National Disability Strategy

Submission by the Australian Communications Consumer Action Network to the Department of Social Services

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About ACCAN

The Australian Communications Consumer Action Network (ACCAN) is the peak body that represents all consumers on communications issues including telecommunications, broadband and emerging new services. ACCAN provides a strong unified voice to industry and government as consumers work towards communications services that are trusted, inclusive and available for all.

Consumers need ACCAN to promote better consumer protection outcomes ensuring speedy responses to complaints and issues. ACCAN aims to empower consumers so that they are well informed and can make good choices about products and services. As a peak body, ACCAN will represent the views of its broad and diverse membership base to policy makers, government and industry to get better outcomes for all communications consumers.

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Contents

1.   Executive Summary

ACCAN thanks the Department of Social Services for the opportunity to provide our thoughts on the development of a new National Disability Strategy (the Strategy).

The role that digital communications technologies can play in facilitating a more inclusive and accessible society must not be overlooked in the new Strategy. Indeed, it is ACCAN's position that the success of the entire Strategy is contingent on the availability of affordable and accessible digital communications technologies and services for people with disability.

The current Strategy has yet to deliver the outcomes required to support all people with disability to be actively involved in all facets of Australian society. Many people with disability continue to be digitally excluded, and do not benefit from the technological advances that have been made in the 10 years since the development of the current Strategy. People with disability may experience digital exclusion for different reasons, such as the prohibitive costs associated with digital communications devices and services, the accessibility limitations of devices or online environments, or the lack of digital education or training programs that meet their needs. This digital divide – which has not been adequately addressed by the current Strategy – can result in poorer education, employment, health and social outcomes for people with disability.

Available, affordable and accessible digital communications technologies and services are essential for people with disability to be active participants in Australian society. Furthermore, accessible and affordable digital technologies can support and enable the enjoyment of fundamental freedoms and human rights, leading to greater opportunities for people with disability. Technology can support the development of more inclusive communities; facilitate more accessible recreation, leisure and sporting activities; allow the dissemination of information that meets the needs of all; and support more appropriate responses in situations of risk or emergency. The benefits of accessible and affordable digital communications technologies are multifaceted and iterative, and don't neatly fit within separate areas of a person's life. As such, each outcome area of the new Strategy must include a focus on affordable and accessible digital communications technologies as an enabler of improved outcomes for people with disability in Australia.

ACCAN's Ideal Accessible Communications Roadmap, referenced throughout our submission, provides opportunities and pathways through which a new National Disability Strategy can harness the benefits of accessible digital communications technologies and inclusive policies, to both promote and enable the fulfillment of the Strategy's outcomes while also promoting and protecting the human rights of people with disability as enshrined in the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

1.1.   Acronyms

Acronym	Definition
ACCAN	Australian Communications Consumer Action Network
ACMA	Australian Communications and Media Authority
AHRC	Australian Human Rights Commission
CRPD	Convention on the Rights of Persons with Disabilities
DDA	Disability Discrimination Act 1992
DPO	Disabled Peoples Organisation
DRO	Disability Representative Organisation
ICT	Information and Communications Technology

Acronym	Definition
IoT	Internet of Things
NBN	National Broadband Network
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
NRS	National Relay Service
WCAG	Web Content Accessibility Guidelines

1.2.   List of recommendations

Recommendation 1: Through setting clear actions and performance indicators, the new Strategy must prioritise the affordability, accessibility and availability of accessible digital communications technologies for people with disability in Australia. This must include an affordable broadband concession to support access to a home internet service through the NBN.

Recommendation 2: The Broadcasting Services Act must be updated to require fully accessible information in emergency and disaster situations, including mandatory requirements for English to Auslan interpreting, open captioning, the verbalisation of on-screen content, and the need for these accessibility features to follow videos onto different platforms.

Recommendation 3: Federal, state, territory and local governments must commit to procuring and using digital communications technologies that meet the requirements of AS EN 301 549 'Accessibility requirements suitable for public procurement of ICT products and services'. This commitment must include the development and implementation of a whole of government procurement policy for accessible ICT.

Recommendation 4: The NDIA must amend its policies and procedures to ensure funding is provided for 'mainstream' digital communications technologies and IoT devices where these are the most appropriate technologies to meet the NDIS participant's needs.

Recommendation 5: All NRS call options, including the Video Relay Service, must be made available 24/7 on every day of the year. Research must also be undertaken to explore options to expand existing NRS offerings to include tailored call options for people who require a direct line call option, people with intellectual disability and people who are Deafblind, to ensure all people with disability have equal access to telecommunications services.

Recommendation 6: All people with disability, including NRS users, must be ensured equal access to the emergency call service through the establishment of next generation Triple Zero services.

Recommendation 7: All government websites must comply with WCAG 2.1 AA and successor standards, and people with disability must consistently be involved in the design, development, implementation and maintenance of this online content.

Recommendation 8: The federal government must assess industry compliance with WCAG 2.1 AA and appropriately incentivise the non-government sector to improve compliance with this important standard.

Recommendation 9: As proposed by the AHRC, 'Standards Australia should develop an Australian Standard or Technical Specification that covers the provision of accessible information, instructional

and training materials to accompany consumer goods, in consultation with people with disability and other interested parties'.

Recommendation 10: The Broadcasting Services Act must be amended to mandate accessibility improvements for broadcast and catchup television. This must include 24/7 captioning on all channels, including multi-channels; the introduction of permanent audio description on all free-to-air and subscription television programming; and the introduction of English to Auslan interpreting requirements for standard programming.

Recommendation 11: The Broadcasting Services Act must be amended to mandate that accessibility features must follow video content across all forms of video distribution in Australia, similar to the requirement of the 21st Century Communications and Video Accessibility Act in the United States.

Recommendation 12: ACCAN's Ideal Accessible Communications Roadmap must be fully incorporated into the new Strategy to ensure the accessibility of information and communications technologies and services is a priority for the next 10 years.

Recommendation 13: Accessible information and communications must be a key priority for the new Strategy, with a particular focus on inclusive and reliable emergency communications, services and responses.

Recommendation 14: The new Strategy must continue to be underpinned by the CRPD and must focus on upholding the human rights of all people with disability in Australia. Furthermore, digital communications technologies and services must be recognised in the Strategy as an enabler of human rights.

Recommendation 15: The new Strategy must highlight the interconnections between different outcome areas, and the complementary and cross-outcome activities that will be required to improve accessibility for people with disability in Australia.

Recommendation 16: All levels of government must be able to clearly identify how the Strategy has influenced the development of any disability-specific or mainstream policies, programs and services.

Recommendation 17: Article 9 of the CRPD must be included as a separate guiding principle to embed a broad and inclusive understanding of accessibility into the new Strategy.

Recommendation 18: The Strategy must be updated to reflect different types of design: universal design, inclusive design, human rights by design – to ensure that the terminology used in this document appropriately reflects the expectations of the community, the non-government sector and governments.

Recommendation 19: All levels of government must ensure all legislation and policies are inclusive of people with disability, and must model good practice inclusivity to the non-government and private sectors.

Recommendation 20: An independent committee must be established with the main function of examining federal, state and territory legislation and policies from a disability inclusion lens. This independent committee would also have oversight of the implementation of the Strategy.

Recommendation 21: The federal government must provide leadership and guidance to ensure the Strategy is fully intersectional and embedded at every level of government. This must involve

employing people with disability to drive the Strategy and liaise with state and territory governments in their implementation of the Strategy.

Recommendation 22: The Strategy must acknowledge and include the expertise of DPOs and DROs and ensure these organisations continue to be funded.

Recommendation 23: All governments must embed inclusion into the standard terms and conditions of every government contract. These contracts must outline mandatory accessibility standards that the funding recipient must meet, a requirement to undertake consultation and/or user testing of digital and non-digital resources with people with disability, and a requirement to report on inclusion activities undertaken while receiving government funding.

Recommendation 24: As proposed by the AHRC, 'the Attorney-General of Australia should develop a Digital Communication Technology Standard under section 31 of the Disability Discrimination Act 1992 (Cth). In developing this new Standard, the Attorney-General should consult widely, especially with people with disability and the technology sector. The proposed Standard should apply to the provision of publicly available goods, services and facilities that are primarily used for communication, including those that employ Digital Technologies such as information communication technology, virtual reality and augmented reality'.

Recommendation 25: Reforms to the DDA must assign greater powers to the AHRC to perform compliance monitoring and investigations into cases of systemic discrimination against people with disability or systemic failure to meet Standards.

Recommendation 26: The Strategy must include funding and support for small businesses to make required accessibility upgrades to ensure they can provide goods and services to people with disability on an equal basis with all others.

Recommendation 27: Annual reports on the progress of the Strategy must be delivered to parliament by the Prime Minister at the federal level, and by the Premier or Chief Minister at the state and territory level.

Recommendation 28: The independent committee with oversight of the Strategy's implementation (mentioned in recommendation 20) must have the remit to request additional information from stakeholders on progress towards outcomes and performance indicators.

Recommendation 29: The Strategy must report against measures relating to the accessibility and use of digital communications technologies (including internet and phone services), rates of digital inclusion, and the use of accessibility features on audio-visual content.

Recommendation 30: One of the first Targeted Action Plans must relate to the enabling role of digital communications technologies and should include the actions listed in Appendix 2 of this submission.

Recommendation 31: People with disability, DPOs, DROs and advocacy organisations must be meaningfully involved in the design, development, implementation and monitoring of legislation, policies, projects, programs and services relating to people with disability in Australia.

Recommendation 32: Terms relating to engagement must be clearly defined in the Strategy so that all stakeholders have shared expectations of what 'engagement' or 'consultation' will entail.

1.2.1. Outcome areas addressed by ACCAN's recommendations

Affordable and accessible digital communications technologies cut across the Strategy, and are a prerequisite for success in many, if not all, of the initiatives to be covered by the outcome areas.[1]

Recommendation	Related outcome area/s
1	All outcome areas
2	Inclusive and accessible communities; rights protection, justice and legislation; personal and community support; health and wellbeing
3	Economic security; inclusive and accessible communities; rights protection, justice and legislation; personal and community support; learning and skills
4	All outcome areas
5	All outcome areas
6	Inclusive and accessible communities; rights protection, justice and legislation; personal and community support; health and wellbeing
7	All outcome areas
8	All outcome areas
9	Economic security; inclusive and accessible communities; rights protection, justice and legislation; personal and community support
10	Inclusive and accessible communities; rights protection, justice and legislation; personal and community support
11	Inclusive and accessible communities; rights protection, justice and legislation; personal and community support
12	All outcome areas
13	All outcome areas
14	All outcome areas
15	All outcome areas
16	All outcome areas
17	All outcome areas
18	All outcome areas
19	All outcome areas
20	All outcome areas
21	All outcome areas
22	All outcome areas
23	All outcome areas
24	All outcome areas
25	All outcome areas
26	All outcome areas
27	All outcome areas
28	All outcome areas
29	Economic security; inclusive and accessible communities; rights protection, justice and legislation; personal and community support; learning and skills
30	All outcome areas
31	All outcome areas
32	All outcome areas

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[1] G3ict, 2020. *Qualitative Data Collected by Variable for Australia*, available: https://g3ict.org/country-profile/qualitative-data-collected-variable/australia.

