Submission to the National Competition Policy Review of the *Disability Discrimination Act 1992.*

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This submission is in particular response to S2 and S3a S3d off the terms of reference for the National Competition Policy Review of the *Disability Discrimination Act 1992*, namely:-

2. The Productivity Commission is to report on the appropriate arrangements for regulation, taking into account the following:

   a) the social impacts in terms of costs and benefits that the legislation has had upon the community as a whole and people with disabilities, in particular its effectiveness in eliminating, as far as possible, discrimination on the ground of disability, ensuring equality between people with disabilities and others in the community, and promoting recognition and acceptance of the rights of people with disabilities;

   b) any parts of the legislation which restrict competition should be retained only if the benefits to the community as a whole outweigh the costs and if the objectives of the legislation can be achieved only through restricting competition;

   c) without limiting the matters that may be taken into account, in assessing the matters in (a) and (b), regard should be had, where relevant, to:

      i) social welfare and equity considerations, including those relating to people with disabilities, including community service obligations;

      ii) government legislation and policies relating to matters such as occupational health and safety, industrial relations, access and equity;

      iii) economic and regional development, including employment and investment growth;

      iv) the interests of consumers generally or of a class of consumers (including people with disabilities);

      v) the competitiveness of Australian business, including small business;

      vi) the efficient allocation of resources; and

      vii) government legislation and policies relating to ecologically sustainable development.

   d) the need to promote consistency between regulatory regimes and efficient regulatory administration, through improved coordination to eliminate unnecessary duplication;

   e) compliance costs and the paper work burden on small business should be reduced where feasible.

3. In making assessments in relation to the matters in (2) the Productivity Commission is to have regard to the analytical requirements for regulation assessment by the Commonwealth, including those set out in the Competition Principles Agreement and the Government's guidelines on regulation impact statements. The Report of the Productivity Commission should:

a) identify the nature and magnitude of the social (including social welfare, access and equity matters), environmental or other economic problems that the legislation seeks to address;

d) identify relevant alternatives to the legislation, including non-legislative approaches;

BACKGROUND

I am a 33 year old, qualified Secondary School teacher, undertaking a Masters in Education who was born with a physical/neurological disability (friedriech's ataxia). I am also substantively interested and involved in advocacy, rights and community development for people with disabilities living in the community, mainly through involvement with Action For Community Living. As a result, I have had a fair deal to do with the DDA as observer and complainant.

Details of Submission:

2a, SOCIAL IMPACTS OF THE LEGISLATION:

Effectiveness in eliminating, as far as possible, discrimination on the ground of disability –the DDA does not eliminate discrimination on the grounds of disability. It defines and prescribes its parameters and so doing provides and promotes the mechanism to legitimate discrimination. In so doing it creates an administrative web that is largely counter-productive for complainants and overly time consuming for all involved. In short, instead of eliminating discrimination on the grounds of disability it systematizes it.

- 'disability' has a prescribed medical meaning whilst 'discrimination' has an open-ended and somewhat loose social definition which in unison skews the onus or burden of proof onto people with disabilities, whilst allowing 'disabled' thinking and prejudice to rationalize acceptance. For instance, for me this has meant well over 200 job interviews I did not succeed at in spite of qualifications in excess of those required as the interviewers had the concept of my disability in the front of their mind, allowing their second-guessing and pre-judging of me as valid assessment protocol. Disability is not a prescriptive medical condition but a societal belief system to explain difference. Competitively, this oversight in the legislation has cost me at least $250,000 in lost wages.

- Discrimination is legitimated under the act in a number of ways. Firstly, if action is marginally beyond the areas outlined by the objectives (S3) discrimination is actually outlined as being lawful. Secondly, S11 (unjustifiable hardship) economically legitimates discrimination by putting the rights of complainant as secondary. Finally action plans an standards promote a minimum of compliance that compromises an/y established rights.

