



# Issues Paper: Emergency Planning and Response

Submission by the Australian Communications Consumer Action Network to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

17 July 2020

## About ACCAN

The Australian Communications Consumer Action Network (ACCAN) is the peak body that represents all consumers on communications issues including telecommunications, broadband and emerging new services. ACCAN provides a strong unified voice to industry and government as consumers work towards communications services that are trusted, inclusive and available for all.

Consumers need ACCAN to promote better consumer protection outcomes ensuring speedy responses to complaints and issues. ACCAN aims to empower consumers so that they are well informed and can make good choices about products and services. As a peak body, ACCAN will represent the views of its broad and diverse membership base to policy makers, government and industry to get better outcomes for all communications consumers.

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# 1. Executive Summary

ACCAN thanks the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission) for the opportunity to provide this submission. In our following response we offer information and insights relating specifically to the communications sector and the experiences of communications consumers with disability. We do not offer answers to the questions outlined in the Issues Paper, as we expect that some of ACCAN's members, including disability advocacy organisations and Disabled People's Organisations, will be better placed to provide more comprehensive responses to these questions.<sup>1</sup> Instead, our main focus is on the accessibility of information and communications services (such as the National Relay Service or emergency call service) during emergency situations. ACCAN believes that retrospective reviews or assessments of what could have been done better before, during and after emergency situations can help inform the creation of a baseline or minimum standard for what is required in future emergency situations.<sup>2</sup>

## 1.1. List of recommendations

**Recommendation 1:** People with disability must be provided with clear information in a range of accessible digital and non-digital formats regarding preparing for or responding to an emergency or disaster situation. This information must also be provided in a range of community and Indigenous languages.

**Recommendation 2:** The ACMA must undertake monitoring of live captions to reduce the burden on consumers to make and follow up on complaints and help ensure greater comprehensibility of live captioned emergency broadcasts for people who rely on captions.

**Recommendation 3:** A dedicated analysis of live emergency broadcasts, including audience responses, must be undertaken to assess the frequency of errors during emergency broadcasts and the impact these errors have on people who rely on captions.

**Recommendation 4:** The *Broadcasting Services Act 1992* must be updated to place stricter obligations on all broadcasters to provide captioning and Auslan interpretation of all emergency warnings and broadcasts.

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<sup>1</sup> ACCAN supports, for example, the submission provided to the Royal Commission by Blind Citizens Australia.

<sup>2</sup> For more information about using data and experiences to ensure services delivered during recovery or subsequent disasters can be accessibly and equitably delivered, see: Robinson, Alex. 2020. 'Disability inclusive disaster recovery Guidance note, prepared for World Bank/Global Facility for Disaster Reduction and recovery,' v.3.0, 13th April 2020. <https://reliefweb.int/report/world/disability-inclusive-disaster-recovery-guidance-note>

**Recommendation 5:** The ABC must be adequately funded to continue providing tailored, local information across a range of platforms.

**Recommendation 6:** Inclusive design principles must inform the design and development of applications to be used during emergency situations, to ensure that these platforms appropriately meet the needs of people with disability.

**Recommendation 7:** Funding must be made available for local community groups, as well as Disabled Peoples Organisations and disability representative organisations, to create and distribute accessible material to people with disability in emergency situations.

**Recommendation 8:** Accessible and NRS-specific information must be made available to support people who are Deaf, deaf or have hearing or speech impairment during emergency situations.

**Recommendation 9:** All consumers, including NRS users, must be ensured equal access to the emergency call service through the retention of existing contact methods and the establishment of next generation Triple Zero services.

**Recommendation 10:** Retail service providers, NBN Co and state and territory governments must ensure communications consumers are appropriately informed about the reliability of communications services during emergencies and the possible back up options available to them.

**Recommendation 11:** Alternative methods for providing information or alerts to members of the public must be explored in order to improve the resiliency of information transmission in emergency situations.

**Recommendation 12:** To ensure people with disability have access to an emergency communications kit, funding must be allocated to allow for the subsidisation or provision of accessible mobile battery packs and/or battery-powered radios through a peak disability advocacy body or service provider.

