

13 Nov 2025

Dear Secretariat,

COTA Tasmania welcomes the opportunity to contribute to the Review of the *Disability Discrimination Act 1992 (Cth)*. As Tasmania's peak body for older people, we write to:

1. Endorse the final submission of Disability Voices Tasmania (DVT). We ask that our endorsement be recorded alongside other supporters; and
2. Provide a short, complementary submission from COTA Tasmania, confined to matters where disability and ageing intersect.

Tasmania has both one of the oldest age profiles in Australia and a high prevalence of disability. Many older Tasmanians live with disability acquired across the life course and experience compounding barriers where ageism and ableism converge. Our comments therefore focus on practical reforms that best address this conjunction, including:

- an enforceable positive duty applying across public and private duty-holders;
- a single, inclusive definition of discrimination (expressly covering failure to make adjustments);
- a stand-alone duty to provide adjustments (with consultation and up to unjustifiable hardship);
- a Digital Accessibility Disability Standard to ensure essential online services are accessible by default;
- modernised harassment and vilification protections;
- strengthened regulator powers and transparency to drive systemic compliance;
- a nationally consistent assistance-animal framework; and
- explicit coverage of civic participation (voting, juries, and holding office).

We commend DVT's comprehensive submission and offer our own brief comments (attached) to reinforce these intersectional priorities. We would welcome further engagement with the Review team and stand ready to assist with implementation advice from an older-persons perspective.

Yours sincerely,



Brigid Wilkinson

CEO, COTA Tasmania

Submission to the Review of the Disability Discrimination Act 1992 (Cth)

1. About COTA Tasmania

COTA Tasmania (Council on the Ageing) is the leading voice for Tasmanians as they age. We promote changes to our systems and culture so that all Tasmanians can age well. We have been the voice of older Tasmanians for 60 years.

We value the diverse voices of older Tasmanians, and we learn from their experiences. We look forward to a time where age is not seen as a barrier, but instead as a positive contributor to the unique fabric of lutruwita, Tasmania.

Older Tasmanians deserve to be heard and afforded equity of services, opportunities, and representation. We can expect to live longer, healthier lives and we all have a role to play in making decisions that will support us age well. Many inequalities experienced by Tasmanians do not end as people age – indeed, in many cases, they increase. This is especially relevant recognising the fact that ageing and disability are integrally connected.

2. Why DDA reform matters in Tasmania

- Tasmania has the highest rate of disability in Australia, with 26.8% of the population identifying as having a disability.
- Disability increases with age. Almost 2 in 5 Tasmanians aged 65+ have a disability.
- Tasmania also has one of the oldest population profiles in the nation, with 40% of Tasmanians aged 50+ and 21% aged 65+ (2021 Census).
- Disability and ageing are deeply interconnected. Older people and people with disability experience discrimination driven by both ageism and ableism, often simultaneously.
- The DDA must reflect this reality, enabling stronger protections that recognise disability at all stages of peoples' lives - whether a person is born with disability, acquires it, or develops it through ageing.

3. Our key positions

3.1 *Modernise the definition of “disability”, without narrowing protection*

- Adopt one unified definition that covers direct and indirect discrimination, failure to make adjustments, and related conduct that undermines equal participation, with clear explanatory guidance for consistent decision-making.

- The definition should be clearer, inclusive, human-rights based, and reflect the UN Convention on the Rights of Persons with Disabilities.
- It must recognise disability as dynamic and shaped by environmental and social barriers, not solely a medical condition.
- A plain-language guide should accompany the Act to aid public understanding.

3.2 *Introduce a positive, enforceable duty to prevent discrimination*

- Moving from a complaints model to a prevention model is essential.
- The current system places the burden on the individual to prove discrimination.
- Create a regulator-enforced positive duty applying to all public and private duty-holders.
- A positive duty aligns with existing regulatory frameworks such as WHS and Child Safe Standards - change is possible when it is required, resourced, and enforced.
- Require Disability Action Plans and annual public reporting for governments, tertiary institutions, and employers with 100+ employees (WGEA threshold), guided by AHRC disability equality indicators.
- Co-design practical compliance guidance with disability representative organisations and resource them to participate.

