

# AUSTRALIAN EXPERIENCES WITH ACCESSIBILITY POLICIES POST THE SYDNEY OLYMPIC GAMES

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## ABSTRACT

Australia enacted its Disability Discrimination Act in 1992, prior to the now ubiquitous World Wide Web. However, the “Maguire v. Sydney Olympic Games Organising Committee” High Court case in 2000 clearly demonstrated that the Australian Disability Discrimination Act applies in the online world. While Government in Australia was the initiator of establishing accessibility policy for online activity and eGovernment, many of these policies have remained unchanged since the late 1990s. During 2002, other sectors of the economy have come to the fore with respect to online accessibility policy and 'leapfrogged' the government with policies that sometimes leave the government position looking languid. This paper reviews the current online accessibility policies and guidelines of federal and state governments in Australia and contrasts these positions with the high levels of accessibility expected in the future in the banking, education, legal and multimedia sectors as a result of recent industry policies declarations.

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## INTRODUCTION

Accessibility policy varies from one country to another. Many of the standards in the United States of American are set by government legislation, most notably the Section 508 requirements. In Australia the requirement is for the adoption of ‘best practice’. Currently that is defined through the Australian Human Rights and Equal Opportunity Commission (HREOC) ‘Notes’ (HREOC, 2002a) which show application of the World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI) Web Content Accessibility Guidelines (WCAG) to Australian situations.

The HREOC ‘Notes’ are not legal requirements, but do give service providers advice on how to avoid discrimination. HREOC’s Notes interpret the Disability Discrimination Act 1992 (DDA) to specify that equal access for people with a disability is required by law where it can reasonably be provided. This is as applicable to individuals and organisations developing web pages and online services as it is to access in the physical world. While in Australia it may not be illegal to have an inaccessible web site, it is illegal to discriminate; thus an inaccessible web site may not be discriminatory if alternative, equivalent, access to the information or service is provided.

The AusInfo (2000) and National Office of the Information Economy (2002) accessibility guidelines apply to Australian government sites. Like the HREOC Notes, these guidelines are also based on those of the W3C. Effectively this means that whilst the HREOC Notes and Government guidelines show application of WCAG to Australian situations, it is the international accessibility guidelines that are the predominant focus of best practice in this area. This contrasts with the US and a few other countries where local accessibility regulations have been developed.

While government in Australia was the initiator in establishing accessibility policy for online activity and eGovernment, many of these policies have remained effectively unchanged since the late 1990s. In recent years other sectors of the economy have come to the fore with respect to online accessibility policy and 'leapfrogged' the government with policies that sometimes leave the government position looking languid. The Commonwealth and State Governments all require accessibility conformance with WCAG, but as most don't specify the level, the lowest level has been adopted. Some States have recently raised the bar for accessibility and require or recommend WCAG Double-A as the goal.

Non-government sectors in Australia are also leading the way forward in the area of accessibility. The Australian Bankers Association (ABA) "Disability Action Plan" (DAP) calls for the banks to improve the accessibility of Automatic Teller Machines (ATMs), Electronic Funds Transfer at Point of Sale (EFTPOS), Automated Telephone Banking, and Internet Banking. The Internet Banking standards call for conformance with WCAG 1.0 Double-A as well as incorporating some WCAG 1.0 Priority 3 and some US Section 508 checkpoints.

The "Accessible Web Action Plan" from the Internet Industry Association and the Australian Interactive Multimedia Industry Association (IIA/AIMIA, 2002) was developed to provide a best practice model for their members and assist them to eliminate, as far as possible, barriers for people with disabilities in the provision of Internet, or online-based goods, services and facilities.

The Legal Information Standards Council has developed a "Usability and Accessibility Checklist" and "Best Practice Guidelines for Legal Web Sites" (Law Reform Foundation, 2001) to assist web site developers create accessible, usable legal web sites.

The Australia Education Systems Officials Committee has drafted "Disability Standards for Education" that will apply to all government and privately supplied education in Australia and apply equally to on-site and online education provision (AESOC, 2002).

