

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the [Joint Standing Committee on Implementation of the National Redress Scheme](#)

About the Australian Autism Alliance: The Australian Autism Alliance (‘the Alliance’) aims to provide ‘A United Voice for Autism’. It is a national consortium of diverse key autism organisations represented and led by Autistic people, advocacy groups, peak bodies, service providers, and researchers. Reaching over half a million people through its communication channels, the Alliance’s work is informed by Autistic people and their families and carers.



Language:

The author chose to use a mix of person-first language (e.g. ‘*person with disability*’ / ‘*person with ASD*’) and identity-first language (e.g. ‘*disabled person*’ / ‘*Autistic person*’) throughout this written paper to reflect author preference and the diversity of preference in the disability community so as to acknowledge lived experience & neurodiversity.

Acknowledgment:

We 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.

We recognise and thank emphatically all the Autistic and disabled people who contributed to this submission. We recognise their vital contribution and value the courage of those who share this unique perspective for the purpose of learning and growing together to achieve better outcomes for all.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the [Joint Standing Committee on Implementation of the National Redress Scheme](#)

Executive Summary:

The Alliance welcomes the opportunity to consult on and provide a submission to the Joint Standing Committee's [Inquiry into the Operation of the National Redress Scheme](#). We commend this initiative taken by the Joint Standing Committee to explore the barriers faced by Autistic victim-survivors of child sexual abuse ('CSA').

This written submission complements and supplements any views which we are willing to express verbally to the Joint Standing Committee. We firmly believe that Autistic people, especially Autistic victim-survivors, should have equitable access to supports – without fear of retraumatisation and revictimisation.

- **Recommendation 1**: The Australian Government – in consultation with Autistic victim-survivors & the Autism community – should guarantee a whole-of-government, autism-affirmative implementation of the National Redress Scheme which interfaces directly with the [National Autism Strategy](#) and the [National Roadmap to Improve the Health and Mental Health of Autistic People](#).
- **Recommendation 2**: The Australian Government should work directly with Autistic victim-survivors & the Autism community to ensure intersectional implementation of the National Redress Scheme and other supports for Autistic victim-survivors of CSA.
- **Recommendation 3**: The Australian Government – in consultation with Autistic victim-survivors & the Autism community – should invest in more targeted research, data capture strategies, and stakeholder engagement strategies that specifically address the needs of Autistic people – especially those from First Nations & CALD/CARM communities.
- **Recommendation 4**: The Australian Government – in consultation with Autistic victim-survivors & the Autism community – should ensure that the programs & policies for Autistic victim-survivors, such as the National Redress Scheme, accommodate the needs of Autistic victim-survivors and ensure that all reasonable adjustments requested by Autistic victim-survivors are promptly implemented.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the [Joint Standing Committee on Implementation of the National Redress Scheme](#)

- **Recommendation 5:** The Australian Government – in consultation with Autistic victim-survivors & the Autism community – should develop not only a targeted communication and engagement strategy for Autistic victim-survivors but also Autistic-led and Autism-informed advocacy services.
 - Part of this task must involve prioritising the provision of appropriate training on autism and neurodiversity to all APS staff administering the National Redress Scheme, the Redress Support Services, and the wider ecosystem at the Department of Social Services.
- **Recommendation 6:** The Australian Government – in consultation with Autistic victim-survivors & the Autism community – should address the stigma, vilification, and misinformation which is propagating the disengagement of Autistic victim-survivors.
- To remediate the stigma and vilification, the Australian Government should — in line with [Volume 4 of the DRC Final Report](#), especially **Recommendation 4.29** and **Recommendation 4.30** — consider:
 - amending Commonwealth legislation, such as the *Disability Discrimination Act 1992* (Cth), to prohibit disability vilification; and
 - harmonising the current tests for vilification laws with the test for vilification in the *Racial Discrimination Act 1975* (Cth).
- **Recommendation 7:** The Australian Government – in consultation with Autistic victim-survivors & the Autism community – should review the accessibility and suitability of current mental health supports (*Counselling and Psychological Care*) offered by the National Redress Scheme, with a view of expanding the range of psychotherapeutic supports to accommodate **non-verbal** psychological care.
 - Examples of evidence-based, non-verbal psychological care can include Art Therapy, Music Therapy, and Assistance Animals.
 - Part of this review must include examining the DVA's [Psychiatric Assistance Dog Program](#) and the potential utility of integrating a similar program into the *Counselling and Psychological Care* offered by the National Redress Scheme.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the [Joint Standing Committee on Implementation of the National Redress Scheme](#)

- **Recommendation 8:** The Australian Government – in consultation with Autistic victim-survivors & the Autism community – should develop a **National Assistance Animal Framework** that meets the needs of people with PTSD, especially Autistic victim-survivors.
- **Recommendation 9:** The Australian Government – in consultation with Autistic victim-survivors & the Autism community – should review and improve the **cultural competency** of the *Counselling and Psychological Care* offered by the National Redress Scheme, with the view of better supporting Autistic victim-survivors from CALD/CARM communities.
 - Part of this review must be delivered in conjunction with the [National Autism Strategy](#), the [National Roadmap to Improve the Health and Mental Health of Autistic People](#), and the [Multicultural Framework Review](#) – in order to de-silo programs and policies that impact Autistic victim-survivors from CALD/CARM communities.
-

Content Warning: Ableism, racism, vilification, sexual assault and sexual harassment ('SASH'), and suicide.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the Joint Standing Committee on Implementation of the National Redress Scheme

Terms of Reference:

