



**Submission in response to the public consultation on the
Review of the Disability Discrimination Act 1992
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Who is the Physical Disability Council of NSW?

The Physical Disability Council of New South Wales (PDCN) is the peak advocacy organisation for people with physical disabilities in NSW. We work to build futures with choice for people living with physical disabilities, advocate for disability inclusion across Government and business, and drive systemic reform around accessibility. Our work is helping to build an inclusive NSW where the aspirations of people living with physical disabilities can be realised.

The objectives of PDCN are to:

- Shift attitudes by genuinely listening to and championing the diverse voices of the NSW physical disability community through amplifying our community's voice via strategic partnerships and building the profile of the physical disability community in NSW.
- Guide pragmatic solutions to complex issues that can change the lives of people with disabilities in NSW through a community led portfolio of expertise, including health, accessible communities, housing, transport, NDIS and Foundational Supports.
- Develop the capacity of people with physical disability in NSW to identify their own goals and build the confidence needed to achieve their goals through individual mentoring, workshops and peer groups.
- Drive real-world change across the public and private sector through our Disability Inclusion Benchmarking Services.

PDCN also convenes the NSW Disability Advocacy Network (NDAN), which is a network of disability advocacy organisations across NSW. We are funded by the NSW Department of Communities and Justice. Collectively we deliver systemic, representative and individual disability advocacy services across the state and represent people with disabilities in NSW.

The following submission draws on the knowledge and experience of people with lived experience of physical disability.



Executive Summary

The Physical Disability Council of NSW is pleased to have the opportunity to respond to the public consultation on the review of the Disability Discrimination Act 1982 (DDA). As the peak advocacy organisation for people with physical disabilities in NSW we regularly hear stories about discrimination against people with disability and the negative impacts these experiences have on people's employment, health and wellbeing outcomes.

The PDCN is a member-led organisation. Our strategic priorities and work is driven by people with lived experience of disability. We collect information and evidence about discrimination through the Lived Experience Advisory Panel, community consultations held in regional, remote and metropolitan areas of NSW, member surveys and individual member consultations. We also hear stories of discrimination against people with physical disability through representative advocacy organisations.

This submission presents a series of legislative and regulatory recommendations to strengthen the Disability Discrimination Act 1992 (DDA) and address key gaps that limit its effectiveness in protecting the rights of people with disability.

Section one recommends introducing positive legal obligations for duty holders to actively prevent and eliminate discrimination against people with disability. These obligations would shift the burden of proof from individuals to duty holders, creating a fairer and more proactive system. Drawing on models such as the *Victorian Equal Opportunity Act 2010* and the *Respect@Work* reforms, this section highlights how positive duties can drive cultural and systemic change. It also proposes clarifying the concept of "unjustifiable hardship" to ensure fairer treatment for people with disability.

Section two calls for the establishment of a standalone test for discrimination arising from a failure to provide reasonable adjustments. While the current Act defines direct and indirect discrimination, it does not explicitly cover situations where equality is denied because necessary adjustments are not made. Introducing a clear duty to provide reasonable adjustments, such as accessible facilities, interpreters, or adaptive technology, would align



the DDA with contemporary equality frameworks in the UK and Victoria, ensuring stronger and fairer protections.

Section three recommends legislative reform to recognise the right to accessible housing for people with physical disabilities. The DDA currently lacks provisions addressing housing accessibility. PDCN proposes introducing enforceable accessibility standards, either by mandating compliance with the *Livable Housing Design Standards* or by establishing a dedicated *Disability Standard for Housing*. These measures would increase the supply of accessible housing, address Australia’s housing crisis, and ensure compliance with international human rights obligations.

Section four advocates for greater transparency through the publication of de-identified summaries of disability discrimination conciliation outcomes by the Australian Human Rights Commission. Sharing these insights would support businesses and service providers to strengthen policies, training, and accessibility practices, helping prevent future discrimination and promoting compliance with the DDA.

Recommendations for legislative reform to the Disability Discrimination Act 1992
for people with physical disabilities.

Recommendation 1: The Disability Discrimination Act should legally mandate positive duties for duty holders to prevent and eliminate, as far as possible, discrimination against people with disabilities.

The Disability Discrimination Act should be amended to impose a positive legal duty on duty holders to take reasonable and proportionate measures to prevent and eliminate discrimination against people with disability. This reform would shift the DDA from a reactive, complaints-based model to a proactive framework for equality, consistent with contemporary human rights standards and legislative precedents such as the *Victorian Equal Opportunity Act 2010* and the *Respect@Work* amendments to the *Sex Discrimination Act 1984*.

