

21st June 2012
Committee Secretary
Senate Standing Committees on Environment and Communications
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Dear Sir/Madam,

Please find attached the submission of the Communications Law Centre to the Inquiry into the Broadcasting Services Amendment (Improved Access to Television Services) Bill 2012 [Provisions].

Yours sincerely,

Professor Michael Fraser AM
Director
Communications Law Centre, UTS

William Renton
Researcher
Communications Law Centre, UTS





Communications Law Centre, UTS

Submission to the Inquiry into the Broadcasting Services
Amendment (Improved Access to Television Services) Bill
2012 [Provisions]

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Communications Law Centre, UTS

1. Introduction

- 1.1 The Communications Law Centre, UTS (CLC) is an independent, non-profit, public interest centre specialising in communications, media and online law and policy. We appreciate this opportunity to respond to the Senate Environment and Communications Legislation Committees' Inquiry.

2. Submissions

- 2.1 The CLC welcomes the introduction of the Broadcasting Services Amendment (Improved Access to Television Services) Bill 2012 ('the Bill'). The proposed amendments have the effect of increasing the amount of television programming available to those with hearing and visual impairments.¹ The proposed licence condition relating to the future Part 9D of the *Broadcasting Services Act 1992*(Cth) together with the proposed captioning standard ensure that obligations are enforceable.
- 2.2 The CLC notes that the basic rule for captioning obligations in proposed s 130ZR(1) does not extend to multi-channelled commercial television services in most circumstances.² Viewership of digital commercial multi-channels is increasing, as commercial networks introduce unique content. Whilst some broadcasters have voluntarily introduced captions on some programs³, caption levels are well below those on the primary channels.⁴ We submit that **captioning obligations should extend to commercial digital multi-channels in 2014** (after the cessation of analogue television transmissions). There will be no distinction between the core or primary channel and digital multi-channels in the all digital broadcasting environment.

¹ Broadcasting Services Amendment (Improved Access to Television Services) Bill 2012, Explanatory Memorandum, p 1.

² Television programs that have been previously broadcast on the core or primary service are subject to proposed s 130ZR (1) by virtue of proposed s 130 ZR (4), *Ibid* p. 15.

³ 'Nine agrees to caption 'V' on GO!', Friday 21 January 2011, Media Access Australia, available from http://www.mediaaccess.org.au/latest_news/captions/nine-agrees-to-caption-%E2%80%98v%E2%80%99-on-go.

⁴ 'Caption levels on the new commercial digital channels', Friday 04 March 2011, Media Access Australia, available from http://www.mediaaccess.org.au/latest_news/television/caption-levels-on-the-new-commercial-digital-channels.

- 2.3 The Bill should operate alongside other initiatives such as “talking” set top boxes⁵ to achieve greater accessibility for hearing and vision impaired consumers.
- 2.4 Captioning obligations should be extended to other content service enterprises as the need arises, in line with the general findings contained in the *Convergence Review*.⁶

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⁵ ‘New “talking” set -top box means everyone can enjoy digital television’, Australian Communications Consumer Action Network, Media Release, Friday 18th May 2012, available from http://accan.org.au/index.php?option=com_content&view=article&id=462:new-talking-set-top-box-means-everyone-can-enjoy-digital-television-&catid=106:access-for-all&Itemid=235.

⁶ Department of Broadband, Communications and the Digital Economy, *Convergence Review -Final Report*, March 2012, Executive Summary, p ix. “The Review proposes a policy framework that will regulate these enterprises based on their size and scope, rather than how they deliver their content....The Review recommends that these significant media enterprises be defined as ‘content service enterprises’ and be subject to regulation”.