
Submission

5 June 2023

Submissions to Order Applications
Diversity, Localism and Accessibility Section
Australian Communications and Media Authority
PO Box Q500
QVB NSW 1230
Via email: captioning@acma.gov.au

Re: Draft target reduction orders for comment

The Australian Communications Consumer Action Network (ACCAN) thanks the Australian Communications and Media Authority (ACMA) for the opportunity to comment on the draft target reduction orders listed in Appendix 1.

ACCAN's long held concern that Australian consumers who rely on closed captions struggle to have the same functional access to television services as other Australians has not changed since we last submitted to the ACMA's draft target reduction orders. Deaf and hearing impaired Australians continue to be excluded from full access to any television service in Australia, despite this issue of inequality being debated in our public policy discussions for decades. In 2012 the Australian Parliament passed legislation mandating greater captioning of subscription television with an expectation that subscription television services would meet increasing annual caption targets.¹

Thus, closed caption requirements have been part of the Australian subscription television market legislative framework since 2012. Under the previous model, in which the Australian Human Rights Commission presided over the exemption process, subscription services needed to provide tangible evidence that they were working towards meeting their legislative obligations; legislation designed to ameliorate disability discrimination. ACCAN urges the ACMA to apply this principle to the current exemption and target reduction processes. ACCAN is concerned that there has been no commitment from the applicants to investigate opportunities to meet their legislative obligation, nor any stipulation from the ACMA that the applicants take any pro-active measures to address their legislative obligation into the future.

In the interest of providing equitable access for all Australians to our changing media environment, ACCAN strongly recommends that the ACMA deny these target reduction applications. This recommendation is based on the lack of evidence that the applicants are taking bona fide steps to meet their captioning obligations beyond the exemption period. ACCAN asserts it is unacceptable that after decades of advocacy and lobbying for increased access to both publicly funded and subscription broadcast television services, Australians who rely on captions continue to find themselves excluded from equitable access to subscription television services.

¹ *Broadcasting Services Amendment (Improved Access to Television Services) Act 2012*, <http://www.comlaw.gov.au/Details/C2012A00083>

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

We thank the ACMA for the opportunity to comment on the draft target reduction orders. Should you wish to discuss any of the issues raised in this submission further, please do not hesitate to contact me at Wayne.Hawkins@accan.org.au.

Yours sincerely,

Wayne Hawkins
Director of Inclusion ACCAN

Appendices

Appendix 1: Draft target reduction orders

| Applicant number | Applicant | Years applied for | Channel | Notice/Draft order/Statement of reasons | Submission due date |
|------------------|-------------------------------------|-------------------|----------------|--|---------------------|
| 00143 | Telstra Pay TV Pty Limited | 1 | Aurora Channel | <u>Notice</u> <u>Draft order</u> <u>Statement of reasons</u> | 5 June 2023 |
| 00145 | Foxtel Cable Television Pty Limited | 1 | Aurora Channel | <u>Notice</u> <u>Draft order</u> <u>Statement of reasons</u> | 5 June 2023 |

The Australian Communications Consumer Action Network (ACCAN) is Australia's peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers.