

○ AUSTRALIA'S MISSING ACCESSIBLE INFORMATION AND COMMUNICATIONS TECHNOLOGY PROCUREMENT POLICY

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Where is the Australian Government's procurement policy for accessible information and communications technology? This paper investigates the current Australian Government procurement policy, the policies being introduced to dismantle barriers that Australians living with disability encounter and the international procurement policy environment for accessible information and communications technology (ICT). The paper argues that in order for Australians with disability to be able to have more access to employment, public services and a greater market of accessible ICT products and services Australia will need to adopt a comprehensive whole-of-government procurement policy for accessible ICT.

INTRODUCTION

In recent years Australia has introduced a range of progressive public policies to address the participation barriers faced by its citizens who live with disability. The Government has become a signatory to the United Nations Convention on the Rights of Persons with Disabilities, implemented a raft of reviews, inquiries and public consultations on how best to dismantle the barriers that Australian citizens with disability encounter every day in all areas of economic, social and cultural participation. However, despite this progress in disability public policy and a growing awareness and discourse on how societal barriers create disability, the question remains: where is the Australian Government's public procurement commitment to accessible information and communications technology?

This paper highlights the need for an accessible information and communications (ICT) Australian Government public procurement policy by investigating the current Australian model of access and inclusion in public policy as it relates to the ICT environment; the policy changes that have been implemented in this sector to disassemble some of the barriers that people living with disability encounter in accessing our growing digital economy; and through comparisons with the international accessibility public policy landscape.

WHAT IS PUBLIC PROCUREMENT?

Public procurement is the process that governments follow when purchasing goods and services from the private sector. In Australia all levels of government – Federal, State and Territory as well as local – have procurement policies in place to monitor and prescribe the way in which goods and services are purchased. The Commonwealth, for example, has adopted the Commonwealth Procurement Policy Framework to guide departments and agencies in the acquisition of goods and services. The Framework ensures that the following principles are encompassed as part of any government procurement: “value for money; efficient, effective and ethical use of resources; and accountability” ([AGIMO 2009](#)).

Public procurement policies are not unique to the area of ICT and are used widely by national, state and local governments to promote and protect a raft of initiatives.

As Cynthia Waddell asserts, these initiatives include such policy goals as:

- to stimulate national economic activity;
- to protect against foreign competition;
- to improve competition in certain economic sectors;
- to drive innovation in a particular area of technology;
- to remedy regional disparities; and
- to achieve specific social policy goals. ([Waddell 2009](#), [McCrudden 2007](#))

An accessible ICT public procurement policy is a whole-of-government commitment to the purchase, lease and funding of information and communications technology products and services which include built-in Universal Design or access-for-all functionality.

All public procurement policy is dependent on procedures and criteria in order to be effective. An Australian accessible ICT procurement policy will require specific procedures and steps in order that it achieves the following strategic goals:

- improving accessibility in the public service workplace;
- increasing accessibility to all public services delivered via ICT platforms, and most importantly; and
- fostering Universal Design in the mainstreaming of ICT products and services for the entire Australian ICT marketplace.

Public procurement in the context of this paper relates to the expenditure of government funds in the purchase of all ICT products, services and contracts across all levels of government, and public expenditure limited to the purchase, lease and development of hardware, software, and the development of public services. It does not include any public expenditure associated with human resources in the operation of these ICT products and services.

According to the most recently reported data on Government ICT expenditure collected by the Australian Bureau of Statistics, the total Australian Government expenditure on ICT in 2003 was over \$5 billion ([ABS 2004](#)). With an annual ICT budget of this magnitude, the Government has the power to drive the marketplace for ICT products and services. It is in the public interest that the Government use this market influence to encourage innovation, growth and availability of accessible computer equipment, software, telecommunications and public services. There is a strong argument supporting the link that demand creates innovation. Therefore, it follows that market demand created through public procurement policy can have the power to both foster and grow innovation in accessible ICT products and services. When increased competition is created through the desire to feed public procurement demand for ICT products and services – products and services which incorporate access-for-all functionality – the cost of equipment for people with disability across the marketplace should decrease.

It is not only people with disability who benefit from the principles of access-to-all functionality in an ICT marketplace. The development of electronic reading devices for the blind or vision-impaired have been co-opted as the preferred model for reading by many fully sighted people and consequently a burgeoning market for e-books is threatening traditional publishing models.

