24 September 2020

Our ref: VK-HDL&DAN

Disability Standards for Education Review Team

Disability Strategy Taskforce

GPO Box 9880

Canberra City ACT 2601

**By email**: [DisabilityStrategy@dese.gov.au](mailto:DisabilityStrategy@dese.gov.au)

Copy: [engage@thesocialdeck.com](mailto:engage@thesocialdeck.com)

Dear Disability Standards for Education Review Team

**2020 Review of the Disability Standards for Education 2005**

Thank you for the opportunity to provide feedback on the review of the Disability Standards for Education 2005 (the **Standards**). The Queensland Law Society (**QLS**) appreciates the opportunity to assist this important review.

QLS is the peak professional body for the State’s legal practitioners. We represent and promote over 13,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

This response has been compiled with the assistance of the QLS Health & Disability Law Committee, and members of the QLS Diverse Abilities Network who have lived experience with the issues considered by the review.

We note that previous reviews of the Standards undertaken in 2010 and 2015 identified that further effort and support tools were urgently required to ensure effective operation and delivery of the Standards.

Our members note with disappointment that several key areas identified as requiring improvement in previous reviews have not been appropriately addressed. These include the complaints mechanism for the Standards, and the efficacy of accountability and compliance instruments.

1. *Are the* ***rights, obligations, and measures of compliance*** *set out in the Standards (and its Guidance Notes)* ***clear and appropriate?***

On balance, QLS considers the rights and obligations set out in the Standards to be clear and appropriate. However, our members report a disconnect in practice which is, in part, due to insufficient measures of compliance underpinned by insufficient funding, resources and training.

QLS has provided examples of some of the gaps in the provision of equal access to education for persons with disability in our response to the Education and Learning Issues Paper published by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the **Disability Royal Commission**). A copy of this submission is **enclosed***,* and we refer in particular to ‘Attachment A’ of the same which illustrates a variety of practical and operational issues experienced by QLS members in the course of educational engagement.

1. *Do students, families and carers, educators, education providers and policy makers* ***know about, understand, apply and comply with*** *the rights, obligations and measures of compliance in the Standards?*

QLS members with lived and practical experience in this area overwhelming reported that they were not aware of the existence of the Standards. This feedback was collected from members affected by disability and associated with the education system in varying capacities: as the parent or carer of a child with disability who required adjustments in the provision of education at a primary, secondary and/or tertiary level, as a former student with disability, or as an educator.

This demonstrates a systemic failing on the part of government to adequately equip education providers with the resources to develop strategies that effectively communicate information relating to the existence and operation of the Standards to persons directly affected, and to the wider community.

Legal practitioners are adept at collating and reviewing relevant and associated documentation relating to a particular issue. It follows that, if legal practitioners who are directly impacted by the Standards have not been made aware of its existence or application, it is likely that many other affected persons also do not know about the Standards and as a result, cannot assess if the Standards have been properly applied to their individual circumstances. They will also be unaware of any complaint or monitoring mechanisms and assistance which may be required to remedy issues encountered.

This failing must be addressed.

1. *In the 15 years since the Standards were developed,* ***have the Standards contributed towards students with disability being able to access education and training opportunities*** *on the same basis as students without disabilities?*

QLS understands that previous reviews, such as those undertaken as required in 2010 and 2015, have identified several areas which require improvement.

The feedback from our members to this and to various other submissions including those made to the Disability Royal Commission, lend significant weight to the view that the identified advancement of several key elements of the Standards has not been sufficiently progressed. This includes in areas of enrolment, participation, student support services, and the elimination of harassment and victimisation.

The Society has recently considered some of these issues in submissions made to the Disability Royal Commission (again addressed in the enclosed QLS response to the Education and Learning Issues Paper). Issues of inclusion, participation, and protection from discrimination for students with ‘invisible’ forms of disability, were considered in the QLS response to the Senate Inquiry into services, support and life outcomes for autistic people in Australia and need for a National Autism Strategy (the **Inquiry**). Please find a copy of the QLS correspondence in relation to the Inquiry **enclosed**. We draw your attention particularly to our response to item f (ii), which deals with the improvements which are urgently required to positively impact upon the education targets for students with autism spectrum disorder (see pages 5 – 8).

1. ***Whether, and to what extent, the Standards are making a positive difference*** *towards students with disability being able to access education and training opportunities on the same basis as students without disability.*

QLS considers the existence of the Standards to be a critical aspect of delivering equitable access to education and comparable learning outcomes for persons with disability. However, the extent to which the Standards are making a positive difference to students with disability is questionable particularly the apparent lack of community knowledge that the Standards even exist.

QLS would welcome the opportunity to discuss required improvements to the Standards with the review team, including with respect to development and implementation of improved communication, monitoring of the Standards, complaints and monitoring mechanisms.

Finally, as education system experiences will likely inform many of the submission to the Royal Commission, QLS recommends that a further review be conducted once the findings of the Royal Commission are delivered.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [policy@qls.com.au](mailto:policy@qls.com.au) or by phone on (07) 3842 5930.

Yours faithfully

Luke Murphy

**President**