- Section 3 (b) of the DDA indicates an objective of the legislation is 'to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community'. Standards, action plans and even the conciliation replace this with an administrative focus established to equalize both parties and actually preclude action from recognition by the law. Even when discrimination has been acknowledged the onus is still on the complainant to prove detriment and request reparation. It is a counterproductive and time consuming process as often the findings are that discrimination is proven, an apology given, then the matter is finished. There is no recognition of value which is generally a mandatory premise of the law.

Ensuring equality between people with disabilities and others in the community –as two of the three objectives [S3(a) & S3(b)] of the DDA are premised by the rationales 'as far as possible' and 'as far as practicable', respectively, it is clear that equality is a conditional aspect of the legislation. The legislation is, in this respect, a doctrine of apartheid. How many people with disabilities have lost their life due to such enlightened malevolence.

Promoting recognition and acceptance of the rights of people with disabilities –despite the rhetoric (as already indicated) the DDA does not promote recognition and acceptance of the rights of people with disabilities. Rather, it promotes the recognition and acceptance of discrimination, in the process vilifying people with disabilities who have the audacity to expect equality. Nowhere in the legislation is there any statement of rights –this should be an essential element.

2b, PARTS OF THE LEGISLATION THAT RESTRICT COMPETITION

- S3 Objectives: weak and indefinite [as far as possible; as far as practicable]
- S11 Unjustifiable Hardship: discounts justification.
- S31 Disability Standards: absence of stated rights minimizes intent.
- PART 3 Action Plans: absence of stated rights diversifies and weakens intent

    - Any reform must take into account that without a statement (or Charter) of rights applicable to everyone (inclusively), the DDA shall remain a document of exclusion for people with disabilities. It, therefore restricts and negates their ability to compete, thereby contracting the competition of the community into an entirely false and meaningless set of rules and outcomes.

2c, IN ASSESSING THE MATTERS IN (a) AND (b), (PRIORITISED) REGARD SHOULD BE HAD, WHERE RELEVANT, TO:

i) social welfare and equity considerations, including those relating to people with disabilities, including community service obligations;

- this factor is irrelevant under full inclusion of people with disabilities in the community..A possible replacement could be an affirmative action focus, and that would be a top priority.

ii) government legislation and policies relating to matters such as occupational health and safety, industrial relations, access and equity;

- and vii) (below), this must be afforded a lower priority in the sense that reform should not necessarily be bound by pre-existing legislation. It is then a greater priority to ensure other legislation is compliant with this, inclusive.

iii) economic and regional development, including employment and investment growth;

- and v) (below), these should not be on a priority list as with these necessary reforms under competition conditions these factors should be considered self regulatory.

iv) the interests of consumers generally or of a class of consumers (including people with disabilities);

- this should be the top priority, although there is a need to ensure that, under full inclusion, the concept of 'a class of consumers' has nno –other then historical-relevancy.

v) the competitiveness of Australian business, including small business;

- as for iii) (above), there is a need to be mindful -not fearful- of necessary adjustment as a result of necessary reform needed to ensure inclusion.

vi) the efficient allocation of resources; and

- of necessity, this factor characterizes the outcome of reform intended to help implement full inclusion so, naturally should be the 2nd piority.

vii) government legislation and policies relating to ecologically sustainable development.

- as for ii) (above)

2d, ELIMINATING UNNECESSARY DUPLICATION

- Short of the alternatives ventured later on, eliminating duplication, limiting compliance costs and paper work for small business is impossible under the framework imposed by the DDA. The rules of competition are meant to maximise equality, rather than compromise it.

2e, LIMITING COMPLIANCE COSTS AND PAPER WORK FOR SMALL BUSINESS

- as for 2d (above).

3a, NATURE AND MAGNITUDE OF THE PROBLEMS THAT THE LEGISLATION SEEKS TO ADDRESS;

- In explaining my response here I would like to submit the following document.

INADEQUACY OF A RIGHTS BASED APPROACH

> The familiar tale of the unintended consequences of human action applies equally well to human ideas: what their consequences turn out to be is not a simple function either of their truth or their falsity or of the intentions of those who use them (Hindess, 1993: p.31).