1a. The burden of proof for proving the legal elements of discrimination will be placed on the more powerful entity, shifting away from the individual.

A complaints-based approach places the burden on individuals to identify and prove discrimination, even when systemic barriers are well-documented. Positive duties would create a proactive expectation that organisations identify and address barriers before discrimination occurs. This approach in jurisdictions such as Victoria shifts the focus on prevention, training and inclusive practice within organisational culture.

The Disability Royal Commission (Recommendation 4.27)¹ recommended amending the DDA to shift the burden of proof so that respondents must demonstrate that conduct was **not** discriminatory. This reflects the significant power imbalance between individuals and institutions. Reversing the burden of proof would align Australia's anti-discrimination law with international best practice and the *UN Convention on the Rights of Persons with Disabilities* (Articles 4 and 5).

¹ Consultation Paper, Review of the Disability Discrimination Act 1982, Attorney General



People with physical disabilities report to PDCN that the stress, cost and procedural complexity of current complaints processes deter them from pursuing justice. As one PDCN member told us in July 2025, following her daughter’s exclusion from school due to wheelchair inaccessibility, “We didn’t have the energy left to raise a complaint.” The requirement to lodge a complaint under discrimination law and then to carry the burden of proof needed to prove discrimination is, in our view, an unfair burden. From a community perspective, we have heard that people are too traumatised and exhausted after dealing with a discriminatory situation to face making a complaint under the law. PDCN members have told us that they are unlikely to make disability discrimination complaints due to the stress, cost, and emotional fatigue. The requirement for individuals to prove discriminatory intent, often within systems stacked against them, acts as a deterrent to justice rather than a pathway to it.

The *Victorian Equal Opportunity Act 2010* provides a strong precedent for operationalising positive duties. Section 15 requires organisations to take “reasonable and proportionate measures” to eliminate discrimination, harassment and victimisation across employment, education, goods and services, accommodation, clubs, sport and local government. These duties are realised through policies, training and accessible practice. A similar model within the DDA would encourage industries and sectors to proactively identify and remove barriers to participation.

Introducing a positive duty under the DDA would modernise Australia’s anti-discrimination framework, ensuring it aligns with the Respect@Work reforms and the principles of the *Convention on the Rights of Persons with Disabilities*. It would shift the focus from reactive redress to proactive prevention, embedding accessibility and inclusion as standard practice across workplaces, services and public institutions.

Case study – Gaps in disability competence within hospital care

Declan, a wheelchair user, was hospitalised for mental health treatment. Staff were untrained in supporting patients with physical disabilities and refused to assist him to shower, leaving him stranded on the floor after a fall. If hospitals were subject to a positive duty to prevent

discrimination, this facility would have been required to train staff in safe manual-handling and personal-care practices. The absence of such training demonstrates how lack of positive obligations perpetuates harm and exclusion.

Shifting the Burden of Proof Creates a Fairer Legal Dynamic

Discrimination against people with disability remains systemic and deeply embedded in everyday Australian life. Yet the current legal framework places the burden of proof on individuals, assuming equality between complainants and powerful institutions. This assumption is false. Schools, employers, transport providers and government agencies hold the corporate information and have the resources necessary to explain and improve their decisions and practices. Reversing the burden of proof would create a fairer, more accessible legal process that reflects these power imbalances and ensures accountability where it belongs.

At PDCN's Lived Experience Advisory Panel meeting in July 2025, people with physical disabilities described exclusion and prejudice shaping their daily lives. They spoke of being denied access to accommodation, events and schools due to inadequate facilities or unwillingness to provide reasonable adjustments. Others were stranded when accessible replacement buses were unavailable or faced higher airfares when booking for a companion/carer. Our members also recounted medical professionals making harmful assumptions which led to worsening health outcomes and transport providers refusing entry to people accompanied by guide dogs. Reductions in NDIS funding and a lack of disability supports for people with disability in NSW outside of the NDIS has left some without essential supports, compounding the risk of harm, isolation, and poverty. These accounts mirror the findings of the Disability Royal Commission, which confirmed



that discrimination against people with disability is not incidental but systemic: rooted in policies, attitudes, and institutions.

