

**Submission by the Digital Gap Initiative
(DGI)
to the Department of Social Services (DSS) –
Consultation on the National Disability Strategy
(NDS) 2020-2030 (Stage 2)**

Date 30 October 2020

Acknowledgment of Country

The Digital Gap Initiative (DGI) acknowledges the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and culture.

About the Digital Gap Initiative (DGI)

The Digital Gap Initiative (Ltd) (DGI) is a Not-for-profit (NFP) registered as a Charity with the Australian Charities and Not-for-profit Commission (ACNC).

DGI is wholly run on a voluntary basis by members of the community who contribute their time, abilities and energy to working towards a vision of an accessible and inclusive society in Australia and the world.

To this end, DGI's strategic focus is on advocating for legal and regulatory reforms, national and international standards, public policies, programs, social strategies and new social impact thinking as systemic pathways to affirming digital accessibility as a fundamental and normative principle in our digital age.

Advocating for the principles enshrined in the Convention on the Rights of Persons with Disabilities is declared as a core object in DGI's Constitution.

Contact

Gisele Mesnage – Founder and Coordinator

Phone 02 9799 5388

Email info@digitalgap.org

Address for correspondence 233/137 Victoria St, Ashfield, NSW 2131, Australia

Responses from DGI to the National Disability Strategy 2020-2030 Stage 2 Consultation

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?

DGI Response to Q1

The Digital Gap Initiative (DGI) welcomes the opportunity to contribute a submission to the consultation on the National Disability Strategy 2020-2030.

The Imperative of the Digital Age

DGI considers that the digital transformation of our society must be the defining backdrop of the new National Disability Strategy (NDS) 2020-2030.

It is against this backdrop that the imagining of the vision, outcomes, guiding principles, targeted action plans and all other elements charted in the new Strategy must progress as we move into the third decade of the 21st Century.

The digital age presents extraordinary opportunities to create a more inclusive society.

Yet accessibility barriers and other constraints are limiting many people from fully sharing in the vibrant and universal transformation of our society.

This is the challenge for the NDS.

COVID-19 and the “New Normal”

Since Stage 1 of the NDS consultations in 2019, the intervening outbreak of the COVID-19 pandemic makes a focus on digital inclusion more so imperative because the emerging “new normal” is characterised by a transformative reliance on digital technologies and services in almost every sphere of human activity.

Indeed, a recent survey conducted by global management consultant firm McKinsey, found that responses to COVID-19 triggered a “quantum leap” in adoption of digital technologies,

which in some instances has seen a 7 to 10 years average forecast in digital transitioning fast-tracked and compacted in just a 6 months period in 2020.¹

DGI considers this phenomenon demands corresponding accelerated government action to eliminate the impediments to access and use of all forms of digital technologies and services that have long created exclusion zones for people with disability – and that the era of the “new normal” could aggravate.

The Guarantee

This action imperative can be delivered in a “Five-A digital inclusion guarantee”:

Accessibility of digital products and services

Affordability of digital products and services

Availability of services everywhere

digital **A**bility skilling (digital literacy for all and professional skilling and accreditation)

Agility to develop policy reforms to close the digital divide that keep pace with the rapid change in digital transformation.

DGI primarily advocates around the elimination of accessibility barriers. Thus, this will be the focus of our comments to these NDS consultations.

Our focus on digital accessibility does not reduce in our consciousness the importance of other factors relating to digital inclusion – or more broadly speaking to disability rights and other human rights and the aspiration of one world one humanity.

In that respect, DGI will also offer comments on new thinking for creating a fairer and more inclusive society within the scope of the NDS vision.

Accessibility

The UN Convention on the Rights of Persons with Disabilities (“CRPD” or “The Convention”) is the first human rights treaty of the twenty-first century to address access to information and communications technology (ICT).

Accessibility is one of the general principles set down in Article 3 of the Convention.

¹ McKinsey Digital and Strategy & Corporate Finance Practices, *How COVID-19 has pushed companies over the technology tipping point—and transformed business forever*, 5 Oct 2020 at <https://www.mckinsey.com/business-functions/strategy-and-corporate-finance/our-insights/how-covid-19-has-pushed-companies-over-the-technology-tipping-point-and-transformed-business-forever>

Article 9 expands on the accessibility principle listed at Article 3.

Professor Ron McCallum², a former Chair of the Committee on the Rights of Persons with Disabilities (“The UN CRPD COMMITTEE”), has commented that there is nothing “more crucial for persons with disabilities than accessibility.”

The quote from Professor Ron McCallum was cited in a recent (2020) article “Of rights and obligations: the birth of accessibility” published in the *International Journal of Human Rights*³, which posits that the accessibility norm enshrined in the CRPD imposes obligations of a positive nature never seen before in international human rights law, and that those positive obligations apply across a whole range of other rights, both civil and political as well as economic, social and cultural rights.

The NDS 2020-2030 Vision

Proposed in the position paper: “An inclusive Australian society that enables people with disability to fulfil their potential as equal members of the community.”

DGI recognises and supports the positive intent of broadening the scope of the vision statement in replacing the word “citizens” with “members of the community”.

However, DGI suggests the use of the phrase “enables people with disability to fulfil their potential” is narrow and needs a rethink within the same broadening scope.

People with disability are people first. And, in a vision of an inclusive society, disability should not be any person’s defining Identity.

And the concept of enabling a person to fulfill their potential is also narrow in the scope of furthering equality and inclusion in the community.

Here, we borrow words from a moving address to the world by an American-Chinese disability rights advocate, Aubrie Lee, to articulate our meaning.

Aubrie Lee has been described as a brilliant thinker, innovator, artist, writer, poet, and scholar.

