# Vision Australia Submission

## The Commonwealth ICT Procurement Framework

**Submission to: Digital Transformation Agency**

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## Introduction

Vision Australia is providing the following comments on the Commonwealth ICT Procurement Framework ("the Framework) released for comment by the Digital Transformation Agency ("the DTA"). The Framework has relevance and significance for people with a disability in general, and people who are blind or have low vision in particular. The Framework must explicitly and proactively recognise the importance of accessible ICT procurement in eliminating barriers faced by people with a disability, especially when seeking employment in a Government department or agency. We are disappointed that in its current form the framework gives insufficient attention to accessibility related issues. If this situation is not robustly addressed then there is every likelihood that the many long standing barriers that people with a disability face when seeking employment will remain.

## Context

Research conducted by Vision Australia in 2012 showed that 58% of people who are blind or have low vision are unemployed not by their own choice[[1]](#footnote-1). While this figure represents a slight improvement over the 63% figure obtained from our earlier 2007 research into unemployment among people who are blind or have low vision, it is still more than 10 times the national average. There is no reason to suppose that there will be a significant improvement in the unemployment situation for people who are blind or have low vision unless urgent and strong action is taken by government.

There are many barriers to employment that are experienced by people who are blind or have low vision, but a key one is the inaccessibility of mainstream ICT products and services. There have been rapid developments in assistive technology such as screen-reading software that provides access via synthetic speech, refreshable braille, and screen magnification, to products that comply with accessibility standards, but innovation in mainstream technologies has rarely included accessibility in the absence of requirements (legislative or regulatory) to do so. We frequently hear from people who are blind or have low vision that they have progressed through job recruitment selection processes only to find that they cannot perform the job because the workplace uses technology that is incompatible with screen-reading software or other assistive technology. Unless ICT products are designed so as to be accessible from the outset, it can be virtually impossible to "retrofit" them for accessibility. Hence accessibility barriers in the workplace that result from the use of inaccessible ICT products can be irreversible. This applies equally to government workplaces and those in the private sector. The Australian Standard for accessible ICT Procurement (AS EN 301 549) has real potential to remove accessibility barriers for the employment of people who are blind or have low vision, but it will only be effective if it is consistently and universally applied at all levels of public procurement.

## Need for accessibility as a distinct element to support Mandated Compliance

Accessibility must be a distinct element and a key step to support all ICT procurement within the framework. This element focussing on accessibility must include clear and specific references to the need for compliance and support best practise application of the Accessible ICT Procurement Standard. While AS EN 301 549 is an Australian Standard, it has a particular focus on accessibility, unlike most other Australian Standards. It is important that this standard is not bundled in with another element within the framework that supports general compliance with other relevant standards within the framework.

A general reference will downplay its importance and dilute its effectiveness, even though the framework may include a requirement to comply with relevant applicable Australian Standards. Highlighting accessibility as a distinct element within the framework that delivers on a mandated approach to accessible ICT procurement is also consistent with the Australian Government's obligation under the UN Convention on the Rights of persons with Disabilities, which includes frequent references to the importance of mainstream accessibility (for example, Articles 2 and 9). The Convention recognises that people with a disability have a right to employment, and that this right entails the procurement of accessible products and services. The way in which AS EN 301 549 is applied has a direct bearing on how Australia meets its obligations under the Convention.

**Consequences for Non-Compliance**

We draw the DTA's attention to the limited success and lengthy delays in implementing the Government's National Transition Strategy for improving the accessibility of Government websites. One reason for the disappointing result of the strategy was that there were no real consequences for a Department or Agency if it did not meet its accessibility targets. The disability sector has frequent occasion to observe that the removal of accessibility barriers rarely occurs unless there is some requirement to do so or sanction for failure to do so. In the area of accessible ICT products and services, a key impetus for change has resulted from the US’S.508 accessible public procurement guidelines. The consequence for a company if its products do not comply with these guidelines is that US government instrumentalities cannot purchase them if other more accessible, products are available.

The S.508 guidelines form part of US legislation, whereas the Australian Standard EN 301 549 does not. It is therefore necessary that there be clear and significant consequences for Government departments, and agencies if they do not comply with the standard by purchasing inaccessible ICT products and services. The lack of any such consequences is likely to mitigate the beneficial effect of the Standard.

