



Disability Discrimination Act Review

October 2025



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What is MS?

Multiple Sclerosis (MS) remains one of the most common causes of neurological disability in the young adult population (aged 18–40 years) with over 2.8 million people affected worldwide. More than 33,300 Australians live with MS and over 7.6 million Australians know someone or have a loved one with this potentially debilitating disease.

MS is a chronic disease that attacks the central nervous system (the brain, spinal cord and optic nerves). A person living with MS may or may not have a disability. Many people live well with MS and many do not consider themselves to be disabled.

MS symptoms can significantly vary between people and can come and go; they can include severe pain, walking difficulties, debilitating fatigue, partial blindness and thinking and memory problems. For some, MS is characterised by periods of relapse and remission, while for others it has a progressive pattern of disability. MS robs people of quality of life, primarily driven by the impact of MS on pain, independent living, financial security, mental health and relationships.

MS Australia is Australia's national multiple sclerosis (MS) not-for-profit organisation that empowers researchers to identify ways to treat, prevent and cure MS, seeks sustained and systemic policy change via advocacy, and acts as the national champion for Australia's community of people affected by MS.

MS Australia represents and collaborates with its state and territory MS Member Organisations, people with MS, their carers, families and friends and various national and international bodies to:

- Fund, coordinate, educate and advocate for MS research as part of the worldwide effort to solve MS
- Provide the latest evidence-based information and resources
- Help meet the needs of people affected by MS

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Disability Discrimination Act Review

Over five and a half million Australians currently live with a disability¹ and they represent over 20 per cent of the Australian community. Australians living with disabilities should be given the opportunity to learn and access accessible education, engage in the workforce, and participate in public life without discrimination.

MS Australia welcomes the opportunity to make a submission to the Attorney-General's Department and respond to the Issues Paper. MS Australia values this consultation and hopes that our recommendations on how to strengthen and reform the Disability Discrimination Act (DDA) will result in the increased understanding and protection of disability rights, prevention of disability discrimination, increased accessibility and inclusivity for all, including people living with MS.

This submission draws on the experiences and expertise of MS Australia's [Lived Experience Expert Panel](#) (LEEP). The LEEP is a panel of people who either live with MS or are a carer for someone living with MS, and who provide MS Australia with expert advice to inform our advocacy work. Their feedback reflects the lived experience and responses of people living with MS to the recommendations of reforming the DDA. The feedback from the LEEP members covers the diverse range of experiences of ability and disability for people living with MS. LEEP members also provided input in our previous submission on the [Australian Government's response to the Disability Royal Commission](#).

MS Australia Recommendations

- Update the definition of disability within the Act so it is easier to understand, reflects both the social and human rights models of disability, explicitly includes invisible or fluctuating disabilities, and acknowledges that some people with disability may experience multiple forms of discrimination due to their intersecting identities.
- Update the definitions of both direct and indirect discrimination in the Act to align with the recommendations 4.23 and 4.24 of the Disability Royal Commission.
- Introduce a 'positive duty' for duty holders at all organisations to proactively take steps to prevent discrimination, noting that the
 - Implementation of a positive duty should be facilitated by various Australian Departments that would collaborate to develop organisational resources on positive duty to educate and help build knowledge on the new requirement and limit organisational costs.
- Organisations engage people with disability to provide their expertise to assist with implementing a positive duty by paying them to do the following:
 - Conduct a needs assessment to determine how the organisation does and does not meet the needs of people with disability, evaluating gaps and possible solutions to be more accessible and inclusive.
 - Update and/or establish policies, procedures, and team member trainings that incorporate the lived experiences of people with disability, including best practices and timelines for being inclusive, making adjustments, and handling and responding to disability discrimination complaints.
 - Providing disability inclusion training that includes the lived experiences of people with disability.
 - Require resources on the DDA, inclusivity, and positive duty to be displayed and available for all team members and patrons, at offices and organisational websites.
 - Processes and timeframes requiring organisations to audit and review the

internal disability inclusion policies and trainings about positive duty and update them accordingly.