² Wikipedia reference for “Ron McCallum”, https://en.wikipedia.org/wiki/Ron_McCallum

³ Andrea Broderick, *The International Journal of Human Rights Volume 24, 2020 - Issue 4, 13 Aug 2019* at <https://www.tandfonline.com/doi/full/10.1080/13642987.2019.1634556#top-content-scroll>

Aubrie Lee begins her appeal with the words:

“World, I have so much to tell you. The question is, are you ready to listen?”

Aubrie Lee goes on to say:

“World, I imagine a future in which you give Disabled people your respect without making us beg for it... In which we can take access for granted... In which we can get in through the front door, not just the separate-but-equal side entrance... In which we can stop telling you about our needs and start telling you about our dreams... Disabled is only one of my identities. Another is that I’m a namer by trade... A hundred years ago, someone like me could only imagine being where I am. Today, I can only imagine a world without ableism. And a hundred years from now, I want someone with my disabilities — because there will always be disabilities like mine — to imagine a world so inclusive that I, whose livelihood is made of names, do not have the words to describe it.”⁴

DGI agrees that a person’s disability (including multiple disabilities) is only one aspect of their lived experience and identity.

Contemporary ideas such as intersectionality recognise race, gender, sex, sexuality, class, ability, nationality, citizenship, religion and body type among attributes of social identity.

Taking this cue, DGI proposes that the aspirational vision be reworded to read:

“An inclusive Australian society that enables all people to live as equal members of the community.”

NDS Outcomes

Even immediately, accessibility factors impact the realisation of all six of the NDS outcomes:

1. Economic security – Accessibility barriers affect access to jobs, business opportunities volunteerism and other pursuits and financial independence.

⁴ Aubrie Lee, *The Hardest Part of Being Disabled is Being Ignored*, 20 Oct 2020 at <https://rootedinrights.org/the-hardest-part-of-being-disabled-is-being-ignored/>

2. Inclusive and accessible communities – Full inclusion in social, economic, sporting and cultural life today must also mean the elimination of accessibility barriers that prevent inclusion in virtual forms of these communal activities.
3. Rights protection justice and legislation – Accessibility Rights must be formulated across the legislative framework and subject to enforcement mechanism. New regulatory instruments need to be considered. Even the Disability Discrimination Act (DDA) 1992 is weak on enforcing digital accessibility criteria.
4. Personal and community support – Access to appropriate assistive and mainstream digital technologies and supports for personal use and social and community participation is a basic requirement for inclusion and independent living.
5. Learning and skills – Accessible e-learning platforms and computer skills training are just 2 examples of basic tools needed in the educational toolkit to meet the demands of our digital age.
6. Health and wellbeing – Accessible digital medical technologies and accessible services have a role here too, particularly with the shift to telehealth and other telepractice services.

Work and Economic Security

Whilst work is perceived essential to an individual's economic security, the market does not automatically value many types of work in society.

Many people in the community and in everyday life perform tasks and work that have zero value in the economic term but provides significant value to humanity.

Whilst employment in the traditional term is often associated with labour work or in the office, there are many ways people with disability can contribute to society outside the traditional boundary of employment that also must be valued either through volunteering and other currently non-valued type of work.

The COVID-19 Factor

When we talk about economic security, COVID-19 presented clear evidence that countries with strong government income support have been doing markedly better than countries without an economic floor; the importance of cash relief and guaranteed income becoming more prevalent.

AI and Automation Technology

Furthermore, in the next 10 years, AI and automation technology will become more mature and the application in many different industries will be more widespread.

Everyone including people with disability should be able to enjoy the fruit of human progress without being confined in the orthodox definition of work.

Economic Security Aligned with Human Value

People with disability can contribute to humanity in work that they believe in, not confined in the orthodox definition of work – only then the meaning of economic security will also align with human value – this will, in turn, contribute to stronger society, a kinder environment, healthier society, less mental health problems which in longer term will pay off by itself.

I Did It My Way

DGI notes that the National Disability Strategy identified jobs, business opportunities and financial independence as elements of the “economic security” outcome in the preceding (2010-2020) strategic plan and that this is to be carried over to the 2020-2030 strategic plan.

Business entrepreneurship and pursuits in other career paths (academia, science, sport, etc.) or volunteerism or parenthood or any other endeavours need to be supported as pathways to enabling people with disability to be what they want to be in life and to contribute to society as they so choose.

Universal Basic Income

The idea of a universal basic income (UBI) in one form or other has a long history but it is gaining renewed interest today.

Guaranteed income is not paying people to do nothing, but to do anything.

DGI does not endorse any particular economic or political philosophy but notes that UBI has proponents both in the progressive wing and also conservative wing of politics – so it may not be so surprising if in the next decade we will see more and more countries including Australia implementing UBI. It may also greatly support volunteerism and social impact work; it may also boost entrepreneurship.

McKinsey Report Identifies Basic Income as a Potential Response to Automation

Here, DGI turns to another report from the global management consultant firm McKinsey, this one published in 2018, so before COVID. It points to completed UBI trials in Canada and India, which showed no significant reduction in work hours and demonstrated increases in quality of life, healthcare, parental leave, entrepreneurialism, education, and female empowerment. The report also references ongoing and planned UBI experiments in the

United States, Uganda, Kenya, Spain, the United Kingdom, and the Netherlands as programs to watch in the years to come.⁵

So, it is a brave new world

Accessibility in a UBI World

Critically here, in citing the UBI idea, DGI is not departing one iota from its focus on accessibility.

In a UBI world, accessibility and other disability rights would remain the key for people with disability to work, volunteer, study, become business entrepreneurs or to follow whatever is their dream. So, to “do anything” they choose as a way to contribute to society.

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

DGI Response to Q2

Guiding Principles

DGI will only address here the “Design universally” principle.

DGI endorses the “Design universally” principle as such, however DGI considers that the wording of the prompt question attached to this principle in the position paper is woefully inadequate to address accessibility barriers as we move into the third decade of the 21st Century.