I. Autistic victim-survivors and the Barriers to Access

1. Autistic individuals face significant, systemic barriers in accessing government supports, including those administered by the Department of Social Services ('DSS') – such as the National Redress Scheme. The Senate Select Committee on Autism reported key statistics, such as:
 - 1.1. Autistic people have a life expectancy **20–36** years shorter than the general population, with over two times the mortality rate;
 - 1.2. **75%** of Autistic people do not complete education beyond Year 12; and
 - 1.3. the unemployment rate for Autistic people is almost eight times the rate of people without disability.¹
2. Moreover, Autistic victim-survivors experience risk factors that further potentiate victimisation, stymying both recognition and redress of abuse.² These risk factors include more frequent encounters with community-based mental health settings and other forms of contact through which a perpetrator can isolate the Autistic child as a potential target.³
3. One systematic review underscored the heterogeneous prevalence of victimisation amongst Autistic people – with **16%** having experienced CSA, **47%** having experienced bullying, **40%** having experienced sexual victimisation, and **84%** having experienced multiple forms of victimisation, which in many instances remain underreported and unaddressed to the detriment of the victim-survivor and their family.⁴

¹ Senate Select Committee on Autism, Parliament of Australia, Services, Support and Life Outcomes for Autistic Australians (2022) [3.2]-[3.4].

² See Meredyth Goldberg Edelson, 'Sexual Abuse of Children with Autism: Factors that Increase Risk and Interfere with Recognition of Abuse' (2010) 30(1) *Disability Studies Quarterly* 1.

³ David Mandell et al, 'The prevalence and correlates of abuse among children with autism served in comprehensive community-based mental health settings' (2005) 29(12) *Child Abuse & Neglect* 1359.

⁴ Grace Trundle et al, 'Prevalence of Victimization in Autistic Individuals: A Systematic Review and Meta-Analysis' (2023) 24(4) *Trauma, Violence & Abuse* e 152483802210936. See also Fabienne Cazalis et al, 'Evidence That Nine Autistic Women Out of Ten Have Been Victims of Sexual Violence' (2022) 16 *Frontiers in Behavioral Neuroscience* e852203.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the [Joint Standing Committee on Implementation of the National Redress Scheme](#)

4. Furthermore, revictimisation, retraumatisation, and institutional trauma are evident as recurrent themes, with one study noting that **75%** of victim-survivors reporting that their first experience occurred during childhood.⁵ The collocation of multiple traumas and marginalisation has featured in the qualitative analysis of the reports from Autistic victim-survivors.⁶
5. Despite Australia's dearth of autism-specific research on CSA, international research – including that concerning not only Autistic people but also people with neurodevelopmental disabilities writ large – indicates the rates of CSA for children with developmental conditions double of that for neurotypical children.⁷ Concerningly, research illuminates how the vulnerability of Autistic people – particularly due to **isolation** and **bullying** – would potentiate social isolation, which would not only lead to their targeting by perpetrators but also increase the risk of further abuse.⁸
6. However, despite the collocation of trauma and abuse experienced by Autistic victim-survivors, the National Redress Scheme – and the reports, programs, and policies purporting to support it and victim-survivors of CSA – has so far acknowledged neither Autistic victim-survivors and their lived experience nor the National Autism Strategy.
7. Indeed, much of the materials and resources concerning the National Redress Scheme and victim-survivors of CSA espouses *solely* a generalised approach – as opposed to incorporating neurodiversity-affirmative and autism-specific approaches that acknowledges the disproportionately higher suicide rates and victimisation experienced by Autistic people compared to the generalised disability cohort.⁹ Without acknowledging the

⁵ Ibid.

⁶ See generally Vicki Gibbs & Elizabeth Pellicano, 'Maybe we just seem like easy targets': A qualitative analysis of autistic adults' experiences of interpersonal violence' (2023) 27(7) *Autism* 2021.

⁷ See, eg, Renitta Goldman, 'Children and youth with intellectual disabilities: Targets for sexual abuse' (1994) 41(2) *International Journal of Disability, Development and Education* 89; Grace Trundle et al, 'Prevalence of Victimization in Autistic Individuals: A Systematic Review and Meta-Analysis' (2023) 24(4) *Trauma, Violence & Abuse* e 152483802210936; Vide Ohlsson Gotby et al, 'Childhood neurodevelopmental disorders and risk of coercive sexual victimization in childhood and adolescence – a population-based prospective twin study' (2018) 59(9) *Journal of Child Psychology and Psychiatry* 957.

⁸ Grace Trundle et al, 'Prevalence of Victimization in Autistic Individuals: A Systematic Review and Meta-Analysis' (2023) 24(4) *Trauma, Violence & Abuse* e 152483802210936.

⁹ See, eg, Senate Select Committee on Autism, Parliament of Australia, Services, Support and Life Outcomes for Autistic Australians (2022) [3.17]; Darren Hedley & Mirko Uljarević, 'Systematic Review

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the Joint Standing Committee on Implementation of the National Redress Scheme

high victimisation and suicide rates experienced by Autistic people, many Autistic victim-survivors may continue to face obstacles in reporting CSA and in pursuing redress.¹⁰

8. The collocation of racism and ableism further affects Autistic people from Culturally & Racially Marginalised ('CARM') backgrounds.

9. As **Vanessa***, a D/deaf and Autistic woman from a migrant background, described in her lived experience as a victim-survivor:

9.1. *"Why should any of us trust the police, the courts, or the legal system? Why should Autistic people do that? Why should immigrants do that? The whole justice system consists of white people who only see the demographic of my race, the colour of my skin, and the presumption of my disability. When I reported the assault, the police officer told me that I must have misremembered. He said that Autistic people do that. He said that people like me... are r*****ed."*

10. In fact, the final report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability recommends an intersectional reform — which would concurrently address both racism and ableism,¹¹ insofar as CALD/CARM people with disability 'experience more violence and abuse than those without disability' — at **33%** compared with **23%**.¹² Furthermore, the

11. The Disability Royal Commission's recommendations for intersectionality apply to the National Redress Scheme and supports for Autistic victim-survivors of CSA. Consequently, we are providing the following recommendations for this inquiry:

- **Recommendation 1:** The Australian Government – in consultation with Autistic victim-survivors & the Autism community – should guarantee a whole-of-government, autism-

of Suicide in Autism Spectrum Disorder: Current Trends and Implications' (2018) (5)(1) *Current Developmental Disorders Reports* 65.