- Encourage disability inclusion in areas of employment, education and public life, including
 - strengthening the duty of employers to provide adjustments,
 - reforming the requirements for duty holders prior to being able to claim unjustifiable hardship, and
 - expanding the factors employers use to for inherent requirements.
- Adopt the Disability Royal Commission's recommendation to add two provisions to improve protections for people with disability, related to offensive behaviour and vilification related to their disability, including non-visible disabilities.
- Amend the DDA to include a new provision requiring both police and all first responders that provide safety and justice services to be required to take trauma informed training that includes information about disability.
- Modernise the DDA, by supporting adoption of improving action plans and enforcement of disability standards using the introduction of a positive duty.
- Reform additional aspects of the DDA to ensure the law adequately protects people with disabilities in the future, including review of other existing provisions of the DDA, requiring the law be reviewed every 5 years, the implementation of a national public education campaign, stronger enforcement mechanisms, and recognition of intersectionality and invisible disability.

Updating the DDA's Definition of Disability

MS Australia recommends that the definition of disability be updated so it is easier to understand as well as reforming the terminology from a medical model of disability to social and human rights models of disability. The current definition uses deficit-based language to refer to disability when it refers to 'malfunction', 'malformation', 'disfigurement', 'disturbed' and 'disorder'. Such language is harmful, stigmatising, and reinforcing negative stereotypes to define people with disabilities. These outdated terms also do not reflect how current understanding of disability. Alternative language that could be added could include, something noting 'any impairment or functional limitation that hinders full and equal participation....'.

The current definition of disability also does not explicitly include people living with non-visible disabilities or otherwise known as invisible disabilities. For many people with MS, their symptoms are hidden, and they live with an invisible disability. People living with MS can experience a wide range of symptoms. Some use a wheelchairs or mobility aids, while others live with invisible, fluctuating symptoms that may not be obvious to others. For instance, symptoms like fatigue, cognitive impairment, and heat sensitivity can be variable and unpredictable for people living with MS and other neurological diseases including stroke, Parkinson's disease, Huntington's disease, acquired brain injury and Motor Neurone disease. The definition of disability needs to be revised to explicitly include people living a non-visible disability, so it includes the diverse range of experiences of disability for people living with MS.

Lastly, the updated definition of disability should include intersectionality by recognising that some people may be affected by more than one type of discrimination, due to their race, sex, gender identity, sexual orientation, disability, class, religion, age, social origin, and other identity markers. Additionally, some individuals may live with more than one disability or have 'other' health conditions that could be a contributory cause of their disability or contribute to the progression or worsening of their disability. The DDA's definition of disability should be updated to recognise and protect people with intersecting identities.

MS Australia recommends the definition of disability within the Act be updated so it is easier to understand, reflects the social and human rights models of disability, explicitly includes non-visible or invisible disabilities with intermittent symptoms and acknowledges that some people with disability may experience more than one type of discrimination with their intersecting identities.

Updating the DDA's Definition of Discrimination

MS Australia recommends that the definition of discrimination be updated so that it is both easier to understand and better protects people with disabilities.

MS Australia believes that the definition of direct discrimination should not require people with disabilities that have experienced discrimination to compare or prove they have been treated less favourably than a person without a disability in similar circumstances. Consistent with the Disability Royal Commission's recommendation 4.23², this comparison test should be removed from the direct discrimination definition. In addition, the definition for direct discrimination should be updated to require a duty holder to prove their treatment of the person with a disability was not based on the individual's disability or the duty holders' perceptions about their disability. For instance, one member of MS Australia's LEEP recalled how during an employment interview the interviewer stated if he had MS, he must be blind and therefore would not be able to successfully do the job. This question was delivered with very harsh and degrading language. The test for direct discrimination needs to not only require duty holders to prove their actions were not based on the person's disability but should also include their perceptions of an individual's disability.

