Dear members of the Select Committee on Autism

When I appeared before you recently, you asked about a National Autism Strategy. Please disregard the answer I provided at the time.

Since that time, the Department of Social Services (DSS) and Services Australia:

a. had senior officials appear before the Community Affairs Committee, and
b. released a Position Paper on its National Disability Strategy.

These events both show DSS to be no longer fit-for-purpose.

DSS's attitudes to people with disability and their associates are inappropriate. DSS's senior officials readily accepted a simplistic computerised process that suggests a huge proportion of the most vulnerable Australians had "rorted" welfare and social services programs. Apparently, this is what senior officials expected to find and they did not question such a result. Nor do they care that their methods were illegal.

DSS's current culture cannot deliver an appropriate National Disability Strategy. This agency can have no role in policy and programs that autistic Australians depend on.

Attached is A4's response to DSS's extremely disappointing Position Paper on a NDS. The Position Paper shows that A4's concerns about DSS's conduct and culture are completely justified.

A4 now supports the Australian Autism Alliance's call for a separate National Autism Plan. We expect that development of a National Autism Plan would be via a process of co-design with the autistic community and would not involve DSS or related government agencies.

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Response to the DSS Position Paper on a National Disability Strategy, July 2020

Autism Aspergers Advocacy Australia (A4)

The document following answers the eight questions posed in the National Disability Strategy Position Paper July 2020.

We have some opening remarks before we answer the questions asked.

The first paragraph on page 3 says “A number of important inputs will inform the future strategic direction of the new Strategy”. Apparently, co-design or stakeholder engagement are not “important inputs”. It points out that “broad consultation” was done separately with “key” (selected) stakeholders. Separating stakeholder engagement from ‘important inputs’ is a major flaw when the purpose is to develop a credible disability strategy.

The Position Paper presents DSS’s position. It does not identify or acknowledge issues or concerns about disability strategy raised by stakeholders through the last decade or in the recent “engagement” towards creating a new disability strategy when the issues and concerns differ from DSS’s position. It does not recognise positions of others in the disability sector and it does not explain the Department’s choices ignoring different views.

The Department of Social Security recently appeared before the Senate Committee on Community Affairs on 31/7/2020. Based on that appearance, A4 is concerned that DSS is *not* an appropriate agency to develop a National Disability Strategy. The prejudiced view of senior officials and the consequent organisational culture regards many welfare recipients, often people with disability, are unworthy scammers and rorters.

A very senior DSS official claimed to *not know* what Robodebt was, even though the Prime Minister had previously apologised for it. The PM said, “of course I would deeply regret—deeply regret—any hardship that has been caused to people in the conduct of [Robodebt] activity”.

Autism Aspergers Advocacy Australia (A4) has no confidence in an agency run by people who disrespect those who depend on them, who are so out of touch with their agency’s responsibilities that the PM needed to apologise for their actions, and refuses to recognise the hurt and harm it caused especially vulnerable citizens. Robodebt involved a *claim* that 470,000 to 600,000 welfare recipients defrauded the government of $1,500-$1,950 on average per person. Instead of asking “is this really what happened?” senior bureaucrats and politicians so disrespect people who depend on them that they expected and just accepted and persisted with an illegal program that branded many of the most vulnerable people as likely to be dishonest scammers.

DSS senior officials, despite the Prime Minister’s apology for Robodebt, show no contrition or remorse. Instead, they justified their actions claiming an extended history of illegal administrative practice justified their on-going illegal activity – apparently, they feel that it does not matter that their actions were illegal, they should just be allowed to keep persecuting Australia’s most vulnerable citizens.

The senior official denied that Robodebt caused harm despite the Prime Minister the Minister for Government Services acknowledging that hurt and harm was caused and may have involved suicides.

The culture and attitudes of the Department are utterly unacceptable.

A Department headed by these senior officials and with its inappropriate culture cannot develop a credible National Disability Strategy.

