



**AUSTRALIAN
Autism Alliance**

**Through Our Eyes: Review of the Disability
Discrimination Act 1992**

Submission by the Australian Autism Alliance

13th November 2025

Acknowledgement of Country

The Australian Autism Alliance acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and community. We pay our respects to Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples, including autistic First Nations peoples and their families.

Submitted With Our Thanks to Autistic Individuals and the Australian Autism Community

The Australian Autism Alliance thanks every individual and many organisations and agencies for their generosity in participating in our consultations, sharing their experiences, their advice, references and sources, their passion for a fairer and more equitable nation via this Review of the Disability Discrimination Act 1992.

Experiencing Autism ‘Through Their Eyes’ Will Foster An Informed DDA Review

Those participating in this important Disability Discrimination Act 1992 Review must be given every opportunity to experience contemporary Australian life, through the eyes of an Autistic person and the Autism community. Only when this empathy is achieved will they confidently inform legislation and policy to meet the Review’s objectives and establish accountability for achieving them.

Please do not hesitate to contact the Australian Autism Alliance for additional opportunities to experience life “through their eyes” and learn more about the many “discriminations” negatively affecting life outcomes for Autistic individuals and the Autism community.

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Introduction

Thank You For This Opportunity

The Australian Autism Alliance ('the Alliance') thanks the Australian Government for its review of the Disability Discrimination Act 1992 (DDA) and for inviting feedback to ensure that it is working to protect all people with disability. The Alliance has responded to this invitation to submit feedback, evidence and recommendation to the Review, enabling a view 'through the eyes' of Autistic individuals and Australia's Autism community.

About the Australian Autism Alliance (Alliance)

The Alliance was established in 2016 and aims to improve the life chances of Autistic people and facilitate collaboration within the Australian Autism community. As a not-for-profit, an [ACNC-recognised Charity](#) and a formally designated [Disability Representative Organisation \(DRO\)](#), we provide a strong voice for autism representing a national network of individuals, key organisations with a focus on autism, entities led by autistic people, diverse advocacy groups, peak bodies, service providers, and researchers.

We reach over half a million people through our communication channels and communicate the views of people with autism to the Australian Government. Most significantly, our work is always informed by Autistic people and the Australian Autism community.

Topics Addressed Within This Submission

This submission initially addresses the 6 topics, and sub-topics, contained within the Review's *Issues Paper Overview*, [accessed via this link](#).

In addition, the Australian Autism Alliance has included other areas for Review, including topics gained from sector focus groups and other forms of qualitative research conducted in the preparation of this submission.

These topics are discussed in the following pages, and the Alliance invites questions and/or requests for further clarification of research, evidence and experiences as they have been viewed through the eyes of Autistic individuals and the Australian Autism community.

For further communications, please contact **Jenny Karavolos (Independent Chair) of the Australian Autism Alliance** via email at chair@australianautismalliance.com.au

This Submission is Grounded in Academic Evidence AND Autistic Lived Experiences

To inform this submission to the DDA Review, the Alliance has conducted a range of activities to provide a comprehensive range of evidence of the need for the Act to change and reflect the contemporary experiences of Australians facing discrimination as a "result" of being Autistic and/or a member of the nation's Autism community.

In addressing so many of these topics, Autistic people and the Autism community's anxiety and distress are palpable, i.e.:

*"We are worried. We are tired. That's all."*¹

Executive Summary

Australia's equality frameworks have not yet caught up with the lived reality of autistic and neurodivergent Australians. While the DDA 1992 (Cth) remains foundational to protecting disability rights, its operation continues to reflect a late-twentieth century understanding of disability, often resulting in one centred upon impairment rather than improved social design.

The Act's promise of inclusion can only be realised by recognising neurodiversity and intersectionality, often experienced as *hidden disabilities* rather than parts of the dimensions of human variation, and further reinforced by embedding the social and human-rights models throughout legislative drafting, interpretation, and implementation.

The Act's reform needs to ensure that it is "fit for purpose" in contemporary Australia, in particular, the following areas identified as priorities by the Autism community:

Despite the DDA, disability discrimination occurs too often in Australia

In Australia, many people living with disability still experience discrimination, in fact in 2022, the Australian Bureau of Statistics found that **1 in 10** (9.9%) people with disability aged 15 and over experienced discrimination, and almost **1 in 5** (17.6%) young people with disability aged 15 to 34 experienced discrimination.

In addition, the [Disability Royal Commission](#) found many examples of unacceptable treatment of people with disability, for instance:

- **Employment:** Some people with disability may have a hard time getting or keeping a job
- **Education:** Some students with disability are excluded from schools and universities and Others do not receive enough support to help them succeed
- **Accommodation:** People with disability often **struggle to find housing**
- **Access to justice:** People with disability often find engaging with police and the justice system hard
- **Access to services and public places:** Many people with disability cannot get goods and services that they need or cannot easily access places.

This is why Australia needs to update and improve the Disability Discrimination Act (1992).

Why Autistic people support this Review of the DDA

The following summarises the priority issues, as identified by Autistic individuals and the Autism community, for examination and improvement during this Review:

1. Burden of proof/access to legal recourse

Many in the Autism community (commenting via social media, forums, legal discussions etc.) report that even when discrimination is evident, it's very difficult to demonstrate satisfactorily and without risk of further trauma. The evidentiary burden, cost, complexity of complaint processes etc. often block access to justice. Autistic people talk about the overwhelming burdens of providing testimonial evidence or being blocked and 'gaslit' when colleagues, organisations and others don't share information.

2. Lack of awareness/understanding of autism, including the 'invisible' aspects

Autistic people often have that which are frequently described as "invisible disabilities" (e.g. sensory differences, social communication challenges, executive functioning issues etc.) and these are poorly understood by schools, workplaces, services and so forth

(tellingly, it's a very long list). The Alliance has received multiple examples of feedback demonstrating that duty-holders often don't think about, or ask, if/what adjustments are needed, or dismiss such requests due to their inability to "see" the need for them

3. **Reasonable/required adjustments are inconsistently applied (if at all)**
Autistic individuals experience significant variations in knowing what adjustments are available, possible or recognised, who pays, how consultations happen, and what is considered "unjustifiable hardship". Too frequently workplaces, services and schools refuse to engage meaningfully on this topic and many require many forms of diagnostics, letters, reports before "granting" adjustments and protecting Autistic individuals and the Autism community (delaying access and inclusion).
4. **Harassment, bullying, lack of protections, leading to widespread vilification**
Many Autistic individuals and Autism community members report being bullied, misunderstood, or prevented from participating because of others' behaviours. More recently, the online space is often where misinformation, harassment, or disregard frequently occurs.
5. **Exemptions and loopholes**
The Autism community holds many understandable concerns that organisations or institutions will continue to use "inherent requirements" or "unjustifiable hardship" as broad exemptions or claim that exemptions or special measures aren't clearly defined, or limited.
6. **Standards, Action Plans and enforcement are weak**
Autistic people often say laws or standards are "ok on paper, but enforcement is weak". In their lived experiences, Disability Standards (for access, education, premises etc.) frequently not enforced, ignored and/or not monitored. At this time, many organisations have presented Disability Action Plans that are poorly written, appear to request "voluntary" participation and/or lack ways to enforce and remediate discrimination.
7. **Intersectionality**
Autistic people who are also from racial/ethnic minorities, whose first language isn't English, who are LGBTQIA+, who are women, neurodivergent in multiple ways, and/or who have co-occurring disabilities (or mental health issues) have shared their distressing stories of compounded discrimination, and other traumatic experiences.
8. **Clarity and accessibility of the law and processes**
Legal definitions are technical; people with autism (and families) frequently require legislation explainers written in plain language, other languages and accessible formats. This also included consideration of the ways in which Autistic individuals and the Autism community can commence discrimination reporting and complaint procedures in more accessible ways (e.g. provided with independent support, without cost, increased representation and transparency).

