



14 September 2020

Disability Standards for Education Review Team
Disability Strategy Taskforce
Department of Education, Skills and Employment
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Dear sir/Madam

2020 Review of the Disability Standards for Education 2005 (the Review)

Thank you for the opportunity to provide comment on the 2020 Review of the *Disability Standards for Education 2005*.

The *Disability Standards for Education 2005* (the standards) clarify the obligations of education and training providers and seek to ensure that students with disability can access and participate in education on the same basis as other students. The standards apply to universities that are self-accrediting (both private and public) established under State, Territory or Commonwealth Legislation S 1.5 (e).

The Standards are formulated under the Commonwealth Disability Discrimination Act 1992 (the Act). The Act seeks to eliminate, as far as possible, discrimination against people with disabilities. Under the Act, it is unlawful for an educational authority to discriminate against a person on the ground of the person's disability (S22).

There is a clear policy conflict between the standards and the *Higher Education Support Act (2003)* (HESA) which restricts eligibility for grants that promote equality of opportunity in higher education (including Disability Support Program funding) to Table A providers (public universities).

This restriction of disability support funding to public universities under the HESA also contravenes international human rights treaties which Australia has ratified including the Convention on the Rights of Persons with Disabilities (CRPD)¹ in particular Article 24 (5) which states

Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others.....

Additionally, the restriction of disability funding to public universities is inconsistent with Commonwealth disability funding policies in the school sector. Disability funding at the pre-tertiary level is focused on student need and available to students in both private and public schools.

¹ [Convention on the Rights of Persons with Disabilities](#)

Inconsistent education policies have generated perverse outcomes whereby a student with a disability wishing to transition from private school to a private university will not be funded for disability support services, whereas a student with a disability who transitions to a public university will be funded. Disability funding at the tertiary level should be consistent across all universities to ensure a continuation of students being funded on need rather than the classification of the institution they attend.

Bond University, a private, not-for-profit institution with small classes and a personalised approach to learning is well suited to students with individual needs related to disability. We have dedicated support systems and policies that are well-established and properly resourced. However, since our inception, Bond has self-funded all disability support services without the benefit of government subsidies that are available for students at public Universities.

In considering the policies that enable education providers to meet their obligations under the standards, Bond urges the government to amend the disability funding criteria under the HESA to include Table B providers. The broadening of eligibility will enable students with a disability to access equal support, regardless of their choice of university.

Equitable disability support will ensure compatibility with international and domestic legislative requirements and enable students with a disability to access the university that best suits their needs. An equitable and effective disability program should be first and foremost focused on student need not on the classification of the education institution they attend.

Yours sincerely



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