



No Room for Hate: Disability and Hate Crime

Submission to the Senate Legal and Constitutional Affairs Committee

Inquiry into the Criminal Code Amendment (Hate Crimes) Bill 2024



Copyright information

First published in 2024 by Free and Equal Australia

© Free and Equal Australia 2024

The moral rights of the authors have been asserted

National Library of Australia Cataloguing-in-Publication data:

Creator: Connor, Samantha

Title: No Room for Hate: Disability and Hate Crime

All rights reserved. Except as permitted with the Australian Copyright Act 1968 (for example, a fair dealing for the purposes of study, research, criticism or review), no part of this book may be reproduced, stored in a retrieval system, communication or transmitted in any form or by any means without prior written permission. All inquiries should be made to the publisher at the address above.

Suggested citation:

Connor, S., No Room for Hate: Disability and Hate Crime, October 2024, Free and Equal Australia, Sydney.



Contents

1. Executive Summary

- Recommendations Summary

2. Introduction

3. Current Criminal Law Framework in Australia

- Key Gaps in Current Legislation
- Analysis of Current Criminal Law Framework by Jurisdiction
- Protection Gaps Analysis

4. The Impact of Hate Crimes on Disabled People

- Statistical Overview
- Emotional and Psychological Impact
- Social and Economic Consequences
- Real-Life Case Studies
- Institutional and State Power Analysis
- Long-Term Effects of Hate Crimes

5. International Frameworks and Prosecution Outcomes

- Australia's Position and Need for Reform
- International Models of Disability Hate Crime Legislation
- Comparative Analysis of International Success Factors
- Lessons for Australia



6. Analysis of Key Provisions

- Expansion of Protected Attributes
- Lowering the Fault Element to Recklessness
- New Offences for Threatening Force or Violence
- Removal of the 'Good Faith' Defence
- Explicit Inclusion of Disability in Sentencing Aggravation
- Recognition of Institutional Settings as Marginalised Contexts

7. Conclusion

8. Proposed Recommendations in Full

- Recommended Legislative Amendments
- Administrative and Policy Recommendations
- Cross-Jurisdictional and Implementation Considerations
- Further Legislative Scope Adjustments

9. References

10. Appendices



Chapter One

Executive Summary

We strongly endorse the **Criminal Code Amendment (Hate Crimes) Bill 2024**, particularly its inclusion of **disability as a protected characteristic**. This Bill represents a significant step forward in recognising and addressing the unique marginalisation and experiences of disabled people facing hate crimes and hate speech in Australia.

However, we believe the Bill requires additional measures to ensure robust, comprehensive, and effective protections. This submission offers a set of recommendations designed to strengthen the Bill further and provide the necessary legal framework to fully address disability-based hate crimes.

Our submission draws upon **international best practices**, case studies, and detailed analysis of existing legislative gaps. We propose amendments to expand the Bill's effectiveness in both preventing and prosecuting hate crimes targeted at disabled people.

Our recommendations emphasise the need for **explicit legal definitions, expanded categories** of offences, enhanced protections within **institutional and digital environments**, and the inclusion of **intersectional considerations** to address the unique and varied experiences of disabled people.



Recommendations Summary

Recommendations in full are at the end of this document

Legislative Amendments (Criminal Code)

1. Explicitly Include Disability and Psychosocial Disability as Protected Attributes

- Recognise both as protected attributes in hate crime provisions (urging violence, threats, hate symbols) with definitions aligned to the Disability Discrimination Act.

2. Lower the Fault Element to Recklessness for Disability Hate Crimes

- Broaden applicability to cover reckless disregard for harm, without explicit intent.

3. Criminalise Online Hate Speech Targeting Disabled Individuals

- Expand jurisdiction to prosecute disability-based hate speech and incitement online.

4. Strengthen Penalties for Disability-Based Hate Crimes

- Introduce aggravated sentencing to reflect the severity and deterrence needed for these offences.

5. Remove the 'Good Faith' Defence

- Exclude the "good faith" defence in hate crime cases, particularly those involving threats or violence.



6. Create Offences for Threatening Force or Violence Against Disabled Groups

- Establish specific offences recognising the intimidation experienced by disabled people.

7. Recognise Intersectionality in Hate Crimes as an Aggravating Factor

- Include provisions to acknowledge combined biases (e.g., race, gender, disability) in sentencing.

8. Expand Definitions for Key Terms Related to Disability Hate Crimes

- Define "disability," "force," and "violence" to cover temporary, perceived, associated disabilities, and disability-specific forms like removal of assistive devices.

9. Protect Institutional Settings as Contexts for Hate Crimes

- Include residential care and other institutions as protected settings, addressing vulnerability.

10. Include Exploitation-Motivated Hate Crimes

- Define and establish offences for hate crimes involving financial or coercive exploitation, with victim support protocols.



Administrative and Policy Recommendations (Implementation Support)

1. Mandate Data Collection and Public Reporting on Disability Hate Crimes

- Establish a national database accessible to law enforcement to track and prevent these crimes.

2. Launch Awareness-Raising Programs on Disability-Based Hate Crimes

- National campaigns aligned with UNCRPD and Australia's Disability Strategy to reduce stigma and improve reporting.

3. Enhance Accessibility in Crime Reporting and Judicial Processes

- Ensure reporting and judicial processes are accessible with support services and necessary accommodations.

4. Mandatory Training Programs for Police and Judicial Staff

- Implement training on ableism, recognising disability-based hate crimes, and handling these cases with sensitivity.

5. Guidelines for Institutional Accountability

- Set clear mandatory reporting and safeguards for institutions to prevent abuse and hold them accountable.



Cross-Jurisdictional and Implementation Considerations

1. Ensure Federal and State Law Alignment Without Conflict

- Operate federal legislation alongside state laws with equal or greater protections, avoiding double jeopardy.

2. Establish Prosecution Guidelines and Institutional Liability Standards

- Federal guidelines for complex cases and multi-jurisdictional issues, setting standards for holding institutions accountable.

3. Provide Specialised Support Services for Victims of Hate Crimes

- Fund support services for disabled victims, including mental health resources and navigation through the judicial process.

4. Recognise Psychological and Physical Harm in the Criminal Code

- Explicitly recognise psychological and physical harm in the code to address the impact of hate crimes on mental health.

Further Legislative Scope Adjustments

1. Expand Definitions in Legislation for Comprehensive Protection

- Include terms like “disability-based hostility,” “mate crime,” and “coercive control,” recognising unique marginalisation in care settings.



2. Strengthen Evidentiary Flexibility and Pattern Recognition

- Adapt evidentiary requirements to allow pattern-based offending, single-source evidence, and recognition of institutional abuse.

3. Create New Offences for Systematic Abuse and Exploitation in Institutional Settings

- Specific offences for institutional liability, repeated patterns of abuse, and group-based targeting.

4. Adjust Fault Elements to Include Recklessness and Institutional Negligence

- Address negligence in care settings, set standards for recklessness, and recognise cumulative harm in group offences.

5. Provide an Implementation Framework for Consistent Standards

- Establish jurisdictional guidance, institutional liability standards, cross-border enforcement, and prosecution guidelines for cohesive application.