The single most significant influence on the development of accessibility policy in Australia has arguably been the litigation brought against the Sydney Organising Committee for the Olympic Games (SOCOG). It is here that this paper begins, after a brief introduction to the Disability Discrimination Act, recounting the background and significant implications of this case. From there the paper addresses the policy issues of ebanking, education and government policy more generally.

This paper draws together the current situation with respect to policy for online accessibility in Australia. This is a foundation from which it will be possible to benchmark the Australian position against other countries and measure Australia's progress in removing discrimination in the new online world of the 21st century.

## **THE AUSTRALIAN DISABILITY DISCRIMINATION ACT**

The Australian DDA was enacted in 1992 before the Web became the ubiquitous source of information and service that it has become and before e-government, e-commerce and internet banking were much more than science-fiction to most citizens.

In Australia, the DDA relies on a complaints-based system and requires an individual to lodge a complaint with HREOC who will then attempt to conciliate between the person or organization providing the discriminatory service and the complainant.

The DDA allows for providers for goods and services to "demonstrate that it would involve unjustifiable hardship to meet particular access requirements" in which case the providers obligation to provide equal access is limited. However, Commonwealth Government departments and agencies, and others involved in administration of Commonwealth laws and programs cannot plead unjustifiable hardship and are required to provide equal access free from unreasonable barriers (HREOC 2002a). This also applies to educational

institutions in most circumstances.



**Figure 1 - HREOC Complaint Handling Process (HREOC, 2002b)**

Only if a complaint cannot be resolved by conciliation does a person have the option [\(see Notes\)](#) to take their complaint to the Federal Court for an enforceable ruling. Very few complaints actually get into court for resolution.

## **SUCCESSFUL LITIGATION AGAINST THE SYDNEY ORGANISING COMMITTEE FOR THE OLYMPIC GAMES**

In the United States of America, litigation is commonplace; Australia is not as litigious. However, the publicity surrounding the SOCOG case has served both to warn government and the private sector of the need to comply with legislation and to highlight the difficulties faced by the vision impaired, possibly to the detriment of people with other disabilities. Even though accessibility had been a public requirement since (at least) May 1999, it was only after the demonstration of inaccessibility of some Sydney Olympics' web designs and the lack of alternative provision of information and services that accessibility has been brought to public attention. With an understanding of how a web site proved inaccessible via screen readers came the acceptance of the importance of accessibility as a basic requirement. This acceptance seems to be a direct result of the explicit demonstration of how the SOCOG site failed. This understanding was not brought about by how the site failed a particular guideline however, but how people's access to the site was affected by failing that guideline. It made what was previously seen as an academic or technical issue into a social and legal one.

### **Background to the SOCOG Case**

The SOCOG case concerns court action taken by a vision-impaired person, Maguire, against SOCOG (Nublog, 2000; Worthington, 2000). SOCOG was found to have acted in a discriminatory and unlawful manner. It was argued that the Sydney Olympics web site was designed to give a wide ranging user population, including people with disabilities, access to one of the world's biggest sporting and cultural events. The original complaint was that the web site was not accessible to people using screen readers. The reasons given for the complaint were threefold:

- lack of ALT text associated with images;
- lack of alternative text for image maps;
- use of JavaScript for navigation.

The result was that some vision-impaired users could not access ticketing information, event schedules or

postings of event results.

This was not the first time that discrimination involving information technology had been the subject of litigation. In 1995 there was a successful case involving a member of the Australian deaf community and an Australian telecommunications company, that had unfairly discriminated against him (Worthington, 2001).

During the SOCOG case specific mention was made of the WCAG 1.0. HREOC had previously decided that the DDA covers the provision of services over the web, whether provided for payment or not (HREOC, 2002a).

It should be noted that too much emphasis on the SOCOG case as the definitive example of inaccessibility could lead to misleading conclusions. The WCAG were designed with many disability groups in mind. This case highlights only three WCAG 1.0 checkpoints that the SOCOG site failed. These three checkpoints made it impossible for a person who used the site via a screen reader to access certain information. It is most likely that SOCOG failed other WCAG Priority 1 Checkpoints, but this was not deemed important in the court case because it dealt only with how the site was accessed by the complainant with a screen reader. It is also likely that other disability groups experienced difficulty accessing the site.

