



Children and Young People
with Disability Australia



Submission to the Universities Accord (Australian Tertiary Education Commission) Bill 2025 and related consequential and transitional provisions bill

Introduction

Australian Disability Clearinghouse on Education and Training (ADCET) and Children and Young People with Disability Australia (CYDA) welcome the opportunity to prepare this joint submission to the Senate Education and Employment Legislation Committee's inquiry and report on the Universities Accord (Australian Tertiary Education Commission) Bill 2025. We appreciate the opportunity to provide comment on this important work.

About ADCET

The Australian Disability Clearinghouse on Education and Training (ADCET) is a national resource for inclusive education funded by the Department of Education and hosted by the University of Tasmania. ADCET provides information, resources and professional development for disability practitioners, educators and students in post-secondary education aimed at improving equitable access and participation for students with disabilities.

About CYDA

Children and Young People with Disability Australia (CYDA) is the national representative organisation for children and young people with disability, aged 0-25 years. Our vision is that children and young people with disability fully exercise their rights, realise their aspirations and thrive in inclusive communities. Our work centres on rights-based advocacy, lived experience, and evidence-informed policy.

Background

This submission is guided by and grounded in both the *Disability Discrimination Act 1992 (Cth)* and *Disability Standards for Education 2005*, as well as Australia's Disability Strategy 2021-2031. These instruments set out a strong commitment to enhancing the experience of education for students with disability, through the elimination of discrimination and enabling access on the same basis as non-disabled peers.

The issues raised in the Australian Governments Disability Discrimination Act (DDA)1992 Review and the Disability Standards for Education (DSE) Review (2025) demonstrate that more needs to be done to proactively support students with disability within the higher education sector:

- The DDA Review identifies that reliance on an individual, complaints-based enforcement model places an unreasonable burden on students with disability, is slow and inaccessible and has failed to drive systemic compliance or cultural change within tertiary institutions.

- Similarly, the DSE Review highlights persistent and widespread inconsistencies in the implementation of reasonable adjustments, inaccessible assessment and course design, inadequate consultation with students with disability and a lack of accountability mechanisms to ensure institutional compliance.

Both Reviews confirm that students with disability continue to experience lower satisfaction, higher attrition rates and poorer post-study employment outcomes than their non-disabled peers. Research further supports these findings, showing that fragmented supports, inflexible learning environments and weak links between education and employment pathways undermine student retention and completion for students with disability.^{1 2}

Collectively, this evidence underscores the need for a stronger, proactive system-level approach—one that positions the Australian Tertiary Education Commission (ATEC) to play a central role in embedding accessibility, equity and accountability across funding, regulation, data collection and quality assurance, rather than relying on students with disability to enforce their rights after harm has occurred.

Submission structure:

This submission consists of the following four key areas that are relevant to our community:

Key area one: The role of ATEC

Key area two: Mission-based compacts

Key area three: Positive duty

Key area four: Strengthening human rights foundations

In each section, we identify the problem and offer recommended solutions.

Key area one: The role of ATEC—stewards for equity outcomes in tertiary education

The problem:

The explanatory memorandum establishes the Australian Tertiary Education Commission (ATEC) as the new steward of Australia's higher education system. While disability is mentioned in equity provisions, there are significant gaps and opportunities for strategic advocacy.

The Universities Accord Bill (the Bill) requires ATEC to "have regard to" improving outcomes for "persons facing systemic barriers to education, including... persons with disability" (s.14). This language is vague and subjective and does not adequately explicate how the ATEC will support the sector to address the systemic exclusion of students with disability in tertiary education. The Bill does not express any clear governance or binding obligation for ATEC to prioritise, mandate or measure improving outcomes for students with disability.

¹ **Australian Government – Disability Discrimination Act Review (2024)**

<https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/australias-anti-discrimination-law/review-disability-discrimination-act>

² **Australian Government – Disability Standards for Education Review (2025)**

<https://www.education.gov.au/disability-standards-education-2005/consultations/2025-review-disability-standards-education>

Recommended solutions:

- In Section 14, replace "have regard to" with "must take all reasonable steps to" or similar mandatory language.
- ATEC to appoint a Disability Commissioner with equivalent standing to First Nations Commissioner (ss. 18-19); and/or mandate a Disability Advisory Committee that will enable a visible disability-led governance to drive systemic advocacy; and/or ensure at least one of the three Commissioners has a substantial lived experience of disability or demonstrated expertise in disability inclusion.
- Make ATEC's equity, accessibility and inclusion obligations measurable and enforceable. The annual State of Tertiary Education System report (s. 42) must include disability-disaggregated data and reporting pertaining to:
 - Access rates (applications, offers, commencements) by disability status
 - Participation rates (continuation, completion) by disability status
 - Outcomes (employment, further study) by disability status
 - Reasonable adjustment provision (requests, approvals, denials, timeframes)
 - Complaints and resolution outcomes
 - Physical and digital accessibility audits.

