

Vision Australia Submission

The Digital Platforms Inquiry Issues Paper

Submission to: Australian Competition and Consumer Commission (ACCC)

Date: March 29 2018

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Introduction

Vision Australia is providing the following comments on the Issues Paper released by the ACCC to commence the Digital Platforms Inquiry (DPI) because we believe that the scope of the Inquiry has relevance and significance for people with a disability in general, and people who are blind or have low vision in particular. It is extremely important that the Inquiry is fully aware of, and gives due consideration to, the impact of "digital search engines, social media platforms, and other digital content" (Issues Paper, p.6) on consumers with a disability. Over the past three decades, the increasing convergence of computing, publishing, broadcasting and telecommunications has created the foundation of our current digital platforms. The impact of this ongoing process of convergence, and the platforms that have resulted, has been profound for society general. For the almost 20% of the Australian population who have a disability, the impact has been no less profound, but it has been less understood by decision-makers and often much less beneficial. Vision Australia provides services to people throughout Australia who are blind or have low vision, and we have developed a detailed understanding of the issues facing our community, including the impact of digital technologies. Our comments in connection with the DPI will thus focus on its relevance for consumers who are blind or have low vision, but we strongly recommend that the ACCC actively seek the views of the broader disability sector as the Inquiry progresses.

Context

People who are blind or have low vision cannot read standard print, and so are excluded from accessing information provided in this form, whether on paper or in an electronic form such as on a computer screen, smartphone or advertising billboard. The invention of braille by Louis Braille in the 1820s has made it possible for people who are blind to access information that has been transcribed from printed form, and today braille is the primary means of acquiring literacy and numeracy for people who are blind. Braille has kept pace with developments in technology, and electronic "refreshable" braille displays can now be used in conjunction with screen-reading software to provide access to computers and smartphones. At the same time, the development of synthetic speech has provided access for people who are blind or have low vision and who do not use braille.

Having access to computers and smartphones is not the same as having access to the information displayed on those devices, and this is the key reason why the DPI Inquiry is relevant for people who are blind or have low vision. In order for digital information to be accessible, it must be presented in ways that can be interpreted by the screen-reading software that converts it into synthetic speech or braille, or the screen-enlargement software that presents it for people who have low vision.

A graphic image cannot be identified in synthetic speech or braille unless it has a text label. Visual elements of information such as pie charts, graphs and maps must be similarly rendered as text

(for example, by a description of the data contained on the graph) before a person who is blind or has low vision can access it.

International guidelines have been developed by the World wide Web Consortium (W3C) to allow creators of websites and web-based applications to make their content accessible to people with a disability (the Web Content Accessibility Guidelines (WCAG) 2.0). In general, digital content will not be accessible unless it complies with these Guidelines.

While governments in Australia have generally recognised the importance of digital accessibility for the content that they create and publish on their websites, the same is not true of the non-government sector, and many websites, and their associated content, remain partially or totally inaccessible to people who are blind or have low vision. The Disability Discrimination Act 1992 (Cth) makes it unlawful to discriminate against a person on the ground of disability in certain key areas, including the provision of goods, services and facilities, but the Act itself does not specify how access must be provided (for example, the legislation does not require providers of digital content to comply with the Web Content Accessibility Guidelines). In any case, disability discrimination legislation is only effective if, and to the extent that, individual consumers use it to lodge complaints alleging instances of discrimination, and the complaints process can be protracted, stressful and unpredictable.

Choice and Control

A key focus of the DPI is on choice and control insofar as it relates to digital content. Consumers who are blind or have low vision do not have the same degree of choice and control over the digital content they access as the rest of the community, because many – perhaps most – digital platforms currently used to deliver this content do not comply with the Web Content Accessibility Guidelines. Consumers who are blind or have low vision do not have the same flexibility to switch from one digital platform (and its content) to another because they can only switch to platforms that are accessible. In practice most people will remain with a platform that is accessible, even if it does not meet their needs and even if its content is untrustworthy, distasteful or spurious, because experiencing the exclusionary effects of inaccessibility is always humiliating, demeaning and stressful.

We strongly believe that the DPI must consider the implications for consumers who are blind or have low vision of the increasing reliance on digital content for the delivery of news and other types of journalism. If governments do not require digital platforms to comply with accessibility guidelines, then consumers who are blind or have low vision will be increasingly excluded from participating in discussions, community debate, and knowledge of current affairs generally. There is no evidence whatsoever that the so-called free market will, in the absence of government legislation or regulation, address the needs of people with a disability; on the other hand, there are abundant examples of where new products

and services have been developed and introduced in ways that make them completely inaccessible.

Privacy

It is clear from the Issues Paper that the DPI will also consider issues related to privacy. Again, it is wrong to assume that general measures aimed at protecting the privacy of consumers will automatically provide the same protections to consumers who are blind or have low vision. For example, many privacy policies are not provided in formats that are accessible to people who are blind or have low vision, and we have no reason to believe that this situation will change unless organisations and companies are required by legislation to make their privacy policies accessible. Similarly, it can be difficult or impossible to find privacy policies if the websites, apps and other digital platforms where they are located do not comply with accessibility guidelines.

Advertising

The DPI will also consider the relationship between digital platforms and advertising. Our strong impression is that the overwhelming majority of online and other digital advertising is not currently accessible to people who are blind or have low vision, and that there is little if any interest from advertisers in making their advertising content compliant with accessibility guidelines. This has a negative impact on people who are blind or have low vision in two ways: firstly, it excludes them from knowing about the availability of new products and services that are advertised to the rest of the community via digital platforms; secondly, non-compliant ads on websites or in apps can significantly degrade the accessibility of other content (for example, slideshow carousels and rotating advertising banners on websites can make the entire site inaccessible, even if other content on the site complies with accessibility guidelines).

Conclusion

The development and deployment of digital platforms do not have an equal impact on all sections of the community, and people who are blind or have low vision are at serious risk of being increasingly marginalised or excluded altogether from participation in many aspects of economic, cultural and social life unless urgent action is taken to mandate minimum guaranteed levels of accessibility of current and future digital platforms. Inaccessibility is not inevitable, but results from various and conscious design choices made by platform developers and content creators. The effects of these choices on the ability of various groups to access information are not always appreciated, but this does not mitigate the negative impact on those groups.

We trust that the DPI 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 Felix 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.