Having reviewed one of the main influences of Australian accessibility policy, the paper now addresses several specific accessibility policies.

#### **ELECTRONIC BANKING IN AUSTRALIA**

An inquiry by HREOC in 1999 gave impetus to the development of ebanking policy in Australia. The HREOC Report on electronic commerce (HREOC, 2000) recommended that an increased effort was required to provide equal access along with more attention to universal design approaches by business and government.

On April 15th 2002 the Australian Bankers' Association (ABA) released new voluntary Industry Standards aimed at improving the accessibility of electronic banking. Launching them, Murray, Chairman of the ABA, said:

“The Industry Standards are important steps in helping overcome the digital divide and will assist individual banks develop or enhance their electronic banking services for older Australians and people with disabilities.” (ABA 2002a, p 1)

The standards are designed “to begin the process of eliminating the digital divide by dismantling e-commerce access barriers” (ABA, 2002a, p 1).

Ozdowski, Disability Discrimination Commissioner, addressing the new ABA standards said:

“Many people with disabilities will for the first time be able to independently and privately conduct their financial transactions electronically ... This is something most of us take for granted. Now people with disabilities can enjoy the same right.” (ABA, 2002b)

Diamond, Blind Citizens Australia Executive Officer, similarly agreed that these new standards for electronic banking would improve the independence and dignity for people with disabilities. She said:

“Until now, I have been forced to rely on over the counter, face to face banking services, or to reveal personal financial information, including my PIN, to third parties. This was clearly unsafe, but equally important, it was demeaning. I'm blind, not incompetent ... Ready, independent access to services like ATMs makes banking faster, safer and more efficient. It also helps me to keep my self respect”. (ABA, 2002c)

Adoption of the new standards is voluntary. This can be seen both as an advantage and as a disadvantage. Consumers are skeptical about relying on good will, questioning whether major financial institutions, that function quite independently for competitive reasons, will be committed to adopting the standards and addressing any complaints or breaches that arise. On the other hand, if government legislated in this area, then all institutions would likely strive to comply with the minimum standard (a common denominator). Instead they are free to differentiate their products. This means one bank might cater generally to all disability groups, whilst specifically targeting people with one type of impairment, such as visual impairments, as is the case with the National Australia Bank (NAB) with their audio-enabled ATMs. People with certain disabilities might then choose to do all their banking with the institution that best caters to their needs.

Alternately, one might argue that there are some drawbacks to increased competition, of this type. The choice of banks may not exist for people living in rural or under-served regions. Also, would people without disabilities tolerate a diminishment of services due to “arbitrary” factors such as age, ability to read tiny print, inability to afford a touch-tone phone, etc.? This change in the service model for the large banks has in fact led to the establishment of “community banks” in many localities.

The ABA set a two-year time frame for banks to implement the new standards. Over 12 months have passed, yet no publicly available material shows the level of uptake and progress among individual financial institutions, although anecdotal evidence indicates that many, if not all, or them are working actively on their internet banking applications and web sites, some of them with the assistance of Vision Australia Foundation’s web accessibility group (now part of NILS). In all cases ‘internal’ committees or working groups have been assigned responsibility for implementation.

## **E-BANKING TECHNOLOGIES**

The four main areas of e-banking addressed by the ABA standards are ATMs, EFTPOS, telephone banking and Internet banking. These are addressed separately in the following sections.

### **Automated Teller Machines (ATMs)**

In 2002 Australians with visual impairments were introduced to audio-enabled ATMs (NAB, 2002), through an initiative jointly supported by the NAB’s ATM supplier (Diebold) and Blind Citizens Australia (BCA). The first of these was installed at the Royal Victorian Institute for the Blind (RVIB) premises. This initiative proved successful and the NAB adopted a policy whereby all their new ATMs from January 2003 have been voice-enabled.

