Australian
Human Rights
Commission

everyone, everywhere, everyday

Web accessibility and Government 2.0

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Australian Human Rights Commission submission to the Government 2.0 Taskforce – Towards Government 2.0 an issues paper

[1 October 2009]

Table of Contents

1   Introduction

1.   The Australian Human Rights Commission (the Commission) makes this submission to the *Government 2.0 Taskforce - Towards Government 2.0: An issues paper*.

2.   As governments rely more on the Internet to deliver information, the issue of equal access to government services and information by people who do not have access to, or cannot use, up-to-date equipment becomes more pressing. These groups include people with disability, the elderly, rural and remote Australians and people living in poverty. This submission focuses on access to government information for people with disability.

3.   The Commission welcomes the Taskforce's aim of making government information more accessible and useable; to make processes more collaborative, participatory and transparent; to build a culture of online innovation, and; to promote collaboration across agencies in online and information initiatives.

1.1   About the Commission

4.   The Australian Human Rights Commission is an independent statutory organisation that works to protect and promote the human rights of all people in Australia. The Commission was established by the Australian Government in 1986.

5.   Our vision is to work towards an Australian society where human rights are enjoyed by everyone, everywhere, every day.

6.   We are responsible for administering the following federal laws:

- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Australian Human Rights Commission Act 1986
- Sex Discrimination Act 1984
- Racial Discrimination Act 1975.

7.   We also have specific responsibilities under the *Native Title Act 1993* (performed by the Aboriginal and Torres Strait Islander Social Justice Commissioner) and the *Workplace Relations Act 1996* (performed by the Sex Discrimination Commissioner).

8.   Our work covers four key areas:

- providing education and raising public awareness about human rights
- handling complaints of discrimination and breaches of human rights
- researching human rights issues and contributing to policy developments
- legal advocacy on human rights issues.

9.   We fulfil our responsibilities by:

- developing publications, resources and education programs for schools, workplaces and the community
- working with the media to raise public awareness about discrimination and other human rights issues
- supporting community organisations and business on how to protect and promote human rights
- investigating and conciliating complaints of discrimination or breaches of human rights under federal laws
- holding public inquiries and consultations on important human rights issues
- working with and advising parliaments and governments to develop laws, programs and policies that protect and promote human rights
- researching human rights issues
- making submissions to parliamentary and other inquiries about human rights issues
- providing independent advice to assist courts in cases that involve human rights principles
- working with other national human rights institutions, particularly through the Asia Pacific Forum of National Human Rights Institutions, to address major human rights issues in the region.

2   Summary

10.   The Commission believes that government departments and agencies need to improve their provision of equal access to public information, especially for people with disability.

11.   Departments and agencies can improve their web presences by following the standards promoted by the World Wide Web Consortium (W3C), the Australian Government Information Management Office (AGIMO) and the Commission.

12.   Basic web accessibility is mandatory for Australian Government departments and agencies. Allowing sites to be launched that are inaccessible risks complaints under the *Disability Discrimination Act 1992* (DDA).

13.   The Commission recognises the value of Web 2.0 technologies for collaboration with the community, however many of these technologies are not currently accessible for people with disability. Government departments and agencies should provide sufficient technologies to allow participation for all.

14.   Additionally, the Commission believes that online forums developed by the Government should have adequate agency guidelines and Acceptable Use Policies to enable moderators and developers of forums to be alert to discrimination that may occur online. This will help to foster a discrimination-free environment when engaging with the community.

3   Recommendations

15.   The Australian Human Rights Commission recommends that government online services should include a strong focus on web accessibility.

16.   The Australian Human Rights Commission recommends that the Government should promote web accessibility guidelines to agencies and departments.

17.   The Australian Human Rights Commission recommends that government online forums should be inclusive and discrimination-free.

4   Web accessibility

18.   Individuals and organisations who provide goods and services over the Internet need to think about how they make their websites accessible to people with disability.