PDCN consults with people with physical disabilities across regional NSW and the stories we heard demonstrate how discrimination is magnified by environmental and service barriers. Community members reported that shop entrances are often blocked by boxes and accessible toilets are regularly used as storage cupboards, yet staff display frustration at being asked to remove the blockage to provide access. Many towns lack wheelchair-accessible taxis altogether. Footpaths are cracked and uneven, and disability parking is often scarce near shopping centres. Such conditions make inclusion harder to achieve outside metropolitan areas, exacerbating inequality and isolation. These examples highlight not only the scale and persistence of discrimination, but also the stark imbalance of power between individuals and the entities they challenge. People with disabilities are frequently forced to prove discrimination perpetrated by large organisations with substantial legal capacity and control over records and evidence. We strongly believe this dynamic deters legitimate complaints and entrenches injustice.

Shifting the burden of proof to respondents would level the legal playing field. It would place responsibility on institutions, those best positioned to justify their actions, to demonstrate that their conduct was lawful and non-discriminatory. Maintaining the current system perpetuates structural inequality by presuming parity that does not exist. Reforming the burden of proof would align Australia's laws with its obligations under the UN Convention on the Rights of Persons with Disabilities, ensuring a system where fairness, accessibility, and accountability are shared responsibilities, not burdens carried by those already disadvantaged.

Problems with the legal test for 'unjustifiable hardship'

The DDA does not define "unjustifiable" and this ambiguity risks allowing the defence of undue hardship to be applied too broadly, undermining positive duties and weakening protections against discrimination.

We are concerned that that the concept of ‘unjustifiable hardship’ will enable duty holders to avoid liability for discrimination. While duty holders may face legitimate resource constraints, the unjustifiable hardship test should not be used to avoid reasonable adjustments. The law should strike a balance by requiring duty holders to demonstrate that they have genuinely explored all feasible alternatives and consulted with affected people before relying on unjustifiable hardship.

Duty holders should consider the needs of the person with disability when arguing unjustifiable hardship

The DRC proposed recommendation 4.32 which is that duty holders should be required to consider the needs and perspectives of people with disability when claiming unjustifiable hardship. The Disability Royal Commission’s Recommendation 4.32 provides a clear framework for reform, proposing that section 11 of the Disability Discrimination Act be amended to require consideration of both the extent of consultation with people with disability and the availability of alternative measures to eliminate or reduce hardship. The recommendation also calls for greater transparency through a new section 11(1A), requiring respondents to document their reasoning and provide written justification when claiming unjustifiable hardship.

Implementing this recommendation would strengthen accountability, ensure genuine consideration of alternatives, and embed consultation with people with disability in all hardship assessments. The Australian Government should adopt Recommendation 4.32 and develop supporting guidance for duty holders in partnership with the disability community.

Engaging the Disability Advocacy Sector to share knowledge, advice and ideas around guidelines constituting undue hardship

The disability advocacy sector comprises subject matter experts driven by lived experience, acting as a vital conduit between people with disability and duty holders. Advocacy organisations collect and synthesise lived experience insights, translating them into evidence-based advice for policy and systemic reform. This unique position makes the sector a critical partner in shaping clear, practical, and equitable guidelines for determining what constitutes “unjustifiable hardship.”

By engaging advocates early, government can ensure guidelines reflect the real-world barriers faced by people with disability and encourage proactive, inclusive solutions. For instance, in consultations held by PDCN in August 2025, some of our members described the sensory challenges they experience in supermarkets, including bright lights, background music, and crowded spaces, which can cause cognitive overload and make communication or decision-making extremely difficult.

During the COVID-19 pandemic, reasonable adjustments such as dedicated “accessible shopping hours” in supermarkets² demonstrated that inclusive practice is both feasible and practical. Similar measures, such as scheduled low-stimulus shopping periods across major supermarket chains or cinema screenings, can be implemented as reasonable adjustments that enhance accessibility without imposing undue hardship on businesses. By engaging with the advocacy sector, government and businesses can better define undue hardship in a way that balances operational realities with the right to access and inclusion.

1b. A positive obligation may help shift community attitudes and behaviour in favour of disability rights.

Introducing a positive legal duty under the *Disability Discrimination Act* would not only strengthen compliance but help shift community attitudes and behaviour in favour of disability rights. Laws are among the most effective tools for shaping social norms. By requiring duty holders to take reasonable and proportionate measures to prevent discrimination, government can move Australia from a reactive, complaints-based model to a proactive culture of inclusion, one where accessibility and respect are embedded as everyday practice.