An ongoing problem for all users, not only those with disabilities, is the difference in design, user instruction and formatting at the various outlets. However, this creates particular access problems for blind users who cannot, even with Braille embossed buttons, learn the sequence required to undertake regular banking activities as this sequence varies from ATM to ATM. People with cognitive impairments could also suffer from unfamiliarity problems. This problem is addressed in the ABA ATM standard – “all users of ATMs will benefit from consistency in layout and operation” (ABA, undated-a). As stated in the ABA ATM standard, it should also be noted that consistency in layout helps sighted people; consistency in operation assists everyone. However, with so-called improvements in each new ATM machine this consistent interface may be a long way off. The operation of software should be “discoverable,” not just “learnable.” Some individuals who are blind do learn to operate non-speech enabled ATMs by memorizing sequences of keystrokes. However, a machine that can be learned in this way does not mean that it is accessible if it is not possible for the individual to DISCOVER how it works through trial and error experimentation. Devices that can be learned are significantly less accessible than devices whose operation can be discovered.

### **Electronic Funds Transfer at the Point of Sale (EFTPOS)**

In most cases when bank staffs have performed field observations of customer use of this technology, the 'checkout' operator often swiped the card and/or pressed most of the keys except for keying PIN number or pressing the Account selection key and then the OK key. This highlights one advantage of the EFTPOS terminal – there is a knowledgeable person present to assist.

### **Automated Telephone Banking [also known as Interactive Voice Response (IVR)]**

The new standard allows for the option to speak to an operator, and to be automatically transferred to an operator when the customer doesn't respond, without financial penalty. This satisfies the requirements that people with disabilities, or other disadvantages, are not discriminated against as a result of an inability to use a particular interface.

### **Internet Banking**

To keep electronic customers, systems must be excellent - software or hardware glitches are not acceptable and the user interface needs to be very clear, particularly as there are fees for using online services. Difficulties for consumers include crashing servers, sites that rely on high speed connections and up-to-date computers (many older people and people with disabilities often have lower performing technology) and site updates that make original set-ups invalid or significantly change the interface design of interactivity. Such difficulties would be largely overcome if website designers were fully cognisant of accessibility guidelines. The ABA Standards state that "every effort should be made to support the widest possible range of users" (ABA, undated-b) which may be interpreted to include older, less capable equipment and telecommunications.

While the ABA Internet Banking Standard specifically focuses on online transactional banking services and associated applications and documentation, it suggests that the standard also be considered when developing other online transactions. What it fails to identify is the accessibility requirements for the path a user might take from the bank's home page to the specific transaction pages; without also addressing these issues the effort expended on accessible online transactions is largely wasted. The accessibility requirements for informational pages have also been overlooked.

The 1999 HREOC inquiries report (HREOC, 2000) specifically highlighted the difficulties around adaptive equipment, web page inaccessibility, access difficulties for e-banking facilities (ATMs, EFTPOS and IVR) and other automated devices. Its recommendations encompassed the need to complement online/automated services with human ones (as seen in the EFTPOS discussion above), information provision, community access points, education and training, standards development, universal design and website accessibility. It is to be hoped that users will be involved in design and trialing any new initiatives, as recommended by the standards. To date this has been very limited. Though consumer groups have had representation on ABA committees, little concrete information is available to date (over 12 months after adoption of the standards) of new initiatives arising from the introduction of these standards. Incentives for compliance or disincentives for failing to comply should be considered as part of the government policy.

### **ADOPTION OF THE ABA STANDARDS**

The private sector response to the voluntary standards of the ABA has been varied. There is a register of over 180 Disability Action Plans online (HREOC, 2003), but only three banks are represented among the 35 business plans listed. The NAB ATM example above is one way the standards have been adopted. Another is that of the Commonwealth Bank of Australia (CBA), which is specifically targeting older people with age-related functional impairments, in cooperation with the Council on the Ageing (Australia) (COTA). CBA has introduced and resourced self-service banking programs to the COTA network of approximately 2000 clubs. Retired CBA staff introduced club members to electronic banking by bringing ATMs and EFTPOS equipment, so that members could practice without the pressure of a public environment. No differentiation was made

between CBA customers and customers of other banks. CBA also upgraded staff training, produced a specialist video, and produced large print brochures. Since then they have partnered with COTA NSW to establish the Sydney COTA/Commonwealth Bank Online Learning Centre to provide older Australians with access and assistance to online technology.

