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AUSTRALIA

Disability Discrimination Act 1992

Submission to the Productivity Commission Inquiry by SANE Australia

Psychiatric disability is a major area of concern ... Approximately 150,000 Australians have a psychiatric disability - around 1 % of the adult population aged between 20 and 64 years, with approximately 70,000 being profoundly or severely affected. People with psychiatric disorders comprise approximately 20% of the total of those receiving the Disability Pension. They therefore form one of the largest groups of people with a disability, and are also one of the most stigmatised groups in Australian society.

Research by SANE Australia reveals that stigma and discrimination - being treated as less worthy than other members of the community - is a primary concern of people with a mental illness, contributing to low self-esteem and their well-documented low quality-of-life. The SANE Stigma Watch program receives new complaints almost every day relating to offensive and inaccurate portrayal of people with a mental illness in the media.

A major failing of the DDA has been its lack of utility in dealing with the prejudice and discrimination experienced by Australians with a psychiatric disability. Very few cases indeed have tackled the issue. SANE Australia recommends that measures be taken to remedy this, in order that the Act may be used as intended to help this highly disadvantaged group.

Accessibility

Lack of access and information seems to play a large part in under-use of the DDA. For example, of the hundreds of SANE Helpline callers concerned about discrimination of some kind last year (often related to such areas as employment, study and accommodation), only a very small number were aware of the existence of legislation that protects people with psychiatric disabilities from discrimination. None were aware of the existence of the DDLAS (Disability Discrimination Legal Advisory Service).

The nature of mental illness and psychiatric disability also militates against use of the DDA by those affected. Finding out about and understanding the Act, and compiling and pursuing a complaint can be a major challenge to people whose disability directly affects cognition, memory and motivation.

There is a clear need therefore for greater plain English promotion of the DDA and services to aid people with a psychiatric disability understand and use it, with appropriate resourcing of advocacy and legal aid agencies to support this.

Broadening of the Act's terms ... Action against stigma and discrimination towards Australians with a psychiatric disability is held back by the limited nature of the DDA's terms, especially in relation to vilification and harassment. Offensive, stigmatising representation of this group in the media and advertising needs to be easier to prosecute as discriminatory where it affects individuals even though the reference is general to this group.

There is a clear need for amendment of the Act to make it easier to pursue legal action against those who vilify and harass people with a psychiatric disability as a class.

A proactive approach is needed ... The Human Rights and Equal Opportunity Commission regularly draws attention to issues within its remit by media statements and support for specific consultations and projects. Issues promoted in this way on the HREOC website include Arab-Australian prejudice, the situation of asylum-seekers and native title.

An equally proactive approach is required of HREOC to promote awareness of the stigma and discrimination experienced by Australians with a psychiatric disability, and action required to counter this. A major challenge faced by this group is that 'disability' is perceived by the community in terms of physical and sensory disability, with little understanding of the barriers and prejudice they face. Psychiatric disability is all too often an 'invisible' disability area, discounted and ignored even by those who work in the area. HREOC has a duty to ensure it does not fail those affected in this way, by taking a proactive approach to supporting their rights.

There is a clear need for The Human Rights and Equal Opportunity Commission to take a proactive approach to promoting the right of Australians with a psychiatric disability to live without experiencing prejudice and discrimination.

For more information

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