

TEDICORE Submission to the Productivity Commission Inquiry into the Disability Discrimination Act 1992

Background

TEDICORE (Telecommunications and Disability Consumer Representation) welcomes the opportunity to respond to the call for public submissions to the Productivity Commission Inquiry into the Disability Discrimination Act 1992.

TEDICORE is supported by the Commonwealth through the “Grants to Fund Telecommunications Consumer Representations” program of the Department of Communications, Information Technology and the Arts. TEDICORE is administered by Blind Citizens Australia but is a cross-disability project. It aims to advance and represent the interests of people with a disability in relation to telecommunications issues and promote equity and accessibility. A Project Advisory Body with members from peak disability bodies such as Australian Association of the Deaf, Deafness Forum, Physical Disability Council of Australia, Women with Disabilities Australia, Blind Citizens Australia and Communication Aid Users Society as well as Dr Christopher Newell AM ensure there is broad representation.

Telecommunications and the DDA

Telecommunications is vital in today's society. Changes to telecommunications can open up many new possibilities of communication for people with a disability. However, the lack of access to telecommunications products and services by people with a disability may cause considerable hardship and disadvantage in employment, education and socialisation as well as potential danger in emergencies.

The impact of the DDA has been significant for improved access to telecommunications. The DDA and the Telecommunications Act 1997 are linked in a number of ways. Complaints of discrimination, notably *Scott vs Telstra*, influenced the insertion of particular clauses in the Telecommunications Act relating to people with disabilities. Complaints under the DDA, such as interference to hearing aids from GSM mobile phones, have led to public inquiries on particular telecommunications issues.

There have been other significant complaints such as Maguire vs SOCOG which has heightened awareness of web accessibility.

HREOC has held an inquiry into e-commerce (based on a direction by the Attorney-General) which has resulted in voluntary guidelines on accessible ATMs, online banking and EFTPOS.

Currently, HREOC is undertaking an inquiry into telecommunications access for people with disabilities resulting in a comprehensive draft report which may lead to many further actions for HREOC in this important area. TEDICORE is keen to work with HREOC in achieving positive outcomes.

While there are many relevant issues in telecommunications and disability access, at this stage, TEDICORE wishes to address one specific issue in regard to the DDA.

This relates to section 3.7 Commonwealth Government laws and programs in the Inquiry Issues Paper.

Recommendation: TEDICORE wishes to see increased DDA influence in the public procurement of accessible IT and telecommunications products and services.

The background and rationale for this recommendation is detailed in the following section.

Public procurement of accessible IT and telecommunications products and services

Governments are very large purchasers of goods and services and thus have the power to strongly influence the market. An excellent example is the approach taken by the U.S. federal government in its requirement based on amended legislation (Section 508 of the Rehabilitation Act) that all federal government employees including those with a disability should have the same opportunity to use hardware and software in the workplace. This means that the U.S. federal government requires in its procurement policy that only hardware and software which is accessible should be acquired.

This has had a tremendous effect as major hardware and software companies have had to ensure that accessibility is now incorporated into their products in order to supply to the U.S. Government.

Section 508 Accessibility Guidelines have been developed and are used to assess whether a variety of products including telephones and websites are accessible. This is a growing international trend with countries such as Japan,

Ireland and Sweden working towards accessible procurement policies. In fact, a European Commission project entitled ACCENT studied accessibility in information and communications technology procurement resulting in a number of guidelines including accessibility of telephone systems and services.

In Australia, the Department of Finance and Administration revised the Commonwealth Procurement Guidelines in September 2001. In a section outside the guidelines themselves but which is intended to assist officials in their procurement decisions, disability considerations are mentioned in reference to the Commonwealth Disability Strategy. The Commonwealth Disability Strategy states that "purchasing specifications and contract requirements for the purchase of goods and services are consistent with the requirements of the Disability Discrimination Act 1992." (p. 11, A guide to the performance reporting framework, Commonwealth Disability Strategy) It is unclear how this is implemented in government department and agency purchasing decisions. There seems to be limited compliance mechanisms in place currently to achieve appropriate outcomes.

A procurement policy incorporating accessibility for telecommunications by federal government will have a strong impact on improving the productivity of government employees with disabilities and even potentially increasing the number of people with a disability who have easier access to employment.

Conclusion

The obvious advantages of telecommunications services accessible for people with a disability is that people can then participate fully in the digital economy and thus contribute to Australian society as a whole.

TEDICORE looks forward to further discussions about the above issue with members of the Inquiry Committee.

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