



ACCAN submission to the DITRDC proposal to remake The
Broadcasting Services (“Broadcasting Service” Definition
Exclusion) Determination 2019

September 2022

Media Reform—Online Safety, Media and Platforms Division

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

GPO Box 2154 CANBERRA ACT 2601

Via email: Media.Reform@communications.gov.au

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.

Contact

PO Box A1158

Sydney South NSW 1235

Email: info@accan.org.au

Phone: (02) 9288 4000

Fax: (02) 9288 4019

Contact us through the [National Relay Service](#)

ACCAN appreciates the opportunity to respond to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department), consultation on the proposed remaking of the Broadcasting Services (“Broadcasting Service” Definition—Exclusion) Determination 2019 (the Determination).

ACCAN supports the Government’s proposed media reform initiative with an expectation that a balanced process will provide tangible benefits to industry and consumers alike.

It is clear given the timeframe, that remaking the Determination is necessary. As stated in the discussion paper it is not possible to secure a legislative alternative in the 10 days between the closing of this consultation and the expiry of the current Determination.

As such, ACCAN recommends that the current Determination be remade with a limited 3-year extension.

While ACCAN understands the potential uncertainties that could arise should the Determination expire without legislative or regulatory alternatives ACCAN would not support an extension of the current Determination for a period longer than 3 years. ACCAN is acutely aware that the exemption of online audio-visual services from the Broadcast Services Act have now been in existence for more than two decades. As the audio-visual media landscape has continued to develop over these intervening decades, there has been no tangible reform to provide improved consumer outcomes.

For example, for Australians who rely on access features such as captions or audio description, this ongoing ‘kicking the can’ has continued to exclude these consumers from much of the ever-increasing market of online audio-visual media. This includes exclusion to catch—up services from our national and commercial free-to-air broadcasters. While some broadcasters are voluntarily providing limited captioned content on their catch-up services, no Australian free-to-air broadcaster is providing any catch-up content with audio description.

Moreover, history tells us that voluntary broadcast access features are often the first services to be cut when budgets are tight.¹

As stated in the discussion paper, a key policy objective of the Government is to ensure that all Australians have access to our audio-visual media market. The Determination, by excluding broadcast services delivered online from the Broadcasting Services Act, undermines this policy objective by perpetuating this exclusion and needs to be reconsidered in order that all Australians have access to and can benefit from online audio-visual media services.

Furthermore, ACCAN in alliance with Australia’s blindness and low vision community have made multiple requests that the current BSA be reformed to include a requirement for a minimum of 14 hours per week of audio described content by all free-to-air broadcasters.

In conclusion, ACCAN recommends that this ongoing television access inequity be prioritised in the Government’s media reform agenda.

¹ <https://www.theguardian.com/media/2016/oct/22/disability-commissioner-criticises-abc-over-cuts-to-transcription-service>

ACCAN is available to discuss any questions related to this submission.

Sincerely,

Dr Wayne Hawkins

Director of Inclusion ACCAN