Identifying priority areas for change within the DDA

Throughout the process of gathering experiences and evidence during the preparation of this submission, the Alliance identified the following priorities for the Review:

1. **Positive duty:** making organisations, schools and employers etc. proactively prevent discrimination rather than waiting for someone to complain and/or be harmed. For Autistic individuals and the Autism community, where discrimination is often subtle, cumulative and extremely damaging, proactive measures are crucial.
2. **Clarity of language and enforceability of adjustments/inherent requirements/unjustifiable hardship:** These are all key levers in fostering a nation where Autistic and Intersectional individuals can live without fear of discrimination. Without providing this language and Legislative clarity, people are unaware that they have opportunities to identify, negotiate and/or fight disability discrimination. The Review

needs to ensure that duty-holders must consult, modify, provide supports, unless truly impossible, with clear standards for what constitutes disability discrimination.

3. **Access to justice/responsibility for the burden of proof:** If an Autistic individual faces discrimination, they need a more accessible pathway to obtaining redress. The Autism community's recommendations include that this Review considers prima facie models (once someone establishes some facts, the burden shifts), affordable legal/advocacy expertise and wellbeing supports, streamlined complaint handling and uncontroversial protection from retaliation from perpetrators.
4. **Intersectionality and inclusive definitions:** Ensure that the Act's definitions of "disability" and "discrimination" include those whose disability is invisible or intersecting with other identities, recognising and identifying multiple forms of discrimination.
5. **Enforceable standards and compliance/oversight:** Autistic individuals and the Autism community require more than voluntary DAPs; Australia's disability discrimination standards must be enforceable, with monitoring, reporting and consequences clearly outlines.
6. **Protections against disability discrimination, harassment and vilification in all forms:** Autistic people often face increased trauma because of disability discrimination, bullying, harassment, stigmatisation and vilification. The Act's protections must reach into, and be acknowledged in public and online spaces.
7. **Employing neuroaffirming language:** This Review also needs to examine the language employed throughout the Act. Contemporary, neuroaffirming words avoid medical/pathologizing terms implying deficits and refer to neurodivergence as a neurodevelopmental difference that can be a disability due to society's attitudes. This also includes language surrounding intersectionality and episodic disabilities.
8. **The Autism community requires protections too:** Family members, carers, and others surrounding Autistic individuals also suffer from discrimination and it is vital that these are included and protected within the Act.

The following table consolidates the Australian Autism Alliance's recommendations from this submission. Each recommendation responds to formal research studies and the lived experience of Australia's Autistic individuals and our Autism community who continue to face disability discrimination despite the DDA's intent. This submission intends to drive actions to collectively redefine equality as proactive inclusion, ensuring the Act evolves from a reactive complaint mechanism into a modern, responsive human-rights framework that advances protections of and opportunities for Australians with the 'hidden disabilities' of cognitive, sensory, and psychosocial accessibility in every area of public life.

Summary of the Alliance's Formal Recommendations for the DDA Review

Australia's equality frameworks have not yet caught up with the lived reality of Autistic, neurodivergent and intersectional Australians. While the DDA 1992 (Cth) remains foundational to protecting disability rights, its operation continues to reflect a late-twentieth century understanding of disability, often resulting in one centred on impairment rather than social design. The Act's promise of inclusion can only be realised today by recognising neurodiversity and intersectionality, often experienced as *hidden disabilities* as parts of the dimensions of human variation and then reinforced by embedding the social and human-rights models throughout legislative drafting, interpretation, and implementation.

The following is a summary list of the recommendations emerging during the preparation of this submission:

Review Topic: Understandings of Disability and Disability Discrimination

1. Amend Section 4 of the DDA to explicitly reference *hidden, fluctuating, and neurodevelopmental* conditions.
2. Include a statutory note recognising that disability arises from the *interaction between impairment and social barriers*, consistent with the CRPD approach.
3. Require the Australian Human Rights Commission (AHRC) to issue updated interpretive guidance illustrating application to non-visible disabilities.
4. Mandate intersectional data collection and reporting in AHRC and ABS datasets.
5. Co-design research and policy programs with Autistic people from diverse backgrounds.
6. Clarify indirect discrimination tests to include normative practice bias that disproportionately disadvantages Autistic and neurodivergent people.
7. Require tribunals and courts to give due weight to lived-experience evidence when assessing neurocognitive or sensory barriers.
8. Amend the DDA object clause to explicitly reference Australia's commitments under the CRPD and require all public bodies to operate consistently with its principles of dignity, autonomy, and full participation.
9. Government-funded research should quantify these phenomena through co-designed surveys and integrated/linked data between NDIS, AIHW, ABS and AHRC datasets and analysis. This will inform future Reviews and activities
10. Enable systemic reform, including public education and training on neurodivergence and other forms of hidden disabilities as exemplifying their inclusion in the Act, and consequences of non-compliance

Review Topic: Positive Duty to Eliminate Discrimination

1. Legislate a Positive Duty within the DDA requiring employers, educators, and service providers to take reasonable steps to eliminate discrimination and advance inclusion
2. Resource AHRC to monitor compliance through education, audit and systemic review powers
3. Develop sector-specific codes of practice for autism and "hidden disabilities" in consultation with Autistic adults, the Autism community and advocacy organisations
4. Require periodic public reporting on the removal of barriers and demonstration of inclusive practice outcomes
5. Embed autistic representation on any national advisory body overseeing any forms of implementation of the Positive Duty initiatives.

Review Topic: Inclusion of People with Disability in Employment, Education and Other Areas of Public Life

1. Insert explicit guidance into the DDA and Disability Standards identifying typical and reasonable adjustments for neurodivergence and related disabilities.
2. Establish a national "Adjustment Code of Practice" administered by the AHRC to clarify expectations across work, education and services.
3. Introduce funding for small business and educational institutions to implement adjustments without financial hardship.
4. Amend s.11 of the DDA to require decision makers to always consider the benefit to the person with disability, and social inclusion outcomes when weighing cost or inconvenience.

5. Clarify that training costs and minor environmental changes do not constitute unjustifiable hardship.
6. Publish sector-specific examples of reasonable and unreasonable applications to promote compliance and reduce litigation.
7. Amend guidance to require employers to link each inherent work requirement to job performance outcomes, not cultural fit.
8. Require public sector employers to publish adjustment options within job advertisements.
9. Resource AHRC to undertake compliance audits of recruitment practices for hidden bias.
10. Clarify in the DDA and DSE that any suspensions and other punitive actions related to manifestations of disability are prima facie discriminatory
11. Introduce mandatory reporting of suspension data disaggregated by disability type
12. Fund state and territory inclusion liaisons to assist schools to implement behaviour support based on positive psychology and Universal Design for Learning.

