30 November 2022

Submission to Australia's Disability Strategy 2021-2031 Guiding Principles Consultation Paper

Submission by the Australian Communications Consumer Action Network (ACCAN) to the Department of Social Services

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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Executive Summary

ACCAN thanks the Department of Social Services for the opportunity to make a submission to the consultation paper on the Guiding Principles of Australia's 2021-2031 Disability Strategy (the Strategy).[1] This submission is informed by ACCAN's consultation with our members and has been endorsed by Vision Australia, Blind Citizens Australia and Deaf Australia.

Affordable, accessible, and reliable digital communication technologies and services enable people with disability to actively participate in society. It is ACCAN's position that access to digital communications technology is a basic human right, that enables the enjoyment of other human rights for people with disability, which are enshrined in the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The guiding principles of the Strategy have positive intentions to increase the participation of people with disability in the community, but they overlook and neglect the role that digital communications technology plays in shaping the opportunities afforded to people with disability. ACCAN has previously submitted that many people with disability continue to be digitally excluded and experience poor outcomes due to the 'prohibitive costs of digital technologies, the limitations of current technologies and a lack of digital education and training to meet the needs of people with disability.'[2] Access to affordable and reliable digital communication technologies helps people with disability to have the freedom and autonomy to make decisions; access services on an equal and non-discriminatory basis; and find support in emergency, natural disaster and harmful situations.

ACCAN strongly believes the overall success of the Strategy is contingent on the availability of affordable and accessible digital communications technologies and services for people with disability.[3] That is why it is necessary to recognise and incorporate digital communication technologies as being critical in the successful implementation and achievement of the guiding principles of the Strategy.

Acronyms

Acronym	Definition
ACCAN	Australian Communications Consumer Action Network
CALD	Culturally and Linguistically Diverse communities
CRPD	Convention on the Rights of Persons with Disabilities
DDA	Disability Discrimination Act 1992
NAATI	National Accreditation Authority for Translators and Interpreters
NBN	National Broadband Network
NRS	National Relay Service
WCAG	Web Content Accessibility Guidelines

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[1] Commonwealth of Australia, Department of Social Services, *Developing a guide to the guiding principles under Australia's Disability Strategy 2021-2031 – consultation paper,* October 2022 (URL Link Here).
[2] Australian Communications Consumer Action Network (ACCAN), *ACCAN submission- National Disability Strategy stage 2,* October 2020, p. 5 (URL Link Here).
[3] As above.

Response to Guiding Principles

Principle 1 - Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons

Key Issues

- This principle refers to respect for the individual autonomy of people with disability to make independent decisions.[4]
- In order for people with disability to make informed choices, information must be presented in accessible formats, such as, Easy-Read and Plain English, Braille, Auslan and different community languages.
- For many people with disability, the ability to make independent decisions is hindered by issues such as:
  o The presentation of information in inaccessible formats (without Auslan, Braille, Easy English).
  o The refusal of calls from the NRS or NAATI-qualified interpreters by third parties such as government agencies, banks and telecommunications service providers, even when this is listed as an option on their website.
  o Inaccessible identity verification processes for people with vision and hearing impairment.
- When governments and businesses are introducing programs/policies/services, they need to adopt principles such as:
  o Adherence to the guiding principles of the Strategy.
  o Co-designed training and user testing with people with disability.
  o Accessible communication and consultation processes.
  o Accessible presentation and distribution of information.
  o Use of accessible software and programs.
  o Compliance with accessibility requirements under disability legislation and international conventions.

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[4] Commonwealth of Australia, Department of Social Services, *Developing a guide to the guiding principles under Australia's Disability Strategy 2021-2031 – consultation paper,* October 2022, p. 11 (URL Link Here).

Principle 2 - Non-discrimination

Key Issues

- This principle covers the discrimination of people with disability based on specific characteristics (direct discrimination), as well as discrimination due to policies and regulations (indirect discrimination).[5]
- Under the social model of disability, societal and environmental structures and practices have discriminating and disabling impacts for people with disability. As a result, any program/policy/service needs to ensure that people with disability have equitable access and outcomes as their non-disabled counterparts. For example:
    - Affordable, reliable, and accessible phone and home internet services through the NBN in rural and remote areas.[6]
    - Access to assistive technology and digital communication services in education, justice, and transport.
    - Digital education and awareness about implementing reasonable adjustments in workplaces, schools, and the justice system.
    - Awareness and understanding of the rights of people with disability in relation to accessing and using digital communications services.
    - Compliance with the DDA, the CRPD and with state and territory anti-discrimination legislation.

