

I am a person with a disability arising from contracting poliomyelitis in 1949.

I run a small consultancy business advising architects, builders, government authorities, etc. in relation to access to the built environment for people with a physical disability. As part of that advisory process, I am very aware of the provision of the Disability Discrimination Act (DDA). In my view, the Act's greatest weakness is its complaints based nature. I have heard people use the phrase "DDA compliant", which is of course a nonsense; the DDA is not prescriptive, only proscriptive.

The administration of DDA complaints is administered by the Human Rights and Equal Opportunity Commission (HREOC) which, once a complaint is lodged, is obliged to attempt to bring the parties to a conciliated agreement in order to settle the matter. In the event that conciliation fails or is not possible, the complainant must then pursue the matter in the courts, which can often be expensive. It is fair to say, I believe, that the majority of people with a disability come from the lower percentile of the socio-economic group; talk of improving accessibility to legal aid programmes for complainants is akin to applying a bandaid. The DDA itself needs to be modified (or to have supporting legislation enacted) to provide for prescription and penalty.

Sincerely,

Bob Kellow

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