**QUICK DISABLITY ACCESS LAW FACTSHEET**



This factsheet is designed to help you understand your rights to access public venue without being discriminated against.

It also includes obligations of venues to provide a safe and suitable means of access for you.

**Your rights to disability access services**



People living with disability have a legal right to enter premises and use facilities that are open to the public.

This includes the right of a person with an assistance animal to not be separated from that animal when accessing a venue.

Venues are not allowed to prevent access for people with disability (except in the case of unjustifiable hardship – see below).

**Obligations of venues to provide access**



Venues are required by law to provide safe and suitable access onto premises to those with disability, just as with any other member of the public.

It is the legal responsibility of venues to facilitate this access, such as ensuring adequate space within venues, sufficient seating spaces, providing ambulant toilets, permitting assistance animals to accompany their users in the venue, stair ramps and other necessary access assistance catering to the needs of people with disabilities.

It is also against the law for venues to engage in discriminatory behaviour or adverse treatment toward people with disabilities based on their disability.

**Unjustifiable hardship exemption**

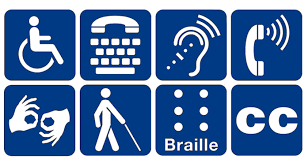


While it is necessary for venues to provide safe and suitable access, there may be some circumstances where it is lawful for a venue not to provide access, on the basis of ‘unjustifiable hardship’.

When determining whether taking measures to ensure disability access is reasonably feasible, all relevant circumstances in the particular case are taken into account, including the nature of the benefit or detriment likely to accrue or be suffered by the persons concerned, the effect of the disability, and financial circumstances required by the venue to fulfil the requirement of disability access.

In simple terms, in all the circumstances (considering costs and benefits to all parties), would it be unreasonable to ask the venue to take steps to ensure the particular access? If so, the venue may be exempt from the equal opportunity law regarding disability

**Possible ways of providing access**



**Some of the possible ways in which venue can provide access includes:**

* Adopting principles of universal design in new/modified buildings.
* Ramps and walkways that allow access for people with wheelchairs, crutches and/or limited mobility.
* For multi-levelled venues, ensuring access to upper levels for people with limited mobility or who are in wheelchairs.
* Ensure that all floors, paths, rails, decking etc is safe to walk on.
* Ensure that bathroom facilities meet the standard that is required for a licensed venue; such as railing, sufficient space and accessibility.
* Adequate signage and assistance for people who are visually impaired.
* Removing any obstacles that are unnecessary and may cause those who are visually impaired to trip and fall.

**What happens to your complaint?**

If you feel you have been discriminated against on the basis of your disability, you have the option to make a formal complaint against the venue in writing to the Equal Opportunity Commission.

**Alternative Dispute Resolution - Conciliation**

If accepted by the EOC, the complaint will be allocated to a Conciliation Officer who will contact you for more information. They will also notify the venue about the complaint and ask for more information from them. If the Conciliation Officer considers that the matter is appropriate for conciliation, you and the respondent will be invited to participate in a conciliation session to try and resolve the issue. The main objective of conciliation is to resolve the dispute in a just, quick and confidential manner.

**Tribunal – South Australian Civil and Administrative Tribunal (SACAT)**

If the matter cannot be resolved through conciliation, it will then be referred to the Tribunal for hearing and determination.



**Useful information about the EOC**



**Information about the Equal Opportunity Commission ‘EOC’**

The EOC is an independent body with responsibility under the South Australian Equal Opportunity Act 1984 (the ‘EOA’), which seeks to promote equal opportunity, prevent discrimination and facilitate economic and social participation of its citizens.

* **Lodging Complaints**
  + Complaints regarding disability discrimination can be made via the EOC’s online complaint form at:
    - [https://eoc.sa.gov.au/what discrimination/making-complaint](https://eoc.sa.gov.au/what%20discrimination/making-complaint)
* **Other means of contacting the EOC**
  + **Telephone: (08) 8207 1977**
  + **Email:** [EOC@sa.gov.au](mailto:EOC@sa.gov.au)
  + **Conciliation Conferences**
  + **Free Legal Clinic. More information and bookings** [here](https://law.adelaide.edu.au/free-legal-clinics/equal-opportunity-commission-legal-advice-service)