



# Making a complaint under the DDA and DSE

## Overview

The Commonwealth's *Disability Discrimination Act 1992* (DDA) makes disability discrimination unlawful except in certain limited circumstances. Other people associated with a person with disability, such as a spouse, relative or carer are also protected by the DDA where those persons are discriminated against on the basis of their association with a person with disability.

It is also against the law for a person to contravene a Disability Standard (DDA section 32). The *Disability Standards for Education 2005* (DSE):

- require that people with disability can access and participate in education on the same basis as people without disability
- promote recognition and acceptance within the community that students with disabilities have the same fundamental rights as the rest of the community
- require that education providers make reasonable adjustments to enable the participation of students with disability and to develop strategies and programs directed at ensuring that students with disability are not victimised or harassed.

If you believe you have been unlawfully discriminated against because of a disability, or been subject to victimisation or harassment in relation to your disability, you may be able to make a complaint.

## Making a complaint

There are several ways you can make a complaint in relation to disability discrimination in education. If you are unable to resolve an issue at the local level with your education provider, you may wish to make a formal complaint under the DDA or DSE through the Australian Human Rights Commission. As an alternative, you may be able to make a formal complaint under state or territory anti-discrimination legislation.

Some general tips on complaints processes include:

- decide which organisation to register a complaint with
- call or email the organisation to check what you need to do to make a complaint

- write down the details of the complaint, including who was involved what happened and when. Indicate whether you have tried to raise the concern with either the person or the education provider involved or anyone else
- you may also seek assistance or advice from discrimination legal centres which operate in some states and territories.

### Education provider or education authority

As a first step, it is best to try and resolve the issue at the local level by contacting your early childhood service, school, training provider or university directly.

If you and the education provider are unable to reach agreement, there are sometimes relevant education authorities you can contact to ask for a review of your case or to make a complaint. For example, if you cannot resolve a situation with your or your child's school, you can contact the state or territory's education department.

Your education provider can give you details of how to raise concerns or make a complaint.

### Australian Human Rights Commission

If your complaint is based on service or treatment related to your disability and it is not resolved at a local level, you may wish to make a complaint under the DDA or DSE to the Australian Human Rights Commission.

The Commission is an independent body that investigates and resolves complaints about unlawful discrimination. Complaints relating to a breach of the DDA or DSE can be lodged with the Australian Human Rights Commission (the Commission).

The Commission has a range of information on how to make a complaint on their website (<https://humanrights.gov.au/>) including:

- complaints under the DDA
- the complaints process
- overview of conciliation
- unlawful discrimination—understanding and preparing for conciliation.

If you are unsure if you can make a complaint about something, you can also contact the Commission's Complaint Information Service by phone on **1300 656 419** or by email to [infoservice@humanrights.gov.au](mailto:infoservice@humanrights.gov.au)

### State and territory anti-discrimination agencies

All states and territories have anti-discrimination and/or human rights and equal opportunity legislation. People who wish to lodge a complaint about disability discrimination may choose to complain under the relevant state or territory legislation. Further information is available on State-based anti-discrimination agency websites.

- Australian Capital Territory: Visit the [ACT Human Rights Commission](#) website
- New South Wales: Visit the [Anti-Discrimination NSW](#) website
- Northern Territory: Visit the [Northern Territory Anti-Discrimination Commission](#) website
- Queensland: Visit the [Queensland Human Rights Commission](#) website
- South Australia: Visit [The Office of the Equal Opportunity Commissioner SA](#) website
- Tasmania: Visit the [Equal Opportunity Tasmania](#) website
- Victoria: Visit the [Victorian Equal Opportunity and Human Rights Commission](#) website
- Western Australia: Visit the [Equal Opportunity Commission WA](#) website