1.3.   List of supporters

ACCAN's submission to the National Disability Strategy consultation is endorsed by the following organisations and ACCAN members:

- Able Australia
- Advocacy for Inclusion
- Beyond Blindness
- Blind Citizens Australia
- Centre For Accessibility Australia
- Centre for Inclusive Design
- Combined Pensioners & Superannuants Association
- Deafblind Australia
- Deafness Forum Australia
- Deborah Fullwood
- Digital Gap Initiative
- Expression Australia
- First Peoples Disability Network
- Grampians disAbility Advocacy
- National Ethnic Disability Alliance
- People with Disability Australia
- Physical Disability Council of NSW
- Scope Australia
- Senses Australia
- Speech Pathology Australia
- STAR Victoria
- The Royal Society for the Blind
- Vision 2020 Australia
- Women with Disabilities Australia

2. General comments

2.1. Reflections on National Disability Strategy 2010-2020

In preparation for this submission ACCAN has consulted widely with our membership. The feedback we have received from this consultation confirms ACCAN's consideration of the current National Disability Strategy (the Strategy) – it has been a significant initiative in highlighting the acknowledged need for greater promotion and protection of the rights of people with disability in Australia. However, notwithstanding the rollout of the National Disability Insurance Scheme (NDIS), the Strategy has had limited success in many of the key areas it outlined. Shortcomings across reporting, implementation and accountability have meant that many of the current Strategy's aspirations have not materialised for people with disability.

ACCAN is confident that the disability sector will highlight these areas which need improvement going into the next Strategy. Our area of expertise is in relation to digital communications, specifically usability and accessibility of digital communications technologies for and by people with disability and as such we will focus on this in our submission.

In our 2010 submission to the National Disability Strategy 2010–2020,[2] ACCAN made several recommendations which if implemented would have led to significant progress in increasing participation of people with disability in Australia. Unfortunately, in the past 10 years there has been little in the way of uptake of our recommendations.[3] This has meant that many people with disability in Australia continue to be excluded from the whole-of-life benefits and participation made possible from full connectivity and access to what has become in the past decade an increasingly digitally connected society. For many people with disability this ongoing exclusion, or digital divide, from our digital world means that access to education, employment and economic advancement, as well as access to greater social and community participation, remain out of reach.

While acknowledging there has been some progress over the past decade for people with disability, ACCAN continues to see a fundamental failure in the way digital communications technology has been leveraged through public policy and through the current Strategy in particular. In the 2018 review of the current Strategy ACCAN highlighted how the implementation of digital communications technologies as enablers for people with disability had been largely left out of the public policy agenda.[4] It was disheartening that so many people with disability continued to be excluded 8 years into the Strategy's rollout. The overarching shortcomings of the current Strategy – the lack of accountability, limited reporting and most significantly the lack of implementation of enabling initiatives – has meant that the current Strategy has provided limited benefit for many people with disability in the context of accessible communities through digital inclusion.

Over the past several months ACCAN has been developing, with participation and consultation from the disability sector, our recently published Ideal Accessible Communications Roadmap.[5] Developing

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[2] ACCAN, 2010. *Connecting Us All: The Role of the National Disability Strategy*, available:
http://accan.org.au/files/Submissions/National%20Disability%20Strategy.pdf

[3] Further discussion of Australia's digital accessibility performance is provided by G3ict 2020 op cit.

[4] ACCAN, 2017a. *Delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities: Submission to the Senate Standing Committees on Community Affairs*, available:
https://accan.org.au/files/Submissions/ACCAN%20submission%20NDS%20outcomes%202017.docx

[5] As discussed in more detail below.

this Roadmap has allowed us to receive up to date feedback on the areas in which access to digital communications for people with disability in Australia continues to be lacking. As can also be seen from the Australian Digital Inclusion Index,[6] Australians with disability are significantly less digitally included than other Australians. Indeed, the digital inclusion gap experienced by people with disability in Australia has changed very little since data was first collected for the index in 2014.[7] When considering the intersectionality of people with disability and other cohorts that are less digitally included, such as people on low incomes or older people, the levels of digital exclusion are amplified. In order for the next Strategy to improve outcomes for people with disability across all of the Strategy's outcome areas, digital communications access must be one of the key underpinning enablers for greater success.[8]

2.2.   Technology as an enabler

It is ACCAN's position that full and equal access to technology is a human right.[9] As outlined in the CRPD, people with disability must be ensured equal access to information and communications technology (ICT), systems and products.[10] The CRPD also outlines in its general obligations[11] that States Parties must promote the availability of different technologies, including digital communications technologies, and must provide accessible information and necessary supports to people with disability in relation to these technologies. In addition, Article 9(1)(h) requires States Parties to take steps to ensure that accessible digital communications technologies are available at minimum cost to people with disability. Despite this, people with disability in Australia spend a greater than average proportion of their household income on internet access,[12] and experience other barriers to affordable and accessible digital communications technologies.[13]

Recommendation 1: Through setting clear actions and performance indicators, the new Strategy must prioritise the affordability, accessibility and availability of accessible digital communications technologies for people with disability in Australia. This must include an affordable broadband concession to support access to a home internet service through the NBN.[14]

As well as being a human right in its own regard, access to accessible and affordable digital communications technologies can lead to increased opportunities for people with disability.[15] With

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[6] Thomas, J, Barraket, J, Wilson, CK, Holcombe-James, I, Kennedy, J, Rennie, E, Ewing, S, and T MacDonald, 2020. *Measuring Australia's Digital Divide: The Australian Digital Inclusion Index 2020,* RMIT and Swinburne University of Technology, Melbourne, for Telstra. Available: https://digitalinclusionindex.org.au/
[7] Ibid p20.
[8] As such, other recommendations relating to digital inclusion must also inform the development of the new Strategy, for instance those offered by: Australian Digital Inclusion Alliance (ADIA), 2020. *A National Digital Inclusion Roadmap,* available: https://www.digitalinclusion.org.au/a-national-digital-inclusion-roadmap
[9] See for instance: Brewer, J, 2017. 'Chapter 1: Standards Bodies, Access to Information Technology, and Human Rights', in J Lazar and MA Stein (eds) *Disability, Human Rights, and Information Technology*, University of Pennsylvania Press, Philadelphia, p13; and Kaplan, D, 2017. 'Chapter 5: Public Financing of Information Technology and Human Rights for People with Disabilities', in J Lazar and MA Stein (eds) *Disability, Human Rights, and Information Technology*, University of Pennsylvania Press, Philadelphia, p73.
[10] As articulated in article 9(1)(b) of the CRPD.
[11] As articulated in article 4(g) and 4(h) of the CRPD.
[12] Thomas et al. 2020 op cit., p20.
[13] ADIA 2020 op cit.
[14] For more information, see ACCAN's 'No Australian Left Offline' campaign, available: https://accan.org.au/no-australian-left-offline
[15] ACCAN's submissions to the Australian Human Rights Commission's Human Rights and Technology Issues and Discussion Papers discuss this in more detail. These are available on ACCAN's website:

greater access to accessible technologies comes greater inclusion within society and more equal enjoyment of human rights, including, for instance, more inclusive workplaces,[16] better access to education (including lifelong learning),[17] and greater participation in political and public life,[18] cultural life, in recreation activities, leisure and sport.[19] Functionally equivalent access to digital communications technologies is directly related to the equal enjoyment of human rights for all.

To illustrate this, we offer commentary on some of the human rights for which accessible digital communications technologies can play an enabling role. Please note that this list is not exhaustive.

2.2.1.   Article 11 – Situations of risk and humanitarian emergencies

States Parties that have ratified the CRPD are obligated to take 'all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.'[20] The recent 2019-2020 bushfire season and the continuing COVID-19 pandemic have clearly illustrated the importance of accessible information to the health, wellbeing and safety of all people living in Australia. Despite this, ACCAN has received disappointing feedback from our members regarding the inconsistent use of Auslan interpreters on broadcast television, particularly in relation to COVID-19 announcements and updates. Of particular concern is the cropping of Auslan interpreters from video footage, or the failure to include Auslan interpretation in subsequent rebroadcasts of the information on different platforms (such as social media sites, for instance). We have received similar feedback about inconsistent or inaccurate captioning of such information, with this accessibility feature also often dropping off rebroadcasts on social media sites. Finally, our members have also expressed concern about 'tickertape' or written information on emergency broadcasts not being relayed via voiceover. This visual information is therefore rendered inaccessible for people who are blind or have vision impairment.[21]

Steps must be taken to mandate that Auslan interpretation, audio description and captioning be provided for all information broadcast about natural disasters and other emergency situations in Australia. To support the safety and wellbeing of people with disability in emergency situations, this obligation must be placed upon all national and commercial broadcasters and must also apply to any rebroadcasts of this information on other platforms (including social media platforms).

Recommendation 2: The Broadcasting Services Act must be updated to require fully accessible information in emergency and disaster situations, including mandatory requirements for English to Auslan interpreting, open captioning, the verbalisation of on-screen content, and the need for these accessibility features to follow videos onto different platforms.

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http://accan.org.au/our-work/submissions/1543-hr-tech-issues-paper; and http://accan.org.au/our-work/submissions/1706-human-rights-and-technology-discussion-paper

[16] As articulated in article 27 of the CRPD.

[17] As articulated in article 24 of the CRPD.

[18] As articulated in article 29 of the CRPD.

[19] As articulated in article 30 of the CRPD.

[20] As per article 11 of the CRPD.

[21] As discussed in ACCAN's 2011 report regarding the Queensland flood disaster, available: https://accan.org.au/our-work/research/297-the-queensland-flood-disaster-access-for-people-with-disability

2.2.2. Article 19 – Living independently and being included in the community

Accessible digital communications technologies can enable people with disability to live more independent lives. This is particularly the case in relation to virtual assistants, such as Siri or Alexa, and Internet of Things (IoT) devices, which can support people with disability to live and perform daily tasks more independently. IoT devices are internet-connected technologies that create linkages and connections between physical devices, computer systems and the internet.[22] This can enable, for instance, an individual to turn on a 'smart' light or set the temperature of their air conditioner using their smartphone. People with disability may choose to use a range of IoT devices to automate their homes or daily routines. Such automation could involve the use of smart appliances like washing machines, refrigerators, dishwashers, kettles, TVs, speakers, heating and cooling units, lights and security cameras.

However, in order for people with disability to benefit from these technologies and the independence that automation can provide, the devices must first be accessible and easy for people with disability to set up independently.[23] Often these digital technologies are not fully accessible straight out of the box, and people with disability may require support to set them up for use. An inclusive design methodology is one approach that could improve the accessibility of digital technologies and the ability of people with disability to use these devices independently. Indeed, inclusive design can help ensure mainstream products and services are accessible to as many people as possible, not just people with disability, and can expand the audience for a product or service by up to four times the size of the intended audience.[24]

More must be done to embed inclusive design and ensure accessible technologies are available across Australian society. While Australia adopted the European Standard AS EN 301 549 'Accessibility requirements suitable for public procurement of ICT products and services', this is not yet implemented by all levels of government.[25] Indeed, the Australian Human Rights Commission (AHRC) recently proposed that a firmer commitment is required from federal, state, territory and local governments in relation to the procurement of accessible ICT.[26] Public procurement of accessible devices could have a huge impact on the accessibility of technologies more broadly available in Australia and could in turn improve the affordability of such devices. IoT technologies and devices can be expensive, which may pose a financial barrier to greater independence for many people with disability in Australia.