Lack of enforceability of this principle and Wording such as “applied where possible” demotes this “design universally” principle to a “choice”.

Furthermore, today other accessible design thinking concepts (inclusive design, human rights by design, Human Factors design etc.) inform the design discipline.

Article 9 of the CRPD

DGI acknowledges that the position paper notes that the proposed general principles are intended to complement Article 3 of the UN CRPD.

⁵ Micah Kaats, *McKinsey report identifies basic income as a potential response to automation*, 16 Jan 2018 at <https://basicincome.org/news/2018/01/international-mckinsey-report-identifies-basic-income-potential-response-automation/>

The UN CRPD provides a clearer definition of “Universal design” and Article 9 expands on the accessibility principle listed at Article 3.

Yet Article 9 is noticeably not referenced in the guiding principles or anywhere in the position paper.

General Obligations of the CRPD

Furthermore, the General Obligations of the CRPD fortify the Accessibility and other principles with undertakings by the signatories, which includes adopting all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention.

Australia’s UN Report Card

DGI notes here that the concluding observations from the UN CRPD COMMITTEE on the Report on Australia’s Review of the CRPD 2019⁶ raised concern about the insufficient harmonization of the domestic legal framework with the convention and recommended that Australia fully harmonize domestic legislation with the convention.

The UN CRPD COMMITTEE also recommended Australia take the necessary legislative and policy measures, such as public procurement criteria, to implement the full range of accessibility obligations under the Convention, including regarding Information and Communication Technology (ICT) and systems, and ensuring effective sanction measures for non-compliance.

Self-regulation

Legislative and standardisation protocols are particularly lacking in Australia when it comes to new and emerging technologies.

Self-regulation and efforts to implement accessibility based on guiding principles unfortunately do not always result in the design of suitable products or services.

Guidelines may be workable for personal use digital technologies, allowing innovations and competition.

⁶ *UN Report on Australia’s Review of the Convention on the Rights of Persons with Disability (CRPD)*, 24 Sep 2019 at <https://www.afdo.org.au/wp-content/uploads/2019/09/UN-Outcomes-Report-on-Australia.pdf>

Though even with such personal use products, legislative requirements for accessibility should be enacted.

POS Devices, Touch Screen Kiosks and Other Public-use Virtual Systems

For public use technologies and services, such as payment systems, self-service kiosks and so on, a regulated standardised approach is needed for consistency and reliability of design and user experience.

The PIN Entry Dilemma

DGI acknowledges the Australian Payments Network's (APN) 'Guidelines for Accessibility in PIN entry on touchscreen terminals'⁷ are a world-first initiative in this field.

DGI also acknowledges here the positive work that our banks are doing in using the guidelines in order to procure and produce accessible PIN entry devices.

However, despite this, as each bank or payment device manufacturer is producing in-house, the standardisation required to create a consistent accessible mode and user experience is wanting.

The tactile keypad with a predictable "dot on the 5" universal solution enabled millions of people with and without disability to enter their PIN independently in any POS terminal anywhere in the world for over three decades.

Compare this to the challenge of being confronted with the unknown of which device and which accessibility mode will be in use each time one has to use a touch screen POS terminal.

Guiding principles without the backup of legislation and standardisation will continue to result in such unintentional accessibility challenges.

⁷ Australian Payments Network, *Guidelines for Accessibility in PIN Entry on Touchscreen Terminals*, 3 Dec 2019 at <https://www.auspaynet.com.au/accessibility>

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?

DGI Response to Question 3

Community Attitudes and Community Practices

DGI acknowledges the importance of community attitudes and supports the proposal that the new Strategy must facilitate and foster ongoing attitudinal change.

However, a stronger emphasis on improving community attitudes should not be counteracted by a lesser emphasis on community practices.

Professor Karen Fisher, from the UNSW Social Research Centre, when speaking on the NDS panel on 24 September said research had identified three barriers – individual, organisational and legal structures.⁸

The CRPD recognises that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others.

In relation to “environmental barriers”, the CRPD identifies the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms.

Access to Physical and Virtual Environments

In today’s world, this translates into access to both physical and virtual environments. For example, the intersection between physical infrastructure and digital infrastructure e.g. in smart cities needs to be considered in combination.

And again, the General Obligations of the CRPD form an undertaking by the signatories to adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention.

⁸ Transcript from the NDS Webinar 24.09.2020 provided to DGI by CRE in disability and health

Attitudes and Accessibility Barriers in the Workplace

The NDS position paper references a survey re the attitudinal challenges people with disability face in the workplace.

DGI unreservedly acknowledges this factor but suggests it is not the only challenge to people with disability finding and maintaining meaningful employment.

Lack of deployment of accessible technologies significantly contributes to workplace environmental barriers.

AS EN 301 549

Here DGI notes that The 2019 report of the UN CRPD COMMITTEE also recommended Australia should enforce public procurement criteria.

Australia adopted The AS EN 301 549 'Accessibility requirements suitable for public procurement of ICT products and services' standard in 2016 but while it is cited in the Commonwealth Procurement Rules, it is not mandatory and is not imposed on the private sector.

Regulating the Private Sector

Here we again cite the article "Of rights and obligations: the birth of accessibility" we referenced earlier:

"Article 9 CRPD not only imposes widespread positive obligations on States Parties, but it also requires the private sector to take into account accessibility considerations. It has been acknowledged that Article 9 CRPD gives rise to various obligations which "will require resources and extensive systemic change." ⁹

The responsibility of upholding human rights rests with the government, and this includes governing the actions of businesses.

Attitudinal and environmental barriers in most circumstances intersect in our society and this demands that a stronger emphasis on government regulatory intervention on accessibility

⁹ Andrea Broderick, op.cit *Of rights and obligations: the birth of accessibility*, 13 Aug 2019 at <https://www.tandfonline.com/doi/full/10.1080/13642987.2019.1634556#top-content-scroll>

and other disability rights must go hand-in-hand with the proposed stronger emphasis on improving community attitudes across all outcome areas.

