



Association for  
the Blind of WA

**SUBMISSION TO THE  
DISABILITY DISCRIMINATION ACT INQUIRY**

**16 MAY 2003**

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**ASSOCIATION FOR THE BLIND OF WA (INC.)**

**1.0 Introduction**

**1.1 Organisational Background**

The Association for the Blind of WA is the principal provider of services to people with vision impairment in Western Australia. For more than 85 years it has been providing a wide range of services aimed at maximising the quality of life and, where appropriate, facilitating independence for people who are blind or vision impaired.

**1.2 Vision Impairment**

It is estimated that there are 24,900 people in Western Australia who, due to a loss of sight and inability to see normally when wearing glasses or contact lenses, are blind or vision impaired. This is approximately 1.36% of the Western Australian population. *The majority of these people are 65 years old or over (63%), almost 32% are between 18 and 64 years old, and 5% are children, that is, 17 years old or younger.*

It is estimated that between 1998 and 2016 the number of blind and vision impaired people in Western Australia will increase by 57%. *With an aging population the biggest growth in the blind and vision-impaired population is expected to be among people 65 years old and over (77%).*

**2.0 Key Comments**

**2.1 Definition of Disability**

It is important for the definition of “disability” to be sufficiently broad enough to ensure the Act’s coverage of all potential sources of disability-related discrimination. The Association believes that the DDA adequately defines “disability” for its purpose and that this definition should not be narrowed beyond its current form.

The Association accepts that different definitions of disability exist for different purposes, considers this to be appropriate and would not strongly argue for a standardised definition.

**2.2 Areas of Activity Covered**

Generally speaking, the broader the coverage of this Act, the better. This is because the DDA might make it possible for a person with a disability to access a particular area of activity, yet this access could be compromised if it is affected by an interconnected or related activity, exempted under the Act, in which discrimination on the grounds of disability occurs.

For instance (for the sake of the following example, assume that public transport is inaccessible to people with a disability and is

exempt under the DDA) if a person with a disability has been offered a job, accepting this job might not be possible if the only means of getting to the place of employment is via inaccessible public transport.

Our organisation has encountered difficulties in relation to two exempted activities – insurance and immigration.

#### 2.2.1 Insurance

We are aware of cases in which a person with a vision impairment, who has been offered employment, has received treatment from the employer's insurance company, which is different to that provided to prospective employees without a disability. Specific assurances about the person with a vision impairment were required, indicating systemic discrimination based on disability. Such behaviour deserves closer scrutiny as any barriers imposed by the insurance sector might compromise the realistic attainment of goals in other sectors that the DDA aspires to achieve.

#### 2.2.2 Immigration

Our organisation has written a letter of support for a vision impaired person seeking to emigrate to Australia. Despite being a fully qualified, professional computer programmer, with a reputable employment record and an offer of employment in Australia, he was denied access to Australia on the grounds of his disability.

### 2.3 Discrimination

The Association considers it extremely important for the DDA to continue to make both *indirect* and *direct* discrimination unlawful.

As making complaints is a difficult and challenging prospect for many individuals, change that relies only on complaints is not sufficient. Thus, we endorse the Act requiring, in addition to non-discrimination, positive action to avoid discrimination.

Accordingly, we strongly support the concepts of *reasonable adjustment* and *inherent requirements* as key components to removing barriers for people with disabilities, particularly in education and employment. Anything that strengthens the legislation's ability to promote or require proactive measures is to be encouraged as this contributes towards social and economic change.

With reference to market competition, in the employment sector, the Commonwealth Government Workplace Modifications Funding Scheme addresses this issue. Organisations employing people with a disability may apply for funding from this scheme to assist them

meeting the costs of adjustments and modifications to the workplace. For many people with severe vision loss, the largest barrier to employment (after community attitudes) is the need for expensive adaptive technology. When the financial means of making such adjustments is met, the barrier for job seekers is extinguished and the employer usually has a valuable resource in the form of a committed and capable employee.

#### 2.4 Competition and economic effects

Any strategies that enable people with disabilities to increase their participation in society are to be encouraged.

