

Chair  
Cabinet Committee on Government Expenditure and Administration

## **New Zealand Government Web Guidelines- Cabinet paper**

### **Proposal**

- 1 I propose that Cabinet direct Public Service and non-Public Service departments to implement common guidelines for government websites, and encourage their use across the rest of the public sector. The effect will be that government websites will be more accessible to New Zealand Internet users, and better reflect core Public Service values.

### **Executive Summary**

- 2 Many New Zealand Internet users have disabilities, or face particular circumstances, that limit their ability to access government websites. Often, this problem is exacerbated by the choices government agencies make about website design and technology without properly considering user needs. In most cases, agencies have technologies and design options available to them that would help avoid this problem.
- 3 The premise of this paper is that building websites that unnecessarily limit some peoples' access to government amounts to discrimination. In terms of the requirements of the Official Information Act 1982 and Human Rights Act 1993, and the relevance of core Public Service values, provision of government information and services via websites is no different from government in the physical world. Discriminating against people online is the same as doing so anywhere else. Government websites are public property – all New Zealanders using the Internet should be able to access them as of right, unless there are legitimate reasons to restrict access.
- 4 The New Zealand Government Web Guidelines ('the Guidelines') set minimum requirements for website technology, design, and content that ensure government websites are as accessible as possible. Some agencies have proven that government information and services can be delivered effectively through Guidelines-compliant websites. It is now proposed that Public Service and non-Public Service departments be directed to comply with the Guidelines.
- 5 This will create some unquantified fiscal costs for agencies. Most will be the one-off cost of change. Balanced against this are gains that can be made by reducing inequities, and creating a range of unquantified economic and social benefits. The proposed implementation arrangements contain mechanisms for mitigating fiscal risk and operational risk to agencies. Also, it is expected that the Guidelines should help constrain the long-run cost of government websites.

### **Background**

- 6 Poor accessibility of government websites is a problem for many countries. The trend is for government to improve accessibility through specifying standards for public website design.
- 7 New Zealand began to address this problem in 2000, when the Government Information Systems Managers Forum (GOVIS) started adapting the UK Government's Web Guidelines to suit the New Zealand environment. The UK Guidelines were chosen because they are based on proven international best practice standards developed through the 'Web Accessibility Initiative' (WAI) of the World Wide Web Consortium (W3C).<sup>1</sup>
- 8 In November 2000, GOVIS passed draft New Zealand Guidelines to the State Services Commission (SSC) to refine and release for consultation with local and central government, voluntary organisations, interested individuals, and the web design industry.
- 9 The SSC finalised and published the Guidelines<sup>2</sup> in August 2001. It released a draft version 2 for wide consultation in October 2002. An advisory panel of officials and web industry

---

<sup>1</sup> An international body recognised as the prime authoritative source of World Wide Web standards.

<sup>2</sup> NZ Government Web Guidelines: Version 1.3; State Services Commission, August 2001.

representatives considered submissions, and the final document was released to agencies in January 2003<sup>3</sup>.

## **Comment**

### ***Why are guidelines needed?***

- 10 When establishing the e-government programme, Ministers noted that “e-government has the potential to improve citizens’ access to government information and services and their participation in our democracy, while also creating opportunities for improving the cost-effectiveness of government” [CAB (00) M14/1F(1) refers].
- 11 Government websites are central to delivering on this potential. All New Zealand Internet users should get to share in the benefits, but are not equally positioned to do so due to factors such as:
  - disabilities, that limit the extent to which they can use some website technologies;
  - geographical location, meaning that some have only low-grade access to the Internet; and
  - financial circumstances, meaning that some cannot afford to own the latest generations of hardware and software, use broadband Internet connections if available, and/or bear the cost of downloading large amounts of information.
- 12 Providing equitable access to online information and services for people therefore requires government to exercise self-restraint in its use of website technologies – some of which can put public websites out of reach for some New Zealanders. Websites are no different in this regard from any other mode of information or service delivery, and there are no special arguments that can be made in support of avoidable discrimination.
- 13 Despite this, the need to use website technologies beyond some users’ capability will sometimes arise. The Guidelines recognise this, requiring that in such cases agencies make all reasonable efforts to include people who can’t use these technologies by providing accessible alternatives.
- 14 The Guidelines exist to make access to government websites as equitable as possible, not to impede agencies’ endeavours to make information and services available online. What matters is that agencies should act in the spirit as much as the letter of the Guidelines, committing themselves to avoiding use of exclusive website technologies except as a genuine last resort.

