Handout 3: Rights of People with a Disability

Historically people with a disability have been segregated from the community and have been seen to have little value. This treatment resulted from the fear and ignorance people had about those who were seen as different.

Today, the Disability Rights Movement has been instrumental in supporting a shift in community attitudes. The shift has been towards valuing diversity - not expecting everyone to be the same and recognising that everyone has worth.

A good example of the impact of the Disability Rights Movement has been the commitment to deinstitutionalisation made by most Australian governments over the last 20 years or so. Deinstitutionalisation acknowledges that people with a disability have the same right as everyone else to live as members of the community. While there are still thousands of people living in institutional type care many more people are now living as part of their community.

The Universal Declaration of Human Rights, which was proclaimed in 1948, stated the rights that all people should have respected. In Australia, State and Federal legislation has established a legal framework to support the rights of people with a disability to live and participate in the community.

The Commonwealth Disability Discrimination Act (1992) is a significant piece of legislation, which makes it against the law to discriminate against people with a disability in a wide range of areas such as employment, accommodation, and service access.

The Commonwealth Disability Services Act (1986) and the various State Disability Services Acts have outlined the principles upon which service delivery is based in relation to people's rights. This includes that people with a disability have a right to say how services are provided to them, ensuring that everyone has a service to meet their individual needs, upholding rights to privacy and confidentiality.

All States now have Guardianship legislation which reflect the need to protect the interests of people who are unable to make their own decisions.

Library Link
Human Right & Equal Opportunity Commission is a valuable source of information on the legal rights of people with a disability www.hreoc.gov.au