## Importance of Monitoring Compliance within the framework

A related but separate issue is the importance of monitoring compliance with the accessible ICT procurement standard. Within the framework it is important that auditing of ICT procurement against the standard is critical. Instances of non-compliance must be identified before they can be addressed, and to this extent there are similarities with the approach taken with the accessibility of websites. Often the first time an instance of non-compliance with web accessibility standards is identified is when a person who is blind or has low vision brings it to the attention of the department or agency concerned, perhaps by lodging a Disability Discrimination complaint. It is, in general, easier and less costly to remedy accessibility issues on a website than it is to replace an inaccessible IT system with an accessible one. In any case, if the inaccessibility of an ICT product or service is only discovered when a person has been employed and discovers that the accessibility barrier prevents them from performing the tasks associated with their job, it is often too late for large scale remediation to occur.

It is therefore reasonable and necessary that the framework include robust and verifiable mechanisms for monitoring compliance specifically with the accessible ICT procurement standard. This again highlights that the importance of this standard for removing discriminatory barriers is not to be obscured by generalisations whose effect is to list it as just another Australian Standard.

## Importance of Awareness-Raising

The accessible ICT Procurement Standard became an Australian Standard in December 2016. It is thus comparatively recent, and there is, as yet, limited knowledge and awareness of it. In a public procurement context, there will be an ongoing need for a comprehensive education and awareness-raising campaign. This is best achieved in conjunction with a specific mandate for compliance, rather than as part of a "basket" of other Australian Standards that procurement officers need to be familiar with. The inclusion of accessibility as a distinct and important element of the framework will be a good basis to build an awareness campaign.

## Conclusion

Vision Australia and other organisations in the blindness and low vision sector have been lobbying for over 10 years for the introduction of a mandatory accessible ICT procurement regime across all Australian governments. The adoption of the European accessible ICT procurement standard by Standards Australia in 2016 AS EN 301 549 represented an important development in the realisation of the right of people with a disability to participate fully, equally and independently in all aspects of life. However, the Standard will not lead to lasting progress unless its implementation is mandated specifically and seen as a distinct element and key step within the ICT Procurement Framework. This is in addition to the inclusion of a robust audit process for compliance against the standard within the framework.

It must never be forgotten that a failure to comply with this Standard has real, long-lasting and damaging impacts on the real lives of people who are blind or have low vision. The addition to include accessibility as a distinct element within the ICT Procurement Framework provides an opportunity to instigate positive change in the accessibility of products services and workplaces that must not be squandered.

We trust that the DTA will examine the issues affecting people who are blind or have low vision, and people with a disability more generally, in greater detail, and we would be pleased to engage in further discussions with the ACCC to assist in this examination.

# About Vision Australia

Vision Australia is the largest national provider of services to people who are blind, deaf blind, or have low vision in Australia. We are formed through the merger of several of Australia’s most respected and experienced blindness and low vision agencies, celebrating our 150th year of operation in 2017.

Our vision is that people who are blind, deafblind, or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision, are deafblind or have a print disability, and their families.

Vision Australia service delivery areas include:

* Registered provider of specialist supports for the NDIS and My Aged Care
* Aids and Equipment, and Assistive/Adaptive Technology training and support
* Seeing Eye Dogs
* National Library Services
* Early childhood and education services, and Feelix Library for 0-7 year olds
* Services to blind and low vision children in schools to maximise educational outcomes
* Employment services, including national Disability Employment Services provider
* Accessible information, and Alternate Format Production
* Vision Australia Radio network, and national partnership with Radio for the Print Handicapped
* Spectacles Program for the NSW Government
* Advocacy and Engagement, working collaboratively with Government, business and the community to eliminate the barriers our clients face in making life choices and fully exercising rights as Australian citizens.

Vision Australia has unrivalled knowledge and experience through constant interaction with clients and their families, of whom we provide services to more than 26,000 people each year, and also through the direct involvement of people who are blind or have low vision at all levels of the organisation. Vision Australia is well placed to advise governments, business and the community on challenges faced by people who are blind or have low vision fully participating in community life.

We have a vibrant Client Reference Group, with people who are blind or have low vision representing the voice and needs of clients of the Organisation to the Board and Management. Vision Australia is also a significant employer of people who are blind or have low vision, with 15% of total staff having vision impairment. Vision Australia also has a Memorandum of Understanding with, and provides funds to, Blind Citizens Australia (BCA), to strengthen the voice of the blind community.

1. Vision Australia (2012): Employment Research Survey Report 2012, Melbourne, p4 [↑](#footnote-ref-1)