### ***What do the Guidelines do?***

- 15 The Guidelines set minimum requirements for website technology, design, and content to ensure access to government websites is equitable as possible. They are focused on three things – accessibility, Public Service values, and compliance with the law and government policy.

### ***Accessibility***

- 16 The Government wants New Zealand to be an inclusive society. The Guidelines support this. For example, blind people can access a Guidelines-compliant website by using text-only browsers and other assistive technologies.
- 17 Also, by specifying that websites impose low bandwidth requirements on users, the Guidelines enable people with low-grade computer equipment or telecommunications services to access government websites. People can access Guidelines-compliant websites with Internet access as slow as 9.6kb/s, and with very old PC’s and web browsers.

### ***Public Service values***

- 18 The Guidelines reflect core Public Service values of equity, integrity, trust, and economy. Following the Guidelines assists agencies to provide online information and services that embody these values.

---

<sup>3</sup> NZ Government Web Guidelines: Version 2.1; State Services Commission, January 2003.

### *Compliance with the law and government policy*

- 19 The Guidelines assist agencies to meet their obligations under the Official Information Act 1992; the Human Rights Act 1993; the Policy Framework for Government-held Information; and the E-government, New Zealand Disability, and Māori Language strategies. They also assist agencies in establishing appropriate web security practices.

### *Use of the Guidelines to date*

- 20 A number of Guidelines-compliant websites are now in service, and more are planned or under development. While this is encouraging, overall uptake since August 2001 is not. Incomplete uptake means that some New Zealanders are still denied access to government websites because they have disabilities, live in the wrong place, or cannot afford the technology made necessary by websites that don't comply with the Guidelines.
- 21 A number of agencies have shown that information and services can be delivered effectively through Guidelines-compliant websites. Therefore, the incomplete level of uptake cannot be attributed to the Guidelines themselves.

### *Why aren't more agencies using the Guidelines?*

- 22 The majority of State sector agencies have not yet fully adopted the Guidelines. There are five main reasons for this low uptake. First, some agencies are waiting to achieve returns on investment in existing websites before undertaking work necessary to comply with the Guidelines.
- 23 Second, some agencies maintain that they do not need to comply with the Guidelines because their websites target user groups that have the capability to access non-compliant websites or can use adequate alternate means. This argument fails unless agencies can prove that non-compliant websites do not place avoidable barriers in the way of people who have a right to access them.
- 24 Third, there is a problem of vendor-driven website design. In some cases, agencies without in-house web design expertise and technical resources have engaged website developers who are unaware of the Guidelines, or who disagree with them. Where agencies rely on the services of such vendors, and do not insist the Guidelines are followed, inaccessible sites can result.
- 25 Fourth, some agencies are using websites for branding. They argue that following the Guidelines restricts their ability to use some website technologies and web design to market their agency or services. This is debatable on three grounds:
- the argument that the primary purpose of public investment in websites is the provision of easy and equitable access to high integrity information and services, and that branding is of secondary importance;
  - the fact that the Guidelines do not prohibit branding through website design, and do allow for use of non-compliant technologies so long as agencies advise users of this fact, and ensure that alternative, Guidelines-compliant mechanisms are also provided so that no users are unavoidably disadvantaged; and
  - the collective interest of government, which in this area consists of reducing fragmentation and building trust and confidence in (e-)government through providing a more consistent user experience of government websites that reflects Public Service values.
- 26 Last, some agencies are concerned with the cost of achieving Guidelines-compliance. They feel that the cost of compliance will either be too high for them to fund from their current baselines, or that the cost of compliance will outweigh any benefits delivered to users of their websites. The two possible cost drivers of greatest concern are:
- the cost of converting 'legacy' information from inaccessible to accessible formats (especially from .pdf to .html); and
  - the cost of redeveloping websites that use technologies that limit or prohibit accessibility.

### ***Which agencies should use the Guidelines?***

27 All Public Service and wider State sector organisations should use the Guidelines. Differences in legal form (e.g. Public Service department versus Crown entity) are irrelevant in terms of the public interest in being able to access government information and services.

