

**CENTRE FOR  
ACCESSIBILITY**

Centre For Accessibility Australia

National Disability Strategy Position Paper:  
Submission to the Department of Social Services

28 October 2020

## About CFA Australia

The Centre For Accessibility (CFA) Australia is an award-winning disability-led not-for-profit organisation that works to promote digital access.

The digital world is an amazing resource that all of us increasingly rely on; however, the reality for people living with disability is that much of the Internet remains inaccessible. The CFA Australia coordinates several projects designed to reduce the accessibility gap and empower organisations to effectively implement accessibility.

1. We provide training for organisations and individuals looking to implement accessibility.
2. We provide website auditing services for organisations looking to access and improve their accessibility.
3. We develop free, highly accessible online resources for content creators and organisations to promote and respond to digital access.
4. We create free online resources for people with disabilities on how to use Assistive Technology. These resources will include how-to guides for Assistive Technologies (AT), product advice about AT, and a free helpdesk that provides information and assistance about AT for people with disabilities.
5. We advocate and promote the accessibility movement via our accessibility campaign. The purpose of the campaign is to empower and encourage digital content developers to implement accessibility when designing online resources.
6. We celebrate Accessibility success stories through the biannual Accessibility Awards.

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## Executive Summary

The Centre For Accessibility (CFA) Australia welcomes the additions outlined in the NDS position paper and the opportunity to provide feedback.

While the proposed NDS update provides a number of improvements over the current NDS, there is a need for a greater focus on the obligations associated with Article 9 of the UNCRPD that requires an emphasis on accessible access to the Internet and online information. CFA Australia requests that the NDS includes improved support for the inclusion of an updated standard for WCAG and the AS EN 301 549 procurement standard. CFA also calls for greater clarity on the enforcement processes of information access requirements including training, assessment and improved abilities for people with disability to raise accessibility issues.

The recommendations proposed in this response are as follows:

1. A greater focus of the NDS is placed on the implementation of Article 9 of the UNCRPD, specifically the provision of the accessibility of the internet and related online information.
2. The NDS states that all aspects of online service delivery adhere to the latest version of the World Wide Web Consortium (W3C) Web content Accessibility Guidelines to Level AA conformance. By simply stating 'the latest' guidelines instead of specifically WCAG 2.1 it will ensure that Australia is always up to date in providing accessibility guidance on current and emerging technologies.
3. The NDS focuses on the implementation of AS EN 301 549 so that there are accessible public procurement processes in place to address the current low number of people with disability employed by government.
4. Enforcement measures are put in place to ensure that the implementation of standards such as the latest version of WCAG, currently WCAG 2.1 Level AA and AS EN processes are reviewed and enforced in government and organisations connected to the delivery of disability-specific services such as NDIS service providers, including regular training and assessments of web and app content.
5. The NDS include provisions for people with disability to raise digital access issues in a supporting manner leading to issues being quickly addressed.

## 1.0 Introduction

The Centre For Accessibility (CFA) Australia acknowledges the significant work that has been undertaken by the Federal government Department of Social Services in relation to the National Disability Strategy (NDS) and the proposed position paper.

However, while the NDS has provided an important framework in national disability policy, feedback to CFA Australia indicates that there are many aspects in the NDS and current proposed revision that are unlikely to effectively address the digital

access needs of people with disability requirements needed to achieve everyday independence, nor are there effective processes to support people with disability if government does not follow its own policy requirements such as making websites and apps accessible.

This submission focuses on the proposed improvements in the NDS and recommendations to ensure that people with disability can receive independent access to digital content.

CFA Australia thanks the Department of Social Services for the opportunity to provide this feedback and welcomes the opportunity for its disability-led team to work constructively in addressing the digital access issues discussed in this response.

## 2.0 Feedback on the proposed NDS update

### 2.1 Limitations of the existing draft proposal

CFA Australia recognises the improvements outlined in the NDS update and supports all aspects that have been drafted. However, there are some areas where the Strategy requires improvement within the existing text, and others where important elements are either not currently included or are not adequately highlighted.

CFA Australia views the following issues as limitations of the current NDS draft:

1. It does not effectively ensure that content developed by government and industry will work with existing assistive technologies in accordance with international standards;
2. It does not ensure that processes within government and organisations that deliver government services such as National Disability Insurance Scheme (NDIS) service providers follow procurement requirements which in turn impacts on employment opportunities for people with disabilities; and
3. There is no significant support for people with disability to lodge complaints or have issues addressed when information is not accessible or procurement standards are not followed.

