



***Submission to Senate Environment, Communications, Information Technology
and the Arts Committee Inquiry into
Broadcasting Services Amendment (Digital Television) Bill***

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Submitted by:

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A. Introduction

Media Access Australia welcomes the opportunity to comment on the *Broadcasting Legislation Amendment (Digital Television) Bill* and notes the success of the Government's original captioning quotas established as part of the legislation bringing about digital television. These led to a three-fold increase in captioning on Australian free-to-air television and paved the way for HREOC-brokered increases in free-to-air captioning, pay television captioning and captioning in cinemas. The Government's digital television policy has been the major catalyst for the increase in access services in the country.

It is with concern that we now note that the legislative approach to the new multichannels is to make the needs and interests of 2 million hearing impaired Australians subservient to other Australians.

The comments in this submission are primarily directed at Item 85 of *Broadcasting Legislation Amendment (Digital Television) Bill Explanatory Memoranda*. This deals with changes to the captioning provisions of the *Broadcast Services Act* under clause 38.

Section summary: The Government's digital television policy and legislation has been the catalyst for significant growth in access in Australia and the approach on multichanneling appears to be a step backwards denying caption watchers access to exciting new channels.

B. Captioning is a proven compelling reason to switch to digital television

MAA welcomes the clarification of the requirement to caption by the removal of the current "as far as is practicable" qualification in the provision of captioning services and the requirement that programs previously broadcast with captions must also be shown with captions on the new multichannels.

However, it is also noted that a major driving force behind the exemption is the slow take up of digital television and the presumed need to protect the commercial broadcasters from captioning requirements in a start up phase.

MAA would argue that captioning is currently one of the few compelling reasons to migrate to digital television. Since the inception of digital television, MAA has fielded thousands of information enquiries from the general public seeking information on how to access captioning. The main recommendation of MAA has been for people to buy a set-top box or digital receiver as the Australian Standard (4933.1-2005) mandates the display of captioning for digital receivers. Thus easy access to captioning, particularly in areas of poor analogue reception (such as regional areas), has been a significant driver in the take up of digital television.

MAA provides a wide-range of information about digital receivers on its website (www.mediaaccess.org.au) and we continue to work with manufacturers and retailers to promote this important aspect of digital television receivers: the ability to provide easy and relatively cheap access to captions. If the new multichannels are being provided as an enticement to take up digital television, removing the captioning requirement removes the incentive for one of the proven audiences of taking up digital television.

Section summary: Captioning is a significant compelling reason to take up digital television as digital receivers are mandated to display captions. Exempting the newest part of the digital offering from captioning adds yet more reasons for why consumers should delay the migration to digital.

C. The audience for captioning is significant

The implication of the new exemptions is that the audience will be so small in the start up phase that the number of people requiring captions will be insignificant.

Captioning is mainly used by Deaf and hearing impaired people (representing approximately 11% of the population). This population is growing as the population ages as hearing impairment reaches significant proportions in older people (by the age of 75 most people have significant hearing loss).

Consumer research undertaken both in Australia and overseas show that the numbers of caption watchers are significant. MAA's own research via the South Australian Health Omnibus studies (2004) shows that around one million people are watching captions in Australia. The recently released study by the UK regulator OFCOM (Television access services – Review of the Code and guidance) shows that the use of captioning is widespread and in fact the main users of captions are not disabled – 6 million of the 7.5 million watching captions in the UK did not have a hearing impairment.

Captions are also used by English as a Second Language (ESL) speakers. ESL users often find reading English text much easier than listening to the spoken word, particularly when accents are involved. With the ageing population there will be an increase in the number of hearing impaired people during the proposed conversion timeframe as hearing loss is much more prevalent in older people.

Section summary: Captioning is watched regularly by at least 1 million Deaf and hearing impaired Australians and the UK research shows that a further 3 times as many non-hearing impaired watch captions as well.

D. Cost elements

One of the arguments for delaying captioning by at least 12 months on the new multichannels is the assumption that the provision of captioning would be very expensive. This is not necessarily the case.

Australia now has a vibrant and commercial captioning industry which has led to greater competition and the strong downward movement of the cost of captioning to broadcasters. These captioning suppliers are large, international organisations and have access to a wide range of staff and other resources. In fact the cost of captioning has halved in the last 10 years. Coupled with this the broadcasters now have long-term contracts in place that are no longer based on hourly rates. The current contracts provide for coverage of captioning requirements to meet the captioning regulations and additional commitments under the HREOC agreement. Broadcasters

understand the costs of captioning and have been able to negotiate rates that are comparable, if not cheaper than those charged in the UK and USA.

Furthermore, the broadcasters are able to leverage spare capacity of their caption providers, delivering additional captioning at short notice for very little incremental cost. In addition to this, the trade of caption files around the globe means that any content that is sourced from elsewhere potentially already has been captioned and can be made available for Australian use at a fraction of the price of captioning from scratch.

Section summary: The costs of captioning have dropped significantly due to competition and greater market awareness. The provision of captioning on the multichannels would not be prohibitively expensive.

E. Technical issues

The explanatory memoranda also provides for “to allow time to solve any technical issue which may arise from making captioning available on a new platform.” This is a non-issue. Captioning is provided on a vast range of media everyday around the world: broadcast television; cinema; DVD; downloadable media; the Internet; buses and trains; hospitals; hotels; airports; computer games; museum displays; live performance; conferences; lectures. These media use a variety of formats and delivery platforms that all support captioning and allow conversion of captions from one format to another.

Similarly, if the content is live that can now be captioned readily. In the past there was a shortage of specialist stenocaptioners to provide live captioning. This is no longer the case. Live captioning is provided by a variety of methods, including stenocaptioning and speech captioning using voice recognition software. In fact, voice captioning is the predominant method of delivering live captioning.

Section summary: Captioning is provided on a vast array of media on a range of platforms every hour of the day. There are no technical impediments to providing captions from the commencement of the multichannels.

F. Giving powers to the ACMA to delay captioning services

MAA is very concerned that a decision about the delay of caption services is being handed over to a regulatory body without any detail of the criteria used to determine the case for delay, including a need for proper public consultation. ACMA, by its own admission, is not a policy organisation and such decisions should be left to the Parliament or to the Minister. MAA acknowledges that ACMA should play a role in providing analysis to the Parliament or Minister on such a submission.

Section summary: Policy decisions about the extension of exemptions for broadcasters should be made by the Parliament or Minister, not ACMA.

G. Disappointment about other forms of access

MAA notes that the bill does not address the needs of the 400,000 Australians who are blind or vision impaired. These consumers require audio description to provide proper access to television services. Audio description is currently available in other countries (notably the UK where there is a quota of leading to 10% on both free-to-air and subscription television). In Australia audio description is currently limited to DVDs and some live events and the capacity exists to provide it in cinemas.

Whilst there was not necessarily an expectation of a regulated quota at this stage, there is no mention of audio description and any plans to take this up. Audio description was included in our response to the earlier DCITA enquiry covering this Bill.

Section summary: The needs of 400,000 blind and vision impaired Australians have been ignored.

H. About Media Access Australia

Media Access Australia is a not-for-profit, public benevolent institution (PBI) that promotes access to media through technology (such as captioning and audio description) and provides a comprehensive information service to the public, industry and Government. The organisation was previously known as the Australian Caption Centre and it sold its captioning and other commercial operations to Red Bee Media in February 2006. Although MAA no longer provides captioning services, it retains a long-standing expertise and knowledge of captioning and other access issues gained over its operating life, as well as working relationships with the broad access industry that has developed in Australia.