
1 Perth forum

The Productivity Commission was invited to attend a forum organised by the Disability Services Commission in Perth about the inquiry into the DDA. The format of the forum is shown in the table below.

Time	Person	Function
12.40	Jenni Perkins	Introduce speakers and explain format of forum
12.40	Lawrence McDonald	Overview of purpose and goals of the inquiry Progress so far Key dates for participants
1.00	John Byrnes	Experience with DDA
1.10	Helen Owens	Invite discussion with and queries from audience
1.50	Jenni Perkins	Close forum

Audience participation

The participants in the audience raised a number of issues in the discussion, which was chaired by Helen Owens.

DDA

People with disabilities frequently have no knowledge of the DDA and this is particularly true of people who have acquired disabilities or who are older. Further, discrimination is so widespread and frequently experienced that people with disabilities learn to tolerate it. People working in the sector also have little understanding of the DDA, or how to use it to help their constituents, because of the complexity of the DDA and the variety of disabilities types and needs of their constituents. A suggestion was made that the DDA should be changed so that it specifically mentions different disability types and how it applies to them. Otherwise, the DDA is too general and is too hard to explain how it applies to individuals' situations — it is just 'words on paper'.

People with disabilities find it hard to use the DDA because it is adversarial and people with disabilities are just trying to cope with the challenges of their everyday

lives. Ironically, the people who need the DDA the most are those least able to use it. Carers face a similar problem of lack of resources, which creates a real role for advocacy groups, which should make complaints on their behalf in a strategic way. These groups frequently have more resources and ‘clout’ than individuals — a multiple sclerosis group in WA negotiated two successful outcome with insurance companies which the individuals had been unable to achieve by themselves.

There was general support for the DDA being altered so that organisations could launch complaints on behalf of their constituents. The penalties for discrimination should also be raised so that they are a meaningful deterrent.

HREOC

One of the problems with the DDA is that it is reactive legislation — something bad needs to happen before it can be used. Instead, HREOC should identify important systemic issues to address through inquiries. However, inquiries need to be chosen carefully. For example, it would not be appropriate for HREOC to launch an inquiry into captioning of televisions in hotels because this service is beginning to be provided anyway and the hospitality sector is too broad.

The amount of time that it takes for a complaint to be resolved should be reduced.

There is confusion about the State/Commonwealth jurisdictions.

Organisations should perhaps record discrimination complaints that are handled internally, which would result in more representative data than just complaints to HREOC.

Services

People are reluctant to complain about service providers, if they are the only ones who can feasibly provide the service to them, because of the fear of retribution. This is particularly a problem in rural or remote communities but can also happen in urban areas. For example, teachers who are also parents of people with disabilities will not advocate on behalf of their children with their schools because “they know what the consequences will be”. While the DDA allows for people to complain about victimisation, the burden of proof means that it offers little protection.

It was suggested that the exemptions or unjustifiable hardship clauses should not be available to organisations who are the sole-providers of a service (e.g. remote air travel). Questions were raised about the costs that this might impose upon other people if it resulted in the service not being provided at all. A suggested alternative

was that people without a disability put pressure on service providers to provide these services to people with disabilities.

Information

There is a problem of ‘immediacy of information’. People need the information when they have a problem, not information leaflets they just put away in a drawer. The method of communication must also match that used by modern society. It seems that written material is less memorable than radio or television — people do not drink coke because they received a pamphlet about it.