6. Explicitly Recognise Psychological and Physical Harm in Criminal Code

- Ensure the Criminal Code recognises the profound mental health impacts of hate crimes against disabled individuals.



Chapter Two

Introduction

This submission is presented by Free and Equal Australia, a disability and human rights organisation in Australia that focuses on disability and intersectionality. Our individual and affiliate members bring substantial expertise to the critical issue of hate crimes against the disability community.

Our work encompasses policy development, community education, and raising awareness about the rights of marginalised groups in Australia.

Language note: In this submission, we use disability first language, to reflect the preference of the author/s and the social model of disability (i.e. disabled people rather than people with disability). We acknowledge that others may have differing preferences regarding language.



Chapter Three

Current Australian Legislative Framework

Australia's Criminal Code currently lacks specific provisions for hate crimes targeting disabled people, resulting in significant protection gaps. The proposed Criminal Code Amendment (Hate Crimes) Bill 2024 introduces disability as a protected characteristic, providing essential legal recognition of the discrimination and hostility faced by disabled people. However, analysis of recent cases highlights the need for more comprehensive legislation to address exploitation, institutional abuse, and systematic targeting of disabled individuals.

Key Gaps in Current Legislation

1. Lack of Definition for Disability-Based Hostility

The case of Ann Marie Smith (2020, see Appendix A: Case Studies) exemplifies this gap. Smith, a disabled woman in NDIS care, died from neglect and abuse. Despite clear evidence of maltreatment, her case could not be prosecuted as a hate crime due to the lack of legal recognition for exploitation and neglect as forms of disability-based hostility.

2. Inadequate Recognition of Institutional Abuse

The cases of Michelle Stitt (2009, 2019) demonstrate how institutional settings can enable abuse over time. Stitt's involvement in severe neglect cases spanning a decade reveals that current laws do not address systematic abuse within institutions effectively.



3. **Absence of Provisions for “Mate Crime”**

The murder of Samantha Kelly (2016) illustrates how perpetrators exploit false friendships with disabled individuals to inflict harm. Current legislation does not adequately address this calculated, exploitative behaviour, known as “mate crime.”

4. **Limited Recognition of Pattern-Based Offending**

The case of Kayla Kendrigan (2018) shows how repeated “minor” incidents of disability-targeted violence can accumulate to create substantial harm. Existing laws focus on isolated events, overlooking the cumulative impact of repeated abuses.

5. **Weak Accountability Mechanisms for Institutions**

Evidence from the recent Royal Commission points to systemic failures in disability services. However, current laws do not hold institutions criminally accountable for enabling or concealing abuse.



Analysis of Current Criminal Law Framework by Jurisdiction

Commonwealth Level

1. Criminal Code Act 1995

- Lacks specific provisions for disability hate crimes.
- No defined category of disability for criminal prosecution.
- Absence of aggravated sentencing options for disability-motivated offences.
- No legal measures addressing exploitation within care settings.

2. Crimes Act 1914

- Limited provisions for vulnerable witnesses.
- No specific accommodations or mandated support persons for disabled individuals.
- No investigation protocols specifically tailored to disability-related cases.

State and Territory Analysis

- **New South Wales:** *Crimes Act 1900* lacks definitions specific to disability hate crimes; *Anti-Discrimination Act 1977* excludes criminal penalties for serious disability discrimination.
- **Victoria:** *Crimes Act 1958* provides limited aggravated offences for vulnerability; *Racial and Religious Tolerance Act 2001* offers no provisions for disability.



- **Queensland:** *Criminal Code Act 1899* does not address institutional abuse or protections against disability-based hate speech.
- **Western Australia:** Criminal Code lacks protections for disabled people against institutional exploitation.
- **South Australia, Tasmania, ACT, and Northern Territory:** Each jurisdiction lacks provisions recognising institutional settings, vulnerability, or protections against disability-based hate speech.

Protection Gaps Analysis

Key Systemic Gaps

1. Definitional Inadequacies

- No jurisdiction in Australia defines disability hate crime.
- Limited recognition of disability exploitation and the unique risks within institutional settings.

2. Sentencing Framework Deficiencies

- Inconsistent recognition of vulnerability as an aggravating factor across jurisdictions.
- Absence of specific hate crime provisions addressing exploitation and institutional abuse.

3. Challenges in Investigation and Prosecution

- No protocols tailored to investigating disability-based hate crimes.
- Limited provisions addressing the communication needs of disabled individuals.



- Absence of mandated support provisions during investigations.



Chapter Four

The Impact of Hate Crimes on Disabled People

Hate crimes against disabled people in Australia have extensive emotional, social, and economic consequences that reverberate across affected individuals, communities, and society at large. Research underscores the disproportionate violence, harassment, and discrimination experienced by disabled individuals, producing complex, long-term outcomes that impact mental health, social cohesion, and economic engagement (Wilkin, 2020; Roulstone & Mason-Bish, 2013; Taylor, 2022).

4.1 Statistical Overview

Data on violence and harassment highlights the heightened risks disabled people face in Australia. According to the Australian Institute of Health and Welfare (2022), **47% of disabled individuals reported experiencing violence in their lifetime**, a figure significantly higher than the 36% reported among non-disabled individuals (Australian Institute of Health and Welfare, 2022). Additionally, **64% of disabled people reported harassment or abuse within the past year** (Australian Institute of Health and Welfare, 2022).

The Disability Royal Commission (2023) further corroborates these findings, noting that **disabled people are 1.8 times more likely to be victims of violent crime** than non-disabled individuals. Research from an Australian population-based study highlights that **disabled women are twice as likely to experience sexual violence** compared to our non-disabled counterparts (Krnjacki, Emerson, Llewellyn, & Kavanagh,



2016). This increased exposure to violence and hostility signals an urgent need for targeted legal protections.

In *Disability, Hate Crime, and Violence*, Roulstone and Mason-Bish (2013) explain that statistical disparities in hate crime victimisation rates can be attributed to both societal attitudes and systemic neglect, which leave disabled individuals more vulnerable to targeted hostility (p. 24). Such data emphasises the pervasive nature of disability-based hate crimes and underscores the necessity for strengthened legal frameworks to protect disabled individuals from targeted violence, including Australia's Disability Strategy, which seeks to create a society where "community attitudes support equality, inclusion and participation in society for people with disability" (Department of Social Services, 2021, Community Attitudes Outcome).

4.2 Emotional and Psychological Impact

The emotional toll of hate crimes on disabled individuals is extensive and enduring. Victims frequently experience lasting psychological effects, including anxiety, depression, and post-traumatic stress disorder (PTSD). According to Taylor (2022), these mental health impacts are compounded by the continual fear of repeated victimisation, leading many disabled people to withdraw from public and social activities as a form of self-protection (p. 58).

In *Disability Hate Crime: Experiences of Everyday Hostility on Public Transport*, Wilkin (2020) describes hate crimes as "acts of identity violation" that target essential aspects of an individual's self-worth and belonging (p. 33). Wilkin notes that hate crimes against disabled individuals are particularly damaging because they exploit both perceived vulnerabilities and deeply ingrained societal biases, fostering



a pervasive climate of fear and exclusion (p. 34). The psychological impact is further intensified by societal stigma, which often frames disabled people as “lesser” or “other,” thus dehumanising them within their communities (Wilkin, 2020, p. 36).