Rights stem from the principle of universal equality and familiarity. An imagined reality of sameness exists as an operational base In order to address such inequities, rights have been utilised as the method by which to secure the 'basic' material needs for many groups. Whilst this brings some groups/individuals up to a perceived minimum standard, it unfortunately fails to address the misunderstandings from which the inequities originally stemmed. The assumed minimum standard is virtually a statistical myth that grew out of a need to account for difference which it does; it does not, however, understand the differences. Put plainly, the problem repeats Itself as

> …disability legislation around the country has enshrined specific principles regarding people with disabilities. They are clearly accepted by every Australian government as being equal citizens, who are accorded the same basic rights as other members of Australian society (Yeatman, 1996: p.65).

People with disabilities are, hence, stereotyped into an unreal model that is both inflexible and conditional without consideration of experiential individuality.

The disability model, apparent to the DDA, is a socially constructed phenomena used extraneously to signify individual and medical difference. Hence, an exclusionary line is drawn in the sand on the basis of assumed ability. Instead of acknowledging, accepting and reforming inequitable treatment the DDA invokes citizenship as justification to find fault –or disability- in those people it defines as having disabilities, at which point it also attempts to mete out social jjustice by dealing with direct discrimination based on the presence of obvious disability, without addressing the complexities of indirect, or socially and culturally-entrenched discrimination. For instance, company emphasis on the 'merit' of a job-candidate renders anti-discrimination legislation hollow. Thornton states that

> …there is virtually no way that the intellectually impaired and the intellectually normal can ever be said to be similarly situated in respect of either employment or education, for example, particularly in view of the pre-eminence accorded to merit. In this context equality of opportunity is totally meaningless. (Thornton, 1990: p.22)

Furthermore, assumptions of a person's 'ability' pervade everyday communication, and thus the 'rights' specified in legislation can be used to justify further exclusionary practices rather than impeding them. (Hindess, 1993) For example, in a context where an individual with an intellectual disability must communicate with professionals using a language that she doesn't understand, but which is her 'native tongue', she will remain at a disadvantage regardless of legislation:

> …if you actually read the act it is not specific enough. If you come from an ethnic group and you aren't supplied with the information in a language you understand, then it is blatant discrimination. But because you have a disability, and you speak English, then how do you prove it's discrimination? (cited in Quibell, 1995: p.41)

Factors inherent to, deriving from and generated by disability make the minimum standard of citizenship both artificial and meaningless. They are, nonetheless, integral in the progression towards an inclusive society.

MOVES TOWARDS INCLUSION

The Aspirations of People with a Disability within an Inclusive Victorian Community, was released in October 2000 by Disability Services Victoria (DSV) with the intention 'to contribute to the development of the State Disability Services Plan (2000a, p2)'. This study attempted to give voice to the aspirations, goals, hopes, needs and concerns of people with disabilities –how they responded to life and the changes/transitions it brought them (DSV 2000b).

As it hit the shelves, another report Futures For Young Adults Program Evaluation (Institute of Disability Studies -Deakin University (IDSDU) (2002) was commissioned. The former report by DSV was quick to acknowledge the system as central to aspirations (2000a, p.4). The IDSDU report is just as quick to affirm this status (2002) and re-assure service users that the Futures For Young Adults Program (FFYAP) actually is supporting 'young adults with disabilities in their transition from school to post-school options, in order to maximise their chance to reach their adult potential and enable them to participate more fully in the community' (p.1).

Report cards on inclusion, information in both documents came directly from people with disabilities: acknowledging a break away from viewing them as merely service users (DSV 2000a, p.2); yet, the service users (IDSDU, 2002) remained unaware of the transition planning process (p.25). Accordingly:

> As one study participant commented, living with a disability is 'an everyday struggle for independence in a normal world'. In this context, when people with disabilities are asked to think about their aspirations for the future, the initial reaction can be to recoil from the challenges it provokes. Parents of children with disability, in particular, express fear of a future that holds many uncertainties for their children relating to their health and the likely inclusiveness of the world they will enter as adults. But, while it may be difficult to talk about aspirations, all agree that without them life would have no meaning. (DSV 2000, p.3)

The Department of Education and Training (DE&T) does not examine FFYAP against need, but a comparison between pre 1996 transition planning opportunities and the FFYAP is provided (2002a).