Having a competitive marketplace of available, accessible and affordable ICT will be fundamental if the Government's Social Inclusion agenda is to include people with disability in Australia's growing digital economy.

INTERNATIONAL PROCUREMENT POLICIES

Several of the world's leading economic markets have already adopted access-for-all ICT public procurement policies. Perhaps the most influential of these in leveraging increased e-access and e-inclusion is Section 508 of the United States' Rehabilitation Act of 1973, ([FCC 2008](#)), which stipulates that all Federal Government departments or agencies must purchase, develop, maintain or use information and communications technology that is accessible to people living with disability. For all U.S. Government employees or consumers living with disability who use government services, all information must be accessible. In order for government agencies to purchase ICT products and services, these products and services need to be Section 508 compliant.

The market driver that Section 508 wields in the United States ICT economy ensures that developers and manufacturers of ICT goods and services address accessibility in order to sell to the U.S. Government. The roll-on effect of this is that the wider ICT marketplace has more ICT products with access-for-all functionality built in, removing the barriers of availability and affordability of accessible products for many of the U.S.'s approximately 60 million citizens living with disability ([U.S. Census 2010](#)). In support of the Federal Government's commitment to Section 508, the Federal Communications Commission Access Board adopted a standard for procurement developed by the Telecommunications and Electronic and Information Technology Advisory Committee in 2008 ([TEITAC 2008](#)). Additionally, the General Services Administration provides federal agencies with Section 508 procurement guidance and information. ([GSA 2011](#))

The European Union has adopted an access-for-all ICT public procurement policy, Mandate 376 (M-376) ([EC 2005](#)). The main objectives of the M-376 mandate are to harmonise and facilitate the public procurement of accessible ICT products and services and to provide a mechanism through which public procurers have access to an electronic toolkit that enables them to make use of harmonised requirements in the procurement process ([G3 ICT 2007](#)). There is a range of EU States' initiatives developed under the auspice of Mandate 376, which provide national and harmonised intra-EU States access-for-all ICT public procurement recommendations.

Both national and international studies of e-access and e-inclusion have highlighted a digital divide between people with disability and their non-disabled family members, friends and colleagues when participating in the growing digital economy. Addressing this digital divide needs to be one of the Government's top priorities as Australia's digital society increasingly transforms all aspects of economic, social and cultural life. The power of the public purse can leverage the wider ICT market to adopt the access-for-all principles of universal design, principles that can help bridge this digital divide and provide greater participation for all Australians in our rapidly advancing digital society.

These international procurement policies, such as the European Union's Mandate M-376, include consultation with people with disability, experts in ICT development, standards bodies and manufacturers to ensure that the steps for procurement realise the goals of the policy. These stakeholders are included in the:

1. request for tender assessment of vendors & tenders;
2. product development or customisation;
3. implementation and evaluation; and
4. ongoing maintenance.

The inclusion and consultation of people living with disability in the development of public policy is essential if these policies are to be effective. In the case of an accessible ICT procurement policy where people with disability are the end-users, there needs to be a thorough understanding of the barriers in access to ICT products and services.

This range of international public procurement policies developed to ensure that accessible ICT products and services are available for government markets can provide best-practice guidelines for the development of an Australian accessible ICT public procurement policy.

AUSTRALIAN POLICY

Unlike comparable first-world countries, Australia has yet to adopt an ICT procurement policy which includes promotion of access-to-all and universal design protections for our already disadvantaged citizens living with disability. While the Federal Government has adopted ICT procurement guidelines, guidelines informed by the *Review of the Australian Government's Use of Information and Communications Technology* Report 2008, these guidelines do not include any reference to the need to address e-access or e-inclusion for people living with disability. ([AGIMO 2011](#))

Given the rapidly changing digital environment which has been embraced and championed by the current Government, the lack of a comprehensive ICT procurement policy that drives innovation, economic growth and social participation will only continue to disenfranchise and exclude the very people that a new digital society is hailed as benefitting.