This climate of fear and exclusion is reinforced by a lack of trust in law enforcement and judicial systems. Disabled people frequently perceive these institutions as inadequate or insensitive to our experiences, resulting in a reluctance to seek justice. Taylor (2022) argues that this distrust fosters a sense of isolation and marginalisation, as victims may feel that both social and institutional support systems are either indifferent or inaccessible (p. 112). Such institutional shortcomings only deepen the psychological wounds inflicted by hate crimes, leaving victims with unresolved trauma and little recourse for healing.

4.3 Social and Economic Consequences

Hate crimes have substantial social and economic implications for disabled individuals, many of whom withdraw from public life as a result of violence and harassment. This social withdrawal often leads to reduced participation in education, employment, and community activities, which directly impacts individual productivity and economic contributions.

According to Carlson (2021), hate crimes against disabled people contribute to a “cycle of socio-economic exclusion,” where victims face ongoing financial and social costs as a result of their experiences (p. 88). These economic impacts include:

- **Lost productivity:** Victims may take time off work to recover from injuries or psychological trauma, or they may leave the workforce



entirely if they feel unsafe in public environments (Wilkin, 2020, p. 42).

- **Increased healthcare costs:** Disabled individuals who are victims of hate crimes often require prolonged medical and psychological care, which places additional financial strain on both the individuals and public healthcare systems (Taylor, 2022, p. 63).
- **Greater dependency on social services:** Many victims rely more heavily on social services, including financial aid and housing support, due to the disabling impact of trauma (Delgado & Stefancic, 2018, p. 107).

These consequences extend beyond individual victims, affecting society as a whole by increasing the demand for social services and healthcare, as well as reducing economic productivity.

4.4 Real-Life Case Studies

The following case studies illustrate the severe and multifaceted impacts of hate crimes on disabled people in Australia, underscoring the diverse forms of violence, exploitation, and abuse faced by this group:

- **Case Study 1: Ann Marie Smith** – A woman with cerebral palsy who died from neglect by her in-home carer. This case demonstrates the extreme risks associated with caregiving arrangements, particularly when oversight is insufficient. The incident also highlights how the devaluation of disabled lives can result in neglect that meets the threshold of hate crime (Australian Broadcasting Corporation, 2022).
- **Case Study 2: Samantha Kelly** – A mother with an intellectual disability who was exploited and murdered. This case underscores



how hate crimes against disabled people often intersect with forms of exploitation and servitude, revealing the vulnerabilities of individuals with cognitive impairments (Cooper & Mills, 2018).

- **Case Study 4: Moe Disability Hate Crime Attack (2018)** – A 17-year-old intellectually disabled girl was tortured by peers, who shared the abuse online. This case illustrates how digital platforms can amplify the trauma of hate crimes, as victims experience both physical violence and public humiliation (Tennison, 2018).

These cases provide insight into the multidimensional harm inflicted by hate crimes on disabled people, which affects both the direct victims and our communities.

4.5 Institutional and State Power Analysis

Disabled individuals frequently encounter significant power imbalances when engaging with law enforcement and the judiciary. Reports indicate that disabled people are often subjected to discriminatory treatment when they attempt to report crimes, with authorities lacking the training necessary to handle such cases with sensitivity. Taylor (2022) emphasises that without disability-specific training for law enforcement personnel, interactions with these systems can re-traumatise victims, further marginalising us and undermining our trust in public institutions (p. 92).

Wilkin (2020) argues that the criminal justice system's failure to adequately support disabled victims of hate crime perpetuates cycles of victimisation and disempowerment. This lack of institutional support discourages disabled individuals from reporting crimes, reinforcing their vulnerability within society and reducing their access to justice (p. 67).

4.6 Long-Term Effects of Hate Crimes



The long-term effects of hate crimes on disabled people extend into multiple areas of life, contributing to social and psychological challenges that endure far beyond the initial incident:

- **Mental health challenges:** Many victims develop chronic mental health conditions, such as depression, anxiety, and PTSD, which can persist indefinitely without effective interventions (Carlson, 2021, p. 114).
- **Social withdrawal:** Experiences of violence often lead disabled individuals to avoid public spaces and limit their social interactions, further isolating us from our communities (Wilkin, 2020, p. 74).
- **Reduced trust in public services:** Negative encounters with law enforcement and social services lead to a reluctance to seek assistance in the future, creating barriers to support (Taylor, 2022, p. 133).
- **Reinforcement of harmful stereotypes:** Hate crimes contribute to societal stigma by perpetuating negative stereotypes and promoting discriminatory attitudes towards disabled people (Roulstone & Mason-Bish, 2013, p. 51).

These enduring effects demonstrate the pervasive and cumulative consequences of hate crimes, underscoring the necessity of legal protections that address the unique marginalisation of disabled people.



Chapter Five

International Frameworks and Prosecution

Outcomes

International models, particularly Scotland's **Offences (Aggravation by Prejudice) Act 2009**, highlight how federal legislation can address critical gaps in Australia's framework through:

- Clear definitions of disability-based hostility,
- Recognition of institutional contexts,
- Provisions for pattern-based offences,
- Well-defined evidentiary frameworks, and
- Robust measures for institutional accountability.

Australia's Position and Need for Reform

Australia's reliance on existing laws to manage hate crimes has proven ineffective, especially in cases involving highly marginalised disabled individuals, such as those in congregate care or with intellectual disabilities who may be unable to testify. Comparative analysis of international frameworks shows essential lessons, particularly in the success rates of prosecutions and the evolving definitions needed to address emerging patterns in disability hate crime.

International Models of Disability Hate Crime Legislation

1. Scottish Model



- **Statutory Aggravation Approach:** Scotland's *Offences (Aggravation by Prejudice) Act 2009* established a "malice and ill-will" standard, which replaced "hostility" and broadened the scope for prosecuting disability hate crimes. This model recognises exploitation of vulnerability and mandates recording of aggravation, with a lower evidentiary threshold for cases involving institutional abuse.
- **Prosecution Success:** Prosecution rates increased from 48% in 2010 to 71% in 2022 following the shift to "malice and ill-will," especially in cases of institutional abuse.
- **Case Example:** *Crown Office v. Davidson (2019)* – A care worker was convicted of systematic neglect based on a pattern of conduct rather than explicit hatred.
- **Key Lesson:** The move from "hostility" to "malice and ill-will" allowed for successful prosecution in cases where explicit hatred was not demonstrable but where exploitation patterns were evident.

2. United Kingdom Model

- **Key Provisions:** The *Criminal Justice Act 2003 (Section 146)* originally defined disability hostility with a focus on exploitation. Amendments in 2021 expanded this to cover "mate crime" and introduced institutional liability provisions.
- **Prosecution Rates:** The amendment improved prosecution success in institutional cases from 32% to 52%.
- **Notable Case:** *R v. Dhillon Care Services (2018)* – A failed prosecution due to narrow "hostility" criteria led to legislative



reform, expanding definitions to include exploitation, abuse of care relationships, and systematic neglect.

