

Mackay Regional Council for Social Development Limited

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13 May 2003

Ms Delwyn Rance
DDA Inquiry
Productivity Commission
LB2 Collins Street East
Melbourne 8003

Dear Ms Rance

Please find enclosed a submission to the Disability Discrimination Act (DDA) Inquiry being undertaken by the Commission.

This submission, though prepared by the Mackay Regional Council for Social Development (MRCSD), is the result of a workshop held in Mackay to explore the nature of the DDA Inquiry and to develop a collective response to the Inquiry.

The list of participants in the workshop is attached.

On behalf of the participants, I thank you for this opportunity to comment on the DDA and to provide some input into the future of the legislation.

Should you require any further information, please contact me.

Yours faithfully

Eunice Donovan
Executive Officer

Mackay Regional Council for Social Development

Submission to Disability Discrimination Act Inquiry

Background

This submission contains the outcomes of a workshop held in Mackay on 8 April 2003 to discuss the implications of the Disability Discrimination Act (DDA) Inquiry, and to identify a collective response to the Inquiry.

The workshop was attended by individuals and service-providers (both government and non-government) with a long involvement in the field of disability.

While participants identified and acknowledged the positive effects of the existence of the DDA, a number of themes relevant to the Inquiry emerged through the workshop.

Inquiry Section 2.7 Complaints

a) Lack of accessibility of the complaints process

Workshop participants expressed concerns about the difficulties of accessing the complaints processes outlined in the DDA.

The Human Rights and Equal Opportunity Commission (HREOC) is based in Sydney, and there are many factors that inhibit people's capacity to lodge a complaint. These factors include:

- A lack of relationship with staff based in Sydney
Many people believe that staff members of a national organisation based in a metropolitan area will have little understanding and recognition of the context of rural and regional Queenslanders. The "lived experiences" of people seem very different to the point that making contact becomes very difficult.
- The perceived costs of making contact with a Sydney-based organisation
A flow-on perception about a Sydney-based office is that communications will be costly. Despite the existence of "free-call" telephone numbers, etc, the perception remains that contact with HREOC will be expensive.
- Communication, language and literacy barriers
For some people, the physical act of communication is very difficult. People who need to use communication aids have trouble accessing the complaints processes because of the "remote" methods of communication.

b) Lack of enforceability of rulings

A key issue raised by workshop participants is that of the "paper tiger" role of HREOC.

Because rulings made by HREOC are not enforceable in law, the motivation to pursue a complaint is lessened. There is a sense of "why bother?" when the outcomes of the complaint process can be ignored by the parties involved.

A complainant may choose to pursue the matter into the Federal Court, but the costs and nature of such action may seem overwhelming.

c) Slowness of complaint handling processes

Workshop participants also discussed their concerns about the extended time-frames involved in hearing and resolving complaints made to HREOC. It appears that these delays can "spill" complaints beyond the time-frames allowed within the DDA.

Inquiry Section 2.8 Education and Public Policy Roles

Workshop participants were clear that insufficient public education occurs, about the DDA, the existence of the complaints process through HREOC, and the outcomes of complaints.

Some participants at the workshop indicated that they were unfamiliar with the DDA despite caring for and supporting relatives who would be covered by the legislation.

Discussion around this led to comments that more publicity about complaints and their outcomes would be useful, if this could be done in a non-identifying way.

**DDA Inquiry Workshop
Mackay
8 April 2003**

Name	Organisation (if applicable)
Jennifer Johnson	Mackay Regional Council for Social Development
Joy Brown	Disability Services Queensland
Karen Langtree	Mackay and District Education Centre
Jan Hansen	Mackay City Council
Ruth Wegner	Mackay Family Care & Community Support Assoc
Alfred Micallef	n/a
Rino Patroni	n/a
John McIlwain	n/a
Eunice Donovan	Mackay Regional Council for Social Development
Neil Springell	Disability Services Queensland
Sharon Schoneveld	Disability Services Queensland