



Ministry of Social Development
1 June 2016

Notes and prompts on the mock Bill for Youth MPs: Explanatory Note

This set of notes for Youth MPs provides material to support discussion on the mock Bill in the general debate in the House, on 20 July 2016. This document is new for Youth Parliament 2016, and is intended to be read in conjunction with the mock Bill and Cabinet paper. This document includes:

- discussion and prompts on key questions or themes
- links for further reading
- a glossary.

The success of the mock Bill at Youth Parliament will be measured by the quality of the debate it engenders in the House rather than by the vote outcome. Note this Bill is a conscience vote.

- Prompts for Youth MPs are **boxed and recorded in bold**.

This document takes a neutral, questioning approach to the mock Bill. It mimics unpublished 'think pieces' or discussion papers that agencies or officials occasionally develop to 'sit behind' formal Cabinet papers. These often contain background material or unrefined statistics that are still useful in policy development terms.

Note on the Cabinet paper

The Cabinet paper does not include a Regulatory Impact Statement (RIS), nor has a formal disclosure statement been developed (although the Cabinet paper covers much of this aspect). This is because the mock Bill is being regarded as equivalent to a Private Member's Bill (ie a non-Government Bill).

- A RIS is not required, as defined in Section 5.71 of the Cabinet Manual: "All policy proposals submitted to Cabinet that result in government bills (or a government decision to support or adopt a non-government bill), or statutory regulations must be accompanied by a regulatory impact statement, unless an exemption applies."
- Youth MPs interested in disclosure statements (which are required for introduction of Government Bills), where the policy work and some important legislative information is disclosed to Parliament to inform debate can find this at: <http://disclosure.legislation.govt.nz/>. The following link further explains such documents for those interested in the executive-legislative interface: <http://www.pco.parliament.govt.nz/disclosure-statements/>.

Youth Parliament 2016

Notes and prompts on the mock Bill for Youth MPs

The broader accessibility context

Youth Parliament 2016 will feature the tabling of the third reading of the Priority One 'Accessible Web Pages and Apps Bill' (the Bill) to improve access and opportunity for people with disabilities, for a conscience vote.

This Bill has been developed to acknowledge the need to address opportunities and challenges for people with disabilities arising from the creation and widespread use of websites and apps.

Accessibility and Universal Design

Governments around the world have attempted to improve digital accessibility through the development of standards for public website design. This has been part of a broader accessibility agenda to maximise opportunities for people with disabilities.

According to international accessibility expert, Jim Thatcher, technology is accessible if it can be used as effectively by people with disabilities as by those without.¹ Accessibility or 'Universal Design' requires the consideration of a broader range of issues than just disability rights or digital accessibility.²

The benefits of taking a 'Universal Design' approach include that the changes made to products and services to ensure accessibility for people with disabilities also have cross-over benefit to all users. For example, 'curb cuts' made in footpaths for wheelchair users have also helped: people using pushchairs, delivery carts, skateboards, bicycles, roller blades; and older people, children, and people with mobility impairments.

On 19 May 2016, there is the **Global Accessibility Awareness Day (GAAD)**, the theme of which is relevant to the mock Bill. The following website has details of this Day and related posts: <http://www.globalaccessibilityawarenessday.org/>

Benefits of this legislation

Online and social media applications are rapidly increasing in usage, through activities such as online banking, paying fines and purchasing clothes. As these channels increase, non-digital alternatives diminish. This context is changing the way New Zealanders, including those with disabilities,³ do business, make transactions and interact with Government, NGOs and the private sector.

New Zealanders are enthusiastic users of technology

According to the World Internet Project New Zealand Survey, *Internet Trends in New Zealand 2007–2013*,⁴ 28 percent of New Zealanders use online banking services every day and 51 percent pay their fines or buy licences online from the Government (including local councils).

¹ <http://jimthatcher.com/>

² The latter term was first invented by wheelchair-user Ron Mace in the United States in 1985; later extended by such theorists as Edward Steinfeld with his 'Eight Goals of Universal Design'.

³ In the 2013 *New Zealand Disability Survey*, 24% of the New Zealand population self-identified as disabled (1.1 million people). http://www.stats.govt.nz/browse_for_stats/health/disabilities/DisabilitySurvey_HOTP2013.aspx

⁴ https://www.aut.ac.nz/_data/assets/pdf_file/0007/424816/wipnz2013final.pdf

The use of mobile handheld devices (eg, smartphones and tablets) has also increased exponentially, from 8 percent of Internet users in 2007 to 69 percent in 2013. This uptake of technology is apparent across the age ranges. For instance, Internet use has surged for those aged 65 and over, from 40 percent in 2007 to 73 percent in 2013.

