

# State of the Nation: Queensland

**Chris Booker**

**Director, Positive Behaviour Support & Restrictive Practices Unit**

**Disability, Seniors & Carers**

**Department of Child Safety, Seniors and Disability Services**





Director PBSRP

State wide services

Manager

Senior Clinician

Senior Project Officer

Project Officer

**BRISBANE**

Principal Clinician	Principal Clinician
Senior Clinician	Senior Clinician
Clinician	Clinician
Clinician	

**SW - Ipswich**

Principal Clinician

Senior Clinician

**Toowoomba**

Principal Clinician

Clinician

**SE - Robina**

Principal Clinician

Senior Clinician

**Beenleigh**

Principal Clinician

Clinician

**SUNSHINE COAST Maroochydore**

Principal Clinician

Senior Clinician

**Redcliffe/Nundah**

Principal Clinician

Senior Clinician

Clinician

**CENTRAL QLD**

Principal Clinician

Senior Clinician

**NQ/FNQ**

Principal Clinician

Senior Clinician

Clinician

# Background

- The *Disability Services Act 2006* (DSA) regulates the authorisation and use of restrictive practices – including containment and seclusion, chemical, mechanical or physical restraint or restricting access— of vulnerable **adults** with an **intellectual or cognitive disability** whose behaviour **causes harm** to themselves or others.
- ***harm*** to a person means—
  - (a) physical harm to the person; or
  - (b) a serious risk of physical harm to the person; or
  - (c) damage to property involving a serious risk of physical harm to the person.(DSA s 144)

# PBSRP Unit

- The PBSRP unit's work is governed by Part 6 of the *Disability Services Act 2006*.
- Following Queensland's transition to the NDIS on 1 July 2019, the PBSRP has retained the following responsibilities:
  - developing positive behaviour support plans (PBSPs) for all Queenslanders subject to **containment and seclusion** developing all PBSPs for clients of the department's **Accommodation Support and Respite Services (AS&RS)**
  - providing approvals for the **short term use of restrictive practices** (excluding containment and seclusion) by any disability service provider in Queensland

# State Legislation Underpinning Positive Behaviour Support

## Queensland Legislation

- Disability Services Act 2006
- Guardianship and Administration Act 2000
- Public Guardian Act 2014

# Differences between QLD and the Commonwealth

Commonwealth	Queensland
Seclusion	Seclusion
Chemical Restraint	Chemical Restraint
Mechanical Restraint	Mechanical Restraint
Physical Restraint	Physical Restraint
Environmental Restraint	Containment
	Restricting Access

# The QLD Authorisation Process

- The DSA, the *Guardianship and Administration Act 2000* (GAA) and the *Public Guardian Act 2014* all regulate the authorisation and use of restrictive practices by disability service providers operating in QLD, with a focus on reducing and eliminating their use.
- There are 4 levels of authorisation in QLD:
  1. Short Term Approval
  2. Consent by a Relevant Decision Maker (Informal decision maker)
  3. Consent by an appointed Guardian for Restrictive Practices
  4. Approval by Queensland Civil and Administrative Tribunal (QCAT)

# Authorisation process - continued

- Regardless of the level of authorisation:
  - Use of all restrictive practices in QLD must be **independently** approved or consented to.
  - A Positive Behaviour Support Plan (PBSP) must be written that includes:
    - positive strategies to be attempted before using a restrictive practice
    - when the restrictive practice is to be used
    - why the restrictive practice is the least restrictive way of ensuring the safety of the adult or others
    - the procedure for the restrictive practice
    - any other measures to ensure the adult's proper care and treatment and safety
    - the positive and negative effects on the adult of using the restrictive practice
    - the intervals at which the use of the restrictive practice will be reviewed (DSA 2006 s150)



# Difference between a Forensic Order (Disability or Mental Health) and a RP approval

- A forensic order has a list of conditions that the person subject to the order must comply with.
- A restrictive practices approval provides authority to the service provider to restrict the liberty of an adult.
- They are not mutually exclusive, someone can be subject to both.
- Sometimes there is congruency between the order and the authorisation, and sometimes there isn't...

# Approval by Queensland Civil and Administrative Tribunal (QCAT)

- Where an adult is subject to either containment or seclusion in a general accommodation setting, approval can only be given by QCAT.
- This is done by way of a tribunal hearing.
- Tribunal hearings can take place as either:
  - an oral hearing, where interested parties attend in person
  - ‘on the papers’, where the application is considered using the interested parties’ submissions only
- The tribunal can make Directions relating to the approval –similar to conditions included as part of an STA approval, or consent by a Guardian for restrictive practices.
- Approval for the use of the restrictive practice can be given for up to 12 months.

# Process once consent/approval has been received

- Once consent/approval has been received from the decision maker:
- the service provider must enter details of their restrictive practice approvals directly into the Online Data Collection tool (ODC)
  - For an STA this must be within 14 days
  - For a PBSP this must be within 21 days
- The service provider is responsible for ensuring ODC are correct.
- ODC has a two-step verification process –information entered by a person with a ‘data entry’ role; and declared as correct by an ‘authorising agency officer’.

# Further Information

- RP ENQUIRIES
- 1800 902 006
- [enquiries\\_RP@qld.gov.au](mailto:enquiries_RP@qld.gov.au)
- <https://www.dcssds.qld.gov.au/our-work/disability-services/positive-behaviour-support-restrictive-practices>

**THANK  
YOU**