



Disability Discrimination Act 1992 Review (Cth)

Submission to the Disability Discrimination Act 1992 Review

14 NOVEMBER 2025



Table of Contents

Disability Discrimination Act 1992 Review (Cth).....1

Executive Summary..... 5

 Response to consultation questions 8

Appendix A: Consultation Data.....23

 Methods23

 Member Insights..... 24

Appendix B.....30

References32

Language Note

This submission uses 'person first' language (women and gender diverse people with disabilities). We acknowledge that people describe their experience of disability in different ways, and for many people, 'identity first' language is a source of pride and resistance. Further, not all Women with Disabilities Victoria's members or staff identifies as a woman with disabilities. That is why we refer to our members as 'women and gender diverse people with disabilities'.

We acknowledge that while some concerns raised are shared across gender-marginalised communities, the experiences of gender diverse people warrant specific and direct exploration. Women with Disabilities Victoria (WDV) does not seek to speak for or replace the role of organisations led by and for LGBTIQ+ people with disabilities. Instead, we aim to work in coalition with them and amplify areas of shared concern.

Acknowledgment of Country

Women with Disabilities Victoria (WDV) respectfully acknowledges Aboriginal people as the Traditional Custodians of the lands and waters on which we work, rest, and continue to benefit from. We pay our respects to the Elders, past and present, of Aboriginal and Torres Strait Islander Communities across Victoria and acknowledge that their continued strength and resilience are built upon more than 60,000 years of history. The WDV community is committed to honouring the unique cultural and spiritual relationship Aboriginal and Torres Strait Islander peoples have with the land and waters, and their rich contribution to society.

Submission Contact

Julie Kun
Acting Chief Executive Officer
Women With Disabilities Victoria (WDV)
E: julie.kun@wdv.org.au

About the Authors

Women with Disabilities Victoria (WDV) is a not-for-profit Disabled People's Organisation (DPO) representing women with disabilities in Victoria. The organisation is operated *by* and *for* women and gender diverse people with varied disability experiences. WDV has a diverse membership of people from different backgrounds. Women with disabilities face intersecting forms of structural gender and disability discrimination. WDV actively advocates for our rights to safety and respect, with particular emphasis on disability policy, health services, violence prevention, workforce development, and leadership. WDV envisions a world where all women are respected and can fully experience life.

Key Contributors

Saumya Kaushik, MIDP, M.Arch, **Policy Research Lead**

WDV's Gender and Disability Experts by Experience, Youth Experts by Experience, disability advocates and legal experts were consulted to inform our recommendations.

Executive Summary

Women with Disabilities Victoria (WDV) welcomes Australian Government's review into the Disability Discrimination Act (DDA) based on Disability Royal Commission's recommendation.

This submission responds to the DDA Review. It is informed by consultations with our Gender and Disability Experts by Experience Advocates, Youth Experts by Experience Advocates, and experts on gender pay equity and violence at work (See Appendix A). Women with Disabilities Victoria's Experts by Experience Advocates are all women and gender diverse people with a diverse range of disabilities and experiences who live in Victoria. Throughout this submission, we have used their quotes to highlight the need for change.

This submission does not provide responses to all 51 Consultation Questions in the Issues Paper.

WDV also supports allied submissions that address aspects of the DDA Review not covered in this submission or respond to certain questions in greater detail. Submissions endorsed by WDV at the time of completing this submission:

- Time for a stronger Disability Discrimination Act prepared by Disability Discrimination Legal Services (DDLS),
- 'Welcome Disability' prepared by Welcome Disability Campaign and Australian Lawyers for Human Rights
- Disability Discrimination Act 1992 Review prepared by Women with Disabilities Australia (WWDA)
- *Disability Discrimination Act 1992 (Cth) Review* prepared by Westjustice

Recommendation 1: Expanded enforceable positive duty

Expand the list of prescribed duty holders,

A positive duty should apply to all areas of public life (including government, public authorities, employers, services, education and health sector) including their employees, service users, customers and third-party contractors where systemic exclusion persists,

While all employees and service user types should be recognised as duty holders, the DDA must be responsive to evolving work and service models including platform-based and gig economy arrangements – to ensure emerging forms of employment and service provision are covered,

Provide clear frameworks of what enforcement of a positive duty looks like across different tiers of organisation's management including any third-party contracting arrangement,

Provide information to support duty holders to implement and embed a complaint and feedback mechanism that enables people with disabilities to provide feedback, report on their experience and have timely outcomes without requiring people with disabilities to expend excessive labour and emotional energy,

People with disabilities working as independent contractors to have same protection on par with employees.

Recommendation 2: Embedding intersectionality in positive duty

The DDA to enable and support complaints based on multiple and combined protected attributes in which disability is one of the attributes involved in the complaints,

For the modernisation of the DDA to set best practice precedent by embedding intersectionality in Australian legislation,

Examine how other jurisdictions have addressed the challenges and opportunities of embedding intersectionality into a positive duty as a preventative measure,

Undertake consultation and co-design to ensure meaningful participation of women and gender diverse people with disabilities, First Nations, Culturally and Racially Marginalised (CARM) groups and their representative organisations and peak bodies in investigating embedding intersectionality in the DDA.

Recommendation 3: Create a regulatory body similar to Fair Work Ombudsman to enforce compliance of the DDA

Recognising and creating a regulatory body similar to Fair Work Ombudsman to enforce compliance,

The DDA regulatory body to provide advice, education and assistance to duty holders as well as to people with disabilities on their rights and obligations,

Roll out an ongoing and significant social change campaign on disability rights, access and inclusion to increase knowledge and change behaviours to address discrimination (as defined in the Awareness-raising within CRPD),

Recognising that small to medium duty holders may not have the resources and expertise to deliver education and training to their staff, a regulatory body should support small and medium duty holders to do this.

Recommendation 4: Mandate disability access and inclusion reporting as part of a positive duty under the DDA

Mandatory reporting for duty holders as part of a positive duty similar to Victorian Gender Equality Act,

Regulator to provide support to small businesses and organisations to conduct audits and reporting as part of their positive duty similar to Gender Equality Commission,

Access Audit of public spaces is part of the organisational reporting under a positive duty for duty holders that have managerial responsibility for public spaces,

All of government procurement policies requiring organisations receiving grants to report on disability access and inclusion within their workforce and programs or services.