MS Australia recommends the definition of indirect discrimination should be updated consistent with the Disability Royal Commission's recommendation 4.24³ to simplify the existing criteria by eliminating both the inability to comply requirement and eliminating the reasonableness element. Duty holders should be required to proactively engage and communicate with people with a disability to collaboratively identify possible adjustments and accommodations. Before justifying their ability to discriminate against people with disability, the duty holder should be required to prove using acceptable evidence that reports how and what adjustments were made and/or could be made before being able to claim that adjustments constituted an 'unjustifiable hardship'. Members of MS Australia's LEEP have experienced disability discrimination in various forms and regularly the duty holder has justified their discriminatory action under the guise of 'unjustifiable hardship' with no evidence or taking the time to consult with them about possible alternatives. Specific examples have been provided in the section below that discusses unjustifiable hardship.

MS Australia recommends updating the definitions of both direct and indirect discrimination in the Act to align with recommendations 4.23 and 4.24 of the Disability Royal Commission.

Interpreting the DDA with the Convention on the Rights of Persons with Disabilities

MS Australia supports the Disability Royal Commission's recommendation 4.33 and 4.34⁴ regarding interpreting the DDA in line with the Convention on the Rights of Persons with Disabilities, however, are unable to comment on the matter further as we do not engage with them regularly to provide more specific recommendations.

Introducing a Positive Duty to the DDA

MS Australia welcomes the inclusion of the Disability Royal Commission's recommendation 4.27 and 4.28⁵ to introduce a positive duty to the DDA to prevent disability discrimination and ensure that the burden for reducing discrimination is not always placed on people with disability. In terms of the scope of the positive duty, all public and private employers and their people conducting business, especially any individual with organisational management responsibility, should be required to proactively take preventative actions to eliminate discrimination by removing barriers and appropriately address discrimination. Inclusive and accessible spaces, including businesses and workplaces, benefit everyone. The DDA should not exempt any organisation, regardless of all size, from implementing a positive duty.

Regarding positive duty by educational institutions, staff and students should be required to be undergo training and be provided workshops about disability inclusion and the DDA. Educational institutions could send students home with a prospectus that includes information discussing all types of discrimination, including disability and the options the educational institution makes to their process to provide students with adjustments prior to being excluded from student activities.

To facilitate the implementation of a positive duty and limit the costs for all organisations, supports should be developed by the relevant government organisations including the Australian Human Rights Commission, JobAccess/Disability Employment Services, Department of Health, Disability and Ageing, Department of Social Services and the Fair Work Ombudsman. This includes model policies, practices, and trainings for organisations to preventing disability discrimination, commit

and proactively work towards understanding how to be inclusive and prevent disability discrimination. There is a potential that the introduction of a positive duty will be cost-neutral due to the reduction in complaints and disability discrimination legal action.

To implement a positive duty and work towards preventing disability discrimination, **MS Australia recommends** that duty holders be encouraged to engage the expertise of people with disability to do the following:

- Conduct a needs assessment to identify and evaluate how the organisation does or does not meet the needs of people with disabilities, including reviewing the organisation's existing policies and practices and identifying how potential gaps could be made more accessible and inclusive for people with disabilities.
- Update and/or establish policies, procedures, and team member trainings that incorporate the lived experiences of people with disability, including best-practices and proposed timelines for receiving and appropriately handling disability discrimination complaints.
 - These policies and practices should include recommendations for how the organisation can take steps and plan to be inclusive when team members, contractors and patrons disclose they have a disability, including having meaningful conversations about their needs, potential adjustments and what the organisation might be able to do to help the person achieve optimal results.
 - Duty holders should not make assumptions about the needs of people with disabilities. Organisations should create a transparent criterion when refusing to make adjustments or accommodations instead of being able to refuse or delay their implementation, including clarifying who within the organisation is responsible for ensuring that conversations about adjustments occur in a timely manner that includes a discussion about potential alternatives.
 - Organisations should have a definitive policy and process for reporting discrimination that involves consultation with the person with disability.
- Provide disability inclusion training with lived experiences of people with disability to learn about duty holders' responsibilities and obligations to comply with the positive duty.
- Require resources on the DDA and positive duty to be displayed and available for all team members and patrons, in person and on organisational websites, about accessibility, inclusion and how to ask for adjustments.
- Processes and timeframes requiring organisations to audit and review the internal disability inclusion policies and trainings about positive duty and update them accordingly.

When feasible, organisations should remunerate people with disability to provide this expertise.

