



Disability Sports Australia

Submission to the Review of the Disability Discrimination Act 1992

October 2025

About Disability Sports Australia

Disability Sports Australia (DSA) is a National Sporting Organisation, a registered charity, and a not-for-profit entity that champions grassroots participation in sport for people with disability.

For more than 60 years, DSA has been at the forefront of disability sport in Australia—beginning with wheelchair sport and expanding over time to create opportunities for people with disability across the country.

Today, DSA is disability-agnostic, focused on building the capability of sporting organisations to deliver inclusive and accessible opportunities.

We operate Nationally across all levels of sport to enhance accessibility in sport and ensure equal opportunity for people with disability to participate.

Our programs introduce people with disability to local sport, raising awareness of opportunities and enabling active, healthy lifestyles.

We support sporting organisations through education, resources, and practical guidance to create welcoming environments.

At the same time, we make it easier for people with disability to understand how they can engage in sport in a way that is meaningful to them.

DSA's work is guided by a Disability Advisory Committee, comprised of people with disability and those with direct lived experience, ensuring that our voice is authentic and reflective of the community we serve.

Our Strategic Plan 2025–2028 identifies participation, advocacy, and inclusion as the core priorities in shaping a future where every person with disability can be active and engaged in their community.

Our vision is: Lives and communities changed through the power of sport.

Our purpose is: Build the capability of sport to enable participation of people with disability.

Introduction

Disability Sports Australia (DSA) welcomes the opportunity to contribute to the Review of the Disability Discrimination Act 1992 (DDA).

Australia has ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which recognises the right of people with disability to participate in cultural life, recreation, leisure, and sport on an equal basis with others (Article 30).

Despite this, systemic barriers remain that limit participation and inclusion. Ongoing discrimination, entrenched practices, and exclusionary beliefs continue to prevent people with disability from

accessing and being included in sport and recreation in the same way as other Australians.

The DDA is a critical legislative framework for advancing and protecting the rights of people with disability. DSA strongly supports reforms that strengthen the Act so it is modern, enforceable, and aligned with Australia's international human rights obligations, particularly the CRPD.

This submission primarily addresses Section 28 of the DDA (sport) and its alignment with the CRPD and the recommendations of the Disability Royal Commission Final Report (2023).

It also responds to key issues raised in the Review Issues Paper as they relate to disability, discrimination, and sport.

Overview

Of the 5.5 million people with disability (SDAC 2022) in Australia only 25% take part in sport or physical activities once a week. The reasons why most people with disability do not take part in sport or physical activities are likely varied. Additionally, any evidence regarding these reasons is scant as this is an area that is not well researched. However, discrimination cannot be dismissed as a highly probable reason why many people with disability do not participate. Whilst access and inclusion in sport may seem to be focused on physical infrastructure such as buildings and facilities, access and inclusion is possibly most important when it comes to behaviors and attitudes.

Ableism and disableism are very significant forms of discrimination and people with disability who participate in sport or want to be part of sport do experience these forms of discrimination, because they are both socially and structurally ingrained and subtly insidious (Chapman et al, 2023).

“We need an active commitment to eliminate disability discrimination in sport”, DSA Disability Advisory Committee, 2025.

A reformed Disability Discrimination Act can dismantle systemic ableism and disableism through clearer definitions, straightforward complaints mechanisms and mandatory positive duty obligations – this will constructively support people with disability who are already involved in sport and those who want to be involved in sport.

“A teenaged footballer with Down syndrome has been told he is no longer allowed to play as an extra on-field player for his team after a complaint to the sport's governing body from an opponent”, Marc’s story, 2017.

S28 of the DDA – Disability, Sport and Discrimination

1. Narrow scope of Section 28

Section 28 of the Disability Discrimination Act 1992 (Cth) currently prohibits the exclusion of a person from a sporting activity on the basis of disability.

Whilst this is an important protection, the provision is narrow and reactive. It does not expressly impose obligations on sporting organisations to ensure their activities, facilities, and competitions are inclusive and accessible.

Although the term “sporting activity” is broad—covering participation, coaching, and administration—the current framing is behaviour-specific, focused only on exclusion. It fails to address the underlying discrimination experienced by people with disability, namely systemic ableism.

By contrast, the United Nations Convention on the Rights of Persons with Disabilities (CRPD) is a comprehensive human rights treaty that requires States Parties to guarantee equal rights and non-discrimination across civil, political, economic, social, and cultural domains.

