# Public consultations for the NDS and NDIS Outcomes Frameworks

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 outcomes for people with disability under the National Disability Strategy (the Strategy) and the National Disability Insurance Scheme (the NDIS).

As ACCAN outlined in our submission to the stage 2 consultation on the development of the new Strategy,[1] digital communications technologies can facilitate a more inclusive and accessible society. Available, affordable and accessible digital communications technologies and services are essential for people with disability to be active participants in Australian society. As such, digital communications technologies and services must be embedded in the new Strategy and in any accompanying outcomes frameworks.

The benefits of accessible and affordable digital communications technologies are complex and iterative, and cut across most (if not all) domains of a person's life. As such, each outcome area of the new Strategy and the NDIS 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,[2] referenced throughout this submission, presents a view of what the Australian communications sector would look like if it met the needs of all communications consumers with disability. This Roadmap, and the ideal end state it portrays, must also be used to shape the outcomes frameworks for both the Strategy and the NDIS. ACCAN is confident that doing so would support people with disability to be more actively involved in all aspects of Australian society – including increased rates of employment and education, and greater engagement in political, public and cultural life.

## 1.1.  List of recommendations

**Recommendation 1:** The outcomes frameworks must be underpinned by the Convention on the Rights of Persons with Disabilities (CRPD), including Articles 9, 21 and 30 in relation to accessible information and communications technologies and systems, access to information, and participation in cultural life, and must focus on upholding the human rights of all people with disability in Australia.

**Recommendation 2:** The outcomes frameworks must recognise that accessible and affordable digital communications technologies and services are essential to the success of the new Strategy and the NDIS.

**Recommendation 3:** The outcomes frameworks must recognise accessible and affordable digital communications technologies and services as enablers of improved outcomes for people with disability.

**Recommendation 4:** ACCAN's Ideal Accessible Communications Roadmap must be fully incorporated into the new Strategy and the NDIS outcomes frameworks to ensure the accessibility of information and communications technologies and services is an ongoing priority.

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[1] ACCAN 2020, *National Disability Strategy Stage 2 Consultation,* available: http://accan.org.au/our-work/submissions/1814-national-disability-strategy-stage-2

[2] Available: http://accan.org.au/our-work/1765-accessible-comms-roadmap

**Recommendation 5:** An independent committee must be established to provide oversight of the implementation of activities under the new Strategy and NDIS and their respective outcomes frameworks.

**Recommendation 6:** The outcomes frameworks must specifically include each of the outcomes, sub-outcomes and measurable indicators recommended in this submission.

# 2. Responses to the issues raised in the Introductory Paper

ACCAN's comments to this consultation are based on conversations with our members and the broader disability sector that led to the development of our Ideal Accessible Communications Roadmap earlier this year. 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 focus on this in our submission.

As outlined in our submission to the previous consultation regarding the new Strategy,[3] ACCAN supports the vision and the six outcomes (or domains, as they are referred to in the Introductory Paper). Furthermore, we strongly believe that the benefits of accessible and affordable digital communications technologies and services cut across different domains and outcome areas. In order to ensure people with disability have access to these whole-of-life benefits, it is essential that accessible and affordable digital communications technologies and services are thoroughly embedded across the new Strategy and the NDIS, and their accompanying outcomes frameworks.

**Recommendation 1:** The outcomes frameworks must be underpinned by the Convention on the Rights of Persons with Disabilities (CRPD), including Articles 9, 21 and 30 in relation to accessible information and communications technologies and systems, access to information, and participation in cultural life, and must focus on upholding the human rights of all people with disability in Australia.

**Recommendation 2:** The outcomes frameworks must recognise that accessible and affordable digital communications technologies and services are essential to the success of the new Strategy and the NDIS.

## 2.1. Draft structure of the outcomes frameworks

While we note that the decision to include enablers has not yet been finalised,[4] we strongly recommend that these are included in the final outcomes frameworks. More specifically, the outcomes frameworks must appropriately recognise accessible and affordable digital communications technologies and services as enablers of improved outcomes for people with disability.

Access to accessible and affordable digital communications technologies and services can lead to increased opportunities for people with disability.[5] With greater access to accessible technologies comes greater inclusion within society and more equal enjoyment of human rights, including, for instance, more inclusive workplaces,[6] better access to education (including lifelong learning),[7] and

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[3] ACCAN 2020 op cit.; also included as an attachment to this submission.

