

21 January 2009

The Committee Secretary  
Senate Standing committee on Legal and Constitutional Affairs  
Department of the Senate  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Dear Committee Secretary

**Inquiry into the Disability Discrimination  
and Other Human rights Legislation Amendment Bill 2008**

I respond to the invitation to provide submissions to the Inquiry. I apologise for the lateness of my submission.

I note the key amendments to the Act and would express concern about the vagueness or imprecision of several terms, more specifically:

- How would 'reasonable' be defined? Who would decide the parameters of a 'reasonable adjustment' where the refusal to implement change may constitute discrimination?
  - I note that the requirement for reasonable adjustment is qualified by 'unless making the adjustment would impose an 'unjustifiable hardship'.
  - Again, despite the qualifications stipulated in *Section 11 Unjustifiable hardship*, several criteria are subjective and open to personal interpretation.
- 'Indirect disability discrimination', while defined comprehensively in Section 6, could pose significant difficulties of analysis for many people and result in uncertainty and unfairness.

Yours sincerely



Bob Such MP JP  
Member for Fisher