

Inquiry into the Disability Discrimination Act 1992

Disability Justice Advocacy Inc is a Commonwealth funded advocacy organisation, which is run by people who have a physical disability with high support needs. Disability Justice Advocacy Inc has provided advocacy to people with a disability in Victoria and the Melbourne area since 1990.

Seventy per cent of our work is in providing individual advocacy, however most individual advocacy demonstrates a need to make systemic changes.

Personal observations

Recently as I was seated outside a Café I watched a woman in a motorised wheelchair approach the steps of a recently renovated café and wait for a staff person to come and serve her. This happened quickly and without any fuss. However, I was left wondering whether the owner of the café had put any thought into having a different entrance to the café eg **NO STEPS**. Was the café even owner even aware of the Disability Discrimination Act (DDA) 1992 or the Equal Opportunity Act 1995?

I was left wondering whether the woman felt discriminated against and whether she should have taken the matter further. I am making an assumption that the woman accepted the situation, it was a sunny day and she received quick service anyway. There was seating for her outside. What if it had been raining?

Our observation is that life for people with a disability is still hard. There have been some improvements but it is still a struggle. It shouldn't be.

Unjustifiable Hardship

The term unjustifiable hardship appears to be a major sticking point for the DDA. Public places, which are privately owned, are still built or renovated with little or no access for people who use mobility aids.

Transport

There has been some improvement in transport. However, until every bus is accessible it very difficult to catch a low floor bus as the timetables are often changed and there is no guarantee that a bus arriving will be accessible.

New trains entering the transport system need to be inspected rigorously for accessibility before they are brought into the transport system.

Is it reasonable to wait twice as long for a taxi as the rest of the community? If all taxis were accessible there would not be a problem. It is not reasonable to wait decades before all trams are accessible.

How effective has HREOC been as an educator? How could effectiveness be improved ?

The DDA is often complex and hard to understand. Education needs to be ongoing. The complexity of the legal system is difficult to follow. The differences between whether to utilise the state or the federal Acts, in Victoria the Equal Opportunity Act 1995, is often unclear. Individuals would almost always benefit from legal advice.

Disability Justice Advocacy is aware of the rights of people with a disability and the Disability Discrimination Act 1992. It is questionable whether the general public, shopowners, landlords and employers are as aware. People with disability are aware but it is often too daunting to file a complaint. People with disability are encouraged to get support to make a complaint. Most organisations that are able to support people with complaints are under resourced and unable to cope with demand.

Should HREOC launch a campaign to make people aware of the DDA 1992?

It is now public knowledge that you must not drink and drive. Would a large advertising campaign make people more aware of how to make a complaint and how to comply under the DDA?

Disability organisations, people with disabilities and their carers have some knowledge of the DDA. People who have little or no contact with the disability community do not seek out this information.

People with disabilities often need support to make DDA complaints. There appears to be a lack of awareness in the legal system about the DDA.

The amount of time a complaint takes to go through the process is painfully slow. Are there instructions of how to lodge a complaint are they available in an accessible format?

To lodge a complaint under the Disability Discrimination Act is a process which requires a good deal amount of time to reach an outcome.