[4] As per Attachment A of the Introductory Paper

[5] 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:
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

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

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

greater participation in political and public life,[8] cultural life, in recreation activities, leisure and sport.[9] Functionally equivalent access to digital communications technologies is directly related to the equal enjoyment of human rights for all. This in turn will support improved outcomes.

Please see our submission to the stage 2 consultation on the new Strategy for additional comments on some of the specific human rights for which accessible digital communications technologies can play an enabling role. [10]

**Recommendation 3:** The outcomes frameworks must recognise accessible and affordable digital communications technologies and services as enablers of improved outcomes for people with disability.

## 2.2.    Implementing, monitoring and measuring

A significant number of roadmaps and frameworks relating to the experiences of people with disability in Australia already exist, and we believe these must be embedded into the outcomes frameworks. ACCAN's Ideal Accessible Communications Roadmap is one such document that must be incorporated into the outcomes frameworks. Similarly, in the realm of digital inclusion the outcomes frameworks must also incorporate the Australian Digital Inclusion Alliance's National Digital Inclusion Roadmap.[11]

**Recommendation 4:** ACCAN's Ideal Accessible Communications Roadmap must be fully incorporated into the new Strategy and the NDIS outcomes frameworks to ensure the accessibility of information and communications technologies and services is an ongoing priority.

ACCAN's Roadmap was developed over the course of the year and incorporates feedback from people with disability and organisations supporting people with disability. The 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,[12] 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.

While no list of outcomes (either population-level or person-centred) or indicators will ever be entirely exhaustive, we believe that using existing frameworks and roadmaps as a foundation will help to create more inclusive and responsive outcomes frameworks for the new Strategy and the NDIS. Embedding these existing outcomes-focused documents into the new frameworks would also recognise the wealth of expertise held by civil society and other entities, acknowledge the work

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

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

[10] ACCAN 2020 op cit.

[11] Australian Digital Inclusion Alliance (ADIA), 2020. *A National Digital Inclusion Roadmap,* available: https://www.digitalinclusion.org.au/a-national-digital-inclusion-roadmap

[12] As outlined on page 4 of the stage 2 consultation position paper, 'the new Strategy is intended to be an aspirational, living document'.

already underway, and would facilitate a coordinated and focused approach to improving outcomes for people with disability in Australia.

The outcomes frameworks must recognise the different roles played by all levels and Departments of government, the private sector and the non-government sector. There is scope for complementary efforts to implement the outcomes frameworks, to ensure that people with disability do not fall through gaps in services, programs or policies.

Given the broad range of bodies involved in implementing better outcomes for people with disability, public reporting is essential to ensure greater transparency and accountability of these processes. People with disability must be actively involved in monitoring the impact of different activities under the new Strategy and the NDIS.

Indeed, as outlined in our previous submission, ACCAN believes that an independent committee must be established to examine the implementation of the new Strategy and the NDIS. This committee must be comprised of people with disability, Disabled Peoples Organisations (DPOs), Disability Representative Organisations (DROs) and the Australian Human Rights Commission (AHRC). This body's range of functions and responsibilities would include governance, the remit to request additional information from stakeholders on progress towards outcomes and performance indicators, as well as the ability to impose consequences for delayed reporting or implementation of actions.

**Recommendation 5:** An independent committee must be established to provide oversight of the implementation of activities under the new Strategy and NDIS and their respective outcomes frameworks.

# 3.    Responses to the consultation questions

Successfully meeting the outcomes we outline below would help to ensure people with disability in Australia can experience the whole-of-life benefits made possible through full connectivity and access to an increasingly digitally connected society.

In addition to the outcomes we recommend below, ACCAN also outlines some measurable indicators that would provide important data, insights and information to help measure annual progress toward the outcomes outlined in the Strategy and NDIS outcomes frameworks.

**Recommendation 6:** The outcomes frameworks must specifically include each of the outcomes, sub-outcomes and measurable indicators recommended in this submission.

## 3.1.    Response to question 1

**Question 1: What matters most to measure and report on as we seek to achieve inclusive and accessible communities for people with disability?**

Within the domain of inclusive and accessible communities, ACCAN supports the outcome of 'People with disability live in accessible and well-designed communities with opportunity for full inclusion in social, economic, sporting and cultural life.'