Review Topic: Access to Justice

1. Insert new provisions into the DDA modelled on section 18C of the Racial Discrimination Act, prohibiting public acts that offend, humiliate or intimidate on the basis of disability
2. Establish civil penalty provisions and AHRC powers to mediate and sanction repeated breaches.
3. Fund education campaigns to reduce ignorance and hate-based attitudes towards Autistic individuals, the Autism community and those with intersectionality.
4. Amend the DDA to explicitly clarify that all police functions (including emergency response and custody operations) constitute ‘services’ under s.24.
5. Mandate autism-specific and disability awareness training for law enforcement officers and security personnel, nationally.
6. Enable independent complaint mechanisms through AHRC or disability ombudsmen when police involvement relates to alleged disability discrimination.
7. Introduce an independent advocacy program for all victims identifying as experiencing neurodivergent and/or psychosocial or communication disabilities.
8. Simplify processes through plain-language forms, accessible information and language forms, and alternative communication (AAC) modes.
9. Authorise the AHRC to initiate *own-motion investigations into* systemic discrimination without requiring individual complainants.
10. Incorporate time-limits for resolution to minimise trauma associated with delayed justice.

Review Topic: Exemptions

1. Repeal the migration exemption under section 52 to extend DDA protections to all Commonwealth functions, including migration decision-making
2. Introduce an individualised assessment framework for migration health criteria, weighing up social and economic contribution rather than a projected “cost to the community”
3. Remove religious educational exemptions under the DDA for institutions receiving any form of Commonwealth funding
4. Mandate disability inclusion frameworks for all non-government schools to ensure the enrolment and participation rights for Autistic students and the Autism community
5. Establish independent complaint mechanisms for students excluded for behavioural reasons, related to any disability (particularly focusing upon autism and, intersectionality and the many forms of neurodivergence).

6. Establish an independent review panel, including autistic representation, to advise the Department of Home Affairs on disability-related visa decisions
7. Amend the insurance exemption to require public transparency of risk data used to justify all policy pricing for people with disability
8. Expand AHRC oversight and penalties for unsubstantiated claims of “actuarial justification
9. Facilitate independent industry accreditation for inclusive financial service providers.
10. Repeal or narrow all DDA exemptions that permit discrimination against Autistic people and those with other hidden disabilities
11. Ensure any remaining exemptions undergo regular Parliamentary review with Autistic and disability community representation and consultations
12. Align the Act with the CRPD principles of equality before the law and non-discrimination in all migration, education, financial and faith-based contexts

Review Topic: Modernisation of the Disability Discrimination Act

1. Amend s.9 of the DDA to recognise assistance animals that mitigate psychosocial and/or sensory impairment.
2. Introduce a national accreditation and identification scheme to ensure consistency, aiming to reduce exclusion risks.
3. Develop clear guidelines for business and public sector staff, educating them on obligations relating to assistance animals relied upon by Autistic individuals.
4. Make Disability Action Plans compulsory for ALL entities above a specified size (e.g. 250 employees or \$10 million turnover).
5. Require DAPs to include goals for neurodivergent individuals in their community/workforce, such as cognitive, communications, sensory seeking etc.
6. Empower AHRC to measure, monitor and publish DAP compliance results and publish regular progress reports.
7. Grant the AHRC binding compliance and enforcement powers for all DDA Standards.
8. Require periodic revision of Standards to add/improve the criteria for inclusion and access to Autistic individuals and the Autism community, other neurodivergence, psychosocial and intersectionality.
9. Introduce public reporting of implementation, compliance, notices issued etc. on all entities possessing (voluntarily and mandated) an approved/lodged Disability Action Plan.

Detailed Submission

1.0 Review Topic: Understandings of Disability and Disability Discrimination

1.1 Sub-topic: The Definition of Disability

1.1.1 Discussion

The DDA's present definition (s. 4) is expansive — spanning physical, intellectual, psychiatric, sensory, neurological, and learning disabilities and conditions existing, past, future, or imputed. Yet this breadth has not translated into clarity for hidden or fluctuating disabilities such as autism, ADHD, or psychosocial conditions; currently estimated to include 3.5 million Australians²

In practice, Autistic individuals frequently fail to meet systems' implicit expectations of "observable impairment," leaving them unrecognised in access, support and complaint processes.

Internationally, the UN CRPD defines persons with disabilities as "*those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder full and effective participation in society*". This relational framing: **impairment × barriers = disability**, remains largely absent from Australia's domestic interpretation.³

1.1.2 Research evidence and lived experiences

Peer-reviewed studies show that Autistic Australians continue to face disbelief from employers and clinicians even when clinically diagnosed. Many describe the constant need to "prove" their disability to qualify for adjustments or receive reasonable supports.⁴

"Before my autism diagnosis, my request for a workplace adjustment at a previous workplace was met with a dismissal of mental illness as a 'real disability' and that I wasn't 'disabled enough' to ask."⁵

1.1.3 Review Recommendations

11. Amend Section 4 of the DDA to explicitly reference *hidden, fluctuating, and neurodevelopmental* conditions.
12. Include a statutory note recognising that disability arises from the *interaction between impairment and social barriers*, consistent with the CRPD approach.
13. Require the Australian Human Rights Commission (AHRC) to issue updated interpretive guidance illustrating application to non-visible disabilities.

1.2 Sub-topic: Intersectionality

1.2.1 Discussion

Autistic and neurodivergent Australians experience compounded discrimination when gender, Indigeneity, culture, or socio-economic disadvantage intersect. Women and gender-diverse Autistic people are frequently dismissed due to gender stereotypes around Autism. Aboriginal and Torres Strait Islander individuals encounter additional systemic bias: delayed referral pathways, culturally unsafe assessment practices, and linguistic inequities (and more).⁶

1.2.2. Research evidence and lived experience

Limited formal data exist because national collections rarely disaggregate intersecting characteristics, and without such data, policy frequently remains blind to initial and cumulative disadvantage.⁷

“My history is complicated as an autistic person, by also being half Italian. When I went to uni, I actually had people say how exotic it was that I was there.”⁸

“I am Autistic and girls often mask so their disability is hidden as they just want to fit in ... At school I would mask and the Principal kept telling my mum and my therapists that I didn’t need any help at school despite all the medical information and recommendations ... relating to simple reasonable adjustments ... I would come home from school and have a mega meltdown as home was my safe place. My parents spoke with the school begging for learning support for me and the Principal told them at school they didn’t see these meltdowns that we saw at home.”⁹

1.2.3 Review Recommendations

14. Mandate intersectional data collection and reporting in AHRC and ABS datasets.
15. Co-design research and policy programs with Autistic people from diverse backgrounds.

1.3 Sub-topic: The definitions of Direct and Indirect Discrimination

1.3.1. Discussion

Sections 5 and 6 of the DDA set out direct and indirect discrimination. While fit for visible disabilities, they do not adequately capture the structural **barriers faced by people with hidden disabilities**. Autistic individuals and members of the Autism community often encounter both direct and indirect discrimination caused by neurotypical work cultures or education “rules”, e.g. group projects, eye contact in interviews, zero-noise classrooms, workspace/study space restrictions etc.

