



Accessible Web Pages and Apps Bill

Youth Parliament 2016 Bill

Explanatory note

General policy statement

This Bill is intended to improve accessibility of digital technologies, including the internet, social media and applications (apps) for people with disabilities. Technology now plays an important role in the lives of most New Zealanders and there are equity and human rights considerations to improving access to publicly available information, services and commercial ventures.

This legislation, to be tabled at Youth Parliament 2016, aims to increase accessibility to digital technology by:

- extending the reach of the existing New Zealand Government Web Accessibility Standard (the **standard**) by making it applicable to the wider State sector including local government and to the non-government sector where it is reasonable to do so
- enabling a compliance, procurement and implementation regime
- establishing general ‘future-proofing’ powers to make regulations to allow for updating of accessibility standards, or to respond to changing technology.

Benefits of this legislation include the creation of positive opportunities for the New Zealand economy through catering to the growing global market for accessible products and services. Passage of this legislation will also contribute to meeting New Zealand’s obligations under the United Nations Convention on the Rights of Persons with Disabilities.

There are potential compliance costs for agencies and businesses, but the applicability of the standard has a reasonability test.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

Clause 3 sets out the purpose of the Bill.

Clause 4 is the Interpretation clause and sets out definitions of terms used in the Bill.

Clause 5 provides that the Act will bind the Crown.

Part 2

Application of standard

Clause 6 extends the New Zealand Government Web Accessibility Standard (the **standard**) to the whole State sector.

Clause 7 extends the standard to the non-government sector.

Clause 8 extends the standard to the procurement process for outsourcing of government ICT contracts.

Clause 9 provides for the standard to be developed to cover native apps.

Part 3

Compliance and regulations

Clause 10 provides for regulations that will appoint an agency to ensure compliance with the standard.

Clause 11 provides for regulations to be made that amend the standard.

Clause 12 provides for regulations to be made in relation to extending the standard to all of the State sector and to the non-government sector.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Accessible Web Pages and Apps Act **2016**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

3 Purpose

The purpose of this Act is to ensure that New Zealand Web pages and apps are accessible to people with disabilities.

4 Interpretation

In this Act, unless the context otherwise requires,—

agency means the agency established by regulations made pursuant to **section 10**

app—

- (a) means a software application; and
- (b) includes any mobile app, native app, or Web-based app

Minister means the Minister of the Crown who, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

non-government sector means any New Zealand non-State sector person or organisation

public service departments and non-public service departments in the State services has the meaning referred to in clause 1.2.1 of the standard

rule 58—

- (a) means the rule in the Government Procurement Rules that relates to outsourcing of websites; and
- (b) includes any amendment to, or revision or renumbering of, that rule that is accepted by the New Zealand government

standard—

- (a) means the New Zealand Government Web Accessibility Standard recognised by the New Zealand government; and
- (b) includes any amendment to, or revision of, that standard that is accepted by the New Zealand government

State sector means New Zealand's State sector as set out in the State Services Commission Internet site at http://www.ssc.govt.nz/state_sector_organisations.

5 Act binds the Crown

This Act binds the Crown.

Part 2

Application of standard

6 Standard extended to all State sector

- (1) The State sector must ensure its Web pages and apps meet the standard where it is reasonable to do so.
- (2) **Subsection (1)**—
 - (a) applies from the date that is 5 years after the date on which this Act comes into force; and
 - (b) must be done in accordance with any regulations made under **section 12**.
- (3) Nothing in this section removes any previous requirement of public service departments and non-public service departments in the State services to comply with the standard.

7 Standard extended to non-government sector

- (1) The non-government sector must ensure its Web pages and apps meet the standard where it is reasonable to do so.
- (2) **Subsection (1)**—
 - (a) applies from the date that is 5 years after the date on which this Act comes into force; and
 - (b) must be done in accordance with any regulations made under **section 12**.

8 Standard extended to ICT procurement in State sector

- (1) The State sector must ensure, when engaging in ICT procurement, that it uses rule 58 where it is reasonable to do so.
- (2) Nothing in this section removes any previous requirement of public service departments and non-public service departments in the State services to comply with rule 58.

9 Standard to be developed to include requirements for native apps

- (1) The Minister must ensure, after consulting with persons and organisations that the Minister considers appropriate, that the standard is developed to include requirements for native apps that take into account—
 - (a) the need for native apps to provide accessibility for people with disabilities where it is reasonable to do so; and
 - (b) any relevant guidelines; and
 - (c) any other matters that the Minister considers relevant.

- (2) The standard must be amended by regulations made under **section 11** to include the requirements for native apps developed under **subsection (1)**.

Part 3

Compliance and regulations

10 Regulations appointing agency to ensure compliance with standard

The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations appointing an agency to ensure compliance with the standard by the agency—

- (a) establishing methods and processes to monitor compliance; and
- (b) making known to the non-government sector its obligations in regard to meeting the standard; and
- (c) determining whether any changes may be needed to the standard to provide greater accessibility for people with disabilities; and
- (d) receiving and investigating complaints about any breaches of the standard; and
- (e) carrying out any other relevant functions as directed by the Minister.

11 Regulations relating to amending standard

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations amending the standard,—
- (a) to reflect changing technology; and
 - (b) to allow development of the standard to provide greater accessibility for people with disabilities; and
 - (c) to respond to the needs of those with disabilities to access to Web pages, apps, social media, and similar technology as it evolves.
- (2) The Minister must, before making a recommendation under **subsection (1)**, consult with persons and organisations that the Minister considers appropriate.
- (3) The standard is to be treated as if it were regulations made under this Act.

12 Regulations relating to extending standard

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations that specify—
- (a) the process by which the standard is to be extended to the State sector and the non-government sector; and
 - (b) the timetable for the stages in the process.
- (2) The Minister must, before making a recommendation under **subsection (1)**, consult with persons and organisations that the Minister considers appropriate, in order to ensure that,—

- (a) for the State sector, the extension process and timetable are adequate to enable the extension within the time specified in **section 6(1)(a)**; and
- (b) for the non-government sector, the extension process and timetable reflect the agency's need to make the sector to be made aware of its obligations in regard to meeting the standard generally, and within the time specified in **section 7(1)(a)**.