All Australian banks have committed to the ABA Disability Action Plan and the associated banking industry standards. However, each bank is setting its own implementation priorities and timetables.

## **ACCESSIBILITY IN AUSTRALIAN GOVERNMENT**

The HEROC WWW 'Notes' state:

“Commonwealth Government departments and agencies, and other organisations where they are involved in administration of Commonwealth laws and programs, do not have the benefit of an explicit unjustifiable hardship defense under the DDA. These organisations are required to provide equal access free from unreasonable barriers.” (HREOC, 2002a)

This statement has been interpreted to also apply to state and local government programs. Thirty-two Commonwealth departments and agencies have lodged disability actions plans with HREOC; thirty-seven state government agencies and one hundred and three local governments have also lodged DAPs. All Commonwealth Government agencies are also required to address accessibility in their online action plans developed to meet the Commonwealth Government's commitment to eGovernment. These online action plans can usually be located on the individual Commonwealth agency's web site.

### **Web Accessibility**

As indicated above, Australia has adopted the W3C Web Content Accessibility Guidelines 1.0 as the accessibility standard for Australia. The Australian governments have endorsed this approach at many levels.

### **Online Council of Ministers**

“The Council was established as a key initiative of the Commonwealth Government [in 1997] following agreement by States and Territories that cooperation on online issues is needed to promote consistency on a national level.” (Commonwealth of Australia, 1997)

Senior Ministers from State, Territory and local governments meet twice a year to discuss policy issues related to the information economy. In June 2000 they adopted the W3C Web Content Accessibility Guidelines as the common best practice standard for Australian government websites to “promote the confidence of users in online services, and the accessibility of online government information and services” (Online Council, 2000).

### **Federal Government**

The Commonwealth Government was the first level of government to write accessibility into its Web publishing guidelines, but today lags behind many of the States with respect to the conformance levels expected of its departments and agencies. The National Office of the Information Economy, under the Department of Communications Information Technology and the Arts, has been responsible for establishing federal guidelines. These exist in the form of Online Standards, including one for Accessibility, that reiterates that online services fall under the DDA and that WCAG 1.0 is the appropriate guideline to follow. The Accessibility Standard requires all Commonwealth Government websites to follow WCAG to the extent that they “pass recognized tests of accessibility” (NOIE, 2002).

The National Office of the Information Economy has also produced a “Guide to Minimum Website

Standards” (NOIE, 2003). In this document, the accessibility section states that ‘compliance’ to WCAG 1.0 Single-A is a minimum rather than a desired level of accessibility for Commonwealth Government websites.

Vision Australia Foundation has worked with many Commonwealth Government departments and agencies over the past four years and has noticed a significant increase in awareness of the importance of web accessibility. This is reflected in the increasing levels of accessibility of many Commonwealth Government websites and online services.

### State Governments

All State governments have their own anti-discrimination or equal opportunity legislation. However, all were drafted in the 1980s or early 1990s – pre-WWW (with the exception of Tasmania - enacted 1998) and so no explicit mention is made of web or online accessibility. The Tasmanian legislation, which was enacted after the Web commenced, was drafted before it became ubiquitous and the success and penetration into every-day life was not foreseen (not unsurprisingly) in the mid-nineties by the legislators.

However, in line with the Online Council’s adoption of WCAG as the basis for online accessibility, all states have adopted the WCAG 1.0 in their local policy and/or guidelines relating to online Government information and services. While many states currently go no further than mentioning accessibility as a requirement, leading to adoption at the lowest “Single-A” WCAG 1.0 level, some go further and recommend a higher WCAG 1.0 conformance level to aim for.