Because these requirements are ubiquitous, their discriminatory impact is rarely acknowledged or ever resolved satisfactorily.

1.3.2 Research evidence and lived experience:

Across an increasing body of domestic and international research, structural barriers for Autistic people commonly include “neutral” workplace/education rules that do not account for neurodiversity: group projects, eye contact, and sensory-unfriendly environments are not just inconveniences but real channels of discrimination. This wide range of peer-reviewed legal and lived-experience literature demonstrates that Australia’s current discrimination law framework is not fully responsive to the distinct challenges faced by people with hidden disabilities.

“I told one tutor about my ADHD, and they sadly treated me differently after the fact.”¹⁰

“Attitudes, practices and structures in a neurotypical world can create barriers that impact on autistic people being able to participate fully in employment, education and the community.”¹¹

1.3.3 Review Recommendations:

6. Clarify indirect discrimination tests to include normative practice bias that disproportionately disadvantages Autistic and neurodivergent people.
7. Require tribunals and courts to give due weight to lived-experience evidence when assessing neurocognitive or sensory barriers.

1.4 Sub-topic: Consistency with the Convention on the Rights of Persons with Disabilities

1.4.1 Discussion

The Convention on the Rights of Persons with Disabilities (CRPD) obliges Australia to:

“promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities.”¹²

Yet DDA interpretation, enforcement and remediation lags behind CRPD standards on autonomy, self-determination, and participation. The Australian Autism Alliance brings the **current areas of inconsistency to the attention of this Review:**

- Limited enforceability of reasonable adjustments as **human rights obligations**
- Absence of **positive duties to prevent discrimination** (before complaints arise)
- Fragmented **alignment between Commonwealth and state** schemes.

1.4.2 Review Recommendation

8. Amend the DDA object clause to explicitly reference Australia’s commitments under the CRPD and require all public bodies to operate consistently with its principles of dignity, autonomy, and full participation.

1.5 Additional Topical Point: Identifying Hidden Disability Discrimination – the Missing Scope and Data

1.5.1 Discussion

As mentioned in Section 1.2, an estimated 3.5 million Australians live with non-visible disabilities. Despite this, no national dataset captures discrimination specific to Autism or other forms of neurodivergence.

AHRC reporting aggregates all disability complaints, *masking patterns unique to hidden disabilities*, such as the non-provision of communication and sensory accommodation, workplace exclusion due to sensory/social reactions, and employer/co-work biases against “fit” etc.

1.5.2 Review Recommendation

9. Government-funded research should quantify these phenomena through co-designed surveys and integrated/linked data between NDIS, AIHW, ABS and AHRC datasets and analysis. This will inform future Reviews and activities.

1.6 Additional Topical Point: Systemic Barriers and Societal Attitudes

1.6.1 Discussion

As was highlighted by the Disability Royal Commission¹³, barriers to full participation of Autistic individuals and the Autism community are frequently attitudinal and institutional, for instance:

- **Masking expectations:** social pressures to conform to neurotypical norms.
- **Diagnostic delays:** GPs and clinicians misinterpreting autism, especially in girls and other diverse and intersectional groups.
- **Inaccessible complaint systems:** language and sensory environments unsuitable for neurodivergent participants.

1.6.2 Research evidence and lived experience

The Federal Government is in possession of overwhelming evidence of the lack of data available via public and private sources. Much qualitative evidence and lived experiences were provided to the Royal Commission and during the consultations during the development of Australia’s National Autism Strategy.

“The whole process is humiliating, de-humanising and suicide-inducing...” Gemma, 58¹⁴

1.6.3 Review Recommendation

10. Enable systemic reform, including public education and training on neurodivergence and other forms of hidden disabilities as exemplifying their inclusion in the Act, and consequences of non-compliance.

2.0 Review Topic: Positive Duty to Eliminate Discrimination

2.1 Summary

Australia's anti-discrimination system relies primarily on individual complaints after harm has occurred. For Autistic individuals and the Autism community, this reactive approach fails because barriers are systemic, ongoing, and often invisible... until they cause crisis.

Embedding a positive duty to eliminate discrimination within the DDA would shift responsibility from individuals proving harm... to institutions preventing it. Such a duty would align with the UN Convention on the Rights of Persons with Disabilities (CRPD Art. 5 & 9) and international best practice models in the UK Equality Act 2010 and Canada's Accessible Canada Act 2019.

A positive duty would transform the DDA from a defensive legal instrument into a **proactive framework for inclusion**, closing the gap between the law in theory and the lived experience of Autistic Australians and the Autism community.

2.2 Discussion

A statutory positive duty would **oblige organisations to take reasonable and proportionate measures** to eliminate discrimination and foster inclusion for Autistic individuals and members of the Autism community, **whether or not a complaint has been made**. Core elements could mirror the Australian Human Rights Commission Act's proposed Sex Discrimination positive duty model, e.g.

- **Scope:** Applies to all duty holders under the DDA, i.e., employers, educators, goods and service providers, government agencies.
- **Requirements:**
 - Identify and take reasonable steps to prevent disability discrimination
 - Review policies, practices and culture for Autism/*hidden disability* accessibility
 - Consult with people with disability (including Autistic individuals) in developing and evaluating positive actions.
- **Compliance Mechanisms:**
AHRC monitors and enforces compliance through education, audits and systemic inquiry powers similar to those in the UK Equality and Human Rights Commission model.
- **Support and Guidance:** Government-funded educational and training resources, action plans, positive modelling, co-design principles, benefits to commercial and cultural outcomes etc.

A part of motivating Australians to adopt and value their positive duties to eliminate discrimination against Autistic individuals and the Autism community, in all sectors, will be the development of education surrounding the benefits to them, their workplaces and communities in ways that are relevant to their lives and citizenship goals, e.g.

- **Prevention over punishment:** reduced complaints, improved accessibility
- **Increased trust in the system:** Autistic people, and co-workers/classmates etc., experience evidence of genuine institutional commitment to change
- **Stronger data and accountability:** measurement and reinforcement of positive impacts (and demonstrations of non-compliance acting as a deterrent to discrimination against Autistic individuals)

- **Cultural shift:** positions Disability Inclusion as core governance, not a “charitable add-on” enabling a positive work culture and creating demand among job candidates.

Commencing with the Act, systemic changes should flow into all aspects of the daily lives of our valued Autism community.

These are sorely needed because many Autistic Australians have internalised discrimination as *normal*, being told they are “too sensitive” or must “fit better.” Because discrimination is embedded in our culture and systems rather than single acts, complaint-based enforcement does not deliver justice; it compounds distress.

“I am serious about the damage that the current system inflicts” (Autistic Adult)¹⁵

A positive duty would redirect energy from litigation to prevention, requiring organisations to show what they are doing to be inclusive rather than pushing traumatised individuals to prove incidents of discrimination and exclusion.

