**OHCHR questionnaire on the rights of persons with disabilities on participation in sport**

**Australian Federal Government coordinated response**

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| **Question** | **Australia’s response** |
| 1(a) Does your country have laws, policies, plans, strategies or guidelines1 and departments at any level of government relating to the inclusion of persons with disabilities in mainstream (not disability-specific) recreational and leisure physical activity, including but not limited to:* Private settings: Private gymnasiums, sports clubs, sports associations and foundations, summer camps, marathons, swimming pools, among others;
* Public and private tourism platforms: tourism facilities (e.g. beach, mountain, forest, among others), including services for persons with disabilities;
* Public settings in urban areas: Urban sports trails, cycling trails, public physical training, yoga, recreational sports, playgrounds for children, recreational facilities for older persons, among others
* Nature trails: hiking trails, nature centres, toilets, viewing platforms, count with accessibility and services.
 | Disability Discrimination Act 1992The *Disability Discrimination Act 1992* (DDA) is Federal legislation that provides protection for everyone in Australia against discrimination based on disability. The DDA makes direct and indirect discrimination on the basis of disability unlawful in key areas of public life, such as employment, education, the provisions of goods and services and facilities, accommodation and the implementation of federal laws and programs. Sport and recreation services and facilities fall under the umbrella of the DDA and as such are expected to comply with its provisions. Section 28 of the DDA prohibits discrimination against persons with disabilities in a sporting context. The section provides that it is unlawful for a person to discriminate against a person with a disability or their relatives or associates by excluding them from sporting activities. Sporting activities include administration and coaching in relation to any sport.Discrimination in sporting activities is lawful in circumstances where: * the person is not reasonably capable of performing the actions reasonably required in relation to the sporting activity
* the persons who participate or are to participate in the sporting activities are selected by a method which is reasonable on the basis of their skills and abilities relevant to the sporting activity and relative to each other
* the sporting activity is conducted only for persons who have a particular disability and the person is excluded from the sporting activity does not have that disability

Section 27 of the DDA makes it unlawful for a club or an association, the committee of management of a club or member of the committee of management of a club or an incorporated association, to discriminate against a person who is not a member of the club or association on the basis of the person’s disability. Under the DDA, clubs and associations include those for sporting purposes. Section 31 of the DDA enables the Attorney-General to formulate disability standards in relation to a range of areas, including access to premises, transport and education. The standards are subordinate legislation and are subject to the objects of the DDA. Under section 32 of the DDA, it is unlawful for a person to contravene a disability standard. One such standard is the *Disability (Access to Premises – Buildings) Standards 2010* (premises standards). The premises standards provide minimum national standards for accessibility requirements to ensure dignified access to, and use of, buildings for persons with disabilities. This includes, for example, car parking spaces, access ways, brailed and tactile signage, and accessible sanitary requirements for example. As a result, all sport and recreation services and facilities are expected to provide equitable, dignified access to all users. International Day of People with DisabilityInternational Day of People with Disability (IDPwD), is a United Nations observed day celebrated internationally. It aims to increase public awareness, understanding and acceptance of people with disability and celebrate their achievements and contributions.The Australian Government has been supporting IDPwD for almost 24 years and provides funds to promote and raise awareness of the day around Australia. The Australian Government supports a range of national programs and awards to celebrate International Day of People with Disability and raise the profile of disability in Australia. By supporting these programs, we aim to diversify audiences and promote the achievements of people with disability more widely. Australians celebrate the 4.4 million Australians living with disability through local events in schools, workplaces and community groups.National sport planUnder the national sport plan, *Sport 2030*, the Australian Government is committed to working with community organisations and national sporting organisations to ensure people with disability have greater access to participate in a range of sport and physical activity offerings. The Government also plays a key role - alongside state, territory and local governments - in funding infrastructure that meets the ever-changing needs of Australian communities. This includes funding sporting infrastructure designed to be accessible for people with a disability.Recent examples of programs funded by the Government include:* The Driving Social Inclusion through Sport and Physical Activity grant program, which provided $19 million for sport and physical activity projects to address inclusion issues for community groups including people with a physical or mental disability, women, newly arrived migrants and refugees, and women and girls.
