

CHAPTER 1

INTRODUCTION

1.1 On 1 December 2004, the Senate referred the provisions of the Disability Discrimination Amendment (Education Standards) Bill 2004 to the Senate Legal and Constitutional Legislation Committee for inquiry and report by 7 December 2004. On 7 December 2004, the Senate agreed to extend the reporting date to 8 December 2004.

Key Provisions of the Bill

1.2 The Disability Discrimination Amendment (Education Standards) Bill 2004 (the Bill) seeks to amend the *Disability Discrimination Act 1992* (the DDA) to ensure that the provisions of the draft Disability Standards for Education (the draft Education Standards) are fully supported by the DDA.¹ In particular, the Bill will amend the DDA to:

- introduce and define the term 'education provider' (subsection 4(1));
- provide that it is unlawful for 'education providers' to discriminate on the ground of disability in the development or accreditation of curricula or training courses (subsection 22(2A));
- provide that education providers may be required to develop strategies and programs to prevent the harassment and victimisation of students with disabilities (subsection 31(1A));
- extend the defence of 'unjustifiable hardship'² in education to post-enrolment situations (subsection 22(4)); and
- clarify that disability standards made under section 31 may require reasonable adjustments to be made in order to avoid unlawful discrimination on the ground of disability (subsection 31(1A)).

1.3 The Explanatory Memorandum states that:

The purpose of this Bill is to amend the Act in these minor areas to ensure that the draft Education Standards are fully supported by the Act, so they can be formulated by the Attorney-General as soon as possible, to improve the position of people with disabilities in the area of education and training.³

1 *Explanatory Memorandum*, p. 3.

2 'Unjustifiable hardship' is defined in section 11 of the DDA.

3 *Explanatory Memorandum*, p. 3.

Conduct of the Inquiry

1.4 The Committee contacted over 30 individuals and organisations by email and/or telephone, inviting input by Monday 6 December 2004. Details of the inquiry, the Bill and associated documents were placed on the Committee's website.

1.5 The Committee received 17 submissions and these are listed at Appendix 1. Submissions were placed on the Committee's website for ease of access by the public. The Committee did not hold any public hearings.

Acknowledgment

1.6 The Committee thanks those organisations and individuals who made submissions to this inquiry.

Note on References

1.7 References in this report are to individual submissions as received by the Committee, not to a bound volume.