

28 May 2021



Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600
via email: ec.sen@aph.gov.au

Re: Broadcasting Legislation Amendment (2021 Measures No.1) Bill 2021

The Australian Communications Consumer Action Network (ACCAN) thanks the Senate Standing Committees on Environment and Communications for the opportunity to contribute to this inquiry.

ACCAN is the peak body that represents all consumers on communications issues, including telecommunications, broadband and emerging new services. ACCAN provides a strong unified voice to industry and government as consumers work towards communications services that are trusted, inclusive and available for all. We represent the views of our broad and diverse membership base, which includes groups such as community legal centres, disability advocacy organisations, indigenous organisations, farmers' federations, financial counsellors, parents' groups, regional organisations, seniors organisations, and other individual members. ACCAN has always been a strong voice for consumers with disability in the communications arena. We are proud to have a wide range of disability organisations as members, and as valuable contributors to and supporters of our work.

ACCAN is particularly interested in how the Broadcasting Legislation Amendment (2021 Measures No. 1) Bill 2021 would amend the *Broadcasting Services Act 1992* in relation to subscription television captioning rules. ACCAN routinely receives feedback from consumers and our members regarding the availability, accessibility and quality of captions on television and other digital platforms. Oftentimes consumers are confused as to why a program has not been broadcast with captions, when it was available on another channel or platform with captions. It is therefore essential that captioning requirements are easy for consumers to understand and provide them with greater certainty about the accessibility of programs on different channels (and, indeed, different platforms).

To ensure greater certainty for consumers, it is ACCAN's position that the *Broadcasting Services Act 1992* remains the most appropriate place for subscription television captioning requirements to be set out. Consumers expect that captioning requirements will be outlined in strong and enforceable regulation, and that these requirements will expand and increase in

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response to Australia's converging media landscape. While the current subscription television captioning requirements do not always meet consumer needs and should be revised, ACCAN believes that removing any of the captioning obligations from the *Broadcasting Services Act 1992* would be of great concern to consumers. A key consumer concern would be whether the proposed legislative instrument would reduce current subscription television captioning requirements.

ACCAN has long recommended that subscription television captioning requirements must reflect the requirements placed upon free-to-air broadcasters. This argument was most recently outlined in our response to the Media Reform Green Paper.¹ It is therefore our position that while subscription television captioning requirements do need to be reviewed and simplified, this should be done as part of a broader amendment of the *Broadcasting Services Act 1992* to embed the same levels of access features (captioning, audio description and Auslan interpreting) across all subscription, video on demand, commercial free-to-air and national broadcasters.

Finally, ACCAN recognises that reform is necessary to effectively regulate the modern media landscape.² Recent inquiries and consultations regarding Digital Platforms³ and Media Reform,⁴ as well as the 3-year extension of the Broadcasting Services ("Broadcasting Service" Definition – Exclusion) Determination 2019 (the Alston Determination)⁵ highlights the desire to ensure regulations are future focused and fit for purpose. However, given this ongoing work to modernise media regulations, ACCAN urges the Senate Standing Committees on Environment and Communications to consider whether this Amendment is premature, particularly considering that amendments to the *Broadcasting Services Act 1992* have also been proposed in the Media Reform Green Paper. The interests of consumers may be better served by postponing this Amendment and retaining current arrangements until broader discussions about modernising television regulation are further advanced.

Thank you for the opportunity to respond to this inquiry. We welcome any additional opportunities to provide input, so please do not hesitate to contact ACCAN should you require further information about any of the topics raised in our submission.

Yours sincerely,

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Disability Policy Adviser

¹ ACCAN 2021, *Submission to Media Reform Green Paper: Modernising television regulation in Australia*. Available: <https://accan.org.au/our-work/submissions/1854-media-reform-green-paper>

² Ibid.

³ Information available: <https://www.accc.gov.au/focus-areas/inquiries-finalised/digital-platforms-inquiry-0>

⁴ Information available: <https://www.communications.gov.au/have-your-say/new-rules-new-media-landscape-modernising-television-regulation-australia>

⁵ Information available: <https://minister.infrastructure.gov.au/fletcher/media-release/alston-determination-extension>