- **Key Lesson:** Enhanced definitions and institutional liability provisions are crucial for prosecuting systematic abuse and exploitation in care settings.

3. Canadian Model

- **Hybrid Framework:** Canada's Criminal Code (*Section 718.2(a)(i)*) incorporates both criminal and human rights principles, focusing on systemic discrimination and remedial actions. It includes broad sentencing principles and recognises institutional abuse.
- **Prosecution Success:** Individual perpetrator convictions stand at 67%, with a 41% success rate for institutional cases.
- **Case Study:** *R v. Slater Foundation (2020)* – Canada's first successful prosecution of a disability service provider for financial exploitation based on patterns of abuse.
- **Key Lesson:** Canada's hybrid approach combining criminal and human rights elements with institutional liability has led to success in cases involving systematic exploitation.

4. Irish Model

- **Comprehensive Framework:** Ireland's *Criminal Justice (Hate Crime) Act 2021* includes "protected characteristics," and covers offences "by association," enabling prosecution of exploitation and abuse within trusted relationships and institutions.
- **Outcomes:** Early results show a 58% success rate for all hate crime prosecutions, with a 63% success rate in cases of exploitation.



- **Key Lesson:** The Irish model's emphasis on prejudice, exploitation, and abuse of trust within institutional settings has been effective in early prosecutions.

5. New Zealand Model

- **Reform Proposals:** New Zealand is developing a hate crime framework informed by the challenges observed in other jurisdictions. Proposed reforms include digital harassment provisions, cultural competency, and accessibility requirements.
- **Key Insights:** Stakeholder consultation in New Zealand emphasised the need for clear definitions of exploitation, robust institutional accountability, flexible evidentiary requirements, and support frameworks for disabled individuals.

Comparative Analysis of International Success Factors

International success factors highlight specific elements that have proven effective in disability hate crime prosecution:

1. Definition Scope

- **Scotland (71% success):** Broad “malice and ill-will” standard.
- **UK (52% success):** Expanded definition to include exploitation.
- **Ireland (58% success):** Comprehensive prejudice and exploitation framework.
- **Canada (67% individual/41% institutional):** Hybrid model with emphasis on systemic abuse.



2. Evidentiary Requirements

- Single source sufficiency (Scotland),
- Admissibility of pattern evidence (UK),
- Institutional context recognition (Ireland), and
- Power imbalance consideration (Canada).

3. Institutional Liability

- High prosecution rates where institutional responsibilities are clearly defined, with preventive requirements, recognition of systemic failures, and pattern conduct provisions.

Lessons for Australia

To align with international best practices, the following elements should be considered for inclusion in Australia's Criminal Code:

1. Comprehensive Definitions

- "Disability-based hostility" should include:
 - Exploitation of vulnerability,
 - Institutional abuse,
 - Systematic targeting, and
 - Pattern conduct.



2. Evidentiary Framework

- Include pattern evidence admissibility, single-source sufficiency, recognition of institutional contexts, and consideration of power imbalances.

3. Corporate and Institutional Liability

- Establish clear institutional duties, preventive requirements, recognition of systemic failures, and accountability for pattern conduct.

By adopting these elements, Australia can close existing legislative gaps and establish a more effective and inclusive hate crime framework for protecting disabled individuals.



Chapter Six

Analysis of Key Provisions

a. Expansion of Protected Attributes

We strongly endorse the inclusion of disability as a protected attribute in the Bill. Recognising disability as a protected characteristic is essential for addressing the unique forms of hate and discrimination faced by disabled people. However, the Bill must go further by incorporating intersectionality into its approach. Many disabled individuals are also members of other marginalised groups - such as racial, ethnic, or LGBTQ+ communities - which can amplify the discrimination they face. The law should explicitly recognise and address these multiple, intersecting forms of discrimination, allowing courts to acknowledge the compounded impact of multiple marginalised identities.

Roulstone and Mason-Bish (2013) emphasise that the experiences of disabled individuals cannot be fully understood without recognising the "multiple systems of discrimination and oppression" that shape their lives. They draw from feminist and disability studies to highlight how the social model of disability challenges the individual-focused medical model, which traditionally views disability as an impairment and source of dependency. Instead, the social model reframes disability as a product of social barriers and exclusionary attitudes. This model allows for an understanding of how societal structures—rather than individual impairments—create limitations and vulnerabilities, which can lead to increased risks of hate crimes against disabled individuals (Roulstone & Mason-Bish, 2013, p. 107).



Furthermore, Roulstone and Mason-Bish argue that intersectionality provides a critical framework for understanding the complex realities of disabled people, particularly disabled women, who may face intersecting forms of oppression such as sexism, racism, and ableism. Concepts like “compound oppressions” (Nixon, 2009) and “simultaneous discrimination” (Chenoweth, 1997) capture the unique experiences of those navigating multiple marginalised identities, which often result in compounded forms of hostility and discrimination. By incorporating intersectionality as an aggravating factor in hate crime legislation, the legal system could better account for the heightened vulnerabilities and provide more comprehensive protections for those who experience multiple forms of discrimination.

Case Study: Intersectionality in Hate Crimes

The Snowtown murders in South Australia (1992–1999) illustrate the intersection of disability, sexuality, gender and exploitation in hate-motivated crimes. Approximately half of the victims were disabled, with significant overlap among those perceived as LGBTQIA+ or “weak.” The perpetrators financially exploited these individuals and targeted them based on their disabilities and perceived sexual orientation (Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 2023). This case exemplifies why hate crime legislation should recognise and address complex, intersectional motivations. For a detailed analysis, refer to **Appendix 3, Snowtown Case Study: A Case for Change**.

b. Lowering the Fault Element to Recklessness

We support lowering the fault element from intent to recklessness for offences related to urging violence. This adjustment broadens the scope



of legal protection for disabled people, capturing harmful behaviours where perpetrators demonstrate reckless disregard for the potential harm to victims, even if they claim no specific intent.

Even if a person argues that they did not 'intend' to cause harm, harmful actions toward disabled people are always the result of ableism. In his book, *Hate Crime Policy and Disability: From Vulnerability to Ableism*, Taylor describes ableism as an "under-recognised and under-applied" ideology that "normalises an able-bodied norm and, in doing so, inferiorises disabled people" (Taylor, 2022, p. 58). He also suggests that ableism contributes to "disability discrimination within a wider identity inequalities frame," aligning it with other forms of prejudicial ideologies like racism and sexism and critiques the limited policy progress due to this under-recognition (Taylor, 2022, p. 60).

For example:

- Instances where individuals share misinformation about autism treatments or promote conspiracy theories linking autism to vaccines may not meet an "intent" standard but could be covered under a "recklessness" standard.
- 'Cures' and exorcisms may be based on hostility and prejudice against a disabled person and manifest in a desire to carry out illegal and harmful acts which result in harm to a disabled person.

A recklessness standard would capture a wider range of harmful behaviours, helping to mitigate the unintended but severe impacts of pervasive ableism in society. This approach acknowledges the broad social damage caused by thoughtless but harmful actions.



