

Access News

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Access Audits Australia

disability access  advice  training

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DDA Tenth Anniversary



Enactment of the Commonwealth Disability Discrimination Act (DDA) on 1 March 1993 created a rolling wave of change, which has continued to flow on through our lives to the extent that it now affects many things we do, on a daily basis.

Whether we go to school, travel on public transport, enter a government building, watch television, attend a theatre or participate in a sporting event, chances are the way we go about doing these activities has been altered as a result of the DDA.

The basic premise of this legislation is to encourage a broad "access for all" philosophy. The DDA provides uniform protection against unfair or unfavorable treatment for people with disability.

It is the most far-reaching legislation to date in Australia in relation to disability access issues and supports the development of fully inclusive and integrated communities, which include people with disabilities, in all aspects of community life. It promotes recognition and acceptance and values participation and contribution.

Many organizations in the government and business sectors have undergone significant changes to respond to the requirements of the DDA. Bus, tram and train operators are examples of where there have been positive steps towards the provision of more access responsive services and infrastructure.

Local Government in particular has wide ranging responsibilities in meeting the requirements of the legislation. As often the largest service provider in a local community, Councils must respond in a comprehensive manner to ensure that all their services, facilities, programs and planning processes are accessible to all people. In doing so, the needs of people with a range of disabilities must be considered in all areas of Council operations and service delivery.

While much has been achieved in the time since the DDA came into force, there is still much to be done to reach the stage where the aims of the DDA are included in the effective operation of all business.

Access Audits Australia

provides the following range of services to support improved access to the built environment and to the provision of goods and services:

- ◆ Disability access training
- ◆ Community consultation
- ◆ Access presentations, publications and inspirations
- ◆ Development and Review of Disability Action Plans, Development Access Plans, policies and procedures
- ◆ Access Audits, Evaluations and Design Advice

Access Audits Australia is pleased to advise or assist you with any access issue.

Contact 

Access News

is published by 

Access Audits Australia

92 Old Eltham Road, Lower Plenty

Victoria, Australia. 3093

T. 03 9431 3472 F. 03 9431 3046

AAAaxs@bigpond.net.au

www.accessauditsaustralia.com.au

Please contact AAA for a text only copy

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Disability Action Plans



Many organisations have actively responded to their responsibilities under the DDA through the development of Disability Action Plans. These plans assist organisations to identify and address practices which may result in discrimination against people with a disability, as detailed in the Disability Discrimination Act 1992.

For example, many Local Government Councils have been encouraged and supported by the Municipal Association of Victoria (MAV) to develop action plans. In 2002 the MAV undertook a Disability Action Plan survey of all 78 Victorian Councils to identify action taken throughout the sector in respect of the DDA. This survey was also supported by the Victorian Local Government Disability Network members.

The results show that disability access and inclusion is firmly on the agenda in the Victorian Local Government sector. In particular, 58% of Councils were currently implementing a Disability Action Plan with a further 28% reporting they will have one in place by mid 2003. That will make a total of 86% compared with the 1999 figure of 31%.

This survey provides evidence that Victorian Local Government is well ahead of State Government and the corporate sector in actively addressing equitable access and inclusion for people with a disability. Although the survey results were very positive, it was acknowledged that many Councils were experiencing serious challenges in some aspects of this work.

Disability and Discrimination



The DDA is a complex piece of legislation designed to provide equity of access while protecting the rights of all people. The Disability Rights section of the Human Rights and Equal Opportunity Commission (HREOC) website at www.humanrights.gov.au/disability_rights contains a range of resources and links on disability rights and discrimination issues, together with explanations and interpretations of relevant aspects of this legislation.

The term “disability”, as used under the DDA, is broadly defined. It is intended to include physical, sensory, intellectual and psychiatric impairment, mental illness or disorder and provisions relating to the presence in the body of organisms causing or capable of causing disease.

This definition also includes a disability that presently exists, that existed in the past and one that may exist in the future. This is designed to include persons whose disability is not yet apparent but which may occur at some time in the future. The definition will also include a disability that is imputed to someone, even though they do not in fact have that disability.

Information is given about a broad range of circumstances where discrimination could be seen to occur. In the case of “direct disability discrimination” the legislation defines what is meant by direct discrimination against a person on the grounds of their disability. This occurs when a person is treated less favourably on the basis of their disability in circumstances that are the same or not materially different than a person without the disability.

One Person's View

He has been a consultant to organisations such as Westpac, Qantas, Sydney Water and numerous local Councils on the employment of and service provision to people with disabilities.

