



Government
of South Australia

Department of Human Services

Fact Sheet

Disability Inclusion (Restrictive Practices-NDIS) Amendment Bill 2020

As a result of the National Disability Insurance Scheme (NDIS), the South Australian Government is drafting amendments to the [Disability Inclusion Act 2018](#) to provide clarity to people with a disability and the sector about restrictive practices.

The amendments will provide a new NDIS Restrictive Practice Authorisation regime for South Australians with disability to meet the principles for restrictive practices authorisation which will enable national consistency across states and territories and streamline processes. It is focused on the reduction and elimination of restrictive practices and supports the use of appropriately measured and ethical practices including human-rights based, person-centred, evidence-informed proactive strategies.

We want your feedback to finalise the policy direction ahead of the proposed Bill's introduction to Parliament early in 2021, and to support the development of regulations.

Further background information is outlined in the Discussion Paper.

Key elements of the Disability Inclusion (Restrictive Practices-NDIS) Amendment Bill

These amendments apply to a registered NDIS provider who uses, or is likely to use, restrictive practices in the course of delivering NDIS supports or services to an NDIS participant (including children).

A restrictive practice is defined as seclusion, chemical restraint, mechanical restraint, physical restraint and environmental restraint. This is consistent with the definitions in the [National Disability Insurance Scheme \(Restrictive Practices and Behaviour Support\) Rules 2018](#) (the NDIS Rules).

A Senior Authorising Officer is also provided for in the Bill, and this person will be required to have significant clinical skills and experience.

The role of the Senior Authorising Officer will oversee the training and accreditation of Authorising Program Officers within a registered NDIS provider, monitor the use and authorisation of restrictive practices and the accompanying behaviour support plans, approve the use of higher-level/higher-risk restrictive practices and provide for the revocation, or variance of, certain restrictive practices authorised.

The Senior Authorising Officer will also lead the development of the restrictive practices guidelines and keep them updated, as well as provide education and training relating to the use of restrictive practices to the sector.

The Bill aims to provide the strongest safeguards for NDIS participants and will help ensure any restrictive intervention, consistent with the NDIS Rules, is only used:

- As a last resort, and
- When there is a risk of harm to the person or others, and
- If the use is the least restrictive way of ensuring the safety of the person or others, for the shortest amount of time, and
- Is proportionate to the potential negative consequence, and
- The use is in accordance with a NDIS behaviour support plan, and
- Its use is not prohibited.

The new authorisation process will enable an experienced and trained Officer within a registered NDIS provider (Authorised Program Officers) with requisite skills to authorise certain use of low-level/less intrusive restrictive practices, taking into account principles including those outlined above.

A Senior Authorising Officer or delegate will approve the use of higher-level/higher-risk restrictive practices and monitor the authorisation of lower-level practices by an Authorised Program Officer.

A key component of the authorisation process will be the consideration of an NDIS behaviour support plan and strategies that have been included in the plan to achieve the reduction and elimination of restrictive practices.

The Bill enables the capture and recording of the authorisation of restrictive practices information and necessary information gathering and sharing provisions as well as the provision of the review of decisions through the Senior Authorising Officer or the South Australian Civil and Administrative Tribunal (SACAT).

Provide your feedback by:

- Joining the online discussion at YourSAy
- Providing a written submission to DHSSADisabilityReformIGR@sa.gov.au
- Posting your comments to:

Department of Human Services
Disability Access and Inclusion
RE NDIS Restrictive Practices
GPO BOX 292
ADELAIDE SA 5000

How can your input influence the decision?

Your feedback will let us know what is important to the South Australian community and will help inform the focus of the new authorisation regime.

Closing date: 5pm, Friday 29 January 2021