¹⁰ Helen Williams & Alison Jobe, 'Testimonial injustice: exploring 'credibility' as a barrier to justice for people with learning disabilities/autism who report sexual violence' (2024) *Disability & Society* <<https://doi.org/10.1080/09687599.2024.2323455>>.

¹¹ Ibid. See also Ilias Bantekas, 'Article 7 Children With Disabilities', in Ilias Bantekas, Michael Ashley Stein and Dimitris Anastasiou (eds), *The UN Convention on the Rights of Persons with Disabilities: A Commentary* (Oxford University Press, 2018) 198.

¹² Commonwealth, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report* (2023) vol 3, 12-14.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the [Joint Standing Committee on Implementation of the National Redress Scheme](#)

affirmative implementation of the National Redress Scheme which interfaces directly with the [National Autism Strategy](#) and the [National Roadmap to Improve the Health and Mental Health of Autistic People](#).

- **Recommendation 2**: The Australian Government should work directly with Autistic victim-survivors & the Autism community to ensure intersectional implementation of the National Redress Scheme and other supports for Autistic victim-survivors of CSA.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the [Joint Standing Committee on Implementation of the National Redress Scheme](#)

[Terms of Reference:](#)

II. Strategies & supports that could assist Autistic applicants

1. **Autism-specific Data & Research**: The first strategy that is urgently recommended in more data and research on Autistic Australians who are victim-survivors of CSA. As the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse notes, most Australian research adopts generalised approaches to CSA, conflating all children with disability as a homogenous group – as opposed to recognising, as international studies do, the higher risk factors faced by Autistic children and children with neurodevelopmental conditions.¹³
2. The lack of data and research is further compounded for Autistic people from diverse backgrounds, such as First Nations people and CALD/CARM communities.¹⁴ The lack of autism-specific research regarding victim-survivors of CSA, let alone culturally responsive research regarding Autistic, CARM victim-survivors of CSA, would widen policy gaps and poorer life outcomes experienced by Autistic victim-survivors from diverse backgrounds.¹⁵
3. **Autism-led Accountability**: Secondly, the Australian Government should interrogate why many Autistic people, especially Autistic victim-survivors, do not wish to engage with services and programs administered by the Department of Social Services – or the Commonwealth in general.
4. Building upon the research into betrayal trauma experienced by victim-survivors, the term '*institutional betrayal*' refers to wrongdoings perpetrated by an institution upon individuals dependent on that institution – including failure to prevent or respond supportively to

¹³ Commonwealth, Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report* (2017) vol 2, 23.

¹⁴ See also Senate Select Committee on Autism, Parliament of Australia, Services, Support and Life outcomes for Autistic Australians (2022) [7.34].

¹⁵ See, eg, Kairi Kõlves et al, 'Assessment of Suicidal Behaviors Among Individuals With Autism Spectrum Disorder in Denmark' (2021) 4(1) *JAMA Network* e2033565; Karola Dillenburger, Lyn McKerr, & Julie-Ann Jordan, 'Lost in Translation: Public Policies, Evidence-based Practice, and Autism Spectrum Disorder' (2014) 61(2) *International Journal of Disability, Development and Education* 134.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the Joint Standing Committee on Implementation of the National Redress Scheme

- wrongdoings committed within the context of the institution.¹⁶ For many Autistic victim-survivors, the collective trauma that many of them had experienced across their lifespan – including that of Robodebt – exacerbate their lived experience of institutional betrayal and hence their lived experience of anxiety.¹⁷
5. Unless remediated through institutional courage which is defined as an institutional commitment to transparency and accountability, any institutional betrayal and betrayal trauma can discourage and disincentivise victim-survivors from feeling comfortable to report and disclose.¹⁸ This need for institutional courage is particularly relevant for Autistic victim-survivors, insofar as research indicates that they are less likely to see their cases successfully proceed through the criminal justice system.¹⁹
 6. **Autism-informed Engagement:** Thirdly, a paucity of resources exist regarding forensically interviewing and supporting Autistic victim-survivors of CSA.²⁰ Without such resources around interviewing and communicating with Autistic victim-survivors of CSA, the National Redress Scheme – and programs regarding CSA in general – may continue to be inaccessible for many Autistic people. Targeted engagement and communication strategies are necessary.
 7. Moreover, many Autistic victim-survivors may present as non-verbal, while others may ‘camouflage’ their Autistic differences and difficulties, thereby stymying the provision of targeted and individualised support.²¹ In light of any communication differences from

¹⁶ Alec Smidt & Jennifer Freyd, ‘Government-mandated institutional betrayal’ (2018) 19(5) *Journal of Trauma & Dissociation* 491. See also Jennifer Freyd & Alec Smidt, ‘So you want to address sexual harassment and assault in your organization? Training is not enough; Education is necessary’ (2019) 20(5) *Journal of Trauma & Dissociation* 489.

¹⁷ See, eg, Valerie Braithwaite, ‘Beyond the bubble that is Robodebt: How governments that lose integrity threaten democracy’ (2020) 55(3) *Australian Journal of Social Issues* 242; Carly Parnitzke Smith & Jennifer Freyd, ‘Dangerous Safe Havens: Institutional Betrayal Exacerbates Sexual Trauma’ (2013) 26(1) *Journal of Traumatic Stress* 119.

¹⁸ *Ibid.*

¹⁹ Helen Williams & Alison Jobe, ‘Testimonial injustice: exploring ‘credibility’ as a barrier to justice for people with learning disabilities/autism who report sexual violence’ (2024) *Disability & Society* <<https://doi.org/10.1080/09687599.2024.2323455>>.

²⁰ See generally Meredyth Goldberg Edelson, ‘Challenges in determining whether youth with autism spectrum disorder have been sexually abused: implications for forensic interviewing’ (2023) 25(2) *Journal of Forensic Practice* 152.