3.4 *Regulator powers, transparency and enforcement*

- Proactive audit/monitoring powers, compliance notices and enforceable undertakings.
- Injunctions and proportionate civil penalties for persistent non-compliance.
- Procurement exclusions for serious or repeated breaches.
- Public, de-identified registers of complaints, undertakings and sanctions.

3.5 *Create a stand-alone duty to provide adjustments*

- Replace “reasonable adjustments” with a stand-alone duty to make adjustments, with explicit consultation requirements.
- Clarify that partial implementation is still required where full removal of barriers would cause unjustifiable hardship.

3.6 *Strengthen protections against harassment and vilification*

- Older people with disability commonly experience prejudice in public and private life. The DDA should adopt a clearer, modern protection aligned with Tasmania’s ADA approach.
- Replace scattered provisions with a single prohibition modelled on Tas ADA s 17(1), covering conduct likely to offend, insult, humiliate, intimidate or ridicule in public or private contexts.
- Introduce a distinct prohibition on public acts that incite hatred, serious contempt or severe ridicule, with appropriate defences.

3.7 *Modernise and enforce Disability Standards (including digital)*

- Access now hinges on digital systems—forms, identity verification and service portals. Older Tasmanians are disproportionately excluded by inaccessible digital design.
- A dedicated Digital Accessibility Standard is required to lift performance and accountability.
- Create a Disability Standard for Digital Accessibility adopting AS EN 301 549:2024 as the technical basis, aligned to WCAG 2.2 AA, covering non-web ICT.
- Phase implementation with co-designed guidance; require reporting via Disability Action Plans.
- Strengthen enforcement of Transport, Education and Premises Standards and align reporting and auditing under the positive duty.

3.8 *Assistance animals - national clarity and consistency*

- Establish a national accreditation framework (hygiene, behaviour and public-access standards).
- Specify handler-control requirements to ensure safe, predictable public access.
- Recognise animals that alleviate disability impacts even if not trained by a prescribed body, where competency is evidenced.
- List recognised training/accreditation bodies in regulations as an interim measure.

3.9 *Strengthen Inclusion in Employment, Education and Public Life*

- Reform must address workplace and cultural barriers, not only policy gaps.
- The “reasonable adjustment” clause should be replaced with a duty on organisations to design inclusive environments by default.
- HR systems, leadership expectations, and organisational culture must change, not the person with disability.
- Explicitly cover participation in community and democratic processes (eg voting, jury service, seeking and holding elected office) with the positive duty and adjustments duty applying to electoral bodies, courts and parliaments.

3.10 *Intersectionality (age + disability) embedded across duties*

- Ensure the positive duty, adjustments duty, and complaints framework explicitly accommodate multiple, intersecting attributes (eg age and disability), recognising compounded discrimination and cumulative barriers.

3.11 *Improve access to Justice*

- People with disability must be able to safely assert their rights.
- National and state systems need to be linked so that breaches lead to enforceable outcomes.
- Voice and representation protections must apply particularly to those who cannot self-advocate.

- Restrict non-disclosure clauses where systemic changes are agreed, so that institutional remedies and learnings are transparent and monitorable, while allowing confidentiality for personal compensation and particulars if sought by the complainant.

4. Tasmanian policy alignment

Reform of the DDA must integrate with contemporary state frameworks which share goals of inclusion, participation, safety, rights and wellbeing across *both* disability and ageing, including:

- *Tasmanian Disability Rights, Inclusion and Safeguarding Act 2024*
- *Tasmanian Disability Strategy 2025–2027*
- *Older Tasmanians Action Plan 2025–2029*

5. Conclusion

COTA Tasmania supports a strengthened, modernised DDA that:

- embeds prevention via a regulator-enforced positive duty;
- retains inclusive coverage while updating language and guidance;
- creates a stand-alone duty to make adjustments (with consultation) across public life;
- broadens harassment protections; and
- modernises and enforces Disability Standards, especially as related to digital accessibility.

These changes will reduce the disproportionate burden borne by older people with disability in Tasmania and deliver fairer, earlier, and systemic inclusion.