



10 December 2014

Ms Christine McDonald
Secretary
Senate Environment and Communications Legislation Committee

By email to ec.sen@aph.gov.au

Dear Ms McDonald,

Broadcasting and Other Legislation Amendment (Deregulation) Bill 2014

Foxtel appreciates the opportunity to comment on the *Broadcasting and Other Legislation Amendment (Deregulation) Bill 2014* (the **Bill**), which was referred to the Senate Environment and Communications Legislation Committee (the **Committee**) on 30 October 2014. Foxtel's comments are limited to the parts of the Bill which refer to Australian content expenditure by subscription television (**STV**) licensees, as well as the administration of closed captioning laws applicable to STV licensees and channel providers.

This Bill does not reduce Australian content expenditure by STV licensees and channel providers or reduce the level or quality of closed captions shown on STV. Consumer benefits and safeguards provided by the current Australian content and captioning regulatory schemes will not be lost. The amendments reduce compliance costs associated with these schemes and increase flexibility in how captioning targets are met, providing better viewer outcomes.

Foxtel refers the Committee to the detailed submission on the Bill that has been made by the subscription media industry group, the Australian Subscription Television and Radio Association (**ASTRA**). Foxtel endorses the ASTRA submission and supports amendments which deliver the following:

- Remove an auditing requirement relating to administration of the STV Australian content regulations which will reduce compliance costs but not reduce expenditure by Foxtel and other STV channel providers on Australian content.
- Allow operators of an associated group of STV sports channels to 'average' captioning levels across channels (a proportion of a channel's captioning target could be met on another channel within the group)—this would allow channel providers like FOX SPORTS to maximise captioning for key sporting tournaments that are shown across their suite of sports channels.
- Provide new STV channels with an exemption from captioning rules for 12 months (subject to conditions).
- Extend the period in which applications may be made to the regulator to seek exemption from certain captioning requirements.

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- Limit the requirement to meet the obligation to ensure repeats of captioned programs are captioned to channels provided by the same channel provider.
- Allow for exemptions in certain circumstances where captioning failures are due to circumstances which could not reasonably have been foreseen.
- Require the regulator to consider the nature of live captioning when making rules about captioning quality.
- Simplify record-keeping rules.

Foxtel remains committed to, and spends a substantial amount of money each year on both the production of Australian content and the provision of closed captioning. For example, the Foxtel platform currently carries captions (at different levels) on 86 channels, even though the regulations only require captioning on 70 channels this year.

The production of important Australian series like *Devil's Playground* and the upcoming Foxtel productions *Deadline Gallipoli* and *The Kettering Incident* remain central to Foxtel's strategy of delivering premium content to our subscribers which tells nuanced Australian stories and reflects Australian culture.

Foxtel's support for the passage of this Bill—subject to a number of minor enhancements set out in the ASTRA submission—in no way takes away from our commitment to Australian content and captioning.

Yours sincerely,

Bruce Meagher

Group Director, Corporate Affairs