²¹ Julia Cook et al, ‘Camouflaging in autism: A systematic review’ (2021) 89 *Clinical Psychology Review* e102080.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the [Joint Standing Committee on Implementation of the National Redress Scheme](#)

neurotypical peers, many Autistic people may request reasonable adjustments – pursuant to the *Disability Discrimination Act 1992* (Cth) – that are not a ‘one-size-fits-all’.²² Because Autism Spectrum Disorder (‘ASD’) is a spectrum condition which can manifest and present in a manifold of different ways, a communication modality that may work for one Autistic person may not necessarily work for another.²³

8. However, reasonable adjustments – including those required to accommodate the sensory and communication differences of Autistic people – are often not provided in practice.²⁴ Clinicians, advocates, and support services – as well as APS staff – are often reported to have a poor understanding of autism and concomitant sensory-communication needs.²⁵ Furthermore, the Final Report of the Senate Select Committee on Autism cautions against generalist approaches and generalist advocacy services for Autistic people, illuminating the shortcomings of generalised disability advocacy services in supporting Autistic people & their families.²⁶
9. Indeed, the Final Report describes several instances of generalised disability advocacy services lacking a fundamental understanding of autism, thereby compounding the isolation and service fragmentation experienced by the Autistic person.²⁷ Autistic voices are missing, which can further alienate Autistic people who are already facing stigma and discriminatory myths in the community.²⁸ The majority of Redress Support Services are not Autistic-led or have neuro-affirmative practices, despite the high prevalence of

²² See especially Senate Select Committee on Autism, Parliament of Australia, Services, Support and Life outcomes for Autistic Australians (2022) [6.135]-[6.137].

²³ Australian Autism Alliance, Submission No 52 to Senate Select Committee on Autism, Parliament of Australia, *Senate Inquiry into Services, Support, and Life Outcomes for Autistic Australians* 1-3. See also Clair Haydon et al, ‘Autism: making reasonable adjustments in healthcare’ (2021) 82(12) *British Journal of Hospital Medicine* 1.

²⁴ Senate Select Committee on Autism, Parliament of Australia, Services, Support and Life outcomes for Autistic Australians (2022) [6.135]-[6.137].

²⁵ Ibid [14.111]-[14.112]. See also Brenna Maddox et al, ‘“I wouldn’t know where to start”: Perspectives from clinicians, agency leaders, and autistic adults on improving community mental health services for autistic adults’ (2019) 24(4) *Autism* 919; Christina Nicolaidis et al, ‘“Respect the way I need to communicate with you”: Healthcare experiences of adults on the autism spectrum’ (2015) 19(7) *Autism* 824.

²⁶ Senate Select Committee on Autism, Parliament of Australia, Services, Support and Life outcomes for Autistic Australians (2022) [9.17]-[9.30].

²⁷ Ibid.

²⁸ See especially Sandra Jones et al, ‘Autism in Australia: Community Knowledge and Autistic People’s Experiences’ (2021) 51(10) *Journal of Autism and Developmental Disorders* 3677.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the Joint Standing Committee on Implementation of the National Redress Scheme

- victimisation amongst Autistic people.²⁹ These gaps in services can further ostracise and disengage Autistic victim-survivors.³⁰
10. The stigma around autism further substantiates the pressing need to remediate the nation-wide lack of autism-specific protocols (including those regarding communication adjustments), which hinder Autistic victim-survivors from engaging with the National Redress Scheme and other government programs. Almost **1 in 5** people, according one Australian study,³¹ held prejudicial and ill-informed views that Autistic people were violent and dangerous, even though Autistic people were more likely to be victims of crime rather than perpetrators.³²
 12. This stigma is discouraging and disenfranchising Autistic victim-survivors from disclosing and reporting CSA, which includes applying for the National Redress Scheme. backgrounds. As **Sam*** – an Autistic victim-survivor – articulated in their account of sector-wide stigma and vilification, the widespread misinformation on autism has impacted their health:
 - 12.1. *"I genuinely don't remember a time when my **accessibility needs** as an Autistic person were met through the [disclosure, reporting, and referral] process. Instead of **adjustments**, I got **ridicule**. Instead of **assistance**, I got **turned away**. What's really scary... is that a lot of service providers and advocacy services genuinely think that by virtue of working in the disability sector, they're somehow... incapable of ableism. I was once told by an advocate that I couldn't possibly be Autistic because I was **'too verbal'**. I... **stopped engaging** [in the services] after that."*
 11. Furthermore, research indicates that this ableist stigma around autism arises from sensationalist and damaging media coverage about Autistic people, propagating

²⁹ See Grace Trundle et al, 'Prevalence of Victimisation in Autistic Individuals: A Systematic Review and Meta-Analysis' (2023) 24(4) *Trauma, Violence & Abuse* e 152483802210936.

³⁰ See generally Senate Select Committee on Autism, Parliament of Australia, *Services, Support and Life outcomes for Autistic Australians* (2022).

³¹ Sandra Jones et al, 'Autism in Australia: Community Knowledge and Autistic People's Experiences' (2021) 51(10) *Journal of Autism and Developmental Disorders* 3677.