### **Options**

28 The Government has two options:

- continue with voluntary compliance; or
- direct Public and non-Public Service departments to use the Guidelines, and encourage the wider State sector to follow suit. Local government can be invited to also use the guidelines.

### **Risks**

#### ***Option 1 (voluntary)***

##### *Inconsistent user experience of government websites*

29 Uneven uptake of the Guidelines means people experience inconsistency in their ability to access and use government websites. This creates barriers that work against the need to build user confidence in online service delivery and, more generally, against positive public attitudes toward (e-)government.

##### *Failure to achieve goals of Government strategies and policies*

30 Guidelines-compliant websites contribute to achieving the goals of the E-government, New Zealand Disability, and Māori Language strategies, and the Policy Framework for Government-held Information. Non-compliant sites diminish the outcomes of these strategies and policies.

##### *Failure to meet legal obligations*

31 The Official Information Act 1992 requires government to increase the availability of official information and provide each person with proper access to it as part of good government. The Human Rights Act 1994 requires non-discrimination in access to public places and facilities (e.g. government websites) and in provision of public goods and services. Non-compliant websites may leave agencies in breach of either the letter or the spirit of these Acts.

##### *Equity*

32 Non-compliant websites create inequitable access barriers for disabled website users (contravening the Government's New Zealand Disability Strategy), and for a range of other users disadvantaged by geographic or economic factors.

##### *Efficiency*

33 Non-compliant websites negatively affect overall economic efficiency, through imposing a range of compliance costs on users. They can raise the direct costs of online access to government by requiring users to have the latest generations of hardware and software, and/or high bandwidth connections. They can also create indirect costs, such as causing time to be wasted waiting for web pages to download, or by forcing people to choose other, more costly, ways of accessing particular services (such as having to travel to the nearest office of an agency).

##### *Negative impacts on compliance and government revenue*

34 Government websites are increasingly being used by people and business to meet their legal obligations, including making payments to government. Any hindrance to people meeting these obligations may have a flow-on effect of non-compliance, lost revenue, and/or increased collection cost.

## ***Option 2 (mandatory)***

35 The risks of making the Guidelines mandatory are:

### *Constraining innovation and flexibility*

36 Under a mandatory regime, there is a risk that the Guidelines could stagnate in technological and business terms, and thus unnecessarily hold agencies back from making effective use of websites. There is also a risk that some otherwise worthy e-government initiatives will not proceed if the occasional need to work outside of the Guidelines is not recognised.

### *Driving unmanageable cost of website development*

37 Implementation of a mandatory requirement without taking website lifecycles into account, without limiting the amount of remedial work required, and without agencies instituting good practice web development processes, could create unmanageable costs for agencies.

### *Reduced autonomy of individual agencies*

38 Clearly, making the Guidelines mandatory for some agencies will reduce their overall autonomy.

## **Recommended option**

39 The arguments against the Guidelines centre on agency autonomy, the existence of agency or service specific website users, desire to use or supply leading edge technology and skills, costs, and branding. None of these arguments provide adequate reason for agencies to deny New Zealanders their right of access to government information and services. If an agency has to weigh any of these considerations against equitable access, the latter should generally prevail.

40 The benefit of mandating the Guidelines (where possible) is that it:

- will mitigate the risks of the voluntary approach noted above;
- will advance achievement of the goals of the E-government, New Zealand Disability, and Māori Language strategies;
- supports the goals of the Policy Framework for Government-held Information, which states that Government departments should make information available easily, widely and equitably to the people of New Zealand except where reasons specified in legislation preclude such availability [CAB (97) M 15/4C(i) refers]; and
- will help agencies ensure that they are meeting their obligations under the Official Information and Human Rights Acts.

41 The risks associated with the mandatory approach can be mitigated through:

- designing good governance arrangements for the Guidelines;
- keeping the Guidelines under regular review with the input of affected agencies; and
- taking a sensible approach to their implementation, including limiting their retrospective application and providing a process for granting exemptions from the Guidelines.

42 Also, Ministers should note that the Guidelines themselves are not framed entirely as a set of absolutes. Instead, they allow agencies to exercise some judgement about how they can provide equitable access while operating within financial constraints. This should limit unnecessary expenditure while ensuring that agencies appropriately weight equity issues against fiscal ones.

