

# Disability Discrimination Policy

Corangamite Shire

August 2023



**CORANGAMITE  
SHIRE**

# Council Policy



## Disability Discrimination Policy

### Introduction

The *Disability Discrimination Act 1992* is Commonwealth legislation that is designed to prevent discrimination on the basis of disability.

The *Disability Discrimination Act* (DDA) makes it unlawful to discriminate in the provision of goods, services or facilities, against people on the basis that they have, or may have, a disability. It also makes it unlawful to discriminate against a person on the basis that one of their associates has, or may have a disability.

The *Disability Discrimination Act* holds precedence over other Commonwealth and state legislation unless exempted in writing by the Australian Attorney General. It is a legal requirement of Council to respond to issues and complaints relating to access to services under the control of Council, pursuant to the *Disability Discrimination Act*.

The objects of the *Disability Discrimination Act* are:

- a. to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:
  - i. work, accommodation, education, access to premises, clubs and sport
  - ii. the provision of good, facilities, services, land
  - iii. existing laws
  - iv. the administration of Commonwealth laws and programs.
- b. to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and
- c. to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

The *Disability Discrimination Act* reinforces Council's general obligation not to treat a person with a disability less favourably than they would treat a person without a disability in similar circumstances.

The *Disability Discrimination Act* recognises that people with disabilities constitute a significant proportion of the local community and that they have a right to participate as fully as possible in the life of the community.

## **Purpose**

The purpose of this policy is to state Council's position in regard to the *Disability Discrimination Act 1992*. This policy provides guidance on how Corangamite Shire will meet the requirements of the *Disability Discrimination Act*. The policy also ensures Corangamite Shire's adherence to the *Local Government Act 2020* that requires a Council and CEO to set out measures to ensure gender equality, diversity and inclusiveness.

## **Scope**

The policy is of important relevance to a number of Council services including:

- Access to Council owned and/or operated facilities used by the community
- Provision of Council services
- Purchase, sale and use of Council assets
- Council employment (including volunteers)
- Council contract management
- Provision of Council information to the community
- Development of Council policies and procedures

## **Definitions**

The definition of disability for the purposes of the DDA is:

- Total or partial loss of the person's bodily or mental functions
- Total or partial loss of a part of the body
- The presence in the body of organisms causing disease or illness
- The presence in the body of organisms capable of causing disease or illness
- The malfunction, malformation or disfigurement of a part of the person's body
- A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction
- A disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behavior.

## **References**

*Local Government Act 2020*

*Disability Discrimination Act 1992 (Cth)*

*Disability Services Act 2006*

*Disability Discrimination and Other Human Rights Legislation Amendment Act 2009*

*Charter of Human Rights and Responsibilities Act 2006 (Vic)*

*Equal Opportunity Act 2010*

## Policy Detail

Corangamite Shire Council is committed to promoting an inclusive and accessible community where all people, including people with a disability can be active, socially connected individuals who are able to access information, activities, facilities and services within the community.

This will be achieved by providing people with disabilities with the same opportunities, rights and responsibilities enjoyed by all other people in the community.

Council recognises that people with disabilities are valued members of the community who make a variety of contributions to the social, economic and cultural life within the Shire and beyond. Council believes that a community that recognises its diversity and supports the participation of all its members makes for a richer community life. Council recognises that full compliance with the intent of the Disability Discrimination Act comes at a financial cost that cannot be easily achieved in the short term. Thus Council is committed to implementing the spirit and intent of the legislation by:

- Acknowledging the right of people with disabilities to contribute to the social, political, economic and cultural life of the community
- Promoting a positive image of people with disabilities
- Ensuring the needs of people with disabilities are recognised in the development, planning and delivery of Council services and facilities
- Ensuring, as far as practicable, Council's relevant corporate documents address the needs of people with disabilities, in accordance with the principles outlined in the Disability Discrimination Act and this policy
- Establishing and maintaining an Action Plan (incorporated in the Disability Action and Inclusion Plan) which will be reviewed and revised in line with The Council Plan review every four years
- Reporting to Council and the community periodically about the achievements of the Municipal Health and Wellbeing Plan and Disability Access and Inclusion Plan.

## Reference to linked Procedure or Guidelines, if applicable

Access and Inclusion Plan

Social Inclusion Policy

Municipal Health and Wellbeing Plan

## Review Date

This policy is to be reviewed by August 2027 unless circumstances necessitate otherwise.

It is considered that this Policy does not impact negatively on any rights identified in the *Charter of Human Rights and Responsibilities Act 2006*. Further, a *Gender Impact Assessment* has been undertaken and no changes are recommended as it is considered that this policy meets the needs of people of different genders, addresses gender inequality by its nature, and promotes gender equality.