

Disability Royal Commission Response

Submission to the DSS Consultation



Supporter



We welcome the opportunity to discuss further. Please contact:

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ABOUT THE AUSTRALIAN AUTISM ALLIANCE

www.australianautismalliance.org.au

The Australian Autism Alliance (Alliance) aims to provide 'A United Voice for Autism'. The Alliance was established in 2016 and aims to improve the life chances of Autistic people and facilitate collaboration within the autism community. The Alliance is a national network of diverse autism organisations with two co-chairs, that brings together key autism organisations representing and led by Autistic people, advocacy groups, peak bodies, service providers, educators, and researchers. Most importantly, our work is informed by Autistic people and their families and carers.

We:

- are Australia's first diverse collaborative network of autism organisations bringing together a range of autism interests.
- reach well over half a million people through our communication channels.
- provide support to Autistic people across the lifespan from early childhood to adulthood.
- have significant national and international linkages for advocacy, research and service delivery.
- worked with government to secure commitment for the National Autism Strategy and National Health and Mental Health Roadmap.
- continue to support government through being active in various roles including the NDIA Autism Advisory Group, the NDIA DRCO Co-Design Advisory and Reform groups, NDIS Commission Disability Sector Consultative group, National Autism Strategy Oversight Council member, and National Health and Mental Health Roadmap for Autistic people member.
- have been a witness at a number of inquiries including the Senate Inquiry into Autism and the NDIS Capability and Culture of the NDIA.
- commissioned the largest and most comprehensive community consultation survey of Autistic people and their families and carers in Australia to inform the Senate Inquiry into Autism with over 3,800 responses received.

Acknowledgement

The Australian Autism Alliance acknowledge the First Nations and Traditional Owners of the land, sea and waterways and pay respects to Elders past, present and recognise those whose ongoing effort to protect and promote Aboriginal and Torres Strait Islander cultures will leave a lasting legacy for future Elders and leaders.

Response regarding the Disability Royal Commission (DRC) Recommendations

We recognise the tremendous work of both the Disability Royal Commission and the enormous courage of people with disability who shared their stories and continue to inspire us to achieve better.

While the Australian Autism Alliance, supports many of the Disability Royal Commission (DRC) recommendations this paper primarily focuses to provide an outline of some of the key areas and issues that we believe would augment the recommendations to ensure that Autistic people and their families are not overlooked.

Of the 222 DRC recommendations it was identified that there a lack of autism specific findings and recommendations. It is acknowledged that there was specific reference to people with cognitive and intellectual disability. It is important to recognise, however, that only some Autistic people have cognitive impairments and/or intellectual disability.

As recognised in the Senate Select Committee on Autism¹ with outcomes manifestly worse for Autistic people than for people with disability more generally, urgent, and dedicated action is needed. The Senate Select Committee on Autism also recognised that generic disability approaches have failed to address the discrete challenges and enablers of Autistic people. Many Autistic people experience a range of co-occurring conditions and intersectionality that needs to be recognised. Autistic people are particularly vulnerable to abuse, discrimination and segregation in many environments including education and employment and are disproportionately represented in the criminal justice system. Some of the key statistics of the adverse life outcomes for Autistic Australians, include:

- Autistic people have a life expectancy 20–36 years shorter than the general population, with over two times the mortality rate;
- 75% of Autistic people do not complete education beyond Year 12;
- the unemployment rate for Autistic people is almost eight times the rate of people without disability;
- 50–70% of Autistic people experience co-existing mental health conditions;
- 51% of Autistic people and their families feel socially isolated; and
- 39% feel unable to leave the house due to concerns about negative behaviours.

¹ Senate Select Committee on Autism, Parliament of Australia, Services, support and life outcomes for autistic Australians (2022) [v].

Hence any initiatives, strategies, legislation or policies need to have an autism lens applied to them, so the specific needs of Autistic people are recognised and met.

Specific Comments to the Recommendations:

Recommendation 4.1 Establish a Disability Rights Act

The Australian Government's commitment to the enactment of a Disability Rights Act is supported but should include Autistic people, families and carers, Autistic led organisations and autism specific representative organisations.