2.3 Research evidence and lived experience

Research consistently demonstrates that **Autistic and neurodivergent people face cumulative discrimination** that remains frequently unchallenged because no single event meets the burden of proof required in current complaints processes. Studies have found that:

- Only a small proportion of Autistic people who experience discrimination file a complaint, citing *fear, complexity, and distrust* of the process.¹⁶
- In workplaces, **about 42 % of employees with disability experience discrimination**, but under 10% seek formal redress.¹⁷
- For Autistic Australians, the (frequently unsuccessful) process of gaining employment repeatedly demonstrates that most barriers occur during recruitment, education assessment, healthcare access, or public-service interactions; these are areas that rely on proactive design rather than correction after harm.¹⁸

These publicly available findings highlight the limitations of the DDA’s reactive model. Today, systemic inequity remains unaddressed while individual burdens and lifelong trauma increase.

The following models will inform this Review of approaches in other jurisdictions, and demonstrate best practice in the development systemic reform relying upon positive duties and retaining complaint-based avenues as a safety net for those who have been unable to obtain support through positive interventions to eliminate discrimination:

- United Kingdom: The Equality Act 2010 places a Public Sector Equality Duty on public authorities to eliminate discrimination and advance equality of opportunity across protected characteristics. This model has been used to audit schools for autism accessibility and train medical staff.¹⁹
- Canada: The Accessible Canada Act (2019) requires federal institutions to develop accessibility plans and report progress on barrier reduction.
- Victoria, Australia: Under the Equal Opportunity Act 2010 (Vic) s.15, a positive duty to eliminate discrimination has driven culture change in workplace policy and compliance after AHRC-style guidance.

2.4 Review Recommendations

The Australian Autism Alliance submits the following recommendations in support of embedding a positive duty to eliminate discrimination against Autistic individuals and the Autism community:

1. Legislate a Positive Duty within the DDA requiring employers, educators, and service providers to take reasonable steps to eliminate discrimination and advance inclusion
2. Resource AHRC to monitor compliance through education, audit and systemic review powers
3. Develop sector-specific codes of practice for autism and other “hidden disabilities” and intersectionality in consultation with autistic adults and advocacy organisations. Require periodic public reporting on the removal of barriers and demonstration of inclusive practice outcomes
4. Embed autistic representation on any national advisory body overseeing any forms of implementation of the Positive Duty initiatives.

2.5 Please support the Act’s implementation and enforcement

To be effective in eliminating discrimination against Autistic individuals and other members of the Australian Autism community, the proposed positive duty must include simple, clear enforcement and support pathways, involving the following sectors, organisations and actions:

- **AHRC Leadership:** Resourced to develop and issue Codes of Practice, conduct sectoral reviews, collect evidence and data from all parties, and investigate and report upon compliance
- **Government Accountability:** All Commonwealth agencies must receive education and prepare/publish inclusive practice plans for hidden disabilities
- **Public Reporting:** Annual progress statements to Parliament on compliance rates the measurement of impacts, using co-designed measures, indicators and data collection methods.

3.0 Review Topic: Inclusion of People with Disability in Employment, Education and Other Areas of Public Life

3.1 Summary

Australia's Disability Discrimination Act (DDA) prohibits discrimination in employment, education, goods, services, facilities, and access to public premises. Yet the lived experience of Autistic and neurodivergent Australians demonstrates that equality in law has not translated into *equality in life*.

Hidden disabilities remain misunderstood, with systems still designed around physical or visible impairment. Inclusion must go beyond protecting against direct bias to require proactive systemic design that enables all people — particularly those with cognitive and sensory disability — to thrive in education, workplaces, and public spaces.²⁰

3.1.1 The Duty to Provide Adjustments for People with Disability (Recs 4.25–4.26)

3.1.2 Discussion

Reasonable adjustments are the mechanism through which equality is made real in practice. However, Autistic people and others with hidden disabilities are frequently denied appropriate adjustments due to barriers such as unfamiliarity, stigma and the inconsistent enforcement of the Act.²¹

3.1.3 Evidence and Lived Experience

The Disability Standards for Education (2005) provide guidance on reasonable adjustments, but many educators and employers misinterpret “adjustment” as an optional accommodation, or as unfair advantage. Autistic workers report requests for noise-control, predictable scheduling, or clear communication being treated as personal preferences rather than their rights. In education, families describe adjustments that exist in policy but not in classroom practice.²²

“Invisible disabilities are not immediately obvious, which can lead to a multitude of misconceptions and sadly, discrimination.” – Shaun Pianta²³

3.1.4 Review Recommendations

13. Insert explicit guidance into the DDA and Disability Standards identifying typical reasonable adjustments for neurodevelopmental disabilities.
14. Establish a national “Adjustment Code of Practice” administered by the AHRC to clarify expectations across work, education and services.
15. Introduce funding for small business and educational institutions to implement adjustments without financial hardship.

3.2 Definitions of and Considerations for Unjustifiable Hardship (Rec 4.32)

3.2.1 Discussion

Section 11 of the DDA allows a defence where adjustments would impose “unjustifiable hardship.” While intended to balance burdens and rights, the provision is applied so broadly that it often permits avoidance of obligations to support Autistic and neurodivergent people.

3.2.2 Evidence and Lived Experience

Case analysis through Federal Discrimination Law reviews shows that financial cost, administrative burden, and staff attitude are frequently cited to deny access. These denials contradict the intention of “reasonable adjustment” in international human rights law.²⁴

“Anyone who complains is seen as a troublemaker ... We cannot afford to have my daughter expelled from school.”²⁵

3.2.3 Review Recommendations

16. Amend s. 11 to require decision-makers to consider **benefit to the person with disability** and social inclusion outcomes when weighing cost or inconvenience.
17. Clarify that training costs and minor environmental changes do not constitute unjustifiable hardship.
18. Publish sector-specific examples of reasonable and unreasonable applications to promote compliance and reduce litigation.

3.3 Factors Considered by Prospective Employers When Determining if a Prospective Employee Can Carry Out the Inherent Requirements of the Job (Rec 7.26)

3.3.1 Discussion

Autistic and neurodivergent applicants often face rejection on assumed rather than demonstrated inability to meet “inherent requirements” of a role. Recruitment designs favour social presentation over competence, perpetuating bias contrary to DDA intent.²⁶

3.3.2 Evidence and Lived Experience

Studies show interview formats and automated shortlisting processes can exclude neurodivergent candidates before skills are ever assessed. Generic criteria like “strong interpersonal skills” are applied universally even to technical roles not requiring them.

“A fear of discrimination was the most common reason for non-disclosure at work.”²⁷

3.2.3 Review Recommendations

19. Amend guidance to require employers to link each inherent requirement to all job performance outcomes, not cultural fit.
20. Require public sector employers to publish adjustment options within job advertisements
21. Resource AHRC to undertake compliance audits of recruitment practices for hidden bias.

