

## **Disability Theory and Disability Discrimination Act 1992**

Barnes and Oliver (1999:168) mention that the defining feature of disability theory has

been its focus on social exclusion and oppression of disabled people. The barriers are

embedded in policies and practices based on the individualistic, medicalised approach to disability. Consequently the removal of such obstacles involves far more than gaining control over material resources and the range and quality of services. It requires a fundamental reappraisal of the meaning and hence medicalisation of disability and recognition that the multiple deprivations experienced by people with accredited impairments are the outcome of hostile and social environments: in other words, the way society is organized.

Applying Barnes et al (1999:168) to the present rules of Deakin University to the disabled indicates the obstacles the University places for the disabled. The rule of Deakin is 'the Disability Resource Centre does not automatically apply special consideration for assignments unless there is a specific problem'.

The rule of Deakin militates against section 22 (2) (a) and (c) of the Disability Discrimination Act 1992. Section 22 (2) (a) and ( c) specifically mentions that the access for disabled student must not be limited to any benefit provided by the educational authority and further the disabled student must not be subject to any detriment.

The Deakin rules mentioned above creates a hostile environment for the disabled students, thus, creating obstacles for gaining a range of quality services for the disabled in the University.

Melville Miranda  
Victoria

Date: 6-9-03

## **The Great Confinement and the Disability Discrimination Act 1992**

The Victorian penchant for excluding the disabled people from social participation on the ground of what today might be called 'difference' was summed up by Foucault (1969) notion of the 'great confinement'. The segregation associated with confinement was not only equivalent to custodial sentence, often for life, but was also a sentence of 'social death', which was, in itself a sort tacit legitimization for the denial of human rights and the application of oppressive practices of care as expressed by Barnes (1990). These institutional spaces of exclusion, into which disabled were cast, were, after all, 'civilised' by medical jurisdiction. The very authority that had objectified disabled people by reducing them to their impairments now had the opportunity to define disabled people's needs and, in many cases, act *in loco parentis*

The Disability Discrimination Act 1992 does not have reference to the medical model of *in loco parentis*. Time is ripe where the Act has to define the what, why, when, how and where of disability. The present result is that Act creates a sort of tacit legitimization for the denial of human rights and the application of oppressive practices of care for the people of disability in Australia.

Melville Miranda  
Victoria  
Date: 7-9-03

## **Globalisation and The Disability Discrimination Act 1992**

Mishra ( 1996:6) mentions 'put simply, by providing capital with an 'exit' option, globalization had strengthened the bargaining power of capital very considerably against government as well as labour----. Thus money and investment capital can vote with their feet if they do not like government policies --- Indeed globalization virtually sounds the death-knell of the classical social democratic strategy of full employment, high levels of public expenditure and progressive taxation'.

If Mishra (1996) is correct, the consequences for the disabled in Australia of such constraints on the welfare state are profound. The Disability Discrimination Act must have provisions for the removal of disabling social barriers that necessitates that Australian society must have goals for the disabled other than simply profit maximisation.

Melville Miranda  
Victoria

Date: 8-9-03