19.   Almost one in five Australians has a disability, and the proportion is growing. The full and independent participation by people with disability in web-based communication and information delivery makes good business and marketing sense, as well as being consistent with society's obligations to remove discrimination and promote human rights.

20.   There needs to be much more effort made to encourage the implementation of accessible web design; access to the World Wide Web for people with disability can be readily achieved if good design practices are followed. A complaint of disability discrimination is, in the Commission's view, unlikely to succeed if accessibility has been considered at the design stage and reasonable steps have been taken to provide access.

21.   In its most general sense, accessible web design refers to the philosophy and practice of designing web pages so that they can be navigated and read by everyone, regardless of location, experience, or the type of computer technology used. Accessible web design is most commonly discussed in relation to people with disability, because this group are most likely to be disadvantaged if the principles of accessible web design are not implemented. Failure to follow these principles can make it difficult or impossible for people with disability to access web pages. Tim Berners-Lee, the inventor of the World Wide Web and Director of the W3C Consortium, has commented that: "The power of the Web is in its universality. Access by everyone regardless of disability is an essential aspect."[1]

22.   There are important similarities between designing for accessibility of the physical environment and designing for accessibility of the World Wide Web. Accessibility of buildings and other aspects of the physical environment are best achieved through careful planning and attention to detail, rather than by adding accessibility features at the end of the design process. In a similar way, creating accessible web pages should be an integral part of the web design philosophy, and accessibility features should be incorporated into all aspects

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[1] World Wide Web Consortium, http://www.w3.org/Press/IPO-announce (viewed 15 September 2009)

of the design process. Testing for accessibility should also be incorporated into all user testing regimes, and should never be seen as an isolated event that can occur after other user testing has taken place. Therefore, designing for accessibility is as much a strategic issue as a purely technical one.

23. Accessibility does not require that all pages be limited to plain text. More sophisticated and innovative pages can and should also be made accessible. In general, this involves provision of alternatives to an otherwise inaccessible feature, rather than any requirement to avoid innovative design.

5 Equal access is required by law

24. Web accessibility is internationally recognised in the *Convention on the Rights of Persons with Disabilities.* On the domestic level, the provision of information and online services through the World Wide Web, in the Commission's view, is a service covered by the DDA. Equal access for people with a disability in this area is required by the DDA where it can reasonably be provided. This requirement applies to any individual or organisation developing a World Wide Web page in Australia, or placing or maintaining a web page on an Australian server. This includes pages developed or maintained for purposes relating to: employment; education; provision of services including professional services, banking, insurance or financial services, entertainment or recreation, telecommunications services, public transport services, or government services; sale or rental of real estate; sport; activities of voluntary associations; or administration of Commonwealth laws or programs. All these are areas specifically covered by the DDA.

25. In addition to these specific areas, provision of any other information or other goods, services or facilities through the Internet is in itself a service, and as such, discrimination in the provision of this service is, in the Commission's view, a service covered by the DDA. The DDA applies to services whether provided for payment or not.

6 Convention on the Rights of Persons with Disabilities

26. On 17 July 2008, Australia was one of the first nations to ratify the *Convention on the Rights of Persons with Disabilities.* The Disabilities Convention is an international instrument of the United Nations intended to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.[2]

27. Article 9 of the Convention is titled *Accessibility* and most of its points are relevant to web accessibility:

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[2] *Convention on the Rights of Persons with Disabilities.*
http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Convention.aspx (viewed 15 September 2009)

Article 9 - Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

…

(b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures to:

(a) Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

(b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

(c) Provide training for stakeholders on accessibility issues facing persons with disabilities;

…

 (f) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

(g) Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

(h) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost. [3]

28.	The 2009 amendments to the DDA inserted an explicit reference to the Disabilities Convention in s 12(8)(ba) of the DDA.[4] The DDA now has effect to the extent that its provisions 'give effect to the Disabilities Convention'.

