



ATEND

Australian Tertiary Education Network on Disability

Ableism in the Universities Accord

Disability peak bodies, including All Means All, Australian Coalition for Inclusive Education (ACIE), Australian Disability Clearinghouse on Education and Training (ADCET), Australian Tertiary Education Network on Disability (ATEND), Blind Citizens Australia (BCA), Children and Young People with Disability Australia (CYDA), Equity Practitioners in Higher Education (EPHEA), National Union of Students (NUS), Physical Disabilities Australia (PDA) and Universities Enable (UE) are devastated by the use of ableist language and the deliberate exclusion of people with profound disabilities in the Australian University Accord 2024.

After decades of progress for people with disability, particularly towards increased participation in society and in higher education, the Accord's assertion that no further work is needed to improve the representation and experiences of people with disability in higher education is extremely disappointing. Currently, students with disability in Australia face barriers and discrimination in accessing education as recognised by the United Nations Convention on the Rights of Persons with Disability (CPRD) and the Australia's Disability Strategy – Education Learning Outcomes Area (See [Harpur, Stafford, Ellis, 2023](#)).

Together, we call for:

1. An immediate retraction of the ableist language used in the Accord and a recalculation of the target participation rate for people with disability to be inclusive of all people.
2. The inclusion of people with disability and people with expertise in working with students with disability in higher education in the implementation of the recommendations of the Accord.
3. Addition of specific provisions to the national student charter and the National Student Ombudsman that address the specific needs of students with disability as identified in the Royal Commission and enshrined in the Disability Discrimination Act 1992 (DDA).
4. The implementation of actions that enable people with disability to participate and succeed in higher education, including the application of Universal Design for Learning principles and inclusive workplace environments, cultures and practices.

Language

The Accord has perpetuated low expectations around students with disability by excluding people with 'profound disability' from the data set used to calculate the expected participation rate of people with disability in university education (p. 88). In addition, the report fails to include a definition of the term 'profound disability' and has cited the Australian Bureau of Statistics (ABS) as its source of data. The ABS definition of 'profound disability' or 'profound core activity limitation' is people who always need help with self-care, mobility, and communication tasks,' which encapsulates a significant cohort of potential students with disability, many of whom have completed or are currently completing tertiary studies as we speak.

This omission of people with 'profound disability' in the Accord:

- breaches the [Disability Discrimination Act 1992](#) (DDA) Division 2, Clause 22 that makes it unlawful for an education authority to discriminate against a person on the grounds of the person's disability and that a person with a disability includes a person who has a total or partial loss of the person's bodily or mental functions or part of the body.
- breaches the Disability Standards for Education 2005 (DSE), which seek to apply the DDA in education environments for all students with disability.
- breaches Article 24 of the CRPD, to which Australia is a signatory, and which outlines the right of ALL people with disability to access and succeed in tertiary education on an equal basis to their non-disabled peers.

The Accord's choice to exclude potential students from the participation target on the basis of the ABS definition of 'profound disability' diminishes the existing impact and achievements of countless people with disability in our community with 'profound disability', including high-profile Australians such as:

- Graeme Innes AM, lawyer, author, company director, previous Disability Discrimination Commissioner and current Chancellor of CQ University
- Dr Dinesh Palipana OAM, doctor in the Emergency Department of the Gold Coast University Hospital, Senior Lecturer and Researcher at Griffith University, doctor for the Gold Coast Titans Disability Rugby League Team, and Senior Advisor to the Disability Royal Commission.

Segmenting people with disability in this simplistic and ableist way not only breaches the rights of people with disability, but also highlights the failure of the Accord to take the opportunity to support real participation for all people with disability in this momentous publication.

Action: Publish a correction to the Accord that removes the term 'profound disability' and addresses the data faults within the report which exclude many people with disability from tertiary education.

Participation

The Accord has set participation targets to grow the proportion of undergraduate university students from under-represented backgrounds setting targets for the sector to meet by 2035. In identifying each of the four underrepresented groups participation rates, the Accord states that that participation rates for students with disability should be maintained, rather than increased.