He is a well-known conference and "after-dinner" speaker and received an AM in the 1995 Australian Honours for his contribution to the development of Commonwealth Disability Discrimination legislation.

He is married with a teenage son and a pre-school age daughter, enjoys cricket (as a spectator) and sailing (as a participant) and relaxes by drinking fine Australian white wine.

For many years he was an active participant in both local

and international cricket competitions, for people with vision impairment.

Graeme Innes is also a lawyer and mediator, and has been an equal opportunity practitioner for more than 20 years. As Deputy Disability Discrimination Commissioner with the Commonwealth Human Rights and Equal Opportunity Commission he is responsible for public inquiries, exemption applications, and the development of standards under the Disability Discrimination Act.

Graeme has worked in the equal opportunity field in NSW and WA and is currently a part-time member of the NSW Administrative Decisions Tribunal (Equal Opportunity Division); and the NSW Consumer Trader and Tenancy Tribunal.



He has been active in the disability field for over twenty-five years and has served on the Committees and Boards of numerous consumer and service-provision organizations.

He was Chair of the Disability Advisory Council of Australia and is currently the first blind President of Royal Blind Society of NSW and one of Australia's delegates to the World Blind Union. He is a member of the Australian delegation to the United Nations committee developing a Convention on the rights of people with disabilities.

All in all, Graeme Innes is a very busy person committed to raising awareness and working towards resolving issues for people with disabilities.

“Don't judge what I can do by what you think I can't”

HREOC has published a report to mark ten years since the Disability Discrimination Act (DDA) came into force in March 1993. The report is titled “Don't judge what I can do by what you think I can't”.

This publication presents an overview of the history and aims of the DDA, along with the Commission's view of how the different mechanisms within the DDA have worked over the past 10 years to achieve change. It is not a review of the effectiveness of the DDA or the Commission's work, but attempts to highlight changes worthy of recognition.

There are examples of achievements so far in each of the main areas of DDA coverage. There are also a number of personal accounts from individuals who have used the different mechanisms within the DDA to achieve change for themselves or on behalf of others. Further material on the DDA and its implementation is on the HREOC website at www.humanrights.gov.au/disability_rights. Anyone who is interested in disability discrimination issues is encouraged to obtain a copy of this report, either from this site or by contacting HREOC.



Did you know ?

- That HREOC's web site at www.humanrights.gov.au receives up to 700,000 hits per month.
- That it is now possible to download a form at www.bca.org.au/ddacomp.htm to use to lodge a complaint to HREOC, under the DDA, in respect of a web site that is considered to be inaccessible to a person with vision impairment.
- That there have been over 5,500 complaints lodged under the DDA since establishment of this legislation.
- That many hundreds of these complaints have been resolved with an agreement to modify premises to make them accessible.
- That one complaint arose when two friends were required to leave a bar because one of them was accompanied by a guide dog. The complaint was settled with an apology, compensation of \$ 3,000 in total plus expenses and a donation to charity.
- That the tenth anniversary of the launch of the DDA has been celebrated with functions and forums involving HREOC and state based organizations in Sydney, Brisbane, Hobart, Melbourne, Perth, Adelaide and Darwin.

Access Challenges for Local Government



Local Government throughout Australia faces various challenges in responding to the access needs of all of their community, as required under the Disability Discrimination Act (1992)

Access issues exist in all areas of Council responsibility - premises, infrastructure, programs and activities. They must also be tackled by Councils in all aspects of its role in a local community - governance, planning, service delivery, local leadership and employer.

Some strategies and solutions are relatively easy and practically cost neutral. Others, particularly in physical infrastructure and Council premises and open space, do incur an increase in expenditure. Some strategies can be implemented overnight while others are likely to be fully resolved over coming decades.

In terms of new projects, opportunities exist to ensure initial concepts and the design process prioritise access responsive outcomes.

In this way, accessible results can be achieved at little if any additional cost, as these challenges usually have to be met without significant increases in funding from external sources. Also, while recognising the importance of disability access, Councils are faced with other legitimate (and competing) "diversity" claims affecting people from different cultural and linguistic backgrounds and aboriginal communities.

**Our email address at Access Audits Australia has changed
You can now contact AAA at AAAaxs@bigpond.net.au**

AAA Website

Details about services provided by Access Audits Australia can be found on our web site at www.accessauditsaustralia.com.au

Our site is designed to be accessible for all users. It has AAA W3C level compliance and is AAA Bobby approved. Earlier Access News editions can be downloaded and there are also links to other relevant access related web sites.

Information contained in **Access News** is intended to highlight the importance of improving access for every person

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