports for Participants) Rules 2013** and the **NDIS Pricing Arrangements and Price Limits** document. These regulations outline how interpreting services are classified, billed, and reimbursed under the NDIS. Understanding these rules is essential for ensuring that your services are properly aligned with NDIS requirements, including how to bill for services and travel, and any restrictions on pricing.

### 2.1 Line Item Location in NDIS Price Guide

The NDIS line item number for Auslan interpreters is typically found under the "Core supports" category, specifically within the "Independent Living" support category. The relevant line item is:

- **Support Category:** Core supports (Independent Living)
- **Line Item:** 03\_017\_0117\_1\_3 – Auslan Interpreter

This line item covers the cost of providing Auslan interpreting services to assist NDIS participants in achieving their goals.

Please verify with the most recent NDIS Price Guide, as line item numbers and descriptions can change periodically.

## 2.2 Price Cap Information

- **No Price Cap:** Currently, there is **no specific price cap** set by the NDIS for interpreting services. However, it's essential to ensure that your rates are reasonable and in line with industry standards to maintain compliance and avoid disputes.
- Although there is no specific price cap, the system limit is **\$135.74** for the item code **03\_090\_0121\_1\_1** and will reject unit pricing listed above this amount.

## 2.3 NDIS pricing for Auslan interpreting is **PER UNIT, not time**.

- It is the Auslan Interpreting working conditions that dictate our minimum working time. Such as the [miscellaneous award](#) (clause 11.2).
- Under the National Disability Insurance Scheme (NDIS), Auslan interpreting services are typically billed on a per-unit basis rather than per hour, with each unit representing a specific duration of service, typically one hour. This method allows for more precise billing for the exact amount of time used, accommodating shorter or longer interpreting needs flexibly.
- For Auslan interpreters who traditionally adhere to an employment standard that includes a minimum fee equivalent to two hours of service, it's crucial to structure their billing and service agreements accordingly. To maintain this standard within the NDIS framework, interpreters should specify in their service agreements that the initial booking price includes a block of two units, which equates to two hours of pay. This approach ensures that interpreters can uphold their customary fee structures while remaining transparent and compliant with NDIS billing practices. Such clear communication in service agreements helps both parties understand the billing expectations and ensures interpreters are fairly compensated for their availability and the professional services they provide.

## 2.4 Charging for Travel

Auslan interpreters can claim travel expenses under specific line items designated for travel in the NDIS Price Guide. These line items are used to bill for the time spent

traveling to and from a participant's location, as well as the kilometers traveled. Here's how it generally works:

### **Travel Time**

- Travel time can be claimed when an interpreter travels to provide services to a participant.

### **Kilometers Traveled**

- Transport costs (kilometers traveled) can also be claimed. This is typically billed separately and covers the cost of using a personal vehicle for service delivery. This can not be claimed for the whole amount of travel but the amount set out in the [Modified Monash Model](#) depending on your location.

### **Relevant Line Items for Travel and Kilometers:**

#### **1. For Travel Time:**

- 03\_052\_0120\_1\_1 - Provider travel in remote areas (applies to provider travel to remote or very remote areas as per the [Modified Monash Model](#))
- 03\_051\_0120\_1\_1 - Provider travel in non-remote areas

#### **2. For Kilometers Traveled:**

- The costs for kilometers traveled are usually claimed in addition to the travel time. This is usually claimed but you Tax as an ABN holder if you can provide evidence of this to the ATO.

### **How to Claim:**

- Agreement and Documentation: Before claiming travel expenses, it is crucial to have clear agreements with participants about the likelihood and extent of travel charges. Documentation of the actual travel (time and distance) is necessary to support the claim.
- Billing: Travel time and kilometers can generally be billed using the above line items, or as specified in the most current NDIS Price Guide. The travel costs should be itemized separately on the invoice to ensure transparency.

### **Note:**

- Local Area Travel: For travel within the local area (usually up to 30 minutes each way), the provider can typically claim for the time spent traveling.
- Outside Local Area: For longer journeys, both time and kilometers can be claimed, but this should be agreed upon with the participant beforehand, and it

must be deemed reasonable and necessary according to the participant's NDIS plan.

Always refer to the latest NDIS Price Guide for the most accurate and up-to-date information regarding travel claims, as the guidelines and rates can change annually.