Recommendation 3: Federal, state, territory and local governments must commit to procuring and using digital communications technologies that meet the requirements of AS EN 301 549 'Accessibility requirements suitable for public procurement of ICT products and services'. This commitment must

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[22] Ranger, S, 2020. 'What is the IoT? Everything you need to know about the Internet of Things right now', ZDNet. Available: https://www.zdnet.com/article/what-is-the-internet-of-things-everything-you-need-to-know-about-the-iot-right-now/

[23] This would also support principle 12 ('Make installation and maintenance of devices easy') of the Government's voluntary IoT Code of Practice. Department of Home Affairs, 2020. *Code of Practice: Securing the Internet of Things for Consumers*, available: https://www.homeaffairs.gov.au/reports-and-pubs/files/code-of-practice.pdf

[24] Centre for Inclusive Design, 2019. *The Benefits of Designing for Everyone*, available: https://centreforinclusivedesign.org.au/index.php/the-benefits-of-designing-for-everyone-report/

[25] G3ict 2020 op cit.

[26] Australian Human Rights Commission (AHRC), 2019. *Human Rights and Technology: Discussion Paper*, proposal 20. Available: https://tech.humanrights.gov.au/consultation

include the development and implementation of a whole of government procurement policy for accessible ICT.[27]

ACCAN is concerned that the unaffordability of technology can worsen inequalities experienced by people with disability and people on low incomes. From what we have heard anecdotally, it seems that financial support for accessible IoT devices or digital communications technologies is not always readily available to people with disability. For instance, we are aware that some people with disability have attempted to get accessible digital communications devices through the NDIS. We have heard however, that the NDIS has rejected these funding applications because these devices are not considered 'disability specific'. This overlooks the significant ways in which 'mainstream' IoT devices can enable and support greater independence for people with disability. Furthermore, this narrow lens embeds inequality and increases the reliance of people with disability on disability specific devices and technologies, essentially removing some of the impetus to address accessibility within the private sector.

Recommendation 4: The NDIA must amend its policies and procedures to ensure funding is provided for 'mainstream' digital communications technologies and IoT devices where these are the most appropriate technologies to meet the NDIS participant's needs.

Finally, ACCAN believes that people with disability do not have equal access to supports, services and devices required to 'prevent isolation or segregation from the community'.[28] Not all people with disability in Australia currently have access to functionally equivalent telecommunications services.[29] Despite reviews of the National Relay Service (NRS) over the last 10 years,[30] gaps remain. Currently not all NRS call options are available 24/7, and nor do all options allow NRS users to be called via a direct line. These limitations result in consumers who are Deaf, Deafblind, or have hearing or speech impairment not having equal access to telecommunications services.[31] Not only does this impede the independence and inclusion of people with disability within the community, it also infringes the equal rights of people with disability to work and employment, to education, to freedom of expression and opinion and to equal participation in cultural and public life. In addition, consumers who are Deaf, Deafblind or have hearing or speech impairments do not have equal access to emergency services from mobile devices. As ACCAN and disability advocates have previously outlined,[32] this results in a huge safety concern not only for consumers with disability, but for members of the wider community as well.[33]

Recommendation 5: All NRS call options, including the Video Relay Service, must be made available 24/7 on every day of the year. Research must also be undertaken to explore options to expand existing NRS offerings to include tailored call options for people who require a direct line call option, people with intellectual disability and people who are Deafblind, to ensure all people with disability have equal access to telecommunications services.

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[27] As also recommended by ADIA 2020 op cit.

[28] As articulated in article 19(b) of the CRPD.

[29] ACCAN 2017a op cit.

[30] Department of Communications and the Arts, 2016. *Communications accessibility: 2016 and beyond*, available: https://www.communications.gov.au/have-your-say/communications-accessibility-2016-and-beyond

[31] ACCAN 2017a op cit., p5.

[32] Position statement, 2011. *Access for people with disability to emergency calls*, available: https://accan.org.au/our-work/policy/379-access-for-people-with-disability-to-emergency-calls

[33] ACCAN 2017a op cit., p5.

Recommendation 6: All people with disability, including NRS users, must be ensured equal access to the emergency call service through the establishment of next generation Triple Zero services.

2.2.3. Article 21 – Freedom of expression and opinion, and access to information

Access to information is vital – not only as a means of achieving equality,[34] but also as a core human right[35] that must be actively upheld in a technological age. The ability to obtain, communicate and distribute information on an equal basis with others is central to the protection of a variety of other human rights.[36] This includes, but is not limited to, the right to education, work and employment, social inclusion, political participation, access to justice and freedom from violence, abuse and neglect.

Despite the importance of information to human rights protection, many people with disability in Australia do not have equal access to online, digital or non-digital information. This is despite the existence of standards regarding the accessibility of online content and information, including, for instance, the Web Content Accessibility Guidelines (WCAG).[37] There are limited consequences for noncompliance with these standards,[38] and as such online content and services are often designed without much thought given to accessibility. This can leave industry to retrofit accessibility as an afterthought, which isn't conducive to accessible or usable online environments. Furthermore, even if a website technically meets accessibility criteria, if people with disability were not involved in its development it is not uncommon for these 'accessible' online environments to be difficult or unintuitive for people with disability to use, resulting in poor user experiences. This creates a barrier to accessing websites, online content and services, meaning that people with disability are unable to enjoy their fundamental human right to access information or services.

Recommendation 7: All government websites must comply with WCAG 2.1 AA and successor standards,[39] and people with disability must consistently be involved in the design, development, implementation and maintenance of this online content.

Recommendation 8: The federal government must assess industry compliance with WCAG 2.1 AA and appropriately incentivise the non-government sector to improve compliance with this important standard.[40]

ACCAN's previous work has shown that information about accessible technology itself can be inaccessible, with companies often not knowing which of their products or services are appropriate for consumers with disability.[41] Indeed, in March 2019 Telstra, Optus and Vodafone were formally

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[34] Jaeger, PT, Wentz, B, and JC Bertot, 2017. 'Chapter 4: The Intersection of Human Rights, Social Justice, the Internet, and Accessibility in Libraries: Access, Education, and Inclusion', in J Lazar and MA Stein (eds) *Disability, Human Rights, and Information Technology*, University of Pennsylvania Press, Philadelphia, p58.

[35] As articulated in article 21 of the CRPD.

[36] Jaeger, Wentz, and Bertot 2017 op cit., pp60-62.

[37] WCAG 2.1 is available: https://www.w3.org/TR/WCAG21/

[38] G3ict 2020 op cit.

[39] As also recommended by ADIA 2020 op cit.

[40] AHRC 2019 op cit., proposal 21.

[41] ACCAN, 2014. *ACCAN's Disability Mystery Shopper Report*, available: https://accan.org.au/our-work/submissions/953-accan-s-disability-mystery-shopping-report and ACCAN, 2017b. *ACCAN's Disability Mystery Shopping report 2017,* available: https://accan.org.au/media-centre/hot-issues/1426-disability-mystery-shopping-blog-2017

warned by the Australian Communications and Media Authority (ACMA)[42] for failing to provide information about products and services suitable to the needs of people with disability. Telecommunications providers are required to provide this information under the industry's consumer protection rules. If this information is not offered by providers, and is also not made available in accessible online formats, consumers may be left to buy products before determining if they will meet their accessibility needs.[43] Not having accessible information about available technology or forms of assistance violates the general obligations outlined by the CRPD.[44] Furthermore, many consumers with disability will be unable to afford this approach – and nor should they have to bear this financial burden.

Recommendation 9: As proposed by the AHRC, 'Standards Australia should develop an Australian Standard or Technical Specification that covers the provision of accessible information, instructional and training materials to accompany consumer goods, in consultation with people with disability and other interested parties'.[45]

Information must always be made available in multiple accessible formats. Content, including any iconography, must be clear and easy to understand and must be provided in a range of accessible formats, including Easy English, Auslan resources, plain English, braille and large print. Written information must also be provided in a range of community languages, including languages commonly used by Aboriginal and Torres Strait Islanders. As outlined above, audio-visual information must also be made accessible through the provision of English to Auslan interpretation, captioning and audio description.

2.2.4. Article 30 – Participation in cultural life, recreation, leisure and sport

States Parties that have ratified the CRPD must take measures to ensure people with disability have access to television programs and other cultural activities in accessible formats.[46] As outlined above, emergency information broadcast on television is not always accessible to people with disability. In fact, television programs more generally are often inaccessible to people with disability – unequal access is pervasive when it comes to broadcast television and video on demand services.

Although captions were first introduced in 1982,[47] these were initially restricted in their scope and availability. While limits have been increased over time, quotas for captioning on free-to-air and subscription television remain, and there is no requirement for captions to be made available on catch up TV services. Similarly, advocates from the blindness community have been calling for audio description to be made available on Australian television for over 20 years. The ABC and SBS have recently been funded[48] to deliver 14 hours of audio description per week on their main channels from

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[42] ACMA, 2019. *Telcos warned about disability information failures*, available: https://www.acma.gov.au/articles/2019-03/telcos-warned-about-disability-information-failures

[43] Lazar, J and MA Stein (eds), 2017. *Disability, Human Rights, and Information Technology*, University of Pennsylvania Press, Philadelphia, p6.

[44] As articulated in article 4 of the CRPD.

[45] AHRC 2019 op cit., proposal 23.

[46] As articulated in article 30(1)(b) of the CRPD.

[47] Ellis, K, Kao, K, Peaty, G and K Locke, 2019. *Live Caption Quality Monitoring on Australian Free-to-Air Television*, Australian Communications Consumer Action Network, Sydney. Available: https://accan.org.au/our-work/research/1691-live-caption-research

[48] Fletcher, P, 2019. *Television audio description for blind and vision impaired Australians*. Media Release 16 December 2019. Available: https://minister.infrastructure.gov.au/fletcher/media-release/television-audio-description-blind-and-vision-impaired-australians

1 July 2020. This recent funding announcement comes after two audio description trials on the ABC (one in 2012 and one in 2015-16) and the convening of an Audio Description Working Group in 2017-18, which in its final report outlined three possible approaches to implementing audio description on Australian TV.[49] The funding allocation for the ABC and SBS to introduce audio description is therefore both long-awaited and very welcome. Nevertheless, by any standards it is clear that equity of access to cultural material on Australian television has not yet been realised for the blindness community, with audio description still not available on commercial free-to-air channels, and with questions remaining about the longevity of the ABC and SBS audio description offering. This is primarily due to inadequate legislative protection to address the market's failure to provide equal services to all.

Recommendation 10: The Broadcasting Services Act must be amended to mandate accessibility improvements for broadcast and catchup television. This must include 24/7 captioning on all channels, including multi-channels; the introduction of permanent audio description on all free-to-air and subscription television programming; and the introduction of English to Auslan interpreting requirements for standard programming.

The unequal access caused by the lack of audio description and the limitations placed upon captioning prevents full enjoyment of the right of people with disability to participate in cultural life, performances and services on an equal basis with others.[50] This is further limited by the fact that where accessibility features do exist, these are not guaranteed to follow the content across to other platforms. A possible solution would be an approach similar to that which was adopted in the United States through the Twenty-First Century Communications and Video Accessibility Act of 2010.[51] This Act stipulates that access features for video content must follow the content – meaning that where something is captioned on one platform (such as television), the captions must follow the content across other platforms (such as Netflix or Stan, for instance). Reforms similar to those offered by this Act must be introduced in Australia[52] and must relate to all content (including content created and made available to consumers on the internet). Such clear legislative requirements would help to ensure access features exist across all platforms (including Australian and international streaming services), to support the cultural inclusion of all people with disability in Australia.

