



ATTORNEY-GENERAL
THE HON ROBERT McCLELLAND MP

AG-MC11/07093

Mr Bob Buckley
Autism Aspergers Advocacy Australia (A4)
27 Fairbridge Cres
Ainslie ACT 2602

09 AUG 2011

Dear Mr Buckley

Thank you for your email dated 18 June 2011 regarding disability discrimination against people with an autism spectrum disorder, in particular the recent Federal Court decision *Walker v State of Victoria*.

I appreciate that organisations such as Autism Aspergers Advocacy Australia (A4) play an invaluable role in providing an independent voice on a range of issues and make important contributions to public debate on disability policy and legislative developments.

The Australian Government considers that all people with disability have the right to participate as fully as possible in community life, with dignity and comfort. The Government is progressing reforms in a number of areas.

The Council of Australian Governments has recently endorsed the National Disability Strategy, which focuses on mainstreaming the rights of people with disability articulated in the United Nations *Convention on the Rights of Persons with Disabilities*. It is aimed at addressing the needs of people with disability by setting a consistent, national direction for the enhancement of disability legislation, policy and standards.

In response to the increasing prevalence of children with an autism spectrum disorder in Australia, the Government is providing targeted support for these children, their parents, carers, teachers and other professionals through the *Helping Children with Autism* package. The package is being delivered by the departments of Families, Housing, Community Services and Indigenous Affairs; Health and Ageing; and Education, Employment and Workplace Relations (DEEWR). DEEWR is responsible for delivering two initiatives under the package which aim to build partnerships between schools and families to improve the educational outcomes of children with an autism spectrum disorder. The initiatives, which have been named Positive Partnerships: supporting students on the autism spectrum, provide:

- professional development for teachers, school leaders and other school staff to build their understanding, skills and expertise in working with children with an autism spectrum disorder; and

- workshops and information sessions for parents and carers to assist them to work with their child's teachers, school leaders and other staff.

The Australian Autism Education and Training Consortium is currently contracted to deliver Positive Partnerships for DEEWR across Australia until February 2012. The Government will announce arrangements for ongoing delivery of Positive Partnerships over 2012-15 by the end of 2011. For more information, online workshops and other resources, please visit the Positive Partnerships website at <www.autismtraining.com.au>.

As you are aware, the *Disability Discrimination Act 1992* (DDA) provides that it is unlawful for a person or organisation to discriminate against a person on the basis of disability in a range of areas, including education. *Disability Standards for Education 2005* (Education Standards) have been made under the DDA to clarify the obligations of education and training service providers, and the rights of people with disability. The Standards were developed in consultation with education, training and disability groups and the Human Rights and Equal Opportunity Commission (now called the Australian Human Rights Commission). The Education Standards are currently being reviewed, with a report due later this year.

The Standards are intended to give students with disability the same rights as other students. All students, including students with disability, should be treated with dignity and enjoy the benefits of education and training in a supportive environment which values and encourages participation by all students. This includes the right to comparable access, services and facilities, and the right to participate in education and training without discrimination. If a person thinks that they are affected by a breach of the Standards, they can make a complaint to the Australian Human Rights Commission. The Commission can investigate the complaint and try to resolve it. If the Commission decides a complaint cannot be resolved, the matter can be taken to the Federal Court of Australia or the Federal Magistrates Court.

The Government is consolidating the five Commonwealth anti-discrimination statutes, including the DDA and its Standards, into a single comprehensive law as part of Australia's Human Rights Framework. The project aims to remove inconsistencies and unnecessary regulatory overlap, clarify protections and obligations and make Commonwealth anti-discrimination law more user-friendly for individuals, organisations and business.

The Government's consideration of these issues will include your concerns, including your reference to the Judge's reasoning as applied in *Walker v. State of Victoria*.

Thank you once again for bringing your concerns to my attention.

Yours sincerely



Robert McClelland