Increased digital accessibility

The mock Bill is intended to increase positive opportunities for people with disabilities. This is in line with an ever-growing number of assistive technologies. Increasing opportunities include identifying what can be improved in, for instance, the education sector, workforce accommodation and employer attitudes, as well as digital accessibility. Making New Zealand webpages and apps accessible for people with disabilities is one way in which New Zealand can support improved educational and employment opportunities for people with disabilities in the long term.

The economic benefits of digital accessibility

There may be economic benefits of accessibility such as interoperability, quality, reducing site development and maintenance time, reducing server load, enabling content on different configurations, and being ready for advanced web technologies.

Improving digital accessibility may benefit the New Zealand economy by creating opportunities for businesses. There are case studies of companies that have gained significant returns on digital accessibility investments (such as Legal & General Group and Tesco in the United Kingdom). Overall, there is a relative lack of evidence for the economic benefits of digital accessibility,⁵ with:

- few reported surveys on the accessibility of New Zealand non-government websites or apps
- the New Zealand Disability Survey not including questions about the ability to access web pages and apps by people with disabilities.

A particular department agreeing with their Minister to prioritise research on digital accessibility and economic benefits (responding to the mention of this lack of research evidence in the Cabinet paper) may be as impactful as the mock Bill itself. If the evidence is compelling enough it may drive more wide-ranging action (such as on employment or education incentives) further down the track.

There was a small-scale (unpublished) survey undertaken in 2016 by the New Zealand Blind Foundation which had test panels on the accessibility of selected websites and apps, with a control group of users without disabilities. There were interesting findings on closed captioning and how easy or difficult it was to book a flight or order an item from a supermarket online store. Despite the numbers involved (five on each group testing six New Zealand websites and apps) there were key insights generated from this survey.⁶

⁵ The Accessibility for Ontarians with Disabilities Act 2005 (which the mock Bill is partially based on) generated a 2009 report on the potential economic impact of the introduction of five accessibility standards. Many of the educational, employment and GDP forecasts made in that 2009 report have not materialised, either because the Act was only partially implemented or the forecasts being too ambitious to begin with. The Ontario Government is now commissioning additional economic research.

⁶ See: <https://blindfoundation.org.nz/get-involved/campaign/campaigns/>

Prompts

- **What other economic and social benefits could result from this legislation?**
- **How can the benefits of this legislation be best communicated to the public?**
- **If this mock Bill was passed in reality, what would be the next step – would additional legislation or work be needed to build on the benefits this legislation would bring?**
- **What data will we need to measure the scale and impacts of benefits?**
- **There seems to be a ‘research gap’ of capturing economic impact of the benefits of digital accessibility – how much effort should we put into measuring these commercial benefits?**
- **How would we know if this legislation had made a (positive) difference?**

Costs of this legislation

There are strong human rights and social rationales for the mock Bill to ensure, for instance, that human rights obligations are met. The mock Bill (and the work outlined in the accompanying Cabinet paper) has a number of ways by which industry can be supported to improve their digital accessibility compliance (such as by having a Standard to comply with). This work will focus on how to calculate and minimise the costs of compliance.

Workforce and compliance cost issues

The Cabinet paper has already referred to the lack of accessibility experts in New Zealand. The Department of Internal Affairs (DIA) recently informally estimated that there may be as few as five-seven individuals (across even fewer vendors) in New Zealand who have the requisite technical knowledge and skill to perform comprehensive, reliable accessibility assessments (we do not have confirmed numbers).

DIA has also done some initial, unconfirmed work with agencies on estimating costs of compliance with the New Zealand Government Web Accessibility Standard (see Cabinet paper) requirements.⁷ Assessment costs vary widely depending on the size and complexity of websites and how they are sampled, but costs could be as high as \$10,000 per agency website (this is an estimate and not a formal costing).

The Cabinet paper includes a recommendation that a working group provide more details on costings for Cabinet by November 2016 and possible mitigations.

Prompts

- **Does this mock Bill add to restrictions on commerce?**
- **What is the balance of rights versus opportunity costs or trade-offs?**
- **How much are concerns around compliance costs (including a lack of information on costs) a barrier to enacting what the Bill seeks to achieve?**
- **How much are concerns around workforce constraints a barrier to enacting what the Bill seeks to achieve?**

⁷<https://www.ict.govt.nz/guidance-and-resources/standards-compliance/web-standards/2014-web-standards-self-assessments/2014-web-standards-self-assessment-report/#appendix-a>. Internationally, an alternative assessment regime is a more combined structured and random sample, as defined by WCAG's evaluation methodology (<https://www.w3.org/TR/WCAG-EM/>).