In so doing, future uncertainties are promoted and the meaning of life is restricted to a comparison of past practice and present policy. This restriction needs greater examination to question how policy relates to people with disabilities –reflects past practice.

The conceptualization of people with disabilities has changed little over the past two decades. In 1980 Janet Boorer observed that

> …for the most part the community is not so much hostile, as ignorant and unaware. To the extent that disabled people are thought about at all, they are seen as different and not expected or expecting to join in the ordinary life of the community. They are expected to be dependent, arrangements are made for them to be cared in situations which encourage and reinforce dependence. It is a vicious cycle from which only the exceptionally strong manage to escape.

Little has changed in this regard, for DSV (2000a) the cycle is just as real (p.15).

The International Year of Disabled Persons in 1981 focussed attention on the lives of people with Disabilities, to an extent allowing escape from the cycle. As with the development of self help activists referred to by Van Diesen (2001), like Rob McNamara and those with the Disability Resources Centre in 1981 who produced Into the streets: a book by and for disabled people. The role played by all members of society received greater recognition (Henderson R and Raysmith H 1981, Krauss, J and Slavinsky A 1982), which helped to convince Australian governments to adopt a 'right's' based perspective regarding disability issues.

Significantly, whilst the rights of participation of people with disabilities was being valued, people with disabilities received the social tag ‘consumer’ (AMIDA (2) 1997, Henderson, H et al 1986) The financial cost of being disabled was coming under greater scrutiny (Cass, B et al 1988, Castles, F 1989, Fulcher, G 1989). This reformed the rights perspective by automatically applying the consumer tag, making the rights more accountable to the financial climate and, in the case of quality assurance, earning money for the system at the same time (Bradley VJ 1990). Hence, the consumer is also recognised as the service user.

Collaboration between the department responsible for the welfare of people with disabilities Community Services Victoria (CSV) and the Ministry of Education (ME) became important in de-institutionalisation. Concern for inclusion became an excuse for cost shifting and massive defunding of institutions (CSV&ME, 1989). To a degree, inclusion programs still reflect a certain measure of the institutionalised mentality.

The election of a conservative government –the Jeff Kennet led Liberal party- with a fanatical market-driven economic agenda occurred in 1992. Under this regime, the competitive market-driven reforms resulted in all new disability programs being market based and incorporating individualised funding principles. New programs included: 'Early Choices', 'Making a Difference' and 'Options for Older Parents', all of these, allocate a pool of money to a broker who then purchases equipment or services to meet some needs of people with disabilities and their families. These programs tend to provide 'one-off' type supports and were designed to sustain existing, largely family dependant, arrangements.

The ‘consumer’ and ‘service user’ language became entrenched (cf. Disney J 1992; Howard J 1995; and, McDonagh M 1993), making the rights- based perspective redundant and so negligent of needs (ie. Davis, L 1995; Finkelstein V 1993; and, Williams P 1995). This has given rise to the advocacy industry (Cocks E and Duffy G 1993, Cross J and Zeni L 1993) A systemic perspective is now in vogue, shrouded by what Slee and Cook (1994) saw as a veneer of progress. People with disabilities no longer have human rights –instead, their rights are systematically linked as self-sustainable consumer/service user rights (ie. MGM Consultants 1993; Salvage R. 1994; Service Quality Australia 1997; and, VALID 1996).

In the Victorian educational context transition planning is defined by the identification of people with disabilities under the service-user rubric, complimented in the main by a post-school placement (DE&T 2002b). OECD research from the 1980s and US legislation from 1990 has respectively informed DE&T’s (2002b) recognition of transition as when an individual changes from adolescence to adulthood and, subsequently, the importance of transition planning has largely educational and vocational connotations. This lead to the development in late 1996 of the joint DE&T and DHS initiative Futures For Young Adults Program (FFYAP), allowing DE&T to claim it was ‘consistent with world's best practice as advocated in transition research’ (2002a).

