

Public Procurement Policy for Accessible Information and Communications Technology

What is Public Procurement?

Public procurement is the process that governments use to purchase products and services. An Information and Communications Technology (ICT) public procurement policy provides the guidelines that governments use when purchasing computer hardware, software, telephones and electronic services. An accessible ICT procurement policy requires government to ensure that its purchases of information and communications equipment and services are accessible and usable by people with disability.

The Australian Federal Government does not have a comprehensive public procurement policy for accessible information and communications technology. The roll-on effects of this policy gap have significant implications for the whole Australian community. The negative ramifications of this ongoing policy gap continue to disadvantage and exclude some of our most vulnerable citizens living with disability.

The Australian Communications Consumer Action Network (ACCAN) recommends that the Australian Government immediately adopt a whole-of-government e-Access and e-Inclusion ICT procurement policy. An ICT public procurement policy would help to ensure that:

- All public service workplaces are accessible for current and future employees living with disability;
- all public sector electronic information is accessible to people living with disability;
- all public sector services delivered electronically are accessible for people living with disability;
- that greater choice of accessible products and services will be available in the Australian ICT marketplace; and
- Australia will not become a dumping-ground for the inaccessible products which are unsellable in overseas markets.

About ACCAN

ACCAN (Australian Communications Consumer Action Network) is Australia's new peak communications consumer organisation. ACCAN's goal is available, accessible and affordable communications that enhances the lives of consumers. The operation of ACCAN is made possible by funding provided by the Australian government.

Current Australian Public Policies

Australia's 2008 ratification of the United Nations Convention on the Rights of Persons with disabilities obliges the Government to progressively dismantle societal barriers which continue to disable many Australian citizens. The convention specifically articulates the need for signatory nations to dismantle barriers to E-access and E-inclusion through Article 3. *General Principles*; Article 9 *Accessibility*; Article 21 *Freedom of Expression and Opinion, and Access to Information*; Article 27 *Work and Employment* and Article 29 *Participation in Political and Public Life*.ⁱ

ACCAN asserts that the lack of a comprehensive Federal Government E-access and E-inclusion public procurement policy undermines Australia's commitment to its obligations under the United Nations *Convention on the Rights of Persons with Disabilities*; the Government's commitment to its own National Disability Strategyⁱⁱ and its commitment to its whole-of-government Social Inclusion Agendaⁱⁱⁱ. ACCAN also asserts that an accessible ICT procurement policy should be a cornerstone underpinning the National Digital Economy Strategy¹ ensuring all Australians can benefit from our Broadband future.

Given that Australia is undergoing a raft of ICT advancements - the free-to-air television digital switchover, the roll-out of the National Broadband Network (NBN) and an ever-increasing array of products and services available with 3G mobile telephony - it is increasingly important that public policy is in place to bridge the digital divide between Australia's disabled and non-disabled citizens. As the way in which we engage - with each other, service providers and government agencies - changes from face- to-face engagement to a digital connection, it is important that people living with disability do not become further disengaged and disenfranchised through barriers created by inaccessible ICT products and services.

There are a range of ad-hoc government policies, both at Federal and State/Territory levels, which address differing aspects of E-access and E-inclusion; however, there is no overarching Government policy that addresses E-access and E-inclusion in the public procurement of ICT equipment and services.

The Australian Government Information Management Office (AGIMO) has committed to ensuring all government websites will be Web Content Accessibility Guidelines version 2.0 (WCAG 2.0) compliant to level "A" by end of year 2012 and level "AA" compliant by end of year 2014^{iv}. The *Commonwealth Disability Discrimination Act* (1992) mandates all public sector agencies and government departments to make information and services accessible for people living with disability^v.

These public policies provide tangible improvement in access to public information and services. However ACCAN asserts that the adoption of a robust whole-of-government procurement policy for accessible and usable ICT equipment and services would greatly advance the economic, social and cultural participation of Australian citizens living with disability. It would help ameliorate barriers to employment, information, services and foster a wider marketplace of accessible ICT equipment and services for Australians living with disability.

ⁱ <http://www.nbn.gov.au/the-vision/digitaleconomystrategy/>

International Public Policies

Internationally there is increasing adoption of government policies and initiatives being implemented to ensure public procurement of ICT addresses E-access and E-inclusion. For example, the U.S Government has adopted Section 508 of the Rehabilitation Act (1973)^{vi} which requires all U.S Federal Departments and Agencies to ensure that *development, procurement, maintenance, or use of information and communications technology be accessible for Federal employees with disability, and that all Federal Government public information and services are accessible for people with disability.* In 2010, the U.S Congress adopted the *Twenty-first Century Telecommunications and Video Accessibility Act* (2010).^{vii} This Act will ensure that new Internet-enabled telephone and television products and services are accessible to and usable by people with disability. In the European Union, the European Commission has initiated Mandate 376^{viii} in order to harmonise ICT for government procurement purposes. Additionally, Denmark, Ireland and Canada have implemented E-accessibility Toolkits in order to provide guidance in the public procurement of accessible ICT. Japan has a public procurement policy mandating that products and services supplied to the government are required to have considered ICT accessibility based on a series of existing standards.