Recommendation 5: Promote disability access and inclusion employment schemes

Continue and increase promotion of JobAccess and schemes like the Employee Assistance Funds available to workplaces to assist with making workplace adjustments for employees with disabilities.

Recommendation 6: Accessible Housing as a right under the DDA

The DDA reform to recognise that it is right for a person with disabilities to have housing and live safely, with dignity, freedom, enabling economic productivity and improved health and wellbeing,

The DDA reform enable the review of discriminatory practices by rental providers, real estate or property agents in screening prospective renters,

Investigate provision of safe and accessible housing under the DDA similar to public areas under the Disability (Access to Premises) Standard (2011),

In addition, investigate pathways for mandating access and inclusion training to built environment professionals including builders, construction management staff, engineers, tradesmen, office staff, building designers and architects in accessible housing. This support could be delivered via a regulator.

Recommendation 7: Enabling people with disabilities to read and use the DDA

The DDA to be available in plain language and easy English,

Reconsider the drafting of the DDA so people with a diverse range of disabilities can easily understand their rights,

The DDA to adopt strength-based definition of disability and remove terms that are outdated, see Summary: Definition of Disability within the Disability Discrimination Act 1992 Review prepared by Women with Disabilities Australia (WWDA) for more details,

Provide definitions on newly introduced terms like positive duty and existing terms such as duty holders, adjustments, supports, goods and services in plain language.

Recommendation 8: The DDA expands the policing duties

The DDA reforms should ensure that it protects against discrimination by all government agencies including full range of policing and corrections duties to ensure protection for victims, witnesses, suspects and convicted persons.

Response to consultation questions

Response to Question 12: If there was a positive duty in the Disability Discrimination Act, who should it apply to?

1. Expanded enforceable positive duty

Since the introduction of the DDA in 1992 we believe that duty holders have had a positive duty to eliminate discrimination, however, the enforcement of the DDA has fallen substantially short and is not holding the duty holders to account. With the introduction of a positive duty, the disability community expects meaningful and systemic change – not just lip service that allows business as usual to continue. Without real action, there is serious risk that disability discrimination will continue.

A positive duty should have strong and practical enforceable mechanisms in place to support a broad range of duty holders to eliminate discrimination.

A positive duty should apply to all areas of public life (government, public authorities, employers, goods and services, education and health sector) including their service users, customers, employees and third-party contractors where systemic exclusion persists.

The DDA must be responsive to evolving work and service models – including platform-based and gig economy arrangements – to ensure emerging forms of employment and service provision are covered.

Exploration of the need to apply the DDA to the gig economy

The gig economy is evolving and, for many people with disabilities has provided flexible work opportunities that traditional workplaces haven't, however, these benefits must not come at the expense of people with disabilities.

Youth Expert by Experience Advocate Insight

"With Uber and just public transport in general. The discrimination that happens constantly for people that have an assistance dog or a guide dog. How do you work through a giant corporation like Uber and get them to actually abide by such a thing and making sure that the individuals that sign up to be a driver with them are actually complying. Instead of discriminating against people with disabilities for using an assistive aid, like a guide dog or an assistance dog."

News reports have highlighted that people with disabilities with guide dogs are repeatedly refused rides by drivers of a popular international rideshare service in Australia. This is despite the ride-share service licensing agreement with their partner drivers requiring them to comply with the state, federal and local laws relating to transportation of riders with disabilities.¹ This reflects a gap between what the obligation is under the DDA and what the service provider's partner drivers (independent contractors) actually do, which undermines protection for people with disabilities.

Too often the onus of complaining and seeking redress is solely on the person with disabilities. If a complaint is actioned, the app-based service may do nothing more than pass the blame on to the partner driver for any discriminatory action thus removing themselves of any liability under the DDA.² The inaction of gig services to take responsibility and act puts an enormous emotional toll on people with disabilities, impacting their access to services, social inclusion, and general well-being.

Response to Question 50. How can we ensure the Disability Discrimination Act remains fit-for-purpose into the future?

Protection under a positive duty to independent contractors

Under the DDA, people with disabilities working as independent contractors should have the same protection as employees. The DDA currently does not explicitly extend its employment protections to independent contractors, such as freelancers, contractors, and gig workers, who operate outside traditional employee–employer relationships, thereby limiting access to anti–discrimination safeguards in these flexible work arrangements.

Independent contracting for women and gender diverse people with disabilities can be an appealing or necessary option for accommodating variable health and disability needs and undertaking unpaid care duties. For some, this form of work represents a preferred path to autonomy and flexibility; for others, it may be the only viable employment available due to discriminatory barriers in mainstream hiring and employment practices, such as inaccessible job processes or bias against disabilities.³

The DDA must consider future workplace trends and economic opportunities to ensure flexible work without weakening protections for employees with disabilities.

Recommendation 1:

Expand the list of prescribed duty holders,

A positive duty should apply to all areas of public life (including government, public authorities, employers, services, education and health sector) including their employees, service users, customers and third-party contractors where systemic exclusion persists,

While all employment and service types should be recognised as duty holders, the DDA must be responsive to evolving work and service models including platform-based and gig economy arrangements – to ensure emerging forms of employment and service provision are covered,

Provide clear frameworks of what enforcement of a positive duty looks like across different tiers of organisation’s management including any third-party contracting arrangement,

Provide information to support duty holders to implement and embed a complaint and feedback mechanism that enables people with disabilities to provide feedback, report on their experience and have timely outcomes

without requiring people with disabilities to expend excessive labour and emotional energy,

People with disabilities working as independent contractors to have same protection on par with employees.

Response to Question 4: Could any other changes be made to the Disability Discrimination Act to recognise and provide protection for people with disability who have intersecting identities, or addressing compounding discrimination?

2. Embedding intersectionality in positive duty

Intersectionality is a framework that explains and highlights how the experience of multiple and interconnected systemic oppressions and privileges impact a person or a cohort of people. It is a tool that enables people and communities to explain their experience of discrimination and for people to be seen for their whole identity. As such it is an ideal framework to explain and highlight how discrimination manifests and its impact, as such it should be a principle underpinning the DDA.