FFYAP has sidestepped needs and, to an extent, consumer rights to reflect transition research Paula Kohler’s Taxonomy for transition programming: Linking research to practice (1996) established a taxonomy as per what researchers found important in transition planning (Appendix 1). It stressed 5 categories that address practices related to (a) Student-Focused Planning and Development; (b) Career Pathways and Contextual Learning; (c) Family Involvement; (d) Business, Labor, and Community Resources; and (e) Structures and Policies.

In comparison, FFYAP provides lip service to both (a) and (d) as is obviated by the first three tasks in the program (Disability Services Victoria 1997a). It is worth noting some of the more general points Kohler (1996) noted from research into transition planning

- focus is consumer oriented education and service delivery;
- not an add-on but a foundation for further development;
- concentration on post school goals;
- although transition teams involve teachers, guidance counselors, coaches, club sponsors, administrators, parents, and even employers –student is actively involved in setting their own transition schedule;
- co-ordinated sets of activities;
- college bound outcomes; and,
- IEP centred

Again, the FFYAP struggles to meet this grade –primarily due to a lack of self determination opportunities. Clearly, this is due to the fact that there are no documented objectives and outcomes for the program, except for the loose directives Denis Napthine (Vic Health Minister) gave it in parliament on its imposition (1996):

- To involve students, their parents and carers and teachers in the transition process.
- To provide clients with the choice of a range of service options that include existing services, but also new services created for that purpose.
- To enhance access to further education, training, employment and recreational opportunities.
- To support the development of a flexible, client responsive service system, tailored to the developmental needs of the individual, which offers pathways to other service options.
- To ensure quality services that help young adults to experience improved and enhanced lifestyle opportunities.
- To provide services that support the individual in a successful transition to adult life, which maximises their chances to reach their full adult potential and enables them to participate more fully in the community to achieve their maximum independence.

FFYAP actually denies students independence as the transition worker prepares the transition plan (IDSDU 2002) to seek a smooth transition to an adult option. According to this latest report (2002), the following adult options are offered by FFYAP are (p.12):

- Adult Training and Support Services (ATSS).
- TAFEs (disability and open courses).
- Universities.
- Supported employment.
- Open employment.
- Attendant care.
- Community programs.
- Independent arrangements.
- A combination of all these.

Adult options are different for DSV (1997) and DE&T (2002a), showing more emphasis on vocational outcomes and denying the choice of a combination of options. The rhetoric is different to the practice as transition planning is seen more wholistically as the developmental process of the final years of a students life at school culminating in a planned progression into full participation in the adult life of the community (DE&T, 2000b). Subsequently, it focusses on conceptual issues, methods, and procedures for assessing the vocational potential and skills of persons with disabilities, and the techniques and resources currently available to facilitate their vocational adjustment and employment.

Subsequently, in Victoria transition planning has been transformed into the systematic control and management of students with disabilities. The Draft State DisAbility Plan (DSV, 2001) acknowledges the importance of 'helping people plan for the future, particularly at key transition points in their lives' (p.x) and the subsequent ongoing commitment to pre-determined support. If we revisit DSV's Aspirations study, it is not so clear cut, as often '…what was missing was the courage and confidence to plan ahead. It is no understatement that the future for people with disabilities is often about small steps and big leaps of faith (2000b, p.14)'. The rights of people with intelectual disabilities (in particular) have been blotted out by this systemic support, as-

> In their minds, barriers to the future tend to relate to the type of schooling they are receiving rather than the underlying reason for them attending this school. Moreover, they recognise that to a large extent they have been cocooned by virtue of the protected school environment and the relationships they have formed at school (2000a, p.50).

