

**Name: D. Buckland**

Disability Discrimination Act Inquiry  
The Productivity Commission  
Locked Bag 2, Collins St East  
MELBOURNE 8003.

Dear Commissioner,

**Re Review of the DDA and Multiple Chemical Sensitivity (MCS)**

With regard to the terms of reference of the National Competition Policy Review of the *Disability* Discrimination Act, individuals with MCS are disadvantaged under the Act as it has not satisfactorily dealt with the following issues and I ask that these be addressed:

- Ensure equality between people with MCS and others in the community who do not have MCS. Any promotion of recognition of disability and acceptance of the rights of people with disability to equitable access as others in the community who do not have disability, should include the right of people with MCS to access to health care facilities, affiliated services e.g. respite, public housing, crisis accommodation, public services such as transport and schools, and workplaces.
- Government legislation and policies relating to ecologically sustainable development need to be investigated as there are cases where community concerns about environmental pollution exacerbating or causing disability have been ignored or dismissed by Government with an economic agenda that is not ecologically sustainable.
- Given that an inadequate level of State and Federal Budgets have been allocated to address increases in disability and health which is the result of rapid growth and development favoured by current economic policy, better legislation to address ecological sustainability and a higher level of funding for health and disability needs to be addressed. This is essential, as a priority, to assist those disabled as a result of current policy and needs to be addressed.

In making assessments to identify the magnitude of the social and environmental or other economic problems that the legislation seeks to address, I ask that the following be addressed under the review of the DDA:

- That the magnitude of social, economic and environmental issues that impact adversely on those disabled by MCS is investigated and addressed
- Investigate the issue of MCS and ensure that the objectives of the Act in regard to those in the community with MCS are met. This should include equity of access and a more accessible complaints system that does not rely on legal representation for a successful outcome.

While the DDA appears to have been effective in reducing discrimination, access to the complaint process has not been equitable. In the case of MCS, as with other forms of disability, making a complaint can be inhibited by:

- poor health/disability,
- lack of advocacy services to ensure the complaint is sufficiently developed before it goes to conciliation or a hearing,
- income disadvantage and the inability to afford an adequate level of legal support,
- fear of court costs, especially if the case is lost as property or money cannot be recouped.

In the interests of equity, a consumer advocate should be funded to ensure complaints are properly developed and presented. The issue of legal support could be dealt with by all complaints being subject to conciliation by an independent person and when a complaint goes to a hearing, an equitable level of legal support provided by legal aid services which should be adequately funded by government to do this.

I ask that the DDA should be exempted from National Competition Policy as competition policy is not necessarily in the best interests of people with a disability or appropriate service provision. Since the adoption of National Competition Policy, legislation has been weakened and this has been followed by further weakening once a co-regulatory approach is adopted. I do not support a co-regulatory approach as industry has already interfered with the efforts of people with MCS to obtain health care and disability services.

**Signed**