**Recommendation 13:** The ACMA should examine whether an industry standard is required to ensure all telecommunications providers provide free call diversion, bill waivers and data-free access to emergency services, government services and recovery-based websites for communications consumers impacted by natural disasters.

**Recommendation 14:** The Royal Commission should request that the current Community Engagement for Disaster Resilience Handbook review not be finalised until people with disability and their representative organisations have provided feedback to this process.

## 2. Responses

### 2.1. Accessible information

As the Royal Commission outlines in its Issues Paper, people with disability were at risk during the 2019-2020 bushfires due to inaccessible communication and information.<sup>3</sup> Inaccessible information and communication has similarly impacted people with disability during the COVID-19 pandemic.<sup>4</sup> Disability groups report that two thirds of people with disability in Australia find government information inaccessible or difficult for them to understand.<sup>5</sup> Given how crucial accessible and easy-to-understand information is during times of emergency, ACCAN supports calls for Australian Governments to ensure that emergency-related information is fully accessible<sup>6</sup> and freely available to all. This must include accessible digital and non-digital formats, as not all people with disability have access to the internet.<sup>7</sup> Any in-person community briefings must also be held in fully accessible venues with features such as hearing loops, live captioning and Auslan interpreters freely available.<sup>8</sup>

Written messaging around emergency preparation, response and recovery must be clear and easy to understand and must be provided in a range of accessible formats, including Easy English, Auslan, plain English, braille, large print and social stories. Written information must also be provided in a range of community languages, including languages commonly used by Aboriginal and Torres Strait Islanders. It is important to note that accessibility and affordability barriers to technology or reliable internet connections can mean that even when information is presented in accessible formats, not all people with disability will have the means to access it. Therefore, multiple sources of accessible information must always be

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<sup>3</sup> As per p4 of the Issues Paper.

<sup>4</sup> As outlined by disability groups in an open letter to the National Cabinet, available: <https://pwd.org.au/wp-content/uploads/2020/04/An-Open-Letter-to-The-National-Cabinet-Final-small.pdf>

<sup>5</sup> 'An Open Letter to the National Cabinet: Immediate Actions Required for Australians with Disability in Response to Coronavirus (COVID19).' Available: <https://pwd.org.au/wp-content/uploads/2020/04/An-Open-Letter-to-The-National-Cabinet-Final-small.pdf>

<sup>6</sup> Ibid.

<sup>7</sup> As outlined at a recent hearing of the Senate Select Committee on COVID-19. Mr Trevor Carroll, International Coordinator of Australian Federation of Disability Organisations, reported that 25 per cent of his clients in Victoria cannot access (or independently access) the Australian government website regarding COVID-19. More information available: Senate Select Committee on COVID-19, 2020. 'Australian Government's response to the COVID-19 pandemic: Proof Committee Hansard, Wednesday 1 July 2020' p23. Available: [https://parlinfo.aph.gov.au/parlInfo/download/committees/commsen/3b0504ac-bd44-4fc3-8030-90ac84c1b8ea/toc\\_pdf/Senate%20Select%20Committee%20on%20COVID-19\\_2020\\_07\\_01\\_7838.pdf;fileType=application%2Fpdf#search=%22committees/commsen/3b0504ac-bd44-4fc3-8030-90ac84c1b8ea/0000%22](https://parlinfo.aph.gov.au/parlInfo/download/committees/commsen/3b0504ac-bd44-4fc3-8030-90ac84c1b8ea/toc_pdf/Senate%20Select%20Committee%20on%20COVID-19_2020_07_01_7838.pdf;fileType=application%2Fpdf#search=%22committees/commsen/3b0504ac-bd44-4fc3-8030-90ac84c1b8ea/0000%22)

<sup>8</sup> For more information about communications in emergency situations, see: Australian Government Attorney-General's Department, 2013. 'Communicating with People with Disability: National Guidelines for Emergency Managers – Handbook 5', available: <https://knowledge.aidr.org.au/resources/handbook-5-communicating-with-people-with-a-disability/>

made available to the public regarding emergency preparation, response and recovery efforts.

