

Guide Dogs.

Submission to the NSW Law Reform Commission

Review of the Anti-Discrimination Act 1977 (NSW)

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Introduction

Guide Dogs NSW/ACT welcomes the opportunity to contribute to the NSW Law Reform Commission’s review of the *Anti-Discrimination Act 1977 (NSW)*.

This is a crucial moment to bring the Act in line with modern life. Society and technology have changed dramatically since 1977. Yet many barriers faced by people with disability, particularly those with low vision or blindness, remain fixed in outdated systems and legal frameworks.

We recognise the Act’s impact across all areas of life for people with disability. In our response, we have focused on areas where reform can drive improvements in financial security, physical independence, and freedom of choice. This includes:

1. The urgent need to recognise and require digital accessibility in employment and everyday services; and
2. The need to modernise the language and regulation of assistance animals in line with national standards.

The Act should effectively work alongside national legislation such as the Disability Discrimination Act 1992 (Cth) and reflect the stronger protections found in other jurisdictions. NSW must not fall behind.

At Guide Dogs NSW/ACT, we work to challenge discrimination, promote accessibility, and support people with low vision or blindness to live independently. We work collaboratively with other disability organisations and endorse the recommendations put forward by Vision

Australia and Blind Citizens Australia (unpublished at time of writing). This submission responds to the Commission’s May 2025 Consultation Paper and draws on Client feedback and the findings of the Disability Royal Commission.

Meet Daniel

When Daniel lost most of his vision at age 16, he feared the future he had imagined—graduating, going to university, and finding meaningful work—was no longer possible.

It’s a fear shared by many young people with low vision or blindness. Not because they lack capability, but because of outdated systems and social attitudes that still shape opportunities.

Daniel’s journey has taken him from high school through university, to qualified physiotherapist and small business owner, and now as an employee at Guide Dogs NSW/ACT. His story reflects the systemic challenges that still exist and what’s possible when barriers are removed.

Throughout this submission, Daniel’s experience illustrates the need for reforming legal protections to support real change and the power of inclusive design



The questions

Question 6.1: Should the ADA adopt a broader approach to discrimination in work?

1. Should the definition of employment include voluntary workers?
 - **Yes.** We support extending protections to voluntary workers, particularly where roles lead to employment or involve meaningful responsibilities. People with disability should not be excluded from protection simply because they are unpaid.
2. Should the ADA adopt a broader approach to discrimination in work?
 - **Yes.** The Act must reflect today's work environment, including digital platforms and algorithmic systems that embed exclusion. It must address inaccessibility, digital exclusion, and systemic bias as forms of discrimination.
3. Should local government members be protected from age discrimination while performing work in their official capacity?
 - **Yes.** Protections should apply consistently across all forms of public leadership and decision making. Age discrimination, like disability discrimination, should not be tolerated in any work-related role, including local government.

Main response

The *Anti-Discrimination Act 1977 (NSW)* does not clearly apply to digital platforms or technologies used in recruitment. Yet digital

tools are now a standard part of recruitment – from online application forms to automated screening. For people with low vision or blindness, inaccessible systems can block them from even entering the job market.

Daniel's experience highlights this gap. Despite being skilled and motivated, he faced repeated barriers when applying for jobs, barriers caused by inaccessible platforms and outdated assumptions. His success came from persistence and access to assistive technology, not from inclusive systems.

This is not an isolated case. We hear stories like Daniel's from across our community every day. In [EY Sweeney research commissioned in 2023 by Guide Dogs Australia](#), it was found that four out of five respondents who are blind or have low vision experience access challenges. To address this the Act should be updated to:

- Explicitly include digital recruitment platforms and hiring technologies in the scope of employment.
- Recognise digital inaccessibility and algorithmic bias as forms of discrimination.
- Require employers to meet recognised accessibility standards in recruitment systems and technologies.

