



25 October 2018

Committee Secretary
Senate Environment and Communications References Committee
By email: ec.sen@aph.gov.au

Re: Inquiry into Australian content on broadcast, radio and streaming services

Dear Committee Secretary,

Thank you for the opportunity to provide a submission to the Senate Inquiry into Australian content on broadcast, radio and streaming services. ACCAN offers a brief comment on the cultural value of this Australian content in relation to people with disability.

Article 30 of the Convention on the Rights of Persons with Disabilities (the CRPD) outlines that people with disability have the right to equal access to participation in cultural life, including equal access to television shows, films, theatre and other cultural activities.¹ Not only must people with disability have access to these types of cultural materials, it must also be ensured that these materials are made available in accessible formats. This must be equally the case for children and young people with disability, acknowledging the role that accessible Australian content can play in helping them to gain a sense of inclusion, community and national identification. As such, access to (and the cultural value of) accessible Australian content on broadcast, radio and streaming services must be carefully considered by this Committee.

Access to Australian broadcast, radio and streaming services must be available as broadly and as inclusively as possible, taking into account the range of accessibility requirements that different people with disability will have. For instance, some people with disability will require captioning on content; some will require wheelchair accessible cinemas and theatres; others will require audio described content; and others still will require wheelchair accessible cinemas in conjunction with other accessibility measures, such as hearing loops or audio description. One type of accessibility must therefore never be seen to compensate for a lack of accessibility in another area. Indeed, despite the human rights imperative to meet these accessibility requirements, there have been distinct differences in the prioritisation of certain accessibility requirements. Captions, for instance, were first introduced in 1982 with the government financially supporting the formation of the Australian Caption Centre. While captions were restricted in their scope and availability (initially available between 6pm-10pm on the ABC and commercial channels), a commitment was nonetheless made. In comparison, advocates from the blindness community have been calling for audio description on Australian television for over 20 years, to no avail.

Audio description provides greater access for Australians who are blind or have vision impairment, by using words to describe or narrate visual elements of content, such as a film, play or television show. The blindness community and other organisations, including ACCAN, have long been

¹ Available: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-30-participation-in-cultural-life-recreation-leisure-and-sport.html>

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advocating for audio description to be available on Australian television. There have also been two audio description trials on the ABC over the past few years – one in 2012 and one in 2015-16. Despite these trials and continued community advocacy, including participating in an Audio Description Working Group convened by the Department of Communications and the Arts that outlined three possible approaches to implementing audio description, there is still no clear pathway or timeline towards making audio description broadly available in Australia.

It is worth noting that since 2011, Screen Australia has implemented a funding condition that requires the programming in which it invests to be both captioned and audio described. This commitment to accessibility features was welcomed by members of the disability community, and indeed in the years since, many people with disability have benefitted from this automatic inclusion of accessibility features when viewing Screen Australia films in caption and audio description compliant cinemas. However, the accessibility features of Screen Australia programming do not carry across to other media. Audio description of this content is not currently available on television, as there is inadequate legislative protection to address the market's failure to provide equal services to all. This renders Australian audio described content inaccessible to the very people these accessibility measures are supposed to benefit.

A possible solution would be an approach similar to that which was adopted in the United States through the Twenty-First Century Communications and Video Accessibility Act of 2010.² This Act stipulates that access features for video content must follow the content – meaning that where something is captioned on one platform (such as television), the captions must follow the content across other platforms (such as Netflix or Stan, for instance). Reforms similar to those offered by this Act should be introduced in Australia, and should relate to all content (including content created and made available to consumers on the internet). Such clear legislative requirements would help to ensure access features exist across all platforms (including Australian and international streaming services), to support the cultural inclusion of all Australians with disability.

ACCAN continues to support the blindness community in all work relating to audio description and the accessibility of broadcast and streaming services. We recommend that the Committee carefully consider the accessibility of Australian content over the course of this inquiry, and we further recommend talking directly to a range of people with disability about the impact that access to accessible Australian content has (or would have) on their day-to-day lives.

Thank you again for allowing ACCAN to offer our thoughts on this topic. Please do not hesitate to contact us should you require clarification or additional information on any of the issues we have raised.

Yours sincerely,

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Disability Policy Officer

² Available: <https://www.gpo.gov/fdsys/pkg/BILLS-111s3304enr/pdf/BILLS-111s3304enr.pdf>