Various strategies that have Australian government support such as the Australian Disability Strategy and the National Autism Strategy should be referenced in the Act to ensure government commitment at all levels and importantly bilateral support for continuity, and consistency, enabling a focus on actions and not reviews as government positions change.

A legislative framework should also be created for a co-ordinated and integrated, whole of government approach to ensure an ecosystem operating at a systemic level where it is government's responsibility to avoid people falling between the gaps and being handballed from department to department. This framework should have an impact, outcomes and accountability framework with performance management against a core capabilities framework and code of conduct.

The Act will need to drive the review of legislation and policy across all levels of government to ensure that they align with the interpretation and intent of the Act and relevant strategies and procedures reflect the intended drivers so as to achieve real and improved outcomes for people with disability, consistent with the Act.

Recommendation 4.4 Future review of the Disability Rights Act

This should consider having a disability led implementation task force, that includes Autistic representation, independent auditors and be informed by evaluation reports through re-engagement with the disability community no less frequently than every 3 years.

Recommendation 4.6 The right to equal recognition before the law

It should consider extending the reference beyond First Nations and CALD communities. There are many other cohorts that require culturally aware services and supports and differences create barriers, particularly those who have intersectionality with other differences. Funded advocacy services should also be independent and specialist advocacy service streams available to service specific cohorts.

Recommendation 4.9 The right to equitable access to health services

The right to voice opinions and to make complaints about health services needs to be in a culturally aware and accessible way, recognising the different cohorts.

Recommendation 4.15 Duties supporting compliance with the Disability Rights Act

A mechanism should exist that provides for an independent audit, community evaluation and anonymous survey for those being consulted more directly.

Recommendation 4.19 Co-design a new complaints mechanism for people with disability

Ideally the Commission will have the ability to do more than “dispute resolution” and “mediation” as per their current remit, such as investigate complaints and take action.

Recommendation 4.20 Enabling remedies through the courts

To enable an integrated whole of government eco system ideally all legislation at all government levels is reviewed to be up to date with more contemporary policies so that legislation and policy is aligned and consistent. For instance, currently there are bullying policies in all jurisdictions at an education and workplace level but the only legislation that covers vilification is understood to be in the ACT. Given it is a higher bar to prove and prosecute discrimination, many of those who cause abuse, segregation and vilification cannot be held to account. Relying on goodwill and policies in settings such as education and employment has demonstrated to date that this is insufficient to achieve material improved outcomes.

Recommendation 4.29 Offensive behaviour

This should be about demonstrating that a person took advantage of a vulnerable person with disability, rather than proving it was done because of the disability.

Recommendation 4.30 Vilification because of disability

It is considered that the bar may be too high here, particular in relation to education settings. What determines “serious abuse”? Should there not be a zero tolerance of abuse?

Recommendation 5.2 Review and update of Australia’s Disability Strategy

This should go further and reflect having an impact, outcomes and accountability framework with core capabilities framework and performance measures against outcomes.

Recommendation 5.4 Review of national agreements, strategies and plans

This review should cover the National Autism Strategy and the National Health and Mental Health Roadmap for Autism.

Recommendation 5.5 Establishment of a National Disability Commission

This Commission should be able to independently investigate complaints and have the use of independent auditors to assess outcomes.

The Outcomes for People with Disability report should be extended to reference under Australia's Disability Strategy 2021–2031 (ADS) “and strategies that sit under or align with ADS such as the National Autism Strategy”.

For the views and experiences of people with disability to be captured, as well as those of families and carers of people with disability, this should include an independent evaluation process on a regular basis.

Recommendations to governments of actions that needed improving should include accountability measures if they are not performed.

Recommendation 6.24 Improve implementation planning and coordination for the cognitive disability health capability framework; and**Recommendation 6.25 Expand the scope of health workforce capability development to include all forms of cognitive disability at all stages of education and training**

We would like for there to be consideration that the government prioritises the development of a separate autism healthcare capability framework to ensure the right competencies and knowledge is reflected, as it is established that generic disability strategies are not effective and not all Autistic people have a cognitive impairment.

It is recommended that this occur alongside of the current development of the National Health and Mental Health Roadmap for Autism. The urgency is, as has been identified in the Senate Inquiry on Autism, Autistic people are experiencing unacceptably poorer outcomes particularly in relation to health and mental health. This work could draw on any relevant work undertaken for the intellectual disability capability framework.