* The Community Sport Infrastructure grant program, which awarded AUD100 million to 680 projects across Australia for community sporting facilities, including improvement to access for people with a disability, girls and women.
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| 1(b) What are the challenges to implementing the above? Are you aware of good practice related to the above? | There can be overlap between federal anti-discrimination legislation and state and territory legislation. Australia’s State and territory governments are responsible for ensuring application and implementation of both federal and relevant state or territory laws.  |
| 2(a) Does your country have laws, policies, plans, strategies or guidelines on physical education in public and private schools, including in special education, informal education and extra-curricular activities, relating to the inclusion of persons with disabilities, particularly children and young people, to avoid their exclusion or exemption from physical education and facilitating contact with disability-specific sports? What are the objectives of these instruments? | *Disability Discrimination Act 1992*Section 22 of the DDA makes it unlawful for an education provider to refuse or fail to accept someone’s application for admission on the basis of their disability. Unlawful behaviour also includes denying or limiting access, having curriculum content that excludes the person with disability, or subjecting the person to any other detriment on the basis of their disability. Another disability standard formulated under section 31 of the DDA is the Disability Standards for Education 2005 (education standards). The education standards clarify the obligations of education and training providers, and the rights of students with disability and their families under the DDA. The education standards provide a framework to ensure that students with disability are able to access and participate in education on the same basis as other students.The education standards set out the rights of students with disability and the responsibilities of education providers regarding enrolment, participation, curriculum development, accreditation and delivery, student support services, and elimination of harassment and victimisation. All jurisdictions and education sectors are required to comply with the education standards.The [Disability Discrimination Act 1992](https://www.legislation.gov.au/Details/C2018C00125) (DDA) and the [Disability Standards for Education 2005](https://www.education.gov.au/disability-standards-education-2005) outline the requirements for education providers to ensure that all students with disability can access education ‘on the same basis’ as their peers, supported by reasonable adjustments and teaching strategies tailored to meet their individual needs. The Disability Standards for Education 2005 The Standards clarify the legal obligations of education authorities and providers across the whole of education, including preschool/kindergartens, school, vocational education and training, and higher education. The Standards seek to ensure that students with disability can access and participate in education on the same basis as other students. ‘On the same basis’ means that a student with disability must have opportunities and choices which are comparable with those offered to students without disability. This applies to: * admission or enrolment in an institution
* participation in courses or programs (including sports or physical education programs)
* use of facilities and services.

The Australian CurriculumThe Australian Curriculum promotes equity by encouraging and supporting every student to be the very best they can be no matter where they live, where they learn and what learning challenges they may face. The curriculum provides flexibility for teachers to take into account the different rates at which students develop and a diverse range of learning and assessment needs. To promote greater educational inclusion the Australian Curriculum Assessment and Reporting Authority (ACARA) made the decision not to accommodate differences by setting different expectations for different groups, since that reinforces different outcomes and creates inequity. It is the responsibility of individual teachers to personalise the curriculum in Health and Physical Education so that it meets the needs of people with disability.The initial curriculum-writing process, along with the current review of the Australian Curriculum, includes consultation with key disability stakeholders via ACARA’s Students with Disability Advisory Group. Experts on inclusivity were also consulted to ensure the appropriateness of curriculum content and expectations of achievement. The Australian Curriculum recognises that students with additional needs can achieve educational standards commensurate with their peers when the necessary adjustments are made to the way in which they are taught and to the means through which they demonstrate their learning.  |
| 2(b)(i) Are teachers and professors of physical education trained to include students with disabilities in either mainstream or disability-specific physical education? | The Australian Government is committed to improving the effectiveness and capability of the teaching profession and established the Australian Institute for Teaching and School Leadership (AITSL) to provide national leadership for the Federal, and state and territory governments in promoting excellence in teaching and school leadership. To support quality teaching, AITSL developed the *Australian Professional Standards for Teachers* (the Teacher Standards). The Teacher Standards require teachers to be able to support full participation of students with disability and to differentiate teaching to meet the learning needs of students across the full range of abilities. The Teacher Standards include a number of domains relevant to teaching students with disability, aiming to ensure that all teachers are well prepared to support inclusive student participation and engagement with education. The Graduate Teacher Standards include two focus areas under Standard 1 that are specific to teaching students with disability: * Focus Area 1.5 - Differentiate teaching to meet the specific learning needs of students across the full range of abilities
* Focus Area 1.6 - Strategies to support full participation of students with disability.
