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**AFDO Briefing Paper:**

**Access to information and communications for people with disability across the public service**

**Adopted: March 2024**

**Review date: As required.**

## Australia’s Human rights obligations

Access to information and communications is recognised by the United Nations as a precondition for freedom of opinion and expression is guaranteed under:

* Article 19 of the Universal Declaration of Human Rights, and
* Article 19 of the International Covenant on Civil and Political Rights.
* Articles 9 and 21 of the Convention on the Rights of Persons with Disabilities (CRPD).

Article 21 of the CRPD states:

* *“States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:*
* Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost.
* *Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions.”*

## Background and policy context

Government departments continue to:

* Produce public-facing and internal information that is not universally accessible to people with disability. This often, although not exclusively occurs when work is contracted out to consultancy firms without there being checks and balances in place to ensure the end product meets accessibility requirements.
* Procure information and communications technology (computer software and hardware, office equipment, telecommunications products and electronic services) , that does not comply with accessibility requirements. This affects outcomes relating to the employment, retention and job satisfaction of employees with disability across the public service. It also results in the procurement of public-facing electronic systems that prevent people with disability from accessing vital services.

These issues are exacerbated by the fact that AS EN 301 549:2020 - Accessibility requirements for ICT products and services and the Web Content Accessibility Guidelines 2.2 are not adequately incorporated into:

* Australia’s Disability Strategy 2021-31, or
* The National Digital Economy Strategy.

This situation is not working for Government or people with disability. People with disability are frequently prevented from accessing the information, or from engaging with the systems they need. When accessibility has not been considered from the outset, it is far more cost prohibitive and logistically difficult to retrofit for accessibility after the fact. This situation also leaves Government open to receiving future complaints under the Disability Discrimination Act 1992 (Cth).

In 2023, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) handed down it’s final report to government. Recommendation 6.1 from the Royal Commission states:

* *“The Australian Government and state and territory governments should develop and agree on an Associated Plan in connection with Australia’s Disability Strategy 2021–2031 to improve the accessibility of information and communications for people with disability. The Associated Plan should be co-designed with people with disability and their representative organisations. It should be finalised by the end of 2024."*

While government must urgently prioritise the matter of access to information and communications for people with disability, Recommendation 6.1 alone will not fully satisfy Australia’s international human rights obligations.

In it’s 2019 concluding observations on the combined second and third reviews of Australia, the United Nations Committee on the Rights of Persons with Disabilities recommended Australia:

* *“Take the necessary legislative and policy measures, such as the development of public procurement criteria, to implement the full range of accessibility obligations under the Convention, including regarding information and communications technologies and systems, and ensure effective sanctions measures for non-compliance” (Paragraph 18: C).*
* “*Develop a plain language law requiring government agencies to use clear communication and that it also develop legally binding information and communications standards so that information, particularly all information about significant changes to laws, policies, systems and obligations, is provided in accessible modes, means and formats, including Braille, Easy Read and sign language (Auslan), and that communication supports are routinely available” (paragraph 42).*

Recommendation 4.1 From the Disability Royal Commission proposed the establishment of a Disability Rights Act which should be used as a vehicle to help resolve this matter in the long-term and enhance Australia’s compliance with the CRPD.

## Recommendations:

1. The Australian Government must accept Recommendation 4.1 from the Disability Royal Commission, which compels Government to enact a federal Disability Rights Act. This Act must:
2. Establish legally binding information and communications standards.
3. Require all public authorities to provide and fund access to high quality interpreting services to enable people with disability to interact with their systems and processes on an equitable basis with others.
4. Mandate accessible procurement practices for all public authorities.
5. In the interim, Government must undertake genuine and meaningful consultation and codesign with people with disability and their representative organisations to progress the implementation of Recommendation 6.1 from the Disability Royal Commission.
6. When approaching Recommendation 6.1 from the Disability Royal Commission, Government must have regard to:

* The Disability-Inclusive Communications Guidelines, published by the Department of Global Communications in 2022.
* Article 9 of the Convention on the Rights of Persons with Disabilities.
* Article 21 of the Convention on the Rights of Persons with Disabilities.
* Paragraph 18: C from the concluding observations on the combined second and third reviews of Australia, handed down by the Committee on the Rights of Persons with Disabilities in 2019.
* Paragraph 42 from the concluding observations on the combined second and third reviews of Australia, handed down by the Committee on the Rights of Persons with Disabilities in 2019.

1. Australia’s Disability Strategy 2021-31 must be updated to include explicit reference to AS EN 301 549:2020 and the Web Content Accessibility Guidelines 2.2. The Strategy must articulate the role these instruments play in enabling people with disability to participate in employment and various spheres of public life. The outcomes framework for the Strategy must also be updated to require public authorities to report on compliance against these two instruments.
2. The National Digital Economy Strategy must be updated to include explicit reference to AS EN 301 549:2020 and the Web Content Accessibility Guidelines 2.2. The Strategy must emphasise the critical role these instruments play in ensuring people with disability are not further marginalised as a result of inaccessible digital systems and processes.
3. The Australian Public Service Commission must explore the feasibility of establishing a centralised unit for accessible information and communications to drive best practice and consistency across the public who are accessing support from the aged care system.