**Recommendation 1:** People with disability must be provided with clear information in a range of accessible digital and non-digital formats regarding preparing for or responding to an emergency or disaster situation. This information must also be provided in a range of community and Indigenous languages.

To appropriately support the community to prepare for and respond to emergency situations, video-based information provided on television, online rebroadcasts or on social media must include:

- High-quality open captioning;
- Consistent Auslan interpreting, with broadcasters ensuring that Auslan interpreters are included in broadcasts and not cropped out;
- The reading of any “tickertape” or written information on emergency broadcasts via voiceover to ensure this information is accessible for people who are blind or have vision impairment;<sup>9</sup>
- Culturally safe and appropriate messaging.<sup>10</sup>

After receiving feedback from consumers and our members about the quality of live captioning on free-to-air television, ACCAN commissioned a research project to assess the quality of live captions across different channels and genres.<sup>11</sup> The research found that most live captioning errors related to missing words, spelling errors, unclear distinction between speakers, and issues with caption lag and synchronisation. Researchers found that live captions were not verbatim. These findings are troubling given the reliance on live and emerging information in emergency situations, such as the 2019-2020 bushfires and COVID-19 pandemic. While the research found that live captions on news programs (which have similarities to emergency broadcasts) performed better than other genres analysed, on average the half-hour news programs did still have 15.5 errors.

The researchers made several recommendations, including that the Australian Communications and Media Authority (ACMA) undertake monitoring of the quality of live captions, and that a dedicated analysis of live emergency broadcasts be performed. ACCAN

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<sup>9</sup> As discussed in ACCAN’s 2011 report regarding the Queensland flood disaster, available: <https://accan.org.au/our-work/research/297-the-queensland-flood-disaster-access-for-people-with-disability>

<sup>10</sup> For instance, First Peoples Disability Network (FPDN) developed a series of short, pictorial films in plain English, in addition to an Auslan short film, to provide key COVID-19 prevention messages to Aboriginal and Torres Strait Islander people with disability. As discussed at the Senate Select Committee on COVID-19, 2020, op cit. p26.

<sup>11</sup> Ellis, K., Kao, K., Peaty, G. & Locke, K. 2019, Live Caption Quality Monitoring on Australian Free-to-Air Television, Australian Communications Consumer Action Network, Sydney. Available: <https://accan.org.au/our-work/research/1691-live-caption-research>

seconds these recommendations and believes that these activities are essential to ensuring greater accessibility of broadcast information for people with disability.

**Recommendation 2:** The ACMA must undertake monitoring of live captions to reduce the burden on consumers to make and follow up on complaints and help ensure greater comprehensibility of live captioned emergency broadcasts for people who rely on captions.

**Recommendation 3:** A dedicated analysis of live emergency broadcasts, including audience responses, must be undertaken to assess the frequency of errors during emergency broadcasts and the impact these errors have on people who rely on captions.

In addition, updates are required to the current *Broadcasting Services Act 1992*<sup>12</sup> to add necessary accessibility improvements to both broadcast and catchup television. This must include placing a legislative obligation on broadcasters to provide Auslan interpreters and strengthen obligations around emergency warnings. Currently the *Broadcasting Services Act* only requires national, commercial and subscription television broadcasters to provide captioning for emergency warnings ‘if it is reasonably practicable to do so’.<sup>13</sup> This needs to be strengthened to ensure that all broadcasters must provide captioning of emergency warnings, and in addition, that they must provide Auslan interpretation of emergency warnings and related broadcasts.

**Recommendation 4:** The *Broadcasting Services Act 1992* must be updated to place stricter obligations on all broadcasters to provide captioning and Auslan interpretation of all emergency warnings and broadcasts.

ABC local broadcasting, on both television and radio, played an important role across Australia in providing up to date, accurate and relevant information throughout the 2019-20 bushfires. As such, it is vital that the ABC is adequately funded to continue to provide this information across a range of platforms. Such tailored, local information must always be funded, not just during natural disasters.

