



Use of artificial intelligence in the development of behaviour support plans

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What is the issue?

NDIS providers are increasingly using artificial intelligence (AI) when developing and reviewing behaviour support plans.

Why this position matters

While the current legislative framework does not explicitly prohibit the use of AI, several risks are associated with the use of AI by NDIS providers including:

- ◆ disclosure of personal participant information to third parties
- ◆ processing or storage of personal information overseas
- ◆ a lack of transparency regarding how data is stored, secured, or used once entered into an AI system
- ◆ inaccurate or misleading content or advice generated by AI, including content not developed in consultation with the participant and/or their carers
- ◆ automated decision-making without appropriate human oversight or the application of clinical judgement.

Unless mitigated, these risks may, in certain circumstances, lead to breaches of the [NDIS \(Code of Conduct\) Rules 2018*](#), and other provider obligations. For example, the disclosure of sensitive personal information to a third-party AI platform, such as ChatGPT, without appropriate safeguards may breach section 6 (b) of the NDIS Code of Conduct, which requires providers to respect the privacy of people with disabilities.

* <https://www.legislation.gov.au/F2018L00629/latest/text>

What the NDIS Commission says

The NDIS Commission does not endorse or approve the use of AI tools in the development and review of behaviour support plans. This does not prevent NDIS providers using AI, so long as such use complies with providers' legal obligations.

What providers must do

The NDIS Commission expects that, if a provider decides to use AI, all information is appropriately de-identified and that no personal information of participants is disclosed to AI systems. Any use should be consistent with Australia's AI Ethics Principles. If an NDIS provider doesn't do this, they may be breaking the law, including their legal obligations under the NDIS Act.

Specialist behaviour support providers must comply with all conditions of their registration as outlined in the

[NDIS \(Restrictive Practices and Behaviour Support\) Rules 2018*](#). This includes that all behaviour support plans must be:

- ◆ person-centred
- ◆ evidence-informed
- ◆ reflective of the person's needs
- ◆ uphold the person's dignity and right to privacy
- ◆ developed in consultation with the participant, their family, carers, guardian, NDIS providers and support workers.

Laws and rules that apply

- ◆ [National Disability Insurance Scheme Act 2013](https://www.legislation.gov.au/C2013A00020/latest/text)
[<https://www.legislation.gov.au/C2013A00020/latest/text>]
- ◆ [National Disability Insurance Scheme \(Provider Registration and Practice Standards\) Rules 2018](https://www.legislation.gov.au/F2018L00631/latest/text) [<https://www.legislation.gov.au/F2018L00631/latest/text>]
- ◆ [National Disability Insurance Scheme \(Restrictive Practices and Behaviour Support\) Rules 2018](https://www.legislation.gov.au/F2018L00632/latest/text) [<https://www.legislation.gov.au/F2018L00632/latest/text>]
- ◆ [National Disability Insurance Scheme \(Code of Conduct\) Rules 2018](https://www.legislation.gov.au/F2018L00629/latest/text)
[<https://www.legislation.gov.au/F2018L00629/latest/text>]

* <https://www.legislation.gov.au/F2018L00632/latest/text>

Where to get more help

- ◆ [Interim and Comprehensive Behaviour Support Plan Templates](#)^{*} – revised BSP templates (V3.0) reflect contemporary evidence-informed practice informed by consultation with people with disability, family members, practitioners, providers, peak bodies and the state and territory restrictive practice authorisation bodies.
- ◆ [Interim and Comprehensive Behaviour Support Plan Checklists](#)[†] – tools that outline good practice and the requirements when developing behaviour support plans.
- ◆ [The Positive Behaviour Support Capability Framework](#)[‡] – outlines the knowledge and skills required to deliver contemporary, evidence-informed behaviour support and is used to consider a practitioner’s suitability.
- ◆ [Policy Guidance](#)[¶] – outlines the NDIS Commissioner’s expectations of providers and NDIS practitioners.
- ◆ [Evidence matters: Developing Quality Behaviour Support Plans](#)[§] – a literature summary by the University of Queensland and funded by the NDIS Commission.

* <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/behaviour-support-resources#paragraph-id-9177>

† <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/behaviour-support-resources#paragraph-id-9177>

‡ <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/positive-behaviour-support>

¶ <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/rules-behaviour-support-and#paragraph-id-8379>

§ <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/how-develop-behaviour-support-plans#paragraph-id-9179>

Key terms

Term or abbreviation	Description
Artificial intelligence (AI)	An AI system is a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. Different AI systems vary in their levels of autonomy and adaptiveness after deployment.
Behaviour Support Plan also 'Positive Behaviour Support Plan' (BSP, PBSP)	A document, prepared by a behaviour support practitioner, in consultation with the person with disability, their family, carers, and other support people. The BSP contains person-centred, proactive and evidence-informed strategies to enhance the person's quality of life. It addresses the needs of the person and reduces the likelihood and impact of behaviours of concern. There are two types of BSPs, interim and comprehensive *.
Behaviour Support Rules	National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018 (Cth) [†]
NDIS Act	The National Disability Insurance Scheme Act 2013 [‡]
NDIS provider	A person, entity, business or organisation that receives NDIS funding or who is an NDIS provider as prescribed by the NDIS rules.
Participant	A person with disability who is a participant in the National Disability Insurance Scheme (NDIS). They have an NDIS plan and use the funding in that plan to purchase supports and services.
Specialist behaviour support provider	A registered NDIS provider whose registration includes Module 2, the provision of specialist behaviour support services (i.e. registration group 110)

* <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/behaviour-support-resources#paragraph-id-9177>

† <https://www.legislation.gov.au/F2018L00632/latest/text>

‡ <https://www.legislation.gov.au/C2013A00020/latest/versions>