The rhetoric seems to be positive with IDSDU (2002) commending the potential of FFYAP in spite of reporting a number of problems with it, including:

- No documented objectives or outcomes;
- Participants (young people and parents) unaware of and not involved in transition planning process;
- Participants (young people and parents) not involved in Support Needs Assessment;
- Choice limited by availability; and,
- School effort pre-determined on numbers eligible.

Given these problems it seems almost incredulous that's IDSDU (2002) presents the reasoning behind these problems, as accounted by the respondents, as including (p.3):

- The speed of the program's implementation.
- The lack of clearly defined outcomes.
- The lack of clear and consistent information about processes.
- The lack of regular reviews of the program as a whole.

The methodological intent of the report Futures For Young Adults Program Evaluation (IDSDU, 2002), as the comprehension of the conceptualisation of people with disabilities from 1980 to the present (human rights to consumer/service rights) highlights a newly conceptualised future for transition planning and treatment of people with disabilities. This is based around a qualitative approach, justifying incorrect/inadequate summation by the 'experiential' label.

To this extent, IDSDU (2002) noted the following two points:

- Future research into the effects of support programs on participants should make every effort not to disenfranchise these groups (p.14).
- The challenges in obtaining accurate information for people with disabilities should be taken into account of in future research design (p.15).

The actual experience of disability is, subsequently, an emerging field to professional research. Needless to say they are to be conceptualised in an experiential-representative framework. IDSDU claims the high ground and recognition of researchers before experiences can be accounted for, acknowledging:

> An obvious criticism of the approach was that the results could reflect at least as much about the views of the research team as it would of those interviewed…by asking interviewers to represent the views of others, it was possible to explore explicitly any consistency in themes associated with individual interviewers, and account for such biases (p.16).

When do we draw the line and stop quibbling about how to determine need and start to focus on what need is? No-one is game to step out of line and do this. IDSDU (2002) can hide meekly behind their disclaimer.

Harsh words –totally warranted though. The overarching recommendation of the FFYAP review, needless to say, was a Futures Demonstration Project to pilot other more generic service development recommendations hopeful to 'demonstrate their effectiveness (or otherwise)' (p.65).The story is much the same for transition planning elsewhere in Australia, particularly New South Wales (DET 2002) and Tasmania (TASED 2001) who, like Victoria, stress service improvement over needs assessment. In Victoria, the Program Support Group (PSG), established under the Program for Students with Disabilities (DE&T 2002) is charged with the responsibility of facilitating the transition process. The PSG's involvement of the student is only discretionary and where appropriate.

Kohler's taxonomy (Appendix 1) gives what appears to be a more considered and balanced conprehension of the transition planning process than is thus far apparent in Victoria. It must be acknowledged that further afield in the vocational education and training realm services are more in tune with need. Research undertaken by Buys, Kendall and Ramsden (1999) indicates thar

> … for students with disabilities to succeed in training and education, it must be recognised that they have complex needs …Service providers in this industry must recognise that students with disabilities are confronting numerous inequitable practices. They must be aware of disability-related issues and must embrace the concept of inclusion. With a true understanding of inclusion, service providers are more likely to deliver individualised, flexible and empowering services that will combat inequity for students with disabilities.

Indeed, ANTA seem to get it largely right in the Bridging Pathways rationale for re-dressing the 'under-representation of people with a disability in vocational education and training (2000, p.6)'. Rather than merely seeking outcomes, ANTA's (2000) vision is for equitable outcomes for people with disabilities in vocational education. However, this is further from the boundaries and wholistic intent of transition planning outlined by Kohler's taxonomy (Appendix 1). ANTA's rationale does not attempt to emulate practices elsewhere, its intent is not for people with disabilities, rather wanting 'To create a vocational education and training system that leads world's best practice in achieving equitable outcomes for people with disabilities (p.6)'. The intent here is to attain inclusive self sustaining practices that promote employment and lifelong learning outcomes as what is meant by equitable outcomes.

