**June 2015**

**Submission to Commonwealth Department of Education and Training:**

**Review of the Disability Standards for Education**

Disability Advocacy Victoria Inc. (DAV) is the state peak agency for independent disability advocacy in the state of Victoria with membership of fourteen disability advocacy agencies funded through both state and national programs. These funding streams are independent of disability service delivery, providing independent disability advocacy. This includes individual advocacy, systemic advocacy, legal advocacy and self advocacy.

Statistical data gathered from our members reflects that education issues are the most pressing of all disability issues raised by the Victorian disability community. It is for this reason that we have a keen interest in contributing to decisions which can strengthen the Disability Standards for Education (“Disability Standards”).

In Victoria, questions as to whether education is accessible for students with disabilities have already been answered. In addition to our own data, there have been a number of reports by reputable statutory authorities (the Victorian Equal Opportunity and Human Rights Commission and the Victorian Auditor General’s Office) since 2012 that reflect broad agreement that the Disability Standards have not succeeded in ensuring that students with disabilities can participate in their education on the same basis as others.

Numerous reports on social inclusion provided to the State and Commonwealth governments support the contention that people with disabilities experience high levels of poverty, low rates of employment, and barriers to accessing education.

Therefore while we are in a position to provide case studies which demonstrate the numerous barriers that students with disabilities face in attempting to access their education, we prefer rather to suggest that the reviewers accept that the Disability Standards are not effective, and concentrate on the remedy that is required.

The Disability Standards are only as effective as their ability to “enforce” compliance from education providers with the Disability Standards themselves, and the Disability Discrimination Act. Therefore in our submission, due to the evidence that is already held by State and Federal Governments, an inference should be drawn that the Disability Standards are an ineffective tool in eliminating discrimination in education.

Given the Disability Standards form part of the Disability Discrimination Act, it stands to reason that given that the practical problems for students with disabilities accessing education have already been identified, law firms that specialise in using discrimination law, particularly on behalf of complainants, should be sought out in order that they can inform governments as to how the Disability Standards can be improved to the extent that they can be relied upon by students with disabilities and advocates to uphold their rights.

It is disappointing that since the last review of the Disability Standards, they have remained the same. It is our view that the aim of any review is to identify shortcomings and address them. Given this is human rights legislation, we would have thought that the first review would have culminated in law reform. It is inexplicable that this was not the case. We strongly urge the Commonwealth to do so in response to this review.

We wish to put on record that we are concerned that the review did not allow equal access to students with disabilities wanting to contribute, in that it was not widely publicised, and gave a very short timeframe for response. The success of the review should be gauged in part by how many people with disabilities were able to submit.

Yours Sincerely

Melanie Muir

Chairperson

Disability Advocacy Victoria Inc.