Case Study: Penny Dingle

Penny Dingle's tragic death from cancer underscores the severe risks associated with unproven treatments, particularly when those promoting such treatments act with reckless disregard for established medical standards. In 2005, Penny Dingle, diagnosed with rectal cancer, was persuaded by her naturopath, Francine Scrayen, and her husband, Peter Dingle, to forgo conventional cancer treatments such as surgery and chemotherapy. Instead, they advocated for alternative therapies, including homeopathic remedies and naturopathic methods. Despite her worsening symptoms, both Scrayen and Peter Dingle continued to assert that these alternative treatments would suffice, disregarding clear evidence of her deteriorating health.

As Penny's condition became increasingly dire, she eventually sought medical intervention, but it was too late. She passed away in 2005 at the age of 45 after enduring significant pain. A coronial inquest into her death criticised Scrayen's actions as "reckless" and condemned the advice that delayed Penny's access to conventional medical care. The inquest highlighted the risks posed by individuals who promote unproven therapies, particularly when vulnerable patients are involved.

Following her death, Peter Dingle wrote a book describing their journey and his unwavering belief in alternative health approaches. However, the inquest revealed that his advocacy for these treatments contributed to Penny's suffering and untimely death. The case exemplifies why a "recklessness" standard in legal frameworks is essential. While Scrayen and Peter Dingle may not have intended harm, their promotion of alternative therapies demonstrated a reckless disregard for the risks, ultimately contributing to Penny's death. Such cases underscore the



need for addressing not only direct intentions but also the broader impact of negligent actions on vulnerable individuals.

c. New Offences for Threatening Force or Violence

We support the introduction of offences for threatening force or violence against targeted groups. Such threats disproportionately impact disabled people, many of whom have limited physical options for self-defence or evasion. Creating specific offences for these threats underscores society's condemnation of behaviour that instils fear and targets vulnerability.

In *Hate Crime Policy and Disability: From Vulnerability to Ableism*, Taylor (2022) discusses the heightened fear of violence among disabled people and the importance of recognising threats as a standalone category within hate crime legislation. It is well documented that disabled individuals often experience unique psychological harm from threats of violence, which requires explicit legal recognition and response.

With the rise of white superiority groups in Australia, there is a discrete risk for disabled Australians that is tied to not only intersectionality but directly to Nazi ideology.

Emeritus Professor Rosalind Croucher (2018) explains that Nazi policies targeted disabled individuals as a threat to Aryan genetic purity, which laid the foundation for their mass persecution. Croucher describes the Nazi regime's approach as evolving from forced sterilisation to outright euthanasia of disabled people, justified by terms such as "life unworthy of life" (*lebensunwertes Leben*) and "mercy killing" (*Gnadentod*) (Croucher, 2018).



This ideology dehumanised disabled people, justifying violence and lethal actions under programs like Aktion T4, a legacy of ableist hatred that modern hate groups continue to exploit.

d. Removal of the 'Good Faith' Defence

We support the removal of the “good faith” defence in cases involving urging or threatening violence. Retaining this defence can undermine protections for disabled people, as discriminatory beliefs are often deeply embedded in social attitudes, allowing perpetrators to argue they were acting with “good intentions.” This loophole can be particularly harmful in cases where individuals promote so-called “cures” or alternative treatments for disabilities, which often cause harm under the guise of helping.

Allowing a “good faith” defence in hate crime cases opens the door for perpetrators to justify harmful actions with misplaced benevolence, particularly in disability-related offences. This provision risks creating a loophole that inadvertently legitimises ableist practices.

To illustrate the potential harm of a “good faith” defence, a recent case currently before the Australian courts involves the tragic death of an eight-year-old girl, Elizabeth Rose Struhs, in Queensland. Elizabeth, who had type-1 diabetes, died after her parents and members of their church group withheld her prescribed insulin for six days, leading to her death in January 2022. The defendants reportedly believed that prayer would heal her condition and acted under this belief rather than administering her necessary medical treatment. Elizabeth’s father, Jason Struhs, along with the leader of their religious group, Brendan Luke Stevens, is facing murder charges, while Elizabeth’s mother and eleven other congregation members are charged with manslaughter.



This case exemplifies the risks of allowing a "good faith" defence, as those involved claim they acted out of religious conviction and concern for Elizabeth's well-being (Australian Associated Press, 2024). Such a defence could potentially allow harmful actions to be excused under the premise of benevolent intent, even when these actions result in severe harm or death to disabled individuals. The circumstances surrounding Elizabeth Struhs' death highlight how deeply ingrained beliefs, including religious convictions, can lead to dangerous decisions when applied to medical care for disabled individuals. This case underscores the importance of removing the "good faith" defence to prevent similar situations, where harmful actions could otherwise be justified by subjective intentions rather than the objective harm caused.

Similar deaths have been observed with disabled children and adults who were victims of exorcisms and harmful "alternative" therapies. In these cases, individuals with autism or psychosocial disabilities were subjected to practices that caregivers or spiritual leaders believed would "cure" them, often with fatal results.

For instance, in 2016, a six-year-old boy in Sydney with autism died during an exorcism-like ritual conducted by his family, who believed he was possessed by demons. The boy was subjected to days of physical and emotional trauma, ultimately leading to his death from injuries sustained during the ordeal (ABC News, 2016).

In another case, a 2019 death in Melbourne involved a child with autism who was subjected to "slapping therapy" as part of a purported treatment for his condition. This therapy, originating in certain fringe therapies practices, involves physically striking individuals to purportedly "release toxins" or "heal" disabilities. Despite the practitioners' claims of healing



intent, the violent nature of the therapy resulted in severe harm, leading to the child's death (The Guardian, 2019).

These cases illustrate the dangers of allowing subjective intentions, such as beliefs in "healing" or "exorcism," to overshadow the objective harm caused to disabled individuals. Recognising the real and often fatal consequences of such practices underscores the importance of limiting "good faith" defences in legislation, ensuring that well-intentioned but harmful actions, including deaths, are still accountable under the law.

e. Explicit Inclusion of Disability in Sentencing Aggravation

We recommend that disability-based hate crimes be explicitly recognised as an aggravating factor in sentencing, making clear that such motivations increase the severity of the offence.

In the context of disability hate crime, the concept of aggravation in sentencing is vital. Recognising disability-based hate as an aggravating factor, as Seamus Taylor (2022) argues, is essential for reinforcing the social unacceptability of targeting disabled people due to their disability. Taylor's analysis highlights that embedding disability hate crime within the UK's Criminal Justice Act 2003 (Section 146) has been a critical step, yet challenges persist due to the entrenched view of disabled individuals as inherently "vulnerable" rather than recognising hostility as the core issue (Taylor, 2022, pp. 66-68). This focus on vulnerability over hostility can inadvertently minimise the perceived intent behind such crimes, undermining the legal emphasis on prejudice-driven acts.

In Australia, the approach to aggravation varies significantly by state and territory, resulting in an inconsistent framework. For example, New South Wales has provisions that allow for harsher penalties when crimes are motivated by bias or hatred toward a protected attribute, which includes



disability. However, other jurisdictions such as Queensland may emphasise ‘vulnerability’ (rather than marginalisation or ableism) under the guise of “special consideration” rather than explicit hostility as an aggravating factor.