Do the Right Thing

For certain, DGI is completely committed to promoting ideals such as “accessibility is good for business” and other positive messages re: doing the right thing”.

But for real change to occur, a stronger emphasis must also be put on pathways to changing community practices. This can be the role of legal structures, as it has been throughout history in other realms of human interactions and is still the norm today.

Law is the Backstop

As AHRC commissioner Ed Santow so succinctly put it when addressing a question during the NDS Webinar on 24 September 2020:

“We know that the only thing that tends to work is the tried and true, and that is carrot and stick. So governments can, through the mechanisms that support the national strategy, they can provide incentives that will make it more appealing for people, in the case of technology to design and implement new technologies in ways that are truly inclusive.

They can do that through their procurement and a range of other mechanisms But ultimately, to answer your question, there has to be a backstop, the backstop is the law, that's the stick.”¹⁰

This objective must extend beyond programs to change community attitudes.

The Australian government must lift its own game by investing beyond community awareness programs. The government must use its powers to elevate accessibility and other disability rights across our legal and public policy frameworks so to generate a flow-on effect to changing community attitudes and creating greater social impact.

¹⁰ Transcript from the NDS Webinar 24.09.2020 provided to DGI by CRE in disability and health

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?

DGI Response to Q4

Equitable Access Is Not Just an Information Issue

DGI acknowledges the importance of clear information and agrees there is scope for improvement in this area, including in the provision of accessible formats. But DGI considers that the systemic inequities in disability services and schemes is the underlying problem.

NDIS and MAC

The NDS position paper states that since the last Strategy was introduced, service and support systems for people with disability have changed significantly with the introduction of the National Disability Insurance Scheme (NDIS) and disability reform across all levels of government.

But the reality is that up to 90% of people counted as living with disability in official government statistics are denied access to the NDIS.

People over 65 who have a disability are not eligible to apply for participation in the NDIS.

Providing information to people so excluded from the NDIS that they can apply for other assistance (such as My Aged Care (MAC) for those over 65), will not meet the real needs of all people with disability or produce equitable National Disability Strategy outcomes.

The delivery of more equitable disability services and realisation of the NDS outcomes will only be achieved by eliminating the iniquitous service gap between NDIS, MAC And other kindred schemes.

Streamlining services and supports under one umbrella scheme would make it easier for people with disability, regardless of age, to access the supports and services they need, and would act as an equaliser.

This cuts across all 6 of the NDS Outcomes.

Open up the NDIS and MAC Marketplace

DGI here would also like to refer to our 14 April 2020 submission to the Australian Human Rights and Equal Opportunity commission 'Human Rights and Equal Opportunity Project' ("AHRC Human Rights and Technology Project")**Error! Bookmark not defined.**, in which

DGI advanced the idea that accessible, mainstream technologies (such as the Apple iPhone) and basic tools required for inclusion in our digital age (such as desktop or laptop computers, tablets and other devices) should be included in the National Disability Insurance Scheme (NDIS).

Although as part of COVID-19 special measures NDIS participants were able to apply for a limited range of mainstream technology, the official policy is that participants can only access disability-specific Assistive Technology (AT).

MAC participants are even more limited in accessing any technology.

Access to reasonable and necessary mainstream technologies would not only be in line with accessible procurement and digital inclusion objectives, but it would promote accessibility awareness.

Indeed, providing access to the NDIS marketplace of over 450,000 participants to businesses that create accessible products, is a reward or an opportunity that would surely serve as an incentive and drive accessibility in technology.

And further, if this same policy were applied to the MAC marketplace this would serve as an additional impetus.

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.*)

DGI Response to Q5

Collaborative Role

DGI agrees the non-government sector has a collaborative role in improving outcomes for people with disability.

DGI considers governments need not do all the heavy lifting as many non-government parties including NFPs work much closer to people with disability. The investment made to the right non-government parties will yield much greater impact and generate better outcomes for people with disability.

The non-government sector especially NFPs whilst having the right vision and people are often underfunded to deliver meaningful services, hence the Strategy should not only focus on enabling funding, but also identifying these great organisations.

Businesses with their Corporate Social Responsibility (CSR) programs also can partner with NFPs in providing funding whilst NFPs will be providing the expertise, execute the work, and also formulate a better way in measuring returns from social investment – a key component that is often missing and problematic for businesses since the key vocabulary for business is (investment) return. Partnership between businesses and NFPs will be a beautiful thing in improving outcomes for people with disability.

This could also include partnerships between business and NFPs like DGI who are committed in the area of advocacy.

Advocacy NFPs in the disability sector have the commitment and the experience to act as a conduit for social impact reforms, but often lack the financial and practical resources to advance their cause.

DGI notes with keen interest that businesses have already made strides towards such collaborative partnerships. Examples include the Shared Values¹¹ project and the Valuable 500¹² project.

The Super Funds

One of the non-government sectors flushed with cash but to-date underwhelming in social investment is superannuation fund. There is a barrier in a form of 'sole-purpose test' i.e. the trustees managing funds solely for the benefit of the fund members' retirements, however, it is widely accepted that the sole-purpose test allows superannuation funds to invest for positive social outcomes where returns are comparable with commercial rates of return e.g. Good Super (100% investment in what-so-called impact investing) and HESTA industry super fund is committed to invest \$30 million in impact investing/social investment. If the Australian government can encourage super funds in investing in social sectors especially disability, then it will improve the chance for better outcomes for people with disability.

¹¹ <https://sharedvalue.org.au/>

¹² <https://www.thevaluable500.com>

Government Investment

DGI considers that the government also needs to target investments to support the non-government sector to drive the NDS.

