
Key points

- The *Disability Discrimination Act 1992* (DDA) aims to provide a fair go for Australians with disabilities—it gives them the right to substantive equality of opportunity in areas like employment, education and the provision of goods and services.
- Overall, the DDA has been reasonably effective in reducing discrimination. But its report card is mixed and there is some way to go before its objectives are achieved.
 - Access to public transport and education has improved more than employment opportunities.
 - People with physical disabilities have been helped more than those with mental illness or intellectual disabilities—but other factors might be relevant.
 - People with disabilities in regional areas, from non-English speaking backgrounds and Indigenous Australians still face particular disadvantages—but race discrimination, language, socioeconomic background and remoteness also play a part.
 - The nature of the challenge facing the DDA will change as the focus shifts from removing physical barriers to addressing attitudinal barriers.
- The DDA meets the Competition Principles Agreement legislation review requirements.
 - Many benefits are intangible but widespread.
 - Costs of compliance are likely to be quite small for many organisations.
 - In-built safeguards help ensure a net benefit to the Australian community.
 - Its impact on competition appears to have been limited.
 - No satisfactory alternatives for achieving its objectives exist.
- Care needs to be taken in the way the DDA is implemented through disability standards if it is to continue to produce net benefits. While the DDA should be amended to allow standards to be developed for all areas of the Act, they should not be able to alter the fundamental scope of the Act.
- The unjustifiable hardship defence should be strengthened and extended to all areas of the Act. It should also apply to all standards.
- An explicit duty to make ‘reasonable adjustments’ should be included in the DDA.
 - It should cover all areas of the Act.
 - It should exclude adjustments that would cause unjustifiable hardship.
 - Its costs should be shared between affected organisations and government.
- Other changes would make the DDA more effective.
 - Amendments to the Act to clarify definitions and refine the scope of exemptions.
 - Changes to complaints processes to require that parties bear their own costs in most cases and allow organisations to initiate complaints in their own right.
- These recommendations would promote the objectives of the DDA and enhance its net benefits to the Australian community.