Alternatives to this legislation

An alternative approach may be to take a broader accessibility approach (like Ontario or the EU)

The Accessibility for Ontarians with Disabilities Act 2005 (AODA; which the mock Bill for Youth Parliament 2016 is partially based on) takes a broader accessibility scope. This Act, across a wide range of domains, aims to move from a disabling to an *enabling* framework.

In the Canadian legislative context, accessible websites are only a part of a bigger accessibility picture that applies to public and private sectors and non-profits.

In Ontario, responsibility for oversight and compliance is with their Economic Development Ministry. A 2015 ten-year anniversary refresh, based on public submissions/lessons learned has been developed (AODA 2025).⁸ The Act itself was reviewed in 2014.⁹

The Ontario legislation has prescriptive accessibility standards for five identified areas (with the area the mock Bill for Youth Parliament 2016 covers is italicised below):

1. customer services (training, accommodation for service animals and accessible service kiosks)
2. transportation (audible called stops on buses etc, accessible signage)
3. information and communications (*accessible websites*; textbooks; training materials; library collections; formats for commercial transactions/services)
4. employment (accessible formats in the workplace; job postings; employment accommodation)
5. built environment (update to Ontario Building Code: tactile walking surface indicators, lighting standards, elevators, signage, accessible public spaces).

In the European Union (EU), there is currently an alliance between umbrella groups representing older people and persons with disabilities. They are calling for, as part of the EU's Digital Single Market, a Universal Design approach that ensures accessibility (see 'Weblinks' section below for references). The EU Digital Strategy was released on 6 May 2016.¹⁰

Key points for potential questions or comment on the mock Bill

Legislation can set a general framework and set key policy directions. The Cabinet paper provides further action not reliant on legislation.

There is a potential case that the private sector needs to be agile and responsive and not have Government overly-regulate, especially as technology changes so rapidly.

Prompts

- **Would a wholly voluntary regime work?**
- **What can overseas jurisdictions (Ontario, EU) tell us about alternative approaches for a legislative approach to improve digital accessibility?**
- **What is the role of government in working with businesses to see the benefits of digital accessibility?**

⁸ <https://www.ontario.ca/page/accessibility-laws>; <https://www.ontario.ca/page/accessibility-legislative-reviews-committees-and-councils>

⁹ <http://www.ccrw.org/userfiles/FinalReportSecondLegislativeReviewAODA.pdf>

¹⁰ <https://ec.europa.eu/digital-single-market/en>

Links for future reading

Universal Design/accessibility

<http://universaldesign.ie/>

<https://printdisability.wordpress.com/>

<https://webtoolkit.govt.nz/standards/web-accessibility-standard-1-0/>

<https://www.w3.org/>

<http://www.rod-group.com/>

<http://www.mckinsey.com/industries/high-tech/our-insights/offline-and-falling-behind-barriers-to-internet-adoption>

<http://dailytekk.com/2012/02/24/why-web-accessibility-matters-and-how-it-can-benefit-your-business-or-website/>

<http://www.senseability.ca/>

http://udeworld.com/presentations/oslo/Steinfeld.Goals%20of%20UD-Oslo_Final_web.pdf

<https://news.ontario.ca/medt/en/2015/06/ontario-launches-accessibility-action-plan.html>

<http://www.ccrw.org/userfiles/FinalReportSecondLegislativeReviewAODA.pdf>

http://www.edf-feph.org/Page_Generale.asp?DocID=13855&thebloc=34281

[Find out more about EDF & AGE recommendations for an Inclusive DSM here -
http://cms.horus.be/files/99909/MediaArchive/EDF_AGE_AnInclusiveDSM_FINAL.doc](http://cms.horus.be/files/99909/MediaArchive/EDF_AGE_AnInclusiveDSM_FINAL.doc)

AGE Platform Europe – www.age-platform.eu

European Disability Forum – www.edf-feph.org

New Zealand and international disability-related websites

<http://www.dpa.org.nz/resources/sector-resources/the-united-nations-convention-on-rights-of-persons-with-disabilities/dpo-shadow-report>

<http://www.dpa.org.nz/resources/sector-resources/the-convention-disability-rights-in-aotearoa-new-zealand>

<http://www.beaccessible.org.nz/>

<http://blindfoundation.org.nz/>

<https://blindfoundation.org.nz/get-involved/campaign/campaigns/>

[*Why Accessibility Matters* discussion paper and ‘Survey of the Accessibility of Selected NZ Web Pages and Apps for People with Disabilities’]

<http://www.deaf.org.nz/>

<https://www.ccsdisabilityaction.org.nz/>

<http://www.ihc.org.nz/>

<http://www.worldblindunion.org/English/Pages/default.aspx>

<http://www.worldblindunion.org/English/Pages/default.aspx>

<http://www.odi.govt.nz>

<http://www.odi.govt.nz/what-we-do/making-it-easier-to-employ-disabled-people/index.html>

New Zealand human rights-related websites

<http://www.ombudsman.parliament.nz/resources-and-publications/guides/good-administration-guides>

<https://www.hrc.co.nz/>

Other research services

The Parliamentary Library has offered a limited research service (one question per Youth MP) on this mock Bill, or on any other topic, for instance Select Committee topics. If you have not already done so, please contact jill.taylor@parliament.govt.nz to take advantage of this opportunity.