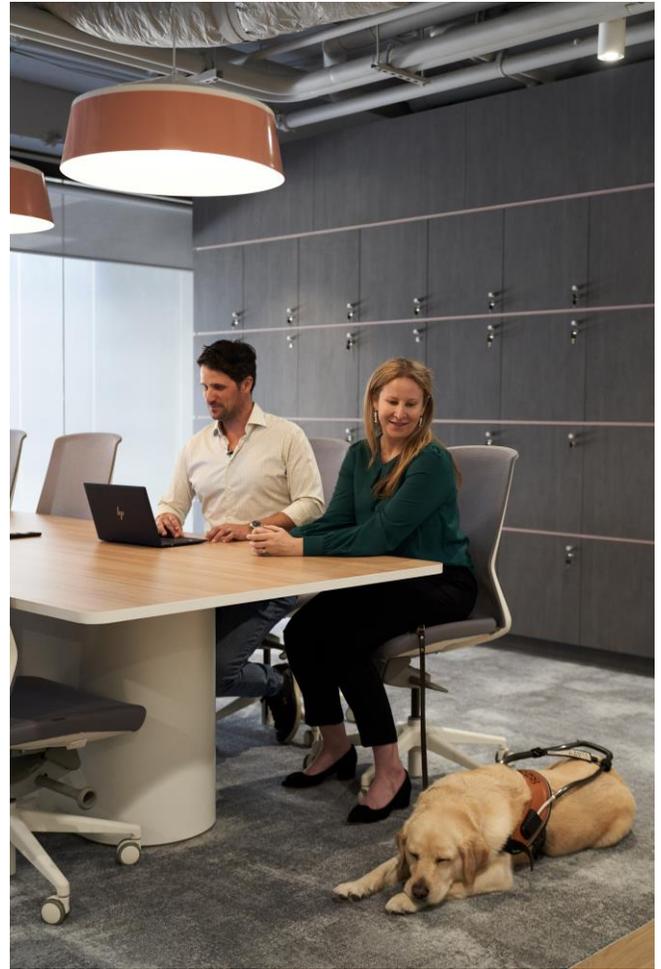
Discrimination begins the moment a person begins their search for employment.

Question 6.4: The provision of goods and services — coverage

- The current definition of “goods and services” is outdated and does not clearly apply to digital platforms, apps, or automated systems. This ambiguity undermines accountability when services are inaccessible online.
- People with low vision or blindness are routinely excluded from essential services such as booking medical appointments, applying for housing, accessing government portals, or using e-commerce platforms. This is not incidental exclusion; it is systemic.

We recommend updating the definition to:

- Explicitly include digital services, platforms, apps, and automated systems.
- Reflect contemporary service delivery which often combines digital and in-person access.
- Apply the same accessibility obligations to all formats, ensuring no one is excluded based on how a service is delivered.



Question 6.12: Additional areas of public life

1. Should the ADA apply generally “in any area of public life”? Why or why not?
 - The ADA does not clearly state that digital goods and services are covered in public life. This creates legal uncertainty and leaves people with disability—particularly those who are blind or have low vision—vulnerable to exclusion from inaccessible websites, apps, and platforms.
 - Digital services are now central to daily life. Without clear coverage of digital spaces in law, providers may avoid accountability for inaccessibility, undermining equal access and making it harder for individuals to lodge complaints or seek redress.
 - Our advocacy consistently finds that digital inaccessibility is one of the fastest growing and most systemic barriers across employment, education, retail, healthcare, and civic participation. This is discrimination by design.
 - We recommend that the ADA apply to any area of public life and explicitly includes digital goods and services such as websites, mobile applications, online platforms, and AI-driven interfaces. This would ensure comprehensive, contemporary, and future-proof protections.
2. Should the ADA specifically cover any additional protected areas? Why or why not?
 - **Yes.** In addition to general coverage, the ADA should specifically name emerging

areas where digital access and algorithmic decision-making drive exclusion, including:

- Digital advertising and public information, such as job ads or health alerts that are inaccessible.
- AI-based decision-making tools in service delivery or eligibility screening, for example for government, insurance, or education.
- Automated kiosks and public digital infrastructure, including ticketing machines and self-service terminals.



