



The Australian Employers' Network on Disability
Employers Making A Difference

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PLATINUM MEMBERS

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Benbro Electronics
Children's Hospital at
Westmead
Compass Group
IBM Australia
McDonald's Australia
Sparke Helmore
Westpac

GOLD MEMBERS

Attorney General's
Dept of NSW
ANZ
Cisco
Dept of Ageing, Disability &
Home Care
Dept of Agriculture,
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Dept of Education,
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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
Minister & Cabinet
Disability Services Commission
Freehills
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Qantas Airways
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

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