Recommendation 11: The Broadcasting Services Act must be amended to mandate that accessibility features must follow video content across all forms of video distribution in Australia, similar to the requirement of the 21st Century Communications and Video Accessibility Act in the United States.[53]

2.3.   ACCAN's Ideal Accessible Communications Roadmap

Over the past several months, as part of ACCAN's ongoing disability inclusion and accessibility advocacy, we have sought feedback from a range of organisations supporting people with disability to identify areas of ongoing exclusion.

As part of this consultation process, we asked about the top three communications issues that were currently affecting people with disability, the top three communications issues that contributors

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[49] The 2018 final report of this working group is available:
https://www.communications.gov.au/documents/audio-description-working-group-final-report
[50] As articulated in article 30 of the CRPD.
[51] Available: https://www.gpo.gov/fdsys/pkg/BILLS-111s3304enr/pdf/BILLS-111s3304enr.pdf
[52] AHRC 2019 op cit., proposal 22.
[53] Available: https://www.fcc.gov/consumers/guides/21st-century-communications-and-video-accessibility-act-cvaa

thought would affect people with disability in the future, and suggestions for possible solutions to address these existing and anticipated communications issues. Through this broad community engagement, we received responses from 35 organisations, including Disabled Peoples Organisations (DPOs), Disability Representative Organisations (DROs), advocacy groups and disability service providers, as well as 9 individuals with disability who offered insights independently of any organisation.

The insights offered by contributors illustrate that people with disability encounter a range of barriers to equitable communications access, and there are concerns that these barriers will continue (or worsen) in the future. Contributors were concerned that without appropriate and affordable access to communications technologies, people with disability in Australia would be left unable to enjoy their human rights on an equal basis with others.[54] This observation is similar to that detailed by the AHRC in their recent Human Rights and Technology Discussion Paper, in which they refer to accessing digital technologies as an enabling right for people with disability.[55]

ACCAN is concerned by the numerous challenges and barriers that people with disability in Australia experience when engaging with various forms of communications technologies. Many of these accessibility barriers cut across different parts of the communications sector and have broader implications on the inclusion or participation of people with disability in society more generally. Most, if not all, of these accessibility barriers will require collaborative, strategic and sustained advocacy to achieve greater access and participation.

As a result of this consultation, our ongoing concerns, and in recognition of the need for shared goals, ACCAN developed the Ideal Accessible Communications Roadmap.[56] This Roadmap outlines what it would look like if all people with disability in Australia had full and equal access to all communications technologies and services. Much like the Strategy,[57] the Roadmap is an aspirational document for the sector to work towards. It offers a vision of an equitable, resilient and accessible communications sector that meets the needs of all people with disability in Australia. The Roadmap encompasses areas such as the accessibility of telecommunications services and devices, online environments, and audio-visual content; the affordability of communications technologies; and the safety and reliability of communications technologies for people with disability in Australia.

In our ongoing collaboration with the Roadmap contributors we are also developing an Action Plan. This Plan will outline what is needed by all levels of Australian society to contribute to the realisation of the shared goals outlined in the Roadmap. The Action Plan will be a living document, and the strategic actions will be revised as needed to respond to any changes in the communications or disability sectors. ACCAN and our supporters will use both the Roadmap and the Action Plan to progress and measure accessibility improvements in the communications sector. Indeed, the Roadmap and the Action Plan will act in a similar fashion to the Strategy and the proposed Targeted Action Plans.

Given the similarities between the Roadmap and Strategy, and between the Action Plan and Targeted Action Plans, ACCAN recommends that the Ideal Accessible Communications Roadmap be fully incorporated into the new Strategy. This would ensure communications is appropriately prioritised in

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[54] As explained in section 2.2 of this submission.
[55] AHRC 2019 op cit., pp148, 153.
[56] Attached as Appendix 1 for your reference, and also available on ACCAN's website here: http://accan.org.au/our-work/1765-accessible-comms-roadmap
[57] As outlined on page 4 of the position paper, 'the new Strategy is intended to be an aspirational, living document'.

the new Strategy, with a clear implementation plan. Using the Roadmap as an indicator of success for the new Strategy will help Australia move towards a fully accessible communications sector in which people with disability have equitable access to communications, supporting greater realisation of their human rights.

Recommendation 12: ACCAN's Ideal Accessible Communications Roadmap must be fully incorporated into the new Strategy to ensure the accessibility of information and communications technologies and services is a priority for the next 10 years.

3. Responses to the National Disability Strategy Stage 2 Consultation

3.1. Response to question 1

Question 1: 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?

It is ACCAN's position that accessible communications and information must be a priority within the new Strategy.[58] The recent 2019-20 bushfires and the COVID-19 pandemic alike have demonstrated the essentiality of accessible and reliable communications infrastructure, equipment and services in keeping people with disability connected and informed. These crises have also highlighted risks for people with disability who, for a range of reasons, may not be digitally connected.[59] Furthermore, the accessibility of information, communications and other services, including emergency services, is explicitly referenced in the CRPD.[60] Many people with disability, DPOs, DROs, advocacy organisations and service providers that took part in ACCAN's Ideal Accessible Communications Roadmap consultation also highlighted the importance of accessible and inclusive emergency communications, services and responses.[61]

Recommendation 13: Accessible information and communications must be a key priority for the new Strategy, with a particular focus on inclusive and reliable emergency communications, services and responses.

3.1.1. Vision

ACCAN supports the vision outlined in the position paper, and the change in terminology from 'citizens' to 'members of the community'. It is important that all people with disability who live in Australia, regardless of their citizenship status, can benefit from the policies, programs, services and supports that are developed and implemented as part of the new Strategy.

However, in reframing this vision away from citizenship and towards community, it is important that the Strategy does not lose its focus on the human rights of people with disability. The Strategy must continue to acknowledge people with disability as rights holders and must continue to reflect the obligations imposed on Australia by our ratification of the CRPD. As such, in ACCAN's view the impetus must remain on the first part of the vision statement – 'an inclusive Australian society *that enables[62]* people with disability to fulfil their potential' – this can be achieved through a range of measurable actions that actively support and uphold the rights of people with disability in Australia. As outlined

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[58] The AHRC made a similar proposal in their 2019 discussion paper, AHRC 2019 op cit., proposal 25.
[59] ADIA 2020 op cit.
[60] As articulated in article 9(1)(b) of the CRPD.
[61] This topic was also discussed by different speakers during the 'National Disability Strategy – Beyond 2020' webinar on 24 September 2020. Information available: https://humanrights.gov.au/about/news/webinar-national-disability-strategy-beyond-2020
[62] Emphasis added.

above, accessible digital communications technologies are a key enabler of human rights and must be adequately incorporated into the Strategy in order to achieve its overarching vision.

Recommendation 14: The new Strategy must continue to be underpinned by the CRPD and must focus on upholding the human rights of all people with disability in Australia. Furthermore, digital communications technologies and services must be recognised in the Strategy as an enabler of human rights.

3.1.2. Outcome areas

As outlined above, ACCAN strongly believes that access to accessible and affordable digital communications technologies underpins the success of all the Strategy's outcome areas.

ACCAN supports the continuation of the existing outcome areas of economic security; inclusive and accessible communities; rights protection, justice and legislation; personal and community support; learning and skills; and health and wellbeing. Although we support the continuation of these outcome areas, we reiterate our concern at the limited progress on these outcome areas that the Strategy has made to date, including in relation to communications and information accessibility. We firmly believe that more needs to be done to implement these outcome areas.[63]

It is ACCAN's hope that all future efforts and actions appropriately recognise that the Strategy's outcomes cannot be discussed or implemented in isolation.[64] The points of interconnection between each of these outcome areas speaks to their ongoing relevance, as well as the need for a clear plan of action that addresses how these outcome areas relate to each other. For instance, actions to make digital communications technologies more accessible and affordable may sit within the inclusive and accessible communities outcome area, but may also lead to successes in the learning and skills and economic security outcome areas, which may in turn lead to actions that result in greater outcomes in relation to health and wellbeing. Local, state, territory and federal governments alike must think across outcomes and must ensure that all policies, programs and services are inclusive of people with disability and the outcome areas of the Strategy.

Recommendation 15: The new Strategy must highlight the interconnections between different outcome areas, and the complementary and cross-outcome activities that will be required to improve accessibility for people with disability in Australia.

Finally, a few of ACCAN's members have queried why the 'areas of life' detailed on the new Disability Gateway website[65] do not align to the outcome areas of the Strategy. These 'areas of life' are income and finance; employment; aids and equipment; housing; transport; health and wellbeing; everyday living; education; leisure; and legal. ACCAN does not have a firm view on whether the Strategy's outcome areas and the Gateway's areas of life should align, however it would be interesting to know how the Strategy shaped the development of the Disability Gateway and what information was selected to be made available on this site. It is critical to ensure that the Strategy and the information

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[63] This aligns with feedback from other stakeholders, see: Davy, L, Fisher, KR, Wehbe, A, Purcal, C, Robinson, S, Kayess, R, and D Santos, 2019. *Review of implementation of the National Disability Strategy 2010-2020: Final report.* (SPRC Report [4/19]. Sydney: Social Policy Research Centre, UNSW Sydney. Available: https://www.dss.gov.au/sites/default/files/documents/04_2019/review-implementation-national-disability-strategy-2010-2020-final-report.pdf

[64] As mentioned by various speakers during the National Disability Strategy – Beyond 2020 webinar, op cit.

[65] Available: https://www.disabilitygateway.gov.au/

on the Disability Gateway support each other and support the rights of people with disability in Australia.

Recommendation 16: All levels of government must be able to clearly identify how the Strategy has influenced the development of any disability-specific or mainstream policies, programs and services.

3.2.   Response to question 2

Question 2: What do you think about the guiding principles proposed here?

ACCAN broadly supports the guiding principles as outlined in the position paper and appreciates that these principles complement those outlined in Article 3 of the CRPD.

In our 2010 submission to the previous Strategy, ACCAN called for a high level principle relating to the importance of affordable access to ICT and services, and highlighted the enabling role that such technologies and services play in relation to economic participation, inclusive communities and independent living.[66] As discussed above, access to digital communications technologies and services can support the enjoyment of a range of human rights. ACCAN still believes that access to affordable and accessible digital communications technologies and services is critical to 'full and effective participation and inclusion in society'.[67] This must be reflected in the guiding principles that will support the development and implementation of policies and programs relating to people with disability.

To ensure that the importance of access to digital communications technologies and services is appropriately reflected in the guiding principles, ACCAN recommends incorporating Article 9 of the CRPD into the Strategy's guiding principles. We feel this is particularly apt as one of the general principles of the CRPD is accessibility.[68] A greater focus on accessibility within the Strategy's guiding principles could help ensure a more robust understanding of the different types of accessibility that must be addressed in the development of policies and programs in Australia. Exploring accessibility in more detail through a guiding principle could help expand narrow societal understandings of accessibility from that of the physical accessibility of built environments such as workplaces, schools and restaurants, to also consider the accessibility of different types of services provided to the public and the accessibility of digital communications technologies and systems.[69]

Recommendation 17: Article 9 of the CRPD must be included as a separate guiding principle to embed a broad and inclusive understanding of accessibility into the new Strategy.

