



ICT Procurement Taskforce Consultation

Submission by the Australian Communications Consumer Action
Network to the Department of Prime Minister and Cabinet ICT
Procurement Taskforce

31 January 2017

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 availability, accessibility and affordability of communications services for all Australians.

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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1. Executive Summary

The Australian Communications Consumer Action Network (ACCAN) thanks the Department of Prime Minister and Cabinet ICT Procurement Taskforce for the opportunity to comment on the Government ICT Procurement consultation.

The consultation seeks feedback on how to improve innovation in government through better ICT procurement.

This submission outlines the value of incorporating the principles of accessibility, usability and Universal Design in all government ICT procurement.

Focusing on the key areas outlined in the discussion paper (Rules, Capability and Culture) this submission describes how these principles of inclusion can improve the whole-of-government ICT procurement process.

1.1. Recommendations

1. ACCAN recommends that the ICT Taskforce implements a whole-of-government procurement policy for accessible ICT products and services.
2. ACCAN recommends that the ICT Taskforce mandate ICT accessibility awareness and training for all Government Procurement Officers and CIOs. This training needs to include capability for implementing accessibility guidelines in all appropriate Standards and policies, including: AS EN 301 549, WCAG 2.0 'AA', the DTA Digital Service Standard, and principles of Universal Design.

2. Introduction

ACCAN has a long-held interest in government ICT procurement. Over many years ACCAN in alliance with a number of Australian disability organisations has been calling for increased awareness across all levels of government of the important role publicly funded procurement of accessible ICT has in providing greater access and inclusion for many Australians with disability¹. When government includes accessibility as a fundamental cornerstone of ICT procurement there are a number of tangible benefits for the whole Australian economy and society. ICT products and services that are accessible and usable for people regardless of ability increase access to government information, services and applications as well as providing greater opportunity for public sector employment for people with disability.

As stated in the discussion paper's executive summary, rapid changes in the information and communications technology landscape continue to change the way we engage with government services and obtain government information. While ACCAN sees this as necessary for a robust and sustainable Australian economy in the twenty-first century, we are concerned that many Australians with disability continue to be excluded and disadvantaged through barriers created by inaccessible ICT products and services. Without requirements for accessibility in government ICT procurement a 'disability' digital divide will further disadvantage many Australians with disability.

Accessible ICT ensures that the full potential of our digital economy can be realised. Procurement of accessible ICT products and services will contribute to the Taskforce's objective of delivering better government services at a lower cost. When accessibility and usability are requirements of procurement processes there is less likelihood of costly retro-fit upgrades, end-user exclusion, and potential disability discrimination litigation.

Recommendation: ACCAN recommends that the ICT Taskforce implements a whole-of-government procurement policy for accessible ICT products and services.

¹ ACCAN, https://accan.org.au/files/Position_Statements/Accessible_ICT_Position_Statement.docx

3. Discussion

3.1. Rules

While the discussion paper articulates a number of the current rules associated with public procurement, there are a number of additional rules and policies that will ensure that accessible ICT procurement will meet the Government's economic and social objectives. These include the Government's commitment to web accessibility – specifically the mandate initiated in the 2010 National Transition Strategy requiring all government websites to meet WCAG 2.0 'AA' guidelines by end of year 2014;² the Digital Transformation Agency's Digital Service Standard outlining the requirements for the delivery of government digital services including the requirement that these services are "... accessible to all users regardless of their ability and environment".³

Furthermore, there are a number of additional government policies and obligations which are relevant to the public procurement of accessible ICT:

