

October 2024

**To Department of Internal Affairs**

Please find attached our submission on the Proposed changes to Web Standards – Review 2024

For any further inquiries, please contact:

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**Introducing Disabled Persons Assembly NZ**

**We work on systemic change for the equity of disabled people**

Disabled Persons Assembly NZ (DPA) is a not-for-profit pan-impairment Disabled People’s Organisation run by and for disabled people.

**We recognise:**

* Māori as Tangata Whenua and [Te Tiriti o Waitangi](https://www.archives.govt.nz/discover-our-stories/the-treaty-of-waitangi) as the founding document of Aotearoa New Zealand;
* disabled people as experts on their own lives;
* the [Social Model of Disability](https://www.odi.govt.nz/guidance-and-resources/guidance-for-policy-makes/) as the guiding principle for interpreting disability and impairment;
* the [United Nations Convention on the Rights of Persons with Disabilities](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html) as the basis for disabled people’s relationship with the State;
* the [New Zealand Disability Strategy](https://www.odi.govt.nz/nz-disability-strategy/) as Government agencies’ guide on disability issues; and
* the [Enabling Good Lives Principles](https://www.enablinggoodlives.co.nz/about-egl/egl-approach/principles/), [Whāia Te Ao Mārama: Māori Disability Action Plan](https://www.health.govt.nz/publication/whaia-te-ao-marama-2018-2022-maori-disability-action-plan), and [Faiva Ora: National Pasifika Disability Disability Plan](https://www.moh.govt.nz/notebook/nbbooks.nsf/0/5E544A3A23BEAECDCC2580FE007F7518/$file/faiva-ora-2016-2021-national-pasifika-disability-plan-feb17.pdf) as avenues to disabled people gaining greater choice and control over their lives and supports.

**We drive systemic change through:**

**Rangatiratanga / Leadership**: reflecting the collective voice of disabled people, locally, nationally and internationally.

**Pārongo me te tohutohu / Information and advice**: informing and advising on policies impacting on the lives of disabled people.

**Kōkiri / Advocacy**: supporting disabled people to have a voice, including a collective voice, in society.

**Aroturuki / Monitoring**: monitoring and giving feedback on existing laws, policies and practices about and relevant to disabled people.

## United Nations Convention on the Rights of Persons with Disabilities

DPA was influential in creating the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),[[1]](#footnote-2) a foundational document for disabled people which New Zealand has signed and ratified, confirming that disabled people must have the same human rights as everyone else. All state bodies in New Zealand, including local and regional government, have a responsibility to uphold the principles and articles of this convention.

The following UNCRPD articles are particularly relevant to this submission:

* **Article 9 – Accessibility**
* **Article 20 – Personal mobility**
* **Article 21 – Freedom of expression and opinion, and access to information**
* **Article 27 – Work and employment**

## New Zealand Disability Strategy 2016-2026

Since ratifying the UNCRPD, the New Zealand Government has established a Disability Strategy[[2]](#footnote-3) to guide the work of government agencies on disability issues. The vision is that New Zealand be a non-disabling society, where disabled people have equal opportunity to achieve their goals and aspirations, and that all of New Zealand works together to make this happen. It identifies eight outcome areas contributing to achieving this vision.

The following outcomes are particularly relevant to this submission:

* **Outcome 5 – Accessibility**
* **Outcome 7 – Choice and Control**

# The Submission

DPA welcomes the opportunity to engage with the Government Chief Digital Officer on the Web Accessibility Standards Review.

DPA supports this review and is pleased to see many of the recommendations it contains. It is timely to update the web accessibility standards as so much is changing in terms of websites and technology.

On this note, we are pleased to see that the draft standards will now apply to wider digital platforms, such as phone apps and to an increased number of Crown organisations.

The greater uptake and use of Artificial Intelligence (AI) will have a bearing on website accessibility for disabled people in that there are both positives and negatives around this.

Website inaccessibility is one significant factor as to why disabled people are impacted by the digital divide with major consequences for health, safety, employment, wellbeing and social inclusion. DPA has highlighted some of the issues around the digital divide for disabled people in our submission to the digital council in 2020 [[3]](#footnote-4) and our feedback on the draft digital strategy in 2021.[[4]](#footnote-5)

For all the above reasons, improving website accessibility, particularly across government as well as the private and voluntary sectors must remain a high priority in the information technology (IT) and digital policy spaces.

DPA’s recommendations centre around enhancing website accessibility policies and practises to make them more effective and, in the process, reduce the barriers to web accessibility experienced by disabled people.

## General questions

## Are the definitions of ‘responsible for’ and ‘contributes to’ clear? Do they help identify and distinguish those websites that an organisation is *responsible for* as opposed to those it simply *contributes to*?

In DPA’s view, yes, they are clear.

## Are the definitions of ‘publicly facing’ and ‘internally facing’ clear? Do they help distinguish between these 2 types of website?

In DPA’s view, yes, they are clear.

## Web Accessibility Standard

## All live videos must now be captioned. Do you agree with this change?

DPA strongly agrees with this change as there will be many disabled and D/deaf people, as well as autistic and neurodiverse people who will welcome this alongside other members of the public. The findings of the 2016 parliamentary inquiry into captioning remain as relevant now as then.[[5]](#footnote-6)

However, DPA also recommends that there is an increased emphasis on including New Zealand Sign Language (NZSL) content in online videos, especially if the video is deemed to cover essential information.