3.4 Suspension or Exclusion of Students with Disability (Rec 7.2)

3.4.1 Discussion

Autistic students remain disproportionately excluded from school through suspension, reduced hours, or refusal to enrol due to behaviour related to their disability. These acts constitute discrimination under s. 22 (DDA) and violate the Disability Standards for Education (DSE).²⁸

3.4.2 Evidence and Lived Experience

Data from the Royal Commission and CYDA (2023) show 41 % of students with disability experienced a suspension in the previous year; Autistic students are twice as likely to face suspension as their peers.²⁹

“One teacher said it would be easier if my autistic son spent more time out of the classroom. They keep sending him home for behaviours that come from his autism but say that’s not discrimination because it’s ‘school policy’.”³⁰

3.4.3 Review Recommendations

22. Clarify in the DDA and DSE that any suspensions and other punitive actions related to manifestations of disability are prima facie discriminatory
23. Introduce mandatory reporting of suspension data disaggregated by disability type
24. Fund state and territory inclusion liaisons to assist schools to implement behaviour support based on positive psychology and Universal Design for Learning.

4.0 Review Topic: Access to Justice

4.0 Summary

For autistic and neurodivergent Australians, equal protection under the Disability Discrimination Act (DDA) remains largely theoretical and impractical without meaningful and simplified access to justice. Complex complaint processes, cognitive barriers, and lack of trust in confidentiality, frequently produces severe under-reporting of discrimination.

The current legislation and system often rely on individuals with "hidden disabilities" to self-advocate through adversarial and legalistic channels instead of requiring public institutions to demonstrate equitable practice. This section addresses both the shortcomings of the existing complaints framework and specific areas of law requiring clarification to protect autistic Australians.

4.1 Sub Topic: Offensive Behaviour and Vilification Protections For People With Disability (Recs 4.29-4.30)

4.1.1 Discussion

There are currently no comprehensive provisions within the DDA outlawing hate speech or public vilification on the basis of disability. Autistic and neurodivergent people are visible targets for stigma, mockery and misrepresentation across media and digital platforms. Public safety and community dignity for Autistic individuals and the Autism community requires explicit legal protections comparable to racial vilification laws.

4.4.2 Evidence and Lived Experience

Data from the Disability Royal Commission show high incidence of online and in-person harassment for Autistic Australians linked to stereotyping and derogatory language. The Commission recommended that federal discrimination laws be amended to **prohibit incitement of hatred, serious contempt or severe ridicule because of disability**.³¹

Vilification is not limited to public speech but appears in workplace banter and online commentary that devalues autistic identity. This behaviour often falls outside current DDA's jurisdiction, emphasising further need to protect Autistic individuals and the Autism and intersectional communities from offensive behaviour and vilification because they appear to be different.

"How dare a disabled person assert their human rights, you know ... The ableists are offended and the way they express that offence is either through verbal abuse or physical abuse."³²

4.4.3 Review Recommendations

11. Insert new provisions into the DDA modelled on section 18C of the Racial Discrimination Act, prohibiting public acts that offend, humiliate or intimidate on the basis of disability
12. Establish civil penalty provisions and AHRC powers to mediate and sanction repeated breaches.
13. Fund education campaigns to reduce ignorance and hate-based attitudes towards Autistic individuals, the Autism community and those with intersectionality.

4.2 Sub-Topic: The Definition of ‘Services’ as it Applies to Police Officers (Rec 8.19)

4.2.1 Discussion

Ambiguity around the definition of ‘services’ in s. 24 of the DDA has resulted in uncertainty about whether police actions constitute a “service.” Autistic people interacting with police often face misinterpretation of communication style as non-compliance or aggression, yet the scope of the DDA leaves limited remedy for discrimination during law-enforcement interactions.³³

4.2.2 Evidence and Lived Experience

Case reviews and advocacy reports have documented Autistic individuals subjected to unreasonable force or failure to receive communication supports.

The Royal Commission and Human Rights Commission have each recommended explicit coverage of police services under the DDA to enable investigation of such cases.³⁴

“Autistic people often avoid calling the police because they fear being misunderstood.”

(Community advocate, SA Autism Reference Group)

4.2.3 Review Recommendations

4. Amend the DDA to explicitly clarify that all police functions (including emergency response and custody operations) constitute ‘services’ under s.24.
5. Mandate autism-specific and disability awareness training for law enforcement officers and security personnel, nationally.
6. Enable independent complaint mechanisms through AHRC or disability ombudsmen when police involvement relates to alleged disability discrimination.

4.3 Sub-Topic: Barriers to Complaint and Systemic Redress

4.3.1 Discussion

The current complaints mechanism under the AHRC Act is poorly suited to Autistic or cognitively diverse individuals. Processes are legalistic, prolonged, and frequently emotionally draining. This leads to harm and increasing fears of retaliation and creates widespread anxiety, further discouraging complaint lodgement.

4.3.2 Evidence and Lived Experience

Research by People with Disability Australia (2023)³⁵ found that over 70 % of respondents with hidden disabilities believed there was “no point” in complaining as outcomes were rarely favourable. Among autistic respondents, common themes included being talked over, pressured to settle, and facing an overwhelming burden of proof.

“The complaint system is exhausting and demoralising for people who already struggle to navigate bureaucracy.” (Alliance survey participant).³⁶

4.3.3 Review Recommendations

7. Introduce an independent advocacy program for all victims identifying as experiencing neurodivergent and/or psychosocial or communication disabilities.
8. Simplify processes through plain-language forms, accessible information and language forms, and alternative communication (AAC) modes.
9. Authorise the AHRC to initiate *own-motion investigations into* systemic discrimination without requiring individual complainants.
10. Incorporate time-limits for resolution to minimise trauma associated with delayed justice.

5.0 Review Topic: Exemptions

The exemptions in the **Disability Discrimination Act 1992 (DDA)** substantially limit its effectiveness for Autistic and neurodivergent Australians and our communities. While originally intended to balance policy obligations and administrative feasibility, these exemptions have created wide systemic inequities by excluding key Commonwealth functions—particularly **migration, insurance, and religious institutions**—from accountability. This section highlights how those exemptions uniquely disadvantage Autistic individuals and the Autism community and proposes reforms to bring the Act into alignment with Australia’s obligations under the ***UN Convention on the Rights of Persons with Disabilities*** (CRPD).

5.1 Sub-Topic: Migration Exemption (Rec 4.31)

5.1.1 Discussion

The DDA’s section 52 explicitly exempts migration decisions from disability discrimination provisions.

As a result, Autistic visa applicants (and many other neurodivergent citizens can lawfully be refused entry or residency on the assumption they will pose a “health cost burden”.

This policy runs counter to the DDA’s stated purpose of equality and social integration.

5.1.2 Evidence and Lived Experiences

- Families have been refused permanent visas after disclosure of a child’s autism diagnosis, despite parents being skilled workers contributing economically to Australia .³⁷
- The UN Committee on the Rights of Persons with Disabilities has criticised Australia’s migration laws as inconsistent with Articles 5, 18 and 23 of the CRPD³⁸
- Case documentation shows that an estimated 12 families since 2018 have been driven to appeal through ministerial discretion due to autism-related visa denials.³⁹
- Evidence to the Parliamentary Joint Committee on Migration notes the arbitrary application of the “significant cost threshold” of \$51,000 over 10 years for conditions including autism.⁴⁰

“We were told our son’s autism would impose a ‘significant cost’ and our family was advised to leave Australia despite both parents working full time.”