**Recommendation 5:** The ABC must be adequately funded to continue providing tailored, local information across a range of platforms.

Multi-channel, multi-platform provision of (clear and accessible) information is necessary to build in greater redundancy in the provision of information to communications consumers with disability. ACCAN advises against an over-reliance on radio and other mainstream services or applications for the provision of emergency information for consumers. For

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<sup>12</sup> Available: <https://www.legislation.gov.au/Details/C2019C00338>

<sup>13</sup> As per *Division 5 – Emergency warnings: 130ZZB Emergency warnings*



example, apps showing maps of areas affected by fires or power outages are not always accessible, and media reporting that relies on or refers exclusively to these maps may leave people who are blind or have vision impairment with limited information about where bushfires are currently located or what actions they should take. Based on discussion with our members, ACCAN's understanding is that many of these apps are not entirely accessible. While ACCAN is pleased to note that the Digital Transformation Agency has made many accessibility improvements to the COVIDSafe App, based on feedback from a range of disability sector stakeholders, greater efforts must be made to ensure that applications are as accessible as possible when they are first released.

**Recommendation 6:** Inclusive design principles must inform the design and development of applications to be used during emergency situations, to ensure that these platforms appropriately meet the needs of people with disability.

In addition, some consumers have contacted ACCAN about their use of the 'Fires Near Me' app while bushfires raged on the north coast of NSW. These consumers came to realise that they could not rely exclusively on the app for up to date information about the active fires in their area. Given our understanding that the app, and others like it, are not able to be updated in real time, this is not surprising. Instead, these consumers turned to other sources of local information (including, for example, a local Rural Fire Service Facebook page and a satellite imagery website). ACCAN is aware of people with disability using local Facebook groups to not only disseminate information about the bushfires, but also make information accessible via Auslan and Easy English translations.<sup>14</sup> This creation of accessible information was done voluntarily through local connections, and was at times used by local emergency services organisations. There is no resourcing for this work, as such there is no assurance that this information will be created or made available for people with disability in the future.

**Recommendation 7:** Funding must be made available for local community groups, as well as Disabled Peoples Organisations and disability representative organisations, to create and distribute accessible material to people with disability in emergency situations.

As outlined above, it is vital that accurate and up to date information is provided via multiple accessible and affordable channels so that consumers are informed about what activities they may need to take in emergency situations. This must always include information about how to contact relevant agencies, hotlines or organisations via the National Relay Service (NRS). People who are Deaf, Deafblind or have hearing or speech impairment must also be provided with clear and straightforward information about how to contact emergency services via the NRS.

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<sup>14</sup> Based on feedback from an ACCAN member involved in this Facebook group.

**Recommendation 8:** Accessible and NRS-specific information must be made available to support people who are Deaf, deaf or have hearing or speech impairment during emergency situations.

## 2.2. Next Generation Triple Zero

It is crucial to ensure that all consumers have equal access to the emergency call service (through either 000, 112 or 106). Currently, however, people who are Deaf, Deafblind or have hearing or speech impairment do not have functionally equivalent access to the emergency call service. For instance, NRS users without access to the internet may have to rely on SMS relay to contact emergency services. This is not a real-time communications channel. To help address this, next generation Triple Zero services, such as SMS, web or video call, instant messages and other accessible means of accessing the emergency call service, must be introduced to ensure people with disability have reliable, appropriate and guaranteed access to Triple Zero and emergency services.<sup>15</sup> ACCAN understands that work on direct text (SMS) to Triple Zero is currently under development. Modernising Triple Zero would support better outcomes for consumers with disability across Australia and would ensure more functionally equivalent access to the emergency call service and emergency services more generally.

Similarly, it is ACCAN's position that the emergency call service must remain contactable through SIMless devices. Maintaining the existing ways through which people can seek assistance, in addition to increasing the contact options available, will help to ensure that all communications consumers have consistent and appropriate access to Triple Zero and emergency services.<sup>16</sup> In addition, all efforts must be taken to ensure calls can be routed as quickly and easily as possible to local emergency service organisations.