Glossary of terms

Apps:

- **App:** an abbreviation for application. An app is a piece of software. It can run on the Internet, on a computer, or on a phone or other electronic device. The word "app" is a more contemporary term, but it is really the same thing as a programme.
- **Native app:** typically refers to an application that has been written for a specific mobile operating system or platform, usually iOS (iPhone and/or iPad) or Android, and is not HTML repurposed. A native application must run on the platform for which it was written, while a web app has a wider reach because it can run in any browser.
- **Web app:** is an application with functionality similar to desktop software (e.g. word processing, spreadsheet, email) that is written to run in a browser. Most web applications are not native to any mobile device, and as such, can run on any of them as well as desktops and non-smartphones.

Assistive technologies: software or hardware used by people with disabilities to enable them to perform tasks they might otherwise be unable to perform, eg. interact with computers and the web.

HTML (Hyper Text Markup Language): the set of markup symbols or codes inserted in a file intended for display in a web browser. The markup tells a browser or other software how to interpret a web page's content and structure for the user. HTML is the standard markup language used to create web pages.

Hyperlink: a piece of content or data that when acted on (usually by clicking) directs a computer user to a marked place in the same or a different document.

Internet: a global computer network providing a variety of information and communication facilities, consisting of interconnected networks using standardised communication protocols.

Mobile: a generic term for a broad range of wireless devices and applications that are easy to carry and use in a wide variety of settings, including outdoors. Mobile devices range from small handheld devices (e.g., smartphones) to somewhat larger tablet devices.

Mobile accessibility: generally refers to making websites and applications on mobile phones, tablets, etc. more accessible to people with disabilities.

Web (World Wide Web): a part of the Internet designed to allow easier navigation of the network through the use of text and graphics that link to other documents.

Web accessibility: the practice of ensuring that people with disabilities can perceive, understand, navigate, interact with, and contribute to the web. Web accessibility also benefits others, including older people with changing abilities due to aging. Web accessibility encompasses all disabilities that affect access, including visual, auditory, physical, speech, cognitive, and neurological disabilities. Web accessibility also benefits people without disabilities in certain situations, such as people using a slow Internet connection, people with "temporary disabilities" such as a broken arm, people in particular environments (eg. noisy settings) and people with changing abilities due to aging.

Web browser: a browser is a software application used to locate, retrieve and display content on the World Wide Web, including web pages, images, video and other files. Web browsers, such as Firefox or Chrome, read HTML files and render them into visible or audible web pages.

Web Content Accessibility Guidelines (WCAG 2.0): are part of a series of accessibility guidelines published by the Web Accessibility Initiative (WAI) of the World Wide Web Consortium (W3C), the main international standards organization for the Internet. They consist of a set of guidelines for making content accessible, primarily for people with disabilities. The current version, WCAG 2.0, was published in December 2008 and became an ISO standard in October 2012. WCAG 2.0 is a technical standard. It has 12 guidelines that are organized under four principles. For each guideline, there are testable success criteria, which are at three levels: A, AA, and AAA.

Although WCAG 2.0 also makes content more usable by older individuals with changing abilities due to aging and often improves usability for users in general, it is not able to address the needs of people with all types, degrees, and combinations of disability.

Web page: a document commonly written in Hyper Text Markup Language (HTML) that is accessible through the Internet or other network by using a browser. A web page's location is usually expressed as a URL address, and may contain text, graphics, and hyperlinks to other web pages and files. A web page is an individual HTML document.

Website: a coherent collection of one or more related web pages that together provide common use or functionality. It can include static web pages, dynamically generated web pages, and applications.

W3C Web Accessibility Initiative (WAI): brings together people from industry, disability organisations, government, and research labs from around the world to develop guidelines and resources to help make the web accessible to people with disabilities including auditory, cognitive, neurological, physical, speech, and visual disabilities. One of the roles of the WAI is to develop guidelines and techniques that describe accessibility solutions for web software and web developers. These WAI guidelines are considered the international standard for web accessibility.