(Family submission to the House of Representatives Migration Inquiry (2022))⁴¹

5.1.3 Review Recommendations

13. Repeal the migration exemption under section 52 to extend DDA protections to all Commonwealth functions, including migration decision-making
14. Introduce an individualised assessment framework for migration health criteria, weighing up social and economic contribution rather than a projected “cost to the community”

15. Establish an independent review panel, including autistic representation, to advise the Department of Home Affairs on disability-related visa decisions.

16. 5.2 Sub-Topic: Religious and Education Exemptions

5.2.1 Discussion

The existing religious exemptions permit schools and faith-based institutions to act in ways that would otherwise be discriminatory. Autistic students and staff continue to face refusal of enrolment and employment because of behavioural differences linked to disability, with little legal redress.

5.2.2 Evidence and Lived Experience

The Australian Law Reform Commission (2024) recommended removing the religious school exemptions that permit exclusion of staff or students with disabilities.⁴²

Equality Australia and WWDA have documented cases of Autistic children being denied entry to faith-based schools on the basis of “fit with values” or “behavioural risk”.⁴³ These advocates note that schools receiving public funding should not be granted the legal permission to discriminate on such grounds.⁴⁴

“When my child’s diagnosis of autism was shared, the school said they did not have capacity to support him and recommended withdrawal.” (Parent participant in Alliance survey (2024))⁴⁵

5.2.3 Review Recommendations

4. Remove religious educational exemptions under the DDA for institutions receiving any form of Commonwealth funding
5. Mandate disability inclusion frameworks for all non-government schools to ensure the enrolment and participation rights for Autistic students and the Autism community
6. Establish independent complaint mechanisms for students excluded for behavioural reasons, related to any disability (particularly focusing upon autism and, intersectionality and the many forms of neurodivergence).

5.3 Sub-Topic: Insurance and Financial Service Exemptions

5.3.1 Discussion

Insurance exemptions enable underwriters/companies to deny coverage or charge more for premiums for Autistic and neurodivergent people, citing “actuarial risk.” However, this practice is often unsupported by credible data and further amplifies social inequality and stigma.

5.3.2 Evidence and lived experience

Mental Health Australia and Beyond Blue (2023) found widespread premium loading along with policy refusals for people with “hidden disabilities”, including autism.⁴⁶

Justice and Equity Centre (2025) identified systemic bias in underwriting criteria that was not grounded in empirical risk analysis.⁴⁷

The AHRC Guidelines for Providers of Insurance and Superannuation (2015) require decisions to be based on “relevant and reasonable actuarial or statistical data” yet enforcement is minimal.⁴⁸

“I was told my autism made me an insurance risk even though I don’t require any supports. They refused cover without explanation.” (Autistic professional interviewee (2023 study))⁴⁹

5.3.3 Review Recommendations

7. Amend the insurance exemption to require public transparency of risk data used to justify all policy pricing for people with disability
8. Expand AHRC oversight and penalties for unsubstantiated claims of “actuarial justification”
9. Facilitate independent industry accreditation for inclusive financial service providers.

5.4 Sub-Topic: Broader Implications for Autistic Australians

The persistence of these exemptions communicates to Autistic individuals and the Autism community that their rights are conditional, not absolute. Whether through migration exclusion, education denial, or financial discrimination, the result is the same: it’s a government sanctioned message that Autistic lives carry lower value than others.

A modern DDA must replace these broad exemptions with clear, contemporary wording and transparent measurement, monitoring and enforcement mechanisms.

5.4.2 Review Recommendations

10. Repeal or narrow all DDA exemptions that permit discrimination against Autistic people and those with other hidden disabilities
11. Ensure any remaining exemptions undergo regular Parliamentary review with Autistic and disability community representation and consultations
12. Align the Act with the CRPD principles of equality before the law and non-discrimination in all migration, education, financial and faith-based contexts.

6.0 Review Topic: Modernisation of the Disability Discrimination Act

6.1 Summary

While the **Disability Discrimination Act 1992** was groundbreaking at its inception, its design no longer meets community expectations or contemporary human-rights standards. For Autistic and neurodivergent Australians and those surrounding them, the DDA's reactive structure, limited scope, and outdated concepts have left whole areas where discrimination remains outside practical redress. Modernisation must focus on enforceability, accessibility, and ongoing change management, with the aim of transforming the Act from a static, outdated instrument into a proactive framework that enables Autistic individuals and Autism community and all others, to thrive.

6.2 Sub-Topic: Rules about Assistance Animals

6.2.1 Discussion

Section 9(1)(f) of the DDA protects use of assistance animals for people with disability but interprets this mainly through a "physical impairment" lens.

Autistic Australians rely on a range of support animals for emotional regulation, anxiety management and independence, yet the Act does not clearly include these functions of these vitally supportive animals. Many stories from Autistic individual and the Autism community have shared the frustrations and grief caused when they have been refused access to housing, employment, travel and the use of public spaces.

6.2.2 Evidence and lived experience

AHRC case files show disputes over whether therapy or sensory support animals qualify as "assistance animals" under s. 9 because they do not perform a physical task.⁵⁰

The Royal Commission documented Autistic participants being refused transport and accommodation despite official training certificates for their support dogs (2023).⁵¹

Internationally, the UK and Canada have broadened statutory definitions to include "emotional support and stabilisation functions".⁵²

"My support dog travels everywhere with me to reduce overload, but some places say he's not a 'real' assistance animal because he isn't a guide dog."

(Autistic submission participant (2024))⁵³

6.2.3 Review Recommendations

10. Amend s.9 of the DDA to recognise assistance animals that mitigate psychosocial and/or sensory impairment.
11. Introduce a national accreditation and identification scheme to ensure consistency, aiming to reduce exclusion risks.
12. Develop clear guidelines for business and public sector staff, educating them on obligations relating to assistance animals relied upon by Autistic individuals.

6.3 Sub-Topic: Framework for Disability Action Plans

6.3.1 Discussion

Disability Action Plans (DAPs) under Part 3 of the DDA were thoughtfully intended to embed practical change in organisations, but even today, most remain voluntary and unenforceable.

For Autistic people and others with “hidden disabilities”, this has meant that DAPs rarely address their requirements for cognitive accessibility, overcoming different communication or achieving sensory comfort etc.⁵⁴

6.3.2 Evidence and lived experience

- Less than 30% of Commonwealth-registered organisations report active DAPs (2024 audit).⁵⁵
- Case studies from the DAPs of Australian universities and state government departments/agencies demonstrate that autism and neurodivergence access is often absent from strategic goals.⁵⁶
- By contrast, the Victorian Equal Opportunity Act (2010) requires its public sector to both develop and report upon measurable access plans.⁵⁷

*“Most Action Plans don’t even mention autism. When they say ‘inclusion’, they mean physical access, not being able to cope in a noisy open office.”
(Autistic employee respondent (2023 Alliance survey))⁵⁸*

6.3.3 Review Recommendations

13. Make Disability Action Plans compulsory for ALL entities above a specified size (e.g. 250 employees or \$10 million turnover).
14. Require DAPs to include goals for neurodivergent individuals in their community/workforce, such as cognitive, communications, sensory seeking etc.
15. Empower AHRC to measure, monitor and publish DAP compliance results and publish regular progress reports.