Strengthening the DDA by placing the burden of proof on duty holders rather than asking people with disability to constantly prove they are being discriminated against is essential. The impact of the introduction of a positive duty would be significant for all Australians as well as for people with disabilities. For instance, members of MS Australia's LEEP panel who are no longer employed would still be employed with their previous employers and worked for several years. In addition, retired members of MS Australia's LEEP panel would be able to access goods, services, and facilities, including healthcare that are inclusive and accessible instead of how they are currently being told that their organisations cannot accommodate people with disabilities. People with disabilities will experience less burnout and minority stress from having access to organisations that are more accessible and inclusive.

Case Study – Michael

When Michael was diagnosed with MS over 20 years ago his employer originally reacted positively, noting that he would not have to worry about losing his job. Michael's employer provided him with adjustments that enabled him to successfully do his job. However, when his disability went from being an invisible disability to a visible disability, his employer began to focus on his disability rather than his abilities. Overtime, his adjustments were slowly eliminated, which prevented Michael from being able to use his experience and strengths to continue adding value to his employer.

MS Australia recommends the DDA introduce a 'positive duty' for duty holders and require all organisations, consistent with the Disability Royal Commission's recommendation, including public

and private, of all sizes to proactively take steps to prevent discrimination.

To better ensure the implementation of a positive duty for all organisations, **MS Australia recommends** various Australian Departments that could collaborate and facilitate the implementation of a positive duty by developing organisational resources on positive duty to educate and help build knowledge on the new requirement and limit organisational costs.

Encouraging Inclusions in areas of Employment, Education and Public Life

Encouraging Inclusive Employment for People Disability including people living with MS

Employment is central to improving economic, social and health outcomes. Meaningful work is a critical part of enjoying a good quality of life and employment has been found to help many Australians feel more connected to others and their community. People with a disability can bring diverse and unique perspectives and skills to the workplace including creativity, problem solving, persistence and resilience.

Most people are diagnosed with MS between the ages of 20-40, with 75% being women. Often a diagnosis of MS occurs when people are fully employed, consolidating income, planning a family and/or making significant career choices. MS is a progressive, degenerative, neurological condition, where acquisition of disability often occurs gradually and may vary from person to person. People living with MS may experience the following symptoms that can affect their ability to function in the workplace:

- Reduced mobility, balance and strength,
- Cognitive issues including memory, concentration, planning and problem solving,
- Sensory issues including heat sensitivity and numbness,
- Extreme fatigue,
- Double vision, and
- Bladder and bowel issues.

Stressful working conditions and requirements to work long hours can worsen MS symptoms. Many people with MS also live with comorbidities, such as osteoarthritis, migraines, anxiety, depression, and allergies, that can further impact their employment outcomes.

People with MS contribute a range of skills, talents and qualifications to the workplace. To examine workplace attitudes towards those with a physical or mental health condition – including flexible work practices, job prospects, stigma, and disclosure, MS Australia undertook a [national survey](#)⁶ involving 1,748 Australian adults (including 525 people living with MS) in February 2022. Overall, the findings show that there is a disconnect between community attitudes and workplace realities for those with a health condition. Specifically, the survey showed the reality of the workplace for people living with MS:

- 52% reported missed work opportunities due to their MS.
- 28% were uncomfortable in the workplace because they felt people labelled them.
- 17% felt the culture of the company they worked at did not make them feel comfortable enough to disclose their condition.
- 41% chose not to disclose their condition at work saying it would ‘change people’s opinion’ of them and 25% that it would ‘jeopardise career prospects.
- 48% think they won’t be seen as a ‘long-term team member to invest in and promote’.

As the Disability Royal Commission identified, many people with disabilities face discrimination or barriers within the workplace. These barriers include support to maintain employment; access to education, training, career progression and capacity building; and addressing both direct and indirect discrimination in the workplace. Reducing barriers to employment and supporting employer and employees will lead to more diverse and engaged workplaces across Australia.

Achieving inclusive employment requires education and training to ensure employers understand that people with disability are valuable employees, who contribute significantly to the workplace. A

trained advocate within a workplace or HR department could assist with the business becoming a disability friendly workplace.

