

TASMANIA

**DISABILITY RIGHTS, INCLUSION AND
SAFEGUARDING REGULATIONS 2025**

STATUTORY RULES 2025, No. 20

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DISABILITY RIGHTS, INCLUSION AND SAFEGUARDING REGULATIONS 2025

I, the Lieutenant-Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Disability Rights, Inclusion and Safeguarding Act 2024*.

Dated 26 May 2025.

C. P. SHANAHAN
Lieutenant-Governor

By His Excellency's Command,

JO PALMER
Minister for Disability Services

1. Short title

These regulations may be cited as the *Disability Rights, Inclusion and Safeguarding Regulations 2025*.

2. Commencement

These regulations take effect on the day on which the *Disability Rights, Inclusion and Safeguarding Act 2024* commences.

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3. Interpretation

- (1) In these regulations –

Act means the *Disability Rights, Inclusion and Safeguarding Act 2024*.

- (2) If these regulations contain an example of the operation of a provision, the example is not exhaustive and the example does not limit, but may extend, the meaning of the provision.

4. Disability service standards

For the purposes of section 42 of the Act, the prescribed standards that are to apply in relation to the provision, by disability services providers, of supports and services for people with disability are the National Standards for Disability Services published by the Commonwealth Department of Social Services on 1 December 2013, as amended or substituted from time to time.

5. Prohibited practices

For the purposes of the definition of prohibited practice in section 55(1) of the Act, the following types, or classes, of practice or intervention are prescribed:

- (a) the types, or classes, of physical restraints specified in Part 1 of Schedule 1;

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- (b) the types, or classes, of punitive approaches specified in Part 2 of Schedule 1.

SCHEDULE 1 – PROHIBITED PRACTICES

Regulation 5

PART 1 – 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.

PART 2 – 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 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.

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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.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 4 June 2025.

These regulations are administered in the Department of Premier and Cabinet.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations prescribe, for the purposes of the *Disability Rights, Inclusion and Safeguarding Act 2024* –

- (a) standards that are to apply to the provision, by disability services providers, of supports and services for people with disability; and
- (b) types, or classes, of physical restraints and punitive approaches as practices or interventions for the purposes of prohibited practice, as defined in section 55(1) of that Act.