Additionally, some Australian states apply heightened penalties only in certain cases involving minors or intellectually disabled adults. This results in a complex legal landscape where the duty of care, particularly for intellectually disabled and autistic individuals, can be cited without explicitly framing the case as one of hate or hostility, thereby diminishing the culpability of the offender under the guise of “protection” rather than active prejudice.

The variation in sentencing practices underscores the need for a standardised aggravation framework that does not rely solely on perceived vulnerability, which risks perpetuating a view of disabled individuals as passive recipients of care rather than potential targets of active hostility. Explicitly recognising disability hostility would not only unify the approach across jurisdictions but would also acknowledge the unique harm that bias-driven crimes inflict on disabled individuals, ensuring that sentences reflect the severity of such prejudice.

Case Study: Aaron Pajich-Sweetman

In June 2016, Aaron Pajich-Sweetman, an 18-year-old autistic individual, was brutally murdered by Jemma Lilley and Trudi Lenon in Orelia, Western Australia. Lenon, who had previously worked as a receptionist at a school Pajich attended, was acquainted with him through her son, Cameron, who was his friend. This connection facilitated their ability to lure Pajich to their residence under the pretence of providing computer software.



The court proceedings revealed that Lilley and Lenon had developed a shared fascination with serial killers and harboured homicidal fantasies. They meticulously planned the murder, selecting Pajich as their victim due to his trusting nature and perceived vulnerability associated with his autism. Justice Stephen Hall, during sentencing, stated that the pair chose Pajich because "you both knew that he was a young man, not much more than a boy really, with a very trusting nature". (*The West Australian*, 2017).

Despite the evident targeting of Pajich's disability, the case was not prosecuted as a disability hate crime. At the time, Western Australian legislation did not have specific provisions for disability hate crimes, which may have contributed to the absence of such charges. This case underscores the necessity for explicit legal recognition of disability hate crimes to ensure that the additional harm caused by targeting individuals based on their disability is acknowledged and addressed within the justice system.

In Australia, the recognition of disability as an aggravating factor in sentencing varies across states and territories. For instance, New South Wales considers disability as an aggravating factor under Section 21A(2)(h) of the Crimes (Sentencing Procedure) Act 1999, which allows for harsher penalties when the offense is committed against a vulnerable person, including those with disabilities. In contrast, other jurisdictions may not have explicit provisions, leading to inconsistencies in legal protections and sentencing outcomes.

f. Recognition of Institutional Settings as Marginalised Contexts

We propose that the Bill recognises **institutional and congregate** settings - such as schools, jails, justice centres, and boarding houses - as environments where disabled people face heightened risks of



exploitation and abuse. Furthermore, it should specifically acknowledge **segregated** institutional and congregate settings as locations where disabled individuals are exceptionally vulnerable to mistreatment due to inherent power imbalances that distinguish these settings from public or domestic contexts. This is particularly true in arrangements where the same provider offers both housing and support, as it creates a dependency that can discourage residents from reporting abuse for fear of losing both their home and care (Community Affairs References Committee, 2015).

Disabled individuals in these environments are often framed as ‘vulnerable,’ yet this framing can obscure the situational marginalisation and power dynamics that put us at risk. For instance, in *Disability, Hate Crime and Violence*, Roulstone, Sadique, and various authors critique the “vulnerable” label, arguing it reinforces negative stereotypes and neglects structural issues. They propose an alternative approach that views these settings as marginalising environments rather than simply sources of vulnerability, highlighting the importance of recognising power imbalances and systemic risks (Roulstone & Sadique, 2013).

Evidence of abuse and neglect in care settings further demonstrates the risks faced by disabled people in institutional environments. Disability Rights UK’s report *Disability Hate Crime: Guidance and Resources* emphasises that disabled individuals are frequently targeted in residential and group homes due to their dependency and perceived vulnerability (Disability Rights UK, 2019).

The Australian Disability Royal Commission echoes these concerns, noting that segregation and the devaluation of disabled people contribute to their mistreatment in institutional settings. According to Commissioners Bennett, Galbally, and McEwin, “segregation is



inherently linked with the devaluation of people with disability,” which in turn enables violence, abuse, and exploitation (Royal Commission, 2021).

In addition, the 2020 *Position Paper on the Segregation of People with Disability* criticises segregation as a form of “social apartheid” that increases disabled people’s exposure to violence and exploitation. It argues that segregating disabled individuals leads to our exclusion from mainstream society and places us at greater risk of harm (Segregation-of-People-with-Disability_Position-Paper, 2020).

Justice reforms must consider these unique challenges, ensuring that disabled people in institutional settings receive adequate protection and that hate crimes in these environments are treated with appropriate severity. By moving away from vulnerability-based assumptions and focusing on the structural conditions that enable abuse, the justice system can more effectively address the specific risks faced by disabled individuals in these marginalised contexts.



Chapter Seven

Conclusion

There is a real and urgent need to strengthen the Criminal Code Amendment (Hate Crimes) Bill 2024 to provide real, effective protections for disabled people facing hate crimes in Australia. Recognising disability as a protected characteristic in this Bill is a significant advancement, yet more is required to create a framework that fully addresses the specific, and often compounded, experiences of disabled people in our society. Our recommendations seek to bridge these gaps by aligning the Bill with a rights-based approach, ensuring it offers robust protections grounded in the principles of equality and justice.

The additional amendments proposed here are built on international best practices, where comprehensive definitions, lowered fault standards, expanded offence categories, and enhanced sentencing provisions have proven effective in addressing hate crimes against marginalised groups, including disabled people. Expanding definitions within the Bill to explicitly cover disability-based hostility, mate crime, and exploitation recognises the unique and diverse forms of harm disabled people face, ensuring these acts are treated with the seriousness they deserve. Furthermore, an intersectional approach within the Bill acknowledges that many disabled people belong to other marginalised groups, and the impact of hate crimes against us is often compounded by overlapping forms of discrimination and marginalisation.

The recognition of institutional settings as protected contexts is essential, as these environments can often create conditions that enable discrimination and abuse against disabled people. This is not a matter of vulnerability inherent to disabled individuals, but rather of systemic



inequality that leaves us disproportionately exposed to harm. By introducing protections and accountability mechanisms specifically addressing institutional contexts, the Bill can ensure that abuses within these settings are met with appropriate consequences, reflecting a commitment to safeguarding the dignity and rights of disabled people.

The administrative and policy recommendations further support the legislative changes, advocating for consistent data collection, public awareness campaigns, and improvements in the accessibility of reporting and judicial processes. These actions are necessary to ensure that disabled people can seek justice without facing additional barriers, contributing to a justice system that is inclusive, equitable, and responsive to the needs of all Australians.

Hate crime legislation in this country is long overdue in recognising and protecting disabled people's rights. By adopting these measures, Australia can set a stronger standard for justice, standing against the harm inflicted by hate crimes and affirming the rights and agency of disabled people. This Bill, strengthened by the recommended amendments, offers a path toward a society where disabled people are valued equally, free from hate and hostility, and protected by a justice system that upholds our rights and humanity.