- **Travel Charges:** Yes, interpreters can charge for travel when providing NDIS-funded services. Travel can be claimed under specific line items related to travel in the NDIS Price Guide, but there are conditions:
  - **Within Local Area:** You may claim the time spent traveling to and from a participant's location if it is within the same local area. Typically, this is limited to 30 minutes each way.
  - **Outside Local Area:** If the travel is outside your local area, you can charge for both travel time and kilometers traveled. Ensure that you discuss and agree upon travel costs with the participant before providing the service.
  - **Travel Allowance:** The NDIS Price Guide may specify certain rates or conditions for travel allowances, so always refer to the most recent guide for detailed information.

## 2.5 Invoicing for Travel

- **Separate Line Item:** When invoicing, travel charges should be itemized separately from your interpreting services. This ensures transparency and allows participants and providers to see the breakdown of costs clearly.

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## Section 3: Working as a Freelance Interpreter in Australia

### Introduction to Legislation

Working as a freelance interpreter in Australia requires compliance with various federal and state laws. This includes obtaining an **Australian Business Number (ABN)** under the **A New Tax System (Australian Business Number) Act 1999**, and potentially registering for the **Goods and Services Tax (GST)** as mandated by the **A New Tax System (Goods and Services Tax) Act 1999**. You are also subject to the **Fair Work Act 2009** regarding fair work practices and the **Income Tax Assessment Act 1997** concerning your tax obligations. In addition, you must adhere to relevant professional standards and codes, such as those provided by **NAATI** (National Accreditation Authority for Translators and Interpreters).

### 3.1 Obtaining an Australian Business Number (ABN)

- **Requirement:** To work as a freelance interpreter in Australia, you need to have an ABN. This is a unique 11-digit identifier that allows you to operate as a business and issue invoices.
- **Application Process:** Apply for an ABN through the [Australian Business Register \(ABR\)](#) online. The process is free and typically takes a few minutes to complete. You will need to provide information about your business activities and contact details.
- **GST Registration:** If your annual income exceeds \$75,000, you are required to register for Goods and Services Tax (GST). This means you will need to charge GST on your services and remit it to the Australian Taxation Office (ATO).

### 3.2 Rights as a Freelance Interpreter

- **Control Over Your Work:** As a freelancer, you have the right to choose the jobs you accept and set your own rates, working hours, and terms of engagement.
- **Client Agreements:** You have the right to enter into contracts with clients that outline the scope of work, payment terms, and other conditions.

### 3.3 Responsibilities as a Freelance Interpreter

- **Tax Obligations:** You are responsible for keeping accurate financial records, lodging tax returns, and paying any tax liabilities. Consider working with an accountant to ensure compliance with tax laws.
- **Insurance:** It is advisable to obtain professional indemnity insurance to protect yourself in case of any legal claims arising from your services.
- **Ongoing Professional Development:** As a professional, you are responsible for maintaining and improving your skills through ongoing training and development.

### 3.4 Processes to Engage In

- **Invoicing:** Issue invoices for your services that include your ABN, contact details, a description of the services provided, and payment terms. You can find more information on issuing invoices.
- **Record-Keeping:** Maintain detailed records of all income, expenses, and transactions for tax purposes. These records should be kept for at least five years. For guidance, see the ATO's record-keeping advice.
- **Networking and Marketing:** Promote your services through networking, attending industry events, and using online platforms to connect with potential clients. Check out [industry events and networking opportunities](#) via ASLITA.

### 3.5 business policies



Australian Business Number (ABN) holders, especially those operating as freelancers or running their own businesses, generally need to establish certain policies to ensure legal compliance, professional integrity, and effective business operations. Here are some key policies that ABN holders might need to consider:

### 1. Privacy Policy

- **Purpose:** To manage personal information in compliance with the Privacy Act 1988 and the Australian Privacy Principles. This policy is particularly important if you collect, use, or disclose any personal information from clients, such as names, contact details, or health information.
- **Content:** Outline how personal information is collected, used, stored, and disclosed, and how clients can access or correct their information.

### 2. Refund and Cancellation Policy

- **Purpose:** To set clear expectations for refunds and cancellations, which helps in managing client relationships and financial planning.
- **Content:** Specify terms under which services can be cancelled or rescheduled, and the conditions under which refunds are offered.