43 I recommend that Cabinet support the mandatory option. Proposed details of its implementation are set out below.

## **Implementation**

### ***Scope***

44 The mandatory requirement should apply to all Public Service and non-Public Service departments. The wider State sector (excluding State Owned Enterprises and Crown Owned

Companies) should be encouraged to use the Guidelines. Local government should be invited to adopt the Guidelines.

### ***Adoption requirements***

45 Where made mandatory, adoption of the Guidelines will require that:

- all new or revised content produced for existing non-Guidelines compliant websites after 1 April 2004 should comply with the Guidelines as closely as technically, fiscally, or otherwise reasonably possible;
- websites should become compliant with the Version 2.1 of the Guidelines on the next occasion of a complete website redevelopment occurring before 1 January 2006;
- websites must comply with at least Version 2.1 of the Guidelines by 1 January 2006; and
- websites must comply with subsequent versions of the Guidelines produced after 1 January 2006, subject to the revision and version control practices outlined in paragraph 48 below.

### ***Limited retrospective application***

46 Conversion of non-compliant website content produced before 1 April 2004 to meet the requirements of the Guidelines (e.g. conversion of documents from .pdf to .html format) is not required in cases where that content:

- falls within ss 6.4.2 of the Guidelines ('Special Purpose Documents'); or
- is of non-digital origin and/or for which a Guidelines-compliant format is not available; or
- is not of high and enduring interest to the public; or
- is outdated, and could be retired from use; or
- for any other robust and defensible reason, cannot feasibly be made directly accessible.

47 Where an agency feels that there are no alternative technologies and/or management practices that enable the function of a website to be fulfilled while also complying with the Guidelines (in part or in full), or where costs of changing websites to enable compliance may be significant, exemption from Guidelines-compliance for a limited period of time may be sought.

### ***Revisions and version control***

48 The Guidelines will be periodically updated to account for changing technology, and the evolving capability and needs of both website users and providers. Future versions of the Guidelines will be developed in a consultative manner and implemented with due regard to the need for timeframes that allow for return on existing website investment, and prioritisation of web development among other agency activity.

### ***Governance***

49 Governance of the Guidelines will involve:

- the State Services Commissioner acting as steward of the Guidelines, with responsibility for:
  - ensuring the Guidelines remain fit-for-purpose, and for timely publication of updated versions accounting for changing technology, user capabilities, and agency needs; and
  - ensuring the Guidelines are administered fairly and in a way that accounts for and balances stakeholder interests;
- the e-Government Interoperability Framework (e-GIF) Management Committee acting on behalf of the steward in meeting those responsibilities; and
- the E-government Unit of the SSC acting as custodian of the Guidelines, with day-to-day responsibility for:
  - administering the Guidelines using the consultative processes and models provided by the e-GIF;

- maintaining the Guidelines, with a focus on proactively identifying areas where they need to be updated so as to avoid imposing any unnecessary restraints or costs on agencies' use of website technologies and/or website design;
- advising the steward on matters related to the administration and uptake of the Guidelines; and
- promoting the Guidelines, and assisting agencies to implement them.

### ***Exemptions***

50 Occasionally, there may be a need to depart from the Guidelines for reasons such as those outlined in paragraph 47 above. If agencies feel they have grounds for an exemption, they can apply for one. This will occur through processes in which the e-GIF Management Committee will have the role of decision-maker. The Committee will determine the specific term of an exemption, and no exemption will be permanent. If an exemption is granted, on its expiry an agency will be free to apply for further exemption.

### ***Monitoring***

51 Agencies required to adopt the Guidelines will be responsible for conducting self-audits of compliance. These agencies must be able to demonstrate compliance with at least Version 2.1 of the Guidelines to the State Services Commission by 1 January 2006, according to assessment criteria and methodologies that the SSC will accredit and/or provide by 30 June 2004, and update as required.

### ***Consultation***

52 The Guidelines represent the collective effort of many government web professionals, specialists in web access for people with disabilities, and members of the website design industry to adapt international best practice standards to New Zealand requirements. Consultation on both versions of the Guidelines has been wide, with version 2.1 drawing more than 140 responses.

