



Vision Australia submission

Comments on the Interim Report of the Independent Review of the Banking Code of Practice

Submission to: The Banking Code Review

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Introduction

Vision Australia is providing comment on the interim report of the Independent Review of the Banking Code of Practice in order to highlight some of the information we discussed during our interview with the Reviewing Consultant, and also to offer our perspectives on a number of the topics canvassed in the report. We are very happy to provide any clarifications or supplementary information that will be of assistance during the subsequent stages of the Review.

Importance of Equal and Independent Access to Banking

It goes without saying that people who are blind or have low vision have a right to equal and independent access to the same banking products and services that are available to the rest of the community. Domestic legislation such as the Disability Discrimination Act 1992, and international instruments such as the Un Convention on the rights of persons with Disabilities, all attest to this fundamental human right, and technological developments in the banking industry have made the upholding and promotion of this right eminently achievable. Barriers that prevent or limit the access of people who are blind or have low vision are not caused by technology per se, but by a misapplication of technology coupled with a failure to develop products and services according to the principles of inclusive design. Because of its close integration into almost every aspect of life and economic participation in Australia, the banking sector has a responsibility to ensure that the individual and collective choices it makes about how it designs products and services, including the adoption of new and emerging technologies, enhance, rather than thwart, access for people who are blind or have low vision.

Principles vs Standards

In 2014 Vision Australia contacted the Australian Banking Association to raise our concerns about the increasing obsolescence of the four voluntary standards for accessible electronic banking. When they were released in 2002 these Standards were rightly praised as a world first, cutting-edge approach to banking accessibility. There is little doubt that their general acceptance by the banking sector contributed to high levels of accessibility and consistency for people with disability. However, their prescriptive and specific content could not be adapted easily to take account of the rapid changes that were taking place in the banking sector, partly driven by developments in

technology. By the time we contacted the ABA in 2014, we and a number of other organisations in the disability sector had formed a strong view that a thoroughgoing revision of the accessible electronic banking standards was necessary if they were to remain relevant and deliver positive outcomes for people with disability.

A theme of the ensuing and often robust consultations that led to the replacement of the standards by the Banking Accessibility Principles in 2018 was the extent to which general, high-level principles would, or even could, ensure acceptable levels of banking accessibility, compared with detailed, prescriptive standards (whether mandatory or voluntary). Persuasive arguments were put forward in favour of principles, mainly related to their greater flexibility and adaptability, but it was recognised that this very flexibility and adaptability increases the possibility of egregious or opportunistic interpretations. Even in the best case, where the principles are applied conscientiously and beneficially, their lack of detail and specificity inevitably leads to inconsistencies between products and services. These inconsistencies in the way the principles are applied translate into wide variations in the customer experience of people with disability, especially when they interact with multiple banking products and multiple banks.

Although the Banking Accessibility Principles have been in operation for almost three years now, the question of whether the Principles will lead to consistent and satisfactory accessibility outcomes in the medium- to long-term has not been settled, and there is still considerable lingering anxiety in the disability sector that the more abstract, less concrete nature of the Principles leaves them open to interpretations that favour purely commercial decisions rather than access, equity, and inclusive design.

We have recently been contacted by several banks who have developed products that clearly do not meet accessibility expectations, but the contact has occurred too late in the development cycle for us to influence the design in ways that would have made the products more accessible. We have formed a strong impression that, at least in these cases, accessibility principles have been either ignored altogether or significantly de-prioritised in preference to factors such as commercial competitiveness and market differentiation.

We believe that the accessibility of banking products and services can not only coexist with, but also contribute to, commercial competitiveness and technological innovation, provided that there is a sustained culture of co-design and an uncompromising commitment to access and inclusion within individual banks and across the sector as a whole. And counter-balancing the discouragement that we felt as the result of the

engagements mentioned above is a definitive lack of negative feedback we receive from clients about their experiences with accessing banking products and services. While the absence of evidence is certainly not evidence for absence, and while people who are blind or have low vision do not contact us every time they have a negative experience or encounter an accessibility barrier, we do feel that, overall, people who are blind or have low vision are finding that they are able to use products and services that meet their banking needs.

