



Australian Federation of Disability Organisations

247 Flinders Lane
Melbourne, VIC, 3000
Phone: 03 9662 3324
TTY: 03 9662 3724
Fax: 03 9662 3325
Email: office@afdo.org.au
Web: www.afdo.org.au

Senate Finance and Public Administration Committee
PO Box 6100
Parliament House
Canberra ACT 2600

31 December 2013

Finance and Public Administration References Committee – Commonwealth Procurement Procedures Inquiry

The Australian Federation of Disability Organisations (AFDO) is pleased to have the opportunity to provide a submission to the Senate Finance and Public Administration References Committee Inquiry into Commonwealth Procurement Procedures.

AFDO has been established as a primary national voice to Government that fully represents the interests of people with disability across Australia. The mission of AFDO is to champion the rights of people with disability in Australia and help them participate fully in Australian life.

AFDO's submission to this Inquiry is aligned with the Inquiry's terms of reference, with particular attention to the economic and social benefits of utilising Australian goods and services and related matters.

Accessible procurement is a natural fit with Australia's national and international obligations

The Commonwealth Government has a strong commitment to a national approach to supporting people with disability to maximise their potential and participate as equal citizens in Australian society. This commitment is reflected by Australia becoming a signatory to the United Nations Convention on the Rights of Persons with Disabilities (The Convention). Introducing accessibility guidelines into Commonwealth procurement procedures of both domestic and international goods and services would contribute to Australia's compliance with Article 4 (General Obligations) and Article 9 (Accessibility) of The Convention.

Accessibility guidelines in Commonwealth procurement procedures would also be consistent with the Commonwealth Government's obligations under the Disability Discrimination Act 1992 (Cth), as it is unlawful to discriminate against people with disability in the provision of goods and services.

The National Disability Strategy also represents a commitment by Commonwealth, State and Territory governments (under the auspices of the Council of Australian Government) and industry and the community to a 'unified approach to policy and program development'. Part one of the Strategy focuses on inclusive and accessible communities,

which makes specific reference to the physical environment, digital information and communications technologies, and civic life. Commonwealth procurement would fall squarely within the gamut of the National Disability Strategy and underpins most if not all of the initiatives outlined in the Strategy.

Further, Commonwealth Government procurement procedures can assist in facilitating cultural change in a large number of organisations in Australia by introducing specific requirements in procurement procedures. The inclusion of mandatory accessibility criteria in tendering arrangements also signals to the general public the Government's commitment to the true inclusion of people with disability.

Procurement procedures and social benefits

AFDO's interest in procurement procedures relate to the accessibility of infrastructure, goods and services purchased by Government and the flow on effect of government purchasing decisions to people with disability who may be employers, employees or customers of government services. This includes services purchased from both Australian and international markets, with preference to Australian suppliers who are committed to providing goods and services which incorporate universal design principles that cater for an inclusive Australian market.

The Australian Bureau of Statistics estimates that one in five Australians have a disability – an estimated four million people. Procurement procedures which embed universal design from the outset as part of good business practice significantly increases access to a broad consumer base, including people with disability.

Accessibility is broader than the leasing of a building that caters for wheelchair access. Accessibility includes information and communications technology (ICT) which incorporates universal design principles to allow for independent use (such as software and database systems which are compatible with adaptive technology for people who are blind or vision impaired or for people with limited dexterity); telecommunications; office fitout and physical considerations; the purchase of other organisational systems; tenders for goods and services as well as the business and employment practices of suppliers, particularly in relation to people with disability.

As one of the largest procurers of infrastructure, goods and services, the Commonwealth Government is in an unparalleled position to influence the market, and in turn, the development of products and services. As noted by the Australian Communications Consumer Action Network (ACCAN) in their report titled 'Accessible Communications: Tapping the Potential in Public ICT Procurement Policy' (2012):

'once accessibility criteria are signaled by government as part of their purchasing strategy, greater certainty for manufacturers is created. Companies that already have accessibility features in their products are more competitive when government considers tenders. This in turn encourages competitors to innovate for improved accessibility. With additional demand, costs for components fall making accessible products more affordable, not only to government but to the private sector and the community in general'.

Embedding universal design from the outset also negates the need to make retrospective adjustments to technology – adjustments which can have a direct impact on the employment participation of people with disability.