Strengthening the Duty to Provide Adjustments

MS Australia supports the Disability Royal Commission's recommendation 4.25⁷ to eliminate the term 'reasonable' from 'reasonable adjustments' in the DDA. The notion of 'reasonable adjustments' makes it difficult for people with disability to ask for help in contexts like a workplace, education and public life, as it puts the focus on whether they are creating a burden versus what is needed for a person to thrive.

People living with MS can be further supported by having an employer that has an open, responsible and productive approach to people with MS. Employers benefit from being open to learning how the employee can be best supported and retained in the workplace, which should often include consulting with the person with disability about adjustments. This in turn fosters a positive workplace culture for all employees and presents an inclusive and socially responsible organisation to customers.

Due to its varied nature, there is no 'one size fits all' approach to managing MS in the workplace. Some people have no need to alter their role or working conditions, while others may benefit greatly from small adjustments. People living with MS may also need to be supported by their workplaces through adjustments including:

- Flexible working arrangements including access to part-time work, flexible hours/working schedules, longer breaks and the ability to change hours/days as required,
- Ability to work from home,
- Disability accessible workplaces, and
- Access to home and workplace modifications and equipment.

Unfortunately, many people with MS struggle to work full time hours and face poor workplace attitudes and unsupportive managers. People may have to change careers or take early retirement due to the unsuitability of their profession and/or inability to adapt their work to accommodate their disability. Symptoms can be triggered or made worse by stressful working conditions and requirements to work long hours⁸.

People living with MS currently struggle to maintain employment due to employers not being prepared to make adjustments and provide a flexible workplace – which benefits all workers and not only those living with disabilities.

Definition of and Considerations for Unjustifiable Hardship

As the Disability Royal Commission's recommendation 4.26⁹ identified, it should be unlawful for a duty holder to refuse to make adjustments without meeting very specific evidence-based criteria for unjustifiable hardship, including consultation with the person with disability that involves both parties identifying potential adjustments that could be made. The DDA's existing factors for duty holders to not make reasonable adjustments based on 'unjustifiable hardship' are inadequate. The following three examples unfortunately highlight how there have been times when duty holders have used the DDA's 'unjustifiable hardship' exemption to justify discriminating against people with disability.

Case Study – Nigel

Nigel has experienced multiple businesses that offer vacation tours but refuse to provide their tourist services to individuals who use wheelchairs, mobility scooters, or walkers, again under the exception that doing so would impose an 'unjustifiable hardship' on their business. These businesses express an inability to make any of their services accessible without any conversation about how potential adjustments could be made.

Case Study – Lucy

Lucy's employer claimed 'unjustifiable hardship' after she qualified for adjustable workplace furniture from JobAccess, including an office chair, a standing desk, headset and adjustable keyboard. For over 6 months her employer refused to allow Lucy to use the furniture claiming 'unjustifiable hardship' stating the desk would be a hazard and the colour of the desk and chair did

not match their standard office furniture so neither could be used at the office. Over several months, Lucy's employer refused to engage or communicate with her and failed to provide evidence-based reasons for refusing to facilitate providing the adjustments recommended and paid for by JobAccess. This same employer did not want to allow Lucy to use an ergonomic headset as they confessed, they did not want to have to provide all their staff with a headset and again claimed allowing Lucy to use a headset caused an 'unjustifiable hardship' to discriminate against her and not provide an adjustment.

When reforming the DDA's unjustifiable hardship section, new requirements for the duty holders to proactively communicate and consult with the person with disability before refusing to make any adjustments and eliminate any existing adjustments should be added. MS Australia recommends that duty holders be required to undertake the following before refusing to make adjustments under 'unjustifiable hardship':

- The duty holder should consult with the person with disability to discuss their needs with both parties identifying potential adjustment solutions and coming to an agreement about the potential adjustments and alternatives in the case that the duty holder believes some of the proposed adjustments may be too costly to implement.
- The duty holder to check-in with the person with disability within 45-60 days of the adjustments being implemented to touch base and see how the adjustments are going.
- If either the duty holder or the person with disability needs to have the agreed upon adjustments modified, another conversation about possible alternatives adjustments and needs should be required to provide the person with disabilities information about the change.

