



# **Disability Discrimination Amendment (Education Standards) Act 2005**

**No. 19, 2005**

**An Act to amend the *Disability Discrimination Act 1992*, and for related purposes**

Note: An electronic version of this Act is available in SCALEplus  
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)



---

## Contents

1	Short title.....	1
2	Commencement .....	2
3	Schedule(s).....	2

<b>Schedule 1—Amendment of the Disability Discrimination Act 1992</b>		<b>3</b>
---	--	----------





# **Disability Discrimination Amendment (Education Standards) Act 2005**

**No. 19, 2005**

---

---

## **An Act to amend the *Disability Discrimination Act 1992*, and for related purposes**

[Assented to 1 March 2005]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Disability Discrimination Amendment (Education Standards) Act 2005*.

---

## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	1 March 2005
2. Schedule 1	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.	10 August 2005 (see F2005L01968)

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendment of the Disability Discrimination Act 1992**

### **1 Subsection 4(1)**

Insert:

*education provider* means:

- (a) an educational authority; or
- (b) an educational institution; or
- (c) an organisation whose purpose is to develop or accredit curricula or training courses used by other education providers referred to in paragraph (a) or (b).

### **2 After subsection 22(2)**

Insert:

- (2A) It is unlawful for an education provider to discriminate against a person on the ground of the person's disability or a disability of any of the person's associates:
- (a) by developing curricula or training courses having a content that will either exclude the person from participation, or subject the person to any other detriment; or
  - (b) by accrediting curricula or training courses having such a content.

### **3 Subsection 22(4)**

Repeal the subsection, substitute:

- (4) This section does not make it unlawful for an education provider to discriminate against a person or student as described in subsection (1), (2) or (2A) on the ground of the disability of the person or student or a disability of any associate of the person or student if avoidance of that discrimination would impose an unjustifiable hardship on the education provider concerned.

### **4 After subsection 31(1)**

Insert:

- (1A) For the avoidance of doubt, disability standards may require a person or body dealing with persons with disabilities to put in place reasonable adjustments to eliminate, as far as possible, discrimination against those persons.
- (1B) Disability standards in relation to the education of persons with disabilities may require education providers to develop strategies and programs that prevent harassment or victimisation of persons with disabilities, in relation to those disabilities.
- (1C) For the avoidance of doubt, unjustifiable hardship does not excuse an education provider from complying with a requirement made by disability standards under subsection (1B). This does not affect (by implication) the operation of section 32 in relation to other contraventions of disability standards.
- 

*[Minister's second reading speech made in—  
Senate on 17 November 2004  
House of Representatives on 17 February 2005]*

(194/04)

---