29.	The Disabilities Convention has been declared as a 'relevant international instrument' under the Australian Human Rights Commission Act.[5] Declaring

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[3] *Convention on the Rights of Persons with Disabilities.*
http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Convention.aspx (viewed 15 September 2009)
[4] Schedule 2, pt 1, item 20 of the *Disability Discrimination and Other Human Rights Legislation Amendment Act 2009* (Cth).
[5] Section 4 of *Convention on the Rights of Persons with Disabilities Declaration 2009* (Cth).

the Convention in this way formally constitutes the Commission as part of the framework for implementation and monitoring which Australia is committed to developing by Article 33 of the Convention.

30.   The effect of declaring the Convention is that the rights which it recognises fall within the definition of 'human rights', for the purposes of the Commission's functions under s 11 of the *Australian Human Rights Commission Act 1986*. In particular, the Commission may:

- inquire into an act or practice that may be inconsistent with or contrary to the rights in the Convention - and seek to settle such a matter through conciliation or otherwise to report to the Attorney-General on the inquiry
- prepare guidelines for the avoidance of acts or practices inconsistent with rights recognised in the Convention
- promote an understanding and acceptance of the rights in the Convention, including through undertaking research and educational programs
- report to the Attorney-General as to the laws that should be made by the Commonwealth on matters relating to the Convention
- report to the Attorney-General as to the action that, in the opinion of the Commission, needs to be taken by Australia, in order to comply with the provisions of the Convention. [6]

7   Web accessibility and the Australian Government

31.   The Australian Human Rights Commission developed an interest in web accessibility as soon as it established a web presence. The Australian Government recognised web accessibility as a mandatory part of online government communications from the 2000 *Government Online* initiative. Web accessibility is promoted by the Commission and also through AGIMO's *Web Publishing Guide*. The standard relied on by the Australian Government is the W3C's *Web Content Accessibility Guidelines 1.0* (WCAG 1.0). Website accessibility is also recognised as a way to empower people who have disability in the Government's *Commonwealth Disability Strategy*.

32.   This section provides a summarised chronology of these approaches.

33.   These guidelines indicate that the Australian Government has a strong recognition of the need for web accessibility. However, the Commission believes that these approaches need to be promoted more strongly to agencies and departments.

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[6] G Innes AM, 'The best DisCo in town: Towards implementation of the Convention on the Rights of Persons with Disabilities' http://www.humanrights.gov.au/disability_rights/speeches/2009/disco.htm (viewed 15 September 2009)

7.1 Government Online

34. Government Online: The Commonwealth Government's Strategy was a forward thinking policy released by the National Office of the Information Economy (NOIE) in 2000 that reinforced the obligations to agencies and departments under the DDA (also the W3C's WCAG standard), as well as mandated testing for accessibility by agencies.

> *The Government is committed to ensuring that no group is excluded from being able to access Government Online. Agencies will be required to fulfil their obligations under the Disability Discrimination Act 1992 by observing the* World Wide Web Consortium's (W3C's) Web Content Accessibility Guidelines 1.0*, to ensure the widest possible audience for Government Online.*
>
> *From 1 June 2000, all websites are to be tested by agencies for accessibility, and all new website contracts to include accessibility as a key performance measure. By 1 December 2000, all websites are to follow the W3C guidelines to a sufficient extent that they pass recognised tests of accessibility.[7]*

7.2 Australian Human Rights Commission - World Wide Web Access: Disability Discrimination Act Advisory Notes

35. The Australian Human Rights Commission has published and regularly updated a guide to web accessibility since 1997. These advisory notes are intended to assist people and organisations involved in developing or modifying World Wide Web pages, by making clearer what the requirements of the DDA are in this area, and how compliance with them can be achieved.

36. The guide has evolved as accessibility guidelines have developed and now endorse the W3C's *Web Content Accessibility Guidelines 1.0* as the web accessibility standard that the Australian Government should refer to.