Principle 3 - Full and effective participation and inclusion in society

Key Issues

- This principle addresses the full, equal, effective, and inclusive participation of people with disability in society, especially in processes that affect their lives and civic duties.[7]
- One of the key tenets of the CRPD is to ensure that people with disability are included in all aspects of social, economic, political and community life. This means that policies/programs/services need to enable people with disability to have full and equitable access to all aspects of Australian life, such as access to:
    - Employment and education;
    - Civil and political engagement;
    - Community, cultural and sporting activities;
- Digital communications play an integral part of enabling access and inclusion in each of these areas.
- A lack of access to digital communications technologies restricts the participation of many people with disability in aspects of community life, including:
    - Civic duties such as voting and jury duty.
    - Leisure and recreation.
    - Employment and leadership opportunities.
    - Utilising public and private transport.

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[5] Commonwealth of Australia, Department of Social Services, *Developing a guide to the guiding principles under Australia's Disability Strategy 2021-2031 – consultation paper,* October 2022, p. 11, 13 ([URL Link Here](#)).
[6] ACCAN, *Regional Mobile Infrastructure Inquiry 2022-23,* August 2022, [(URL Link Here)](#).
[7] Commonwealth of Australia, Department of Social Services, *Developing a guide to the guiding principles under Australia's Disability Strategy 2021-2031 – consultation paper,* October 2022, p. 11 ([URL Link Here](#)).

- Government policies/programs/services need to ensure that new and emerging technologies are fully accessible, and any updates to current technologies are also accessible. This also includes ensuring that Artificial Intelligence systems do not exclude or discriminate against people with disability.

Principle 4 - Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity - Existing prompting question in the Strategy

Key Issues

- This principle recognises the importance of respecting the dignity and rights of people with disability, as well as the diversity of the disability community.[8]
- The development of programs/policies/services must always be informed by the diversity of the lived experience of people with disability. Central to effective policies/programs/services is the recognition and incorporation of the inherent value of people with disability to society.
- As such, all digital policies/programs/services must always acknowledge and accommodate the diverse access needs of people with disability. For example:
  - The provision of training and information about the rights of people with disability in different community languages.
  - Communication needs will be different in diverse communities. As a result, legislation and government policies need to reflect and accommodate these diverse ways of communicating.

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[8] As above, p. 12 (URL Link Here).

Principle 5 - Equality of opportunity

Key Issues

- This principle recognises the importance of creating an inclusive and accessible society where people with disability have the same opportunities as others.[9]
- This principle exemplifies a key aspect of the social model of disability in eliminating barriers in society to provide the same opportunities for people with disability as others. As such, policies/programs/services must provide accommodations and adjustments to ensure equitable opportunities for people with disability.
- Any policies/programs/services that rely on digital technologies must ensure people with disability have access to:
  - o Appropriate digital equipment.
  - o Adequate funding.
  - o Any necessary training.
  - o Ongoing support.
- Additionally, all policies/programs/services need to have a focus on measuring equity of outcomes for people with disability.

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[9] As above, p. 12 (URL Link Here).

Principle 6 – Accessibility

Key Issues

- This principle focuses on:
    - The removal of barriers in society that hinder the inclusion of people with disability and the enjoyment of their human rights.[10]
    - The implementation of universal design which ensures people with disability can access buildings, transport, products and services without needing specialised or adaptive features.[11]
- This principle underpins the essentiality of digital communications in enabling the realisation of human rights enshrined in the CRPD. Full and equitable access to digital technologies enables greater opportunities for many people with disability in:
    - Education and employment.
    - Civic and community participation.
- Digital technologies also enable more efficient access to information regarding:
    - Transport.
    - Government services.
    - News and media.
    - Emergency and natural disaster situations.
- It is essential in the planning phase for Policies/programs/services that their budgets include the provision of access services such as Auslan interpretation, captioning and audio description.
- Follow up consultations and communications on the Strategy must always be accessible and inclusive of people with disability.

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[10] As above, p. 12 (URL Link Here).
[11] As above, p. 13 (URL Link Here).

Principle 7 - Equality of people

Key Issues

- This principle considers the concepts of:
    - Equality of people- Ensuring that all people regardless of their gender identity can exercise their rights.[12]
    - Intersectionality- Acknowledging the intersection of multiple identity categories (age, gender, sexuality) that create discrimination for people with disability.[13]
- Policies/programs/services must always take a comprehensive approach to recognising and addressing issues related to the diversity and intersectionality of disability. Understanding and accommodating the diversity of different disability cohorts will be essential for the success of new policies/programs and services.
- The Strategy primarily focuses on the disparity in employment outcomes experienced by people with disability from different ages, genders, and cultural backgrounds. All policies/programs/services with a focus on improving employment opportunities for people with disability must consider the diversity and intersectionality of people with disability, to ensure equitable outcomes.
- Many people with disability experience multiple barriers to digital inclusion. Policies/programs and services reliant on digital inclusion must address the intersectional barriers that many people with disability encounter. For example, the different barriers faced by:
    - Older Australians with disability,
    - First Nations people with disability,
    - People with disability from CALD communities,
    - Women with disability, and
    - People with multiple disabilities.
- Policies/programs/services must always protect people with disability from violence, abuse neglect and exploitation, including when this is perpetuated digitally.