A good example is the standards released in 2000 by the US Federal Government under section 508 of its Rehabilitation Act. They apply within the Federal sector and require its agencies, when developing, procuring, maintaining or using electronic and information technology to ensure that it is accessible to employees and members of the public (to the extent that it does not pose an “undue burden”). Technical criteria are provided, which focus on the functional capabilities of the products.

The approach requiring an agency to purchase accessible products not only assists within the government arena but also has a positive flow-on effect. Product designers and manufacturers, attempting to win contracts to provide to the US Government, must address and meet the technical accessibility criteria. Accessible products then become available outside the government market, within the broader community. This should be of significant help to any person or organisation wishing to purchase an accessible product because, in the Association’s general experience, such products have been produced in limited quantities, as specialist items and are sold at significantly higher prices than their non-accessible equivalents.

As many people with disabilities suffer financial difficulty, they are often unable to purchase accessible products – yet these are the very people who need them. This does nothing to encourage people with disabilities to participate in the community. Such non-participation can adversely impact on both the health and well being of individuals (low morale and poor self-esteem) as well as the country’s economy (the cost of supportive benefits, uncollected taxes, non-contributed productivity and lower consumer spending).

#### 2.5 The DDA and other legislation

It would be helpful if the DDA is supported by other pieces of legislation so that they might work in a complimentary manner - as per the two examples below.

As mentioned in point 2.2.2, the Association believes there is conflict between the intent of the DDA and the Migration Act. When assessing immigration applications from people with a disability, we

would like to see immigration policies and procedures that demonstrate knowledge and understanding of the functional impact of impairment and allow staff to take a more flexible approach, with regard to each individual circumstance.

For people with a vision impairment who require access to printed material in an alternative format, the intent of the DDA could be enhanced by specific provisions within the Copyright Act requiring publishers to make all their publications available in electronic or other accessible formats.

## 2.6 Regulations, standards and other instruments - Voluntary Action Plans

In Western Australia, the Disability Services Act requires each State and Local Government authority to create a Disability Service Plan. This has been broadly considered as a most successful initiative. The Association suggests that consideration be given to changing the DDA to place a similar requirement on Commonwealth Government authorities and their contractors.

## 2.7 Discrimination in Education

The DDA must ensure that children and adults with disabilities not only gain equitable access to securing a position in courses and schools, but also are able to fully participate in all aspects of the educational experience.

A very important issue, previously mentioned in 2.5, is the provision of textbooks and other required reading materials in an *accessible* format and in a *timely* manner. It will all be to no avail if a student, having gained entry to a course, having the means to commute to the campus, being able to move around within the campus and being able to attend lectures and tutorials, does not have access to the required reading material.

## 2.8 Commonwealth Government Laws and Programs

It is essential that Commonwealth Government laws and programs be examined to ensure they are not directly or indirectly discriminatory. There are many programs administered by the Government, whose processes require people with disabilities to provide information and take action that is not required of people without disabilities.

For instance, funded employment services, provided either by the Disability Program of the Department of Family and Community Services or the Commonwealth Rehabilitation Service, are established to assist people with disabilities or medical conditions locate, return to and maintain paid open employment. In the Association's experience, individuals with a vision impairment simply upon application to these services, are required to complete a large amount of paperwork and also have their medical treating

specialists complete a similarly large quantity of paperwork. Many individuals find this process to be onerous, highly intrusive and demeaning. Furthermore, it is not one required by other Job Network employment services of applicants without a disability.

## 2.9 HREOC

The existence of HREOC and the Disability Commissioner is strongly supported by the Association and considered as both an important support and a resource. The establishment and maintenance of the organisation and its Commissioner position, which is of significant status, is tangible evidence of the Government's commitment to human rights and discrimination matters. This provides surety and confidence to the broader community.

## 3.0 CONCLUSION

The DDA Commonwealth (1992) is the most important piece of legislation that exists for people with disabilities. It provides a compelling reason for organisations to create action plans, and work to eliminate barriers encountered by people with disabilities, thus driving systemic change. Without the existence and potency of the DDA, it would be impossible for people with disabilities to participate in their communities – including the employment market.

It is essential for the DDA to remain and to be maintained as a separate piece of legislation. People with disabilities have much to contribute to the Australian society but in order to do so, their human rights must continue to be acknowledged and protected.

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