

Submission

6 September 2024

Department of Social Services
By email: ADSReview@dss.gov.au

Re: Review of Australia's Disability Strategy

The Australian Communications Consumer Action Network (**ACCAN**) thanks the Department of Social Services (**DSS**) for the opportunity to comment on the Review of Australia's Disability Strategy (**the Review**).

ACCAN is the peak body that represents consumers on communications issues including telecommunications, broadband, and emerging new services. ACCAN provides a strong unified voice to industry and government as we work towards communications services that are trusted, inclusive and available for all.

Accessible communications and technology are central to the success of the Australian Disability Strategy (**ADS**). This submission focuses on Recommendation three: 'Identify ways to support best practice approaches to accessible communications.'¹

ACCAN recommends the Review adopts an approach to supporting improvements in accessible communications and technology that focuses on:

- Improving Australia's laws and their linkage to communications and technology accessibility standards.
- Improving data quality relating to the accessibility of communications and technology.
- Developing workforce skills and capacity to deliver on planned improvements.

For more detail on these priorities please consult **Attachment A**.

ACCAN supports other recommendations provided in the discussion paper including ensuring a nationally coordinated approach, improving data on Targeted Action Plan (**TAP**) progression, understanding intersectional experiences and measuring accountability & compliance.

We thank the DSS for the opportunity to comment on the Review. Should you wish to discuss any of the issues raised in this submission further, please do not hesitate to contact me at david.swayn@accan.org.au.

Yours sincerely,

David Swayn
Disability Policy Officer

¹ Australian Government, 2024, p.10. Australia's Disability Strategy Review Discussion Paper. Available at: <https://engage.dss.gov.au/wp-content/uploads/2024/08/ads-review-discussion-paper-august-2024-pdf.pdf>

Attachment A: Priority areas for draft recommendation three

The United Nations Committee on the Rights of Persons with Disabilities has recommended Australia adopt action plans and strategies to identify and address barriers to accessibility.² In response, The Australian Government has agreed to create an Associated Plan for Accessible Information and Communications,³ and has established a Communications Accessibility Consultative Committee which will support the development of the Associated Plan.⁴

ACCAN recommends an approach that addresses known structural barriers to the creation and provision of accessible communications, including improving accessibility laws and their links to standards, improving data availability and developing a skilled workforce.

Laws and Standards

ACCAN considers that the Review should prioritise law modernisation so that there are broader requirements for government and non-government organisations to create accessible products, services and information. Effective change would result in people with disability having proactive protections of rights to accessible communications and technology with access to a fast, effective and enforceable complaints system.

The recent Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (**DRC**) recommended a series of reforms to laws that has the potential to strengthen accessible communications and technology.⁵ The Australian Government response included a commitment to reforming the *Disability Discrimination Act (DDA) 1992* (Cth) which provides a path toward these improvements.⁶

² United Nations, 2023. Views adopted by the Committee under article 5 of the Optional Protocol, concerning communication No. 56/2018. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2F27%2FD%2F56%2F2018&Lang=en

³ Australian Government, 2023. RESPONSE OF AUSTRALIA TO THE VIEWS OF THE HUMAN RIGHTS COMMITTEE IN COMMUNICATION NO. 56/2018 (HENLEY v AUSTRALIA). Available at:

<https://www.ag.gov.au/sites/default/files/2023-04/56-2018--australian-government-response.PDF>

⁴ Australian Government, 2024. Australian Government to establish a Communications Accessibility Consultative Committee. Available at: <https://www.accesshub.gov.au/news/australian-government-establish-communications-accessibility-consultative-committee>

⁵ Commonwealth of Australia, 2023. Realising the human rights of people with disability (Volume 4). Available at: <https://disability.royalcommission.gov.au/publications/final-report-volume-4-realising-human-rights-people-disability>

⁶ Australian Government, 2024. Australian Government Response to the Disability Royal Commission. Available at: <https://www.dss.gov.au/disability-and-carers/disability-royal-commission-support-services/australian-government-response-to-the-disability-royal-commission>

ACCAN supports reform that strengthens and modernises rights relating to accessible information and technology, including:

- Adoption of the proposed amendments to the DDA provided by the DRC in recommendations 4.23 – 4.34, including the introduction of broadly applicable positive obligations to be non-discriminatory.
- Undertaking a review of the standards environment, including relevant international standards available for adoption, with a view to ensure laws support broad uptake of appropriate standards relating to accessible communications.⁷
- Establishing a Digital Communications Technology Standard under the DDA as recommended in 2021 by the Australian Human Rights Commission.⁸
- Ensuring that any legislative change includes a complaints mechanism that has investigative and enforcement powers substantial enough to drive systemic change.

ACCAN notes that there are reforms recently completed or underway in other jurisdictions including Canada,⁹ Europe,¹⁰ and the United States,¹¹ that could be reviewed for opportunities to harmonise our legislative reforms with international markets.

Data

A recent ACCAN-funded grant ‘Cancellations for All’ completed by the Centre for Accessibility Australia audited 44 telecommunications providers and found that none completely passed accessibility audits of cancellation processes for customers who are blind or low vision.¹² This type data showcases just how pervasive inaccessibility might be in our communications environment, particularly as most products, services and information provision are moving toward digital platforms.

Australia requires a robust view of accessibility and inaccessibility across government, industry and society to support an environment that ensures communications and systems are accessible for people with disability. A robust view requires specific datasets that are current, responsive and available for public scrutiny.