We do, however, recommend an additional population-level outcome: 'people with disability have access to affordable and accessible digital communications technologies and services that support them to participate in all aspects of life.'

As can be seen from the Australian Digital Inclusion Index,[13] 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.[14] 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. To appropriately address this digital divide, ACCAN believes that the outcomes frameworks must focus on improving digital inclusion and access to digital communications technologies and services. The flow on effects of addressing this digital gap would be felt across most (if not all) of the domain areas identified in the Introductory Paper.

ACCAN recommends the addition of the following person-centred sub-outcomes:

- I can access online communities, spaces and services.
- I can access online information made available by all levels of government.
- I can access and afford accessible digital communications technologies that help keep me connected to my community.

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[13] 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/
[14] Ibid p20.

- I have access to impartial information and support about purchasing and using digital communications technologies.
- I have access to information about the accessibility features of my digital communications technologies.
- I have access to capacity building programs and peer education opportunities to support me to get the most out of my digital communications technologies.
- I have access to a National Relay Service that meets my needs.
- My National Relay Service calls are confidently accepted by all calling parties.
- I have equitable access to the emergency call service (Triple Zero), through the National Relay Service or next generation emergency call service options (such as messaging to Triple Zero).
- I am included in the development of digital communications technologies and services that meet my needs.
- I am supported (financially or otherwise) to obtain accessible digital communications technologies.

We also recommend the expansion of the existing sub-outcome of 'I can access social and cultural events' to instead refer to 'cultural life', which would reflect a broader range of cultural activities, such as television and other forms of entertainment.

Finally, ACCAN recommends that the following indicators be added to the outcomes frameworks, to help measure annual progress toward the sub-outcomes:

- Accessibility of digital communications technologies and services.
- Access to community resources, including those that are available online.
- Online environments are accessible (proportion of websites complying with the highest possible Web Content Accessibility Guidelines (WCAG) standards).
- Public, private and community websites are accessible.
- Proportion of TV shows and movies screened with audio description.
- Proportion of TV shows and movies screened with captions.
- Proportion of TV shows and movies screened with Auslan interpreters.
- 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 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.
- Accessibility of digital and non-digital information (including the use of Easy English, plain English, braille, large print, Auslan resources).
- Sustainable funding for the Accessible Telecoms project to continue providing vital information to people with disability and their supporters.
- Usage figures for the National Relay Service.
- Consumer satisfaction surveys or measures regarding use of the National Relay Service.
- Training of businesses and government services in how to make and accept National Relay Service calls.
- Proportion of digital communications technologies that are inclusive by design (or marketed as such).
- Digital communications user experience testing with people with disability.
- Presence of mandatory accessibility and universal design subjects for tertiary and vocational education courses related to science, technology, engineering, design or procurement.

- Proportion of NDIS plans including funding accessible digital communications technologies.
- Proportion of libraries offering device loan schemes for accessible communications technologies to people with disability.

## 3.2.    Response to question 2

**Question 2: What is most important to measure and report on as we seek to achieve economic security for people with disability?**

Within the domain of economic security, ACCAN supports the outcome of 'People with disability, their families and carers have economic security and suitable living arrangements, enabling them to plan for the future and exercise choice and control over their lives'.

We recommend the creation of an additional population-level outcome: 'people with disability are supported, through for instance accessible and affordable digital communications technologies, to enter, re-enter or remain in the Australian workforce'.

The procurement of accessible digital communications technologies should definitely be considered within this domain. Ensuring workplaces have and use accessible digital communications technologies will support the current and future employment of people with disability in Australia. Having accessible information and communications technologies (ICT) across the board would further support people with disability in exercising choice and control over their lives and planning for the future. If more workplaces utilise accessible ICT, this expands the number of employment opportunities available to people with disability who may require different types of accessible ICT in the workplace.

ACCAN recommends the development of the following person-centred sub-outcomes:

- I have access to accessible and affordable information and communications technologies that support me in my job.
- My workplace is responsive to my needs.

