

## **SUBMISSION**

Australian Government  
Attorney-General's Department

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# **REVIEW OF THE DISABILITY DISCRIMINATION ACT 1992**

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October 2025

### **About TAFE Directors Australia**

TAFE Directors Australia (TDA) is the national peak body that represents Australia's network of state and territory publicly owned Technical and Further Education (TAFE) institutes and university TAFE divisions. TDA members range from the largest registered training provider in Australia, TAFE NSW to regional TAFEs with significant geographical coverage such as North Regional TAFE (WA). The primary business of TDA members is vocational education and training focusing on nationally accredited qualifications and skill sets, non-accredited training for bespoke employer purposes, and foundation skills. Over half of TDA members also deliver higher education.

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## Introduction

Thank you for the opportunity to provide feedback on the proposed Review of the Disability Discrimination Act 1992. TDA members (i.e. TAFEs and dual sector universities) provide quality education and training, along with a raft of individualised support services and reasonable adjustments to enhance outcomes for all students, including those with disabilities.

This submission will focus on the inclusion of people with disability in TAFE, the proposed changes to the definition of 'unjustifiable hardship', and how education providers can be supported to further enhance the benefits of a strengthened Disability Discrimination Act for adult learners with disability.

## Background

Participation in Vocational Education and Training provides significant benefits for people with disability. Jobs and Skills Australia (2024)<sup>1</sup> reported that people with disability were significantly more likely to enrol in VET than in higher education, and those who graduate enjoy improved employment outcomes and higher incomes. 22% of graduates with a disability exited income support programs post-graduation.

A greater proportion of students enrolled in TAFEs and dual sector universities have a disclosed disability than those enrolled with other providers. In 2024, 8% of students enrolled in TAFE disclosed a disability, in comparison to just 3.7% of all enrolled VET students across all provider types (refer to Table 1).

<b>TABLE 1</b>	
<b>Percentage of enrolled students with a disability by Provider Type (2024)<sup>2</sup></b>	
<b>TAFE Institutes</b>	<b>8%</b> of students enrolled in TAFE disclose a disability.
<b>Universities (dual sector)</b>	<b>7%</b> of students enrolled in dual sector universities disclose a disability.

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<sup>1</sup> Jobs and Skills Australia (2024). *Strong and Responsive VET Pathways*. Australian Government. Available: <https://www.jobsandskills.gov.au/publications/strong-and-responsive-vet-pathways>

<sup>2</sup> NCVER 2025, *Total VET students and courses 2024: students DataBuilder*, Total, Provider type, Disability status by Year <https://www.ncver.edu.au/research-and-statistics/data/databuilder#> accessed 23 September 2025.

Community Education Providers	3.6% of students enrolled in Community Education Providers report as disclose disability.
Private Registered Training Providers	2.9% of students enrolled in Private Registered Training Organisations disclose a disability.
<b>All providers</b>	<b>3.7%</b> of total enrolled VET students disclose a disability.

More than half of the public TAFEs also provide higher education courses in priority industry areas.

## TAFE infrastructure and student support

TAFEs have well-established infrastructure and expertise to provide specialised support for students with disability. Wraparound and individualised services are designed to address various needs and challenges that students may encounter, thereby enhancing their overall learning experience, increasing their likelihood of completing their qualification and gaining employment. In addition to specialised disability support services and reasonable adjustment, TAFEs provide services that enhance inclusion and accessibility for all students. This is important, as not all students disclose a disability for various reasons.

Student support services provided by TAFEs include (for example):

- student counselling
- academic support
- literacy, numeracy and digital skills development
- career services
- financial assistance
- accommodation support
- health and wellbeing services.

While wraparound and specialised support services are important, TAFE educators and others who work at the coalface of inclusion must also have relevant skills and knowledge to effectively support inclusion for those with disability. The Australian Disability Clearinghouse on Education and Training (ADCET)<sup>3</sup> is a trusted and valued resource for the tertiary education sector, providing specialised resources and training at no cost. ADCET is funded by the Australian Government Department of Education and is hosted by the University of

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<sup>3</sup> Australian Disability Clearinghouse on Education and Training (ADCET) (2025).  
<https://www.adcet.edu.au/>

Tasmania. Most TAFEs access ADCET resources. Therefore, an ongoing commitment to fund ADCET will support the intended outcomes of a strengthened Disability Discrimination Act.

## **Supporting providers to meet legislative requirements**

While the Disability Discrimination Act 1992 currently considers cost and the impact on others in determining 'unjustifiable hardship', there is a lack of clarity on what is 'reasonable' and what is 'unjustifiable'. TDA support the review's proposal to provide further clarity on the rules and guidelines relating to adjustment, inherent requirements and unjustifiable hardship.

The review also proposes increasing the requirements for actions that must be taken before an adjustment or action may be considered an 'unjustifiable hardship'. TDA supports robust and clear guidelines to support inclusive actions, but with caution, noting that fiscal reality for TAFEs should also be taken into consideration.

TAFE is a trusted public provider of education with additional societal, sovereign and governmental responsibilities. It also has fiscal responsibilities associated with public funding and operates in a constrained financial environment. Funding to support specific disabilities is a decision of the State or Territory where the TAFE is located.

Wraparound student support services provided by TAFEs benefit many learners, however the cost of some specialised services, aids and technology, while justified, can also be prohibitive. Students and/or education providers must be able to access additional financial resources to ensure delivery of these necessary supports.

Ageing infrastructure of some TAFE buildings combined with the complexities of funding may also delay accessibility design improvements and limit access for people with disability. Mobilising resources for TAFEs to make necessary accessibility improvements should be a priority for inclusion.

## **Conclusion**

TDA supports proposed actions to increase access and inclusion in adult education, and to provide clearer guidelines on actions that education providers must take to ensure this. This submission provides information on the existing TAFE provisions that support all learners, including those with disclosed and undisclosed disabilities. The submission has also outlined the barriers which can constrain inclusion, such as resource limitations, and the structures such as ADCET which enable it. An ongoing Commonwealth commitment to fund ADCET will help to support the intended outcomes of a strengthened Disability Discrimination Act.