³² Ibid. See also Helen Williams & Alison Jobe, 'Testimonial injustice: exploring 'credibility' as a barrier to justice for people with learning disabilities/autism who report sexual violence' (2024) *Disability & Society* <<https://doi.org/10.1080/09687599.2024.2323455>>.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the Joint Standing Committee on Implementation of the National Redress Scheme

stigmatising comments and attitudes which can potentiate prejudice against already-ostracised people.³³ The lack of legal penalties against '*rhetorics of disgust*' is well-established – including by the Disability Royal Commission – as facilitating this propagation.³⁴

12. Currently, all jurisdictions – except for Tasmania and the ACT – neither criminalise nor prohibit vilification on the basis of disability.³⁵ Policies and programs that enable vilification and stigmatisation affect people with disability but especially Autistic people, due to the prevailing myths which demonise them as a societal threat and/or a burden to be euthanised.³⁶ For Autistic victim-survivors, this impact of stigma is especially deleterious. Indeed, Autistic victim-survivors are reported to be less believed than other victim-survivor solely due to their autism.³⁷
13. Also known as '*testimonial injustice*', this phenomenon is occurring because the Autistic speaker is perceived by the listener – whether an APS staffer administering the National Redress Scheme, a police officer, or a generalised disability advocate – as less credible due to prejudice and implicit bias held by the listener.³⁸ Testimonial injustice is correlated with

³³ See, eg, Mark Sherry et al (eds), *Disability Hate Speech: Social, Cultural and Political Contexts* (Routledge, 2021) 1, 76-87; Sandra Jones et al, 'Autism in Australia: Community Knowledge and Autistic People's Experiences' (2021) 51(10) *Journal of Autism and Developmental Disorders* 3677; Wiktor Soral, Michał Bilewicz, & Mikołaj Winiewski, 'Exposure to hate speech increases prejudice through desensitization' (2018) 44(2) *Aggressive Behavior* 136.

³⁴ Commonwealth, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report* (2023) vol 4. See also Mark Sherry et al (eds), *Disability Hate Speech: Social, Cultural and Political Contexts* (Routledge, 2021) 1, 76-87.

³⁵ Commonwealth, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report* (2023) vol 4, 325. See also *Criminal Code 2002* (ACT) s 750.

³⁶ See, eg, Katrine Del Villar et al, 'Voluntary Requests, or Vulnerable Adults? A Critique of Criminal Sentencing in Assisted Suicide and 'Mercy Killing' Cases' (2022) 45(2) *University of New South Wales Law Journal* 449, 455; *R v Dawes* [2004] NSWCA 363, where the mother strangled her 10-year-old Autistic son when he refused to get ready for school.

³⁷ Helen Williams & Alison Jobe, 'Testimonial injustice: exploring 'credibility' as a barrier to justice for people with learning disabilities/autism who report sexual violence' (2024) *Disability & Society* <<https://doi.org/10.1080/09687599.2024.2323455>>.

³⁸ Helen Williams & Alison Jobe, 'Testimonial injustice: exploring 'credibility' as a barrier to justice for people with learning disabilities/autism who report sexual violence' (2024) *Disability & Society* <<https://doi.org/10.1080/09687599.2024.2323455>>.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the [Joint Standing Committee on Implementation of the National Redress Scheme](#)

higher rates of disengagement,³⁹ as the testimonial of **Zheng*** – an Autistic young person and a CALD/CARM victim-survivor of domestic violence and CSA – illustrates:

13.1. *“Every stage of my life has had pain. In **childhood**, I had to go to school and listen to other **schoolkids** call me slurs such as **ch*nk** and **ch*ng-ch*ng**. In **adulthood**, I had to listen to my own **parents** tell me that they wish that **they had killed me in the womb**, because that could have at least spared them a lifetime burden of caring for me. Do you know what it is like to grow up in a **community**... full of people who **don’t value your life**? It’s... devastating.”*

14. Therefore, the Australian Government must implement urgent reforms to remediate this stigma, vilification, and misinformation; otherwise, Autistic victim-survivors may continue to disengage with not only the National Redress Scheme but also the CSA support services and justice system writ large.

- **Recommendation 3**: The Australian Government – in consultation with Autistic victim-survivors & the Autism community – should invest in more targeted research, data capture strategies, and stakeholder engagement strategies that specifically address the needs of Autistic people – especially those from First Nations & CALD/CARM communities.
- **Recommendation 4**: The Australian Government – in consultation with Autistic victim-survivors & the Autism community – should ensure that the programs & policies for Autistic victim-survivors, such as the National Redress Scheme, accommodate the needs of Autistic victim-survivors and ensure that all reasonable adjustments requested by Autistic victim-survivors are promptly implemented.
- **Recommendation 5**: The Australian Government – in consultation with Autistic victim-survivors & the Autism community – should develop not only a targeted communication and engagement strategy for Autistic victim-survivors but also Autistic-led and Autism-informed advocacy services.

³⁹ See especially Geetanjali Gangoli & Marianne Hester, ‘Epistemic Injustice: Racially Marginalised Adult Survivors of Child Sexual Abuse’, in Aisha Gill & Hannah Begum (eds), *Child Sexual Abuse in Black and Minoritised Communities* (Palgrave Macmillan, 2022) 31.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the [Joint Standing Committee on Implementation of the National Redress Scheme](#)

- Part of this task must involve prioritising the provision of appropriate training on autism and neurodiversity to all APS staff administering the National Redress Scheme, the Redress Support Services, and the wider ecosystem at the Department of Social Services.
- **Recommendation 6**: The Australian Government – in consultation with Autistic victim-survivors & the Autism community – should address the stigma, vilification, and misinformation which is propagating the disengagement of Autistic victim-survivors.
- To remediate the stigma and vilification, the Australian Government should — in line with [Volume 4 of the DRC Final Report](#), especially **Recommendation 4.29** and **Recommendation 4.30** — consider:
 - amending Commonwealth legislation, such as the *Disability Discrimination Act 1992* (Cth), to prohibit disability vilification; and
 - harmonising the current tests for vilification laws with the test for vilification in the *Racial Discrimination Act 1975* (Cth).