Key area two: Mission-based compacts lack disability accountability**The problem:**

The mission-based compact system outlined in Part 3 of the Bill represents a significant missed opportunity for disability accountability in higher education. While section 29 establishes that compacts will include "measurable performance indicators" negotiated between ATEC and providers, equity considerations are mentioned but not mandated as specific compact terms.

Without mandatory disability equity terms, universities could negotiate compacts that prioritise other metrics whilst continuing to fail students with disability.

Recommended solutions:

- Amend section 29(4) to specify that all mission-based compacts must include mandatory disability equity terms as core performance indicators, including:
 - Positive duty obligations: providers to demonstrate proactive measures to anticipate and eliminate barriers to participation
 - Reasonable adjustment metrics including requests, approvals, denials, timeframes
 - Inclusive and accessible teaching strategies such as, Universal Design for Learning (UDL) principles embedded into curriculum, provision of lecture

recordings, captioning, and transcripts; accessible reading materials provided in advance, and flexible assessment options

- Physical accessibility and digital accessibility compliance and regular audits
- Disaggregated outcome data: student outcomes reported by disability status and impairment type, including access rates, participation rates, and post-graduation outcomes
- Complaint resolution: transparent processes with specified timeframes and public reporting on complaint volumes, types, resolution outcomes, and systemic issues identified.

Key area three: Positive duty—placing obligations on duty holders

The problem:

Currently, discrimination within the higher education system is addressed reactively, and only in the case where individual complaints are raised. Placing obligations on duty holders to take proactive steps to adhere to standards would have benefits in supporting students across higher education settings.

The recommended solution:

Strategic alignment with the Disability Discrimination Act reform

The Bill is being developed alongside proposed reforms arising from the Disability Discrimination Act Review, including consideration of stronger positive duties and clearer adjustment obligations. This creates a critical opportunity to embed proactive, system-level supports within the higher education system that complement and give practical effect to the forthcoming Disability Discrimination Act, rather than relying on individual enforcement through complaints.

The connection: If DDA reforms create stronger positive duties and adjustment obligations, ATEC's oversight role could either reinforce or undermine compliance. The compact system could be a powerful accountability mechanism - or a missed opportunity.

Further recommended solutions:

To **operationalise a positive duty approach within higher education**, we recommend:

- Explicit reference to the forthcoming Disability Discrimination Act and the Disability Standards for Education 2005 within ATEC's statutory functions
- Clear authority for ATEC to refer systemic or repeated non-compliance with the Disability Standards for Education to TEQSA and/or the Australian Human Rights Commission
- A requirement that mission-based compact terms align with, and where possible exceed, Disability Standards for Education requirements
- Recognition of the real resource implications of meaningful compliance with disability obligations when assessing claims of unjustifiable hardship, to avoid cost being used to justify exclusionary practices.

Key area four: Strengthening human rights foundations

The problem:

The Explanatory Memorandum includes a Statement of Compatibility with Human Rights and concludes that the Bill is compatible with the rights engaged under the *Human Rights (Parliamentary Scrutiny) Act 2011*. However, the Bill itself would benefit from clearer legislative direction on how these human rights considerations are to be applied in practice through ATEC's functions, guidance and decision-making. Without this, there is a risk that human rights compatibility remains a high-level assurance rather than a framework that actively shapes decisions affecting students, including students with disability. Importantly, the Bill does not yet make clear that human rights protections are intended to operate as cumulative safeguards that build on existing obligations, rather than being compromised by discretionary decisions about system design, priorities or performance settings.

The solution:

We recommend strengthening the Bill by:

- **Embedding a clear interpretive requirement** that ATEC's functions, decisions and advice are exercised consistently with the human rights engaged and relied upon in the Statement of Compatibility
- **Requiring rights-informed decision-making** where ATEC activities may affect student access, participation, progression or support, including through mission-based compacts and performance expectations
- **Strengthening transparency and accountability** by requiring ATEC to publicly report on how human rights considerations—particularly for cohorts (students with disability) facing systemic barriers—are embedded in its compact architecture, guidance materials and monitoring processes

A stronger and more explicit human rights foundation will improve clarity and consistency in decision-making, strengthen accountability, and build community trust.

Contacts

This submission was prepared by:

Rebecca Morris (she/her)

ADCET Manager

ADCET | Australian Disability Clearinghouse on Education and Training

rebecca.morris@utas.edu.au

Dr Liz Hudson (She/her)

Policy and Research Manager

Children and Young People with Disability Australia

lizhudson@cyda.org.au