



# Students' Representative Council The University of Sydney

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Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

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

Dear Committee Secretary,

The Students' Representative Council (SRC) is the representative body for the 35,000 undergraduate students at The University of Sydney. Some of our members are registered with the University's Disabilities Unit, while even more students prefer to keep their disability from being disclosed. While the University has made some arrangements to allow students to be able participate in their degrees there have been some incidents that would make changes to the Act desirable. For this reason the SRC is pleased to make a submission into this enquiry.

It is important for those involved with students with disabilities to understand that a refusal to make reasonable adjustments for those students, is in itself, discrimination. A shallow or empty threat of some sort of action can easily be ignored or argued around. All educational institutions need to embrace their responsibilities wholeheartedly, understanding that money spent on adjustments is an investment into the community. The argument of unjustifiable hardship is a tenuous one when looking at an institution that has its finances broken into many different areas. While one budget may show hardship if providing a reasonable adjustment, another budget may well be able to bear the burden. For example, if a student required a textbook written in Braille and they are in a small faculty, the faculty budget may not be able to provide the textbook for the student. Similarly the Disabilities Unit would not make their already proportionally small budget stretch that far. However, many other University expenses, that would easily be a lower priority, could be substituted in lieu of the expensive textbook.

The example of the expensive and somewhat difficult to acquire textbook is also an example of how Universities need to take responsibility for being proactive and timely. Where a student needs that Braille textbook to study for a subject there is little point to providing that book late in the semester. While good intentions may be present, the problem of not having the opportunity to participate in the subject along with the other students remains to be the problem.

Replacing the 'proportionality test' appears to allow more generalised complaints and comments to be made. This will allow for the University to act in a more proactive way.



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They do not need to see an actual student with a specific disability, having a specific need, before they provide that adjustment for anyone who may need it in the future. This also provides a good basis for learning about providing for the needs of students with disabilities. Through example, the University is showing the University Community how we should act towards accommodating people with disabilities.

The SRC applauds the initiative of shifting the onus of proof of reasonableness from the person with a disability to the respondent. Students with disabilities are burdened with enough challenges and responsibilities and should not need to justify their own right to equitable conditions.

Universities hold a huge power imbalance over students. Students often feel that they are unable to speak out or act against an institution as large as a University. Similarly students can be scared to affect their future marks by offending people within their Faculties or Departments. While these fears may be unfounded, the power imbalance is undeniable. Having the legislation clear and easily understood ensures that students will be able to look out for their rights and entitlements.

Another concern here is the accessibility of the complaints mechanisms. That is, how long is it, before students are able to get a response regarding their complaint? If the wait is long or the process difficult students are more likely to right off the complaint in their mind and deal with the injustice themselves, by accepting inappropriate conditions or behaviour.

This situation is further complicated when dealing with professional accreditation. Rules of privacy and disclosure seem to be blurred when looking at what can and cannot be reported to the students' professional accreditation boards. For example, if a student is epileptic, does that necessarily mean that the University must notify the professional accreditation board? Or similarly, if a student is narcoleptic, does that student necessarily need to notify the University, who would in turn notify the accreditation board? While the SRC has found that the University generally acts in good faith and with no malicious intent, we question whether this is within the guidelines of privacy, and equality for students with disabilities.

Taking all of those points into consideration, the SRC supports the positive changes proposed in this inquiry. We look forward to the life of students with disabilities becoming a more comfortable one.

Thank you for the opportunity to make this submission.

Yours sincerely,

Noah White