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the Joint Standing Committee on Implementation of the National Redress Scheme

Terms of Reference:

VII. Lack of Suitable & Tailored Supports such as Assistance Animals

1. Autistic victim-survivors will require adequate and appropriate supports to engage with a process as emotionally charged as applying for the National Redress Scheme. Understanding the intersections of Post-Traumatic Stress Disorder ('PTSD') and Autism is crucial to identifying these supports.
2. Research establishes significantly higher rates of trauma exposure and PTSD symptomatology within the ASD group.⁴⁰ Furthermore, the 'cumulative effect' of trauma exposure on PTSD symptomatology is more pronounced amongst Autistic people compared to people who aren't Autistic.⁴¹ Therefore, an Autism Spectrum Disorder ('ASD') diagnosis may serve as a 'vulnerability marker for PTSD', increasing the risk and severity of PTSD symptomatology for Autistic people who have lived experience of trauma.⁴² The higher rates of PTSD among Autistic people (**32%**) compared to neurotypical people (**4%**) substantiates the need to acknowledge the co-occurrence and interlinkages between ASD and PTSD.⁴³
3. The presence of PTSD can exacerbate certain ASD symptoms, resulting in reduced help-seeking.⁴⁴ Due to the co-occurrence and compounded vulnerabilities of PTSD and ASD, providing Autistic victim-survivors with trauma-informed supports to decrease the impact of PTSD is therefore not only evidence-based but also vital.⁴⁵

⁴⁰ Freya Rumball et al, 'Heightened risk of posttraumatic stress disorder in adults with autism spectrum disorder: The role of cumulative trauma and memory deficits' (2021) 110 *Research in Developmental Disabilities* 103848.

⁴¹ Ibid.

⁴² Nirit Haruvi-Lamdan, et al, 'PTSD and autism spectrum disorder: Co-morbidity, gaps in research, and potential shared mechanisms' (2018) 10(3) *Psychological Trauma: Theory, Research, Practice, and Policy* 290.

⁴³ Nirit Haruvi-Lamdan, et al, 'Autism Spectrum Disorder and Post-Traumatic Stress Disorder: An unexplored co-occurrence of conditions' (2020) 24(4) *Autism* 884.

⁴⁴ Nirit Haruvi-Lamdan, et al, 'PTSD and autism spectrum disorder: Co-morbidity, gaps in research, and potential shared mechanisms' (2018) 10(3) *Psychological Trauma: Theory, Research, Practice, and Policy* 290.

⁴⁵ Ibid.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the [Joint Standing Committee on Implementation of the National Redress Scheme](#)

4. One such support is the use of **assistance animals** – also known as **service dogs**. Because many victim-survivors of sexual assault can view other people as a threat to their safety, the research-backed ability of service dogs to both present as a non-threat and a therapeutic aid offers great utility for people with PTSD.⁴⁶ Indeed, assistance animals critically alleviate the impact of PTSD symptomatology, which are often reported by Autistic victim-survivors of CSA.⁴⁷
15. Research demonstrates how access to assistance animals can provide significant benefits for Autistic individuals and those with PTSD. These benefits include reduced anxiety, improved social interactions, and enhanced overall well-being, as well as a greater desire to participate rather than disengage – a finding which is particularly relevant for the National Redress Scheme.⁴⁸ As one Autistic victim-survivor notes, consistent access to PTSD supports such as assistance animals can facilitate engagement with the justice system and the National Redress Scheme:
 - 15.1. *“I have an **accredited assistance dog**, and without him, I don’t think that I would have felt **strong enough** to engage with the National Redress Scheme. As both an **Autistic person** and a **victim-survivor**, I don’t... feel comfortable with most people. I feel much safer around my assistance animal than I do around advocates. My [assistance animal] is why I had the **energy** to apply for... Redress.”*
16. However, Autistic people – especially Autistic victim-survivors – face barriers in accessing the appropriate supports, such as assistance animals for PTSD, which would enable them to engage with the National Redress Scheme and other parts of the CSA reporting process.

⁴⁶ See, eg, Simone Swartzentuber Emmons, ‘Animal-assisted therapy for posttraumatic stress disorder in sexual trauma survivors’, in Eric Altschuler (ed), *Animal Assisted Therapy Use Application by Condition* (Elsevier, 2022) 97; Sarah Leighton, Leanne Nieforth, & Marguerite O’Haire, ‘Assistance dogs for military veterans with PTSD: A systematic review, meta-analysis, and meta-synthesis’ (2022) 17(9) *PLoS One* e0274960; Janice Lloyd, Laura Johnston, & Julia Lewis, ‘Psychiatric Assistance Dog Use for People Living With Mental Health Disorders.’ (2019) 6 *Frontiers in Veterinary Science* 166.

⁴⁷ Ibid. See also Robert Viau et al, ‘Effect of service dogs on salivary cortisol secretion in autistic children’ (2010) 35(8) *Psychoneuroendocrinology* 1187.

⁴⁸ See, eg, Robert Viau et al, ‘Effect of service dogs on salivary cortisol secretion in autistic children’ (2010) 35(8) *Psychoneuroendocrinology* 1187; Kerri Rodriguez et al, ‘The effect of a service dog on salivary cortisol awakening response in a military population with posttraumatic stress disorder (PTSD)’ (2018) 98 *Psychoneuroendocrinology* 202.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the Joint Standing Committee on Implementation of the National Redress Scheme

Indeed, assistance animals are seldom dispensed to Autistic people, despite the evidentiary base for their support in assisting people with lived experience of trauma.⁴⁹ Currently, the Operational Guidelines for the National Disability Insurance Scheme ('**NDIS**') excludes — without adequate justification or explanation — funding for a PTSD assistance animal unless the person's *only* psychiatric diagnosis is PTSD.

17. Comorbidity is the norm for PTSD, whereby over **78%** of people with PTSD will experience at least one additional lifetime mental health disorder — and around **50%** will experience three or more psychological comorbidities.⁵⁰ Limiting assistance animals, which can significantly improve life-outcomes for people with PTSD,⁵¹ to people without comorbid PTSD would arbitrarily exclude the majority of people with more complex, comorbid presentations of PTSD — especially victim-survivors of CSA, for whom assistance animals could be an essential, reasonable and necessary support.
18. Furthermore, ASD and PTSD have a clinically significant cooccurrence, especially for victim-survivors of sexual assault — especially CSA.⁵² Despite this clinical implication for policy, Autistic people with PTSD — including Autistic victim-survivors — can *only* access assistance animals through the NDIS, unless they are also a veteran who can access

⁴⁹ See generally National Disability Insurance Agency, 'Operational Guidelines on Assistance Animals including dog guides', *What's an assistance animal?* (Operational Guidelines, 31 December 2021) <<https://ourguidelines.ndis.gov.au/supports-you-can-access-menu/equipment-and-technology/assistance-animals-including-dog-guides/whats-assistance-animal>>.