Case Study – Michael

Michael's employer had agreed upon providing him with an adjustment to begin work at an alternative location before his shift officially began. This adjustment worked for many years, until one day his employer randomly decided Michael could no longer start his workday at the alternative location. Michael's employer did not provide any justification for eliminating the adjustment and did not attempt to engage in a conversation with him about alternative adjustments.

MS Australia recommends the Attorney-General's Department adopt the Disability Royal Commission's Recommendation 4.32¹⁰ (listed as per option 1 on page 53 of the issues paper), to add an additional provision requiring the consultation with the person with a disability and consideration of adjustments to occur within a reasonable timeframe after the request is made, such as 30-45 days, as well as explicitly requiring duty holders to maintain evidence that they have taken these actions prior to being able to claim unjustifiable hardship to better ensure people with disability are protected.

Expanding the Factors Considered by Employers when Determining if an Employee Can Carry out the Inherent Requirements

MS Australia supports the Disability Royal Commission's recommendation 7.26¹¹ to add two additional factors to the DDA for both prospective and existing employees' ability to carry out the inherent requirements of their position that require the 'nature and extent of any adjustments made' and the 'extent of consultation with any person with disability concerned' must be considered. People with disability should be provided the opportunity to disclose and discuss potential adjustments they need to meet the inherent requirements of the role prior to employers making decisions that impact them to ensure employers cannot rely on assumptions about future capacity to justify discrimination.

Case Study – Lucy

Lucy was unlawfully terminated based on her employer's assumption that since she lives with MS, a progressive condition, she would not be able to keep up with her job's duties in the future. Before terminating Lucy, her employer did not choose to have a productive conversation about her disability. Despite Lucy's ability to continue to meet all the role's inherent requirements, including keeping up with the fast pace of the role and the fact that she had only received positive performance assessments, she was let go.

People with disability should still have the right to choose whether they want or need to disclose their disability. Unfortunately, there are employers that treat employees with disability differently when they learn the person has a disability.

People living with MS may need access to specialist disability employment support services to help them navigate the workplace including recruitment, career advice, training, work experience, career changes and finding suitable employers and jobs. The majority of employers recruit and interview prospective employees without disclosing interview questions prior to the interview. This can create challenges and disadvantage for people with disability who may experience cognitive symptoms despite meeting job posting requirements. Duty holders could easily share the interview questions with selected candidates when scheduling the interviews for all candidates, which would make the hiring practices more inclusive generally and especially for people with disability.

Case Study – Michael

A week after Michael requested an accessible parking spot from his government employer the employer told him to print up a wheelchair sign accessed online and stick on the garage door. After Michael did that, he frequently was not able to use the designated disability parking spot due to senior managers choosing to park in that allocated spot.

As previously noted, members of MS Australia's LEEP have shared experiences of requesting adjustments due to their disability which have resulted in their loss of employment due to the employer claiming providing adjustments would constitute an unjustifiable hardship. Any reforms to the DDA related to inherent requirements should require consultation with the prospective employer and employee, including that considerations to prevent employers from justifying discrimination based on potential future assumptions about the abilities of people with disability.

Inclusive Education – Exclusionary Discipline and Suspension by Educational Institutions

MS Australia is not actively engaged in the area of inclusive education and cannot comment more broadly on this. However, a member of MS Australia's LEEP shared, that when attending a university, it was much easier for her to access adjustments without bureaucratic gatekeeping or timely delays after she provided documentation about her disability, and was provided breaks, access to read and write programs and an e-reader. Whereas requesting minor adjustments at her workplace resulted in several timely delays and bureaucracy with no manager taking responsibility for helping her navigate the request, resulting in her leaving the company. There may be learnings from the manner in which the tertiary education sector supports people living with disability that could inform workplace inclusion.

MS Australia recommends the DDA encourage disability inclusion in areas of employment, education and public life, by strengthening the duty of employers to provide adjustments; reforming the requirements for duty holders prior to being able to claim unjustifiable hardship; and expanding the factors employers use to for inherent requirements.