This approach is not new – many OECD countries have introduced procurement regulations and guidelines to ensure government departments purchase ICT that is accessible to people with disability. Section 508 of the US Rehabilitation Act requires that electronic and information technology used by US Federal Agencies is accessible to people with disability. The European Union is well advanced in developing a set of accessibility guidelines for public procurement which are close to completion and have progressed to a final draft which is likely to be approved by all three European standards organisations within the next month or so. It is planned that these guidelines will be published in February 2014. These guidelines, incorporating the standards, are set for inclusion in the next round of Directives on public procurement for use by member countries. Work is also being done for proposed European accessibility legislation that will make accessibility criteria in public procurement mandatory.

In Australia, the National Disability Insurance Agency is trialing the requirement of accessible ICT for all its ICT purchasing. The trial will be using the US Section 508 guidelines to inform Request for Tender document and processes for all Agency ICT products. The Agency has adopted best-practice accessibility principles with all ICT, website and online services. The Australian Public Service Commission, Diversity Council has also charged its ICT Accessibility roundtable with investigating and reporting on the role of ICT in improving the employment levels of people with disability in the public service. The Roundtable will be reporting back to the Council late this year, with procurement of accessible ICT one of the areas under investigation. These are important steps forward, however great buy-in is required by the Commonwealth to drive socially responsible procurement practices, similar to the procurement practices employed in the 1960s to drive the workforce participation of women by organisations tendering for government contracts.

Importantly, the inclusion of legislated requirements have not only made government information and services more accessible to a greater number of people but have also provided the potential to achieve a range of social outcomes, including increased employment opportunities for people with disability, as identified by efforts in the European Union. The concept of using government procurement procedures to influence suppliers to become more active in introducing universal design principles can be extended to other products and services other than ICT.

In addition to promoting universal design principles, procurement procedures can be used by the Commonwealth Government to encourage and support organisations to embrace diversity and social inclusion, with diversity within the workplace shown to have positive benefits in increasing the customer base and in turn, profits.

Access to goods and services for people with disability

As outlined, there are a number of international models which could be drawn upon to inform the development of Australian guidelines for Commonwealth procurement procedures. Below are examples of requirements that could be included in procurement procedures, processes and tenders which would lead to increased access to goods and services for people with disability, supplied by both domestic and international suppliers.

- Application of universal design principles to the goods and services the company provided, including compatibility with international standards for accessibility;
- The company's compliance with Australian Standards for access for people with disability to buildings and infrastructure, and, if applicable, measures adopted by the organisation which surpasses the requirements of the Australian Standards;

- List of the company's policies and procedures that address disability discrimination in compliance with the Disability Discrimination Act 1992 (Cth); and
- The status of the development and implementation of a Disability Action Plan.

Accessible procurement as a mechanism to increase the employment participation of people with disability

Embedding universal design principles and a commitment to accessibility within Commonwealth Government procurement procedures would also have a positive and significant impact in addressing disparities in the employment participation of people with disability. This could include more accessible employment within government and by suppliers who are committed to employment practices which are inclusive of people with disability.

According to the Australian Bureau of Statistics Survey of Disability and Carers (2012), there are 2.2 million Australians with disability of working age (15-64). This group has an unemployment rate of 9.4% as compared to 4.9% for people without disability. Internationally, Australia ranks 21 out of 29 OECD countries in the employment participation rates of people with disability.

At ACCAN's Government 2.0 Roundtable in 2009, Graeme Innes, Australia's Commonwealth Disability Discrimination Commissioner noted that the absence of accessibility requirements in public procurement in Australia was limiting opportunities for people with disability. The implications of ICT accessibility criteria were made clear to him when companies, keen to address accessibility requirements to supply the US Government, ignore such requirements in Australia simply because equivalent requirements are not in place. As an example, employees with disability are often required to rely on the Workplace Modifications Scheme (administered under the Commonwealth Government's Employment Assistance Fund) to provide solutions to government systems that are largely inaccessible. This process can take several months, compromising the ability of the employee to work independently, or at all, due to poor inaccessible procurement choices. These barriers also extend to recruitment and career advancement.

Information that organisations could be asked to provide for consideration in procurement processes and tenders that relate to their own employment practices, in addition to compliance with ICT specifications, could include:

- A company's policies and procedures for equal opportunity employment, including the employment of people with disability; and
- Specific initiatives, including community initiatives, that the company are undertaking to increase participation rates of people with disability

Should you require any further details relating to this submission, please contact Bill Lawler
AFDO would welcome the opportunity to present to the Senate Committee on the contents of this submission and our recommendations.

Yours sincerely

Bill Lawler
National Policy Officer