Relating to accessibility, the new Strategy must continue to view 'the concept of Universal Design as an underlying approach that should inform solutions to all types of accessibility issues… not constrained to being a design approach only for the built environment'.[70] ACCAN argues that the guiding principles could go further than the proposed 'design universally' principle, and instead look to 'inclusive design' or 'human rights by design' when designing, developing and implementing new

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[66] ACCAN 2010 op cit.
[67] As articulated in article 3(c) of the CRPD.
[68] As articulated in article 3(f) of the CRPD.
[69] As articulated in article 9 of the CRPD.
[70] The Senate Community Affairs References Committee, 2017. *Delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities,* p34.

policies and programs.[71] This could further reinforce the guiding principle of 'involve and engage' to ensure that people with disability are involved at all stages of the design, development and implementation of policies, programs and services. People with disability could also provide inclusive design training to different sectors and could support the development and implementation of accreditation programs to ensure that inclusively designed products and services across all industries are marketed appropriately. Inclusive design also has the benefit of helping to 'address barriers faced by priority populations', which is another important guiding principle outlined in the position paper.

Recommendation 18: The Strategy must be updated to reflect different types of design: universal design, inclusive design, human rights by design – to ensure that the terminology used in this document appropriately reflects the expectations of the community, the non-government sector and governments.

3.3. Response to question 3

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?

ACCAN agrees that changing community attitudes is important to overcoming barriers to full participation in society and full enjoyment of human rights for people with disability. Community attitudes can be changed in different ways and through varying approaches – at a personal level, at an organisational level, and at a structural level.[72] While ACCAN supports the notion that all levels of government and all parts of the community share a responsibility for removing barriers, including attitudinal barriers, so that people with disability can fully participate in Australian society,[73] the impact of government action must not be overlooked.

Government action targeting structural barriers is essential to improving community attitudes towards people with disability. For instance, people with disability have lower employment rates than people without disability, and employers can be reluctant to employ people with disability.[74] The cost of workplace modifications that may be involved in employing someone with disability may make some employers hesitant to employ people with disability.[75] Governments could help address these concerns and shift attitudes towards people with disability in employment by implementing a whole of government public procurement policy relating to accessible information and communications technologies and systems.[76] As recommended above in recommendation 3, this would involve implementing an existing standard regarding accessible ICT procurement. Implementing this standard would improve the base level accessibility of ICT in the public sector and reduce the adjustments required to employ people with disability who have ICT-related accessibility requirements. This would not only support economic security and employment outcomes for people with disability but could also influence the attitudes of others employed in the public sector through their interpersonal

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[71] As discussed at length in the Human Rights and Technology Discussion Paper. AHRC 2019 op cit., pp170-180.

[72] Thompson, D, Fisher, KR, Purcal, C, Deeming, C, and P Sawrikar, 2011. *Community attitudes to people with disability: Scoping project*, Occasional Paper No. 39, Social Policy Research Centre, Disability Studies and Research Centre, University of New South Wales. Available: https://www.dss.gov.au/sites/default/files/documents/05_2012/39_community_attitudes_to_disability_accessible.pdf

[73] As outlined on p7 of the position paper.

[74] Fisher, KR and C Purcal, 2017. 'Policies to change attitudes to people with disabilities', vol 19 (2), *Scandinavian Journal of Disability Research*, p168.

[75] Ibid.

[76] G3ict 2020 op cit.

relationships with people with disability at work. It would also help to expand the marketplace of accessible ICT products in Australia,[77] which would mean accessible ICT may be more available to (and affordable for) people with disability in their professional and personal lives.

The resources that all levels of government have at their disposal can and must be used to improve community attitudes towards people with disability. Through structural changes, such as implementing pre-existing Standards, monitoring compliance, and ensuring legislation and policies are inclusive of people with disability, governments can support organisational and personal shifts in attitudes toward disability in the broader community. As such, the new Strategy must clearly articulate the different roles that all levels of government, the private sector and non-government organisations have in leading by example to change community attitudes about disability.

Recommendation 19: All levels of government must ensure all legislation and policies are inclusive of people with disability, and must model good practice inclusivity to the non-government and private sectors.

3.4.   Response to question 4

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?

Although the previous Strategy aimed to 'overcome the current siloing of disability policy within disability-specific areas within governments,'[78] this has not been achieved in practice.[79] If the Strategy and associated documents (such as the Targeted Action Plans) fail to clearly outline who owns different actions, and how cross-agency actions will occur, ACCAN is concerned that limited progress will be made toward the outcome areas and things will remain largely the same for people with disability in Australia.

More must be done to ensure the new Strategy is embedded across all government departments, at all levels of government. In outlining the responsibilities of different governments, the Strategy must recognise that people with disability are not a homogenous group whose needs sit neatly in the disability policy arena.[80] People with disability must be recognised in policies, programs and services that sit outside the Strategy and the department responsible for developing the Strategy.[81] This would establish a more intersectional lens, would recognise and celebrate diversity, and would help ensure that people with disability don't fall through the gaps in services, programs or policies. Furthermore, by describing the roles and obligations of different government departments people with disability will have a better understanding of who has responsibility for the supports and services they need. This clear articulation of roles and responsibilities could support them to seek redress or support where their needs have not been met. It could also help support local initiatives by clearly outlining

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[77] ACCAN, 2011. *Submission to the Review of Access to Telecommunication Services by People with Disability, Older Australians and People Experiencing Illness: Department of Broadband, Communications and the Digital Economy*, pp44-45, available:
http://accan.org.au/files/ACCAN%20Submission%20to%20telecommunications%20access%20review%20FINAL.pdf

[78] Davy et al. 2019 op cit., p27.

[79] Ibid.

[80] This was discussed at length by different speakers (including Minister Anne Ruston, Rosemary Kayess, and Professor Anne Kavanagh) during the National Disability Strategy – Beyond 2020 webinar, op cit.

[81] As mentioned by Rosemary Kayess at the National Disability Strategy – Beyond 2020 webinar, op cit.

what actions fall to local governments and the financial commitment required to implement these activities.[82]

A whole of government, intersectional response and associated accountability mechanisms are therefore needed to ensure the Strategy is implemented across the myriad domains of a person with disability's life. An accountability mechanism to help assess cross-portfolio disability inclusion at all levels of government could function like the Parliamentary Joint Committee on Human Rights,[83] which scrutinises the compatibility of legislation with the human rights treaties that have been ratified by Australia. In relation to the Strategy, disability rights and inclusion, a committee could be established to examine legislation and policies and how they relate to people with disability. This committee would ideally be comprised of people with disability, DPOs, DROs and the AHRC.

Recommendation 20: An independent committee must be established with the main function of examining federal, state and territory legislation and policies from a disability inclusion lens. This independent committee would also have oversight of the implementation of the Strategy.

ACCAN believes it is important for the federal government to lead the work relating to the Strategy and to model the commitment it expects from state, territory and local governments. This must include modelling cross-agency and interdepartmental coordination, clearly attributing responsibility for certain actions, making dedicated funding available for the implementation of the Strategy, and for monitoring and reporting efforts. People with disability must be involved in each of these areas. This could involve creating positions in each department for people with disability to drive the Strategy at a federal level and requesting that states and territories do the same. This could ensure greater dissemination of the Strategy throughout all domains and levels of government and put greater focus on implementation activities. It could also ensure more interaction between levels of government to coordinate efforts and prevent unnecessary duplication of programs or services.

Recommendation 21: The federal government must provide leadership and guidance to ensure the Strategy is fully intersectional and embedded at every level of government. This must involve employing people with disability to drive the Strategy and liaise with state and territory governments in their implementation of the Strategy.

3.5.   Response to question 5

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.)

People with disability and community organisations, including DPOs, DROs, advocacy organisations and service providers, all have a role to play in implementing and monitoring the Strategy. These groups have long been modelling inclusion of people with disability, and their expertise must be recognised by involving them in the design, development and implementation of all parts of the Strategy – including Engagement Plans and Targeted Action Plans. The strategic, systemic advocacy of many of these organisations shows how disability issues cut across intersecting realms of life – across

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[82] Davy et al. 2019 op cit.
[83] Information about this Committee is available:
https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights and
https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny.

policy and portfolio areas, and across government and non-government sectors. This advocacy work enables people with disability and community organisations to track progress toward the full and equal enjoyment of human rights and fundamental freedoms for people with disability. People with disability, DPOs, DROs and advocacy organisations must therefore be appropriately funded to play this vital monitoring role. Similarly, the Strategy must acknowledge the role of those engaging in systemic advocacy relating to people with disability, and must recognise that collaborative work is required between governments and non-government actors to ensure that the rights of people with disability are upheld, promoted and protected by all.

Recommendation 22: The Strategy must acknowledge and include the expertise of DPOs and DROs and ensure these organisations continue to be funded.

Although some in the non-government sector already implement inclusive practices and champion the rights of people with disability, ACCAN firmly believes that government leadership is still necessary. As outlined above, governments must model inclusive practice, provide guidance and put in place appropriate funding and supports to ensure broader implementation of the Strategy. In addition to modelling inclusive practices, governments must make changes to legislation and policies to embed inclusion into everyday activities. Such changes could directly influence how governments engage with the non-government sector and could place expectations regarding inclusion and Strategy implementation on the non-government sector.

For instance, governments should embed accessibility or inclusion requirements into all government contracts.[84] The contracts entered into by all levels of government could require recipients of government funding (including disability-specific and mainstream NGOs, grant recipients, contractors and service providers) to meet minimum, mandatory accessibility standards; to set aside funding to undertake significant user testing with people with disability to ensure the accessibility of their digital and non-digital resources; and to prepare a report for their funding body on how they have implemented accessibility standards and included people with disability in their work.

Recommendation 23: All governments must embed inclusion into the standard terms and conditions of every government contract. These contracts must outline mandatory accessibility standards that the funding recipient must meet, a requirement to undertake consultation and/or user testing of digital and non-digital resources with people with disability, and a requirement to report on inclusion activities undertaken while receiving government funding.

Another government action that could embed requirements for the non-government sector to increase accessibility and inclusion is the development of a Digital Communication Technology Standard under section 31 of the Disability Discrimination Act 1992 (DDA).[85] This would help ensure stronger legal protection and prevent discrimination against people with disability in accessing digital communications technologies in Australia. Indeed, this Standard could prohibit Australian manufacturers and retailers from making or selling digital communications technologies that don't meet internationally recognised accessibility standards.

Recommendation 24: As proposed by the AHRC, 'the Attorney-General of Australia should develop a Digital Communication Technology Standard under section 31 of the Disability Discrimination Act 1992 (Cth). In developing this new Standard, the Attorney-General should consult widely, especially with people with disability and the technology sector. The proposed Standard should apply to the provision

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[84] G3ict 2020 op cit.
[85] AHRC 2019 op cit., proposal 29.

of publicly available goods, services and facilities that are primarily used for communication, including those that employ Digital Technologies such as information communication technology, virtual reality and augmented reality'.[86]

The creation of this separate Digital Communication Technology Standard could accompany broader reform to the DDA. This is particularly important given the high levels of discrimination that people with disability continue to experience in Australia and the limitations of the DDA in dealing with it.[87] The AHRC currently lacks the power to perform effective compliance monitoring and to investigate and remediate systemic discrimination against people with disability in Australia. The DDA must be reformed to assign greater powers to the AHRC to perform these activities, monitor implementation of the Strategy, and ensure the rights of people with disability are upheld in all spheres of Australian life.

Recommendation 25: Reforms to the DDA must assign greater powers to the AHRC to perform compliance monitoring and investigations into cases of systemic discrimination against people with disability or systemic failure to meet Standards.