Gender and Disability Expert by Experience Advocate Insight
“The disability liaison person was a man with disability who had a lot of power who didn’t see the diversity in disability. And everyone in that organisation or university just took his word. So, if he hadn’t experienced it, then it was an invalid experience and it made the systemic obstacles really, really hard for me to push through and to go through.”

When multiple forms of discrimination intersect, their effects are not merely cumulative; they are compounded, producing profound harm to individuals and reinforcing entrenched systemic barriers denying affected individuals’ opportunity, inclusion and equity. Moreover, without an intersectional lens the convergence of these intersecting discriminations can be used to obscure the discrimination being experienced, making it harder to identify and address.

For people with disabilities, discrimination becomes even more entrenched when combined with racism, homophobia, socio-economic disadvantage, parenting status, or other forms of marginalisation. These overlapping inequities significantly reduce access to justice and perpetuate cycles of exclusion and disadvantage. Breaking this cycle requires a deliberate, intersectional approach

that acknowledges and addresses the complexity of compounded discrimination.

Gender and Disability Expert by Experience Advocate Insight
“I was always excluded, like from early years, excluded because of low vision and because of my culture, my background. I’m always excluded.”

Currently, Victorian Gender Equality Act 2020 is the only legislative framework in Australia that has intersectionality embedded. Globally, only a few countries have embedded intersectionality in their statutory framework, thus there is not enough evidence available to determine how well it is working.⁴ However, this shouldn’t limit the DDA reform from integrating intersectionality as it is a start to addressing and effectively responding to compounding discrimination.

The DDA reform should embed intersectionality at the preventative stage – as part of the positive duty to address systemic and structural barriers. Mandating reporting under a positive duty, will help identify what is working and where improvements are needed to advance disability access and inclusion across workplaces, education and all aspects of public life.

The DDA should enable lodging claims based on multiple and combined protected attributes, ensuring discrimination at the intersection of disability and other grounds (e.g. gender, race, age) can be recognised and remedied.

Co-design with people with disabilities, particularly women, gender diverse, First Nations and Culturally and Racially Marginalised (CARM) groups, to show how intersectionality operates in practice and avoid reductive or “additive” approaches.

Recommendation 2:

The DDA to enable and support complaints based on multiple and combined protected attributes in which disability is one of the attributes involved in the complaints,

For the modernisation of the DDA to set best practice precedent by embedding intersectionality in Australian legislation,

Examine how other jurisdictions have addressed the challenges and opportunities of embedding intersectionality into a positive duty as a preventative measure,

Undertake consultation and co-design to ensure meaningful participation of women and gender diverse people with disabilities, First Nations, Culturally and Racially Marginalised (CARM) groups and their representative organisations and peak bodies in investigating embedding intersectionality in the DDA.

Response to Question 50. How can we ensure the Disability Discrimination Act remains fit-for-purpose into the future?

3. Create a regulatory body similar to Fair Work Ombudsman to enforce compliance of the DDA.

Challenges in lodging disability discrimination complaints

Disability Advocate Insight

“Why would you bother making a complaint if it will take three years of life.”

The current complaints process under the DDA places a disproportionate burden on people with disabilities. People with disabilities must navigate a complex and often lengthy system to lodge complaints with the Australian Human Rights Commission (AHRC), which can be emotionally and administratively taxing. One advocate told us that it may take years for a complaint to be resolved, which puts people off lodging a complaint.

Legal practitioners and union industrial officers also told us that it is common knowledge that workplace discrimination cases often achieve better outcomes through the Fair Work Commission (FWC), primarily due to its more efficient conciliation process and clearer enforcement mechanisms.

Gender and Disability Expert by Experience Advocate Insight

“I’ve had experiences where schools have just said, no, she’s not coming to my school because she’s got a disability.”

However, for discrimination complaints outside the employment context such as in education, housing, or access to services – no equivalent streamlined pathway exists. This leaves many people with disabilities without timely or effective resolution options, reinforcing systemic barriers to justice.

For the DDA to be effective, a complaint and resolution process must be efficient, effective, and timely. The review of the DDA should consider

establishing a dedicated regulatory body – similar to the Fair Work Ombudsman that can proactively enforce compliance of the DDA. Such a body could provide oversight, conduct investigations, issue compliance notices, and support people with disabilities in navigating their rights. This body could also be responsible for supporting duty holders to understand their obligations and supporting best and evidence informed practice.

Youth Experts by Experience Advocate Insight

“It shouldn't be that I have to go to the Commissioner for something to change.”

Lodging a complaint at the AHRC should be an act of last resort. The DDA should mandate duty holders, as part of their positive duty, to have internal feedback and complaints mechanisms that are accessible and easy to use, so people with disabilities can seek and achieve change to harmful discriminatory practices and share their experiences without undue emotional burden.

Gender and Disability Expert by Experience Advocate Insight

“Services (for example a shopping centre) have an area for feedback or suggestions. A kind of forum that allow people to happily make suggestions or amendments. Also, ability (to) receive information if needed. This is at the service or organisational level. That if you have any feedback or issue you felt comfortable enough to go to the shopping centre and talk about your problems. An easy way to find a way to provide feedback instead of going through 25 people to try and find a way to make suggestion or complaint. Similarly, for a workplace or school. Need a mechanism to provide feedback or suggestion that is not onerous and a secret.”

Disability rights, access and inclusion social change campaign

It is essential that duty holders – at all levels from board directors, senior leaders to the front-line staff, understand the systemic barriers and compounding impacts of ableism people with disabilities experience. Without this perspective there is a risk that duty holders will default to a medical or charity model of disability which is based on harmful assumptions of people with disabilities rather than a strengths-based or empowering approach included as part of the social and human rights models of disability.

Gender and Disability Expert by Experience Advocate Insight
“Generally, in shopping centres with security guards training will be useful. A lot of them don’t have an idea of a guide dog. Got chased by the security guard telling me to leave because no dogs are allowed. Training is required so they understand certain working dogs are allowed.”

