# Restrictive Practices – What has changed?

On the 1st of July 2025 the way Restrictive Practices are defined and approved for people with disability in Tasmania has changed. This fact sheet has been written to help people with disability and others in the community to understand what has changed.

These changes are happening now because a new law, the *Disability Rights, Inclusion and Safeguarding Act 2024* has been passed. This new Act is replacing the old Disability Services Act (2011) that ended when the new Act started.

The Office of the Senior Practitioner has prepared a set of fact sheets and other resources to explain these changes in more detail on the [Office of the Senior Practitioner website](https://www.dpac.tas.gov.au/divisions/cpp/community-and-disability-services/office-of-the-senior-practitioner).

Other fact sheets and guidelines have also been written for providers to explain what they need to do. These can be found on the Office of the Senior Practitioner web page [Office of the Senior Practitioner website](https://www.dpac.tas.gov.au/divisions/cpp/community-and-disability-services/office-of-the-senior-practitioner).

## Why are these changes happening?

The new Act makes important changes in the way restrictive practices are described and approved. These changes mean that the law and rules:

* are more up to date
* describe restrictive practices in a way that lines up with the way the NDIS works
* put in place new roles and new rules which protect the rights of people with disability and
* help to keep people with disability safe from harm.

The new laws mean that a restrictive practice can only be:

* used in very limited and specific circumstances
* used as a last resort
* the least restrictive practice possible
* used for the shortest time possible
* are based on well thought out reasons to protect the rights and safety of the person with disability or others.

Wherever possible the restrictive practice should stop altogether or be reduced over time.

A restrictive practice will only be approved if it has been included in a Behaviour Support Plan that has been written by a Behaviour Support Practitioner who is registered with the NDIS.

## What is a Restrictive Practice?

A Restrictive Practice is when someone takes away the rights or freedom of movement of a person with disability. A Restrictive Practice may be used to keep a person with disability or others around them safe.

The new way a Restrictive Practice is described in the Act is the same as the definition used by the NDIS. This means that approving and reporting the use of restrictive practices is less complicated. The Old Act did not have the same definition of a restrictive practice.

In the new Act a Restrictive Practice includes:

* Seclusion
* Chemical restraint
* Mechanical restraint
* Physical restraint
* Environmental restraint or
* A practice that the senior practitioner says in a legal rule is a restrictive practice.

## Prohibited Practices

Some practices place a person with disability at a high risk of physical or psychological harm. These practices may also be abuse and/or neglect.

Prohibited practices must never be used as they have a very high risk of causing harm to a person with disability or restricting their human rights.

A prohibited practice will not be authorised as a restrictive practice in Tasmania.

These practices are included in the *Disability Rights, Inclusion and Safeguarding Regulation 2025* (the Regulations) and more detail is available in the fact sheet about prohibited practices.

## Changes in who can approve the use of a Restrictive Practice?

The person who can approve the use of a Restrictive Practice has also changed. From now on the only person who can approve use of a Restrictive Practice by a disability services provider, is the Tasmanian Senior Practitioner.

Under the new Act all applications to use restrictive practices must be made to the Senior Practitioner.

## Roles to safeguard the rights of people with disability

The Act sets up two new roles to ensure the human rights of the person with disability are protected and that the person with disability is safe.

The law says that a Disability Services Provider (the provider) who wants to use a restrictive practice must have an **Appointed Program Officer (APO)**. The APO is employed by the provider.

The APO ensures that restrictive practices are only used as a last resort, are the least restrictive practice possible and are used for the shortest period of time.

The APO makes sure that the restrictive practice is used in the way approved by the Senior Practitioner and as described in the Behaviour Support Plan. The APO has responsibility for ensuring that the rules about restrictive practices are followed by the provider. This includes the *Disability Rights, Inclusion and Safeguarding Act 2024*, any NDIS rules and any rules or guidelines made by the Senior Practitioner.

The law says that if a restrictive practice is used in relation to a person with disability that there must be an **Independent Person.** They support the safety, wellbeing and health of a person with disability where a restrictive practice is being proposed or used.

The Independent Person helps the person with disability understand the use of a restrictive practice and helps the person with disability to express their will and preference about the restrictive practice.

## Questions

This fact sheet is only about what has changed with the use of restrictive practices. If you are interested in finding out about what else is in the Act there is another fact sheet which provides more information about the rest of the Act.