Importantly, Article 30 recognises the right of people with disability to participate in cultural life, recreation, leisure, and sport. The CRPD creates systemic obligations: not only prohibiting exclusion, but requiring governments to adopt laws, policies, and proactive measures to ensure accessibility, provide reasonable accommodation, and support participation.

The CRPD's purpose is to dismantle ableism through transformative equality, a process achieved when rights are legislated and upheld in practice. The narrow scope of Section 28 of the DDA falls short of this standard.

It does not adequately align with Article 30 of the CRPD or the broader intent of the Convention, which Australia signed and ratified in 2008.

2. Gap in reasonable accommodation

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) recognises denial of reasonable accommodation as a form of discrimination (Article 2, Article 5, Article 30).

By contrast, the Disability Discrimination Act 1992 (Cth) does not consistently or explicitly identify the refusal to provide reasonable adjustments in sport as unlawful discrimination. This creates uncertainty for sporting organisations and weakens protection for people with disability.

Article 2 of the CRPD defines reasonable accommodation as:

“necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.”

The CRPD requires States Parties to prohibit discrimination and to adopt measures that ensure equality (Article 5, supported by related provisions such as Article 9 on accessibility and Article 30 on participation in sport, recreation, and culture). Importantly, it treats the denial of reasonable accommodation as an act of discrimination.

This proactive approach is far stronger and more explicit than the current provisions of the DDA. Section 28, framed narrowly as a prohibition against exclusion from sport, does not adequately capture the specific discrimination experienced by people with disability when organisations fail to make reasonable adjustments.

Reform is required to make this protection explicit in the DDA, consistent with Australia’s international obligations under the CRPD.

“That they think that I’m not as equal as other people. The fact that they’re just not letting me compete is really unfair.” Hugo, a short statured athlete prohibited from competing with Athletics Australia.

3. Lack of positive duty

The current framework of the Disability Discrimination Act 1992 (Cth) is primarily complaint-driven and places the burden on individuals to enforce their rights.

This approach does little to address systemic exclusion—both overt and covert—that prevents people with disability from participating in sport. As a result, many remain excluded and discriminated against with few practical means to counter such discrimination.

Put simply, this reflects a systemic power imbalance.

By contrast, the United Nations Convention on the Rights of Persons with Disabilities (CRPD) requires proactive measures from States Parties.

Article 30 recognises the right of people with disability to participate in sport, recreation, and cultural life, while Articles 5 and 9 impose obligations around equality and accessibility.

Together, these provisions make clear that States must adopt laws and measures—such as accessibility standards, inclusive policies, and reasonable accommodation—to eliminate barriers.

This implies positive, proactive duties on governments and duty-holders, rather than reliance on reactive complaints.

The Review Issues Paper notes that positive duty obligations are being considered as part of reform of the DDA.

Introducing a statutory positive duty to eliminate disability discrimination, and clarifying the obligation to provide reasonable adjustments, would better align the DDA with the CRPD and drive structural change across sport.

“Charlie Cox made it to the North Coast Cross Country Championships and qualified for the state finals as a special needs* athlete.

But because Australian Athletics doesn’t have a classification* for athletes with autism, Charlie was told he wouldn’t be able to compete”, Charlie’s story 2025.

Further key points:

Modernising the Definition of Disability

The current definition of disability in the DDA contains deficit-based terms such as 'malfunction' and 'disfigurement' (Attorney-General's Department, 2025). Such language is inconsistent with modern understandings of disability as articulated in the United Nations Convention on the Rights of Persons with Disabilities (CRPD). For people with disability in sport, exclusion rarely arises from impairment itself, but from attitudinal, structural, and environmental barriers. Updating the definition to reflect the social and human rights models of disability would strengthen the Act.

Whilst an exception is required in the context of para sport, where impairment-based classification systems are sometimes necessary to ensure fair and equitable competition.

These systems recognise the impact of impairment on performance, but are distinct from deficit-based legal definitions and should be preserved for sporting integrity.

Recognising Intersectionality

People with disability who are women, First Nations, culturally and linguistically diverse, or LGBTQ+ experience compounded forms of discrimination (Attorney-General's Department, 2025).

In sport, these layered identities can intensify exclusion, whether through inaccessible environments, lack of representation, or cultural bias and prejudice.

“The assumption that involving marginalised people in sport will bring benefits is only true if that sport is delivered in a particular way. In many cases it’s not and so we can say there’s a long way to

go before sport delivers on its promise of providing social and emotional benefits to all participants no matter what their class, race, gender or other circumstances.” Victoria University, 2014.