This blind spot in Australian public policy can only be interpreted as the proverbial elephant in our public square, particularly given that in recent years the Australian public awareness of the disadvantage that many of our family, friends and neighbours living with disability face as they engage with the wider world has increased. Leading this growing awareness is a paradigm shift in the way we view disability. Increasingly policy makers and civil society are adopting the social model of disability – that is, disability as a result of societal barriers and attitudes – rather than the outdated medical/welfare model of disability which viewed disability as intrinsically being an individual's deficit. Over the past three years the Australian Federal Government has developed a number of policies designed to help ameliorate the barriers that inadvertently create many of the access issues that people living with disability face in everyday life. Most significant is the 2008 ratification of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) ([UN 2006](#)). Underpinning the presupposition of this paper are several of the Articles of the UNCRPD which explicitly address the need of states parties to improve accessibility in the areas of information and communications technologies while also calling on signatory states to improve access to those technologies which allow full participation in the digital economy.

Article 4
General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

(g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;

Australia has reinforced its commitment to the UNCRPD by ratifying the Optional Protocol which enables disability discrimination complaints to be taken to the United Nations if they have failed to be resolved using all domestic remedies within the States Parties.

Another of the recent public policies developed by the Government is its Social Inclusion agenda, which has been adopted as a whole-of-government commitment to ensure that all Australians “have the opportunity to participate fully in the life of our society”. This Social Inclusion agenda is based on the core principle that “the needs of individuals must be at the

centre of policy development and service delivery”, and as such public services must be accessible for people living with disability ([ASIB 2009](#)).

Ironically, in stark illustration of how inadvertent barriers prevent people living with disability from social participation, the Government’s Social Inclusion website registration process was initially developed with an inaccessible authentication captcha box that had no audio alternative, thereby disabling participation, or social inclusion, for people who were blind or vision-impaired. Had there been a whole of government ICT procurement policy in place, the development of an inaccessible government website would have been addressed before it went live.

This social inclusion agenda aligns with the Government’s guiding policy initiative for addressing disability; the National Disability Strategy (NDS). The overarching NDS is intended to implement remedies to participation barriers that have been identified by people with disability, disability service organisations, peak disability bodies and government departments and agencies that interact with people living with disability ([COAG 2010](#)). The NDS has recently been adopted with a range of high-level ideals and very little in prescriptive solutions to the many barriers that prevent people living with disability from being able to fully and equitably participate in the Australian way of life. While the NDS does address accessible websites, the lack of inclusion of a whole-of-government procurement policy requiring built-in access-for-all ICT is the major shortfall of the NDS as it stands. As a national initiative to be implemented under the auspice of the Council of Australian Governments (COAG), the NDS would have considerably more relevancy and currency with the inclusion of an accessible ICT procurement policy.

While the Government has not yet undertaken to address this significant gap in public policy, there have been some recent government initiatives designed to improve access, specifically in the area of ICT, for people living with disability.

These new policy initiatives include the December 2010 release of the Access to Electronic Media for the Hearing and Vision Impaired Report which made 22 recommendations to improve access to broadcast services such as television for those Australians who are Deaf, hearing-impaired, blind or vision-impaired ([DBCDE 2010](#)). The report recommends that closed captioning on free-to-air television be increased from its current 6pm to 10:30pm primary channel requirement to 6am to midnight on all free-to-air broadcasters’ primary channels and all news and current affairs programming. Another of the report’s recommendations is for the Government to conduct a trial of Audio Description (AD) on the ABC television network for a period of 13 weeks. Audio Description is a verbal commentary of the visual content of video that is not available to viewers who are blind or vision-impaired. In order to provide a closed AD trial, one that can have the audio description content turned on or off depending on a viewer’s need. As the trial will need to be run on one of the ABC’s digital multi channels, this will require that the digital television or digital set-top box has audio-enabled on-screen menu navigation functionality.

Unfortunately, for Australian television viewers who are blind or vision-impaired, there are currently no audio-enabled set-top boxes available in the Australian marketplace – boxes which provide an alternative to visual navigation of the on-screen menu. Without an accessible set-top box, a closed trial of audio description will exclude the very people it is intended to assist.

