

Ms Margaret Pollard
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Dear Ms Pollard

Please find the Australian Centre for Disability Law's (ACDL's) response to the questions on notice:

- 1. Question by the Hon. Abigail Boyd "What sort of percentage are we talking about that is of that less onerous nature versus the bigger types of adjustments that we hear about as being an obstacle"?**

Response:

Over the last 12 months, ACDL received 67 inquiries regarding disability discrimination in discrimination in the following areas, amongst other things:

- Refusal to enrol a child with a disability*
- Failure to implement reasonable adjustments (including, but not limited to, refusing to grant additional time in exams, refusing onsite therapy/treatment, refusal to provide a 'quiet' or 'safe' space for a child with sensory needs and adjustments to educational activities such as assemblies and excursions)*
- Exclusionary disciplinary practices (i.e., suspension, expulsion, enforced part-time attendance)*

ACDL does not have any quantitative data to distinguish between whether the adjustments are considered as "less onerous" or are "bigger types" of adjustments. Whether an adjustments is "less onerous", for instance ensuring a student with a disability received 10 minutes of extra exam time, or "more onerous" thereby posing an unjustifiable hardship to the school, is often disputed amongst the parties.

- 2. Question by the Hon. Anthony D'Adam: (Whether the failure to implement reasonable adjustments) "is a problem that is equally dispersed between public and private schools"?**

Response:

Out the of the complaints over the last year 28 were made in relation to children and young people whom attended private schools and 39 whom attended public schools. Thus, approximately 42% were made in relation to the following areas of discrimination and 58% were made from private schools.

ACDL received 39 complaints regarding the failure to implement reasonable adjustments. Out of those complaints 59% of those complaints were from students and young people with disabilities and young children or their associates who attended public schools and 41% were from students who attended private schools.

3. Question by the Hon. Tania Mihailuk have schools refused to participate in conciliation conferences?

Response:

As mentioned on the 26 March 2024, ACDL's experience has been that Department of Education has always participated in conciliations, and in good faith. However, it has also been our experience that several private schools have participated in conciliation, but they didn't put forward any meaningful settlement proposals, and therefore may not have been in good faith. Parents were then deterred from taking the complaint forward given the cost and time expended to go to court.