



**The Australian Employers' Network on Disability**  
Employers Making A Difference

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Benbro Electronics  
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Westmead  
Compass Group  
IBM Australia  
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Dept of Ageing, Disability &  
Home Care  
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Employment & Workplace  
Relations  
Dept of Families, Housing,  
Community Services &  
Indigenous Affairs  
Dept of Foreign Affairs & Trade  
Dept of Health & Ageing  
Dept of Immigration &  
Citizenship  
Dept of the Prime  
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Disability Services Commission  
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Telstra Corporation  
UBS AG  
University of Western Sydney  
Woolworths Ltd

January 12, 2009

Peter Hallahan  
Committee Secretary  
Standing Committee on Legal and Constitutional Affairs  
[LegCon.Sen@aph.gov.au](mailto:LegCon.Sen@aph.gov.au)

Dear Mr Hallahan,

**Re: Inquiry into the Disability Discrimination and Other Human Rights  
Legislation Amendment Bill 2008**

Thank you for inviting the Australian Employers' Network on Disability to submit our views on the abovementioned Bill. We have consulted with our members and responses indicate support for the proposed Amendment Bill.

It is vitally important to our members and other stakeholders that there is clarity of obligations for all parties.

We take the opportunity to comment on the proposed replacement of the proportionality test in the definition of indirect discrimination.

We suggest that the solution proposed in your letter of December 10, 2008, whereby the aggrieved person must prove that the condition or requirement imposes the effect of disadvantaging people with the same disability as the aggrieved person, is untidy and could result in multiple complaints for the same condition or requirement.

When a complainant claims that a condition or requirement disadvantages a person with a specific disability, the condition or requirement should also be reviewed in relation to disadvantaging people with other types of disability.

Additionally, the onus of proof of disadvantage should move from the person with disability to the aggrieved (proving no disadvantage).

Please do not hesitate to contact me if further discussion is required.

Yours sincerely,

**Suzanne Colbert**  
Chief Executive