37. These guidelines are available at: http://www.humanrights.gov.au/disability_rights/standards/www_3/www_3.html

7.3 Web Content Accessibility Guidelines 1.0 (WCAG 1.0)

38. The W3C's Web Accessibility Initiative published their guidelines to making websites accessible in 1999 following a period of extensive review and public consultation. W3C's role in making the recommendations was to draw

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[7] Australian Government Information Management Office (AGIMO), http://www.agimo.gov.au/archive/publications_noie/2000/04/govonline.html#STRATEGICPRIORITY2 (viewed 15 September 2009)

attention to the specification and to promote its widespread deployment. This has enhanced the functionality and universality of the web.

39.   This standard was updated in 2008 following a long period of consultation and WCAG 2.0 is now the W3C's recommended web accessibility standard. However, this has yet to be made a requirement for Australian Government agencies and departments to follow.

40.   The Commission looks forward to working with AGIMO to help promote a greater understanding of the WCAG accessibility standard throughout Australian Government websites. It is the Commission's view that the Australian Government should adequately resource the promotion of accessibility standards.

7.4   Australian Government Information Management Office (AGIMO)

41.   NOIE was replaced by the Australian Government Information Management Office (AGIMO) on 8 April 2004.

42.   AGIMO maintain an online *Web Publishing Guide* for government web teams. There are both advisory guidelines and mandatory guidelines. The AGIMO *Accessibility* guideline is mandatory for all federal government agencies and departments.

43.   AGIMO write that:

> *Accessibility is a general term used to describe the degree to which a system is usable by as many people as possible without modification. Web pages often have access issues for people with disabilities or with technological constraints.[8]*

44.   And then they mandate a baseline for accessible design:

> *Agencies must achieve level "A" conformance (all Priority 1 checkpoints are satisfied), and it is recommended that agencies achieve level "AA" conformance (all Priority 1 and Priority 2 checkpoints are satisfied).[9]*

45.   AGIMO summarise the WCAG compliance levels as follows:

> The W3C guidelines provide a series of checkpoints that can be used to ensure that websites are accessible. Each checkpoint has a priority level assigned by the Working Group based on the checkpoint's impact on accessibility.
>
> **Priority 1**

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[8] AGIMO, http://webpublishing.agimo.gov.au/Accessibility (viewed 15 September 2009)
[9] AGIMO, http://webpublishing.agimo.gov.au/Accessibility (viewed 15 September 2009)

W3C states that a web content developer must satisfy this checkpoint. Otherwise, one or more groups will find it impossible to access information in the document. Satisfying this checkpoint is a basic requirement for some groups to be able to use Web documents.

Level of Compliance: The Australian Human Rights Commission's view is that compliance with the W3C WCAG 1.0 guidelines to the Single-A level is a minimum, rather than a desirable outcome. Websites that demonstrate such compliance may still be difficult or impossible to access for many users with disability.

Priority 2

W3C states that a web content developer should satisfy this checkpoint. Otherwise, one or more groups will find it difficult to access information in the document. Satisfying this checkpoint will remove significant barriers to accessing web documents.

Priority 3

W3C states that a web content developer may address this checkpoint. Otherwise, one or more groups will find it somewhat difficult to access information in the document. Satisfying this checkpoint will improve access to web documents.[10]

7.5   e-Government Strategy

46.   In the *2006 e-Government Strategy, Responsive Government: A New Service Agenda*, the projected vision for Australian Government service delivery in the near future was that:

> *People will be able to choose from a range of service delivery modes, but will prefer the added convenience and functionality of online, electronic and voice-based channels, which they will use frequently. The government will continue to ensure that people with a disability can access government information and services with ease.*[11]

This is a vision that the Commission shares.

