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The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

Captioning for the Deaf and Hearing Impaired Bill 1998

No. , 1998

(Senator Stott Despoja)

**A Bill for an Act to require captioning of certain
television programs and videos for the deaf and
hearing impaired, and for related purposes**

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A Bill for an Act to require captioning of certain television programs and videos for the deaf and hearing impaired, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Captioning for the Deaf and Hearing Impaired Act 1998*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

1
2 **Schedule 1—Amendment of the Broadcasting**
3 **Services Act 1992**
4

5 **1 At the end of section 13**

6 Add:

7 *Captioning*

- 8 (6) The Australian Broadcasting Corporation and the Special
9 Broadcasting Service Corporation must ensure that captions for the
10 deaf and hearing impaired are applied to:
- 11 (a) each television program the service broadcasts on or after
12 1 July 2000 and that starts at or after 4 pm and before 10:30
13 pm (by legal time in the State or Territory where the main
14 audience for the program is situated); and
- 15 (b) each news and current affairs television program the service
16 broadcasts on or after 1 July 2000; and
- 17 (c) each television program the service broadcasts on or after 1
18 July 2010.
- 19 (7) The requirements in subsection (6) do not extend to programs
20 which cannot reasonably be captioned, for reasons including:
- 21 (a) unforeseen changes to programming where only an un-
22 captioned replacement program is available; or
- 23 (b) unforeseen technical faults affecting captioning.
- 24 (8) The regulations may prescribe exemptions to the requirement for
25 captioning.

26 **2 At the end of Part 3 of Schedule 2**

27 Add:

28 *Captioning*

- 29 (3) Each commercial television broadcasting licence is also subject to
30 the condition that the licensee will ensure that captions for the deaf
31 and hearing impaired are applied to:
-

- 1 (a) each television program that the licensee broadcasts on or
2 after 1 July 2000 and that starts at or after 4 pm and before
3 10:30 pm (by legal time in the State or Territory where the
4 main audience for the program is situated); and
5 (b) each television news and current affairs program that the
6 licensee broadcasts on or after 1 July 2000; and
7 (c) each television program the licensee broadcasts on or after 1
8 July 2010;
9 except where such programs cannot reasonably be captioned, for
10 reasons including:
11 (d) unforeseen changes to programming where only an un-
12 captioned replacement program is available; or
13 (e) unforeseen technical faults affecting captioning.
14 (4) The regulations may prescribe exemptions to the requirement for
15 captioning.

16 **3 At the end of Part 6 of Schedule 2**

17 Add:

18 *Captioning*

- 19 (3) Each subscription television broadcasting licence is also subject to
20 the condition that the licensee will ensure that captions for the deaf
21 and hearing impaired are applied to:
22 (a) each television program that the licensee broadcasts on or
23 after 1 July 2000 and that starts at or after 4 pm and before
24 10:30 pm (by legal time in the State or Territory where the
25 main audience for the program is situated); and
26 (b) each television news and current affairs program that the
27 licensee broadcasts on or after 1 July 2000; and
28 (c) each television program the licensee broadcasts on or after 1
29 July 2010;
30 except where such programs cannot reasonably be captioned, for
31 reasons including:
32 (d) unforeseen changes to programming where only an un-
33 captioned replacement program is available; or
-

- 1 (e) unforeseen technical faults affecting captioning.
2 (4) The regulations may prescribe exemptions to the requirement for
3 captioning.

4 **4 At the end of Part 7 of Schedule 2**

5 Add:

6 *Captioning*

- 7 (5) The provision by a person of a subscription television
8 narrowcasting service or open narrowcasting television service
9 under a class licence is also subject to the condition that the
10 licensee will ensure that captions for the deaf and hearing impaired
11 are applied to:
12 (a) each television program that the licensee broadcasts on or
13 after 1 July 2000 and that starts at or after 4 pm and before
14 10:30 pm (by legal time in the State or Territory where the
15 main audience for the program is situated); and
16 (b) each television news and current affairs program that the
17 licensee broadcasts on or after 1 July 2000; and
18 (c) each television program the licensee broadcasts on or after 1
19 July 2010;
20 except where such programs cannot reasonably be captioned, for
21 reasons including:
22 (d) unforeseen changes to programming where only an un-
23 captioned replacement program is available; or
24 (e) unforeseen technical faults affecting captioning.
25 (6) The regulations may prescribe exemptions to the requirement for
26 captioning.

1
2 **Schedule 2—Amendment of the Disability**
3 **Discrimination Act 1992**
4

5 **1 After subsection 24(1)**

6 Insert:

7 (1A) For the purposes of paragraph (1)(b), a person is taken to
8 discriminate against another person who has a hearing disability on
9 the ground of the other person's disability if, on or after 1 July
10 2002, the person sells to the other person or makes available for
11 sale or hire to the other person a new video that does not include
12 captions for the deaf and hearing impaired.

13 (1B) For the purposes of paragraph (1)(b), a person is also taken to
14 discriminate against another person who has a hearing disability on
15 the ground of the other person's disability if, on or after 1 July
16 2002, the person sells to the other person or makes available for
17 sale or hire to the other person a television set that is not able to
18 decode captioning.

19 (1C) Subsection (1A) does not apply to a video if a total of not more
20 than 2000 copies of the video have been manufactured for sale or
21 hire.