It is our expectation of the DDA that it should be an important tool for breaking down the ableist views of society better enabling people with disabilities to live safe and fulfilling lives. However, this is only achievable if the DDA is reinforced by a widespread disability access and inclusion awareness-raising campaign and education.

Organisations and duty holders should undertake disability access and inclusion training as a standard practice rather than an exception, comparable to sexual harassment prevention training and occupational health and safety training. The disability access and inclusion training should not be limited to organisations working with people with disabilities but applicable to all duty holders.

The regulator should develop and deliver disability access and inclusion training to support organisations that are resource constrained and lack expertise in delivering disability access and inclusion training to their staff.

Alongside disability inclusion training in workplaces, targeted lived –experienced informed awareness campaigns should be launched in communities and educational institutions to promote disability access and inclusion and transform public attitudes and behaviours.

Refer Appendix B for examples of embedding lived experience in services, events and the promotion of disability access and inclusion in the workplace.

Recommendation 3:

Recognising and creating a regulatory body similar to Fair Work Ombudsman to enforce compliance,

The DDA regulatory body to provide advice, education and assistance to the duty holders as well as to a person with disabilities on their rights and obligations,

Roll out an ongoing and significant social change campaign on disability rights, access and inclusion to increase knowledge and change behaviours to address discrimination (as defined in the Awareness-raising within CRPD),

Recognising that small to medium duty holders may not have the resources and expertise to deliver education and training to their staff, the regulatory body should support small and medium duty holders to do this.

Response to Disability Action Plans

4. Mandate disability access and inclusion reporting as part of a positive duty under the DDA

Gender and Disability Expert by Experience Advocate Insight

“Lots of disabled people are employed in the arts space because its one of the few places we apparently can get employment. Unfortunately, very little of the employment is actually paid, but there is engagement. However, various disabled artists like visual artists, authors, actors, writers, and performers are commenting at the moment how organisations are encouraging diversity and disability people to apply for jobs. But none of us get the jobs. It looks like we are doing really well but we are not.”

Mandatory disability access and inclusion audits can drive change and serve several purposes:

- Measuring progress,
- Providing a positive duty holders with an incentive to comply with positive duty obligations,
- Providing data to assist with enforcement.

Thus, reducing the burden on people with disabilities to raise complaints to draw attention to the discrimination they experience.

To enforce a positive duty, workplaces should be required to conduct audits that assess progress on disability access and inclusion across service provision, procurement and at all stages of employment–attraction, recruitment, onboarding, development, retention and departure similar to the requirements under the Victorian Government’s Gender Equality Act 2020.

Duty holders under their positive duty, should be mandated to provide a Disability Action Plan, to be published on the Register of Disability Discrimination Act Action Plans and be updated within prescribed timeframe.

Additionally, duty holders should provide Disability Action Plans progress reports that demonstrate how their obligations and commitments under the Action Plan are being implemented, enabling assessment of advancements in disability access and inclusion across all areas of their organisation.

Organisations that receive government grants should report on how they are promoting disability access and inclusion through their employment practices, programs or services. Inclusive procurement practices should prioritise suppliers that demonstrate a commitment to employing people with disabilities and providing accessible and inclusive goods and services.

All levels of government and businesses should be encouraged to embed disability access and inclusion criteria into tender processes, ensuring that vendors demonstrate inclusive values within their service delivery and employment practices.

Recognising that not all duty holders will have the expertise to conduct audits and reporting, therefore, it should be a streamlined process in which resources and supports are available to assist the duty holders in fulfilling their obligations under the DDA.

The case for access and inclusion audits of our public spaces

People with disabilities have the right to access all areas of public life including but not limited to workplaces, educational institutes, health services and public spaces. Current legislation does not require a regular access audit to determine if the built environment is fit for purpose for accessibility and inclusivity.

Access audits can be a proactive step for organisations to address access issues and develop a plan to assist with improving physical access for everyone, including their staff, service users and visitors.⁵

Gender and Disability Expert by Experience Advocate Insight
"Audit of physical space like University and School campuses to make sure they are accessible. An Expert [by Experience] colleague couldn't use a campus bathroom as there was not any [accessible bathrooms]. Large organisations should have regular audits first of their physical space then policies and procedures. An audit is needed as improving physical access has been around for a while but the progress is slow."

Recommendation 4:

Mandatory reporting for duty holders as part of a positive duty similar to Victorian Gender Equality Act,

Regulator to provide support to small businesses and organisations to conduct audits and reporting as part of their positive duty similar to Gender Equality Commission,

Access Audit of public spaces is part of the organisational reporting under a positive duty for duty holders that have managerial responsibility for public spaces,

All of government procurement policies requiring organisations receiving grants to report on disability access and inclusion within their workforce and programs or services.

Response to Part 3: Encouraging inclusion of people with disability in employment, education and other areas of public life

5. Promote disability access and inclusion employment schemes

For employers, to comply with the DDA it is important that they are made aware of and have access to the Australian Government's available disability access and inclusion schemes.

Mainstream organisations, businesses and people without disability often lack understanding of the importance of adjustments for people with disabilities. This results in a lack of inclusion that reduces people with disabilities' access to employment and, in turn, financial security.

A survey of Australian Disability Network's 400 member organisations on workplace adjustment and use of JobAccess revealed that only 35% of respondents accessed the Employment Assistance Funds for workplace modifications. 65% of respondents said they hadn't used JobAccess, with 35% of them unaware that the service even existed.⁶

Organisations that know about JobAccess, consider it a highly valued and respected service among users, employers, and employment service providers, who each appreciate different aspects such as the Employment Assistance Fund, the Information and Advice service, The National Disability Recruitment Coordinator, and the easy-to-use Website.⁷

Most users reported that these services meet their specific needs, and staff are consistently praised for their professionalism, care, and expertise.

Despite its strengths, JobAccess is underutilised and due to lack of awareness about its existence it is not helping as many employees with disabilities.⁸

Recommendation 5:

Continue and increase promotion of JobAccess and schemes like the Employee Assistance Funds available to workplaces to assist with making workplace adjustments for employees with disabilities.

Response to Question 51. Are there any other issues with the Disability Discrimination Act that should be considered as part of this review?