Following are the Questions and our response.

> **Question 1:**
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> **During the first stage of consultations we heard that the vision and the six outcome areas under the current Strategy are still the right ones. Do you have any comments on the vision and outcome areas being proposed for the new Strategy?**

This is not what you received from the autism community. If this is what you heard, then you did not listen.

Our experience is that broad strategies designed to “cover all people with disability” do not address the needs of autistic Australians. The current Strategy (NDS 2010-20) demonstrates the inadequacies very effectively. The intention to retain the existing vision in the “new Strategy” shows clearly that the so-called new strategy, which is apparently just the old ineffective strategy, is not designed or intended to address the needs of autistic Australians.

The NDS 2010-20 did not achieve “economic security” for autistic people. We are not aware of any discernible difference for autistic people.

1. Employment outcomes remain abysmal.
2. NDIS shut down (or never supported) advocacy and services like *Autism Aspergers ACT*, HCWA Autism Advisors, …

Goals around inclusivity for autistic Australians were not achieved. We are not aware of any measurement related to these goals.

A4 sees no progress towards protecting human rights of Australian citizens. Numerous United Nations human rights committees remain critical of Australia’s refusal to address human rights issue for autistic people, for people with disability of for Australians and prospective Australians generally.

The number of autistic Australians increased significantly in recent decades, yet personal and community support got no attention; there was no discernible action to identify service demand or match services to service demand.

Education outcomes for autistic Australians remain abysmal.

Poor outcomes are also seen in the Health sector, especially in mental health. Notable failures are observed in life-expectance, mental illness & suicide, general health, etc.

Given the very poor outcomes for autistic people, it is not clear that there are strategy elements relevant to ASD that are worth retaining. We do not regard doing the same thing expecting a different (better?) outcome as a desirable or a potentially effective strategy.

Continuing the old strategy (but calling it "new") does not seek to recognize or address the needs of autistic Australians, the autistic community wants a separate National Autism Strategy.

Question 2:

What do you think about the guiding principles proposed here?

Australia has yet to enact laws that protect the rights of citizens with disability. We are just repeating what the United Nations says. Specifically, the UN Human Rights Committee notes "The Committee thus remains concerned about the lack of comprehensive incorporating legislation." Other UN human rights committees have similar concerns about Australia's refusal to legislate to protect its citizen's human rights.

As an example, the High Court *Purvis vs NSW* decision shows that Australian law promotes the exclusion of children with disability from education; if anyone wants to claim they are concerned that a child might at some future time have "unwanted behaviour". Australian law denies children with disability the right to education that is described as their right in both the CRoC and the CRPD.

So, reference to the UN CRPD as a guiding principle is inappropriate.

Australian law and the actions of the associated legal systems are contrary to the guiding principles suggested so those principles are meaningless or misleading.

We see little evidence that governments in Australia listen to autistic people in planning and implementation. The NDIS notoriously ignores the ASD community. The Education sector does not listen and has unacceptable outcomes as a result. The Health sector is spectacularly inaccessible for many autistic people. Employment sector has a few successes but mostly does not "involve and engage" autistic people.

Universal design does not address the needs of autistic people. Autistic people have needs that relate to their autism. These are not universal issues.

It would be good if the broader community were to engage, however, sectors like education, health and employment are small. Specific targets, such educating autistic children, need to be tackled directly.

We are not aware that autistic Australians are considered a "priority population" though there are good reasons that they should be.

Rather than supporting carers of autistic children, the introduction of the NDIS has done the opposite: it took away the Autism Advisor service, and it largely annihilated advocacy support for autistic Australians and their associates. The NDAP lacks ASD-aware advocacy supports.

Question 3:

What is your view on the proposal for the new Strategy to have a stronger emphasis on improving community attitudes across all outcome areas?

Previously, the Position Paper was clear that there in no intention to have a "new Strategy", the stated intent is to continue the old strategy and hope for better outcomes.