Exclusionary Discipline and Suspension

MS Australia supports the Disability Royal Commission's recommendation 7.2¹² regarding amending the DDA to explicitly prevent educational institutions from exclusionary discipline and suspension against students based on their disability, however, are unable to comment on the matter further as we do not engage on this issue to provide more specific recommendations.

Improving Access to Justice

Recommendations related to Offensive Behaviour and Vilification Protections

MS Australia recommends the adoption of the Disability Royal Commission's recommendation 4.29 and 4.30¹³ to add two provisions to improve protections for people with disability, related to offensive behaviour and vilification related to their disability, including non-visible disabilities. People with disabilities should be able to safely engage and participate in public life, employment, education, and online.

Provisions to the DDA should include the prohibition of offensive behaviour and harassment based on disability. Changes to the DDA in this area should work to protect against ablism, hate speech, and online abuse online. Provisions that include accountability with specific penalties for people

who violate the law, including increased penalties for persistent offenders.

MS Australia recommends the DDA be reformed to include two provisions to improve protections for people with disability, related to offensive behaviour and vilification related to their disability, including non-visible disabilities, consistent with the Disability Royal Commission's recommendations.

Services Provided by Police Officers - Expand to Include All First Responders

Per the Disability Royal Commission's recommendation 8.19,¹⁴ MS Australia recommends amending the DDA to prohibit disability discrimination in all interactions with both police and first responders, whether as witnesses, victims of crime, or as members of the public. First responders should be required to complete trauma-informed, disability-specific training co-designed with people with disability, including those with non-visible disabilities, to prevent harmful assumptions, discriminatory responses, and the use of excessive force. Too often first responders over-react when engaging with people with disability and use excessive force due on people with disability. These trainings should include people with disability to ensure the justice system can adequately engage and interact with people with disabilities.

First responders who are not trained often make assumptions about people, including people with disability that do or choose to not disclose their disability. For instance, a member of MS Australia's LEEP shared how police assumed they were intoxicated instead of accepting their mobility issues.

First responders should assume that they are interacting and working with people who may live with visible or invisible disability and need additional supports due to how their disability may make them more vulnerable. Both organisations and the people they employ should be held to a higher standard and individuals should not be indemnified when engaging in actions that harm people with disability, including engaging in offensive behaviour and harassment of people with disability.

MS Australia recommends the DDA be amended to include a new provision requiring all first responders that provide safety and justice services, including police and emergency service providers, should be required to take trauma informed training that includes information about disability.

DDA Exemptions

MS Australia is unable to comment on the matter of reforming the DDA related to exemptions.

Modernising the DDA

Assistance Animals

MS Australia is unable to comment on the matter of reforming the DDA related to assistance animals.

Action Plans

MS Australia supports the recommendation by the Australian Human Rights Commission regarding adding additional reforms to action plan processes, however, are unable to comment on the matter further as we do not engage with them regularly to provide more specific recommendations.

Disability Standards

MS Australia supports the 3 Disability Standards made under the DDA that make it unlawful to breach these standards, including the Premises Standards, the Education Standards, and the Transport Standards. As previously mentioned, MS Australia supports to introduction of a positive duty on all public and private organisations of all sizes, which has the potential to also strengthen the enforcement mechanism of these Disability Standards, while also enacting specific compliance reporting requirements on duty holders to prove how they are working to be inclusive. Lastly, MS Australia supports the recommendation to increase the authority of the Australian Human Rights Commission to enforce compliance of the Disability Standards.

MS Australia recommends the DDA be modernised by supporting adoption of improving action

plans and enforcement of disability standards using the introduction of a positive duty.

Further Options for Reforming the DDA to Ensure it is Stronger in the Future

Additional Areas of the DDA that should be Considered as Part of this Review

Section 24 of the DDA pertains to goods, services and facilities. It would be beneficial to revise and broaden the definition of what is included in the definition of goods, services, and facilities and clarify if this pertains to goods, services and facilities by public and/or private entities. The current language leaves ambiguity and can be interpreted to include public and private transport and tourism services offered in Australia. MS Australia recommends the definition of the specific goods, services, and facilities be revised to be more comprehensive and to remove any ambiguity.

