

Definition of Disability

The definition of disability given under the Commonwealth Disability Discrimination Act (1992) is broad and includes these areas:

- Physical
- Intellectual
- Psychiatric
- Sensory (this includes visual and hearing disabilities)
- Neurological (this includes acquired brain injuries)
- Learning difficulties
- Physical disfigurement, and
- The presence in the body of disease causing organisms (this includes people living with HIV/AIDS)

The Disability Discrimination Act (1992) also covers people for a disability which they:

- Have now
- Had in the past
- May have in the future
- Are believed to have

This definition of disability recognises that disability may be hidden or temporary and that attitudes towards disability may be a cause of discrimination.

Prevalence of Disability

The Australian Bureau of Statistics in 1998 identified 19% of the Australian population as having a disability; at that time equalling 3.6 million Australians. The figure most commonly used by the disability sector is 1 in 5 people. It is important to remember that disability is not an isolated experience, people with disabilities also have friends, families and colleagues — therefore the number of people affected by poor services or inadequate access is far greater than just 1 in 5.

While disability is not directly age related, an ageing population is likely to increase the number of people experiencing a disability.

Disability is experienced across all social groups, genders, ages and communities. There is no one homogenous experience of disability. People with a disability have lives as diverse as any other community groups.



Legal requirements towards people with disabilities

The Commonwealth Disability Discrimination Act (1992) aims to:

- Eliminate, as far as possible, discrimination on the grounds of disability;
- Ensure that people with a disability have the same rights to equality before the law as the rest of the community;
- Educate the community about the rights of people with a disability.

The Commonwealth Disability Discrimination Act (1992) covers the following areas:

- Employment
- Education
- Access to premises used by the public
- Provision of goods, services and facilities
- Accommodation
- Buying Land
- Clubs and Associations
- Sport
- Administration of Commonwealth Government Laws and programs

The Commonwealth Disability Discrimination Act (1992) covers all areas of public life in Australia. A person with a disability who feels they have been discriminated against, either directly or indirectly, may bring an action to have that discrimination remedied.

People with disabilities will also have protection under some State laws and State and Commonwealth agreements, including any Anti-Discrimination legislation. In addition, a range of Australian Standards for building and design works exist that act to encourage universal design and accessibility for people with disabilities. All Codes of Practice, Employment Law and Industry Standards that apply to people generally apply to people with disabilities.

The social model of disability

In Australia we talk of and develop policies for people with disabilities using a 'social' model. This is distinct from the 'medical' model that assumes that disability is something pathological, a condition rather than an experience, and the responsibility of the individual. Under the 'social' model, we acknowledge that it is the barriers created by society that are 'disabling' to an individual, and that it is our collective responsibility to remove these barriers.

The use of the phrase 'people with disabilities' reflects the 'social' model as it puts the individual, not the disability, first.

For further information: Human Rights and Equal Opportunities Commission website, http://www.hreoc.gov.au/disability_rights

The Disability Factpack for Arts and Cultural Organisations, DADAA National Network and the Australia Council, 1998 (available as PDF on the DADAA website <http://www.dadaanat.net.au>)