In addition, we recommend that the following indicators also be added to help measure annual progress towards the sub-outcomes:

- Whole of government adherence to Australian Standard AS EN 301 549 'Accessibility requirements suitable for public procurement of ICT products and services'.
- Proportion of accessible ICT procured in the public service.
- Proportion of procurement staff trained in accessibility legal frameworks and standards.
- Number of Employment Assistance Fund applications processed per year.

## 3.3.    Response to question 3

**Question 3: What is most important to measure and report on as we seek to achieve health and wellbeing outcomes for people with disability?**

Health and wellbeing were of key concern for contributors to ACCAN's Ideal Accessible Communications Roadmap. Contributors were keen to ensure that people with disability benefited equally from the introduction of telehealth, and were concerned about the disproportionate effects that scams and cyber-attacks may have on the wellbeing of consumers with disability.

Within the domain of health and wellbeing, ACCAN supports the outcome of 'People with disability attain highest possible health and wellbeing outcomes throughout their lives'.

ACCAN recommends the addition of the following person-centred sub-outcomes:

- I can access telehealth services when I so choose and these services meet my needs.
- I can use digital communications technologies and services (such as phone apps) to support my health.
- I can access priority assistance through all telecommunications providers at no extra cost.
- I understand how to keep myself safe online.

ACCAN recommends the following indicators be added to help measure annual progress toward the above sub-outcomes:

- Access to digital health services.
- Proportion of people with disability using telehealth.
- Funding of telehealth services across different states and territories.
- Participation of people with disability in the design and development of health-related digital resources (including websites and apps).
- Numbers of consumers accessing priority assistance services through telecommunications providers.
- Participation of people with disability in online safety and/or digital ability courses.

## 3.4. Response to question 4

**Question 4: What is most important to measure and report on as we seek to achieve rights, protection, justice and legislation outcomes for people with disability?**

Within the domain of rights protection, justice and legislation, ACCAN supports the outcome of 'people with disability feel safe and have their rights promoted, upheld and protected'.

We recommend the creation of another population-level outcome, focused on legislative outcomes: 'people with disability are involved and reflected in legislative and policy reform in Australia.'

There are numerous ways in which access to affordable and accessible digital communications technologies can assist in relation to this domain. For instance, digital communications technologies can support people with disability to participate in democratic processes (through accessible electronic voting systems) and prevent (covert or overt) disability discrimination in many areas of life.

ACCAN recommends the addition of the following person-centred sub-outcomes:

- My experiences are reflected in legislation and the justice system.
- I am actively involved in the development of policies, programs and legislation.
- New and emerging technology does not discriminate against me because of my disability.

In relation to these sub-outcomes, ACCAN recommends the addition of the following indicators to measure progress over time:

- An independent committee scrutinises the impact of legislation, policies and programs on people with disability in Australia.

- Participation of people with disability in law reform and policy development, implementation and review.
- Participation of people with disability in the development and implementation of new and emerging technologies.
- Legislation and consumer protections relating to new and emerging technologies actively protect the rights of people with disability and prevent discrimination.
- AS EN 301 549 'Accessibility requirements suitable for public procurement of ICT products and services' is incorporated into legislation to improve the accessibility of communications technologies in Australia.

## 3.5.    Response to question 5

**Question 5: What is most important to measure and report on as we seek to achieve learning and skills outcomes for people with disability?**

Within the domain of learning and skills, ACCAN supports the outcome of 'People with disability achieve their full potential through their participation in an inclusive high-quality education system that is responsive to their needs. People with disability have opportunities to continue learning throughout their lives in both formal and informal settings.'

In addition, we suggest another population level outcome that relates to people with disability achieving their full potential in formal and informal education: 'people with disability have access to affordable and accessible digital communications technologies and services to support their education in formal and informal settings'. We feel this is a pertinent population level outcome as without access to digital communications technologies used in educational settings or for educational purposes, people with disability will not have equitable access to learning opportunities in our increasingly digitised society.

In addition, ACCAN suggests the following person-centred sub-outcomes be added to this domain:

- I have access to technologies that will support me in my education.
- I am able to use technology and online tools to support my learning.
- I am able to use technology to support my transitions between formal and informal educational settings, as well as workplaces.
- I can access courses and supports to increase my digital ability.