In addition to the arguments of anti-discrimination and access-for-all in the Australian context, there is strong international evidence that governments need to be addressing universal design principles in the area of ICT procurement in order to promote innovation and manage their ICT procurement budgets^{ix}. Addressing universal design and access-for-all principles in the design and implementation phase of government ICT procurement will help limit the extraordinary costs of retro-fitting inaccessible legacy ICT services and equipment. The Australian Government Information Management Office's DRAFT: *Strategic Vision for the Australian Government's use of ICT*^x notes that budget constraints for ICT procurement will continue to impact public policy in the converging ICT landscape of the twenty-first century.

ACCAN believes that as other countries protect their ICT economies from inaccessible products and services, Australia maybe at risk of becoming the dumping-ground for inaccessible ICT equipment. The power of the Commonwealth economy in procurement of ICT has the potential to safeguard the wider Australian ICT marketplace while at the same time encourage and foster innovation and availability of more accessible ICT products.

Conclusion

Australia has a history of being a nation of early adopters of technology. This enthusiasm for ICT reaches across all aspects of Australian society- economic, social and cultural. Without the market influence of a public procurement policy for accessible ICT this enthusiasm for technology increases the risk of a widening digital divide. Without a whole-of-government commitment to an e-Access and e-Inclusion ICT procurement policy, Australian citizens living with disability will continue to face ongoing barriers to employment, information and services and barriers to ICT equipment and services in both the public and private sector.

The convergence of technology coupled with the increasing digitalisation of our society has potential to provide increased opportunities for education, employment and access to information and services for people with disability.

Accessible and usable ICT can help to transform the way people with disability participate economically, socially and culturally in all aspects of Australian life in the twenty-first century.

Through adoption and implementation of an e-Access and e-Inclusion procurement policy, the Australian Government could promote best practice for the entire Australian ICT landscape. The adoption of a whole-of-government public procurement policy for accessible ICT will also have the potential to increase employment opportunities for people with disability in the public sector. People living with disability are critically underrepresented in the public service. Over 19 percent of Australians identify as having a disability^{xii} while only 3 percent of the Australian Public Sector workforce^{xiii} is made up of people living with disability.

ACCAN will continue to call for a whole-of-government commitment to e-Access and e-Inclusion through an ICT procurement policy. ACCAN urges policy-makers to promote full and equitable participation in all Australian public services for our citizens living with disability.

ⁱ <http://www.un.org/disabilities/default.asp?navid=13&pid=150>

ⁱⁱ Information on the Coalition of Australian Governments National Disability Strategy is available from <http://www.fahcsia.gov.au/sa/disability/progserv/govtint/Pages/nds.aspx>

ⁱⁱⁱ Information about Australian Government Social Inclusion Agenda is available from <http://www.socialinclusion.gov.au/SIAGENDA/Pages/Overview.aspx>

^{iv} www.finance.gov.au/publications/wcaq-2.../wcaq-transition-strategy.pdf

^v <http://www.comlaw.gov.au/Series/C2004A04426>

^{vi} United States Federal Communications Commission Access Board (FCC), 2008, *Section 508 of the Rehabilitation Act of 1974*, accessed 14 February 2011, available from: <http://www.section508.gov/>

^{vii} <http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.3101>:

^{viii} European Commission (EC) 2005, *Mandate 376*, accessed 24 February 2011, available from: <http://portal.etsi.org/public-interest/Documents/mandates/m376en.pdf>

^{ix} http://www.e-accessibilitytoolkit.org/toolkit/public_procurement/introduction_public_procurement

^x <http://agimo.govspace.gov.au/2011/04/13/ict-strategic-vision/>

^{xi} Australian Bureau of Statistics, (2010), *Disability, Aging and Carers, Australia Summary of Findings 2009*, available from:

http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4430.0Media%20Release12009?opendocument&t_abname=Summary&prodno=4430.0&issue=2009&num=&view

^{xii} Australian Public Service Commission (APS), 2010, *State of the Service Report*, available from:

<http://www.apsc.gov.au/stateoftheservice/0910/ataglance.html>