While the Accord acknowledges (p. 89) that the use of self-reported data is arbitrary and likely presents an underreporting of disability rates, it fails to consider the continued rates of discrimination and adverse outcomes that students with disability experience in higher education (e.g. through lived experience accounts of university students with disability in publications such as [What Young People Said About Tertiary Education and Learning by CYDA](#), in the [student completion, satisfaction, and graduate outcome data](#); and ABC articles by Eleanor Beidatsch ([Scientist in Wheelchairs](#) and [Battle for Equality in Science Careers](#))).

The failure to set higher participation targets further demonstrates the low expectations held for people with disability. Like other under-represented groups, as a sector, we should be setting aspirational targets for people with disability. In addition, attention should also be paid to monitoring attrition, retention, success and graduate outcomes for students with disability because of the increasing gap between people with disability and those without a disability.

Action: We request that the Department revise the participation target for students with disability by recalculating the expected participation rate to include those with 'profound disabilities' they currently assume preclude university attendance.

Once these rates have been reset and reissued, the Department should make its methodology transparent to the public so that universities can do their own measurement, and disability organisations can understand how this target is set and monitored.

Action: We request that the Department publish the methodology for the calculation of this participation target to ensure transparency and accountability.

We also ask that people with disability and people with expert knowledge in the field of disability inclusion in higher education be included in the development of legislation, codes, programs, and work associated with the recommendations in the Accord. This will ensure that the impact and outcomes of the Accord are enjoyed equally by all people, including current and future students with disability.

Action: Include people with disability and people with expertise in working with students with disability in higher education in the implementation of the recommendations of the Accord.

Easy Win Recommendations

The Report makes few recommendations that specifically address the challenges faced by students with disability. For example, under 'A More Flexible and Responsive Skills System', a notable omission is the introduction and/or expansion of Universal Design for Learning principles (UDL) ([ADCET](#)) that have been found to benefit not only students with disability, but all students, in particular those from equity cohorts (Pitman 2022, NCSEHE, [Supporting People with disabilities to succeed in Higher Education](#)).

Action: Include actions that enable students with a disability to participate and succeed in higher education, including systemic change to teaching and learning which includes the application of UDL.

Action: Add specific provisions to the national student charter and the National Student Ombudsman that address the specific needs of students with a disability as identified in the Royal Commission and enshrined in the DDA and CRPD.

Impact

In its current form, the Accord's Final Report will send disability inclusion efforts backwards. There is a strong risk that not having a strong commitment to disability inclusion could lead to funding being re-prioritised to other areas. This would have detrimental impact on education and learning outcomes for students with disability. The Accord's current position normalises the low expectations that society has for people with disability and potentially gives universities the license to avoid making their study offerings accessible to people with significant support needs.

This is not only illegal under DDA and DSE legislation, but directly contravenes efforts resulting from the Royal Commission into Violence, Abuse Neglect and Exploitation of People with Disability (Sept 2023), [Australia's Disability Strategy](#) Education and Learning Outcomes Area and the Review into the National Disability Insurance Scheme (NDIS) which aim to create greater inclusivity for people with disability across society ([Working Together To Deliver The NDIS](#), December 2023). The Accord's current position is also in direct opposition to the spirit of Article 24 of the CRPD which supports the rights of all people with disability to access and succeed in university education on an equal basis to their non-disabled peers.

Media enquiries to ATEND President, Cathy Easte admin@atend.com.au.

Endorsed by:

All Means All

Australian Disability Clearinghouse on Education and Training (ADCET)

Australian Tertiary Education Network on Disability (ATEND)

Blind Citizens Australia (BCA)

Children and Young People with Disability Australia (CYDA)

Equity Practitioners in Higher Education (EPHEA)

Physical Disabilities Australia (PDA)

National Union of Students (NUS)

Universities Enable (UE)