Finally, it is important to get buy in from businesses, including small businesses, to the Strategy and to disability inclusion more broadly. Businesses have a key role to play in implementing the Strategy and making sure that people with disability have access to the mainstream services and supports they require. To play this role, however, businesses need to first understand the Strategy and their role in implementing it. ACCAN is not convinced that the previous Strategy was well understood by businesses and different industries, with reviews finding that industries were concerned about how the Strategy would disrupt their work.[88] As such, there needs to be a move away from voluntary guidelines and standards to more mandatory measures, as outlined above. Small businesses in particular must be adequately supported to make any changes required to improve their accessibility – through, for instance, the creation of local level grants for small businesses to improve the physical accessibility of their buildings, or the accessibility of their digital or non-digital content.

Recommendation 26: The Strategy must include funding and support for small businesses to make required accessibility upgrades to ensure they can provide goods and services to people with disability on an equal basis with all others.

3.6.   Response to question 6

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?

Accountability and transparency are crucial to the success of the new Strategy. ACCAN supports greater accountability and transparency for all entities – government and non-government – involved in developing and delivering policies, programs, supports and services relating to people with disability in Australia. It is essential that all those involved in implementing the Strategy make a clear and unequivocal commitment to the Strategy and are transparent about how they will enact it.

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[86] AHRC 2019 op cit., proposal 29.
[87] Drummond, S. 2018. 'It's time to strengthen our disability discrimination laws', SBS, available: https://www.sbs.com.au/topics/life/culture/article/2018/03/13/its-time-strengthen-our-disability-discrimination-laws; see also G3ict 2020 op cit.
[88] The Senate Community Affairs References Committee 2017 op cit., p72.

ACCAN agrees that public reporting is essential to ensure greater transparency and accountability. As outlined above, it is vital that people with disability are involved in monitoring the impact of different actions or approaches progressed as part of the Strategy. The Strategy and its accompanying Targeted Action Plans must be subject to rigorous oversight and must learn from the limitations of the previous Strategy, including, for instance, that reports were often outdated by the time they were published.[89] As such, an independent mechanism (such as that outlined in recommendation 20) must be given responsibility for holding governments to account, and there must be consequences for delayed reporting.

3.6.1. Reporting frequency

ACCAN believes that reporting on the Strategy's progress must be done annually by all levels of government. At a federal level, this would take the form of a report to parliament every year, to be delivered by the Prime Minister. ACCAN supports the calls of First Peoples Disability Network for this reporting mechanism to look like the Closing the Gap reporting requirements. This was also recommended by the Productivity Commission in their 2019 review of the National Disability Agreement.[90] At a state and territory level, the Premier or Chief Minister would be responsible for delivering the report to parliament. This would demonstrate that there is ownership of the Strategy at the highest level of governments,[91] and would also strengthen the vision of the Strategy for a more inclusive and responsive community. The report must be delivered around the same time every year, to ensure its information remains relevant and can be used in a timely manner.

Recommendation 27: Annual reports on the progress of the Strategy must be delivered to parliament by the Prime Minister at the federal level, and by the Premier or Chief Minister at the state and territory level.

3.6.2. Contents of the report

The reports must include analysis of progress toward the publicly available performance indicators, measurable goals and targets set as part of the Strategy[92] (and Targeted Action Plans). This should include both an annual report on what has been achieved that year, and a projected indication of whether the action to date is sufficient to meet longer term goals or targets. Reporting on activities and outcomes across the life of the Strategy will help to ensure any delays or issues are identified early and can be more easily rectified. For instance, if the outcome to be achieved at the end of the Strategy is for all government websites to meet the latest accessibility standards, each annual report must track the work that has occurred that year to ensure the outcome is met by the designated timeframe. It is not sufficient to simply report against outcome measures and acknowledge where things have not gone to plan or have not been implemented appropriately. Public reporting against the Strategy must also clearly outline what additional efforts will be taken to ensure greater progress toward those outcomes in the future. Where this occurs, the independent committee must ensure that future reports include a focus on these outcome areas to ensure that overdue or delayed actions don't get forgotten over time.

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[89] Davy et al. 2019 op cit., pp30-31.
[90] Productivity Commission, 2019, *Review of the National Disability Agreement, Study Report*, Canberra, p23. Available: https://www.pc.gov.au/inquiries/completed/disability-agreement/report/disability-agreement.pdf
[91] As mentioned by Rosemary Kayess at the National Disability Strategy – Beyond 2020 webinar, op cit.
[92] As recommended by the Senate Community Affairs References Committee 2017 op cit.

Recommendation 28: The independent committee with oversight of the Strategy's implementation (mentioned in recommendation 20) must have the remit to request additional information from stakeholders on progress towards outcomes and performance indicators.

A nationally consistent reporting framework must be used to ensure the information provided by governments is as useful and comparable as possible. The reports provided by all levels of government must ensure data is disaggregated so that the community can ascertain what progress has been made in which parts of the country, or in which government departments. This could be done in a similar way to Disability Inclusion Action Plans, whereby those with responsibility for different actions report on what progress has been made in that area. Dedicated staff members in each department and level of government could also assist in the reporting processes.

ACCAN recommends that the following measures be included in the Strategy to be reported against annually:

- Proportion of people with disability regularly using the internet.
- Proportion of people with disability using home broadband compared to other forms of internet.
- Proportion of people with disability using telehealth or online disability services.
- Proportion of income people with disability spend on internet and phone services.
- Proportion of people with disability who have access to their preferred accessible telephone service at home and at their place of work.
- Proportion of television shows available with audio description and closed captioning.

Data relating to the digital inclusion of people with disability in Australia must also be included in the Strategy, and must be disaggregated by state and territory, as well as technology type. This data is already captured by the Australian Digital Inclusion Index, however a commitment to improving this measure must be made in the Strategy to signify the importance of digital inclusion to the success of the other outcome areas. This could be similar to how digital inclusion is included in the National Agreement on Closing the Gap,[93] and could accompany a whole of government National Digital Inclusion Roadmap.[94]

Recommendation 29: The Strategy must report against measures relating to the accessibility and use of digital communications technologies (including internet and phone services), rates of digital inclusion, and the use of accessibility features on audio-visual content.

3.7.   Response to question 7

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)?

The 2019 review of the Strategy found that being responsive to the feedback of people with disability about what actions and policy areas to focus on, and having annual areas of focus could increase

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[93] Department of the Prime Minister and Cabinet, 2020. National Agreement on Closing the Gap, DPM&C, Australian Government, Canberra, p36, available:
https://www.closingthegap.gov.au/sites/default/files/files/national-agreement-ctg.pdf
[94] ADIA 2020 op cit.

momentum and improve the responsiveness of the Strategy.[95] It is therefore crucial that people with disability are involved in the design, development and implementation of Targeted Action Plans. These Targeted Action Plans must address gaps in implementation[96] and prioritise areas identified as important by people with disability and their representative organisations. To address these gaps appropriately, Targeted Action Plans must not be limited to one outcome area and must instead work across the different outcome areas of the Strategy as necessary. It is important that these actions also relate to mainstream services, policies and programs.[97]

ACCAN is hopeful that the development and implementation of Targeted Action Plans will support the Strategy and lead to demonstrable improvements in each of the outcome areas and more broadly in the lives of people with disability in Australia. We support this action-oriented approach to guide the efforts of governments and all other sectors. ACCAN believes that Targeted Action Plans that are updated to incorporate changes in legislation, policies or programs as necessary will allow the opportunity for iterative work that builds on previous action items, to ensure progress is not only made but sustained over time.

As mentioned above, ACCAN has embarked on a similar process through the development of the Ideal Accessible Communications Roadmap and its accompanying Action Plan. To support the work of the Strategy and the development of Targeted Action Plans, ACCAN presents some of the actions from our Plan in Appendix 2. We would welcome governments using these actions as a starting point for further consultation and to inform the development of one of the first Targeted Action Plans. ACCAN recommends that the government prioritise this focus area, particularly given that the AHRC proposed in its 2019 Human Rights and Technology Discussion Paper that the Disability Reform Council should 'include policy action to improve access to digital and other technologies for people with disability as a priority in the next National Disability Strategy'.[98]

Recommendation 30: One of the first Targeted Action Plans must relate to the enabling role of digital communications technologies and should include the actions listed in Appendix 2 of this submission.

3.8.   Response to question 8

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?

It is vital that diverse voices and experiences are included in the development of policies, plans, and programs. ACCAN's recent consultation to develop the Ideal Accessible Communications Roadmap and accompanying Action Plan is a clear example of the benefits to be gained through meaningfully engaging with the disability community. The utility and effectiveness of the Roadmap is due to the valuable input of a diverse group of people with disability, DPOs, DROs, advocacy organisations and service providers. By drawing on the current and anticipated communications experiences of a diverse range of people with disability, the Roadmap is able to provide a more comprehensive picture of what an accessible communications sector would look like for all people in Australia. This, in turn, allowed the development of a more inclusive and responsive Action Plan. As such, ACCAN echoes the findings

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[95] Davy et al. 2019 op cit., pp3-4, 30.
[96] G3ict 2020 op cit.
[97] Productivity Commission 2019 op cit., p102.
[98] AHRC 2019 op cit., p176.

of previous reviews of the Strategy, namely that it is important that people with disability are involved at all levels of policy design and implementation.[99]

ACCAN agrees that people with disability must play an active role in the design, development, implementation and monitoring of the new Strategy and any associated Engagement or Action Plans. Furthermore, people with disability must be involved in all future policy, program or service development and implementation. This would support Australia to meet its obligations to 'closely consult with and actively involve persons with disabilities'[100] in the development and implementation of legislation, policies and other decision-making processes relating to people with disability (which as outlined above, cuts across portfolios and policy areas). A commitment to an Engagement Plan must therefore be made by all governments and must appropriately acknowledge the importance of engaging with people with disability, DPOs, DROs and advocacy organisations at the local, state, territory, and federal levels.

Recommendation 31: People with disability, DPOs, DROs and advocacy organisations must be meaningfully involved in the design, development, implementation and monitoring of legislation, policies, projects, programs and services relating to people with disability in Australia.

It is, however, important to ensure that Engagement Plans are implemented appropriately and that all stakeholders have shared expectations of what is meant by 'engagement' and other associated terms. Coming to a common understanding of terms like 'engagement', 'co-design', 'participate' and 'consultation' would help to ensure all stakeholders know what is required of them. Clearly defining these terms and setting expectations may also help prevent tokenistic 'consultation' in which the lived experiences and expert advice of people with disability and their representative bodies are not meaningfully included in resulting policies, programs or services.

Recommendation 32: Terms relating to engagement must be clearly defined in the Strategy so that all stakeholders have shared expectations of what 'engagement' or 'consultation' will entail.

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[99] Davy et al. 2019 op cit., p2.
[100] As articulated in article 4.3 of the CRPD.

4. Conclusion

ACCAN would like to again thank the Department for the opportunity to provide a submission to this important consultation.

As we've argued in our submission, ACCAN strongly believes that the human rights of people with disability must be prioritised in every part of the Strategy, and that the role of digital communications technology as an enabler of these rights must not be overlooked. Accessible and affordable digital communications technologies are closely intertwined with each of the outcome areas of the current Strategy, and we believe that these technologies will be crucial to the successful implementation of the next Strategy's initiatives, policies and programs over the coming decade. Embedding accessible digital technologies within the Strategy from the start will futureproof this document and encourage innovation, and will support Australia to promote and protect the human rights of people with disability across policy portfolios.

ACCAN welcomes any further discussion about the points we have raised in our submission and are keen to assist with the implementation of any of our recommendations.