Stronger than what?

As indicated previously, the culture and attitude in Services Australia, Human Services and DSS are unacceptable. Their claim that hundreds of thousands of the most vulnerable people wanted to defraud the Government is cruel and demeaning. People with this attitude will not deliver an effective strategy to "improve community attitudes".

The NDIS perpetrates internally misinformation about the needs of autistic people.

The emphasis needs to be on changing the culture of government and bureaucracy's attitudes to people in the disability sector.

There will not be much progress while this fundamental problem is denied and ignored.

The National Disability Strategy first needs to recognize and address the appalling anti-disability culture in its key agencies.

Question 4

How do you think that clearly outlining what each government is responsible for could make it easier for people with disability to access the supports and services they need?

International law is clear what responsibilities governments have children and people with disability. However, Australian Governments have long ignored their responsibilities to people with disability. Australia does not enact the laws required of signatory parties to UN Conventions. Australia believe the rule apply to others but not to them.

Even scrutiny from the United Nations does not ensure that Australian Governments try to meet their responsibilities. Identifying responsibilities will not have any effect.

So Australian governments avoid their responsibilities. Commonwealth law overrides state and territory law, so state governments can enact charters of rights without needing to worry that they will have to deliver on them.

The first responsibility for the Commonwealth Government is to enact laws to ensure Australian citizens have the human rights that the Commonwealth Government has signed up to.

It come down to whether politicians and bureaucrats want better outcomes for vulnerable Australian and a more equitable society, or whether they will keep increasing the divide between the richest and the poorest in our community.

Question 5

How do you think the Strategy should represent the role that the non-government sector plays in improving outcomes for people with disability? *(Examples of the non-government sector include big, medium and small businesses, community organisations, employees of these businesses, private research, investment organisations and individuals.)*

The most effective way to get the non-government sector to help improve outcomes for people with disability is for Government to lead by example.

Currently, the example given to the non-government sector comes from DSS who branded at least 370,000 welfare recipients rorters and scammers through its Robodebt fiasco. Apparently, no one thought to question that outcome … or if they did, senior officials just ignored their concerns.

No wonder business does not want to include people with disability since the Government regards them as mostly rorters and scammers.

The Head of DSS claimed its recent illegal activity was OK because they had already been doing it for years before.

The Government cannot reasonably expect private research into disability when it does not have a recognizable research scheme for people with disability. And when it ignores the overwhelming research results showing things like substantially increasing diagnosis rates for ASD, the biggest distinct disability in the NDIS. The NDIA, a government agency, expected autism would be 20% of the NDIS Tier 3 cohort. Ultimately, the primarily autistic cohort made up over 30% of NDIS participants at full roll-out, but the NDIA told a Senate Committee recently that it still expected the rate would drop to around 20%.

Government needs to show much better leadership. Its influences on the private sector could be much more positive.

Question 6

What kind of information on the Strategy's progress should governments make available to the public and how often should this information be made available?

The NDS needs massive improvement to disability data collection, outcomes measurement and reporting.

The Senate Select Committee on Autism inquiry received a range of information about autism. Submissions identified major gaps in the data available. Areas that require improved data collection and measurement include:

- Recognition of ASD as a distinct disability, chronic under-diagnosis of adults and women, increasing diagnosis rates for ASD and consequently increasing demand for services and supports is the first step

- Who does diagnoses, what the diagnoses are and what delays people have in getting an ASD diagnosis
- Who does and who doesn't access the NDIS and other disability supports
- Education supports and education outcomes
- Employment supports and employment outcomes
- A health sector that recognises that autistic people need health issues other than their autism addressed, and that the current health, especially the mental health, sector does not address the health needs of autistic Australians. The health sector routinely excludes autistic people and denies them the health services they need.
- Better NDIA reporting … a bit of co-design and stakeholder engagement would improve reporting
- Police must stop traumatizing autistic citizens.
- The legal & penal system needs to recognize when people are autistic and adjust its practices appropriately.