Question 11. Promoting substantive equality

Question 11.1: Adjustments

3. Should the ADA impose a duty to provide adjustments? If so, what attributes should this apply to?

- The Anti-Discrimination Act 1977 (NSW) does not currently impose a clear, proactive duty on employers or service providers to provide reasonable adjustments such as ensuring digital accessibility. Instead, individuals with disability must raise complaints after they've been excluded or disadvantaged.
- Without a legal obligation, many organisations overlook accessibility in their systems, services or workplaces. This leads to ongoing exclusion, adds barriers to participation, and places the burden of enforcement on individuals rather than institutions.
- **Supporting Evidence.** Daniel's story illustrates what happens when adjustments aren't built into systems. Despite being qualified and motivated, he faced unnecessary barriers due to inaccessible technology and assumptions about his capabilities. He succeeded not because the system enabled him, but because of his own persistence and access to assistive tools like the JAWS screen reader.
 - At Guide Dogs NSW/ACT, we believe inclusion should not rely on

individual effort. As an employer, we proactively embed accessibility across our organisation:

- All digital platforms are designed to meet accessible recruitment standards and are audited.
- We offer an accessible recruitment process and partner with JobAccess to provide tailored workplace adjustments.
- We track progress using a disability employment metric.
- Our offices in St Leonards, Newcastle, Canberra and our Guide Dog Centre are designed to be intuitive, accessible and assistance animal friendly.

As one Client shared "I shouldn't have to keep going in to get things fixed when systems aren't accessible. I should just be able to do my job."

These actions are practical, achievable, and necessary. But they remain voluntary under current law.

We recommend the amendment of the Act to introduce a clear, positive duty for employers and service providers to provide reasonable adjustments, including digital accessibility. This duty should apply proactively, not only in response to complaints, and should align with the approach under the Disability Discrimination Act 1992 (Cth). Embedding this duty will ensure accessibility is treated as a core responsibility—not an optional extra—and shift systems toward genuine inclusion from the start.

4. Should this be a separate duty, form part of the tests for discrimination, or is there another preferred approach?

- We recommend a standalone, positive duty to provide reasonable adjustments. This ensures the obligation is clear, proactive, and not dependent on someone lodging a complaint. A separate duty helps duty holders to understand their responsibilities and provides a clear standard for accountability and support. This approach is consistent with the DDA and the Fair Work Act, which include standalone duties in specific contexts.

3. Should a person with a protected attribute first have to request an adjustment before the obligation to provide one arises?

- **No.** Requiring an adjustment request puts an unfair burden on individuals, especially where barriers are systemic or predictable. Many adjustments can and should be implemented proactively such as screen reader-accessible recruitment platforms, or flexible work policies.
- The duty should require organisations to anticipate and remove foreseeable barriers, while still responding to individual requests. This ensures inclusion by default and preserves the right to personalised accommodations.



11.2: Special Measures

5. Should the ADA generally allow for special measures? Why or why not?

- **Yes.** The ADA should include a general provision allowing for special measures that promote substantive equality for people who experience systemic disadvantage.
- These measures (such as targeted recruitment or training programs for people with disability) are not preferential treatment. They are lawful, necessary actions to address structural inequality and underrepresentation.

6. If so, what criteria should the ADA apply?

Special measures should:

- Be designed to achieve substantive equality.
- Be proportionate to the disadvantage addressed.
- Be evidence-based, for example, use data showing underrepresentation or exclusion.
- Cease once their objectives are met.

7. Should a general special measures section replace the current exemption and certification process?

- **Yes.** A general provision would reduce red tape and delays that currently hinder proactive inclusion efforts.
- By confirming that special measures do not constitute unlawful discrimination, the Act would provide certainty for organisations and remove unnecessary administrative barriers.

Question 11.3: A positive duty to prevent or eliminate unlawful conduct

Should the ADA include a duty to take reasonable and proportionate measures to prevent or eliminate unlawful conduct? Why or why not?