Research demonstrates that legal reform can influence moral and social norms. Bilz and Nadler (2014), in *Law, Moral Attitudes and Behavioural Change*³, note that when law reflects public intuitions about justice, it reinforces legitimacy and shapes behaviour. In this sense, anti-

² Scentre Group (2025), ‘Quiet Time: Every Tuesday between 10:30-11:30am’, *Westfield Hornsby*, accessed 28th August 2025 <<https://www.westfield.com.au/hornsby/news/6zOYWYmCxADyEKJ8BVBZs/quiet-time>>

³ Bilz & Nadler (2014), ‘Law, Moral Attitudes, and Behavioral Change’, *The Oxford Handbook of Behavioral Economics and the Law*, ed. Zamir & Teichman, 2014, pp. 245, accessed 28th August 2025 <<https://www.law.northwestern.edu/faculty/fulltime/nadler/bilz-nadler-lawmoralattitudespageproofs.pdf>>

discrimination law does more than regulate, it signals what society values. Embedding a positive duty in the DDA would reinforce that preventing disability discrimination is not optional or charitable, but a core expectation of organisational integrity and fairness.

The *Respect@Work* reforms provide a strong precedent. By introducing a positive duty under the *Sex Discrimination Act* in 2022, Parliament shifted the legal focus from responding to sexual harassment after the fact to actively preventing it. This legislative change transformed workplace norms: employers are now expected to take proactive, systemic steps to ensure safety and equality, and compliance has become a measure of good governance and reputation.⁴ Similarly, the *Victorian Equal Opportunity Act 2010* demonstrates that positive obligations can embed prevention and inclusion within institutional culture across employment, education, and service delivery.

The results of the *Respect@Work* reforms underscore the cultural impact of such duties. A 2025 survey by *Our Watch* found that three-quarters of employees would consider leaving a job where sexual harassment was not taken seriously, and that gender equality is now a key factor influencing employment decisions⁵. These findings show how legislative reform can reshape expectations, strengthen accountability, and drive cultural change. A comparable positive duty under the DDA would send an equally powerful message, that accessibility, inclusion and fairness for people with disability are central to modern Australian workplaces and communities.

Embedding a positive duty would also align Australia's domestic law with its obligations under Article 5 of the *Convention on the Rights of Persons with Disabilities*, which requires governments to ensure substantive equality of outcomes. Such reform is not about punishment, but prevention. It redistributes responsibility for inclusion from individuals to institutions, making equality a shared obligation. By making accessibility a legal, cultural and moral standard, the law can play a pivotal

⁴ Australian Human Rights Commission (2022), 'Respect@Work – Changes to the Sex Discrimination Act 1984 and the Australian Human Rights Commission Act 1986', *Recent Changes to the Law*, December 2022, accessed 28th August 2025 <<https://humanrights.gov.au/our-work/complaint-information-service/fact-sheet-respectwork-changes-sex-discrimination-act-1984-ahrc-act-1986-december-2022>>

⁵ Our Watch Media Team (2025), *Our Watch Sexual Harassment response a key issue in attracting and retaining staff, new data shows*, 30 January 2025, accessed 28th August 2025 <<https://www.ourwatch.org.au/news/sexual-harassment-response-a-key-issue-in-attracting-and-retaining-staff-new-data-shows>>

role in transforming attitudes, reducing discrimination, and realising genuine equality for people with disability.

Recommendation 2: Legislate a standalone test for discrimination by “failing to provide reasonable adjustments”.

The Disability Discrimination Act 1992 (DDA) currently defines direct discrimination (s5) and indirect discrimination (s6). However, it lacks an explicit test addressing discrimination arising from a failure to provide reasonable adjustments. This omission leaves a critical gap in protection for people with disability and limits the DDA’s effectiveness as a tool for achieving substantive equality. At the core of disability inclusion is the recognition that equality cannot be achieved through identical treatment but through proactive measures that remove barriers. As Elizabeth Dickson notes in *The Disability Standards for Education and the Obligation of Reasonable Adjustment*, “the task of eliminating discrimination cannot be adequately addressed in the absence of a duty to make reasonable adjustments. If disability discrimination legislation only went as far as formal equality, it would entrench existing disadvantages.”

Embedding a positive obligation to make reasonable adjustments ensures that duty holders take active steps to remove barriers to participation, whether physical, procedural, or attitudinal. Examples include accessible ramps and parking, quiet sensory spaces, interpreters in hospitals, additional learning supports, or adaptive technology in workplaces. These measures are not only essential for equality but also represent sound social and economic investment, supporting participation, employment, and community contribution.