### 3. Dispute Resolution Policy

- **Purpose:** To provide a clear process for resolving disputes with clients or other parties.
- **Content:** Outline the steps both parties can take to resolve disputes and mention any external bodies that might be involved if the dispute cannot be resolved internally.

### 4. Health and Safety Policy

- **Purpose:** Required particularly for businesses that operate in physical locations or where the nature of work involves health and safety risks.
- **Content:** Outline your commitment to maintaining a safe working environment and the measures you take to protect yourself and others from health and safety risks.

### 5. Data Security Policy

- **Purpose:** To ensure the security of digital data, especially important with increasing concerns around data breaches and cyber threats.

- **Content:** Describe the technical and organizational measures in place to protect data from unauthorized access, disclosure, alteration, and destruction.

## 6. Terms of Service or Terms of Engagement

- **Purpose:** To define the terms under which services are provided, which is crucial for service providers to manage client expectations and protect their business legally.
- **Content:** Detailed description of the services offered, payment terms, rights and responsibilities of both parties, confidentiality clauses, and any warranties or guarantees.

## 7. Environmental Policy (if applicable)

- **Purpose:** Important for businesses concerned with their environmental impact or where clients value sustainability.
- **Content:** Your business's commitment to reducing its environmental footprint, details on recycling, waste management, and energy use, etc.

## 8. Equal Opportunity and Anti-Discrimination Policy

- **Purpose:** To promote a diverse and inclusive work environment free from discrimination.
- **Content:** Outline measures to prevent discrimination on the basis of gender, age, race, religion, ethnicity, disability, or any other protected status, in compliance with the Equal Opportunity Act.

### How to Implement These Policies:

- **Tailoring:** Customise each policy to reflect the specific needs and operations of your business.
- **Legal Advice:** Consider obtaining legal advice to ensure that your policies comply with Australian laws and industry standards.
- **Communication:** Clearly communicate these policies to your clients and other stakeholders, typically through your business website or service agreements.
- **Review and Update:** Regularly review and update your policies to keep them relevant and compliant with any changes in laws or business practices.

Having these policies in place not only helps in managing the business more effectively but also builds trust with clients and protects the business from potential legal issues.

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## Section 4: Mandatory Requirements

### Introduction to Legislation

All interpreters working under the NDIS or in general freelance roles must adhere to several key legal requirements. This includes the **National Disability Insurance Scheme (NDIS) Act 2013** and **NDIS Rules**, which mandate specific worker screening and safety protocols. In addition, if you work with children, you must comply with the **Working with Children Check (WWCC) regulations** specific to your state or territory. The **Work Health and Safety (WHS) Act 2011** also applies, requiring all workers to ensure their activities do not harm themselves or others. Finally, there are additional requirements under state-specific legislation for first aid training and other professional certifications.

#### 4.1 NDIS Worker Screening Check

- **Purpose:** This check ensures that workers providing NDIS services do not pose an unacceptable risk to participants.
- **Process:** Apply for the NDIS Worker Screening Check through your state or territory government. The check involves a national criminal history check and a review of any relevant disciplinary and misconduct information.
- **Renewal:** The NDIS Worker Screening Check is valid for five years, after which you must renew it.

#### 4.2 Working with Children Check (WWCC)

- **Requirement:** If your work involves interacting with children, you must have a valid Working with Children Check (WWCC). This is a legal requirement in all Australian states and territories.
- **Application:** Apply for the WWCC through your state or territory's governing body. The process includes a background check to assess your suitability to work with children.
- **Renewal:** The WWCC typically needs to be renewed every two to five years, depending on your state or territory. Find out more about the WWCC in your region.

#### 4.3 First Aid Certification

- **Requirement:** While not mandatory for all interpreting roles, having a current First Aid Certificate (including CPR) is highly recommended, especially if you work in settings where medical emergencies may occur.
- **Training:** Complete a certified first aid course through an accredited provider. The course typically covers basic first aid, CPR, and how to respond to various medical situations.
- **Renewal:** First aid certifications generally need to be renewed every three years, with CPR training refreshed annually.