All these aspects need to be measured and reported publicly.

Question 7

What do you think of the proposal to have Targeted Action Plans that focus on making improvements in specific areas within a defined period of time (for example within one, two or three years)?

We are confused by "target action plans" that "better facilitate improved outcomes for all people with disability". Plans for "all people with disability" would be an *untargeted* action plan. Untargeted or whole-sector plans simply do not work because the disability sector is not homogenous.

In our experience, the action associated with Government agencies creating action plans is that the key action is creating the plan and publishing it. Once that is completed, the "action" is done.

I can easily foresee reporting on the number of action plans published as a performance indicator for a "new" NDS. That would be more than the last NDS achieved but it would not be a useful achievement.

Rather than action plans, A4 would like to see outcomes reporting for distinct problem areas based on recommendation from, and co-design with, distinct stakeholders.

Question 8

How could the proposed Engagement Plan ensure people with disability, and the disability community, are involved in the delivery and monitoring of the next Strategy?

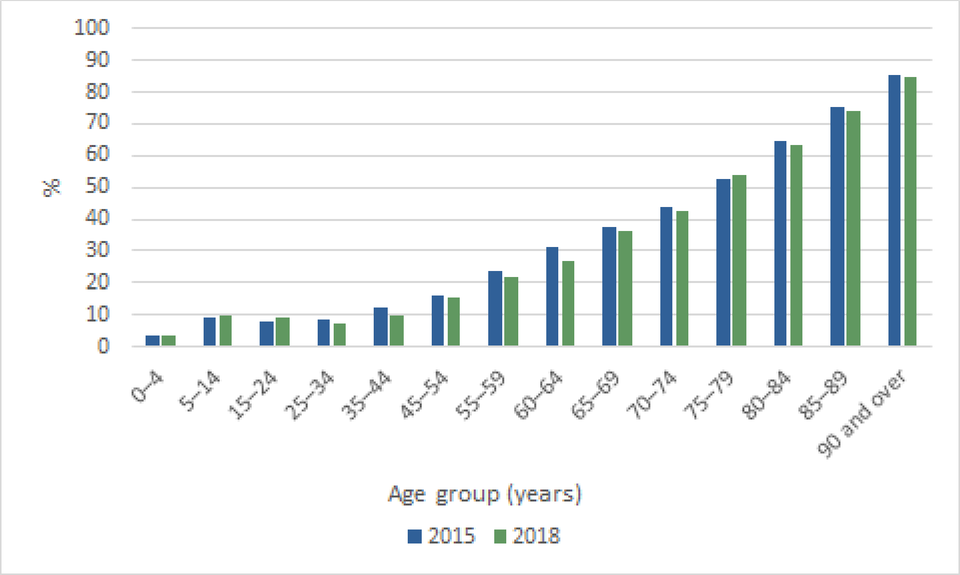
Agencies like DSS and NDIS have been largely unable to engage sufficiently with the autistic community. Outcome might be better if they did.

A major part of the problem is how DSS and the NDIS "engage" with advocates and parts of the disability sector.