To address these points, it is first necessary to highlight the relevant section so the UNCRPD which are currently not receiving as much attention in the proposed NDS draft.

### 2.2 Focus on Article 9 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

In the current NDR draft, Article 3 of the UNCRPD is highlighted in detail which is understandably important and necessary, however, this does not effectively address the focus for online information access. CFA Australia would like a greater focus on Article 9 in relation to access to information.

Article 9, referring specifically to accessibility, states that:

“1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

b) Information, communications and other services, including electronic services and emergency services.”

In Section 2(f)-(h) it is stated that:

“f) To provide other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.”

While it is certainly clear that the revision of the NDS discuss the relevance of the UNCRPD in which Australia is a signatory, it does not in the view of CFA Australia effectively represent the acknowledgement that the Internet is an essential service and the provision of digital access is a fundamental human right. This obligation forms the basis for all other recommendations discussed in this response.

## 2.3 Universal design

CFA Australia welcomes the discussion on universal design concepts within the NDS draft update. However, it is not enough to simply look at the provision of universal access and the provision of assistive technologies at the end user level.

In order for people with disability to have effective access to information, two things must occur:

1. People with disability need to have the right assistive technology tools on the device of their choice; and
2. Digital content such as websites and apps must be designed to work with the relevant assistive technologies.

In the current draft this is discussed in broad terms, but is not tied back to Article 9 whereby the specific focus is to make information on the Internet accessible to assistive technologies.

While CFA welcomes and applauds the role of the NDIS in the provision of assistive technologies, feedback to CFA Australia confirms that the second part of the accessibility equation – to make online content accessible – is significantly lacking. As a result, people with disability are facing challenges accessing key information, including government services and information from NDIS service providers as there is no specific requirement for organisations delivering NDIS services to make their content accessible beyond the standard Australian Human Rights Commission (AHRC) guidance for all organisations.

CFA Australia recommends that the Department of Social Services consider a greater focus on Article 9 of the UNCRPD and its responsibility to focus on the provision of accessible digital content in the delivery of government information and disability-specific services provided through government funding such as the NDIS.

#### 2.4 Greater focus on the W3C Web Content Accessibility Guidelines (WCAG) Level AA compliance

For content to be made accessible, it is critical that content is built to the latest Web Content Accessibility Guidelines (WCAG) standard produced by the world wide Web Consortium (W3C). The current standard is version 2.1. Currently in Australia the policy requirement as noted in Point 9 of the Digital Transformation Agency's Digital Service Standard and in the advocacy note by the AHRC is WCAG 2.0 Level AA compliance. There are, however, several issues with this requirement.

1. The current Australian WCAG 2.0 standard is quite outdated as it does not include effective accessibility support of websites and apps on mobile devices. As such, it is recommended that the government update its policies to always follow the current version of WCAG which at the time of writing is 2.1, with 2.2 expected to be released soon
2. There is a method of enforcement of the standard which is not currently addressed in the proposed NDS update.

To address these points, CFA Australia recommends that policy updates simply refer to follow the latest version of WCAG to Level AA compliance as provided by the W3C so that Australia is always at the latest implementation level of compliance, avoiding the current issues where websites in Australia have little guidance to ensure their website works effectively on mobile devices. Given the high reliance of people with disability on mobile devices, this is of particular concern and ensuring Australia keeps up with the latest version of WCAG will address this issue.

Furthermore, CFA Australia strongly recommends that there are mandated review processes and training, either by upskilling employees in-house or external, so that there are effective processes in place to have confidence that information being provided to Australians with disability is accessible. CFA Australia has received several reports from people with disability that while the NDIS has provided the assistive technologies needed, the web as it stands in Australia, including

government services and information from NDIS service providers, is simply too inaccessible to be usable due to no enforceable requirements to follow the WCAG 2.1 standard.

The reason why enforcing Level AA of the latest WCAG standard is so critical is due to the guidelines addressing so many accessibility issues across the needs of different disability groups. The WCAG 2.1 At A Glance summarises the guidelines as follows:

#### Perceivable

- Provide **text alternatives** for non-text content.
- Provide **captions and other alternatives** for multimedia.
- Create content that can be **presented in different ways**, including by assistive technologies, without losing meaning.
- Make it easier for users to **see and hear content**.