6. Accessible housing as a right under the DDA

Accessible housing is currently a missing piece in the DDA. While the DDA states that public areas in Australia should meet minimum Disability (Access to Premises) Standards (2011), the existing and new dwellings are exempt.⁹ Startlingly, less than 5% of newly built homes in Australia are accessible for people with disabilities.¹⁰

Interlinkages between accessible housing and employment

Women and gender diverse people with disabilities face greater disadvantage than women and men without disabilities across housing security, and income and employment.¹¹

Inaccessible housing negatively impacts a person with disabilities to live with dignity, freedom, enjoy social inclusion, economic productivity and health. A 'Living with disability in inaccessible housing: social, health and economic impact' report demonstrated how housing accessibility is closely linked to employment opportunities and economic productivity for people with disabilities. The report concluded that:

- 30% of people with disabilities reported job loss or reduced work hours due to inaccessible housing,
- Fatigue from living in inaccessible homes negatively impacted productivity and motivation,
- Accessible housing was associated with a decrease in the need for paid and unpaid support, enhancing economic independence.¹²

The report highlighted the following key reasons for inaccessible housing:

- builders having a lack of training and understanding of the importance of accessibility to a person with disabilities,
- failure to legislate accessible housing design guidelines.

Inaccessible housing continues to disadvantage people with disabilities, hindering their ability to live safely and with dignity, as well as impeding their opportunities for economic well-being and independence in comparison to people without disabilities.

Barriers to accessing appropriate housing to escape family violence

A recent national snapshot from the Australian Institute of Health and Welfare (AIHW) highlighted that:

- 96% people with disabilities lived in community and private dwellings,
- Only 12% living in a home where their housing was tailored and modified to meet their needs (2018) most often to install handrails or grabrails,
- 1 in 3 (36%) social housing households include at least one person with disabilities (2022),
- 1 in 3 (33%) individuals and families receiving rental assistance and disability support pension identified they were in rental stress (2022)
- 1 in 10 Specialist Homelessness Services clients had disability (2022)¹³

This data highlights the ongoing challenges faced by victim survivors of domestic and family violence with disabilities, most of whom are women, in accessing long-term, affordable, accessible and safe housing. Due to limited availability of suitable housing options whether through the time-consuming process of modification or the scarcity of accessible homes, many are compelled to move into an unmodified or unsafe houses.

Furthermore, a key issue is the discrimination in private rental market for victim survivors.¹⁴ The DDA grants a person with disabilities the same rights to accommodation as a person without disabilities when renting or purchasing properties. However, many women with disabilities and/or women with children with disabilities fleeing family violence report high incidences of discriminatory practices when seeking private rentals.¹⁵

In particular, they have reported experiencing discrimination when applying for properties where their income source is disability pension and/or carer's payment. These experiences highlight the misalignment between legislation at both federal and state levels and actual practice, which contributes to victim survivors experiencing increased rental stress.¹⁶

Recommendations 6:

The DDA reform to recognise that it is right for a person with disabilities to have housing and live safely, with dignity, freedom, enabling economic productivity and improved health and wellbeing,

The DDA reform enable the review discriminatory practices by rental providers, real estate or property agents in screening prospective renters, Investigate provision of safe and accessible housing under the DDA similar to public areas under the Disability (Access to Premises) Standard (2011), In addition, investigate pathways for mandating access and inclusion training to built environment professionals including builders, construction management staff, engineers, tradesmen, office staff, building designers and architects in accessible housing. This support could be delivered via the regulator.

Response to Question 51: Are there any other issues with the Disability Discrimination Act that should be considered as part of this review?

7. Enabling people with disabilities to read and use the DDA

Like many Australian laws, the DDA is not user-friendly. It's use of complex language, technical sections, and formal legislative style makes it difficult to understand without specialist knowledge or support. As a legislative document, it follows a legal format that is often inaccessible to the public, particularly a person with disabilities.¹⁷

The purpose of the DDA is to protect the rights of people with disabilities by promoting equal opportunity and access within public life. Article 9 'Accessibility' and Article 21 of the UN CRPD 'Access to information', states that legislation is to be provided on equal basis to others. However, it is written to suit people who can interpret complex legal documentation. Thus, excluding people with disabilities who have not had the opportunity to be educated to read legal documents. This can result in people with disabilities not using the DDA for the purposes of self-advocacy.¹⁸

In addition, an easily understandable DDA will support duty holders in complying with the DDA, as they will be better able to understand their role and obligations under it.

Further, the DDA should adopt a strength-based definition that is in alignment with social model of disability and human rights model of disability and be consistent with the CRPD. Refer summary and recommendations to revise definition of disability within Disability Discrimination Act Review 1992 (Cth) submission prepared by Women with Disabilities Australia (WWDA).

The DDA should provide clarity on use of terms 'adjustments', 'unjustifiable hardships', 'supports and services' to benefit an individual and wider community

in understanding their rights available to them by the DDA. Therefore, serious thought should be given to redesign the DDA, so it communicates clearly and is straightforward to use for a person with disabilities as an end-user.¹⁹

It is imperative that, the changes made within the DDA should be in plain language enabling a person with disabilities, self-advocates and disabled people's organisations to better understand their rights and responsibilities. This will also assist duty holders in gaining clarity on their rights and responsibilities.

Recommendation 7:

The DDA to be available in plain language and easy English,

Reconsider the drafting of the DDA so people with a diverse range of disabilities can easily understand their rights,

The DDA to adopt a strength-based definition of disability and remove terms that are outdated, see Summary: Definition of Disability within the Disability Discrimination Act 1992 Review prepared by Women with Disabilities Australia (WWDA) for more details,

Provide definitions on newly introduced terms like positive duty and existing terms such as duty holders, adjustments, supports, goods and services in plain language.

Response to Question 31: How could the Disability Discrimination Act be amended to ensure that it covers policing?

8. The DDA expands the policing duties

WDV wholeheartedly supports the recommendation by Disability Discrimination Legal Services that the DDA should cover interactions with government authorities, including police, corrections, and child protection. Reforms should ensure the DDA protects against discrimination by all government agencies. This should include the full range of policing duties to ensure protection for victims, witnesses and suspects, and interactions with child protection and corrections agencies as a priority.

