

A.C.T. Disability. Advisory Council

Advising the Minister for Disability Services

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Ms Helen Owens
Presiding Commissioner
Disability Discrimination Act Inquiry
Productivity Commission
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Dear Ms Owens

I am writing to you regarding the Productivity Commission review of the Commonwealth Disability Discrimination Act (1992). I am aware that the closing date for submissions was 16 May 2003, however our Council is a new one and we thought it would be useful to make a submission. I understand the reporting date for the inquiry has been extended to April 2004.

The ACT Disability Advisory Council is strongly supportive of the Commonwealth Disability Discrimination Act. The Act has played an important function in improving access by people with disabilities to a range of public and private goods and services. The Act also has an important secondary function as a educative device to encourage better planning for access.

In the ACT the DDA has been very important in enabling a range of planning frameworks to promote better access to services, facilities and spaces. These include the draft ACT Guidelines for Access and Mobility and the Access to ACT Government Strategy which is a new planning framework to improve planning for access by government agencies (along the lines of the Commonwealth Disability Strategy). It is doubtful if any of these initiatives would have been provided if not for the DDA.

I note that the Commissions reference from the Commonwealth Parliamentary Secretary to the Treasurer asks you to consider a number of issues in respect of the assessment of the benefits or otherwise of the DDA. Most of these issues seem well covered from our perspective in other submissions, such as those from ACROD, Deafness Forum and Blind Citizens Australia. While we do not propose to duplicate these, some broad views on the key matters before the commission are presented below.

Restriction of competition:

There are good arguments in various submissions to support the notion that the DDA does not represent an inappropriate restriction of competition and to the contrary we

would argue that the Act provides a benchmark for enhancing competition in some areas such as between State and Territory Governments and utilities.

For instance, one of the reasons the ACT Government was persuaded to proceed with an Access to ACT Government strategy is to increase its capacity to be able to offer goods and services on a competitive basis with providers in other States and Territories who already have strategies in place. In respect of Government services and some utilities the common framework provided by the DDA is an enhancement to competition not a detriment.

Interests of consumers

It is our view that on balance the DDA has served consumers well and has provided an important lever to enable people with disabilities to access a range of goods and services. The ACT Human Rights Office has previously advised me that DDA and the local Territory based instrument are still used extensively and that disability complaints are on the rise. This would appear to suggest that there is still a need for attention to the issues while we have seen minimal evidence that suggests that alternatives to regulation would be effective.

Broad effectiveness

I note that a number of submissions express some disappointment at the slowness of change stemming from a number of factors such as the cost, time and stress involved in making DDA complaints, the challenges in moving forward the DDA Standards process and the long delays in changing the Building Code of Australia.

We would share a number of these concerns but express the view that they are more a function of a lack of commitment on various levels to implementing the legislation than a sign that legislation itself is no longer needed.

If anything a stronger approach to implementation is in our view justified by a range of public interest considerations, among them intergenerational equity issues coupled with an ageing population.

Continuing to build discrimination into the provision of goods and services will in the long run prove bad for government, business and the wider community. It will be bad for competition between States & Territories and ultimately for Australia as a whole -especially as most western countries now have legislation which to varying degrees works to prohibit disability discrimination.

I trust this submission is of assistance - I wish you well in the remainder of your inquiries. Please feel free to discuss on 0413 135 731.

Regards

CRAIG WALLACE
Chair
ACT Disability Advisory Council
(& Access and Planning Advisory Committee)
7 July 2003