This may be in the form of grants, tax and other economic incentives and subsidies, etc. Examples could include financial and practical assistance for procurement of accessible technologies and for website and apps accessibility audits and remediation; for accessibility coding and other such training programs and for innovative projects relating to accessible technologies design.

As stated in DGI's AHRC Human Rights and Technology Project submission of 14 April 2020, with appropriate awareness of the issue of accessibility and some form of regulation and control, accessibility will become a more mainstream issue for private businesses when designing and creating digital technology products and may even stimulate the local economy.¹³

As DGI finalises this NPS submission, the Infoxchange Group have released their annual Digital Technology in the Not-for-Profit Sector report for 2020.

Infoxchange Group CEO David Spriggs says given the difficulties faced this year, there couldn't be a more important time to look at how technology is helping not-for-profits continue their vital work.

"The COVID-19 pandemic has really emphasised how important it is for not-for-profits to have effective, reliable technology in place so they can keep supporting communities and making the biggest impact possible," David says. The report found that improving staff skills in the use of digital technologies and improving websites and use of communications platforms were among top priorities cited by respondents.¹⁴

Access Awards

Businesses that demonstrate initiative in providing accessible goods and services should also be acknowledged through an awards scheme.

¹³ Transcript from the NDS Webinar 24.09.2020 provided to DGI by CRE in disability and health

¹⁴ *National report finds not-for-profits unprepared for the tech challenges of COVID-19*, 29 Oct 20 at <https://www.infoxchange.org/au/news/2020/10/national-report-finds-not-profits-unprepared-tech-challenges-covid-19df>

For example, Coles supermarket has put remarkable efforts in improving accessibility of their online shopping website and across all their digital assets, including in-store. This has included an initiative for a “Quiet Hour” shopping experience to assist those on the autism spectrum.¹⁵

The Coles website won the inaugural Access Award for Corporate Website of the Year in 2019.¹⁶

The ACFID Example

The Australian aid programme takes a disability-inclusive approach and NGOs that work in development and are signatories to the ACFID code of conduct are also required to consider disability and accessibility. However for other Government entities at all levels, domestic organisations, corporations and non-government organisations including in the disability sector there can be clearer and more consistent emphasis on requiring all to have an accessible feedback mechanism for accessibility, and regular e.g. annual reporting and case-studies that explicitly consider and demonstrate progress in creating enhanced accessibility and disability inclusion, including full-time and flexible employment of people with disabilities.

Skills Shortage

The other factor here is that there is a critical lack of people trained in accessibility awareness and practical skills across all disciplines.

This means that even when government or non-government organisations want to do the right thing, there is a lack of qualified human resources to get the job done.

DGI will elaborate on this issue at Question 7 and will propose a targeted action plan aimed at remedying this skills gap.

¹⁵ Robyn Gray Lee, *“It’s a golden ticket”: Accessibility!*, refers to the “Quiet Hour” initiative, 18 Sep 2017 at <https://www.digitalgap.org/2017/09/18/its-a-golden-ticket-accessibility/>

¹⁶ *Announcing the winners of the first ever Australian Access Awards*, 13 Dec 2019 at https://www.accessibility.org.au/award-winners-2019/?mc_cid=2e9e7992d4&mc_eid=7c60c86d68

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?

DGI Response to Q6

Accountability, Measuring Outcomes and Reporting

DGI supports the proposal for an outcomes framework as a mechanism to hold governments and service providers to account for the outcomes being achieved by programs and services they are delivering to people with disability

DGI does not have a strong view on the yearly or 2-yearly reporting options, but favours staggered reporting within any period.

Individuals and community organisations experience challenges in monitoring and providing feedback on such reports in limited time frames, particularly when there are competing public reports and consultations occurring in the same time window.

Also, while it is excellent that there are more funded research centres and projects invested in social inclusion, reports tabled to parliament are not always reaching the general public or leading to concrete improvement of outcomes. Reporting needs to be provided in multiple formats and include the voices of people with disabilities.

Collecting Data

DGI recognises that data will be essential for measuring outcomes and tracking progress.

DGI supports the Council of Australian Governments (COAG) Australian Data and Digital Council move to establish a National Disability Data Asset (NDDA).

However, based on the information on the NDDA published in the position paper, DGI expresses concerns here that this dataset is too narrowly focused on service delivery rather than on an approach that also collects data and explores other research for developing policies and programs across all the NDS outcomes.

ACCAN's Ideal Accessible Communications Roadmap¹⁷ should be included into the new Strategy to ensure the accessibility of information and communications technologies and services is considered.

The Australian Network on Disability (AND) "Access and Inclusion Index"¹⁸ is a useful tool for organisations to drive access and inclusion outcomes.

The Australian Digital Inclusion Index (ADII)¹⁹ also makes a practical contribution to data collection.

The ADII measures three vital dimensions of digital inclusion: Access, Affordability, and Digital Ability.

The ADII measures the online participation of people with disability in terms of these three parameters.

A Need for Data on Accessibility Barriers

However, DGI notes here that "Access" in the ADII is measured in terms of "availability" (such as in lack of access for people living in remote areas).

DGI is concerned that accessibility as expressed in terms of technical accessibility barriers is not measured in the ADII or any other dataset.

And as a further comment here DGI is concerned that the ADII is primarily focused on internet and mobile phone usage but accessibility barriers also impact use of other technologies.

For example, DGI has long identified a lack of data for measuring accessibility barriers to other communication platforms, consumer products, public-facing new technologies (such as payment systems, touchscreen kiosks and lift control panels), technologies used in the workplace and educational settings and other examples of technologies necessary for independent living functionality in the digital age.

