



Review of the Disability Discrimination Act 1992

The Disability Discrimination Act makes discrimination unlawful in employment, education, access to goods, services and public places, and other areas of public life. The Disability Royal Commission highlighted significant discrimination still faced today. The Issues Paper seeks feedback on proposed amendments and ideas for improvement.

Scope

As below, the review **will** consider:

- Provisions in the Disability Discrimination Act
- Recommendations from the Disability Royal Commission
- Other areas of reform to the Disability Discrimination Act

The review **will not** consider:

- Age, race & sex discrimination laws
- Australian Human Rights Commission Act
- Disability Standards – reviewed every 5 years
- State & territory laws

The review will consider the following topics:

Understandings of disability and disability discrimination

- The definition of disability
- Intersectionality
- The definitions of direct and indirect discrimination *Recs 4.23 and 4.24*
- Consistency between the Disability Discrimination Act and the Convention on the Rights of Persons with Disabilities *Recs 4.33 and 4.34*

Positive duty to eliminate discrimination

- A positive duty for duty holders to eliminate disability discrimination *Recs 4.27 and 4.28*

Inclusion of people with disability in employment, education and other areas of public life

- The duty to provide adjustments for people with disability *Recs 4.25 and 4.26*
- The definition of and considerations for unjustifiable hardship *Rec 4.32*
- The factors considered by prospective employers when determining if a prospective employee can carry out the inherent requirements of the job *Rec 7.26*
- Suspension or exclusion of students with disability *Rec 7.2*

Access to justice

- Offensive behaviour and vilification protections for people with disability *Recs 4.29 and 4.30*
- The definition of 'services' as it applies to police officers *Rec 8.19*

Exemptions

- Current exemptions to the Disability Discrimination Act including the operation of the migration exemption in the Disability Discrimination Act *Rec 4.31*

Modernisation of the Disability Discrimination Act

- Rules about assistance animals
- The framework for disability action plans
- The framework and enforceability of the Disability Standards within the Disability Discrimination Act

Next steps

Public consultations

Consultations open
for 12 weeks

Submissions

To have your say, visit
the Attorney-General's
Department website

Discussions

In person and virtual
discussions to inform review