

Vision Australia Comments: Guidelines on Equal Access to Digital Goods and Services

Submission to: Australian Human Rights Commission

Email to: disability@humanrights.gov.au

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Submission approved by: Chris Edwards, Director Government Relations and Advocacy, NDIS and Aged Care, Vision Australia

## Introduction

Vision Australia is providing comments on the Exposure Draft of the Guidelines on Equal Access to Digital Goods and Services (the Guidelines) to commend the Australian Human Rights Commission on its initiative in updating the previous Web Accessibility Advisory Note, and to express our strong support for the principles of universal design and equal access through Standards-compliance upon which the Guidelines are founded. We also draw attention to five specific areas where we believe the Guidelines will benefit from expansion and clarification.

## Need for Specific Discussion of CAPTCHA

In our experience one of the most significant barriers currently limiting access by people who are blind or have low vision to internet-based goods and services is the pervasive use of CAPTCHA implementations without accessible, non-visual alternatives. An inaccessible CAPTCHA can make an otherwise completely accessible, WCAG-compliant website unusable, and because CAPTCHAs are often deployed on “Contact Us” forms it can be impossible for a person to contact the company or government agency if they are unable to solve the visual CAPTCHA.

It has been widely known for two decades that CAPTCHA creates accessibility barriers for people with a range of disabilities, including especially people who are blind or have low vision. Yet some government departments and agencies, and the private sector, continue to implement inaccessible CAPTCHAs on their websites. We are aware, for example, of one Commonwealth Government agency that has used inaccessible CAPTCHAs for over 10 years and has failed to replace them or provide accessible alternatives despite disability discrimination complaints and sector lobbying. We are also aware of state government agencies that have introduced CAPTCHAs without also making accessible alternatives available to users who are not able to solve the visual CAPTCHAs.

Vision Australia has emphasised in numerous submissions and public statements that the goals of robust cyber-security and equal, independent access are complementary and compatible rather than competing or mutually exclusive. But from our discussions with clients and our direct experience interacting with government and the private sector, we can confidently say that there is a widespread view that because CAPTCHA is an important technique for keeping digital assets secure by mitigating the damaging and disruptive effects of spambots, it therefore takes precedence over, or completely extinguishes, human rights. In other words, the view is that security trumps equal access, and that considerations of equal access must therefore be set aside.

In this context we believe that it is essential for the Guidelines to address the use of CAPTCHA specifically, by providing clear and unequivocal advice about the need for accessible alternatives and, more generally, by dispelling the myth that cyber-security is a sufficient reason for ignoring responsibilities under rights-based legislation such as the DDA. There seems to be a recent retreat from accessible options in Google’s widely-used Recaptcha implementation, and if this trend continues the barriers created by CAPTCHA will increase unless strong advice is provided.

## Clarification about Household Appliances

S24 of the DDA makes it unlawful to discriminate against people with a disability in the provision of goods, services and facilities. It has always been understood that this section does not address discriminatory aspects of goods and services themselves. So, for example, most household appliances have visual display screens that cannot be read by a person who is blind or has low vision. The accelerating incorporation of touchscreens into many household appliances at all price points has made them even more unusable without vision. However, the DDA has never been perceived or used to achieve equal access to these appliances, despite growing frustration in the blind and low vision community about the trend towards greater inaccessibility. Indeed, we are aware of opinions that a DDA complaint about an inaccessible good would most likely fail in the Federal Court.

S3.1 of the Guidelines notes that “Any digital good or service created for people to consume, engage with and/or control, must be designed to provide equal access of use by all.” “Household appliances’ is then mentioned as a category of ICT that is included in the scope of the Guidelines.

Household appliances are not usually thought to be ICT, so if it is the intention to include these appliances then we strongly recommend that a discussion of this point be added. Including household appliances will also extend the scope of the Guidelines well beyond what the DDA is traditionally considered to cover, and it will also considerably extend their potential audience, since almost everyone has household appliances of one kind or another. If only household appliances that have digital interfaces are envisaged, then it is not at all clear which particular appliances would be covered. For example, is a touchscreen a digital interface by definition, or only if it is used to connect the appliance to a computer, smartphone or other digital device? If a household appliance such as a coffee machine is provided with an app, is only the app required to be equally accessible, or must the features of the machine that are not accessible through the app also be accessible to all? Or, again, must the app be designed so that it provides access to all features of the product?

