



AUSTRALIAN
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Committee Secretary
Senate Legal and Constitutional References and Legislation Committee
Department of the Senate
Parliament House
CANBERRA ACT 2600

By e-mail: legcon.sen@aph.gov.au

Dear Committee Secretary

Inquiry into *Disability Discrimination Amendment (Education Standards) Bill 2004*

I write to provide brief submissions from Australian Lawyers for Human Rights (“ALHR”), and on related matters.

Due to the very short time allowed for submissions, ALHR is not in a position to provide any detailed analysis or views on the Bill. ALHR urges the Senate Committee to seek an extension of time to enable the Bill to be properly considered by all those who will be affected by the provisions.

ALHR has however had the opportunity consider the other submissions made to the Inquiry. We endorse the submission made by the Public Interest Advocacy Centre, and commend it to the Committee. In addition we provide the following comments.

ALHR is a national network of Australian lawyers active in practising and promoting awareness of human rights in Australia. The ALHR membership of over 900 is national, with active National, State and Territory committees. Through training, information, submissions and networking, ALHR promotes the practice of human rights law in Australia, and works with Australian and international human rights organisations to increase awareness of human rights in Australia. ALHR has

extensive experience and expertise in the principles and practice of international law and human rights in Australia.

1. ALHR recognises the anxiety that many people with disabilities feel about the extensive delays in the development of the draft Education Standards. However, the introduction of the standards, and any enabling legislation, should not occur with such haste as to undermine the objectives of and protections provided for people with disability by the *Disability Discrimination Act 1992* (Cth) (“the DDA”).
2. The defence of unjustifiable hardship in the substantive education provisions of the DDA should not be extended without the safeguard, by way of balancing that extension, of an express obligation to make reasonable adjustments in education. The Bill fails to provide that safeguard.
3. It is not sufficient to impose the obligation to make reasonable adjustments only in the draft standards. This obligation must be supported by a substantive obligation in the DDA to provide reasonable adjustments in the provision of education services.

Thank you for the opportunity to make these brief submissions. We would be happy to provide further oral or written submissions.

Yours sincerely

by email

Simon Rice OAM
President
Australian Lawyers for Human Rights