

Submission from Hurstville City Council for the Productivity Commission DDA inquiry

In response to the invitation for submissions to the Productivity Commission with regards to the 10-year review of the Disability Discrimination Act (DDA), Hurstville City Council has consulted the Hurstville Access Committee, service providers in the region who are members of the St George Disability Interagency and fellow St George and southern Sydney Councils.

There are some shared views of problems that arise with the Act

- The complaints-driven nature of the Act: The impact of reactive-type policy directs the responsibility for the creation of an environment and community that is supportive and accommodating for people with a disability, into the lap of individuals or possible class action. The financial expense of a challenge may be prohibitive and discourages challenges or the willingness for individuals to stand up for their rights. This is of particular concern for people with intellectual disabilities who may need strong advocates to identify matters of discrimination in the first instance. The role of HREOC is limited and community advocates and support for complainants are recognised as a service gap.
- The use of appeals for “undue hardship”: This clause is used by organisations that are unwilling to comply with the requirements of the Act as associated expenses can be prohibitive. A preferred system might be to provide some kind of pecuniary incentive to organisations that are prepared to make premises fully accessible. How to legislate for this?
- The Act as an educational tool: As a legal document, the DDA requires explanation and promotion in plain English and community languages. This is an unrealistic expectation. Ongoing resources are required to define, promote and increase community awareness about the desired intention of the DDA.