53 Consultation on this paper has occurred with all agencies for which mandatory adoption of the Guidelines is recommended. Twenty-two agencies made formal responses. There was strong support for the intent of Guidelines. The most common concern expressed was over costs of achieving Guidelines-compliance. Modifications have been made to this proposal to constrain these costs, especially through limiting the retrospective application of the Guidelines.

54 The most significant concerns were expressed by the Ministry of Economic Development (MED), which requested that they be noted in this paper. While strongly supporting the Guidelines as a whole, the MED raised concerns regarding their application to the non-informational elements of its transactional websites and the significant costs and time required to achieve full compliance in the timeframe originally stipulated (and subsequently extended). In particular, it raised:

- the need for these websites to give effect to legal requirements;
- significant cost and timeframe impact of achieving Guidelines-compliance;
- belief that users of its transactional sites do not generally have problems of accessibility and that, where they do, they are adequately catered for by other mechanisms;
- risk that the Guidelines will be too slow or unable to keep pace with changing technology; and
- perceived weaknesses in the guidelines with respect to transactional functionality.

55 Other agencies operating transactional websites did indicate similar concerns, and both the Ministry and these agencies offered to work with the EGU to refine the Guidelines as necessary.

56 My view is that this is preferable to the alternative of a blanket exclusion of transactional websites from the Guidelines, which would be short-sighted. Our E-government Strategy calls for many more transactional websites in future. If these sites are not widely accessible many New Zealanders will be denied the benefits of e-government. It is better to include all websites under the Guidelines, and then take an even-handed and forward-looking approach to the

question of how far particular websites should comply with the Guidelines, and by when. If agencies feel that a website can't or shouldn't comply with the Guidelines then they are free to apply for an exemption, providing time for any problems to be sensibly addressed.

### **Financial implications**

57 There are financial implications associated with complying with the Guidelines that are not feasible to quantify. These costs will vary across agencies, especially based on how closely current websites comply with the Guidelines; the technical architecture of websites; and the extent to which agencies have used .pdf (portable documents format) for online publishing.

58 Most of the cost of achieving compliance will only be incurred once. There will also be an ongoing cost of agency self-audit of Guidelines-compliance. In line with our experience of e-government as a whole so far, it is expected that these costs can largely be absorbed by agencies as part of the inevitable costs of maintaining and updating their websites. To minimise the size and impact of these costs, the following implementation arrangements are included in this proposal:

- setting 1 January 2006 as the date for compliance;
- limiting the retrospective application of the Guidelines to website content; and
- providing an exemptions regime.

59 It is also expected that, across time, the Guidelines should have a positive fiscal impact as they drive better website management practice.

### **Human rights**

60 Adoption of the Guidelines helps agencies' meet their obligations under the Human Rights Act 1994.

### **Legislative implications**

61 This proposal has no legislative implications.

### **Regulatory impact and compliance cost statement**

62 A Regulatory Impact Statement is not required, as this proposal has no legislative or regulatory implications. Also, this proposal does not impose any compliance costs on business.

### **Gender implications**

63 This proposal has no gender implications.

### **Treaty of Waitangi implications**

64 The Guidelines have specific requirements regarding correct presentation of Māori orthography, using international standards to present macrons where appropriate. This is consistent with the Government's Māori Language Strategy.

### **Publicity**

65 I propose to publicise the development of the Guidelines as a major move in establishing equitable online access to government information and services. I also propose to publish this paper and its associated minute once Cabinet has made its decisions.

### **Recommendations**

66 It is recommended that the Committee:

- 1 **note** that the New Zealand Government Web Guidelines ('the Guidelines') assist government agencies make online information and services as accessible as possible to the widest range of New Zealanders using the Internet;