7.6   Commonwealth Disability Strategy

47.   In the *Commonwealth Disability Strategy: Better Information and Communication Practices*, the Department of Families, Housing, Community Services and Indigenous Affairs states that:

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[10] AGIMO, http://webpublishing.agimo.gov.au/Accessibility (viewed 15 September 2009)
[11] AGIMO, http://www.finance.gov.au/e-government/strategy-and-governance/e-government-strategy.html, (viewed 15 September 2009)

People with disability are increasingly able to get access to information on the Internet. It is a highly suitable format for people with hearing, vision, mobility and/or manipulatory impairments who have access to a computer. Many people have software that allows them to format the screen to suit their particular needs - such as changing to a larger font, suitable colours or using a large screen. However, not everyone has Internet access so it can not be used to reach the whole community.[12]

48. The Commonwealth Disability Strategy recommends that agencies follow the Commission's DDA Advisory Notes on accessibility to make Government information available to the widest possible audience.[13]

8   Web Watch: Accessibility of information on government websites

49. On 18 September 2008, the Disability Discrimination Commissioner Graeme Innes AM, launched an initiative called 'Web Watch' to promote provision of government information in forms which all Australians can use and which comply with the requirements of the DDA.

50. Mr Innes announced when Government websites depart substantially from accessibility requirements the Commission will post details of their website to the Commission's Web Watch pages, and advise the department or agency concerned as well as the Australian Government Information Management Office (AGIMO). He would only remove the listing of the offending site once he was satisfied that remedial measures have been taken to remedy the situation.

51. As of 1 October 2009, there are three agency websites listed on Web Watch. The three are listed for providing a significant number of publications in PDF only, which is a format that the Commission considers relatively inaccessible. The Commission's view is that organisations who distribute content only in PDF format, and who do not also make this content available in another format such as RTF, HTML, or plain text, may be liable for complaints under the DDA.

9   Web 2.0 tools for collaboration

52. Web 2.0 is a useful jargon word coined around 2004 to describe a more collaborative approach to the web, whereas the first iteration is thought to have been more the case that visitors to a website read static information, rather than contribute to it.[14]

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[12] Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), http://www.fahcsia.gov.au/sa/disability/pubs/policy/Documents/cds/bicp/p3.htm (viewed 15 September 2009)

[13] FaHCSIA, http://www.fahcsia.gov.au/sa/disability/pubs/policy/Documents/cds/bicp/p3.htm (viewed 15 September 2009)

[14] P Graham 'Web 2.0', http://www.paulgraham.com/web20.html (viewed 15 September 2009)

53.   The Commission regularly calls for submissions to inquiries, issues and discussion papers and projects, which in turn, informs reports and policy papers. In the past, these submission processes have largely been mail or email based.

54.   Web 2.0 technologies enable the Commission to interact with people on a wider scale. The Commission has run two consultation blogs, from which useful comments, suggestions and stories about discrimination were selected that appeared in the final reports for their projects. The Commission has also utilised social networking tools such as MySpace, Facebook and YouTube. A description of the most recent blog is in Appendix 1 and a summary of the Commission's engagement with social networking is in Appendix 2.

55.   The Commission recognises the value of Web 2.0 technologies for collaboration with the community, however many of these technologies are not currently accessible for people with disability.

56.   Government departments and agencies should provide sufficient technologies to allow participation for all. This may mean providing alternative ways to provide comments on projects, or to not focus a project through one particular social networking website that has accessibility problems, and to provide other ways for users to engage with the project. Government departments and agencies can also work with providers of software or services to make the technology accessible.

10   Complaints about website accessibility

57.   In the lead-up to the Sydney Olympics in 2000, Bruce Maguire lodged a complaint against the Sydney Organising Committee for the Olympic Games (SOCOG), the organisers of the Games, for failing to provide its website and ticketing information in a format accessible to people with a vision impairment. In the case heard by HREOC (as the Commission was then known), the website developer confirmed that some parts of the site were not accessible. However, SOCOG argued that correcting the site would cause unjustifiable hardship. Hearing Commissioner William Carter disagreed and ordered SOCOG to upgrade its website prior to the start of the Games and provide ticketing information in Braille. After the Olympics had finished the SOCOG website was found to only be partly compliant and $20,000 damages were awarded.[15]