ACCAN therefore recommends the addition of the following indicators to help measure annual progress toward the above sub-outcomes:

- Proportion of students/learners with disability who have access to a home internet connection and digital communications technologies.
- Proportion of students/learners with disability who have access to digital communications technologies at their educational setting.
- Percentage of accessible information and communications technologies procured by educational settings (both formal and informal).
- Self-reported confidence of students/learners with disability to engage online.

## 3.6.    Response to question 6

**Question 6: What is most important to measure and report on as we seek to achieve personal and community support outcomes for people with disability?**

Within the domain of personal and community support, ACCAN supports the outcome of 'People with disability, their families and carers have access to a range of well-coordinated and effective services and supports that are appropriate for their needs'.

People with disability should be able to receive supports and services in whichever way they choose, including digital channels. In order to facilitate this, outcomes and indicators must be added in relation to accessing services and supports digitally. These would interrelate with previously mentioned outcomes and indicators relating to digital inclusion, web accessibility, and the affordability and accessibility of digital communications technologies and services.

As such, ACCAN recommends the addition of the following person-centred sub-outcomes:

- I can access the mainstream services and supports I need, including accessible and affordable digital communications technologies and services.
- I can access services and supports in the way I choose, including via digital communications technologies.

We further recommend a slight addition to the last sub-outcome listed on page 11 of the Introductory Paper. With this addition this would read:

- I have the information I need to make choices related to my support and care, including information about how to receive these supports digitally if I so choose.

Consequently, ACCAN recommends that the following indicators be added to help measure annual progress toward the above sub-outcomes:

- Affordable access to digital communications technologies and services.
- Proportion of people with disability using online disability services.
- The user experience and level of satisfaction from using digital communications technologies to access services and supports.
- Access to Accessible Telecoms[15] information about the accessibility of different devices.

## 3.7.    Response to question 7

**Question 7: How often would you like to see progress against the outcomes for people with disability in the National Disability Strategy and the National Disability Insurance Scheme reported?**

It is ACCAN's position that progress towards the outcomes for people with disability in the new Strategy and the NDIS must be reported on annually. This annual report must include what has been achieved in that year, as well as projections on whether the actions taken to date will be adequate to meet longer term goals or targets. This is particularly important for iterative outcomes that build on

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[15] Available: https://accessibletelecoms.org.au/

previous activities. ACCAN also supports the use of reports to inform areas requiring prioritisation or targeted investment and reiterates our support[16] for the development and implementation of Targeted Action Plans.

## 3.8.    Response to question 8

**Question 8: Is there anything else that you think should be considered when we are monitoring and measuring the impact of activities on people with disability?**

People with disability must be involved in the design, development, implementation and review of the outcomes frameworks. This must include an active involvement in monitoring and measuring the impact of activities on people with disability in Australia.

Monitoring and measuring activities must also acknowledge and reflect the intersections between different domains and outcomes. The multifaceted impacts of different actions and activities must be appropriately measured and evaluated. For example, as discussed above, accessible and affordable digital communications technologies and services can enable the greater participation of people with disability in many areas of their lives, and as such, monitoring and measuring efforts must adequately reflect and report on all of these impacts. Monitoring and measuring must also consider these enablers alongside each other – for instance, how universal design interacts with accessible and affordable digital communications technologies to lead to improved outcomes in a range of outcome areas and domains.

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[16] ACCAN 2020 op cit.

# 4.  Conclusion

ACCAN would like to again thank the Department of Social Services for the opportunity to provide our thoughts on outcomes for people with disability under the Strategy and the NDIS.

As we've outlined in our submission, ACCAN firmly believes that the success of the new Strategy is dependent on the availability of affordable and accessible digital communications technologies and services for people with disability in Australia. Likewise, we believe that ensuring equal, accessible and affordable access to digital communications technologies and services would provide equally positive outcomes for NDIS participants.

It is abundantly clear that digital communications technologies can facilitate a more inclusive and accessible society. In addition to this, digital communications technologies can bring numerous benefits to the lives of people with disability in Australia, and support the promotion and protection of a range of human rights. As such, the importance of digital communications technologies and services must not be overlooked, and this area must be deliberately and consistently included in public policy, including outcomes frameworks relating to people with disability. Incorporating existing frameworks, such as ACCAN's Ideal Accessible Communications Roadmap, into new and emerging outcomes frameworks would help to embed digital communications technologies and services into the future of disability policy in Australia.