People with Disability Australia (PWDA) raised this legislative gap in correspondence to the Attorney-General’s Department on 25 June 2021, recommending the introduction of a standalone test to clarify that a failure to make reasonable adjustments constitutes discrimination⁶. Their proposed model provides a clear and practical framework for reform:

⁶ Sebastian Zagarella (2021) Reform of reasonable adjustment provisions under the Disability Discrimination Act (unpublished)

Proposed new section: Discrimination by failing to provide reasonable adjustments

For the purposes of this Act, a person (the discriminator) discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:

- (a) because of the disability, the aggrieved person requires adjustments; and
- (b) the discriminator does not make, or proposes not to make, reasonable adjustments for the person.

For the avoidance of doubt, it is not necessary for there to be a causal connection between the failure or proposal not to make reasonable adjustments and the disability of the aggrieved person.

This amendment would align the DDA with contemporary understandings of equality law and with comparable frameworks in other jurisdictions, such as the UK Equality Act 2010 (s20 - 21) and the Victorian Equal Opportunity Act 2010 (s45 - 46)⁷, which explicitly prohibit failure to make reasonable adjustments as a form of discrimination.

⁷ *Equality Act 2010* (UK) ss 20–21; *Equal Opportunity Act 2010* (Vic) ss 45–46; see also Equality and Human Rights Commission, *Code of Practice on Employment* (2011) ch 6; Victorian Equal Opportunity and Human Rights Commission, *Guideline: Reasonable Adjustments for People with Disability* (2023).

Recommendation 3: Recognise the right to accessible housing within the Disability Discrimination Act

Accessible housing is essential to full participation in community life. Yet, across Australia, there remains a critical shortage of accessible homes, particularly in the private housing market. While section 25 of the *Disability Discrimination Act* makes it unlawful to discriminate in accommodation on the ground of disability, the Act does not require duty holders in the construction or housing industries to proactively make accessible accommodation available. This omission leaves people with disability excluded from equitable housing options.

The right to adequate housing forms part of the broader right to an adequate standard of living. Article 25 of the *Universal Declaration of Human Rights* affirms that “everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family, including... housing.”⁸ Likewise, the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), to which Australia is a party, recognises the right of all persons to adequate housing and requires state parties to take steps to realise that right⁹. However, Australia has not incorporated this right into domestic law, leaving it unenforceable under Commonwealth legislation.

The *National Construction Code (NCC) Livable Housing Design Standards* (LHDS) provide clear technical provisions to ensure dwellings meet community needs, including for people with disability and mobility limitations. Yet adoption remains optional, dependent on state and territory endorsement. As of November 2025, New South Wales has not signed up to the LHDS, exacerbating a housing market that remains both unaffordable and inaccessible for people with physical disability in NSW.

The NSW Government’s *Housing Pattern Book* and fast-tracked planning pathway for accessible designs, alongside investment in accessible social housing, are positive developments. However, the absence of a legal requirement for accessibility in new residential builds continues to restrict private rental and homeownership options for people with disability. Retrofitting existing dwellings is

⁸ *Universal Declaration of Human Rights*, GA Res 217A (III), UN GAOR, 3rd sess, 183rd plen mtg, UN Doc A/810 (10 December 1948) art 25.

⁹ *International Covenant on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) art 11.

often cost-prohibitive or structurally impossible, leaving many unable to secure safe, suitable housing.

People with disability in Australia are doubly disadvantaged as they are more likely to have lower incomes and less likely to find housing that meets their accessibility needs. According to the Actuaries Institute, *“the average income for people with disability is much lower than for people without disability across all age bands. It is even lower for people with severe disability – across ages 25 to 64, disposable income is about half that of people without disability.”*¹⁰ This significant income disparity compounds barriers to entering the housing market or affording suitable rental accommodation.

The Australian Building Codes Board estimates the cost of incorporating accessibility features under the LHDS at around 1% of total build cost, consistent with previous modelling¹¹. Retrofitting is estimated to be 22 times more expensive than integrating accessibility features during construction¹². Early integration reduces future expenditure on NDIS home modifications, social housing retrofits, and aged care services, while supporting workforce participation and community inclusion.

To give practical effect to the right to accessible housing and ensure Australia meets its international obligations, the Disability Discrimination Act should be amended to include clear, enforceable standards for accessible housing. This could be achieved by mandating accessibility requirements for all new homes, both houses and apartments, in line with the Livable Housing Design Standards wherever it is structurally feasible. Alternatively, the Act could establish a dedicated Disability Standard for Housing, setting minimum national accessibility benchmarks for all new residential construction.