In our view, these and related questions will inevitably and quickly arise once the Guidelines are distributed widely, and a pre-emptive response will be very important for the credibility and usefulness of the Guidelines, as well as for ensuring that people who are blind or have low vision can understand how they can reasonably expect the Guidelines to assist if they lodge a disability discrimination complaint about an inaccessible household appliance.

## Lift Controls

S3.1 of the Guidelines also refers to “lift controls” as a category of ICT covered by the Guidelines. Given the increasing prevalence of Lift Destination Control Systems, especially in larger and modern buildings, we recommend that these be specifically mentioned, for example, “lift controls and lift Destination Control Systems, or “in-lift controls and Lift Destination Control Systems”. We not infrequently hear from clients who are unable to use the lift in a building because the external, touchscreen-based Lift Destination Control System is not accessible (or the accessibility features have not been activated by the building management), even though the controls inside the lift itself are accessible. We have heard from clients who were unable to attend a job interview because they could not use the Lift Destination Control System to summon the lift and direct it to the floor they needed. It is essential for there to be no room for doubt that these systems are covered by the Guidelines and that they must therefore be accessible to all.

## Digital Kiosks

A feature of the expansion of digital goods and services is the broadening or renaming of existing technology categories and the creation of new ones. “Digital kiosk” is one category that is undergoing such a change. Kiosks are appearing in new guises, such as “self-ordering stations” in major restaurant chains, queuing management systems in government offices, and store locators in major shopping centres. In some cases these kiosks are paired with Digital Locator Devices that a user is given so that, for example, restaurant staff can deliver an order to the correct table.

We are not aware of any digital kiosks currently in Australia that are fully or equally accessible to people who are blind or have low vision. One factor that contributes to this lack of accessibility is that new and re-categorised technologies often do not fit neatly into existing cognitive and regulatory frameworks. A self-ordering station in a restaurant, for example, is not necessarily considered to be part of the provision of goods and services referred to in S24 of the DDA, but neither is it necessarily thought of as a piece of ICT that is covered by AS/EN301 549. In our view the result is an increase in technological innovation that ignores the importance of equal access and universal design, and which also fails to provide alternative solutions for people who are consequently unable to use the kiosks.

The Guidelines provide an opportunity to educate government, industry and people with a disability about how equal access must be achieved in all aspects of the digital landscape. They will also be important in shaping expectations and clarifying responsibilities as digital goods and services continue to evolve and proliferate. While the Guidelines clearly cannot discuss every technology and scenario in detail, we do strongly recommend that they include a more detailed discussion of digital kiosks, together with a wide range of examples of where they are being used, and how equal access principles can be applied.

## Digital Wayfinding Solutions

Just as the boundaries between traditional technology categories are becoming more flexible and less clearly-defined, so too are the boundaries between different spheres of public life that are delineated in the DDA and covered by DDA Standards. For example, digital features are being incorporated into the built environment, but because they do not fall within the scope of the Access to Premises (Buildings) Standards they are in many cases not equally accessible to people who are blind or have low vision. Digital signage, locational and wayfinding features are becoming very common in hospitals, shopping centres, museums, galleries, entertainment precincts, national parks, and other large and complex spaces available to the public. Often these features involve using a touchscreen to find and obtain directions to a specific location such as a particular store in a shopping centre, a specific treatment area in a hospital, or individual walking trails in a national park. Very few of these digital features are equally accessible to people who are blind or have low vision. Making a digital wayfinding system fully accessible not only involves providing non-visual access to the touchscreen interface and the underlying content, but also incorporating an accessible way of following the directions given by the signage or wayfinding system.

Digital wayfinding solutions for people who are blind or have low vision have developed and matured rapidly over the past few years, and there are now commercially-available, robust systems that leverage technologies such as Bluetooth beacons and long-distance QR codes to offer accessible and effective wayfinding options.

We strongly recommend that the Guidelines include a discussion of the importance of making digital signage and wayfinding features equally accessible to people who are blind or have low vision, and that they also emphasise the need for digital wayfinding solutions that offer people who are blind or have low vision the same amenity and convenience as the rest of the community when navigating around the built environment.

**About Vision Australia**

Vision Australia is the largest national provider of services to people who are blind, deafblind, 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, 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, employment services, production of alternate formats, Vision Australia Radio network, and national partnership with Radio for the Print Handicapped, Spectacles Program for the NSW Government, Advocacy and Engagement. We also work collaboratively with Government, businesses 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 30,000 people each year, and also through the direct involvement of people who are blind or have low vision at all levels of our 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 our 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.