Furthermore, **MS Australia recommends** individuals who engage in unlawful behaviour be held accountable. Employees should not be able to be indemnified from accountability of their actions by their employer. In addition, duty holders should not be able to use non-disclosure agreements that pressure people with disability to keep quiet about their disability discrimination experiences. People with disability deserve to be heard, consulted, and offered appropriate remedies when highlighting ablism and their experiences of disability discrimination. For instance, a member of MS Australia's LEEP filed a disability discrimination complaint that several team members witnessed. During the investigation process the duty holder denied the situation occurred and offered him a letter of regret, \$1,000.00, and a non-disclosure agreement requiring he not share details about the situation that supposedly never occurred. In the end the toxic environment led to him leaving the public service after working for it for over 27 years.

Ensuring the DDA is Fit for Purpose

The DDA should include a provision requiring the law be reviewed every 5 years. Regular review, co-designed with people with disability, would ensure the Act remains current and fit for purpose.

Need for a National Public Education Campaign

The DDA should be strengthened to include a public awareness component to inform all Australians, including people with disability of their rights. Many people with disability are unaware of their rights and as a result continue to experience unlawful discrimination. Strengthening awareness and understanding of disability rights should include robust national public educational campaigns that are co-designed and co-delivered with people with disability. These have the potential to change entrenched norms and increase drivers for inclusivity.

Educate Australians about accessibility and disability inclusion through a national public educational campaign that

- includes lived experiences of people with disability,
- challenge ablism and the stigma of living and working with disability, including non-visible disabilities, and
- normalise the variety of experiences of people with disabilities, focusing all that people with disabilities can do, especially with minor adjustments.

In conclusion, **MS Australia recommends** additional reforms, including review of other existing provisions to strengthen the DDA so it adequately protects people with disability into the future. These reforms should include regular five-year reviews, a national public education campaign, stronger enforcement mechanisms, and recognition of intersectionality and invisible disability. Together, these changes will ensure the DDA delivers equality, accessibility and dignity for people with disability, including those living with MS.

Reference

- ¹ Australian Bureau of Statistics (2022), [Disability, Ageing and Carers, Australia: Summary of Findings](#), ABS Website, accessed 16 July 2025.
- ² Disability Royal Commission, 'Realising the human rights of people with disability' *Final Report*, 2023, Volume 4, p 302.
- ³ Disability Royal Commission, 'Realising the human rights of people with disability' *Final Report*, 2023, Volume 4, p 304.
- ⁴ Disability Royal Commission, 'Realising the human rights of people with disability', *Final Report*, 2023, Volume 4, p 344.
- ⁵ Disability Royal Commission, 'Realising the human rights of people with disability', *Final Report*, 2023, Volume 4, p 315.
- ⁶ MS Australia (2022). *Employment & Workplace Survey*. Retrieved from: https://www.msaustralia.org.au/wpcontent/uploads/2022/05/employment-workplace-survey_summary-of-findings_27-may-2022_final.pdf.
- ⁷ Disability Royal Commission, 'Realising the human rights of people with disability', *Final Report*, 2023, Volume 4, p 309.
- ⁸ Chen J, Taylor B, Winzenberg T, et al (2020). Comorbidities are prevalent and detrimental for employment outcomes in people of working age with multiple sclerosis. *Multiple Sclerosis Journal*, 26(12):1550-1559.
- ⁹ Disability Royal Commission, 'Realising the human rights of people with disability', *Final Report*, 2023, Volume 4, p 309.
- ¹⁰ Disability Royal Commission, 'Realising the human rights of people with disability', *Final Report*, 2023, Volume 4, p 338.
- ¹¹ Disability Royal Commission, 'Inclusive education, employment and housing', *Final Report*, 2023, Volume 7, Part B, p 438.
- ¹² Disability Royal Commission, 'Inclusive education, employment and housing', *Final Report*, 2023, Volume 7, Part A, p 170.
- ¹³ Disability Royal Commission, 'Realising the human rights of people with disability', *Final Report*, 2023, Volume 4, pp 316–327.
- ¹⁴ Disability Royal Commission, 'Criminal justice and people with disability', *Final Report*, 2023, Volume 8, p 276.



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