We are very concerned, however, that the Banking Accessibility Principles are not specifically referred to in the Banking Code of Practice, as we believe that this encourages a downplaying of their importance in delivering accessible banking products and services. If new technologies are not implemented with accessibility front-of-mind, they can have a catastrophic impact on people with a disability. The widespread introduction of touchscreen interfaces with little or no regard to their impact on people who are blind or has low vision is an ongoing example. Companies including Apple, Google and Samsung have demonstrated convincingly that touchscreen interfaces can be made accessible and usable by people who are blind or have low vision, but few other manufacturers and developers, including those in the banking sector, have followed their lead.

History is clear that unless accessibility and the needs of people with a disability are central to all aspects of design and deployment, then technological innovation will not be inclusive and will perpetuate existing accessibility barriers as well as creating new ones.

We note that clause 34 of the Banking Code of Practice articulates a commitment to the accessibility of banking products and services to people with a disability, older Australians, and people with limited English. It continues: “We will take reasonable measures to enhance their access to those services.” It is our strong view that a necessary component of “reasonable measures” must be a clear and comprehensive implementation of the Banking Accessibility Principles, and it is therefore essential that this connection is made explicit in the Code.

“Fair, Reasonable, and Ethical”

The Interim Report includes helpful discussion about the related concepts of “fair, reasonable and ethical” as a core principle of the Code. We strongly support the enforceability of such a principle, as it is a fundamental statement of the responsibilities

of the banking industry towards its customers. However, it is important to emphasise that the language of fairness, reasonableness and ethicality is not, in ordinary discourse and thinking, automatically applicable to the provision of accessible services to people with a disability. If the principle of “fair, reasonable and ethical” is to be seen as a foundation of the Code (and we certainly don’t disagree that it should), then it is essential that its application to accessible products and services is made explicit in the Code itself.

When the voluntary standards for accessible electronic banking were released in 2002 there was some concern in the disability sector that they were not mandatory, and that their application and practical value would therefore depend, ultimately, on the goodwill of individual banks. It is not consistent with community expectations that the provision of banking products and services to any significant group of customers should be a matter of goodwill. At least the voluntary Standards were sufficiently prescriptive for banks to apply them unambiguously and for organisations to be able to verify whether they had been applied.

The Banking Accessibility Principles are, by their very nature, much more subject to interpretation, and if they are to be taken seriously and instil confidence that they are fit for purpose in providing a practical framework for the ongoing accessibility of banking products and services, then they must have greater visibility within the Banking Code of Practice.

Conclusion

Accessibility barriers exist for people who are blind or have low vision in many areas of community participation. Some barriers have a profound and lasting negative impact on people’s feelings of dignity, independence and self-worth, and limit their opportunities to enjoy the benefits of living in Australian society. Equal and independent access to banking products and services is fundamental to many aspects of social and economic participation, and even small accessibility barriers have damaging effects in people’s lives. The Banking Code of Practice can, and must, play a pivotal role in eliminating existing barriers and preventing new ones. Part of this role must include providing greater support for the Banking Accessibility Principles.

About Vision Australia

Vision Australia is the largest national provider of services to people who are blind or have low vision in Australia. We are formed through the merger of several of Australia's most respected and experienced blindness and low vision agencies, celebrating our 150th year of operation in 2017.

Our vision is that people who are blind or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision or have a print disability, and their families.

Vision Australia service delivery areas include:

- Registered provider of specialist supports for the NDIS and My Aged Care Aids and Equipment;
- Assistive/Adaptive Technology training and support;
- Seeing Eye Dogs;
- National library services, early childhood and education services and Library for 0-7 year olds;
- Employment services;
- Production of alternate formats;
- Vision Australia Radio network including a national partnership with Radio for the Print Handicapped;
- NSW Spectacles Program; and
- Government advocacy and engagement.

We work collaboratively with governments, businesses and the community to eliminate the barriers our clients face in making life choices and including fully exercising their rights as Australian citizens.

Vision Australia has unrivalled knowledge and experience through constant interaction with clients and their families, of whom we provide services to more than 26,000 people each year, and also through the direct involvement of people who are blind or have low vision at all levels of our organisation.

Vision Australia is well placed to advise governments, business and the community on challenges faced by people who are blind or have low vision as well as they support they require to fully participating in community life.

We have a vibrant Client Reference Group, comprising of people with lived experience who are representing the voice and needs of clients of our organisation to the board and management.

Vision Australia is also a significant employer of people who are blind or have low vision, with 15% of total staff having vision impairment.