Recommendation 8:

The DDA reforms should ensure that it protects against discrimination by all government agencies including full range of policing and corrections duties to ensure protection for victims, witnesses, suspects and convicted persons.

Appendix A: Consultation Data

Purpose and Structure

This appendix supplements the submission made by WDV to the Disability Discrimination Act 1992 Review (Cth). It shares ideas and insights from our Experts by Experience panel (Experts) of our organisation, who have lived experience of discrimination because of their gender and disability in everyday life.

Methods

Data Collection and Participant Recruitment

WDV has two groups of experts. One is the Gender and Disability Experts by Experience panel, a group of 12 women and gender diverse people with disabilities. The other is the Youth Experts by Experience panel, a group of 6 young women and gender diverse people aged 18–26 with lived experience of disability and systemic discrimination in public life.

Gender and Disability Experts by Experience

Two consultations covering the following consultation questions:

- What are common experiences of discrimination in education (including early childcare)?
- What should the government do to improve our rights and protection?
- What are common experiences of discrimination in employment?
- What would it look like if a workplace, school, or service was *already* doing a good job of preventing discrimination? What kinds of things would you see, hear, or feel?

Youth Experts by Experience

One consultation covering the following consultation questions:

- What would it look like if a workplace, school, or service was *already* doing a good job of preventing discrimination? What kinds of things would you see, hear, or feel?

- How should we consider applying intersectionality to the Positive Duty of duty holders like employers, Universities, local or state government, health sector?
- What are some other topics we want Government to consider inserting in the Act or change it?

Limitations

Due to the complexity of the review, competing timeframes, and WDV staffing, Easy Read consultation questions could not be produced. As such, the data collected may not reflect the breadth of women and gender diverse people with disabilities' experiences of the discrimination in public life. In particular, the voices of women and gender diverse people with intellectual disabilities and others who may require Easy Read will not be fully reflected in this submission.

Member Insights

Gender and Disability Expert by Experience Consult 1

Question 1: What are common experiences of discrimination in education (including early childcare)?

Quotes from Experts:

- Physical access to university campuses – priority carpark can cost huge amounts of money
- Better access for part time placements/practical component
- [to receive] Course material ahead of time/accessible/as needed
- Public libraries have access to computers, but don't have accessibility features for blind users
- Parents needing to advocate
- Others thinking they know best
- Disability liaison officer [is a] man, without intersectional or empathetic understanding of experiences different from his own
- Lack of support = holding of power within certain positions
- Not having adequate access to teachers aids. Eg: sharing funds between students
- Exclusion – across all levels of education
- Systemic issue for women who are carers acting as advocates
- Lack of resources = easier to exclude

- When you do manage to get into education = treated as rare
- Classes held in buildings with stairs
- Not fixing faulty lights
- No checks on schools receiving funding for physical access upgrades
- It seems that it's easier for the system (I am thinking primary and secondary) to almost ignore the young person by not meeting their needs, this results in disengagement or "school can't" where young people end up exiting the system
- Early childhood vision loss + ethnic background
- Discriminatory language
- Inclusion – social and physical
- Accessible toilet installed– but never got it functional so couldn't toilet themselves
- No course of action to confirm access
- Lectures upstairs – up to students to fight for access
- Teachers and students used to be more creative about supports without making people feel different
- Lack of disability awareness throughout the school

Question 2: What are common experiences of discrimination in employment?

Quotes from Experts:

- Onus on employee to prove discrimination = very difficult to do
- Voluntary for employers to engage with process
- Adjustments are good for everyone!
- Interviews and onboarding – part time not applied to onboarding or professional development
- Accessible interviews
- Part-time issues – opportunities where adjustments need to be made but aren't being made
- Reasonable adjustments?? They're just adjustments! People make adjustments everyday for injury and illness – difference is just that employers know from the start about disability adjustment.

Gender and Disability Experts by Experience Consult 2

Question 1: What would it look like if a workplace, school, or service was already doing a good job of preventing discrimination? What kinds of things would you see, hear, or feel?

Quotes from Experts:

- Audit of physical space like University and School campuses to make sure they are accessible
- Lack of facilities or venues for events in rural and regional areas is a real problem.
- Unless event organisers or venue owners get lots of money to new structures of extensions it is really hard to mitigate lack of accessible venues.
- Unless there is a quota, organisation can post a job ad saying gender diversity and disability and diversity stuff welcome and then give the job to a person without a disability citing based on merit. This is very hard to prove that you were discriminated.
- Proactivity by employers in a workplace or service. If the employer or service provider is asking upfront on your support requirements it opens the door. It is that discussion around access, accommodation and flexibility.
- For a workplace or school – need a mechanism to provide feedback or suggestion that is not onerous and a secret.
- If programs, policies and practices were not discriminatory it would look like not only people having the right complaints processes for feedback but also having to follow through on that feedback as well. Also, not being afraid to get it wrong because people will get it wrong because the world wasn't built for us.
- The uncomfortableness of people with disability and women, women of all abilities there's a good argument to have an anonymous feedback.
- It allows a bit of comfort for the person making the complaint and especially in different services like health and education and maybe encourages people to make a positive suggestion.
- I am shocked we are still here. We have been working for a long time but we go back to basics.
- Are people happy with the changes at the moment? I have had many conversations with many people that haven't seen what they thought they

would see changed. They say they are going to change it but then they go back on their word.

- Like NDIS has completely gone upside down. They promised but its flipped upside down backwards.
- I just can't believe which way everybody wants us to go, because I don't know which way the right way is at the moment. Like, with all these changes going on, and then they don't follow through.
- Still lot of discrimination due to guide dogs – going into taxis with excuses that the driver didn't see you or when you booked you didn't tell the call centre about the guide dog.
- Autonomy, independence and agency. If I had these three things on a day-to-day basis, in all of the things that I do, I think that would be Euphoria. My euphoria would be not having a disability but having these things at home, community – grocery shopping in day-to-day life that's what it would look like.
- Someone was talking about workplace but also families can be worst and negative people. My children think I don't have a disability and using this to try and get extra money or help where I don't need it.
- Families should offer you support if you have a slight problem. If families can help provide first, then less reliance on other organisations to get assistance.