#### Operable

- Make all functionality available from a **keyboard**.
- Give users **enough time** to read and use content.
- Do not use content that causes **seizures** or physical reactions.
- Help users **navigate and find content**.
- Make it easier to use **inputs other than keyboard**.

#### Understandable

- Make text **readable and understandable**.
- Make content appear and operate in **predictable** ways.
- Help users **avoid and correct mistakes**.

#### Robust

- Maximize **compatibility** with current and future user tools.

The effective implementation of WCAG would address most, if not all, core accessibility issues for people with disability in relation to digital content if there was an enforcement measure to ensure its implementation.

## 2.5 Procurement policies

Another aspect touched on in the NDS draft but not effectively covered in the implementation of accessible public procurement standard AS EN 301 549. While the standard has been available for use since 2016, there has been little implementation of the standard as reflected by the relatively low numbers of people



with disability in government employment. Unless equipment is accessible, people with disability will continue to have their independence compromised and have their employment opportunities reduced. CFA Australia sees the NDS update as an opportunity to provide a greater focus on the AS EN 301 549 standard and as with WCAG 2.1, put some mandatory requirements and assessment processes in place to improve employment opportunities for people with disability in government and industry.

## 2.6 Strengthening accountability

A critical part of the new NDS is its focus on Strengthening Accountability and committing to the collection of relevant data to enable effective monitoring and reporting, CFA Australia views this as one of the most important steps forward in the updated NDS.

However, it is recommended that this be separated into two aspects:

1. The enforcement of standards implementation including the latest version of WCAG at Level AA compliance and AS EN 301 549 as discussed earlier; and
2. Providing an effective complaints mechanism for people with disability that places the burden of proof on the provision of services rather than the complainant.

One of the greatest challenges faced by people with disability in relation to digital access is that lodging a complaint with the AHRC is a difficult process. It is generally the complainant's responsibility to have to prove that an organisation is not meeting the current standard of WCAG 2.0 Level AA, and that this has been the cause of the complainant's accessibility challenges. Due to no specific relevance of ICT in the Disability Discrimination Act of 1992, it falls to the advocacy note and its interpretation to form the argument. This results in the complainant needing a high degree of technical knowledge to lodge a complaint and it is likely to be a time-consuming and expensive process.

The NDS provides an opportunity for government services to create a mechanism where people with disability can challenge the denial of independence if the principles of universal access and services delivery outlined in the NDS are not met. While aspects of this are covered, the challenge currently remains unless addressed in the NDS that there is no consequence for government if the strategy is not followed people with disability are unable to access digital content. In light of the recent COVID-19 pandemic it has been acknowledged that our reliance on digital content is both essential and vital to our participation. Unless the strategy clearly articulates the need to implement the latest WCAG and AS EN 301 549 standards and enforces that requirement and puts checks in place when the end user identifies a lack of compliance, it is unlikely the strategy will move forward in this provision for online equity in practical terms.

## 2.7 Supporting of other submission

CFA Australia is a member of the Australian Communications Consumer Action Network (ACCAN) and supports ACCAN's submission which also addresses several of the issues discussed in this submission.

### 3.0 Recommendations

In response to the NDS updated draft, CFA Australia provides the following recommendations:

6. A greater focus of the NDS is placed on the implementation of Article 9 of the UNCRPD, specifically the provision of the accessibility of the internet and related online information.
7. The NDS states that all aspects of online service delivery adhere to the latest version of the World Wide Web Consortium (W3C) Web content Accessibility Guidelines to Level AA conformance. By simply stating 'the latest' guidelines instead of specifically WCAG 2.1 it will ensure that Australia is always up to date in providing accessibility guidance on current and emerging technologies.
8. The NDS focuses on the implementation of AS EN 301 549 so that there are accessible public procurement processes in place to address the current low number of people with disability employed by government.
9. Enforcement measures are put in place to ensure that the implementation of standards such as the latest version of WCAG, currently WCAG 2.1 Level AA and AS EN processes are reviewed and enforced in government and organisations connected to the delivery of disability-specific services such as NDIS service providers, including regular training and assessments of web and app content.
10. The NDS include provisions for people with disability to raise digital access issues in a supporting manner leading to issues being quickly addressed.