



Ins & Outs of the Disability Discrimination Act

What is Universal Access?

Universal access means equitable access for all, including people with disabilities, to any aspect of the built environment, services and facilities. The built environment refers to any aspect of the man-made environment, including buildings or parts of buildings, transport, outdoor spaces, equipment, information, communications, and management practices relating to the environment.

What is the D.D.A.?

The Federal Disability Discrimination Act 1992 (D.D.A.) provides information to people who design, build, own, manage, lease, operate, regulate and use premises about their responsibilities and rights under section 23 of the Disability Discrimination Act (DDA). Section 23 of the DDA makes it unlawful to discriminate against people with a disability, or their associates, in relation to access to, and use of, premises that the public enter or use.

What does the D.D.A. cover?

The DDA makes it against the law to discriminate against someone if they have a disability in obtaining:

- Access to premises used by the public. For example, using libraries, places of worship, government offices, hospitals, restaurants, shops, or other premises used by the public.
- Provision of goods, services and facilities. For example, when a person wants goods or services from shops, pubs and places of entertainment, cafes, video shops, banks, lawyers, government departments, doctors, hospitals and so on.

Who does the D.D.A. protect?

The definition of "disability" in the DDA includes:

- Physical
- Intellectual
- Psychiatric
- Sensory
- Neurological, and
- Learning disabilities, as well as
- Physical disfigurement, and
- The presence in the body of disease-causing organisms.

The DDA covers a disability which people:

- Have now,
- Had in the past (for example: a past episode of mental illness),
- May have in the future (eg: a family history of a disability which a person may also develop),
- Are believed to have (for example: if people think someone has AIDS).

The DDA also covers people with a disability who may be discriminated against because:

- They are accompanied by an assistant, interpreter or reader,
- They are accompanied by a trained animal, such as a guide or hearing dog, or
- They use equipment or an aid, such as a wheelchair or a hearing aid.

The DDA also protects people who have some form of personal connection with a person with a disability like relatives, friends, carers and co-workers if they are discriminated against because of that connection or relationship.

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The Ins and Outs of Access

The Disability Discrimination Act (DDA) makes it against the law for public places to be inaccessible to people with a disability. Places used by the public include:

- Public footpaths and walkways
- Educational institutions
- Shops and department stores
- Banks, credit unions, building societies
- Parks, public swimming pools, public toilets, and pedestrian malls
- Cafes, restaurants, pubs
- Theatres and other places of entertainment
- Lawyers' offices and legal services
- Libraries
- Sporting venues
- Social and sporting clubs
- Government offices
- Public transport including trains, buses, ferries, boats, ships and planes
- Dentists' and doctors' surgeries
- Hospitals
- Hairdressers and beauty salons
- Travel agents, and
- Government-run services

This applies to existing places as well as places under construction. To comply with the DDA existing places may need to be modified to be accessible (except where this would involve "unjustifiable hardship").

What is expected?

Every area and facility open to the public should be open and available to people with a disability. They should expect to enter and make use of places used by the public if people without a disability can do so. For example:

- Places used by the public should be accessible at the entrance and inside
- Facilities in these places should also be accessible (wheelchair-accessible toilets, lift buttons within reach, tactile and audible lift signals for people with vision impairments)
- Rather than being confined to a segregated space or the worst seats, all areas within places used by the public should be accessible to people with a disability.
- Information available to users of the premises should be accessible.

What if providing access is too difficult?

The DDA does not require the provision of access to be made if this will cause major difficulties or excessive costs to a person or organisation. This is called "unjustifiable hardship".

But before deciding that providing access is unjustified, a person or organisation should:

- thoroughly consider how access might be provided
- discuss this directly with the person involved, and
- consult relevant sources of advice.

If adjustments cause hardship it is up to the organisation to show that they are unjustified.

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