58.   The successful complaint by Bruce Maguire against SOCOG's website created widespread awareness about web accessibility in business and government.[16]

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[15] *Bruce Lindsay Maguire v Sydney Organising Committee for the Olympic Games* (2000) http://www.humanrights.gov.au/disability_rights/decisions/comdec/2000/DD000120.htm (viewed 15 September 2009)
[16] T Worthington 'Olympic Failure: A Case for Making the Web Accessible' (2000) http://www.tomw.net.au/2000/bat.html (viewed 15 September 2009)

59.   Complaints about website accessibility must be made by or on behalf of a person who is affected by the inaccessibility. Complaints can be made in writing either via the online complaints form on the Australian Human Rights Commission website, email, or by post. People can contact the Complaints Information Service on 1300 656 419 for information on the complaint process and for help to make their complaint.

60.   Complaints to the Commission are resolved through a process known as conciliation. This is where the people involved in a complaint talk through the issues with the help of a Commission conciliator and resolve the matter on their own terms.

61.   Conciliation is a very successful way of resolving complaints. Feedback shows that most people find our process fair, informal and easy to understand. It also helps them to better understand the issues and come up with solutions that are appropriate to their circumstances.

62.   If the complaint is not resolved or is finalised for another reason complainants have the option to then take the matter to the Federal Magistrates Court or the Federal Court of Australia.

63.   Following are several complaints case studies on website accessibility:[17]

Website access

A man who has a vision impairment complained that a utility provider's website was inaccessible to him. Problems included text with fixed font sizes which users could not enlarge for viewing, and inadequate colour contrasts. The complaint was resolved with an agreement to upgrade the site to meet W3C accessibility requirements.

Online banking

A woman who has a vision impairment complained that the online banking facilities of her credit union were not accessible to her because of the manner in which security features had been implemented. The complaint was resolved when the credit union agreed to upgrade its site to provide an accessible method for verifying identity.

Access to government website

A man who has a vision impairment complained that a state government department's website was not accessible, so he was not able to make fully informed comments on proposed legislation in the area. The complaint was resolved when the department advised that it was undertaking a major project to achieve accessibility of its sites and documents; that all new documents

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[17] Australian Human Rights Commission
http://www.humanrights.gov.au/disability_rights/decisions/conciliation/goods_etc_conciliation.htm
(viewed 15 September 2009)

from July 2005 would be provided in accessible formats on site, and; that any existing documents would be provided in accessible formats on request.

Access to government information

A man who has a vision impairment complained that a government department's website service was not accessible to him because of the format that it was provided in. The complainant advised that he was willing to withdraw his complaint if the respondent modified the website so that it complied with the W3C's *Web Content Accessibility Guidelines* either directly or through an accessible alternative. The department responded with a draft website accessibility action plan. The plan detailed the actions the respondent would take to provide access to its materials in alternative formats. In the interim, the complainant was also provided with text versions of all the documents which he required from the website. The complainant advised that he was satisfied with plan proposed by the respondent and he thanked the Commission for its assistance with this matter.

Web site access

A woman who is blind complained that a real estate information site was inaccessible because it could not be read by her screen reader software. The complaint was resolved when the organisation which maintains the site made changes to ensure the site was accessible.

11 Providing a non-discriminatory environment on government websites

64. The Australian Public Sector Commission in 2008 published the *Interim protocols for online media participation*.[18]

65. The Commission believes that these protocols could be further promoted to help ensure agency staff who are developing, moderating or commenting on Web 2.0 technologies are aware of federal discrimination legislation and accessibility information guidelines. This will help foster a discrimination-free online environment.