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[12] As above, p. 12 (URL Link Here).
[13] As above, p. 13 (URL Link Here).

Principle 8 - Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities

Key Issues

- This principle focuses on:
  - Enabling children to develop their autonomy, understanding of their rights and decision-making capabilities.[14]
  - Delivering services and making decisions in the best interests of a child.[15]
- Policies/programs/services must always ensure that the rights and identities of children with disability are protected. Inaccessible digital communication services and technologies, hinder the participation and outcomes of children with disability in all forms of education and community life.
- School curricula materials must always promote the value and inclusion of children and people with disability.
- Policies/programs/services intended to improve the autonomy of children with disability, as well as the autonomy of children of parents with disability, must provide accessible digital inclusion education materials on:
  - Protections against scams.
  - Password security.
  - Data protection.[16]
  - Keeping children safe online and protecting them from violence, abuse, neglect and exploitation.
- Digital education materials must also accommodate various levels of literacy amongst children with disability.

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[14] As above, p. 13, 14 (URL Link Here).
[15] As above, p. 14 (URL Link Here).
[16] ACCAN, *Promoting inclusion issues paper submission,* April 2021, p. 11 (URL Link Here).

Response to Additional Questions

Question 9: Is there anything missing from the Guiding Principles that should be included in the Guide? For example, are there any other guiding principles you think should be added and why?

Comments

- People with disability rely on accessible digital communication technologies to participate equitably in society and feel a sense of inclusion. Many people with disability, including those aged 65 and over, do not have access to accessible digital communication technologies. Therefore, the Guide should include a principle on digital inclusion to focus on removing barriers to accessing technology and digital services, in order to facilitate the full, equal, and active participation and inclusion of people with disability in society.
- Incorporating a principle on digital inclusion will reinforce that access to technology as a basic human right, which enables the enjoyment of other human rights for people with disability.
- This principle will emphasise that digital inclusion can be achieved by providing people with disability with technology and digital communications services that are:
  - Accessible.
  - Affordable.
  - Reliable.
  - Safe.

Question 10: Do you have any good examples of when the Guiding Principles have been used?

Comments

- ACCAN has applied Principle 6 of the Guide on accessibility, to advocate for accessible digital communications services and technologies for people with disability. Through a consultative process with people with disability and member organisations, ACCAN has sought to make telecommunications and digital communications services accessible, by launching the 'Ideal Accessible Communications Roadmap' and the 'Accessible Telecoms' service.
- The Ideal Accessible Communications Roadmap outlines shared goals and ideas to create an accessible communications sector, where people with disability and accessibility needs 'have full and equal access to all communications technologies and services.[17]
- The Accessible Telecoms service assists people with disability to find accessible devices and resources such as phones, tablets, and apps to help them communicate with others.[18]
- The above examples highlight ACCAN's work in supporting people with disability to access digital communications services and technologies.

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[17] ACCAN, *Ideal accessible communications in Australia,* June 2020, p. 1 (URL Link Here).
[18] ACCAN, *Accessible Telecoms* (URL Link Here).

Question 11: What length and format should the Guide be so that it is easy to apply? For example, should it be a series of fact sheets with supporting videos?

Comments

- To ensure the Guide is easy to follow and digestible, it should be broken down into a series of short fact sheets with supporting audio-visual material.
- To ensure the Guide is fully accessible for people with disability, it must include the following:
  - Versions of the Guide in Easy-English, Plain Language, Braille, and different community languages.
  - Audio description, visual description, transcripts and captions for audio-visual content.
  - Auslan, including that:
    - The background must be in contrast colour to the Auslan presenter.
    - A 1/3 picture must be used of the Auslan presenter rather than a Picture in Picture Box.
  - Screen reader accessibility.
  - Compliance with the highest WCAG standards for web content.

Question 12: How should the Guide be used when there are short timeframes for decisions?

Comments

- The Guide will influence the implementation and development of government policies/programs/services to fulfil the vision of the Strategy.[19]

As such, it is critical that the Guide be used to hold all levels of government accountable on how the Strategy is implemented.

- Short timeframes for development and implementation of policies/programs/services must never be used as reason for not adhering to the full implementation and adherence to these guideline principles.

ACCAN is available to discuss any aspects of our submission.

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[19] Commonwealth of Australia, Department of Social Services, *Developing a guide to the guiding principles under Australia's Disability Strategy 2021-2031 – consultation paper,* October 2022, p. 1 (URL Link Here).