QTON No. 129

LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2024-2025
Ms Nicole Lawder MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair),
Miss Laura Nuttall MLA

ANSWER TO QUESTION TAKEN ON NOTICE
DURING PUBLIC HEARINGS

Asked by: Mr Andrew Braddock MLA

Addressed to: Discrimination, Health Services, Disability and Community Services Commissioner

Redirected to: N/a

Reference: Uncorrected Hansard Transcript [Page 94]

In relation to: Positive duty for reasonable adjustments

Hearing Date: 29 July 2024

QTON lodgement date: 20 July 2024

Answer Due Date: 2 August 2024

MR BRADDOCK: Do we have any statistics about how that change in April might have changed the number of complaints and the style of complaints that your office is receiving?

Ms Toohey: I have not got data on that at this point because I am only just preparing the annual report.

MR BRADDOCK: Anecdotally, is there any indication of any shifts or changes there?

Ms Toohey: I think one of the issues is that reasonable adjustments, particularly across areas like disability, carer status, sex in some cases, has been an ongoing issue, and so in those matters it is now more clearly identified as an aspect, particularly because it can be brought on the back of an existing complaint, and so for some of those matters, they have always been, I guess, a theme across all of our complaints, particularly in disability it is an ongoing issue around inclusion.

I would offer to take it on notice but I am not—I will offer to take it on notice. How is that?

Ms Karen Toohey: The answer to the Member's question is as follows:

We do not currently have data on how many matters have specifically raised the positive duty in a discrimination complaint since its commencement in April 2024. However, a range of matters that have been received by the Commission since the commencement date raise issues where the positive duty will be relevant. These include

- a number of education related matters regarding the provision of reasonable adjustments for students with a disability
- a number of accommodation status matters where modifications or maintenance issues which would constitute a reasonable adjustment have not been provided in a timely manner or adequately considered in the response to the request for the modifications
- a number of employment related matters raising concerns about the provision of reasonable adjustments for employees with a disability and employees with carer responsibilities
- a number of complaints regarding aged care facilities refusing services to clients with complex needs related to their disabilities
- a number of complaints regarding finance institutions not providing reasonable for people with a vision impairment or hearing disability in their communication pathways with clients.

Part of the investigation process for these types of matters will be to seek information about steps taken to implement the positive duty.

Approved for circulation to the Select Committee on Estimates 2024-2025

Signature: Date: 8 August 2024

By the Discrimination, Health Services, Disability and Community Services Commissioner, Ms Karen Toohey