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| 2(b)(ii) Do persons with disabilities who want to be teachers and professors of physical education have access to equal certification to exercise the profession? | Refer to the response provided in 2 (b) (i) |
| 2(c) What are the challenges to implementing the above? Are you aware of any good practices related to the above? | Australian universities are fundamentally autonomous entities and the Australian Government does not intervene in their daily operations. Under the *Accreditation of Initial Teacher Education Programs in Australia: Standards and Procedures* (the accreditation standards) higher education providers are required to show how they will ensure their initial teacher education students develop the knowledge and skills they need to be successful in the classroom. These set quality standards while allowing higher education providers and schools the flexibility to design and deliver teacher training in a way that meets local needs and circumstances. This means that although initial teacher education providers are held to rigorous standards to produce high-quality teacher graduates, it is the responsibility of providers to develop course content that meets the requirements of the accreditation standards. The Australian Government does not specify the course content of initial teacher education courses.However, AITSL provides accessible, practical tools to the teaching profession which support teacher improvement and professional learning. For example, the Illustrations of Practice resource supports teachers to understand how their current practice is aligned to the Teacher Standards and supports their professional learning and development. There are several *Illustrations of Practice* about teachers working with students with disability. For more information see <https://www.aitsl.edu.au/tools-resources/resource/establishing-a-program-inclusive-of-children-with-disability-illustration-of-practice> |
| 3(a) Does your country have national, regional and local sports departments addressing and promoting competitive sports that cover both mainstream and disability-specific sports, either integrated or separated? | Yes. In Australia, National Sporting Organisations (NSOs) and National Sporting Organisations for the Disabled (NSODs) have been established over time. Both organisation types provide sporting opportunities for people with specific disabilities or to support a disabled component of a generic sport. They both continue to play a role in the delivery of sport to persons with a disability. Their governance structure mainly follows a federated structure of National > State > Regional > Local community clubs. |
| 3(b) Do disability-specific competitions have a similar structure to mainstream competitions, either integrated or separated, to organize local, regional, national, continental and international competition? | A mixture of both depending on the organisation. |
| 3(c) What are the challenges that persons with disabilities face to access training centers prepared for high-performance sports at local, regional and national levels? | Various research suggests that matching the type of disability to the level of support required by a person with a disability is a critical factor influencing either participation or non-participation patterns, regardless of whether they desired to participate at a community level or an elite level. People with high support needs face additional constraints that serve as barriers to participation. Research has also found that persons with disability participate in sport at lower rates than the general population. Individuals surveyed in one research study did not necessarily regard their impairment as the major reason for their non-participation. Non-participants across a number of disability types expressed a desire to participate, particularly as a means of social interaction, but identified other challenges and constraints such as cost, transportation, venue access, and supervision.Cost is often seen to be a major factor in many different ways, including its effect on participants in terms of transport and equipment, and on the disability organisation in terms of registration fees and the extra costs associated with providing services. Paralympics Australia has a Paralympic Equipment Fund (through funding from the Australian Government) that athletes can apply to for assistance with the purchase of sporting equipment which may be prohibiting/limiting them from full participation/progression in Paralympic sport. |
| 3(d) Are there laws, policies and mechanisms in place to ensure fair distribution of public grants, awards and other financial support to ensure that sportspersons with disabilities have equal opportunities to succeed in competitive sports? | One of Sport Australia’s roles is to develop and implement programs that promote equality of access to, and participation in, sport by all Australians, including those with disability. Two key pieces of legislation provide an underpinning for government policies affecting people with disability:*Disability Discrimination Act 1992*This legislation provides protection for all Australians against discrimination based on disability. It enables everyone to share in the overall benefits to the community and economy that flow from participation by the widest range of people, including in sport.The Act ensures, as far as practicable, that persons with disabilities have the same rights to equality under the law as other members of the community. The broad objects of this Disability Discrimination Act are to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:* work, accommodation, education, access to premises, clubs and sport;
* the provision of goods, facilities, services and land;
* existing laws; and
* the administration of Federal laws and programs.