⁵⁰ See, eg, Neil P Roberts et al, 'Treatment considerations for PTSD comorbidities' in David Forbes et al (eds), *Effective treatments for PTSD: Practice guidelines from the International Society for Traumatic Stress Studies* (Guilford Press, 3rd ed, 2020) 417, 418–450; Tarik Qassem et al, 'Psychiatric Co-Morbidities in Post-Traumatic Stress Disorder: Detailed Findings from the Adult Psychiatric Morbidity Survey in the English Population' (2021) 92(1) *Psychiatric Quarterly* 321.

⁵¹ See especially Sarah Leighton et al, 'Assistance dogs for military veterans with PTSD: A systematic review, meta-analysis, and meta-synthesis' (2022) 17(9) *PLOS One* e0274960; Kerri Rodriguez et al, 'The effect of a service dog on salivary cortisol awakening response in a military population with posttraumatic stress disorder (PTSD)' (2018) 98 *Psychoneuroendocrinology* 202, 202-210.

⁵² See, eg, the Royal Australian & New Zealand College of Psychiatrists, 'Improve the mental health of communities', (Report and National Autism Strategy Submission prepared for the Department of Social Services, the Royal Australian & New Zealand College of Psychiatrists, October 2023) 4 <https://engage.dss.gov.au/wp-content/uploads/2024/04/Public-Submission-Royal-Australian-NZ-College-of-Psychiatrists_Redacted.pdf>; Freya Rumball et al, 'Heightened risk of posttraumatic stress disorder in adults with autism spectrum disorder: The role of cumulative trauma and memory deficits' (2021) 110 *Research in Developmental Disabilities* 103848.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the [Joint Standing Committee on Implementation of the National Redress Scheme](#)

Department of Veterans' Affairs ('DVA') programs such as the **DVA Psychiatric Assistance Dog Program**.⁵³

19. Furthermore, the Operational Guidelines of both the NDIS and the DVA currently limit funding to strictly assistance animals that have passed a Public Access Test ('PAT'), which is an independent assessment — by an accredited, independent assessor — that certifies whether the assistance animal can safely go into public places and on public transport.⁵⁴ However, Australia lacks a nationally consistent approach to the regulation and accreditation of assistance animals, despite calls for a national PAT or national accreditation standards. In fact, **four (4)** states & territories (NSW, Victoria, NT, and Tasmania) do not have a formal & legislated system that provides accreditation and training of assistance animals.⁵⁵
20. People from these states & territories face increased barriers to access a PAT and to accredit an assistance animal to government requirements. People with PTSD – especially victim-survivors – already report significant barriers to accessing assistance animals, which are further worsened in the absence of a National PAT and nationally consistent policies.⁵⁶ Although over **94%** of respondents – to a [2021 DSS consultation on assistance animals](#) – called for improved national access to assistance animals, the Australian Government is yet to harmonise its siloed programs by co-designing a National Assistance Animal Framework.⁵⁷

⁵³ See generally Department of Veterans' Affairs, 'Mental Health Care', *Our Psychiatric Assistance Dog Program* (Operational Guidelines, 30 August 2024) <<https://www.dva.gov.au/get-support/health-support/health-services/mental-health-care/our-psychiatric-assistance-dog-program>>

⁵⁴ See Tiffani Howell et al, 'Defining Terms Used for Animals Working in Support Roles for People with Support Needs' (2022) 12(15) *Animals* 1975.

⁵⁵ See also the Disability Discrimination Legal Service, 'Policy and Law Reform on Assistance Animals', (Report and National Autism Strategy Submission prepared for the Australian Human Rights Commission, the Disability Discrimination Legal Service, 29 June 2015) 1-8 <<https://4073d2.p3cdn1.secureserver.net/wp-content/uploads/2015/07/Laws-and-policy-on-Assistance-Animals-June-2015.pdf>>.

⁵⁶ See Man Chi Coco Tsang et al, 'Community members aren't aware that assistance animals come in all shapes and sizes and help people with all kinds of disabilities' – Experiences of using assistance animals within community living in Australia' (2023) 18(6) *Disability and Rehabilitation: Assistive Technology* 942. **90%** of participants agreed that more public education was needed regarding assistance animals and public access rights.

⁵⁷ See Jessica Hill et al, 'Understanding the experience of assistance dog providers supporting people with disability: an exploratory study' (2024) 31 *Disability and Rehabilitation* 1, which delineates how

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the [Joint Standing Committee on Implementation of the National Redress Scheme](#)

21. It is this lack of a National Assistance Animal Framework that **Vic***, one Autistic victim-survivor, cited as a reason why they felt like they could not apply for the National Redress Scheme despite their lived experience of surviving CSA:
- 21.1. *"I would love to apply for the **National Redress Scheme**, especially to get that apology... but I just don't have the **energy** to do it. I'm forced to use all my energy... to fight the [**National Disability Insurance Agency**]. My treating team tells me that all the research shows how an **assistance animal** would help with my **PTSD**... but there is no **national assistance animal policy or framework** to obtain one. Unless I become a **veteran** and access the **DVA Psychiatric Assistance Dog Program**, my only option is to pick between engaging with the **NDIS** or engaging with the **Redress Scheme**... and only **one** of those options will give me access to the supports that would help me with my PTSD."*
22. Even if Autistic victim-survivors is successful in applying for the National Redress Scheme, they may not even receive appropriate, evidence-based support.
23. In fact, the limitations of mental health support offered by a successful Redress Scheme application – constrained to counselling and verbalised psychotherapy – represent a gap within the National Redress Scheme that the Joint Standing Committee should consider and reflect upon.⁵⁸ Also known as 'talking therapy', traditional psychotherapy may not be appropriate or accessible for Autistic victim-survivors, insofar as many of Autistic people – especially those who are non-verbal – may better respond to non-verbal interventions.⁵⁹

varying interstate legislation is having significant impacts on the acquisition of assistance dogs and causing additional unnecessary stress.