5. Appendix 1: Ideal Accessible Communications in Australia

About this document

This document brings together the initial insights of 35 organisations (including Disabled Peoples Organisations, advocacy groups and disability service providers) and 9 individuals about accessible communications. This feedback was provided between December 2019 and February 2020.

Our hope is that this document will be used by organisations and individuals working to create an accessible communications sector in Australia. This document outlines shared goals to work towards. We believe that achieving each of these shared goals would lead to a fully accessible communications sector in Australia. For this reason, this document should be read by prefacing each bullet point with the phrase 'in an accessible Australia'.

This document could be used as a state, territory or federal election policy platform. It could also be used by civil society to monitor Australian implementation of the Convention on the Rights of Persons with Disabilities.

Our hope is that this document will be used alongside related 'solutions' documents. Using these documents together will help track progress towards the ideal accessible communications landscape, plan advocacy efforts, or realign strategies.

Ideal accessible communications

An ideal accessible communications sector is one in which there are no barriers. People with disability and accessibility needs would have full and equal access to all communications technologies and services. This is in contrast to 'communication access' which refers to interpersonal interactions.

This document views accessibility broadly. We aim to incorporate the experiences and needs of all people with accessibility needs. This includes older people and people with disability from diverse backgrounds, including Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse backgrounds. We also consider the accessibility needs of people living in rural, regional and remote areas, and those of people experiencing homelessness.

This document considers the communications sector in a comprehensive and inclusive manner. We recognise that increasing convergence means that the category of 'communications' is very broad. In this document we use 'communications' to refer to telecommunications, communications technologies, online services, and broadcasting. This document will be updated periodically to reflect changes in communications technology and options.

5.1. Inclusive telco services

5.1.1. Accessibility of information, plans and contracts

In an accessible Australia:

- All consumers would have free access to information about plans, devices, contracts etc. in a range of accessible formats (such as Easy English, plain English, braille, large print and Auslan resources) to suit their needs.
- At a bare minimum, all public documentation for consumers related to phone and internet services would be available in plain language and key documents would be available in Easy English.
- All consumers would have free access to capacity building programs (provided across a range of accessible channels, including online, face-to-face, telephone and live-chat) that would assist them to set up and get the most out of their communications devices and plans.
- All consumers, particularly older consumers and consumers with disability, would have access to impartial information and any support they require to make a decision about communications technology purchases. The Accessible Telecoms project would be sustainably funded to continue providing this vital information.
- Telco and internet providers would have transparent accessibility policies to which they are held accountable.
- Consumers would be able to request information, plans, contracts, bills etc. in their preferred method and providers would honour this without charging any additional fees.
- All telcos would provide free directory assistance for customers with print, intellectual or physical disability.

5.1.2. Customer service

In an accessible Australia:

- All telco and internet provider call centre, customer service and frontline staff would be disability aware and would be trained in how to confidently and competently support all consumers with disability or accessibility needs.
- All telco and internet provider call centre, customer service and frontline staff would also receive specific Communication Access training. These staff would be trained in how to communicate in a clear, unambiguous and easy-to-understand manner. They would know how to interact with people with communication disability, actively listen to the person and take time to ensure they understood what was being discussed.
- All telco and internet provider customer service and frontline staff would have a basic understanding of the accessibility features of the devices they sell and how to activate them. In instances where this information and support is required, it would be provided free of charge.

5.1.3. The National Relay Service (NRS)

In an accessible Australia:

- All NRS call options would be available 24/7, would be of high quality and would meet the needs of all NRS users, including the option to be called through the NRS via a direct line.
- The NRS would be resourced to provide suitable call options for people with multiple accessibility needs, such as people who are Deafblind.
- Training and ongoing support would be freely available for all existing and new NRS users who require assistance.
- All businesses and government services would be trained in how to use the NRS, including how to make and accept NRS calls, and would welcome and promote the use of the NRS to their customers.
- All NRS staff would be trained in communication access and would be able to confidently support NRS users with communication disability (not related to hearing loss).
- There would be standards and monitoring around the use of real-time captions for NRS services created using automated speech recognition software in communications technology.

5.2. Safe and reliable communications technologies

5.2.1. Resilient services

In an accessible Australia:

- Accessible communications services would be recognised as essential.
- All communications services would be resilient and reliable across Australia, including in regional, rural and remote areas.

5.2.2. Emergency services

In an accessible Australia:

- Next generation emergency call service options would be freely available. This would include options to direct text, instant message, web or video call Triple Zero. These options would meet and exceed international best practices.
- Information about the use and resiliency of the emergency call service would be available to all consumers in a range of accessible formats.
- Appropriate backups and network resiliency would support all consumers to effectively contact the emergency call service as needed during power outages. This would include the provision of subsidised accessible powerbank services for mobile phones to those who need it.

5.2.3. Health and wellbeing

In an accessible Australia:

- Priority assistance services would be offered by all telco providers at no extra cost. There would be a broader eligibility for priority assistance to recognise that some people with disability and older people may be heavily reliant on connected communications devices.
- The role of communications technology in relation to health and wellbeing would be better understood, particularly in relation to the need for ongoing connection and reliable services for health professionals and their patients.
- Telehealth services would be well funded and would be delivered through reliable infrastructure. This would support service delivery by allied health professionals such as dietitians, speech pathologists, psychologists and physiotherapists and other health professionals by allowing a wider range of interventions and assistance to be offered (for instance, supporting the use of apps to monitor physical activity, or using digital communications technologies to learn how to prepare food).
    - This would include sufficient funds for expert support and supervision of allied health professionals.
    - This would also include training and information for health professionals in how to deliver telehealth services via video remote interpreting.
- Connected devices and greater interoperability and connectivity would reduce social isolation and improve the wellbeing of older people and people with disability.

5.2.4. Scam protection and cyber security

In an accessible Australia:

- Protections would be in place to ensure that scams do not disproportionately impact older people, people with disability, children or people from culturally and linguistically diverse backgrounds.
- All connected devices would be designed according to secure by design principles to ensure maximum privacy for consumers. This would be regulated and subject to independent oversight.

5.3. Accessibility of devices

In an accessible Australia:

- Communications devices and devices that facilitate communications, such as mobile phones, landline phones, tablets, computers and modems, would be inclusive by design and would meet the highest standards of accessibility. These devices would be accessible straight out of the box and people with disability would not need assistance in setting them up.
- People with disability would be involved in the design of communications devices from the earliest stages to ensure these devices appropriately meet the needs of people with varied

accessibility needs. People with disability would be appropriately remunerated for their involvement in this extensive user testing.

- Accessibility and universal design would form part of the mandatory curriculum for tertiary and vocational education courses relevant to science, technology, engineering, design or procurement. People with accessibility needs would be involved in the development and delivery of any such course content.

- The Universal Service Guarantee and enforceable Australian accessibility standards would ensure all products, devices and services are inclusive and accessible for people with disability and accessibility needs. Clear compliance processes would be in place between the public and private sector, both domestically and internationally.

- There would be a whole of government adherence to the updated Australian Standard AS EN 301 549, Accessibility requirements suitable for public procurement of ICT products and services. Regulatory oversight mechanisms would monitor adherence to this standard.

5.4.   Affordable communications technology

In an accessible Australia:

- Accessible devices would be more affordable, due to increased public procurement of accessible information and communications technology. This would include the support of the NDIA through their procurement processes.

- Mainstream communications technology and devices would be available for loan through local libraries, or through no interest loans for people who have accessibility needs. Subsidies would also be available to support people with disability and older people to access secure by design connected devices. Such subsidies would have low barriers to entry (e.g. simple and easy to understand forms).

- Mobile and broadband plans would be more affordable for those on low incomes. Internet subsidies would be available for those on the Disability Support Pension or Age Pension (or income support payments generally). Such subsidies would have low barriers to entry (e.g. simple and easy to understand forms).

- Installation and update costs for devices and services would be subsidised or completely covered by industry.

- The funding for mainstream and assistive communications technologies through the NDIS and My Aged Care would be predictable and transparent.
    - In particular, assistive communications technologies would be easier to access through the NDIS and My Aged Care schemes, and people would automatically receive free training on how to use these alongside existing assistive or mainstream communications technologies.

- All consumers would understand what they are paying for in terms of internet, mobile and landline phone coverage, and would be empowered to seek compensation where their service terms were not being met.

5.5. Inclusive online environments

5.5.1. Web accessibility

In an accessible Australia:

- All websites and apps would comply with the highest WCAG standards, and compliance would be routinely monitored. This would include all government websites and apps, as well as all programs, agencies and organisations receiving government funding.
- People with disability (including intellectual disability and people with low literacy) would be actively involved in the development of all apps and websites and in performing user testing to guarantee high standards of accessibility. People with disability would be appropriately remunerated for their involvement in this extensive user testing.
- Web accessibility requirements would be incorporated into the terms and contracts of government grants.
    - For instance, all programs, agencies or organisations receiving government funding would be required to set aside sufficient funds to undertake significant user testing with people with disability to ensure the accessibility of their resources (including their websites and apps). This would include a broad range of people, with a focus on those who typically are not involved in such testing, such as people with intellectual disability and people with communication disability.
- All procurement staff would be trained and fully aware of all accessibility legal frameworks and relevant standards. Adherence to these frameworks and standards would be monitored by sufficient regulatory oversight. People with disability would be employed within both public procurement teams and regulatory bodies to provide an additional layer of accessibility expertise.
- Standards would be developed to ensure online information is provided in a comprehensible and easy-to-understand manner, including via Auslan and Easy English translations. Accessible versions and translations would be provided at the same time as English content.

5.5.2. Digital inclusion training

In an accessible Australia:

- Free, formal training programs would be available to help bridge the digital divide. These would be tailored specifically to meet the diverse accessibility and information needs of all people with disability, including older people with disability.
- Peer education opportunities would be available to teach consumers a range of digital skills. These opportunities would either be funded through the NDIS or would be expanded versions of existing, mainstream digital inclusion programs.

5.5.3. Digital choice

In an accessible Australia:

- All consumers would be afforded full choice and control regarding what services they access in person and what they access online.
    - For instance, consumers would not be forced to apply for a new ID card online if it were more accessible for them to do this in person.
- All consumers would be given choice and control regarding which services and technologies they use. All consumers would be actively supported to transition to new communications technologies where such need arose, with compensation, long lead times and extensive training opportunities provided for any forced transitions.

5.6. Accessible audio-visual content

In an accessible Australia:

- Audio description and captioning would both be available 24/7 on every TV channel (main channels and multi-channels) as well as on online platforms, such as streaming sites, YouTube, and social media videos.
- Auslan interpretation would be provided on every TV channel (main channels, multi-channels, and online platforms).
- Auslan interpretation for emergency announcements and news programs would be mandated under specific legislation (including rebroadcasts of these announcements and programs on different platforms such as streaming services or social media sites).
- There would be a national task force with responsibility for accessible broadcasting, including legislation and associated accessibility policies and procedures for broadcasters to implement.
    - This task force would be comprised of people with disability, communications accessibility experts and providers, and audio-visual content developers and providers.
- Broadcasters would be required to perform regular quality assessments of the accessibility features provided on their channels. This would include live or auto captioning.
- All programs, agencies or organisations receiving government funding would be required to provide captioning, audio description and Auslan versions of all AV materials produced.
    - Specific funding would be made available to facilitate smaller businesses or not-for-profit organisations to meet this requirement.
    - Contractual agreements would stipulate that accessible AV resources must be made available within a prearranged time frame, with clear consequences of noncompliance outlined in contracts.
- Cinemas would routinely screen films with accessible features and would make information about such screenings available in a range of accessible digital and non-digital formats. Cinemas would also keep up to date with international developments in the delivery of accessibility features for all films.
- Advertisers would be required to fully caption their advertisements to ensure that people who rely on captions do not miss out on advertising information.