6.4 Sub-Topic: Framework and Enforceability of the Disability Standards within the Act

6.4.1 Discussion

The current *Disability Standards* (Education 2005, Transport 2002, Premises 2005 and Access to Premises 2010) are the main mechanisms for operationalising the DDA. Unfortunately, they too are complex, fragmented and largely unenforceable.

Autistic Australians (and so many others) have been left without recognition and recourse when these standards fail to account for “hidden disabilities” and non-physical discrimination and barriers to social inclusion.

6.4.2 Evidence and lived experience

Evaluations of the Disability Standards for Education (2025 Review) reveal that many schools have remained non-compliant, especially for autism-related adjustments such as sensory supports, quiet spaces, differing hours etc.⁵⁹

The Royal Commission (2023)⁶⁰ found that reliance on complaints rather than promoting enforceable duties leaves many students and workers vulnerable.

In the UK, the Equality and Human Rights Commission is empowered to issue a range of notices and binding remediation orders. The Australian Autism Alliance believes that this is a model lacking in Australia.

“Policies promise inclusive education, but nothing happens unless parents try to fight for it themselves.” (Parent of autistic student (Alliance survey (2024))

6.4.3 Review Recommendations

16. Grant the AHRC binding compliance and enforcement powers for all DDA Standards.
17. Require periodic revision of Standards to add/improve the criteria for inclusion and access to Autistic individuals and the Autism community, other neurodivergence, psychosocial and intersectionality.
18. Introduce public reporting of implementation, compliance, notices issued etc. on all entities possessing (voluntarily and mandated) an approved/lodged Disability Action Plan.

Conclusion

Across every topic addressed in this submission, Autistic individuals and the broader Autism community have made clear that the Disability Discrimination Act 1992 no longer reflects the realities of their daily lives. The Act remains grounded in a model of disability that assumes visibility, predictability and individual complaint-driven enforcement.

Through the eyes of Autistic Australians, discrimination is common, redress is rare, and the systems meant to uphold rights are frequently inaccessible, confusing or retraumatising. Too many still encounter disbelief, hostility, or dismissal when requesting adjustments; too many are excluded from education, employment, justice, services or public life because the law has not kept pace with contemporary expectations, the CRPD, or modern understandings of Autistic individuals and the Australian Autism community, along with many others with “hidden disabilities”.

The Review Panel now has a critical opportunity to correct this outdated, theoretical legislation with the benefit of genuine Lived Experience and strong academic evidence. The Australian Autism Alliance urges the Review to adopt the recommendations in this submission as necessary structural reforms—not optional improvements. Autistic people and those who support them are seeking a DDA that shifts from intimidation, reactive complaints to proactive prevention; from voluntary standards to enforceable duties; from broad exemptions to universal protections; and from opaque legal processes to accessible, trustworthy pathways to justice. The Autism community especially reiterates the importance of embedding a positive duty, strengthening enforcement powers, modernising definitions, addressing systemic discrimination, and ensuring that “hidden disabilities”, intersectionality and neurodiversity are fully recognised within the Act’s purpose and operation.

The Alliance also renews our invitation to the Review and the Australian Government to continue engaging directly with Autistic people, their families/carers and their representative organisations. We stand ready to support the Review with additional evidence, lived-experience testimony, technical advice, and/or facilitated consultations to ensure that this legislative reform is accurate, grounded, and responsive to the real barriers faced by Autistic Australians.

If implemented with ambition and clarity, this Review can deliver Disability Discrimination Act reforms genuinely protect human rights, prevent discrimination and recognises Autistic Australians as full and equal citizens. The Australian Autism Alliance looks forward to working with you to ensure the Act becomes the modern, effective and compassionate framework that the Autism community has long needed.

End Notes

- 1 Australian Autism Alliance survey September/October 2025 (report to be released Nov 2025)
- 2 Australian Autism Alliance survey September/October 2025 (report to be released Nov 2025)
- 3 [ag](#)
- 4 [pmc.ncbi.nlm.nih+1](#)
- 5 <https://www.lwb.org.au/news/understanding-invisible-disabilities/>
- 6 [qfcc+1](#)
- 7 [abs](#)
- 8 [researchers.mq](#)
- 9 <https://www.parliament.nsw.gov.au/lcdocs/inquiries/3022/Report%20-%20disability%20in%20educational%20settings%20-%20accessible%20with%20covers.pdf>
- 10 [tandfonline](#)
- 11 <https://www.abc.net.au/news/2025-01-13/national-autism-strategy-released-employment-inclusion-health/104792744>
- 12 <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.
- 13 [ref: https://disability.royalcommission.gov.au/publications/final-report](https://disability.royalcommission.gov.au/publications/final-report)
- 14 <https://www.health.gov.au/our-work/national-autism-strategy>
- 15 [aph](#)
- 16 [pmc.ncbi.nlm.nih+1](#)
- 17 [greatplacetowork+1](#)
- 18 [news.csu+1](#)
- 19 [ag](#)
- 20 [legislation+1](#)
- 21 [humanrights+1](#)
- 22 [education+2](#)
- 23 [atworkaustralia](#)
- 24 [un+2](#)
- 25 [cyda](#)
- 26 [evaculife+1](#)
- 27 [worktogethernc](#)
- 28 [humanrights+1](#)
- 29 [humanrights+1](#)
- 30 https://cyda.org.au/wp-content/uploads/2023/08/SW_CYDA_Family_Survey_May23_FINAL.pdf
- 31 (DRC Final Report, 2023).
- 32 ["Dominick", Royal Commission Final Report, 2023](#)
- 33 [legislation](#)
- 34 [humanrights](#)
- 35 [pwd](#)
- 36 Australian Autism Alliance survey September/October 2025
- 37 [aph+1](#)
- 38 [.pursuit.unimelb](#)
- 39 [wwda+1](#)
- 40 [honisoit](#)
- 41 [homeaffairs](#)
- 42 [.clcs](#)
- 43 [equalityaustralia+1](#)
- 44 [pursuit.unimelb](#)
- 45 *Parent participant in Alliance survey (2024)*
- 46 [mentalhealthaustralia](#)
- 47 [jec](#)
- 48 [humanrights](#)
- 49 [humanrights](#)
- 50 [legislation+1](#)
- 51 [Royal Commission Final Report, 2022/23](#)
- 52 [pursuit.unimelb](#)

⁵³ Autistic submission participant (2024)

⁵⁴ humanrights

⁵⁵ <https://humanrights.gov.au/our-work/disability-rights/register-disability-discrimination-act-action-plans>

⁵⁶ [pursuit.unimelb](https://pursuit.unimelb.edu.au/)

⁵⁷ Department of Education (2025). *Review of the Disability Standards for Education Discussion Paper*
<https://www.education.gov.au/download/19542/2025-review-disability-standards-education-discussion-paper/42123/document/pdf>

⁵⁸ *Autistic employee respondent (2023 Alliance survey)*

⁵⁹ [2025-review-disability-standards-education-discussion-paper/42123/document/pdf](https://www.education.gov.au/download/19542/2025-review-disability-standards-education-discussion-paper/42123/document/pdf)

⁶⁰ <https://disability.royalcommission.gov.au/system/files/2023-09/A%20brief%20guide%20to%20the%20Final%20Report.pdf>