Highlighting how public procurement can influence and drive the market, the Government’s Digital Television Switchover Taskforce is currently running a trial of fully accessible set-top boxes for its Household Assistance Scheme (HAS). Prior to the Taskforce’s announcement of the trial, consumer and blindness organisations lobbied government and manufacturers to promote the development of an audio-enabled digital set-top box for the Australian marketplace. In the meetings these groups held with industry the discussions ultimately focused on the market size for disability specific products and the return on investment for manufacturers producing these products. Discussions on the benefits of Universal Design and the economies of scale that could be achieved from an access-for-all market approach were

not fully appreciated by manufacturers and consequently they would not commit to developing fully accessible set-top boxes.

However, in order to secure contracts through future HAS Requests for Tender which will most likely require full accessibility features in set-top boxes; the manufacturers have since developed audio-enabled boxes and will soon produce these fully accessible boxes for the wider Australian market. These set-top boxes will not only enable blind consumers to navigate digital television but will provide assistance to the growing numbers of aging Australians with vision loss, consumers with low English-literacy skills and consumers with cognitive impairments. Through the power of the public purse, accessible set-top boxes in the Australian marketplace will ensure that the increased choice and participation that digital television offers as our most ubiquitous medium for entertainment will be available for all consumers.

Similarly, the Government's policy to adopt the World Wide Web Consortium's (W3C) Web Content Accessibility Guidelines (WCAG 2.0) will be significant in increasing e-access and e-inclusion for all Australians, not only those with disability. This policy commits all government websites to be "A" rated by 2012 and "AA" compliant by 2014 ([AGIMO 2010](#)). This will make access to online government information and services that are delivered via the web accessible and easier to use for many people living with disability. Unfortunately it will have limited impact on the under-representation of people living with disability in public sector employment and even less impact on the wider ICT marketplace

ACCESS FOR ALL

If Australia is fair dinkum about including all citizens in the increasingly ubiquitous digital society, the lead needs to come through government commitment and policy. An accessible ICT public procurement policy will:

- promote the principles enshrined in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in which Articles 4, 9, 21 and 30 specifically address access to ICT and the role that access plays in encouraging economic and social participation;
- create greater employment opportunities for people with disability; and
- increase access to the growing number of government services being promoted through online platforms for people living with disability.

Adoption of a policy requiring accessible ICT equipment and software in all government departments, and public-funded organisations would largely increase the opportunities of employment for many Australians living with disability. The roll-on effect of this increased employment would produce a range of benefits for the whole community. With more people with disability in public service employment, the cost of providing financial assistance will decrease. With more people with disability in public service employment society's attitudes will change seeing people with disability as fully participating members of the community. With more people living with disability in public sector employment there will be greater awareness and employment opportunities within the private sector for people living with disability.

As of June 2010 the percentage of people living with disability employed by the Australian Public Service was a low 3.2 percent ([APS 2010](#)), while at the same time the ABS was reporting that more than 19 percent of the Australian population identified as living with a disability ([ABS 2010](#)). While we do not know all the reasons that the number of people with disability is so underrepresented in the public sector, it is likely that with an accessible ICT public procurement policy in place, the employment opportunities in the public sector for people with disability would increase. The ABS reports that while Australia is facing a labour shortage there has been no increase in the percentage of employment of people with disability over the last financial year, yet the number of Australians in receipt of the Disability Support Pension has risen.

Current statistics on the numbers of Australians living with disability who are employed are very disheartening. Vision Australia's 2007 Employment Report showed that 63 percent of Australians who are blind or vision-impaired are either unemployed or under-employed, and of those who are employed, only 30 percent have a weekly salary over \$1000. ([VA 2007](#))

CONCLUSION

As the term implies, access-for-all provides usability and functionality of products and services to the greatest number of people. Through the adoption of a robust and relevant whole of government accessible ICT public procurement policy, all Australian public service workplaces and ICT public services could become accessible to people living with disability.

While Australian Commonwealth departments and agencies are required by the Disability Discrimination Act 1992 to ensure that online information and services are accessible by people with disabilities, there remain many strong arguments as to why Australia needs to adopt a comprehensive accessible ICT public procurement policy, ranging from the rights-based principle that all Australian citizens need to have full and equitable access to government services; the power of the public procurement economy in influencing the broader marketplace; and to ensure that Australia does not become the dumping ground for inaccessible ICT goods that are unsellable overseas where policies protect markets from inaccessible products and services, in particular the larger economies of the United States and the European Union.

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