- **Yes.** The current model places the onus on individuals to identify and challenge discrimination, after the harm has occurred.
- Discrimination is often systemic: it arises from inaccessible systems, unconscious bias, or outdated processes, not just deliberate actions. A positive duty would shift the responsibility to where it belongs: with employers, service providers, and others who design and operate the systems that impact people's lives.

“It feels like you’re a test case... like inclusion isn’t built in, and that puts you at a disadvantage from the start.” Client

8. What should duty holders be required to do to comply with the duty?

- Duty holders should be required to take reasonable, and proportionate, and proactive steps to:
 - Identify and remove barriers to inclusion.
 - Ensure digital and physical accessibility.
 - Review policies, practices, and decision-making processes.
 - Provide disability awareness and inclusive practice training.
 - Create safe and inclusive environments that prevent discrimination and harassment before it occurs

9. What types of unlawful conduct should the duty cover?

- The duty should apply to all forms of unlawful conduct under the Act, including:
 - Direct and indirect discrimination.
 - Harassment.
 - Victimisation.
 - Systemic exclusion or failure to provide reasonable adjustments.

10. Who should the duty holders be?

- The duty should apply to:
 - Employers (public, private, and not-for-profit).
 - Service providers.
 - Education and training institutions.
 - Government agencies and public authorities.

11. What attributes and areas should the duty apply to?

- The duty should apply across all protected attributes under the ADA,

including disability, and cover all areas currently protected under the Act such as:

- Employment.
- Service delivery.
- Education.
- Accommodation.
- Access to premises.
- Participation in public life.
- Digital platforms and systems.

Supporting Evidence.

- Programs such as Eye to the Future and our employer training initiatives demonstrate that proactive inclusion works. When employers take deliberate steps like ensuring accessible recruitment and training staff on disability inclusion, barriers are reduced, and complaints decline. However, without a clear legal duty, these actions remain optional and inconsistent.
- We recommend introducing a positive duty in the ADA requiring duty holders to take reasonable and proportionate measures to prevent and eliminate unlawful conduct. This duty should apply to all protected attributes and areas of public life. It's time to move from reactive compliance to proactive inclusion, and reflect the community's expectation that accessibility and fairness are standard, not optional.

Question 4.3: Should Changes be made to the protected attribute of “disability”?

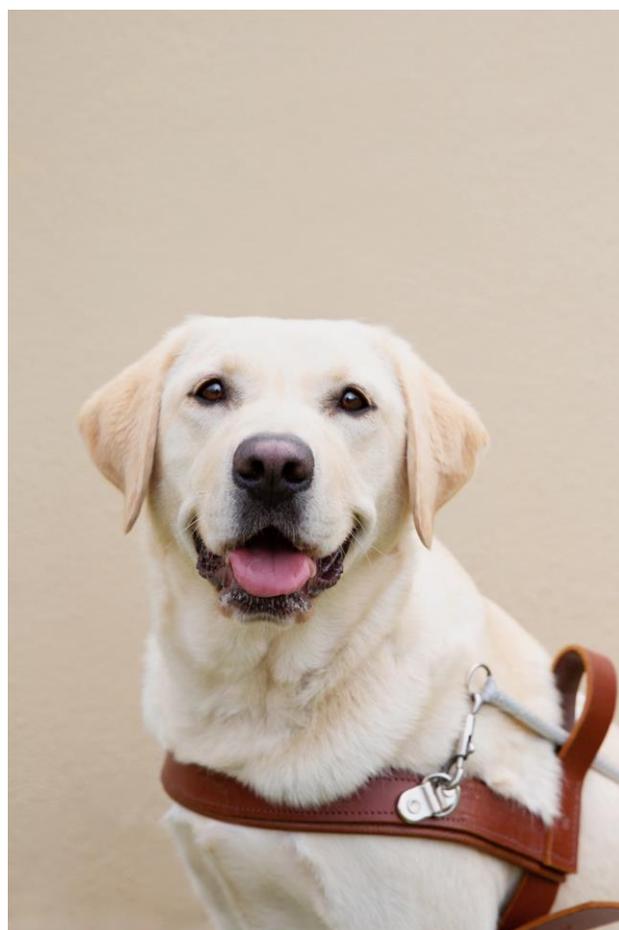
We support aligning the definition of “disability” in the Anti-Discrimination Act 1977 (NSW) with the broader and more inclusive definition used in the Disability Discrimination Act 1992 (Cth). This would promote consistency across jurisdictions and better reflect the diverse ways disability is experienced, particularly by people with sensory disabilities, progressive conditions and episodic disability.