¹⁷ ACCAN's *Ideal Accessible Communications Roadmap a priority for the next 10 years*, at <http://accan.org.au/Ideal%20Accessible%20Communications%20Roadmap.pdf>

¹⁸ AND *Access and Inclusion Index* at <https://www.and.org.au/pages/access-inclusion-index.html>

¹⁹ *THE AUSTRALIAN DIGITAL INCLUSION INDEX*, at <https://digitalinclusionindex.org.au/the-index-report/report/>

All forms of impediments to digital inclusion must be measured to inform policies and programs.

DGI has had to strenuously explain the difference between “access” and “accessibility” when providing feedback to government and non-government consultations on digital inclusion planning.

The full social impact of technical accessibility barriers will remain on the backburner if the NDS ignores the accessibility exclusionary factor from the NDDA and other data collection practices and other research projects.

DGI returns here to one of its general comments at Question 1 of the consultation:

The action imperative can be delivered in a “Five-A digital inclusion guarantee:

Accessibility of digital products and services

Affordability of digital products and services

Availability of services everywhere

digital **A**bility skilling (digital literacy for all and professional skilling) and

Agility of the role of digital inclusion across the 6 NDS outcomes.

DGI also notes that Census 2021 and Census 2026 could be opportunities for collecting data to better inform the NDS outcomes.

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)?

DGI Response to Q7

Targeted Action Plans

DGI favours the idea of Targeted Action Plans that would allow a more intensive focus on achieving specific deliverables to drive real change within shorter timeframes.

DGI notes that the position paper states that the NDS is not intended to provide a list of initiatives governments propose to implement over the life of the new Strategy.

However, within the scope of this question on targeted action plans DGI would like to make the following single recommendation for a government initiative around accessibility skilling.

Accessibility Skilling for the Digital Age

DGI sees accessibility skilling as a prerequisite for advancing the NDS vision into the next decade.

DGI proposes the government should implement a Targeted Action Plan around accessibility training and skills towards an inclusive digital age.

As DGI identified in its response to Question 1 of this NDS guide questionnaire, accessibility factors impact the realisation of all six of the NDS outcomes.

Yet, conversely, as DGI noted in its response to Question 5, there is a critical lack of people trained in accessibility awareness and practical skills across all disciplines in our society.

This means that even when government or non-government organisations want to do the right thing and action digital inclusion policies and practices, there is a lack of qualified human resources to get the job done.

DGI considers that specialised accessibility knowledge is required to design accessible websites, apps, communication platforms, payment systems, touch screen kiosks, consumer goods etc.

And specialists also need accreditation so government and business can be confident in their skillset.

But in Australia today there is an alarming deficiency of accredited training courses in this field.

DGI submits that a Targeted Action Plan in accessibility skilling and accreditation of software engineers, ICT specialists and other digital designers and other professions would assist to close the accessibility digital gap.

Accessibility should be a module in computer studies and related courses across all secondary and tertiary curricula.

It's never too soon to teach accessibility and programs such as Code Club Australia²⁰ (free coding clubs that teach creative and computational skills to Aussie kids aged 8-15) should also be encouraged and supported to teach coding accessibility basics.

²⁰ <https://www.facebook.com/codeclubaus/>

An Opportunity for a Collaborative Plan

There is an opportunity here also to action one of the NDS's platforms on government /nongovernment collaborative roles in improving outcomes for people with disability.

DGI recently held a conversation with Iress, a financial software company who are part of a business group – consisting of Iress, Catapult, MYOB, REA Group, Seek and other companies who have called for an ICT apprenticeship scheme.²¹

And according to ACS Australia's Digital Pulse 2019 the country needs an extra 100,000 tech workers by 2024²² – and that was before COVID-19 accelerated the pace of digital transformation.

DGI considers that this business-led drive to train more ICT experts and other digital technology designers is a golden opportunity for an accessibility and digital inclusion skilling targeted plan to be incorporated into any apprenticeship or other schemes the government devises to respond to this demand.

Digital Inclusion is Not Just About ICT

In this digital age, digital accessibility is not just an ICT issue.

DGI considers that training and skilling and awareness raising in digital accessibility also need to be expanded to other disciplines, such as legal studies, financial studies, teacher training, health and medicine, media studies, sociological studies and so on.

In the field of architecture, courses should include curriculum material on such programs as the Smart Cities for All which fuses accessibility to physical and virtual environments.

Indeed, there are few areas of life in our society today that do not involve human interaction with digital elements of one form or another: the COVID-19 pandemic strikingly highlighted this phenomenon.

The world has experienced a seismic shift in remote working, remote learning and remote events in 2020.

²¹ Casey Tonkin, *Tech firms call for IT apprenticeship scheme*, 20 Aug 2020 at <https://ia.acs.org.au/article/2020/tech-firms-call-for-it-apprenticeship-scheme.html>

²² *We need more tech workers*, 5 Sep 2019 at <https://ia.acs.org.au/article/2019/we-need-more-tech-workers.html>

Even Halloween 2020 saw the marketing of virtual activities!

This means that accessibility awareness and accessibility practical skills must be actively promoted to ensure people with disability can share in all these experiences.

Ability Skilling for All

Digital Ability is one of the A's in DGI's proposed "Five-A digital inclusion guarantee" the government should deliver as part of the NDS 2020-2030 (see DGI's response at Question 1).

From DGI's viewpoint, this includes promoting digital literacy for those who lack the skills to use the digital technologies and services so essential for inclusion in today's society.

This includes in the use of both mainstream and Assistive Technologies (AT).

However, there are many people with disability today who are tech savvy.

The targeted action plan could promote the recruitment of such expertise to fill the gap in the digital skills shortage and also to act as consultants and trainers with lived experience in the field.

Funding the Targeted Action Plan

DGI considers that in an expanding digital economy the government should be able to source funding for this targeted action plan and other initiatives identified by DGI and other stakeholders for supporting digital inclusion in our society.

This Targeted Action Plan could be funded in part through the Skilling Australians Fund.²³

Adequately taxing companies that benefit from the rise of AI and the upsurge in the use of digital technology could be another source of funding for this program.