5.7.   General accessibility

In an accessible Australia:

- Accessibility and inclusion would be embedded in government culture and the broader Australian culture and would be viewed as a metric to report against and improve upon each year.
- Transport services, such as trains, buses and planes, would feature accessible announcements (including visual and audio) to ensure all people have sufficient information about where they are and what's going on with any delays or changes.
- Auslan interpreters and other communication supports (including independent advocates and communication tools) would be readily available and sufficiently funded.
- Real-time transcription would be readily available in a range of settings to ensure people have access to all the information they require.
- Information would be provided in fully accessible digital and non-digital formats in all instances.
- Community meetings regarding emergency situations would be entirely accessible, including the provision of hearing loops, Auslan interpreters and live-captioning, as well as audio-described videos and information available in Easy English, braille, large print and a range of other languages.
- The NDIS would ensure all material is offered incorporating accessible communication options, as would all NDIS providers providing supports to participants.
- In order to fully embed accessibility across the board, the Disability Discrimination Act must be strengthened. This should also include accessibility for digital inclusion too.

5.8.   Contributors and supporters

This document was written by the Australian Communications Consumer Action Network (ACCAN). Contributors to and supporters of this document include:

- Able Australia
- Advocacy for Inclusion
- ADA Australia
- Allied Health Professions Australia
- AQA Victoria
- Australian Sign Language Interpreters' Association
- Autism SA
- Blind Citizens Australia
- Centre for Inclusive Design
- Combined Pensioners & Superannuants Association
- Deaf Australia
- Deaf Services
- Deafblind Australia
- Deafness Forum of Australia

- Deborah Fullwood
- [Dietitians Association of Australia](#)
- [Grampians disAbility Advocacy](#)
- [Limbs 4 Life](#)
- [People with Disability Australia](#)
- [Physical Disability Council of NSW](#)
- [Pinarc Disability Support](#)
- [Scope Australia](#)
- [Senses Australia](#)
- [Speech Pathology Australia](#)
- [Stroke Foundation](#)
- [Technical Solutions Australia](#)
- [Technology for Ageing and Disability WA](#)
- [The Deaf Society](#)
- [Vision 2020 Australia](#)
- [Youth Disability Advocacy Service](#)

6. Appendix 2: Government-focused Action Plan

6.1. Inclusive telco services

Strategic action	Timeframe	Government responsible
Officially recognise communications connectivity as an essential, basic service and human right.	Short term	Federal
Call on all telephone and internet service providers to develop Disability Inclusion Action Plans (DIAPs) through active engagement and consultation with the disability community.	Short term	Federal
Provide ongoing funding for the Accessible Telecoms project to allow the continued provision of impartial and accessible information and advice to those seeking information about the accessibility of different communications devices and accessories.	Short term	Federal
Call on NBN Co to develop and implement a policy around accessible and informative consumer education.	Short term	Federal
Call on Communications Alliance to reinstitute their disability advisory group, comprised of people with disability and accessibility needs, to offer insights based on lived experience and to monitor telco performance against accessibility policies, standards, codes and guidelines.	Short term	Federal
Ensure multiple information access points and communication channels are provided by all service providers, organisations, government agencies and so on.	Short term	Federal
Require the NRS provider Concentrix to provide all NRS services 24/7 every day of the year, and support the expansion of services to include tailored call options for consumers with intellectual disability and consumers who are Deafblind.	Short term	Federal
Re-establish a funded, standalone NRS outreach service and associated formalised community consultation regarding the NRS.	Short term	Federal
Ensure all future NRS contracts and funding arrangements require mandatory, ongoing Deaf and disability awareness and communication access training for all NRS staff. This would also include requiring NAATI certification for all NRS VROs, while monitoring its effect on workforce availabilities and the emergence of Artificial Intelligence to augment human services.	Short term	Federal
Ensure additional relay operator capacity is available for the NRS during periods of increased demand (such as natural disasters like the 2019-2020 bushfires, or the COVID-19 pandemic).	Short term	Federal

6.2. Safe and reliable communications technologies

Strategic action	Timeframe	Government responsible
Alongside industry, partner with regional, rural and remote communities to design place-based solutions to address connectivity, accessibility and reliability issues experienced in these areas.	Short term	Federal
Subsidise audio-enabled power banks that are accessible for people who are blind or have vision impairment, to ensure these mobile users retain access to communications services during power outages or emergency situations.	Short term	Federal
Work alongside emergency managers, emergency services personnel and people with disability to ensure people with disability are kept updated about any emergencies and are adequately and accessibly supported through these situations.	Short term	Federal, state and territory
Increase funding for a comprehensive suite of telehealth services, particularly in regional, rural and remote areas where consumers face long waits or extensive travel to see a GP or specialist.	Short term	Federal
Fund people with disability and not-for-profit organisations to trial and improve the accessibility of new 'real-time' health and wellbeing communications tools (such as apps and social media platforms).	Short term	Federal
Expand existing training programs to provide education about scams and security for people with disability and older people with accessibility needs.	Short term	Federal
Work alongside NBN Co and telecommunications providers to research the most accessible, reliable and resilient backup options for both fixed line and mobile services	Mid term	Federal
Implement next generation emergency call service options, including options to direct text, instant message, web or video call to the emergency call service.	Mid term	Federal

6.3. Accessibility of devices

Strategic action	Timeframe	Government responsible
Prioritise the accessibility of communications technologies in the next National Disability Strategy.	Short term	Federal
Support and implement the Australian Human Rights Commission's proposals relating to the accessibility of new and emerging technologies, including accessible communications technologies.	Short term	Federal
Alongside the Australian Human Rights Commission, call on technology manufacturers and industry representatives to embed human rights (including a human rights-based framework) into the development and use of all existing, new and emerging communications technologies.	Short term	Federal
Through the work of the Digital Transformation Agency, ensure the development of a 'whole of government ICT' blueprint (to be submitted to government by the end of 2020) is responsive to the needs of people with disability.	Short term	Federal

Strategic action	Timeframe	Government responsible
Incorporate AS EN 301 549 'Accessibility requirements suitable for public procurement of ICT products and services' into legislation to improve the accessibility of communications technologies in Australia.	Short term	Federal, state and territory
Work with industry, DPOs and accessible written information specialists to create clear, unambiguous instructions about the accessibility of communications devices, how to set them up and how to use them.	Short term	Federal
Undertake a cost benefit analysis of accessible communications technologies in Australia. This would include both hardware and software, and would include the cost to individual consumers, industry and the Australian economy.	Mid term	Federal
Require Australian manufacturers of communications devices to perform extensive user testing of devices, software, applications and platforms with a range of people with disability.	Mid term	Federal
Increase funding for in-home support and assistance setting up assistive and mainstream technology (for instance, setting up landline telephones to be used with infrared remotes so that one switch provides independent control of home phones).	Mid term	Federal

6.4.   Affordable communications technologies

Strategic action	Timeframe	Government responsible
Make necessary changes to ensure the NDIA more consistently funds communications technologies (such as iPads, for example) where these are the most appropriate technologies to meet the participant's needs.	Short term	Federal
Fund a new affordable home broadband product for consumers on income support payments.	Short term	Federal
Support academics and economists to research the cost of the digital divide (cost of being on/offline to both the individual consumer and to different levels of government).	Short term	Federal
Draft the terms of operation of a scalable accessible communications device loan scheme operated through public libraries or other community hubs.	Mid term	Federal, state and territory

6.5. Inclusive online environments

Strategic action	Timeframe	Government responsible
Develop a whole of government National Digital Inclusion Roadmap.[101]	Short term	Federal, state and territory
Ensure all government web content is fully accessible.	Short term	Federal, state and territory
Call on industry to improve the accessibility of mainstream apps and software, particularly for core categories of apps, such as those related to communications.	Short term	Federal
Incorporate web accessibility requirements into the terms, conditions and contracts of all government funded programs.	Short term	Federal, state and territory
Fund research and investment into the expansion of existing training programs to cover groups currently not covered by digital inclusion or other communications technology training opportunities (e.g. people who are Deafblind, people with communication disability, young people with disability, older people with disability, people with disability from culturally and linguistically diverse backgrounds, and people with disability in regional, rural and remote parts of Australia).	Short term	Federal
Make specific funding available to provide internet access, mobile phones, training and support to people with intellectual disability living in group homes.	Short term	State and territory
Call for mandatory curriculum topics regarding accessibility and inclusive design to be included in tertiary and vocational education courses relevant to ICT, technology, computer science, engineering, design, and digital publishing.	Mid term	Federal

6.6. Accessible audio-visual content

Strategic action	Timeframe	Government responsible
Request that the ACMA undertake monitoring of the quality of live captioned programs.	Short term	Federal
Fund research into how to improve the quality of live and automated captioning (including direct consultation with people who rely on captioning services).	Short term	Federal
Update the Broadcasting Services Act to add necessary accessibility improvements to broadcast and catchup television. This would include: - 24/7 captioning on all channels, including multi-channels.	Short term	Federal

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[101] ADIA 2020 op cit.

Strategic action	Timeframe	Government responsible
- The introduction of permanent audio description on the ABC, SBS, and channels 7, 9 and 10. - The introduction of requirements around verbalising on screen content during emergency broadcasts. - English to Auslan interpreting requirements, with separate requirements for emergency broadcasts, national announcements and standard programming. This would also provide minimum standards around framing for interpreters; interpreter certification levels and the quality of video required to ensure the best accessibility possible. - The introduction of requirements relating to Auslan presented content. - The requirement that accessibility features follow video content across platforms (e.g. where a television show that was broadcast with accessibility features is uploaded to a catchup service or social media site, the accessibility features must follow the video to this platform). - That broadcasters must demonstrate a commitment to providing and improving accessibility features as a precondition for having their broadcasting licenses renewed.		
Create a national task force (comprised of people with disability, communications accessibility experts and providers, and audio-visual content developers and providers) with responsibility for ensuring the accessibility of all audio-visual content screened in Australia.	Mid term	Federal
Fund research into the role that artificial intelligence may play in creating more accessible video content (e.g. automated captioning, automated/synthetic audio description, Auslan avatars).	Mid term	Federal

6.7. General accessibility

Strategic action	Timeframe	Government responsible
Ensure all state, territory and federal government employees receive mandatory and regular disability awareness and inclusion training.	Short term	Federal, state and territory
Reform the Disability Discrimination Act to allocate sufficient power to the Australian Human Rights Commission for them to perform more effective compliance monitoring, and to ensure that systemic discrimination against people with disability is adequately investigated and remedied.	Short term	Federal
Fund research into best practice accessible information, including digital and non-digital forms of written and interpersonal communication.	Short term	Federal
Develop relationships with global research centres and technology companies to hold forums, roundtable discussions and lightening talks	Mid term	Federal

Strategic action	Timeframe	Government responsible
etc. to help inform the general public about accessible communications technologies, technological aids and assistive tools.		
Establish an accessibility accreditation system through which organisations, businesses, agencies and other entities could market themselves as accessible for people with disability and accessibility needs.	Mid term	Federal
Develop a federal Human Rights Act to ensure broad and inclusive legislated protection of human rights, including in the development and use of new technologies (including communications technologies).	Mid term	Federal