A submission regarding the ACMA’s

*Contemporary community safeguards inquiry issues paper*

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Submitted by

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MAA commends the ACMA on producing a clear, comprehensive discussion paper on the various issues surrounding Australian codes of practice.

This submission concentrates on the inclusion of requirements relating to access services, specifically closed captioning and audio description.

**About Media Access Australia**

Media Access Australia is Australia’s only independent not-for-profit organisation devoted to increasing access to media for people with disabilities. Our role is to provide information about media access and to develop and apply technological solutions to media access issues.

MAA is based in Sydney with a satellite office in Perth, and works in collaboration with consumer organisations, government and industry across the country.

**Responses to questions posed in the inquiry**

***Question 1:*** *Are the seven key concepts identified above relevant and useful core concepts in the broadcasting code context?*

Media Access Australia’s interest lies in the concept of ‘access’, which we believe is still relevant and useful.

***Question 2:*** *Does the list of code interventions, as it currently stands, omit matters which should be included or include things which should no longer be addressed in broadcasting codes?*

We believe the concept of ‘access’ should be expanded to include audio description (see reply to Question 98.)

***Question 97:*** *Should the concept of ‘access’ be relevantly included as a guiding core principle in contemporary broadcasting codes of practice?*

Yes, because the codes of practice expand on, and ensure, the delivery of access as required by the *Broadcasting Services Act*. This currently sets out minimum captioning requirements for free-to-air and subscription television in terms of the hours of captioning that they have to broadcast, while directing the ACMA to determine standards for the quality of captions.

The Commercial Television Code of Practice, which has the most comprehensive section on captioning of the codes being considered in this inquiry, addresses four additional issues which we believe are fundamental for delivering access to Deaf and hearing impaired consumers. These are:

* Ensure that closed captioning is clearly indicated in program guides.
* Exercise due care in broadcasting closed captioning, and monitor closed captioning transmissions.
* Provide adequate advice to relevant viewers if scheduled closed captioning cannot be transmitted.
* When broadcasting emergency, disaster or safety announcements, provide essential information visually wherever practicable.

We believe that all the broadcasting codes should address these four issues, which should refer to audio description as well as captioning.

We also believe that the stipulation that information about closed captioning and audio description being identified in program guides should make it clear that this refers to electronic program guides as well as printed guides.

Two of the recommendations of the Federal Government’s ‘Media access review final report’, released in December 2010, were

***Recommendation 13*** *– That the Government calls on Free TV Australia to coordinate efforts to improve electronic program guide accessibility, in conjunction with their international counterparts.*

and

***Recommendation 14*** *– “That the Government asks the Australian Communications and Media Authority to consider including accessibility features as a key requirement for electronic program guides, or to develop a Code of Practice for electronic program guides by 2012.*

In April 2013, MAA released its ‘Report on Electronic Program Guides and Accessibility’[[1]](#footnote-1). It found there was great inconsistency in how electronic program guides (EPGs) identify captioned programs. For example, the Freeview EPG, which is available on Freeview-branded digital receivers, identifies which programs are captioned, but the standard EPG available on other digital receivers does not.

***Question 98:*** *The ACMA has drawn a connection between ‘access’ and captioning interventions. Do you agree with this connection? Are there other interventions or safeguards that should be included here?*

We agree with this connection, but believe that audio description should be included, too.

Audio description for the blind and vision impaired is an equivalent service to captioning for the Deaf and hearing impaired, and should be accorded the same status in government regulations and codes of practice. It is now standard on television in the US, the UK and other European countries, South Korea and, since 2011, New Zealand.

Between August and November 2012, a trial of audio description was held on ABC1, with 14 hours of audio described programs broadcast each week for 13 weeks. A technical report on the trial was prepared by the ABC and given to the Government in December, and the then Minister for Broadband, Communications and the Digital Economy, Senator Stephen Conroy, stated that the government would consider this and work with all parties to resolve the issues raised. The Government has not yet released the report or made any announcement regarding a future audio description service. On 10 July, Blind Citizens Australia lodged 21 disability discrimination complaints against the Federal Government and the ABC over the failure to deliver a regular service.

MAA believes that the introduction of an audio description service on Australian television is inevitable, and that regulations covering the provision of the service should be incorporated into the *Broadcasting Services Act*, as captioning requirements are. In the meantime, if and when codes of practice are updated, they should cover the same issues regarding audio description as those regarding closed captions.

***Question 99:*** *What is the current**level of reliance, if any, placed on the existing code related interventions?*

Deaf and hearing impaired TV viewers rely on the Commercial Television Code of Practice for its provisions which mean that they can expect to see captioned programs identified in printed and some electronic program guides, and to be advised if the lack of captioning on a program is due to a problem at the station rather than with their own equipment. The provision about emergency, disaster and safety announcements is also extremely important. All the broadcast codes should have these provisions.

***Question 100:*** *Is it still appropriate for contemporary codes of practice to include regulatory interventions regarding captioning? If not, why not?*

Yes.

***Question 101:*** *If the answer to the last question is ‘yes’ what should these interventions look like?*

We believe that they should emulate the provisions of the Commercial Television Code of Practice, and be extended to cover audio description.

***Question 102:*** *Should relevant regulatory interventions be consistent across relevant sectors?*

Yes. Captioning is the same service, regardless of the platform on which it is delivered, so all the codes should be consistent.

1. <http://www.mediaaccess.org.au/latest_news/captions/report-on-the-accessibility-of-electronic-program-guides> [↑](#footnote-ref-1)