Media Release

Deep disappointment over autism discrimination

Autism advocates wrote an open letter to the Attorney-General, the Hon Robert McClelland MP, to express the deep disappointment of people with autism spectrum disorders (ASD) over the recent Federal Court discrimination decision in [*Walker v State of Victoria [2011] FCA 258*](http://www.austlii.edu.au/au/cases/cth/FCA/2011/258.html).

Autism Aspergers Advocacy Australia, known as A4, is a national grassroots organisation giving a direct voice to people with autism spectrum disorders, their families and carers who are among the nation’s most vulnerable citizens. Autism is a mental disorder that involves severe and pervasive impairment in communication, social interaction and behaviour. In Australia, over 1% of children are now diagnosed with autism.

Mr Buckley, A4 Convenor, says “legal officials do not understand autism as a disability. For example, throughout its decision the Court refers to Alex’s disability as ‘misconduct’ and ‘misbehaviour’”.

“Discrimination law in Australia is supposed to require schools to make ‘reasonable adjustments’ for students with a disability. The schools Alex Walker attended did not adjust their behaviour management policy despite Alex’s communication, social and behavioural needs. The Court did not require the schools to accommodate Alex’s disability.

“The evidence showed Alex needed support in school: his education was effective while he had support and fell apart when the schools reduced the support.

“The court’s failure to protect people who are severely disabled by their autism is especially disappointing”, Mr Buckley says. “Courts should be the safety net for people with a disability: the safety net should not fail.”

The Australian Government is reluctant to recognise the distinct needs of people with autism spectrum disorders, and that those distinct needs mean these people needs ASD-specific services.

The Australian Institute of Health and Welfare reported that autism is second highest “burden of disease and injury” for Australian boys. But the services available are minimal and often inappropriate. Essentially, the Government’s policy can be described as *one wheelchair per 25 children with autism*.

“We want Government to make much more of an effort to understand autism”, Mr Buckley said.

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*18/6/2011*