**Recommendation 9:** All consumers, including NRS users, must be ensured equal access to the emergency call service through the retention of existing contact methods and the establishment of next generation Triple Zero services.

## 2.3. Access to communications services

Some communications consumers are unaware of the possible impacts that fire and other emergencies can have on communications networks, including fixed-voice NBN services. There is therefore a need for accessible consumer education and awareness raising. Clear and concise information about the potential limitations of communications services during power

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<sup>15</sup> ACCAN, 2014. Review of the National Triple Zero Operator: Submission to the Department of Communications, p4. Available: <https://accan.org.au/our-work/submissions/952-2014-review-of-the-national-triple-zero-000-operator?highlight=WyJlbWVvZ2VuY3kiXQ>

<sup>16</sup> ACCAN, 2019. 'Contacting Emergency Services via SIMless phones – policy position' available: <http://accan.org.au/our-work/policy/1703-contacting-triple-zero-via-simless-phones>

outages and emergency situations must be provided to communications consumers by retail service providers, NBN Co and state and territory governments. Such information must be provided to communications consumers in a range of accessible formats (including Easy English, Auslan, plain English, braille, large print, and social stories) to ensure they have an appropriate understanding of what to do to prepare for an emergency or disaster situation, and what back up options are available to them.<sup>17</sup>

**Recommendation 10:** Retail service providers, NBN Co and state and territory governments must ensure communications consumers are appropriately informed about the reliability of communications services during emergencies and the possible back up options available to them.

Information provided to communications consumers should reflect the diversity of services and service locations across Australia, including location-specific information where possible. Information or alerts provided by SMS must also be provided over a range of technologies. Providing these messages over both the mobile and satellite networks, for instance, would increase built in redundancy and ensure that these vital messages are more likely to be received by those caught up in emergency situations regardless of the platforms they have access to at the time. Furthermore, information should also be provided to consumers before any planned power outages, so that they can charge mobile devices and ensure they have measures in place to remain connected. This is particularly important for consumers with disability who use assistive technologies or apps which can quickly drain the batteries of devices.

**Recommendation 11:** Alternative methods for providing information or alerts to members of the public must be explored in order to improve the resiliency of information transmission in emergency situations.

Public education and guidance on staying connected during emergencies must be useful to and inclusive of consumers who are unable to afford or access multiple forms of communications technologies. For example, NBN Co currently recommends that consumers create an emergency communications kit in case of emergency.<sup>18</sup> They recommend that such a kit include a charged mobile phone, portable mobile battery pack and battery-powered radio. Not all consumers will have the ability to create an emergency communications kit. Some consumers may not be able to afford these devices, or these devices may not be accessible to them. For instance, ACCAN has received feedback that mobile battery packs

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<sup>17</sup> ACCAN, 2020. 'Digital Technology Hub – Consultation Paper: Submission by the Australian Communications Consumer Action Network to the Department of Infrastructure, Transport, Regional Development and Communications', p11. Available: <https://accan.org.au/our-work/submissions/1698-digital-technology-hub>.

<sup>18</sup> More information available: <https://www.nbnco.com.au/blog/the-nbn-project/preparation-key-to-staying-connected-in-an-emergency>

available in Australia are not accessible for people who are blind or have vision impairment. Similarly, battery-powered radios may not be accessible for people who are blind or have vision impairment; nor are they accessible for people who are Deaf or have hearing impairment. This speaks to the broader need for information and communications technologies in Australia to be more accessible and universally designed, to ensure that they are accessible to consumers with disability.

**Recommendation 12:** To ensure people with disability have access to an emergency communications kit, funding must be allocated to allow for the subsidisation or provision of accessible mobile battery packs and/or battery-powered radios through a peak disability advocacy body or service provider.