**Table 1 – Comparison of Accessibility Requirements of Australian States**

State	Documents Applicable to Website Accessibility	Minimum / Recommended WCAG Conformance	Procurement	Public Access Hardware
Australian Capital Territory	<ul style="list-style-type: none"> <li>• Policies</li> <li>• Guidelines</li> </ul>	A / -		
New South Wales	<ul style="list-style-type: none"> <li>• Guidelines</li> </ul>	A / -		
Northern Territory	<ul style="list-style-type: none"> <li>• Guidelines</li> </ul>	A / AA+		
Queensland	<ul style="list-style-type: none"> <li>• Standards</li> <li>• Supporting documents</li> </ul>	A / AA		
South Australia	<ul style="list-style-type: none"> <li>• Protocols</li> </ul>	A / -		
Tasmania	<ul style="list-style-type: none"> <li>• Standards</li> </ul>	A / -		
Victoria	<ul style="list-style-type: none"> <li>• Policies</li> <li>• Guidelines</li> </ul>	A / AA+		

	<ul style="list-style-type: none"> <li>• Supporting documents</li> </ul>			
Western Australia	<ul style="list-style-type: none"> <li>• Guidelines</li> </ul>	A / AA	<ul style="list-style-type: none"> <li>• Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• Guidelines</li> </ul>

Table 1 shows that Australia is at least as accessibility conscious as the United States where only 80% of the states have a policy or standard addressing accessibility (ITTATC, 2002). Many Australian states have recently improved their required level of accessibility, revising policies or guidelines to recommend that government web sites strive for Double-A accessibility conformance with WCAG 1.0. Some states have gone down the Canadian path (Treasury Board of Canada, 2002) and are adopting a common look and feel that incorporates accessibility.

Local government activity is less obvious, although local government is represented on the Online Council. In Victoria, the Municipal Association recommends that all city and shire web sites should meet Single-A accessibility. Some local governments are taking more proactive approaches such as the Shire of Greater Bendigo which is actively promoting online accessibility among local businesses and educational institutions as part of the Rural Access program.

### **ICT Procurement Policies**

Australia has not actively incorporated any accessibility requirements into government ICT procurement or purchasing policies at this stage (Table 1). The Commonwealth Government acknowledges the need to comply with the DDA. The Western Australian state government has produced a best practice guideline to “ensure that people with disabilities have the same level of access to the goods and services provided by government agencies as other members of the community” (Western Australian Government, 1998).

In line with some European governments, several Australian governments have expressed interest in incorporating accessibility into ICT procurement requirements since the introduction of the Federal Acquisition Rule with Section 508 in the US.

## **ACCESSIBILITY IN AUSTRALIAN EDUCATIONAL ORGANISATIONS AND INSTITUTIONS**

### **Education Policies and Guidelines**

The Ministerial Council on Education, Employment, Training and Youth Affairs has been working since the mid-1990s towards Disability Standards for Education to interpret the DDA for the education sector. The draft Standards (DEST, 2003) specify what legal obligations education providers will have under the DDA with respect to disability in the areas of:

- enrolment;
- participation;
- curriculum development, accreditation and delivery;
- student support services; and
- elimination of harassment and victimisation.

The Standards will apply not only to government organisations providing education and training, but also to organisations in the private sector. The effect of the standards is to give students and prospective students with disabilities the same right to education and training opportunities as students without disabilities. This includes the right to comparable access services and facilities and the right to participate in education and training.

The Commonwealth Government has indicated its intention to implement these Standards as soon as possible (Nelson, 2003) and regulations are expected to be tabled in parliament in late 2003. The Standards will provide greater clarity and certainty of the obligation of education providers under the DDA.

All school systems have developed policies and procedures to support appropriate provision for students with disabilities. Both the vocational education and training and higher education sectors have in place voluntary codes of practice and policy documents to assist institutions to meet the needs of students with disabilities. However, the proposed Standards would clarify the law and its applicability to the education sector in Australia (MCEETYA, 2002).

### **Higher Education**

Australia's higher education sector is variable in its implementation of accessibility of online materials and courses. While all Universities provide physical access for students and staff with disabilities, this has not transferred widely to access to information.

In 2002, Alexander and Steele surveyed eighteen of Australia's thirty-nine universities and found that only ten had web accessibility policies in place and another four had them in development. In a follow-up study in 2003, involving 45 tertiary institutions, Alexander looked at a few key pages from all tertiary institutions. Ninety-eight percent failed to meet WCAG 1.0 Single-A accessibility conformance; that is, only one of these institutions, Swinburne University of Technology, met conformance requirements. (In case readers think the Alexander report is biased toward Swinburne University of Technology, it should be noted that Alexander is employed by Monash University, a competitor institution.)

