

**18/693 - Senior Practitioner Amendment Bill 2019 – policy approval (refers to 18/694 Senior Practitioner Amendment Bill 2019)**

**Summary of Impacts**

During the early implementation of the *Senior Practitioner Act 2018* a number of issues have been identified which require legislative amendment:

1. The definition of chemical restraint currently does not align with the NDIS National Quality and Safeguarding Framework.
2. Provision for the management and reporting of the use of a restrictive practice in an emergency situation, outside of a positive behaviour support plan needs to be more clearly articulated.
3. The penalties relating to restrictive practice outside of a positive behaviour support plan should be removed or amended in accordance with proposed amendments at 2.
4. To support sectors to transition to the new requirements successfully, amendments should include an extension to the period for the introduction of offences for a further 12 months to 1 July 2020.

The proposed amendments will have positive social and human rights impacts by facilitating provider and Senior Practitioner collaboration to the benefit of persons who may be subject to restrictive practices. The amendments will extend the function of the *Senior Practitioner Act 2018* in implementing the ACT's commitment to reducing and eliminating the use of restrictive practices.

Positive economic impacts are expected from the proposed amendments through addressing concerns that making individual workers potentially subject to harsh penalties will make it more difficult to attract and retain workers and/or organisations to provide services to people with challenging behaviours.

*Key to impacts: Red – negative, Blue - neutral and Green - positive.*

**Social**

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| <b>Justice and rights</b> | <ul style="list-style-type: none"> <li>• The <i>Senior Practitioner Act 2018</i> reflects the ACT Government's commitment to improving the lives of all people who are vulnerable and potentially subject to restrictive practices, as well as supporting and upholding individuals' rights under the ACT Human Rights Act 2004.</li> <li>• Amendments enabling providers to engage with the Senior Practitioner in relation to the emergency use of restrictive practices, rather than potentially attracting penalties, will enhance the Senior Practitioner and provider's ability to work together; supporting the reduction of restrictive practices in the ACT.</li> </ul> |
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**Economic**

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|------------------------------|---|
| <b>ACT Government Budget</b> | <ul style="list-style-type: none"> <li>• Nil impact</li> </ul>  |
| <b>Investment</b>            | <ul style="list-style-type: none"> <li>• Removing harsh penalties associated with the emergency use of restrictive practices reduces disincentives for organisations to work with high risk participants. Removing penalties will also address concerns that making individual workers potentially subject to penalties will make it more difficult to attract and retain workers.</li> </ul> |

**Environmental**

Nil impact