## 2.4. Supports for people with disability

Both the 2019-2020 bushfires and COVID-19 pandemic saw the creation and delivery of communication-related assistance packages to support those disproportionately affected by these emergencies. Telecommunications providers offered different supports to their consumers, such as extended timeframes for bill payments, additional data, free call diversion to any mobile or fixed phone number, or free prepaid credit.<sup>19</sup> While these initiatives have undoubtedly supported communications consumers to stay connected, more can (and should) be done. ACCAN would like to see greater standardisation of assistance packages between retail service providers, to ensure that affected communications consumers of smaller providers do not miss out on necessary assistance and support.

ACCAN believes all telecommunications providers should provide free call diversion and bill waivers for people who don't have a full service available due to bushfires or natural disasters. We also believe that providers should offer data-free access to emergency preparation, response, or recovery-based websites, such as the National Bushfire Recovery Agency website, the Department of Health's COVID-19 online updates, and other relevant pages. This is something that could be addressed through regulation, and as such ACCAN encourages the ACMA to consider whether an industry standard should be developed regarding call diversions, bill waivers and data-free access to emergency-related sites during natural disasters.

**Recommendation 13:** The ACMA should examine whether an industry standard is required to ensure all telecommunications providers provide free call diversion, bill waivers and data-

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<sup>19</sup> Information relating to both COVID-19 and bushfire initiatives is available on ACCAN's website. For more information visit: <https://accan.org.au/hot-issues/1684-telco-bushfire-response> and <https://accan.org.au/media-centre/covid19-telco-services-and-technology>

free access to emergency services, government services and recovery-based websites for communications consumers impacted by natural disasters.

## 2.5. Other relevant resources

ACCAN notes that our submissions to the Royal Commission into National Natural Disaster Arrangements and state-based inquiries into the 2019-2020 bushfire season may be of interest or relevance to the Royal Commission.<sup>20</sup> In these submissions we discuss the prevention, preparation, response and recovery efforts required to ensure greater resiliency and redundancy in communications infrastructure. We also outline what is required to support communications consumers to stay connected and informed during bushfires and other natural disasters.

In addition, ACCAN would like to bring the Royal Commission's attention to the Attorney-General's Department's Communicating with People with Disability: National Guidelines for Emergency Managers handbook.<sup>21</sup> This handbook is designed to support emergency managers to understand the communication needs of people with disability, and how to ensure more effective and inclusive communication before, during and after emergencies. This handbook is currently under review and due to be incorporated into the updated Community Engagement for Disaster Resilience Handbook to be published this year.<sup>22</sup> As far as ACCAN is aware, people with disability and their representative organisations have not been involved in the Working Group for this review process. This is an oversight that we believe must be urgently addressed to ensure the communication needs of people with disability remain a priority in emergency situations.

**Recommendation 14:** The Royal Commission should request that the current Community Engagement for Disaster Resilience Handbook review not be finalised until people with disability and their representative organisations have provided feedback to this process.

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<sup>20</sup> These submissions are available on ACCAN's website: <http://accan.org.au/our-work/submissions/1705-2019-20-bushfire-submissions>

<sup>21</sup> Available: <https://knowledge.aidr.org.au/resources/handbook-5-communicating-with-people-with-a-disability/>

<sup>22</sup> Available: <https://knowledge.aidr.org.au/resources/community-engagement-communication-and-inclusion-handbook/>

### 3. Conclusion

The 2019-2020 bushfires and the COVID-19 pandemic have both had a devastating impact on communities. It is therefore important to assess the impact that these emergencies have had, and continue to have, on people with disability in general, as well as more specifically as consumers of communications goods and services. There is clearly much to be done to improve the accessibility of information, communications services, emergency services and supports available to people with disability in emergency situations. The learnings from the 2019-2020 bushfires and COVID-19 pandemic must be used to bring about these changes and ensure people with disability are better supported in future emergency situations.

In closing, ACCAN would again like to thank the Royal Commission for the opportunity to contribute to this process. We hope that the content of our submission is helpful and will support better outcomes for communications consumers with disability before, during and after emergencies in Australia. We look forward to following the progression of this important topic and make ourselves available to the Royal Commission to discuss the issues raised in our submission in further detail as required.