Youth Experts by Experience Consult 3

Question 1: What would it look like if a workplace, school, or service was already doing a good job of preventing discrimination? What kinds of things would you see, hear, or feel?

Quotes from Experts:

- I had a question around duty holders, and what [and] who encompasses duty holders.
- Honestly, it's a thing that's been desperately needed for a very long time in the sector.
- I feel like affirmative duty, or, like, a different way of phrasing it probably would have been a bit more accurate, rather than positive duty.
- Uber and just public transport in general, you know, the discrimination that happens constantly for people that have an assistance dog or a guide dog
- How you can get giant corporations, especially those that hire the individuals to actually follow such a thing. And to not then continue that discrimination that's already been happening for years.
- one thing that probably needs to be implemented is there needs to be more proactive training.
- A lot of the problem is, for example, Uber was telling you that they've got training and the punishment, like, well, the consequences of refusing a

certified a service dog is 'Oh, they just need to redo the training'. Obviously, that's not sufficient. But the other issue is, too, that people aren't reporting them anymore.

- Council-owned building and everything like that, it does come down to the council making sure that their contractors who are working on the project are being compliant, and that includes also the architects on the project.
- A project goes through so many different steps of [advisory] committees.
- One recently that we consulted on was about the Queen Victoria Market, and the changes that they're making to that area and we were quite pleased to see that they listened to our previous consultation about that area.
- we are always constantly reminding them that whatever contractor they hire for any of these building jobs that they are also taking into consideration the accessibility aspects of it and of going beyond just following the Act. To actually make sure things are accessible, so there's a lot of consultations back and forth.
- I am interested to make sure that the commissioner is doing their job and kind of upholding their job.
- It shouldn't be that I have to go to the Commissioner for something to change. I think if we're proactive rather than reactive.
- If issues are identified and they're not fixed for 10 years, then of course you're still going to have people complaining to the Commission.
- Process of making feedbacks or some suggestions where you don't have to go to the commission, and you can go directly to the organisation, and you know, what does that process look like, because, uh, commissions they can be bureaucratic, and it can take, you know months and years before anything is done.
- For example, you know, universities, how can you actually engage with them? Where the burden is not on you so much, but you're still able to give that feedback or suggestion about things they can implement and change.
- There needs to be an attitude change in terms of we do know what's right for us and we can communicate. Everyone is going to be different, so just because it worked for another blind person doesn't mean it's going to work for the next one.
- People without any disability, or who aren't affected, or who don't know about the issue they're the ones [we] are normally dealing with. So, I think there needs to be consultations with the person involved, and relevant organisations or relevant people who are the support network for people who could be affected.
- Higher emphasis on equality and inclusion, and for that to actually be enforced and not just in writing somewhere.
- That people are supposed to care about, and if the policy says everyone has the right to feel safe, there's no exceptions to that.

- Training– I would love to see the government come up with a disability, safety, but also disability inclusion, accessibility kind of training. Especially [if you are going to] work with an individual with disability.
- Accessibility and inclusion plan there should be like, a defined way of how to work with, or, support someone or make something accessible for people with disabilities. And that kind of being put into the positive duty.
- Should clearly outlined way to support people with disabilities in a positive way that is accessible and inclusive.
- Co-designed with the people that access those different services
- The rules about assistance animals are unclear. This includes for people with disability and duty holders.
- What is accessible when it comes to design? How is that actually co-designed by people with disabilities? What is considered accessible, because I think there's a lot of really outdated definitions in this Act.
- This Act should put in provisions of how frequently building[s] and, like, infrastructure and public facilities do need to be reviewed for accessibility checks and updates.
- That people with disabilities [to] have the opportunity to be in leadership positions, in workplace, instead of, like, a token person with a disability. Like an entry-level position in the workplace, and that there should be clear pathways and supports for them to get to the leadership positions.

Question 2: How should we consider applying intersectionality to the positive duty of duty holders like employers, Universities, local or state government, health sector?

- Very foundation of intersectionality should also be a core subject in every single university course, or TAFE course.
- About co-design, because I guess co-design is the proactive approach, and so, like, inviting people with disabilities and, like, people of colour and First Nations people to collaborate on, like, resources and projects, and I guess building accessibility, I guess, program accessibility.
- People have been saying before, about providing that cultural sensitivity training and disability awareness training to people and making it compulsory.
- Making sure that this Disability Discrimination Act especially covers people with psychosocial disabilities. [They] often get overlooked and misunderstood still quite a lot in our sector and get shoved aside as just, it's a mental health thing.

Question 3: What are some other topics we want Government to consider inserting in the Act or change it?

- Enforcement of consequences. And, like, because, you know, obviously they're not really deterring at the moment.

- It needs to be more clear about who can enforce them and how they are enforced.
- When a complaint is made, I think the person who's given the complaint they should have the right to know the outcome of that complaint.
- Go flying, or they risk getting their mobility aids damaged. Because of the complete disregard that airline staff have for stuff like that.
- A proper process or an official training for being able to train an assistance dogs that is government certified.
- Segregation in general is horrible, and it does happen in other environments as well. So, having the Act have a firmer stance on that, on working towards making a truly inclusive and accessible society.

Appendix B

Positive examples of embedding positive duty in the workforce by Women with Disabilities Victoria

Consultation by Gender and Disability Experts by Experience Panel

Gender and Disability Experts by Experience (Experts) support the development of policies, products and services by sharing their lived experience expertise through consultations and co-design sessions. Previous engagements have informed government, community and private sector projects, programs, documents, websites, conferences and surveys. The scope of the work that the Experts can undertake is endless.

Below are examples of previous projects developed in consultation with the Experts –

Accessible and Inclusive Services:

Victoria Legal Aid (VLA) have consulted the Experts for advice and feedback on four projects and client services since August 2023. Consulting Experts allowed VLA to understand the emotional impacts and barriers experienced by a person with disability when engaging with legal services, and how they can improve access to their services for a better experience for people with disabilities.

Accessible and Inclusive Events:

Safe and Equal consulted the Experts on PreventX Conference 2024 to improve their events' access and inclusion for women and gender diverse people with disabilities.