¹⁰ Miller, H. & Dixie, L. (2023) *Not a Level Playing Field – People With Disability*. Actuaries Institute.

https://content.actuaries.asn.au/resources/resource-ce6yyqn64sx3-2093352434-55053?utm_source=chatgpt.com

¹¹ Building Commission NSW 2025, *Livable housing requirements in NSW: Discussion paper*, 20 January, Building Commission NSW, Sydney and Australian Building Codes Board (2023) *Cost Impact Analysis: Livable Housing Design Standard*, p. 12.

¹² New Zealand Ministry of Social Development. (2009) *Economic effects of utilising Lifemark at a National level*.



Embedding a proactive duty in the DDA would align it with other modern equality frameworks and ensure that accessible housing is treated not as a privilege or optional feature, but as a fundamental right.

Recommendation 4: Establish a public, de-identified database of conciliation outcomes under the DDA, enabling organisations to learn from resolved cases and proactively comply with their obligations.

According to the Australian Human Rights Commission 2021-22 Complaint Statistics, in 2021-22 52% of complaints were lodged under the Disability Discrimination. Consistent with previous years, the main areas of public life raised by complainants were employment and the provision of goods, services and facilities.¹³

Many complaints made to the AHRC lead to conciliation conferences where many matters are resolved to the benefit of both parties. The Commission conducted approximately 1,819 conciliation processes of which 1,128 complaints (62%) were successfully resolved. This represents successful dispute resolution for more than 2,200 people and organisations involved in complaints before the Commission.¹⁴ However, the details of these resolutions are not made public, meaning valuable lessons for employers, businesses, and service providers are lost.

While it is essential to protect individual privacy, the AHRC could publish de-identified summaries of conciliation outcomes, similar to how the Fair Work Ombudsman, Australian Competition and Consumer Commission, and Ombudsman offices publish case summaries.

It would benefit duty holders to be able to access a summary of complaints related to disability discrimination and how they were resolved. This would support duty holders to develop policy and training to prevent discrimination.

¹³ Complaints Statistics 2021-22, Australian Human Rights Commission
https://humanrights.gov.au/sites/default/files/ahrc_ar_2021-2022_complaint_stats_0.pdf

¹⁴ *ibid*

Case Study - Lynda's Story

PDCN member Lynda identified unfair pricing through an airline's companion card program. The scheme was meant to support travellers with disability by offering a discounted fare for companions/carers. But when Lynda compared prices, she realised the so-called discount sometimes cost more than a regular sale fare. Instead of helping, the program was unfairly leaving people worse off. She lodged a complaint with the NSW Anti-Discrimination Board. The matter was resolved through constructive conciliation: the airline corrected its pricing and expanded the program to cover international travel, ensuring it genuinely benefited people with disability. Publishing stories like Lynda's, appropriately de-identified, demonstrates how conciliation can drive systemic change and provides practical lessons for other duty holders.

Conclusion

The recommendations in this submission are grounded in the lived experience and leadership of people with physical disabilities. Their insights, drawn from decades of navigating inaccessible systems and ineffective protections, have shaped a clear vision for reform, one that ensures the Disability Discrimination Act (DDA) becomes a true instrument of progress rather than a reactive mechanism of last resort.

The DDA must be modernised to provide stronger, clearer protections and to deliver on its promise of equality. Legislating positive obligations on duty holders to actively prevent and eliminate discrimination would shift the Act from a complaints-based model to a proactive framework for inclusion. This would rebalance power between individuals and institutions, promote fairer outcomes, and embed disability inclusion as a shared community responsibility.

Introducing a standalone test for discrimination arising from a failure to provide reasonable adjustments would further strengthen the DDA. True equality requires deliberate action, not identical treatment. This reform would align Australia's legal framework with contemporary equality standards and ensure people with disability are not excluded from education, employment, or community life due to inaction or oversight.

Amending the DDA to include enforceable accessibility standards for housing is equally essential to realising the right to accessible housing and fulfilling Australia's international commitments. Whether through mandatory Livable Housing Design Standards or a dedicated Disability Standard for Housing, this change would ensure that new homes are designed for safety, independence, and inclusion from the outset.

Finally, transparency and learning must underpin ongoing progress. The Australian Human Rights Commission should publish de-identified summaries of disability discrimination conciliation outcomes to guide organisations in building more inclusive policies, training, and practices. Sharing these lessons would foster systemic improvement, prevent future



discrimination, and strengthen compliance with the DDA, delivering a more inclusive Australia for all.