These moves will enable greater inclusion within the digital space for those members of the disability and D/deaf communities who are currently excluded from viewing online video content in the same way as non-disabled and non-D/deaf people.

## Videos that do not deliver high-stakes information or services remain exempt from the requirement to include audio description. However, it’s recommended that all videos *should* have audio description. Do you agree, or should all videos be required without exception to have audio description? Keep in mind that audio description costs between NZD$15 and NZD$50 per minute of video.

DPA recommends that all videos have audio description, especially where there is visual information that is being communicated that is necessary for a blind viewer to understand or give context to the video.

Instead of seeing audio description as a cost, it should be viewed as an investment in creating full accessibility and inclusion for everyone, including disabled people, to digital and online content.

## Should websites be required to have an accessibility statement that:

## identifies how well the site conforms to WCAG

## identifies and describes in plain language the non-compliant content on the site and its potential impact on users

## provides a contact method for people to get in touch with the site owner about non-compliant content and how to get accessible versions of that content

Yes, DPA absolutely agrees that an accessibility statement needs to be a requirement on all websites.

It should contain all the above-mentioned requirements including contact details for the website contact which is vitally important if people want to either enquire or make a complaint about the accessibility of website content.

## What aspects of the current Web Accessibility Standard 1.1 do you find problematic, and why?

## What kind of support, training or guidance would help NZ Government organisations meet the new Web Accessibility Standard, especially WCAG 2.2?

DPA recommends that training in website accessibility and online testing requirements should be introduced for staff who are responsible for creating and maintaining website content within all government departments and organisations which the standards apply to. DPA recommends that these trainings should be a mixture of online and in person tutorials that model accessibility as an important component of website presentation.

This training and development should stress that accessibility is not ‘a nice to have’ but an essential element of online communications, which ensures that everyone, including disabled people, can equitably access digital spaces with the same ease that non-disabled people can.

## What other changes to the Web Accessibility Standard would you like to see, and why? Note that we might not be able to implement any changes you propose, but your feedback will inform our discussions on the future of the Web Standards.

Colour contrast is important for many people to ensure that pages can be easily navigated by blind and low vision people.

There also needs to be some mechanism for monitoring and enforcing web accessibility standards, especially as disabled people become increasingly reliant on being able to access websites for day-to-day purposes. Be that for shopping, accessing essential services, connecting with others, checking important announcements or finding information. At present agencies do not have any meaningful incentives or disincentives to adhere to website accessibility standards, which are crucial to ensuring that disabled people can equitably access the internet and other digital spaces.

## Web Usability Standard

1. **Do you have any concerns with the new contact information requirements to include a phone number and a physical office location, if one exists?**

We don’t have any concerns about the provision of contact information such as that for a monitored phone number and postal address to be available for all website users. This provision should be extended to including full email and contact information for the NZ Relay service.

1. **Each website must now provide access to an Organisation Privacy Statement and a Website Privacy Statement. Is it clear what each of these statements must include and where they need to live?**

Yes, DPA understands the need for clarity around the provision of website privacy statements and where they need to live in terms of either being on actual webpages themselves or as a link to main webpages which contain information about the site.

**Recommendations summary**

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| **Recommendation 1:** that there is an increased emphasis on including New Zealand Sign Language (NZSL) content in all online videos. |
| **Recommendation 2:** that all videos have audio description. |
| **Recommendation 3:** that an accessibility statement is included on all websites. |
| **Recommendation 4:** that training in website accessibility and online testing requirements should be introduced for staff who are responsible for creating and maintaining website content within all government departments and organisations which the standards apply to. |
| **Recommendation 5:** that all trainings are a mixture of online and in person tutorials that model accessibility as an important component of website presentation. |
| **Recommendation 6:** that training programmes stress that accessibility is not ‘a nice to have’ but an essential element of internet communications.  **Recommendation 7:** that colour contrast is used so that pages can be easily navigated. |
| **Recommendation 8:** that there should be financial and/or other penalties for government agencies and private companies who do not adhere to these accessibility standards. |
| **Recommendation 9:** thatfull email and contact information for the NZ Relay service is made fully available. |

1. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities> [↑](#footnote-ref-2)
2. <https://www.odi.govt.nz/nz-disability-strategy/> [↑](#footnote-ref-3)
3. [DPA-Digital-Council-Response-May-2020.docx (live.com)](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dpa.org.nz%2Fstore%2Fdoc%2FDPA-Digital-Council-Response-May-2020.docx&wdOrigin=BROWSELINK) [↑](#footnote-ref-4)
4. [DPA-Feedback-on-the-Draft-Digital-Strategy-December-2021.docx (live.com)](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dpa.org.nz%2Fstore%2Fdoc%2FDPA-Feedback-on-the-Draft-Digital-Strategy-December-2021.docx&wdOrigin=BROWSELINK) [↑](#footnote-ref-5)
5. [Inquiry into captioning in New Zealand - New Zealand Parliament (www.parliament.nz)](https://www.parliament.nz/en/pb/sc/make-a-submission/document/51SCGA_SCF_00DBSCH_INQ_69222_1/inquiry-into-captioning-in-new-zealand#RelatedAnchor) [↑](#footnote-ref-6)