- United Nations Convention on the Rights of Persons with Disabilities (UNCRPD): Australia's 2008 ratification of the UNCRPD obliges the Government to progressively dismantle societal barriers that disadvantage many Australian citizens with disability. The UNCRPD 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).⁴
- National Disability Strategy: In 2011, the Coalition of Australian Governments (COAG) adopted a 10 year National Disability Strategy (NDS) setting out a national policy framework for improving life for Australians with disability. The first priority of the NDS is: "Inclusive and accessible communities—the physical environment including public transport; parks, buildings and housing; digital information and communications".⁵ Government procurement of accessible ICT is fundamental in realising this objective with regard to inclusive and accessible "digital information and communications."
- National Disability Insurance Scheme: The ongoing roll-out of the National Disability Insurance Scheme further highlights the Government's expectation that all Australians should be able to access and enjoy the benefits of our increasingly digital society.⁶

3.2. Capability

ACCAN is aware that there is a broad lack of accessibility awareness within the Australian public service (APS). This is exemplified in the low numbers of people with disability employed in the APS. While it is not clear to which extent inaccessible ICT within the APS has led to the low levels of employment of people with disability, several recent reports have recommended that a whole-of-

² <https://www.finance.gov.au/publications/wcag-2-implementation/>

³ <https://www.dta.gov.au/standard/>

⁴ <http://www.un.org/disabilities/default.asp?navid=13&pid=150>

⁵ <https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/government-international/national-disability-strategy#01>

⁶ <https://www.ndis.gov.au/about-us/what-ndis>

government procurement policy for accessible ICT would be a positive step in ensuring the APS was an employer of choice for people with disability⁷.

Furthermore, as highlighted in the APS Diversity Council's ICT Roundtable report, there were a number of issues related to the procurement of accessible ICT which highlighted the need for a coordinated whole-of-government approach to the procurement of accessible ICT⁸.

The recent adoption of the European Standard EN 301 549 as the Australian Standard AS EN 301 549: "Accessibility requirements suitable for public procurement of ICT products and services" – endorsed by the Department of Finance⁹ – means that ICT industry members¹⁰ and disability organisations can play a critical role in increasing the awareness and capability of all government procurement officers and Chief Information Officers. Furthermore, the associated Accessible ICT Procurement Toolkit is a valuable resource for procurement officers in the planning of procurement requirements and in the evaluation of procurement vendor products and services¹¹.

Recommendation: ACCAN recommends that the ICT Taskforce mandate ICT accessibility awareness and training for all Government Procurement Officers and CIOs. This training needs to include capability for implementing accessibility guidelines in all appropriate Standards and policies, including: AS EN 301 549, WCAG 2.0 'AA', the DTA Digital Service Standard, and principles of Universal Design.

Note: ACCAN supports Media Access Australia's recommendation that:

"An information awareness and education resource is created to up skill procurement managers and teams on how best to practically include accessibility, incorporating all the main standards and digital transformation initiatives in one space for ICT procurements. This should be completed in conjunction with reputable accessibility specialists and could either be in the form of an online guide or online course."¹²

3.3. Culture

As with Capability, ACCAN understands that lack of awareness within government procurement of ICT about the inherent value of accessibility and usability of ICT products and services limits innovation whilst increasing risk.

Embedding the principles of accessibility, usability and Universal Design into the procurement process through the adoption of the aforementioned recommendations will have significant impact on the current culture of government procurement. Requiring all ICT procurement to meet standards of accessibility, regardless of the size of the procurement, will provide a baseline of functionality for all vendors, thus encouraging innovation as the point of differentiation. Moreover, this standardization of procurement will help alleviate risk in procurement, encouraging

⁷ See 'Willing to Work' National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability, <http://www.humanrights.gov.au/news/stories/willing-work>

⁸ See AHRC Information and Communications Technology in the Australian Public Service – the need for change report, <https://www.humanrights.gov.au/our-work/disability-rights/publications/information-and-communications-technology-australian-public>

⁹ <http://www.financeminister.gov.au/media-release/2016/08/22/access-technology-made-easier>

¹⁰ <https://news.microsoft.com/en-au/2016/08/22/australia-adopts-procurement-standard-for-accessible-ict/>

¹¹ <http://mandate376.standards.eu/background>

¹² See Media Access Australia submission to this consultation.

procurement officers to explore more innovative solutions while expanding opportunities for a broader vendor base.