⁵⁸ See knowmore, Submission No 14 to Joint Standing Committee on Implementation of the National Redress Scheme, Parliament of Australia, *Inquiry into the Operation of the National Redress Scheme* 32-34.

⁵⁹ See, eg, Monika Geretsegger et al, 'Music therapy for autistic people' (2022) 5 *Cochrane Database of Systematic Reviews* CD004381; Andrew Christopher Wright, 'Art therapy with an autistic person with learning disabilities: communication and emotional regulation' (2023) 28(4) *International Journal of Art Therapy* 154; Chui Yee Joy Chong, 'Why art psychotherapy? Through the lens of interpersonal neurobiology: The distinctive role of art psychotherapy intervention for clients with early relational trauma' (2015) 20(3) *International Journal of Art Therapy* 118; Adrian Benbow, Jane Jackson, 'Remember me' – Dramatherapy with adults who have autism and complex needs and are non-verbal' in Deborah Haythorne & Anna Seymour (eds), *Dramatherapy and Autism* (2016, Routledge) 120, 122-124.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the [Joint Standing Committee on Implementation of the National Redress Scheme](#)

24. Furthermore, the lack of culturally competent counselling services restricts the choices of Autistic victim-survivors from First Nations & CALD/CARM communities.⁶⁰ The 'silosed approach' between government services – including those within the multicultural affairs portfolio and the Department of Social Services portfolio, such as the National Redress Scheme – disadvantages Autistic victim-survivors from CALD/CARM backgrounds, which substantiates the concerns raised regarding the lack of intersectionality reflected within the National Redress Scheme and DSS programs at large.⁶¹
25. Considering the accessibility issues associated with many traditional forms of 'talk therapy' that are further compounded by the lack of culturally competent healthcare, the National Redress Scheme may therefore be falling short in offering Autistic victim-survivors a suitable range of tailored supports that are available upon a successful application. The poor service experiences discourage many victim-survivors from engagement – a worrying trend captured by the Senate Select Committee on Autism across all levels of government.⁶²
26. Therefore, we urgently set out the following recommendations:
 - **Recommendation 7:** The Australian Government – in consultation with Autistic victim-survivors & the Autism community – should review the accessibility and suitability of current mental health supports ('*Counselling and Psychological Care*') offered by the National Redress Scheme, with a view of expanding the range of psychotherapeutic supports to accommodate **non-verbal** psychological care.

⁶⁰ See, eg, Ethnic Disability Advocacy Centre, Submission No 75 to Senate Select Committee on Autism, Parliament of Australia, *Inquiry into Services, Support and Life Outcomes for Autistic Australians* 5; knowmore, Submission No 14 to Joint Standing Committee on Implementation of the National Redress Scheme, Parliament of Australia, *Inquiry into the Operation of the National Redress Scheme* 33; Kate Paton & Harriet Hiscock, 'Strengthening care for children with complex mental health conditions: Views of Australian clinicians' (2019) 14(4) PLoS One e0214821; Jodie Smith et al, "What is early intervention? I had no idea": Chinese parents' experiences of early supports for their autistic children in Australia' (2023) 108(October) *Research in Autism Spectrum Disorders* 102227.

⁶¹ Ibid. See also Department of Home Affairs, Multicultural Framework Review, *Final Report* (2024) 45.

⁶² See generally Senate Select Committee on Autism, Parliament of Australia, *Services, Support and Life Outcomes for Autistic Australians* (2022).

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the [Joint Standing Committee on Implementation of the National Redress Scheme](#)

- Examples of evidence-based, non-verbal psychological care can include Art Therapy, Music Therapy, and Assistance Animals.
- Part of this review must include examining the DVA's [Psychiatric Assistance Dog Program](#) and the potential utility of integrating a similar program into the *Counselling and Psychological Care* offered by the National Redress Scheme.
- **Recommendation 8:** The Australian Government – in consultation with Autistic victim-survivors & the Autism community – should develop a **National Assistance Animal Framework** that meets the needs of people with PTSD, especially Autistic victim-survivors.
- **Recommendation 9:** The Australian Government – in consultation with Autistic victim-survivors & the Autism community – should review and improve the **cultural competency** of the *Counselling and Psychological Care* offered by the National Redress Scheme, with the view of better supporting Autistic victim-survivors from CALD/CARM communities.
 - Part of this review must be delivered in conjunction with the [National Autism Strategy](#), the [National Roadmap to Improve the Health and Mental Health of Autistic People](#), and the [Multicultural Framework Review](#) – in order to de-silo programs and policies that impact Autistic victim-survivors from CALD/CARM communities.

Inquiry into the Operation of the National Redress Scheme

September 2024

Submission to the [Joint Standing Committee on Implementation of the National Redress Scheme](#)

Conclusion

We appreciate the opportunity to uplift and amplify the voices of Autistic victim-survivors — in this consultation regarding the implementation of the National Redress Scheme and the lived experience of victim-survivors with disability.

We commend the current consultations and recommend further consultations with Autistic people, their families, and their carers.

The Australian Autism Alliance urges the Inquiry to consider these recommendations to improve the accessibility and effectiveness of the National Redress Scheme for Autistic individuals. By implementing these strategies, we can ensure that all survivors of child sexual abuse receive the support and justice they deserve.

We welcome further opportunity to discuss our recommendations.

[END]