Recommendation: Disability Sports Australia recommends that the Disability Discrimination Act 1992 (Cth) be updated to explicitly recognise intersectional discrimination. Such recognition would encourage sporting organisations to design and deliver programs that respond to the diverse realities of participants, ensuring inclusion is meaningful for all people with disability.

Exclusion from Education and Sport

Exclusion from school sport and physical education remains a widespread problem, with many students with disability denied participation or even subjected to suspension and expulsion (DRC, 2023). Such exclusion establishes patterns of disengagement that can persist across the life course, undermining opportunities for health connection and community participation.

Article 24 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) affirms that people with disability should have access to inclusive education and educational opportunities at all levels, and that children with disability should have the opportunity to learn relevant life and social skills. Sport and physical education are critical mechanisms for developing these life and social skills.

CYDA’s most recent national survey found that 75% of students with disability were bullied at school in the past year ([CYDA 2024 Education Survey](#)). Even more alarmingly, over 70% were excluded

from activities like excursions, sports, or camps”. Children and Young People with Disability, 2025.

Recommendation: The Disability Discrimination Act 1992 (Cth) should be strengthened to ensure that educational institutions provide reasonable adjustments for sport and physical education. This would prevent unjust exclusions and guarantee that children and young people with disability have the right to participate in sport, in a way that they choose, and including contests, as part of their education, from the early years through to tertiary levels.

“Participating in recreation at the beach [improves physical and mental health and wellbeing](#). People experience the beach as a place of pleasure, play and sociability in ways that are hard to find in other urban spaces. However, people with disability remain largely excluded from Australian beaches” Melbourne Disability Institute, 2023.

Recommendations

1. Clarify and expand Section 28

Amend Section 28 of the Disability Discrimination Act 1992 (Cth) to explicitly cover both exclusion and the failure to make reasonable adjustments in all aspects of sport, including participation, contests, coaching, and administration. This would bring sport into alignment with obligations already recognised in education and employment. Clearer legislative guidance should also be developed to assist sporting organisations to understand and meet their responsibilities under the Act.

2. Recognise denial of reasonable accommodation as discrimination

Amend the definitions of discrimination in the Disability Discrimination Act 1992 (Cth) to align with the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the recommendations of the Disability Royal Commission. The amended Act should explicitly state that a refusal to provide reasonable adjustments in sporting contexts, including participation, coaching, and administration, constitutes discrimination.

3. Introduce a positive duty

Insert a general duty in the Disability Discrimination Act 1992 (Cth) requiring organisations, including sporting bodies, to take proactive steps to eliminate disability discrimination and promote inclusion. This duty should be supported by regulatory guidance and practical resources to help organisations comply, rather than relying solely on individual complaints to drive change.

This approach reflects the model established through the Sex Discrimination Act 1984 (Cth), which was amended in December 2022 to include a Positive Duty on organisations to prevent sexual harassment and discrimination. A similar proactive framework would encourage sporting organisations to embed accessibility and inclusion across their structures, policies, and programs.

4. Strengthen enforcement and remedies

Expand the powers of the Australian Human Rights Commission (AHRC) to address systemic patterns of exclusion in sport. Enforcement should go beyond individual complaints to enable proactive investigations and compliance actions where discrimination is widespread or structural.

Remedies must be accessible, timely, and effective for people with disability, ensuring that barriers to sport participation are addressed at both the individual and systemic levels. Strengthened mechanisms would provide greater accountability for sporting organisations and drive cultural change across the sector.

Conclusion

The *Disability Discrimination Act 1992 (Cth)* has played a landmark role in advancing equality in Australia. Yet for people with disability in sport and recreation, barriers remain widespread and entrenched. Reforms that modernise the definition of disability, recognise intersectionality, clarify obligations for reasonable adjustments, introduce a positive duty, and strengthen systemic accountability mechanisms will not only protect rights but also unlock the transformative power of sport for individuals and communities.

Disability Sports Australia stands ready to support government and the sector in shaping these reforms, and to continue leading efforts to ensure that every person with disability can participate in sport in the way they choose.

“I was thinking about my own run-ins at the moment, trying to participate just at local gyms and their spin classes. I have emailed and called and messaged so many because not one have a hand crank and have been trying to find one in Perth that I could be a part of. I have offered to fund some of it and attempt to find grants to fund the rest, but unfortunately, no one is getting back to me and doesn't really want to take the initiative. I even advised them that

they would be the first accessible spin class, and that's such a great look, but nothing” – DSA Disability Advisory Committee member, 2025.

References

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