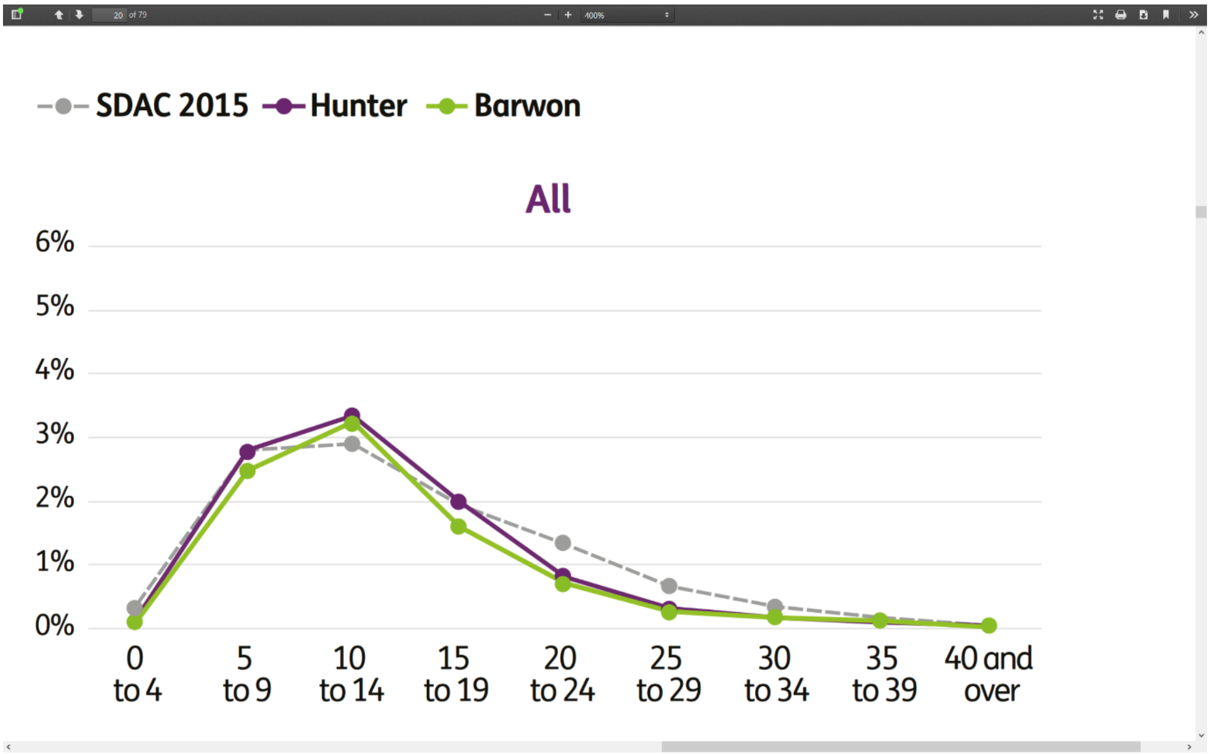
Bureaucrats want advocate to bring them simple “silver bullet” cheap solutions to implement. They want generic solutions to work universally. Bureaucrats favour the voices of generic disability groups who try to meet those expectations, especially those who are willing to say what the bureaucrats and politicians want to hear. And they think this is “engagement”.

Sadly, that is not how the disability sector works. Simple solutions only suit a few people. They ignore the needs of many others.

Solutions designed for this population, people with disability in Australia:



Simple do not address the needs of autistic Australians, who are quite different:



There are not even “silver bullet” solution for autistic people since autistic people have highly individualised needs. Government agencies are largely unable to engage with stakeholders when they reject everything that stakeholders tell them. Government agencies are unreceptive to information and advice that does not meet their predetermined ill-informed positions.

Government agencies oppose measurement of real outcomes. Measurement and report of real outcomes is far too risky. Measurement and reporting on real outcomes often shows lower than expected results, and that is likely to be interpreted negatively. Government practice expects poor outcomes and protects itself by not reporting them.

The fundamental question is “do you want improved outcomes, or just another national strategy with a ‘warm & fuzzy’ report at the end?” What we see is the latter.

The position paper is missing elements that are essential for a national plan to improve outcomes for autistic Australians. Autistic people need a national autism plan that:

1. creates a legal system that ensures their human rights are protected
2. identifies the demand for services from autistic people in the health, education and employment sectors and ensure those needs are met.
3. Protects people in and at risk of entering the penal system.
4. Includes autistic people in government and community responses to disasters and adverse events.

An agency that denigrates the most vulnerable citizens cannot deliver an effective national autism plan or national disability strategy.