²³ *Skilling Australians Fund* at <https://www.employment.gov.au/skilling-australians-fund>

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?

DGI Response to Q8

Engagement Plan

DGI endorses the proposal that the new Strategy include an Engagement Plan that articulates governments' commitment to ensure that people with disability can actively participate in shaping future disability policies, programs and services.

To that end DGI here notes the need for a more effective reach out consultative process.

The NDS position paper states that "The success of the Strategy will ultimately depend on the actions that governments, not-for-profits and the private sector take to make real improvements to the lives of all people with disability."

DGI is wholly run on a voluntary basis by members of the community who contribute their time, abilities and energy to working towards a vision of an accessible and inclusive society in our digital age.

DGI has subscribed to receive public consultations alerts from the business.gov.au platform but, despite using the filters to identify DGI's interest areas, it's hit and miss in terms of DGI receiving the notifications most relevant to our work and receiving these with enough lead time for us to respond.

While DGI accepts it shares a responsibility in tracking opportunities for involving itself in public consultations, it is a difficult task for a volunteer organisation to stay alert to all such opportunities and maintain its regular activities.

DGI is registered with the ACNC as a NFP charity and people with disability and older persons are listed in our ACNC profile as the primary beneficiaries of our activities.

DGI suggests that to boost the involvement of the non-government sector in the NDS, it could be part of the engagement plan and consultation process to pro-actively reach out to ACNC registered NFP organisations that identify interests and purposes in the disability sector.

National Disability Strategy 2020-2030 DGI

Recommendations

The Vision and the Imagining

DGI Recommendation 1

DGI recommends that the aspirational vision statement be reworded to read:

“An inclusive Australian society that enables all people to live as equal members of the community.”

DGI Recommendation 2

DGI recommends that the digital transformation of our society must define the imagining on the vision, outcomes, guiding principles, targeted action plans and all other elements charted in the new national disability Strategy (NDS) 2020-2030.

The Imperative

DGI Recommendation 3

DGI recommends that the quantum leap in the digital transitioning ushered-in by COVID-19 demands corresponding accelerated government action to eliminate the impediments to access and use of all forms of digital technologies and services that create exclusion zones for people with disability – and that the era of the “new normal” could aggravate.

The Guarantee

DGI Recommendation 4

DGI recommends that the NDS digital inclusion action imperative can be delivered in a “Five-A digital inclusion guarantee”:

Accessibility of digital products and services

Affordability of digital products and services

Availability of services everywhere

digital **A**bility skilling (digital literacy for all and professional skilling)

Agility to develop policy reforms to close the digital divide that keep pace with the rapid change in digital transformation

The Outcomes

DGI Recommendation 5

DGI recommends the new Strategy must highlight the nexus between the realisation of the different outcome areas and actions that will be required to improve accessibility and other digital inclusion guarantees for people with disability in Australia:

1. Economic Security – DGI recommends that accessibility barriers affecting access to Jobs, business opportunities, volunteerism and other pursuits and financial independence must be addressed to achieve this outcome.
2. Inclusive and accessible communities – DGI recommends that full inclusion in social, economic, sporting and cultural life today must also mean the elimination of accessibility barriers that prevent inclusion in virtual forms of these communal activities.
3. Rights protection justice and legislation – DGI recommends accessibility Rights must be formulated across the legislative framework and subject to enforcement mechanism. New regulatory instruments need to be considered.
4. Personal and community support – DGI recommends that access to appropriate assistive and mainstream digital technologies and supports for personal use and social and community participation is a basic requirement for inclusion and independent living.
5. Learning and Skills – DGI recommends that accessible e-learning platforms and computer skills training are just 2 examples of basic tools needed in the educational toolkit to meet the demands of our digital age.
6. Health and wellbeing – DGI recommends that accessible digital medical technologies and accessible telehealth and other telepractice services must be included in this outcome.

Digital Inclusion Strategy

DGI Recommendation 6

DGI recommends that a dedicated National Digital Inclusion Strategy be developed as part of delivering on the digital inclusion guarantee within the scope of the NDS. This Strategy should reach beyond the Web Accessibility National Transition Strategy the Australian government adopted in 2010 to encompass all forms of current and emerging technologies and services.

Inclusive Education

DGI Recommendation 7

DGI recommends that Government must invest much more in making schools across the country more accessible both for physical and digital accessibility and assist schools to reduce the time lag for adapting facilities for students with disability.

Guiding Principles, Legislation and Standards

(Rights protection justice and legislation outcome)

DGI Recommendation 8

DGI recommends the next decade of NDS must go beyond “guiding principles” thinking and see Australia fully implement its obligations under the CRPD (including incorporating the CRPD into domestic law by statute).

DGI Recommendation 9

DGI recommends Australia must also enact other legal and regulatory reforms); national and international standards; public policies, programs, social strategies and other administrative and systemic measures aimed at making accessibility fundamental and normative principles for fostering an inclusive society.

These measures must be treated and promoted as positive agents for change rather than punitive or restrictive in nature.

DGI Recommendation 10

DGI recommends administrative and enforcement mechanisms must be implemented to support legal reforms. This should include the creation of an independent statutory authority similar to the US Access Board, or the extension of the portfolio and powers of the AHRC, to oversee the implementation and regulation of a digital inclusion strategy.

DGI Recommendation 11

DGI recommends that the pursuit of remedies and grievance mechanisms in any disability rights legal action must be cost-free, risk-free, simple to use and, must themselves be accessible.

DGI Recommendation 12

DGI recommends that alternative dispute resolution avenues similar as practiced by the Lainey Feingold Legal Office in the US be examined for potential implementation in Australia. This could be pursued within the scope of increased powers for the AHRC.

DGI Recommendation 13

DGI recommends that 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. This should include access to physical and virtual environments.