Our own investigations were only able to identify 13 universities with publicly visible web accessibility policies. The HREOC web site lists the Discrimination Action Plans (DAPs) submitted by 23 of Australia's 38 Universities.

It is apparent that the policy and practice do not match in the Australian tertiary education sector. It is to be hoped that the implementation of the Disability Standards for Education will help to remedy this situation by raising awareness in this sector.

### **Case Study: Swinburne University of Technology**

One of the first DAPs submitted was that of Swinburne University of Technology (SUT), which were commended by HREOC at the time for their leadership in this area. SUT had a policy for students with disabilities that was approved by the university council on 1st May 1995. This formed the basis of the DAP, which the university council approved on 6th April 1998 and lodged with HREOC in July 1998. Unfortunately this predated the finalization of the W3C Web Content Accessibility Guidelines 1.0 in May 1999, and so while it covers 'Computer and Network Services', it was not sufficiently specific for issues of the Internet to be helpful to SUT web administrators. The DAP appears to have been formulated mostly with legislative obligations in mind, rather than the practical issues of implementation.

At the time of writing, the SUT DAP is out of date, as is the case with most of the DAPs lodged with HREOC. If one enters the official SUT web site and goes to the section on student policy, the DAP is not even listed. Instead the 1995 policy is listed with amendments saying that it was reviewed 1st May 2000 and that the DAP must be complied with by all staff; yet no link to the DAP is given, not even to the one on the HREOC site. It also says that the 'Equity Unit' is responsible for the monitoring of the DAP policy. However, on inquiry, that unit no longer exists. It turns out that in response to DAP review activities recommended by HREOC, SUT has been engaged in a review process that began in 2001. The current objective of this revision is:

“To produce a revised Disability Action Plan which [sic] will assist the university to meet its legal obligations to students and staff with disabilities, and enhance the reputation of the university as an academic institution providing educational opportunities to a diverse population of students.” (Huecherig, 2003, p1)

The review process is an extensive exercise. In 2002 this involved student forums, letters to and surveys of students with disabilities, a survey of disability support personnel, and communication and dissemination to Heads of schools, directors and managers of all areas named in the original DAP across multiple campuses. In 2003 the wide consultation process is continuing, with collation and assessment of responses, weighing these against a literature review, devising strategies to eliminate barriers, and drafting a new, revised DAP. It will then need to go through a formal approval process and be published within the SUT community and beyond. Though not exhaustive, the types of services covered by the DAP include:

- Exams in electronic format.
- All class notes/handouts/handbooks to be provided on disk personally or via Blackboard (the Internet course management system used at SUT).
- ‘Braille Note’ which expresses electronic information on a refreshable Braille display.
- Exams sat using PCs and adaptive software (e.g. Dragon Naturally Speaking, ZoomText, JAWS, Magic).
- Laptops with JAWS and Magic for reading texts.
- Adaptive equipment (such as Orbit Track balls, keyboard key guards, large monitors, lightweight 'alpha smart' note taking devices).
- Texts provided in electronic formats for screen-reading/enlarging.
- Video on demand / IAP for students off-campus.
- Request for materials on Blackboard to be accessible for [assistive technology] software if that course contains a student requiring it.
- Email Study Support for on-line students.
- Adaptive Technology stations in each campus library.

With a high staff turn-over, this revision process has experienced repeated delays. The current completion date is September 2003, but indications are it may be delayed further.

It is questionable how effective the SUT DAP has been for web policy at SUT. It appears that the main drivers for web and other applications accessibility have been compliance with WCAG, not the DAP. The unfortunate result of this is that web development is happening in an effective policy vacuum. Yet the initiative demonstrated by policy makers at Swinburne University of Technology is commendable. Their DAP preceded the release of WCAG 1.0. Similarly, the work of the web developers at this institution is commendable in that the key pages of this tertiary institution are the only ones, out of a review of 45 institutions (carried out by one of its competitors), that was found to be compliant with WCAG 1.0 Single-A (Alexander, 2003).

### **Primary and Secondary Education**

Primarily, the majority of primary and secondary education in Australia falls under the jurisdiction of the various state and territory governments, and falls within the applicable laws, policies and guidelines. The finalisation of the Disability Standards for Education will help to level the playing field and extend it to privately provided education.