Comment to *Interim Protocols for Online Media Participation*

66. In April 2009, the Australian Human Rights Commission reviewed the guidelines from the Australian Public Service Commission regarding Protocols for Online Participation and made the following recommendations for inclusion:

Agency guidelines

- That staff must be aware of and comply with federal anti-discrimination and human rights laws, including the five Acts administered by the Australian

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[18] Australian Public Service Commission, http://www.apsc.gov.au/circulars/circular088.htm (viewed 15 September 2009)

Human Rights Commission: *Australian Human Rights Commission Act 1986*, *Sex Discrimination Act 1984*, *Racial Discrimination Act 1975, Disability Discrimination Act 1992* and *Age Discrimination Act 2004.*

Each of these Acts has specific grounds for complaints of discrimination, harassment and bullying based on a person's: sex, disability, race, age, sexual preference, criminal record, trade union activity, political opinion, religion or social origin.

- That all agency online communications meet Internet/web access standards and guidelines (see the Commission's World Wide Web Accessibility page at: http://humanrights.gov.au/disability_rights/webaccess/index.htm), including *Web Content Accessibility Guidelines* (WCAG) 1.0 (see http://www.w3.org/TR/WAI-WEBCONTENT/).

Acceptable Use Policy

The Commission also proposed that all agencies and departments using social media / networking websites should have an Acceptable Use Policy which is clearly available for users.[19]

The Commission also recommends to add to the Australian Public Service Commission's proposed Acceptable Use Policy the following:

- do not post anything which:
  - o racially or religiously vilifies others (see the Commission fact sheet on Cyber-racism for more information, available at: http://humanrights.gov.au/racial_discrimination/publications/cyberracism_factsheet.html)
  - o incites, induces, aids, assists, promotes, causes, instructs or permits violence, discrimination, harassment, victimisation or hatred towards others, or
  - o is likely to offend, insult, humiliate or intimidate others, particularly on the basis of their sex, gender identity, race, colour, descent, national origin, religion, ethnicity, age, sexuality or any disability.

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[19] As an example, see the Commission's Acceptable Use Policy from the *Sex Files* blog at http://www.hreocblog.com/genderdiversity/viewtopic.php?f=2&t=7

12 Appendix 1: Sex Files blog: the legal recognition of sex in documents and government records

(http://www.hreocblog.com/genderdiversity/)

67. In 2008, (the then) Human Rights Commissioner and Disability Discrimination Commissioner, Graeme Innes AM developed the sex and gender diversity project following consultations with members of sex and gender diverse communities and hearing about the discrimination they experience. One of the key human rights concerns was that many people who are sex and gender diverse are unable to change the sex markers in official documents or government records, (for example birth certificates).

68. The legal recognition of sex, and the ability of people who are sex and gender diverse to amend their documents and records, was the most pressing issue raised during consultations for the sex and gender diversity project.

69. The Commission created an online blog or bulletin board to listen to the sex and gender diverse community. The blog was set up to enable people to post anonymously.

70. The blog ran from 8 August 2008 – 5 December 2008, and issues raised in the blog and direct quotes from blog participants were used in the concluding paper. The blog had more than 400 posts in 15 different topic areas.

71. The blog was run using PhpBB software, which is a free and open source forum platform.

13 Appendix 2: Social Networking

13.1 *Facebook*

(http://www.facebook.com/home.php?#/pages/Sydney-Australia/Australian-Human-Rights-Commission/58057437310)

72. The Commission established its Facebook page on 23 March 2009.

73. As of 1 October 2009, the Commission's Facebook site has 1282 'friends'. Most of these 'friends' are based in Australia.

74. A range of Commission projects, events and launches have been posted on the site.

13.2 *YouTube*

(http://www.youtube.com/user/AustralianHRC)

75.   The Commission launched its YouTube channel on 22 April 2009. As of 1 October 2009, the channel has 10 videos and has had 2,993 views.

76.   All of the Commission's videos are captioned.

13.3   MySpace

(http://www.myspace.com/letstalkaboutrights)

77.   The Commission set up a MySpace page on 13 May 2009.

78.   As of 1 October 2009, the Commission's MySpace page has 2836 'friends'.

79.   Following the 'Let's talk about rights' campaign, the page is now used to link to prominent Commission projects and our YouTube site.