For the community we work alongside, it is essential that the Act explicitly recognise sensory disability and reflect contemporary understandings of how disability is shaped by both the built and digital environment.

Assistance Animals

The definition of an ‘assistance animal’ needs to align with current federal reform work (DDA review and the National Assistance Animal Principles). To maintain public confidence in access rights and uphold community safety, we recommend that assistance animals be clearly defined, trained and accredited by reputable, government-endorsed organisations and those accredited under Assistance Dogs International (ADI) and the International Guide Dog Federation (IGDF). This aligns with current proposals under the National Assistance Animal Principles and reflects regulatory approaches in other jurisdictions.

Unclear training requirements and accreditation pathways contribute to public misunderstanding and increase the risk of discrimination against people who rely on highly trained, properly accredited assistance animals.



Conclusion

Daniel's story is not unique, but it should be. No one should have to overcome unnecessary and avoidable barriers just to be seen for their potential. His journey shows both the strength of individuals and the systemic failures that make success harder than it needs to be.

People who are blind or have low vision continue to face entrenched barriers in employment, service access, and public participation which are often the result of outdated systems, inaccessible technologies, and inconsistent legal protections. The Anti-Discrimination Act 1977 (NSW) must evolve to reflect contemporary life and ensure people with disability are not left behind.

This submission outlines practical reforms that would make a meaningful difference, so that someone like Daniel doesn't have to rely on personal resilience alone. These changes are about compliance, and they are also about dignity, fairness, and equal opportunity.

Guide Dogs NSW/ACT thanks the Commission for considering the matters raised in this submission. We welcome the opportunity to provide further information or clarification on any of the issues discussed.

Summary of Recommendations

- Expand the definition of “employment” to explicitly include digital recruitment platforms and technologies.
- Recognise digital exclusion and algorithmic bias as forms of discrimination under the Act.
- Introduce a positive duty to provide reasonable adjustments, including digital accessibility.
- Introduce a positive duty to take reasonable and proportionate steps to prevent and eliminate discrimination.
- Include a general special measures provision to replace the current exemption and certification process, supporting proactive inclusion efforts.
- Replace the term “assistance dog” with “assistance animal” and require accreditation by reputable, government-endorsed organisations.
- Align with the National Principles for the Regulation of Assistance Animals to support consistency and clarity.
- Clarify that the ADA applies to digital goods and services, including websites, apps, and other technology platforms.
- Ensure the ADA applies broadly to all areas of public life, including the digital environment, employment, education and service provision.

About Guide Dogs NSW/ACT

Guide Dogs NSW/ACT's vision is to create a world that is inclusive and accessible for everyone. We believe that advocacy and education are crucial to breaking down barriers and building a society where everyone can participate fully and independently.

For over 65 years, we have supported people with low vision or blindness to move safely and confidently through their communities. As the leading provider of Guide Dogs and Orientation and Mobility services in NSW and the ACT, we deliver personalised support, training, and equipment, to enable people to live life their way.

We work closely with individuals, businesses, and government to shape inclusive policies and practices and to ensure the voices of people with low vision or blindness are heard and respected in every forum.

With over 500,000 Australians currently living with low vision or blindness—and this number expected to rise with an ageing population—there is an urgent need to ensure that public spaces, digital systems, and services are designed for inclusion. Through our programs, we support Clients, families, and carers to build the skills, confidence, and access needed to achieve greater independence, dignity, and choice.

