

family

A D V O C A C Y

PO Box 502
Epping NSW 1710

305/16-18 Cambridge St
Epping NSW 2121

Phone: (02) 9869 0866
Facsimile: (02) 9869 0722

Record

309

File Number

10276

Author: Unknown

Title: Disability Discrimination Legislation

Original source: National Recreation Network Newsletter Volume 1 Number
4

Resource type: Written

Publication Date: 01/10/92

Publisher info: -

Abstract

This brief paper describes the background and content of the Commonwealth Disability Discrimination Legislation which was passed by Parliament in 1992.

Keyword: Government

DISABILITY DISCRIMINATION LEGISLATION

The Commonwealth Disability Discrimination Legislation was passed by Parliament on 15th October 1992.

Background

Recent research has found that, on average, 94 percent of Australians agree that people with disabilities should be entitled to the same rights as the rest of Australian society, yet until now we have lacked uniform, national legislation on disability discrimination.

As part of its social justice agenda, the Federal Government has implemented a series of reforms to benefit people with a disability. These reforms have included the introduction of the Disability Services Act 1986 and the Disability Reform Package, which sets up new methods of income support for people with a disability and encourages increased employment opportunities.

While some State anti-discrimination legislation currently exists, it was considered that comprehensive uniform national legislation was required.

A Disability Discrimination Legislation Committee was established in June 1991 as a joint initiative between the Minister for Health, Housing and Community Services, Mr Brian Howe, and the Attorney-General, Mr Michael Duffy.

The Disability Discrimination Legislation Committee's role was to consult community groups on the need for disability discrimination legislation. The committee included representatives from the Disability Advisory Council of Australia (DACA), the Human Rights and Equal Opportunity Commission (HREOC), the Department of Health, Housing and Community Services (DHHCS) and the Attorney-General's Department.

The Committee co-ordinated a wide range of consultations with peak industry and disability groups on the draft Bill. Copies were produced in print, audio and braille versions for these purposes.

The comments received were considered and some amendments to the Bill were made to accommodate issues that were raised. The Bill passed through the House of Representatives on 19 August 1992, and as indicated above was passed by the Senate 15 October 1992.

Timing

Provision has been made for the Legislation to be implemented progressively to allow for an orderly operational start - up.

The Disability Discrimination Commissioner should be appointed in the latter part of this year and the Human rights and Equal Opportunity Commission should begin accepting complaints under the Act by early 1993.

Key Features

The Disability Discrimination Legislation is complaints based. That is, it operates on the basis of investigating complaints received from the public. It is broadly styled on the Commonwealth's existing anti-discrimination legislation, the Racial Discrimination Act 1975 and the Sex Discrimination Act 1984.

Scope

The legislation covers employment, education and training, access to premises, provision of goods and services, accommodation, the administration of Commonwealth laws and programs, membership of clubs, participation in sporting activities and certain requests for information. It will apply generally throughout Australia and external Territories.

Definition of Discrimination

The legislation defines discrimination as including direct and indirect discrimination, discrimination against people associated with people with a disability, discrimination on the basis of someone's possession of certain devices (such as wheelchairs and canes), harassment, and discrimination on the basis that a person needs assistance from either humans or animals. Unfair discrimination would be largely determined by the following;