⁸ Australian Human Rights Commission, 2021. Technology and Human Rights Final Report. Available at: <https://humanrights.gov.au/our-work/technology-and-human-rights/publications/final-report-human-rights-and-technology>

⁹ Government of Canada, 2019. Accessible Canada Act. Available at: <https://laws-lois.justice.gc.ca/eng/acts/a-0.6/>

¹⁰ European Union, 2019. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882>

¹¹ The White House, 2023. Strengthening Digital Accessibility and the Management of Section 508 of the Rehabilitation Act. Available at: <https://www.whitehouse.gov/omb/management/ofcio/m-24-08-strengthening-digital-accessibility-and-the-management-of-section-508-of-the-rehabilitation-act/>

¹² Centre for Accessibility Australia, 2024. Cancellations for All Final Report. Available at: <https://www.accessibility.org.au/wp-content/uploads/2024/06/ACCAN-Cancellations-for-All-Main-Report-PDF.pdf>

ACCAN welcomes the proposed changes to how the ADS intends to measure information and communications systems accessibility, as they pivot from overall inclusion measurements¹³ to measuring specific items like conformance levels of government websites and consumer experiences.¹⁴ However, further detail, including data on private services and organisations, physical digital technologies and consumer goods, will be required to give a useful overall indicator of accessibility in Australia.¹⁵

ACCAN also notes that the proposed change to the measurement of information and communications accessibility potentially excludes valuable information that provides a more complete picture of digital exclusion. ACCAN suggests retaining the use of the Australian Digital Inclusion Index as a data source as it measures vital perspectives on matters like affordability, digital skills and the overall use of online technology. A dataset that encompasses the measurement of all these factors (standards conformity, affordability, digital skills and uptake) that is specific and nuanced enough to guide targeted policy responses would be beneficial in an evolving and adapting digital environment.

Workforce Skills

Developing and auditing accessible websites, documents, services and more is a specific skillset. At present there are no formally recognised qualifications or education pathways to develop expertise in this field.¹⁶ The Australian Web Accessibility Initiative (**OZeWAI**) is currently advocating for the development of apprenticeship pathways to support the future workforce.¹⁷

With international changes to accessibility laws driving up demand for accessibility specialists and shifting the public discourse about compliance,¹⁸ Australia needs to prepare for a similar change in the domestic supply and demand for accessibility professionals.

¹³ See the current method of measuring information and communication systems accessibility, as a broader approach. Australian Institute of Health and Welfare, 2024. Australia's Disability Strategy 2021–2031 Outcomes Framework: Second annual report. Available at: <https://www.aihw.gov.au/reports/australias-disability-strategy/australias-disability-strategy-outcomes-framework/contents/inclusive-homes-and-communities/future-measures>

¹⁴ As noted in the proposed changes for measurement of Information and communications systems accessibility, see: Australian Institute of Health and Welfare, 2024. Australia's Disability Strategy 2021–2031 Outcomes Framework: Second annual report. Available at: <https://www.aihw.gov.au/reports/australias-disability-strategy/australias-disability-strategy-outcomes-framework/contents/inclusive-homes-and-communities/future-measures>

¹⁵ For example, measuring the built & digital environment as they merge (kiosks, service robotics, self-service devices, IoT devices and any device used to communicate) alongside the communications accessibility of human delivered services.

¹⁶ Many professionals may currently engage in training from the International Association of Accessibility Professionals (IAAP).

¹⁷ OZeWAI, 2023. A Year in review: 2023. Available at: <https://ozewai.org/blog/newsletter/a-year-in-review-2023/>

¹⁸ See, for example Ireland's implementation of the European Accessibility Act and how it strongly incentivises organisations to check their compliance. As explained in: Ronen, R, 2024. Ireland Web Accessibility: Everything you need to know. *Forbes*. Available at: <https://www.forbes.com/councils/forbesbusinesscouncil/2024/05/30/ireland-web-accessibility-everything-you-need-to-know>

ACCAN recommends that the Review encourage activities that evaluate, inform and guide the accessibility workforce to be appropriately prepared for the change in demand as Australia continues to undergo a digital transformation and potential legislative reform. The Future Skills Organisation (**FSO**) has recently released a consultation paper that provides opportunities for input on this topic, focusing on training for the finance, technology and business workforces.¹⁹ ACCAN encourages this type of review more broadly.

The Auslan workforce is also an integral component of the successful provision of accessible communications. DRC recommendations 6.2 and 6.3 which focus on increasing the number of Auslan interpreters and access to appropriately skilled and qualified interpreters should be actioned by the Australian Government in parallel to an exploration of the general accessibility workforce.²⁰

The Australian Communications Consumer Action Network (ACCAN) is Australia's peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers. ACCAN is committed to reconciliation that acknowledges Australia's past and values the unique culture and heritage of Aboriginal and Torres Strait Islander peoples. [Read our RAP.](#)

¹⁹ Future Skills Organisation, 2024. Bridging the Digital Divide: Digital Accessibility and Inclusion. Available at: <https://www.futureskillsorganisation.com.au/reports-papers/digital-divide-consultation-paper>

²⁰ Commonwealth of Australia, 2023. Final Report Volume 6, Enabling autonomy and access. Available at: <https://disability.royalcommission.gov.au/publications/final-report-volume-6-enabling-autonomy-and-access>