### **Case Study: The Learning Federation**

The Learning Federation (TLF) is a body established by the Ministers of Education to develop online learning modules to augment the curriculum for primary and secondary students in Australia. The TLF considers that it has leadership obligations and “commits to maximising the accessibility of all online content within the

context of educational soundness” (TLF, 2003). To ensure that the materials would be available to all students, the TLF set very high accessibility requirements for their developers. The web accessibility team at Vision Australia Foundation (now with NILS) assisted with the development of accessibility guidelines for XHTML and Flash-based on WCAG 1.0 to guide the developers in implementing best practice accessibility (TLF, 2002; Celic & Arch, 2003).

## **CONCLUSION**

The 'e' in e-commerce, e-government and e-learning is for electronic, not for exclusion. The President of HREOC points out “human rights issues arise when people are excluded from services, information or opportunities because of avoidable barriers to access, rather than simply choosing not to participate” (Tay, 2001).

In Australia, national web accessibility standards exist in the form of HREOC Notes and other government and industry policies, standards and guidelines, based on the dominant international accessibility guidelines established by the World Wide Web Consortium. HREOC Notes and government and other policies and guidelines are effectively attempts to deal with these standards within the confines of the Australian legal and policy system.

The WCAG, although comprehensive, are still viewed by the web industry as mostly academic. The SOCOG case demonstrated that it is important to explain the reasoning behind the guidelines to increase general knowledge on accessible designs.

A uniform approach to accessibility policy does not currently exist. Each sector is in the process of coming to grips with the requirements. HREOC’s continuing efforts to encourage change and legislative obligations appear to be the main drivers of change. In the case of eBanking it appears that competitive advantage is also a driver, as is illustrated in initiatives such as the voice-enabled ATMs of the NAB. With only 23 of 38 universities registering their DAPs with HREOC and most of these being out-of-date since their lodgment, it seems that the higher education sector is further behind than parts of the private sector and government generally. The implementation of the Disability Standards for Education should help to address this situation in the near future.

## **NOTES**

When complaints under the Racial, Sex and Disability Discrimination Acts are terminated, the complainant may apply to have the allegations heard and determined by the Federal Court or the Federal Magistrates Service.

Complaints under the Human Rights and Equal Opportunity Commission Act concerning discrimination in employment or a breach of human rights, which cannot be conciliated, cannot be taken to the Federal Court. If the President is satisfied that the subject matter of the complaint constitutes discrimination or a breach of human rights these findings are reported to the Attorney-General for tabling in Parliament. (HREOC, 2002b)

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## ACRONYM APPENDIX

ABA	Australian Bankers Association
AESOC	Australia Education Systems Officials Committee
ATM	Automated Teller Machine
CBA	Commonwealth Bank of Australia
COTA	Council of the Ageing (Australia)
DAP	Disability Action Plan
DCITA	Department of Communications, Information Technology and the Arts
DDA	Disability Discrimination Act 1992
DEETYA	Department of Education, Employment, Training and Youth Affairs
DEST	Department of Education, Science and Technology
EdNA	Education Network Australia
EFTPOS	Electronic Funds Transfer at the Point of Sale
HREOC	Human Rights and Equal Opportunity Commission (Australia)
ITTATC	Information Technology and Technical Assistance Training Center (at the University of Georgia)
IVR	Interactive Voice Response
K-12	Kindergarten to Year 12
MCEETYA	Ministerial Council on Education, Employment, Training and Youth Affairs
NAB	National Australia Bank
NILS	National Information & Library Service (Australia)
NOIE	National Office of the Information Economy (Australia)
PIN	Personal Identification Number
SOCOG	Sydney Organising Committee for the Olympic Games
TLF	The Learning Federation
VAF	Vision Australia Foundation
W3C	World Wide Web Consortium
WAI	Web Accessibility Initiative
WCAG	Web Content Accessibility Guidelines
WWW	World Wide Web
XHTML	eXtensible Hypertext Markup Language

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[Back to 2003 Issues Page](#)

[Table of Contents Page](#)