Having an education system that includes and supports people with disabilities is idyllic. However, when we acknowledge that actually leaving the system and membership of the community is the actual premise for transition planning, an inclusive and supportive education system becomes surreal. For Buys, Kendall and Ramsden (1999) students with disabilities need to take a more proactive role in their education, they need to be a causal agent of change. The Aspirations of People with a Disability within an Inclusive Victorian Community (DSV 2000a) review provides salient glimpses of this:

> In seeking to understand the aspirations of people with disabilities—how they are formed, their nature and their likelihood of achievement—it is first necessary to examine the context of the lives of people with disabilities. It may seem redundant to point out that people with disabilities are living in the same world as the rest of us, however, the nature of this world can be a vastly different one. The most obvious reason for this is the disability itself—its type, severity, implications and so on. But there is also a wide range of other influences impacting on the experience of disability (p.15).

As I have attempted to illustrate throughout this paper, understanding the experience of disability, whilst pivotal to inclusion, is and should always be subordinate to the membership of people with disabilities:

> Asking people to think about their aspirations evokes a whole range of emotions. It takes a while to come to terms with the word because of the challenges it evokes. Parents, in particular, tend to shy away from it. Concerned with the daily battles involved with children with a disability, parents can be reluctant to contemplate the future. The future is a ‘scary’ place for many. People with intellectual disability, particularly those with high support needs, can find it difficult to think about their place in the future. People with physical or sensory disabilities often have uncertainties about their health status, unstable accommodation or unclear eligibility for benefits and services. Society itself is an external factor impinging on aspirations. …exclusion is tantamount to saying ‘you don’t count’ and, if that’s the case, is it likely that people’s aspirations will count? All of these attitudes work against attempts to map out the future.(pp.144-5)

3d, RELEVANT ALTERNATIVEC TO THE LEGISLATION, INCLUDING NON-LEGISLATIVE APPROACHES;

I would suggest, as an alternative, an approach which remove the administrative burden and costs associated with the current DDA legislation and will ensure full inclusion is a vibrantly positive feature of a future competitive society. A charter of rights applicable to everyone without exception (including people with disabilities) is the first plank in the process. This should be backed up by a process of affirmative action feeding from and linking a pro-active/promotional experiential modeling. This is then augmented by an interactive system of quality assurance/ support. All this will help to facilitate a more competitive society.

- A charter of rights applicable to everyone without exception (including people with disabilities) will help to reform criminal and civil law as well and equalize legal conditions in our society. Discrimination must be afforded criminal law jurisdiction and recognised for its severity. For many people with disabilities acts of discrimination against them are essentially acs of attempted murder and worse. It is a joke that discriminators can now get a way with this with often little else than an apology. If rights are universal then legal justification will deliver equality. Instead of supporting discrimination, it needs to be outlawed. Surely, compliance will become good sense and proper practise as opposed to a necessitated regulation.

- A process of affirmative action feeding from and linking a pro-active/promotional experiential modeling is necessary to promote and invigorate more pro-active participation and membership of a modern competitive society. More often than not discrimination has often been rationalized as due to never having had dealings, or limited experience, with people with disabilities. This will help to realise experience and ensure people with disabilities have currency and acceptance in the competitive society.

- There is a need to shift the emphasis from being complaints driven to a more self-regulatory system that criminalizes and sanctions discrimination in recognition of its potential dire consequences. Compliance should mean more than an apology. In a more competitive society every good and service has a value to the consumer. People with disabilities as consumers have the same right to the values of all other consumers, rather than the exceptionism of the current DDA.

- Finally, an interactive system of quality assurance/support is needed to ensure this reform process is effective for every member of a more competitive society. It asserts that whilst support may not be needed it is nonetheless an accepted element of society. This is a vital mechanism, particularly for those not currently recognised as disabled.

All this will help to facilitate a more competitive society as it will help to realise the membership and participation of people currently discredited from competitive society by the disability tag. Overall, a more competitive society, linked by universal equality and utility, needs to be nurtured. Under competition rules it is more advantageous to eliminate rather than, as the DDA does, value discrimination and recognise the entirety of universal consumer bases –everyone is certainly not included at the moment,

Yours Sincerely,

ANDREW VAN DIESEN.

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