DGI Recommendation 14

DGI recommends that the Disability Discrimination Act 1992 should be amended to clarify its application to digital goods and services.

DGI Recommendation 15

DGI recommends that with a 10 year long approach any references on WCAG standards for accessibility must not refer to a version number. WCAG 3.0 is going to majorly change the a11y standards A, AA and AAA are on the way out. It is going to be bronze, silver and gold. This could change. The complete new WCAG accessibility framework is nothing like what the current version is.

DGI Recommendation 16

DGI recommends that accessibility compliance should be incorporated in Australian Consumer Law (ACL) and the Australian Competition and Consumer Commission (ACCC) should play an active role in overseeing accessibility-related standards compliance and enforcement.

DGI Recommendation 17

As proposed by the AHRC, DGI recommends that the Attorney-General of Australia should develop a Digital Communication Technology Standard under section 31 of the Disability Discrimination Act 1992 (Cth).

DGI Recommendation 18

DGI recommends that the Memorandum of Understanding (MoU) between the government and Standards Australia should instruct that accessibility be included in all the functions of standards Australia.

DGI Recommendation 19

DGI recommends that Standards Australia be charged by the government to adopt ISO/IEC Guide 71:2014 (Accessibility in Standards).

DGI Recommendation 20

DGI recommends that 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.

DGI Recommendation 21

DGI recommends that the government extend the obligation to meet the requirements of AS EN 301 549 'Accessibility requirements suitable for public procurement of ICT products and services' to the private sector.

Attitudinal and Environmental Barriers

(Inclusive and accessible communities outcome)

DGI Recommendation 22

DGI recommends that any stronger emphasis on improving community attitude (attitudinal barriers) must be matched with an equally stronger emphasis on improving community practices and access to digital products and services (environmental barriers).

DGI Recommendation 23

DGI recommends that the Digital Inclusion Action Plan also explore the ideas of the Smart Cities for All program to ensure the inclusion of access to the physical and virtual environments is incorporated in all cities.

Role of the Non-Government Sector

DGI Recommendation 24

DGI recommends that all government entities at all levels, domestic organisations, corporations and non-government organisations including in the disability sector should be required to have an accessible feedback mechanism for accessibility, and regular e.g. annual reports that demonstrate progress in creating enhanced accessibility and disability inclusion

DGI Recommendation 25

DGI recommends that a Government Awards Scheme be initiated to acknowledge private sector and other non- government initiatives that implement accessibility practices.

DGI Recommendation 26

DGI recommends that Businesses with their Corporate Social Responsibility (CSR) programs be encouraged to partner with NFPs. Business can provide the funding and NFP contribute their expertise in delivering services or advocacy for people with disability.

DGI Recommendation 27

DGI recommends that government encourage super funds in investing in social sectors especially disability to improve the chance for better outcomes for people with disability.

Access to Information and to Equitable Services

DGI Recommendation 28

DGI recommends that more needs to be done by way of providing information in accessible formats. This may include programs in skilling and the setting-up of production and distribution channels for accessible documents.

DGI Recommendation 29

DGI recommends that the NDIA provide an accessible budget tracking tool for self-managed participants to manage their funding.

DGI Recommendation 30

DGI recommends that streamlining the NDIS, MAC and other services and supports under one unified scheme with equal access to supports and services for all participants would make it easier for people with disability, regardless of age, to access the supports and services they need, and would act as an equaliser.

Funding, Resourcing and Productivity

DGI Recommendation 31

DGI recommends that the government establish a Digital Future Fund for Digital Inclusion to provide financial or in-kind assistance to support the non-government sector to procure accessible ICT and develop accessible online services, apps and other accessible products and services.

DGI Recommendation 32

DGI recommends that the Skilling Australians Fund be used to support the skilling for the digital age targeted action plan.

DGI Recommendation 33

DGI recommends that the NDS 2020-2030 include a funded program to support business entrepreneurship initiatives and other career pursuits chosen by people with disability.

DGI Recommendation 34

DGI Recommends that the National Disability Insurance Agency (NDIA) and My Aged Care (MAC) open up the NDIS and MAC marketplace to accessible mainstream technologies as practical measure to incentivify and drive the manufacturing of accessible-by-design design technologies.

Targeted Action Plan: Digital Skilling

DGI Recommendation 35

DGI recommends that a Digital Skilling and Accreditation plan be developed as one of the NDS's targeted action plans. Universities and technical colleges and schools need to be engaged for upskilling on digital accessibility and universal design.

DGI Recommendation 36

DGI supports moves by Iress and other business groups to have software engineer and other ITC and other digital design professions included in a National Apprenticeship and Scholarship Scheme for the digital age. However, DGI recommends that accessibility skilling be incorporated in any curriculum activities for this program.

DGI Recommendation 37

DGI recommends that the digital inclusion Targeted Action Plan in accessibility training for the digital age also extend across other disciplines such as legal studies, financial studies, sociological studies and communications studies, architecture, teacher training And so on.

DGI Recommendation 38

DGI recommends that the Skilling Australian Fund be used to support this skilling for the digital age Targeted Action Plan.

Learning and Skilling

DGI Recommendation 39

DGI recommends that opportunities to participate in this accessibility skilling for the digital age program be opened up to people with disability who can bring lived experience and knowledge to the field.

DGI Recommendation 40

DGI recommends that programs are required to teach digital literacy skills, including in the use of Assistive Technologies (AT).

Data Collection

DGI Recommendation 41

DGI recommends that accessibility be added as a factor for statistical research to the Australian Digital Inclusion Index and any other data collection surveys and research projects.

DGI Recommendation 42

DGI recommends that Census 2021 and Census 2026 be used as opportunities to gather data to inform the NDS, particularly with targeted questions on digital inclusion.

Other Recommendations

DGI Recommendation 43

DGI supports ACCAN's Ideal Accessible Communications Roadmap 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.