- 2 **note** that the Guidelines assist government agencies to develop websites that give effect to core Public Service values; and also to meet obligations under the Official Information Act 1992, the Human Rights Act 1993, the Policy Framework for Government-held Information, and the E-government, New Zealand Disability, and Māori Language strategies;
- 3 **direct** all Public Service departments, the New Zealand Police, the New Zealand Defence Force, the Parliamentary Counsel Office, and the New Zealand Security Intelligence Service to implement the Guidelines as follows:
  - 3.1 all new or revised content produced for existing non-Guideline compliant websites after 1 April 2004 should comply with the Guidelines as closely as possible;
  - 3.2 existing websites should become compliant with Version 2.1 of the Guidelines on the next occasion of a complete website redevelopment occurring before 1 January 2006;
  - 3.3 all websites must comply with at least version 2.1 of the Guidelines by 1 January 2006; and
  - 3.4 all websites must comply with subsequent versions of the Guidelines produced after 1 January 2006 subject to the revision and version control practices outlined in recommendation 6 below;
- 4 **agree** that conversion of non-compliant website content produced before 1 April 2004 to meet the requirements of the Guidelines (e.g. conversion of documents from .pdf to html format) is not required in cases where that content:
  - 4.1 falls within ss 6.4.2 of the Guidelines ('Special Purpose Documents'); or
  - 4.2 is of non-digital origin and/or for which a Guidelines-compliant format is not available; or
  - 4.3 is not of high and enduring interest to the public; or
  - 4.4 is outdated, and could be retired from use; or
  - 4.5 for any other robust and defensible reason, cannot feasibly be made directly accessible;
- 5 **note** that the Guidelines will be periodically reviewed and updated to account for changing technology, and the evolving capability and needs of both website users and providers;
- 6 **direct** that subsequent versions of the Guidelines be developed in a consultative manner, and implemented with due regard to the need for timeframes that allow for return on existing website investment, and prioritisation of web development among other agency activity;
- 7 **agree** that governance of the Guidelines will involve:
  - 7.1 the State Services Commissioner acting as steward of the Guidelines, with responsibility for:
    - 7.1.1 ensuring the Guidelines remain fit-for-purpose, and for timely publication of updated versions accounting for changing technology, user capabilities, and agency needs; and
    - 7.1.2 ensuring the Guidelines are administered fairly and in a way that accounts for and balances stakeholder interests;
  - 7.2 the e-Government Interoperability Framework (e-GIF) Management Committee acting on behalf of the steward in meeting those responsibilities; and
  - 7.3 the E-government Unit of the SSC acting as custodian of the Guidelines, with day-to-day responsibility for:

- 7.3.1 administering the Guidelines using the consultative processes and models provided by the e-GIF;
  - 7.3.2 maintaining the Guidelines, with a focus on proactively identifying areas where they need to be updated so as to avoid imposing any unnecessary restraints or costs on agencies' use of website technologies and/or website design;
  - 7.3.3 advising the steward on matters related to the administration and uptake of the Guidelines; and
  - 7.3.4 promoting the Guidelines, and assisting agencies to implement them;
- 8 **agree** that, where an agency feels that there are no alternative technologies and/or management practices that enable the function of a website to be fulfilled while also complying with the Guidelines (in part or in full), or where costs of changing websites to enable compliance may be significant, exemption from Guidelines-compliance for a limited period of time may be sought, and that:
- 8.1 granting of any exemptions will occur through processes in which the e-GIF Management Committee will have the role of decision-maker;
  - 8.2 the Committee will determine the specific term of an exemption, and no exemption will be permanent; and
  - 8.3 on its expiry, an agency will be free to apply for further exemption;
- 9 **agree** that agencies required to adopt the Guidelines will be responsible for conducting self-audits of compliance, and that these agencies must be able to demonstrate compliance with at least Version 2.1 of the Guidelines to the State Services Commission by 1 January 2006, and with subsequent versions produced after that date, according to assessment criteria that the Commission will accredit and/or provide by 30 June 2004 and keep updated as required;
- 10 **note** that there are unquantified fiscal costs, and economic and social benefits associated with this proposal;
- 11 **note** that arrangements for implementation of mandatory Guidelines-compliance include mechanisms for mitigating fiscal and operational risk to agencies;
- 12 **request** the Speaker of the House to direct the Office of the Clerk and the Parliamentary Service to implement the Guidelines and demonstrate compliance with them on the same basis as the Public Service;
- 13 **invite**, in coordination with the Minister of State Services:
- 13.1 Responsible Ministers to write to State sector agencies (excepting State Owned Enterprises and Offices of Parliament) encouraging them to implement the Guidelines;
  - 13.2 the Minister for Local Government to communicate the Web Guidelines to local government, inviting their implementation;
- 14 **agree** that the Minister of State Services will publicise Ministers' decisions about the Guidelines; and
- 15 **agree** to publication of this paper and its associated minute on the website of the E-government Unit of the State Services Commission once Cabinet has made its decisions.