[*National Disability Insurance Scheme Act 2013*](https://www.legislation.gov.au/Details/C2016C00934)Legislation was passed by the Australian Parliament to enact the National Disability Insurance Scheme (NDIS). From July 2013 the NDIS has been rolled out in the States and Territories in stages, through the [National Disability Insurance Agency](https://www.ndis.gov.au/).The Act supports the independence and social and economic participation of people with disability. It provides reasonable and necessary supports to enable people with disability to exercise choice and control in the pursuit of their goals and the planning and delivery of their supports and to facilitate the development of a nationally consistent approach to the access to, and the planning and funding of, support for people with disability. |
| 3(e) Please provide information on the organizational structures of disability-specific sports, including examples and good practices. Kindly consider the following aspects when replying:* Are they separate structures, or are they integrated into mainstream federations and clubs?
* Are they decentralized covering the whole territory or they only operate in capital city/area?
* Are they sports-discipline specific, or they integrate multiple disciplines?
* Do they receive equal funding opportunities compared to mainstream sports?
 | **Are they separate structures, or are they integrated into mainstream federations and clubs?** A mixture of both. Some are ‘separate’ disability-focussed organisations e.g. NSODs, whilst others are integrated into ‘mainstream’ NSOs. For high performance, most Paralympic sports are integrated into mainstream federations, with a few managed by a specific NSOD or Paralympics Australia.**Are they decentralized covering the whole territory or they only operate in capital city/area?** A mixture of both. Australia has a federated structure of national, state and regional/clubs. As with able-bodied high-performance programs, some are centralised with specific National Training Centres, however many are decentralised with multiple high-performance training centres around the country.**Are they sports-discipline specific, or they integrate multiple disciplines?** A mixture of both. For example, in high performance there are both sport-specific training centres and multi-sport training centres in State and Regional academies of sport.**Do they receive equal funding opportunities compared to mainstream sports?** The funding of sporting organisations follows a number of criteria, regardless of whether the organisation is an NSO or NSOD. For high performance funding, a single investment cost comparison framework is used to determine funding across all high-performance sports for Summer and Winter Olympic, Paralympic and Commonwealth Games outcomes. In addition, equal access to Direct athlete support grants for high performance athletes are available to both Olympic & Paralympic athletes. The Australian Federal Government has a specific grant program to support Paralympic athletes whose Disability Support Pension may be impacted by the need for international travel for training and competition purposes.**Are joint activities between sportspersons in disability-specific sports and mainstream sports encouraged or carried out to facilitate exchange among sportspersons within similar disciplines?** Yes. For example, many high performance programs for Olympic and Paralympic sports are integrated and offer combined training and competition opportunities, as well as coaching and support staff exchange opportunities.**Are persons with disabilities considered in sports beyond their role as sportspersons, including as referees, coaches, spectators, administrators, workers, volunteers in the sports industry, board members, among others.**Yes. National Sporting Organisations for the Disabled (NSODs) were established to provide sporting opportunities for people with specific disabilities or to support a disabled component of a generic sport. They continue to play a role in the delivery of sport to persons with a disability, as well as facilitating their inclusion in sport related activities such as coaching, officiating, administration and volunteering. |