#### 4.4 Mandatory NDIS Training

As of the most recent guidelines, Auslan interpreters working with NDIS participants are required to complete specific mandatory training modules to ensure they understand their obligations under the NDIS and can provide safe, effective, and compliant services. The key training requirement includes:

### **NDIS Worker Orientation Module: "Quality, Safety and You"**

This orientation module is designed to help workers in the NDIS support sector, including interpreters, understand their roles in supporting NDIS participants. It covers essential topics related to the quality and safety of services provided to NDIS participants.

#### **Key Areas Covered:**

- Introduction to the NDIS
- Human rights and responsibilities under the NDIS
- The NDIS Code of Conduct
- Understanding and preventing abuse and neglect
- The role of the NDIS Quality and Safeguards Commission

#### **How to Access:**

The training is available online and can be accessed through the NDIS Commission's website. It is free of charge and can be completed at the interpreter's convenience.

#### **Completion:**

Upon completing the module, participants receive a certificate of completion, which they may need to present to employers or service providers as proof of having completed the required training.

#### **Additional Training Requirements:**

Depending on the specific settings in which an interpreter works or the needs of the participants they support, additional training may be recommended or required. These could include, but are not limited to:

- First Aid and CPR certification
- Training on specific disabilities or communication needs
- Cultural competency training
- Training for working with children or vulnerable adults, which may require a Working with Children Check or similar background checks

## **Regular Updates and Continuous Professional Development:**

Interpreters are encouraged to engage in continuous professional development to keep their skills and knowledge up-to-date. The NDIS environment is dynamic, with regular updates and changes to policies, practices, and requirements. Engaging in ongoing education and training ensures that interpreters remain compliant with NDIS standards and are equipped to provide the highest quality of service.

### **Links for More Information:**

- [NDIS Quality and Safeguards Commission - Worker Training](#)
- [NDIS Worker Orientation Module: Quality, Safety and You](#)

These training modules and continuous professional development are crucial in ensuring that interpreters are well-prepared to meet the needs of NDIS participants while adhering to the highest standards of safety and quality in their services.

You can find detailed information on the necessary policies for ABN holders and general business compliance on several Australian government websites. Here are some key resources where you can access comprehensive guidance:

1. **Australian Business Register (ABR)**
  - Website: [ABR](#)
  - Purpose: For information on applying for an ABN, managing your ABN, and understanding your obligations as an ABN holder.
2. **Australian Taxation Office (ATO)**
  - Website: [ATO](#)
  - Purpose: Provides extensive information on tax obligations, GST requirements, and other financial aspects of running a business.
3. **Australian Securities and Investments Commission (ASIC)**
  - Website: [ASIC](#)
  - Purpose: For regulatory guidelines related to operating a business, including legal requirements around company structure and compliance.
4. **Office of the Australian Information Commissioner (OAIC)**
  - Website: [OAIC](#)
  - Purpose: Details on privacy policy requirements and how to comply with the Privacy Act and the Australian Privacy Principles.
5. **Safe Work Australia**
  - Website: [Safe Work Australia](#)
  - Purpose: Offers guidance on health and safety obligations to ensure a safe work environment.
6. **Business.gov.au**

- Website: [Business.gov.au](https://www.business.gov.au)
- Purpose: A comprehensive resource for all aspects of business operation, including planning, starting, and growing your business. It also offers tools and information on legal obligations and how to develop various business policies.

#### **7. Fair Work Ombudsman**

- Website: [Fair Work Ombudsman](https://www.fairwork.gov.au)
- Purpose: Provides information on Australian workplace laws, employee and employer rights and obligations, and guidelines for fair work practices.

These websites provide authoritative information and resources that can help ensure you meet your legal obligations and successfully manage your business in Australia.

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### **Conclusion**

**Understanding and adhering to these rights, responsibilities, and processes will help ensure that you provide high-quality, compliant interpreting services in NDIS-funded roles and as a freelance interpreter in Australia. ASLITA is here to support you in navigating these requirements and maintaining your professional standards. Should you have any questions or require further assistance, please do not hesitate to contact ASLITA.**

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### **Contact Information**

**ASLITA**

[info@aslita.au](mailto:info@aslita.au)

[ASLITA website](https://www.aslita.au)

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**This guide, now equipped with direct links, provides ASLITA members with easy access to the essential information and resources they need to operate effectively and compliantly in their roles.**