Prohibited Practices

Some practices place a person with disability at a high risk of physical or psychological injury or death. These practices include certain types of physical restraint and punishments and may constitute abuse and/or neglect. These practices are known as prohibited practices under the [*Disability Rights, Inclusion and Safeguarding Act 2024*](https://www.legislation.tas.gov.au/view/whole/html/asmade/act-2024-021) (the Act).

Prohibited practices must never be used as they carry 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.

The Act defines prohibited practices as:

A practice or intervention including, but not limited to, specific forms of physical restraint and coercive and punitive approaches, that is of a type, or class, of practice or intervention that is prescribed for the purposes of this definition.

In Tasmania, what is considered a prohibited practice is defined in the [*Disability Rights, Inclusion and Safeguarding Regulations 2025*](https://www.legislation.tas.gov.au/view/html/asmade/sr-2025-020) and listed in this fact sheet.

The use of prohibited practices may constitute abuse and neglect of a person with disability and may be subject to criminal charges and fines.

The NDIS Quality and Safeguarding Commission also bans high-risk restrictive practices by both registered and unregistered NDIS providers. The use of high-risk restrictive practices, including prohibited practices, is considered a serious breach of the NDIS Code of Conduct. For more information on the NDIS Commissioner’s position see the [*Position Statement Practices that present high risk of harm to NDIS participants*](https://C://Users/Maryanne.Lewis/Downloads/Position%20Statement%20-%20Practices%20that%20present%20high%20risk%20of%20harm%20to%20NDIS%20participants_0%20%2813%29.pdf)*.*

# Prohibited Practices prescribed in Tasmanian Regulations

The physical restraints and punitive approaches specified in the Regulations as prohibited practices are:

## Physical Restraints

1. Subduing a person by forcing the person into a face-down position (known as a prone restraint).
2. Subduing a person by forcing the person into a face-up position (known as a supine restraint).
3. Subduing a person by holding down the person’s limbs or any part of the body, such as their arms or legs (known as a pin down).
4. Subduing a person by wrapping your arms around the person’s upper or lower body (known as a basket hold).
5. Subduing a person by forcing them to free-fall to the floor or by forcing them to fall to the floor with support (known as a takedown technique).
6. Any physical restraint that has the purpose or effect of restraining or inhibiting a person’s respiratory or digestive functioning.
7. Any physical restraint that has the effect of pushing the person’s head forward onto their chest.
8. Any physical restraint that has the purpose or effect of compelling a person’s compliance through the infliction of pain, hyperextension of joints, or by applying pressure to the chest or joints.

## Punitive Approaches

1. Any practice which might be experienced by a person as noxious or unpleasant and potentially painful (known as an aversive practice). For example, threats, deliberate cold baths, applying chilli powder to the hands to prevent biting, sitting on a person to prevent them from self-harming.
2. Any practice where a person is required to respond disproportionately to an event, beyond that which may be necessary to restore a situation to its original condition (known as overcorrection). For example, a person makes a small mess in a bathroom and is made to clean the whole house.
3. Preventing a person from accessing basic (key) needs, or supports, including possessions, family, peers, friends and advocates. For example, denying access to toilet paper or sanitary items or stopping a person from seeing family or friends.
4. Practices related to degradation or vilification.
5. Practices that limit or deny access to culture. For example, the denial of access to interpreters or other actions that limit participation opportunities or access to community, culture and language.
6. Punishment of a person by causing the person to forego a positive item or activity because of the person’s behaviour (known as a response cost). For example, a planned outing being cancelled because the person is not following the morning routine.

# What to do if a prohibited practice is being used on a person with disability?

The use of any prohibited practice, including as an emergency measure, is unacceptable and is an offence under the Act.

If any of these practices are currently in use, providers must immediately cease using them and appropriate action must be taken to ensure the persons safety, health and well-being. This should include the development and use of alternative strategies.

Providers and anyone else with responsibilities under the Act, should inform the Senior Practitioner and other relevant authorities of the use of a prohibited practice or if they are aware of a prohibited practice being used by others. These authorities include Tasmania Police, the Tasmanian Disability Commissioner, the NDIS Quality and Safeguarding Commission, Registration to Work with Vulnerable People (RWVP) and other authorities with safeguarding responsibilities as appropriate.

If there is an immediate concern for the safety of the person, call Triple Zero (000).

If the person is a child or young person, additional reporting obligations apply. Reporting of child safety concerns should be directed to the Strong Families, Safe Kids - Advice and Referral Line and Tasmania Police. A report on the conduct of a worker must also be made to the Office of the Independent Regulator. Advice on making a report is available at <https://keepingchildrensafe.tas.gov.au/make-a-report/>.

The provider must notify the Senior Practitioner of the use of all unauthorised restrictive practices, including prohibited practices, within 5 business days.

# Guiding Principles

The Act Principles promote the human rights of people with disability and reflect the United Nations Convention on the Rights of Persons with Disability.

These principles apply to every person, entity and provider covered by the Act.

The principles can be read in full in Part 1 of the [*Disability Rights, Inclusion and Safeguarding Act 2024* *(the Act).*](https://www.legislation.tas.gov.au/view/whole/html/asmade/act-2024-021)

The Act Principle 1 (e):

People with disability have the same right as other members of Australian society to be respected for their worth and dignity and to live free from violence, abuse, neglect, coercion and exploitation.

# More Information

This Factsheet describes prohibited practices using plain English. If you are interested in how these are described in the Regulations please read [*Disability Rights, Inclusion and Safeguarding Regulations 2025*](https://www.legislation.tas.gov.au/view/html/asmade/sr-2025-020)*.*

For more information the Office of the Senior Practitioner can be contacted on seniorpractitioner@dpac.tas.gov.au.