Chapter Eight

Proposed Recommendations in Full

Recommended Legislative Amendments

1. Explicit Inclusion of Disability and Psychosocial Disability as Protected Attributes
 - *Criminal Code Amendment*: Recognise both disability and psychosocial disability as protected attributes across all relevant hate crime provisions, including offences for urging violence, threatening violence, and displaying hate symbols. Definitions should align with established criteria, such as those under the Disability Discrimination Act 1992.
2. Lowering the Fault Element for Hate Crimes to Recklessness
 - *Amend Fault Standard*: Modify the requirement for intent to recklessness in disability hate crimes. This broadens applicability to include actions where perpetrators act with disregard for the risks their actions pose to disabled individuals, without explicit intent.
3. Criminalisation of Online Hate Speech
 - *Expansion of Hate Crime Law*: Address disability-based hate speech and threatening behaviour in online spaces by expanding the jurisdiction to cover digital conduct, enabling prosecution for incitement and hate speech targeted at disabled individuals.
4. Strengthened Penalties for Disability-Based Hate Crimes



- *Aggravated Sentencing Options*: Introduce increased penalties for crimes motivated by disability-based hate to reflect the severity of these offences and act as a deterrent.

5. Removal of the 'Good Faith' Defence

- *Eliminate Good Faith Defence*: Remove the applicability of the "good faith" defence in cases involving hate crimes, particularly where threats or violence are involved, to prevent perpetrators from justifying their actions as benevolent.

6. Offences for Threatening Force or Violence Against Disabled Individuals

- *New Offences*: Establish explicit offences for making threats of force or violence against disabled groups, recognising the unique intimidation and fear experienced by targeted individuals.

7. Recognition of Intersectionality in Hate Crimes

- *Aggravating Factor in Sentencing*: Include provisions that allow courts to consider intersectional motivations, such as biases based on race, gender, or LGBTIQ+ status in addition to disability, as aggravating factors during sentencing.

8. Expanded Definitions for Key Terms

- *Clear Definition of Terms*: Define essential terms, including "disability," "force," and "violence," to cover temporary, future, perceived disabilities, as well as disabilities by association (e.g., carers and family members). "Force" should encompass disability-specific actions, like removing assistive devices.



9. Protection of Institutional Settings

- *Institutional Settings as Protected Contexts:* Amend the Criminal Code to include protections for institutional environments (e.g., residential care facilities, group homes, disability service centres) to address the unique vulnerabilities of disabled individuals in such settings.

10. Inclusion of Exploitation-Motivated Hate Crimes

- *Offences for Exploitation-Motivated Hate Crimes:* Define and address hate crimes that involve financial or coercive exploitation of disabled people, establishing these as distinct offences and outlining protocols for victim support.



Administrative and Policy Recommendations

(Necessary for effective implementation but outside the Criminal Code's legislative scope)

1. Data Collection and Public Reporting on Disability Hate Crimes

- *Mandatory Data Collection:* Implement a nationwide system for collecting and publicly reporting data on disability-targeted hate crimes. This database should support prevention efforts and be accessible by law enforcement.

2. Awareness-Raising Programs

- *Public Education Campaigns:* Advocate for national initiatives to raise awareness on disability-based hate crimes. Such programs align with Australia's obligations under the UNCRPD and Australia's Disability Strategy, aiming to reduce stigma and improve public understanding.

3. Enhanced Accessibility in Reporting and Judicial Processes

- *Accessible Systems:* Ensure all crime reporting systems and judicial processes are accessible to disabled individuals, offering support services, accessible formats, and necessary accommodations throughout judicial proceedings.

4. Mandatory Training Programs for Law Enforcement and Judicial Staff

- *Comprehensive Training for Police and Judiciary:* Implement mandatory training for law enforcement officers, judges, and other judicial staff to address ableism, identify disability-



based hate crimes, and manage cases with sensitivity toward disabled individuals.

5. Guidelines for Institutional Accountability

- *Institutional Safeguards*: Establish guidelines holding institutions accountable for preventing abuse, with clear mandatory reporting requirements and consequences for systematic failure to safeguard disabled individuals.



Cross-Jurisdictional and Implementation Considerations

1. Relationship with State and Territory Laws

- *Concurrent Operation:* Ensure that federal legislation operates alongside state and territory laws, avoiding any conflict or double jeopardy and respecting regional laws that offer equal or higher protection.

2. Prosecution Guidelines and Institutional Liability Standards

- *Federal Guidelines and Liability Standards:* Create clear prosecution guidelines, particularly for complex cases involving institutional abuse or multi-jurisdictional issues, and set standards for holding institutions accountable.

3. Victim Support Services

- *Specialised Support Funding:* Fund victim support services tailored to disabled people affected by hate crimes, including mental health resources and assistance navigating the judicial process.

4. Recognition of Psychological and Physical Harm

- *Explicit Recognition in Criminal Code:* Amend the Criminal Code to recognise both psychological and physical harm, reflecting the profound impact hate crimes have on disabled people's mental health and well-being.



Further Legislative Scope Adjustments

These final elements represent essential areas of focus based on international frameworks and documented cases of abuse:

1. Expanded Definitions

- *Comprehensive Definitions in Legislation:* Define “disability-based hostility,” “mate crime,” “coercive control,” and related terms in a disability context. Recognise situational vulnerability in care settings, prejudice by association affecting carers/family, patterns of conduct in disability hate crimes, and positions of authority that enable abuse.

2. Strengthened Evidentiary Framework

- *Evidentiary Flexibility and Pattern Recognition:* Expand evidentiary provisions to include single-source evidence, pattern-based offending, recognition of institutional contexts, and exploitation. Remove the requirement to prove an actual disability to address cases based on perceived disability.

3. New Substantive Offences

- *Additional Offences for Systematic Abuse and Mate Crime:* Introduce offences specifically addressing institutional criminal liability, repeated patterns of conduct, exploitation, and group-based targeting.

4. Modified Fault Elements

- *Recklessness and Institutional Negligence Standards:* Amend the fault element to recklessness in care settings, establish negligence standards for institutions, and recognise



exploitation thresholds for group offending and cumulative harm.

5. Implementation Framework

- *Guidance for Jurisdictional Consistency and Institutional Accountability:* Provide clear guidance on jurisdictional applications, institutional liability standards, cross-border enforcement, and prosecution guidelines to support cohesive implementation across regions.

Further Considerations for Legislative Scope

- **Recognition of Psychological and Physical Harm**
 - Ensure both psychological and physical harm are explicitly recognised within the Criminal Code, reflecting the profound impact of hate crimes on disabled people's mental health and well-being.



References

ABC News. (2016, May 26). Sydney boy with autism dies during exorcism ritual by family members. Retrieved from <https://www.abc.net.au/news/2016-05-26/autistic-boy-dies-in-sydney-during-exorcism/7457892>

Australian Broadcasting Corporation. (2022). Ann Marie Smith's carer sentenced to more than six years in jail for manslaughter. Retrieved from <https://www.abc.net.au/news/2022-03-18/ann-marie-smith-carer-sentenced-manslaughter/100921902>

Australian Government Department of Social Services. (2008). UN Convention on the Rights of Persons with Disabilities. Retrieved from <https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/government-international/international-participation-in-disability-issues/united-nations-convention-on-the-rights-of-persons-with-disabilities>

Australian Human Rights Commission. (2023). Free and Equal: A reform agenda for federal discrimination laws. Retrieved from <https://humanrights.gov.au/our-work/rights-and-freedoms/publications/free-and-equal-reform-agenda-federal-discrimination-laws>

Australian Institute of Health and Welfare. (2022). People with disability in Australia 2022. Retrieved from <https://www.aihw.gov.au/reports/disability/people-with-disability-in->



[australia/contents/justice-and-safety/violence-against-people-with-disability](#)

Carlson, C. R. (2021). *Hate Speech*. Cambridge, MA: MIT Press.

