

Elizabeth Hastings

The late Hastings (1996) the Disability Discrimination Commissioner in relation to education for the disabled says:-

‘There not enough services available to students with disability to match the requirements. In early education, a mix of services is often required. In schools, physical access limits choice, as does provision of support and services and a selection of schools prepared to provide full access to the curriculum. Rural, regional and isolated areas provide minimal option’

The current Disability Discrimination Act does not have the components mentioned by the late Hastings.

Melville Miranda
Victoria

Date: 5-6-03

Federal Court of Australia

The Federal Court of Australia in the case of State of New South Wales (Dept of Education) v Human Rights and Equal Opportunity Commission (2001) has **laid down** in para 36 and 38 of the judgement as follows:

Para 36: ‘There is a distinction to be drawn between a disability within the meaning of the Act, on the one hand, and behaviour that might result from or caused by that disability on the other hand. Less favourable treatment on the ground of the behaviour is not necessarily less favourable treatment by reason of the disability. The position might be different in a case where the disability necessarily resulted in the relevant behaviour’.

Para 38: ‘It would have been possible for the Parliament to define disability by reference to symptoms that have a particular cause. For example, it would have been possible to define disability as “*disturbed behaviour that results from a disorder, illness or disease*”. If that were the approach adopted, particular behaviour would be a disability. However, the drafting approach also leads to the conclusion that behaviour is not a disability’.

In the light of what is stated herein Parliament must amend. Efforts must be made to help the disabled in deed.

Melville Miranda
Victoria

Date: 6-6-03