Safe and Equal Staff member Quotes

"A really big thank you to all the Experts for sharing their deep knowledge and wisdom. This group provides an important forum that all organisations – regardless of sector or industry – should be proactively engaging in. Learning from those who have diverse lived experience of disabilities and applying these lessons to everything from work practices to learning environments to the design of physical spaces, can radically transform the world we all live in for the better."

Below are examples of workforce capacity-building resources:

Sharing our Expertise Project

WDV was funded by the Victorian Government to develop '**A guide to inclusive employment: Expanding Opportunities for Women with Disabilities**'. This resource has been developed by Sharing Our Expertise Project Team of six women and gender diverse people with lived experience of disability.

The purpose of this resource is to build awareness amongst organisations to promote an inclusive, more diverse workforce, which will enhance organisational culture and make positive change.

Further details of the project can be found here [Sharing our Expertise – Women with Disabilities Victoria](#)

As part of this project, 'Sharing Our Expertise: Empowering Disability Employment and Leadership in Your Organisation' course and is available at Women's Health Goulburn North East's Gender Equity e-learning hub. Click on this link to access the course – [Sharing Our Expertise: Empowering Disability Employment and Leadership in Your Organisation](#)

The course explores strategies for empowering workplaces to recruit and retain workers with disabilities and enable leadership to have the knowledge and confidence to reduce barriers to employment within the health, social and community service sectors for women and gender diverse people with disabilities.

Workforce Audit Toolkit

WDV has prepared Workforce Audit Toolkit to assist organisations to review, plan and monitor progress in gender and disability inclusion and equity. The audit covers the following areas of commitment, workplace culture, information and communications, premises and catering, and decision making and continuous improvement. Under each audit area is a collection of related questions, some of which are further divided into subsections.

Audit toolkit details can be found here – [Prevention of Gender and Disability Based Violence Audit Toolkit – Women with Disabilities Victoria](#)

References

- ¹ "Submissions | Disability Discrimination Legal Service." 2019. Ddls.org.au. 2019. <https://ddls.org.au/informationpublicationslinks/submissions-2/>.
- ² Young, Evan, and Nas Campanella. 2025. "Woman Takes Uber to Federal Court over Repeated Guide Dog Refusals." Abc.net.au. ABC News. February 18, 2025. <https://www.abc.net.au/news/2025-02-19/uber-sued-federal-court-discrimination-guide-dog/104891104>.
- ³ "Blackham, Alysia; Ryan, Lauren; Ruppner, Leah --- 'Equality Procurement: The next Frontier of Discrimination Law?' [2025] UWALawRw 4; (2025) 53(1) University of Western Australia Law Review 1." 2025. Austlii.edu.au. 2025. <https://www5.austlii.edu.au/au/journals/UWALawRw/2025/4.html>.
- ⁴ Ibid
- ⁵ "Why Undertake an Access Audit? | Access Institute." 2017. Access Institute. October 17, 2017. <https://accessinstitute.com.au/why-undertake-an-access-audit/>.
- ⁶ "Research Series Reveals Members' Employment of People with Disability – Australian Disability Network." 2023. Australian Disability Network. April 12, 2023. <https://australiandisabilitynetwork.org.au/news-and-events/research-series-reveals-members-employment-of-people-with-disability/>.
- ⁷ Colmar Brunton Social Research. 2019. Review of *Evaluation of JobAccess Service Report*. Department of Social Services. <https://www.dss.gov.au/system/files/resources/evaluation-jobaccess-services-july-2019.pdf>.
- ⁸ Ibid
- ⁹ Wiesel, Ilan. 2020. "Living with Disability in Inaccessible Housing: Social, Health and Economic Impacts Final Report." https://disability.unimelb.edu.au/__data/assets/pdf_file/0010/3969109/Accessible-Housing-Research-Report-22-October-2020.pdf.
- ¹⁰ Ibid
- ¹¹ Victorian Government. "Chapter 3: Gender and Employees with Disabilities." www.genderequalitycommission.vic.gov.au, October 27, 2023. <https://www.genderequalitycommission.vic.gov.au/intersectionality-work/chapter-3-gender-and-employees-disabilities>
- ¹² Wiesel, Ilan. 2020. "Living with Disability in Inaccessible Housing: Social, Health and Economic Impacts Final Report." https://disability.unimelb.edu.au/__data/assets/pdf_file/0010/3969109/Accessible-Housing-Research-Report-22-October-2020.pdf.
- ¹³ Centre for Non-Violence, and Women with Disabilities Victoria. 2025. *Review of Guidelines on Addressing Multiple and Intersecting Forms of Discrimination against Women and Girls with Disabilities in Law, Policy and Practice*. <https://www.cnv.org.au/wp-content/uploads/2025/10/CNV-and-WDV-OHCHR-Submission.pdf>.

¹⁴ Ella Longhurst, "Hidden Hurdles – Barriers to Rental Fairness for Family Violence Victim Survivors and Ways to Dismantle Them," ed. Miriam Sved (VCOSS, March 2025), <https://vcoss.org.au/wp-content/uploads/2025/06/FINAL-VCOSS-Family-Violence-and-Renting-Insights-Paper-04.06.25.pdf>.

¹⁵ Centre for Non-Violence, and Women with Disabilities Victoria. 2025. *Review of Guidelines on Addressing Multiple and Intersecting Forms of Discrimination against Women and Girls with Disabilities in Law, Policy and Practice*. <https://www.cnv.org.au/wp-content/uploads/2025/10/CNV-and-WDV-OHCHR-Submission.pdf>.

¹⁶ Ibid

¹⁷ "User-Friendly Legislation: Why We Need It, and How to Achieve It." n.d. ALRC. <https://www.alrc.gov.au/news/user-friendly-legislation/>.

¹⁸ Victoria, D. (2022, December 13). *30 years of the Disability Discrimination Act – a Deafblind perspective*. Deafblind Victoria. <https://deafblindvictoria.com/2022/12/13/30-years-of-the-disability-discrimination-act-a-deafblind-perspective/>

¹⁹ "User-Friendly Legislation: Why We Need It, and How to Achieve It." n.d. ALRC. <https://www.alrc.gov.au/news/user-friendly-legislation/>