



Exposure draft: Broadcasting Services Amendment (Improved Access to Television Services) Bill 2012

Submission by the Australian Communications Consumer Action Network
to the Department of Broadband, Communications and the Digital Economy



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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 availability, accessibility and affordability of communications services for all Australians.

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 activate its broad and diverse membership base to campaign to get a better deal for all communications consumers.

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Introduction

ACCAN welcomes the opportunity to respond to Exposure draft: Broadcasting Services Amendment (Improved Access to Television Services) Bill 2012

ACCAN applauds the Exposure Draft amendment to the Broadcasting Services Act (1992) which will provide greater access to our foremost medium for news, information and entertainment.

For too long members of our community with different accessibility needs have been provided with the bare minimum of access. ACCAN strongly endorses these amendments which will, if not provide an equity of service, improve the levels of access for Australian television viewers who rely on closed-captions; be that because of Deafness, hearing impairment or other reasons.

We are encouraged by this first step to ensure equity of access as our free-to-air television environment switches from analog to digital broadcast.

Comments on Exposure Draft

Division 2 – Captioning obligations of commercial television broadcasting licensees and national broadcasters

As stated in our introduction ACCAN is pleased with the important progress that these amendments will ensure in providing greater access to television for a large number of Australians. Our own research reports that over 30 percent of Australians use closed-captions at least some of the time when viewing television.¹

While these amendments are a positive first step, there is still more progress to be made to provide full access and inclusion to Australian television. We note specifically the requirements for free-to-air multi-channels.

The Exposure Draft does not include any increased closed-caption requirement for digital multi-channel broadcasts. Therefore, Australian television viewers who rely on closed-captions will receive no more access to multi-channels as a result of these amendments. While Australian television viewers who do not require assistive services are benefiting from the increased choice offered by these multi-channels, it could be argued that viewers who rely on closed-captions are in fact losing access. Without increases in the requirements for closed-captions on multi-channels the actual percentage of closed-captions across all free-to-air broadcasts decreases as more multi-channel services come on line.

Captioning is a vital service for many older people and people with disabilities and should be integrated into the planning and programming of all digital channels. As most programs on

¹ See ACCAN, 2011, Analysis of ACCAN Captioning Survey conducted in October 2010, available at <http://accan.org.au/files/Reports/ACCAN%20captioning%20results%20analysis%20FINAL.pdf>



digital channels are already captioned on analogue channels, there is no reason for those digital TV programs not to be captioned.

In other words, current captioning requirements should be in place and be complied with as switchover to digital occurs in various regions of Australia. Commercial television stations need to take into account a number of compliance measures when creating a new channel and captioning should be just another of these measures.

Given that the 2010 *Content and Access: The future of program standards and captioning requirements on digital television multi-channels* Report recommended that there be a review of access services on free-to-air multi-channels by end of year, 2012, ACCAN's expectation is for that review to resolve this anomaly in the current Exposure Draft, and as such we are happy to endorse this draft without changes to the multi-channel requirements at this time.

Division 4 – Captioning standards

The important addition of 'quality' standards in the BSA is a significant amendment. Closed-caption users have been long advocating for quality of closed-captions to ensure that they provide the consumer service that is intended. ACCAN welcomes this amendment to the BSA, however we are concerned that the implementation date of these 'quality' standards are not clear in the Exposure Draft. ACCAN recommends that the implementation of these standards become effective as soon as practicable upon passage of the Bill.

Division 6 – Reports and record keeping

The reporting by broadcasters to the Australian Media Communications Authority (ACMA) will be an important safeguard in protecting consumer interests. ACCAN asserts that annual reporting on these amendments by broadcasters does not provide the necessary consumer safeguards. We recommend that clause 130ZZC Annual compliance reports be changed to require quarterly (3 month) reporting by all broadcasters.

Conclusion

As stated above ACCAN is encouraged by these positive improvements to the BSA, providing greater access and usability to television for Australian consumers who rely on closed-captions.

We look forward to the 2012 review of multi-channels as recommended in the 2010 Multi-Channel report to address the failure of current requirements to provide adequate levels of closed-captions across all free-to-air broadcasts.

ACCAN notes that there is no discussion or requirement for audio description services in the Exposure Draft. Audio description, while technically different from closed-captions, is conceptually the same; providing access to television for Australian consumers who are blind or vision impaired. At the conclusion of the 2012 audio description trial on the ABC, ACCAN expects similar amendments to be included in the BSA. These are amendments which will require all Australian television broadcasters to provide equivalent access for blind or vision impaired viewers.