Recommendation 6.30 Expand the scope of the National Centre of Excellence in Intellectual Disability Health

We agree with the intent but recommend that the Australian Government continue to recognise the need for a focus on autism and invest in having the function of a National Centre of Excellence in Autism, given the uniqueness and diversity of autism and while some Autistic people have a cognitive impairment not all do.

Recommendation 7.13 National Roadmap to Inclusive Education

We support for this be amended to reflect a “A National Roadmap for Safe, Quality and Inclusive Education. We also request that there is specific actions and measures to improve outcomes for Autistic people given the poor outcomes that are currently reported.

Recommendation 7.14 Phasing out and ending special/segregated education

We support the choices of Autistic people and their families by ensuring access to a range of educational settings, that are safe and conducive for each individual.

We support the principles of:

- Choice of the appropriate school environment for each individual
- making ALL school environments safe and conducive
- making mainstream schools more accessible to Autistic students
- not having segregation in any environment.
- any design of recommendation 7.14 needs to be best practice and include research, evidence-based practice and Autistic people, their families and autism organisations to ensure that environments are safe and conducive to learning.
- Prior to any transition to “end segregation” we recommend a detailed roadmap of what this looks like to ensure success as there is significant change required to remove current barriers and achieve a fully integrated and inclusive mainstream setting.

Recommendation 7.19 Establish specific disability employment targets for new public service hires in agencies and departments

We support that specific and disaggregated targets are set by disability type so as to achieve a real increase in the proportion of Autistic employees in meaningful ongoing retained employment.

As per previous comments not all Autistic people have a cognitive impairment but are a priority cohort given the significantly poorer employment outcomes experienced than other Australians, including other disabilities.

Recommendation 7.32 End segregated employment by 2034

We support the choices of Autistic people and their families by ensuring access to a range of employment settings, that are safe and conducive for each individual.

We support the principles of not having segregation in any environment. Prior to any transition to “end segregation” we recommend a detailed roadmap of what this looks like to ensure success as there is significant change required to remove current barriers and achieve a fully integrated and inclusive open employment settings. This needs to include Autistic people, their families and autism organisations to ensure co-design of environments that are safe and conducive.

Recommendation 7.33 Prioritise people with disability in key national housing and homelessness approaches

That the National Housing and Homelessness strategy for people with intellectual or cognitive impairment recognise Autistic people as well.

Recommendation 7.34 Include homelessness in Australia’s Disability Strategy**Recommendation 7.39 Preventing homelessness when people with disability transition from service or institutional settings****Recommendation 7.40 Address homelessness for people with disability in the National Housing and Homelessness Plan**

It is recommended that these recommendations include:

- increased access to different types of accommodation (including to trial), supported decision making to ensure choice and control, and ensure safeguards are in place
- with monitoring, oversight and assessment of execution.
- ensure homelessness is included as a priority in the National Autism Strategy
- ensure mechanisms for security of tenure
- provide guaranteed access to support services to support people transitioning from service or institutional settings including those from criminal institutions to access to NDIS and Medicare pre-transition

Recommendation 7.44 A roadmap to phase out group homes over a generational timeframe

We support the choices of Autistic people and their families by ensuring access to a range of housing settings, that are safe and conducive for each individual.

It is recognised that it has been stated that there will be a staged approach but would like to just reiterate that considerable innovation and reform to housing models will be required to provide accessible and safe accommodation, particularly for people with the most complex support needs.

Recommendation 8.1 Conditions in custody for people with disability

It is requested that this goes further and that people with disability are provided with access to Medicare benefits while incarcerated so needs are met and that existing NDIS plans are reactivated prior to exiting incarceration so there is no lag and supports are in place. We also request that specific strategies to address conditions for Autistic people are developed, as Autistic people are disproportionately represented in the criminal justice system.

We welcome the opportunity to discuss any of the above in further detail and look forward to the opportunity to be involved and work in collaboration with not only government and the Autistic and autism community but also other disability communities to create a socially and economic inclusive ecosystem that is meaningful and sustainable for ALL Australians.