

NSW Law Reform Commission and Sentencing Council Secretariat  
Department of Communities and Justice

6 Oct 2023

Dear Secretary

**Review of the *Anti-Discrimination Act 1977 (NSW)***

Family Advocacy welcomes the opportunity to provide preliminary comments on the New South Wales Law Reform's (NSWLRC) review of the *Anti-Discrimination Act 1977 (NSW)* (ADA).

We are a not for profit disability advocacy organisation that works across New South Wales (NSW) to advance and protect the rights and interests of people with developmental disability. We have been providing individual and systemic advocacy for over 30 years. We regularly field advocacy enquiries from families for, and on behalf of, the person with disability in a broad range of areas that cover the whole of life, for example, education, employment, health, housing and guardianship.

Family Advocacy endorses all of the recommendations made by [Disability Advocacy](#) and [People with Disability Australia](#) in their submissions to this review.

We also wish to add the following recommendations:

1. Modernise the definition of disability (Section 4 is outdated) in accordance with the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD does not contain a comprehensive definition of disability, but provides that:  
"Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."  
2. Include explicit requirements for employers and service-providers to make reasonable adjustments for people with disability, such as the Equal Opportunity Act 2010 (Vic) which imposes express obligations to make 'reasonable adjustments' in certain areas for a person with a disability.  
3. Repeal the current exceptions which allow private educational authorities to discriminate against students with disability (section 49L(3)(a)) and workers with disability (section 49D(3)(c)). In our view, there is no justification for these exceptions.  
4. Introduce protections against vilification for people with disability. Currently, the ADA only prohibits vilification on the basis of race, homosexuality, transgender status and HIV/AIDS, and does not protect people with disability.

Yours Sincerely

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