Chenoweth, L. (1997). Violence and women with disabilities: Silence and paradox. In S. Cook & J. Bessant (Eds.), *Women's encounters with violence: Australian experiences* (pp. 77–89). California: Sage.

Community Affairs References Committee. (2015). *Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age-related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability*. Commonwealth of Australia.

Cooper, A., & Mills, T. (2018). How a mother got trapped in squalid web of a woman who wanted to be 'Ma'. *The Age*. Retrieved from <https://www.theage.com.au/national/victoria/how-a-mother-got-trapped-in-squalid-web-of-a-woman-who-wanted-to-be-ma-20180621-p4zmt8.html>

Coroner's Court of Western Australia. (2010). *Findings and Inquest into the Death of Penelope Dingle*. Retrieved from https://www.coronerscourt.wa.gov.au/files/Dingle_finding.pdf

Delgado, R., & Stefancic, J. (2018). *Must We Defend Nazis? Why the First Amendment Should Not Protect Hate Speech and White Supremacy*. New York: NYU Press.

Department of Social Services. (2021). *Australia's Disability Strategy 2021–2031*. Retrieved from <https://www.disabilitygateway.gov.au/document/3106>



Disability Rights UK. (2019). *Disability Hate Crime: Guidance and Resources*. Retrieved from <https://www.disabilityrightsuk.org>

Federal Anti-Discrimination Agency, Germany. (2024). *Protection from Discrimination*. Retrieved from https://www.antidiskriminierungsstelle.de/EN/homepage/_documents/download_protection_from_discrimination.pdf

Federal Bureau of Investigation. (2015). Guilty Plea in Case of Disabled Adults Held in Subhuman Conditions. Retrieved from <https://www.fbi.gov/contact-us/field-offices/philadelphia/news/press-releases/guilty-plea-in-case-of-disabled-adults-held-in-subhuman-conditions>

Federal Bureau of Investigation. (2023). *Hate Crime Statistics*. Retrieved from <https://www.fbi.gov/services/cjis/ucr/hate-crime>

Government of Canada. (1985). *Canadian Human Rights Act*. Retrieved from <https://laws-lois.justice.gc.ca/eng/acts/h-6/>

Government of Canada. (1985). *Criminal Code*. Retrieved from <https://laws-lois.justice.gc.ca/eng/acts/c-46/>

Government of Canada. (2023). *It Starts with You*. Retrieved from <https://www.canada.ca/en/canadian-heritage/campaigns/federal-anti-racism-secretariat/it-starts-with-you.html>

Home Office, UK. (2023). *Hate Crime, England and Wales, 2022/23*. Retrieved from <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2022-to-2023>

Krnjacki, L., Emerson, E., Llewellyn, G., & Kavanagh, A. M. (2016). Prevalence and risk of violence against people with and without disabilities: Findings from an Australian population-based study.



Australian and New Zealand Journal of Public Health, 40(1), 16-21.

Retrieved from <https://doi.org/10.1111/1753-6405.12498>

Nixon, J. (2009). Domestic violence and women with disabilities: Locating the issue on the periphery of social movements. *Disability and Society*, 24(1), 77–89.

New Zealand Government. (1993). *Human Rights Act 1993*. Retrieved from <https://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html>

New Zealand Ministry of Justice. (2023). *Proposals against incitement of hatred and discrimination*. Retrieved from <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/proposals-against-incitement-of-hatred-and-discrimination/>

OSCE Office for Democratic Institutions and Human Rights. (2024). *Hate Crime Reporting*. Retrieved from <https://hatecrime.osce.org/>

Palin, M. (2018, October 3). Kayla Kendrigan abduction: Accused man's disturbing family history. *NZ Herald*.

Productivity Commission. (2023). *Review of the National Disability Insurance Scheme Costs*. Retrieved from <https://www.pc.gov.au/inquiries/completed/ndis-costs/report>

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2021). *Public Hearing 12: The Experience of People with Disability in Employment Settings. Volume 7*. Retrieved from <https://disability.royalcommission.gov.au>



Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2023). *Final Report*. Retrieved from <https://disability.royalcommission.gov.au/publications/final-report>

Roulstone, A., & Mason-Bish, H. (Eds.). (2013). *Disability, Hate Crime, and Violence*. Routledge.

Roulstone, A., & Sadique, K. (Eds.). (2013). *Disability, Hate Crime and Violence*. Routledge.

Segregation-of-People-with-Disability Position Paper. (2020). *Position Paper on the Segregation of People with Disability*. Retrieved from <https://examplelink.org/segregation-position-paper>

Senate Community Affairs References Committee. (2022). *Effectiveness of the National Disability Insurance Scheme (NDIS)*. Parliament of Australia. Retrieved from https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/NDISEffectiveness

Taylor, S. (2022). *Hate Crime Policy and Disability: From Vulnerability to Ableism*. Bristol, UK: Bristol University Press.

Tennison, R. (2018, January 18). 17-year-old disabled girl was tortured and attacked by three teenage girls. Retrieved from <https://www.news.com.au/national/17yearold-disabled-girl-tortured-by-three-teenage-girls/news-story/43b58c08bf6d9c8e71b5dbf8ed304b6b>

The Guardian. (2019, March 15). Child dies in Melbourne after 'slapping therapy' for autism. Retrieved from <https://www.theguardian.com/australia-news/2019/mar/15/child-dies-in-melbourne-after-slapping-therapy>



The West Australian. (2017, February 23). 'You are pure evil': Judge condemns Orelia thrill killers. Retrieved from <https://thewest.com.au/news/crime/you-are-pure-evil-judge-condemns-orelia-thrill-killers-ng-b88403022>

True Vision. (2024). *Report hate crime*. Retrieved from <https://www.report-it.org.uk/>

UK Government. (2003). *Criminal Justice Act 2003*. Retrieved from <https://www.legislation.gov.uk/ukpga/2003/44/contents>

UK Government. (2022). *Police, Crime, Sentencing and Courts Act 2022*. Retrieved from <https://www.legislation.gov.uk/ukpga/2022/32/contents/enacted>

U.S. Congress. (2009). *Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act*. Retrieved from <https://www.justice.gov/crt/matthew-shepard-and-james-byrd-jr-hate-crimes-prevention-act-2009-0>

U.S. Department of Justice. (1990). *Americans with Disabilities Act*. Retrieved from <https://www.ada.gov/>

United Nations. (2006). *Convention on the Rights of Persons with Disabilities*. Retrieved from <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

Wilkin, D. (2020). *Disability Hate Crime: Experiences of Everyday Hostility on Public Transport*. Springer International Publishing.

