Extracts from the

Commonwealth *Disability Discrimination Act 1992*

An Act relating to discrimination on the ground of disability.

**PART 1—PRELIMINARY**

3. The objects of the 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; and
      (ii) the provision of goods, facilities, services and land; and
      (iii) existing laws; and
      (iv) the administration of Commonwealth laws and programs; and
   (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.

5. Direct disability discrimination

   (1) 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, because of the disability, the discriminator treats, or proposes to treat, the aggrieved person less favourably than the discriminator would treat a person without the disability in circumstances that are not materially different.

   (2) For the purposes of this Act, a person (the *discriminator*) also discriminates against another person (the *aggrieved person*) on the ground of a disability of the aggrieved person if:
      (a) the discriminator does not make, or proposes not to make, reasonable adjustments for the person; and
      (b) the failure to make the reasonable adjustments has, or would have, the effect that the aggrieved person is, because of the disability, treated less favourably than a person without the disability would be treated in circumstances that are not materially different.

   (3) For the purposes of this section, circumstances are not materially different because of the fact that, because of the disability, the aggrieved person requires adjustments.

6. Indirect disability discrimination

   (1) 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) the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition; and
      (b) because of the disability, the aggrieved person does not or would not comply, or is not able or would not be able to comply, with the requirement or condition; and
      (c) the requirement or condition has, or is likely to have, the effect of disadvantaging persons with the disability.

   (2) For the purposes of this Act, a person (the *discriminator*) also discriminates against another person (the *aggrieved person*) on the ground of a disability of the aggrieved person if:
      (a) the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition; and
      (b) because of the disability, the aggrieved person would comply, or would be able to comply, with the requirement or condition only if the discriminator made reasonable adjustments for the person, but the discriminator does not do so or proposes not to do so; and
      (c) the failure to make reasonable adjustments has, or is likely to have, the effect of disadvantaging persons with the disability.
8. Discrimination in relation to carers, assistants, assistance animals and disability aids

(1) This Act applies in relation to having a carer, assistant, assistance animal or disability aid in the same way as it applies in relation to having a disability.

9. Carer, assistant, assistance animal and disability aid definitions

(1) For the purposes of this Act, a carer or assistant, in relation to a person with a disability, is one of the following who provides assistance or services to the person because of the disability:
   (a) a carer;
   (b) an assistant;
   (c) an interpreter;
   (d) a reader.

(2) For the purposes of this Act, an assistance animal is a dog or other animal:
   (a) accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a person with a disability to alleviate the effect of the disability; or
   (b) accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or
   (c) trained:
      (i) to assist a person with a disability to alleviate the effect of the disability; and
      (ii) to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.