



# NDIS, legislation, and PBS practitioner obligations

[The UN Convention on the Rights of Persons with Disabilities](#) (UNCRPD) is an international agreement to protect a person with disability's rights. Australia has incorporated the UNCRPD into its laws and programs including rules around how restrictive practices are used. These rules ensure that people's rights are promoted as much as possible, and they help PBS practitioners to meet their responsibilities to the UNCRPD (e.g., Articles 14, 15, 16 and 17).

Under the NDIS rules ([NDIS \(Restrictive Practices and Behaviour Support\) Rules, 2018](#)) if a person with disability is subject to restrictive practices, then they are required (and have funded access to) a specialist behaviour support plan. This is intended to reduce and eliminate the use of restrictive practices.

Behaviour support plans for NDIS participants must be developed by a NDIS-registered behaviour support practitioner who is working within an organisation registered to provide specialist behaviour support. You can learn about behaviour support under the NDIS on the [NDIS website](#).

The behaviour support rules are important for NDIS-registered behaviour support practitioners, as they detail registration obligations and requirements. It is part of a practitioner's role to be aware of these rules and keep up to date with any changes, as this helps the practitioner ensure their practice is consistent with human rights obligations.


To support practitioners to meet obligations around human rights and promote person-centred practice, NDIS-registered behaviour support practitioners are required to use a PBS approach. This is stipulated within the national policy framework and behaviour support rules; however, no specific PBS model is articulated or required.

The NDIS Quality and Safeguards Commission has developed the [Positive Behaviour Support Capability Framework](#), which aims to establish expectations around behaviour support practice for NDIS participants. Whilst this outlines expectations around required capabilities, it is not intended to replace models of practice required for practitioners within their chosen/required field of practice.

## **Obligations and best practice PBS**

NDIS is the predominant funder of PBS across Australia. There are, however, different funding schemes (e.g., for people with acquired brain injuries, in aged care, or for children in the child protection system).

Behaviour Support Practitioners have a responsibility to be aware of the rules and obligations of their role and to ensure ethical and professional codes of conduct are adhered to (e.g., according to national regulatory and self-regulating bodies of their profession).



It is important to remember that 'rules and registration obligations' help to define minimum standards and expectations. PBS should not be driven by minimum standards, but by best practice, which seeks to provide a rights-based and high-quality PBS service – and ultimately, support best possible outcomes for the person.