



blindness and low vision services

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

**By Vision Australia**

<b>Submission to:</b>	<b>Senate Committee on Environment &amp; Communications</b>
<b>Response Submitted by:</b>	<b>Brandon Ah Tong</b>

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### **1. Introduction**

Vision Australia is encouraged by the stipulations under Division 5 – Emergency warnings of the Broadcasting Services Amendment (Improvement Access to Television Services) Bill 2012 (the Bill), and in particular parts 1, 2 and 3 of section 130ZZB. Clear direction for broadcasters and transmitting information that is accessible to all the community is absolutely critical, especially in the case of emergency warnings. Vision Australia has been campaigning on this topic for many years now and believes this is a useful start to encouraging and developing a more inclusive culture in broadcasting on Australian television.

Given the extremely short timeframe with which this Bill has been released for public comment, we make comment to the Senate Committee on Environment and Communications (the Committee) in four key areas to consider adjusting the Bill to enhance its prescription and achieve its intent. Our comments are thus confined to discussion of the provisions of Division 5 section 130ZZB. We thank the Committee for this opportunity to provide comment before this Bill is taken through to the Senate on the 25<sup>th</sup> of June 2012 and hope these recommendations are actioned to ensure the Bill is clear and achieves the goal it seeks to achieve.

## **2. Clarification of language for parts 1, 2 and 3 of section 130ZZB**

Vision Australia is concerned that the wording of each of these sections do not provide adequate prescription to ensure that important content is made communicable to people who are blind or have low vision. Specific concerns are provided below.

### **2.1 Each sub-section a) that states "...transmit the whole of the emergency warning".**

The intention we assume for this wording is about ensuring that all information contained within an emergency warning transmission, is made available in the manner outlined in the following sub-sections i), ii) and iii), however the word "whole" does not adequately make this point. We point out that any transmission is likely to contain the following key elements: visual non-text information, visual text information and audibly verbal information. It is important that each of these dimensions are communicated in a form accessible to the public, that is, attention must be given to providing "text", "speech" and "captioning" wherever the information is invisible or silent to a viewer who is blind or has low vision or is deaf or hard of hearing.

Vision Australia therefore recommends the following two options:

1. That the word whole be replaced to state 'all visual text and non-text and audible information'.
2. That "Emergency warnings" be added to the Definitions section stating the effect of option 1.

### **2.2 Each sub-section ii) that states, "...the form of speech".**

In numerous submissions on this topic, Vision Australia has stated that all forms of information stated above, must be verbalised in order for people who are blind or have low vision to have access to information in television broadcasts. In particular, all onscreen text must be verbalised, all visual non-text information must also be transmitted in verbal form, and we advocate for the introduction of audio description. Whilst the first point is self-evident, the latter two need some explanation with relevance to this Bill.

Audio description is the narration of visual aspects of a television transmission, which is performed by people trained in the art of audio description. It provides in essence, a detailed commentary of the visual content, providing information about the setting, characters, action sequences, body tone or any other visual content relevant to the viewer. Vision Australia believes that in order for Australian television broadcasts to be truly cognisant of Article 9(b) of the UN Convention on the Rights of Persons with Disabilities (CRPD), audio description must be a standard for all television broadcasts. It is simply the case that without audio description, people who are unable to see the visual content of a broadcast, are being left out from fully experiencing and being part of the communication. It is Vision Australia's principal view that audio description should be an additional element to each of these sections of the Bill, especially for information related to public safety.

With our principal view stated above, the second point of clarification is around the verbalisation of non-text information in a transmission. It could be said that for the purposes of an emergency warning, there is core and non-core information. Core information could be the names of emergency service agencies, contact phone numbers, website details, critical points for awareness, instructions for seeking assistance, types of assistance available etc. Non-core information could be visuals of the types of circumstances that may be being communicated or the context in which the information applies.

An example of this could be a general broadcast about contacting the State Emergency Service for assistance during times of urgent need. Such a broadcast may have verbalisations of how to contact the SES whilst showing images of a flood, fire or extreme hail or wind event. These images are to provide context to the viewer that these may be the occasions to which you might want to think about contacting the SES. It is Vision Australia's view, that this information that could be considered by broadcasters as non-core is in fact important information that provides a coherent and complete message to the viewer.

In considering that audio description may not be possible for inclusion in the Bill at this time, a pragmatic middle position would be to ensure that at least non-visual descriptors are verbalised for this type of information in emergency warnings. This level of prescription is crucial to ensuring that the intent of the Bill is followed through and more importantly, that the Australian public who require access to this information, is in fact informed.

Options to achieve this:

1. That each sub-section ii) be extended to include 'and verbalised visual descriptors'.
2. That "Emergency warning" is added to the Definitions section, stating the effect of option 1.

### **2.3 Definition of Emergency services agency.**

Vision Australia notes that government directed public safety announcements would not be included in the definition of an emergency services agency transmission to which section 130ZZB of the Bill applies. We believe that it is entirely possible that emergency warnings by either state/territory or the Commonwealth, as entities in

themselves, may request a broadcaster to transmit an emergency warning or community announcement on their behalf. The stipulations for access only apply in this Bill as a uniform requirement for emergency warnings requested by an emergency services agency as defined and do not cover other types of transmissions designated as a “community announcement”. We believe that an official announcement by a government on a matter of safety, should be considered an emergency warning for the purposes of this Bill.

An example of this can be illustrated by the public announcements made by Premier Anna Bligh during the recent floods in the state of Queensland. Whilst Premier Bligh was using the media platform during her press statements to advise the public on the situation as it was unfolding as well as information about assistance channels, it is entirely possible that the government may have also decided to create a specific emergency warning to be transmitted periodically via television broadcasts. It is equally plausible that the Bill should also apply to public announcements of the nature provided here as an example, as the information provided by Ms Bligh, was indeed crucial emergency warning and emergency management information for public consumption. This was in deed the purpose of the broadcast and thus ought to be applicable here. We do recognise the limitations upon live television broadcasts, however, subsequent re-transmissions of such press statements and media recaps, should also be seen to apply under these stipulations of the Bill. The information contained within such transmissions, are in fact part of the very intention to which section 130ZZB seeks to address, and therefore the Bill ought to be adjusted to recognise these types of transmissions.

Vision Australia therefore provides the following options to progress this in the Bill:

1. That the definition of “Emergency services agency” be extended to include ‘government announcements that are directly related to an emergency situation or public safety matter’.
2. That “Emergency warning” is added to the Definitions section stating the effect of option 1.

#### **2.4 Each sub-section iii) that states that, “...if it is reasonably practicable to do so”.**

Sub-section iii) applies to the use of a captioning service where it is reasonably practicable to do so, and we raise this here as a point of clarification. It is unclear what the intent of this stipulation is to achieve and how it differs from the sub-sections stated under each i) to provide text. If this is to differentiate between simply having text onscreen for phone numbers, website addresses etc., and having formal text captioning, Vision Australia would be concerned that captioning is considered an optional extra under such circumstances. This is to say that the only occasion where text captioning should not apply, is when the entire transmission is in text form. To assume that other information provided in a transmission is not relevant to a viewer who is deaf or hard of hearing, is to mis-interpret the nature of communication and to grossly under interpret the direction given to States Parties By Article 9(b) of the CRPD.

We also raise this concern here to ensure that this wording is not taken to apply to the other stipulations of sub-sections i) and ii), causing these stipulations to be

understood as only applying where “reasonably practicable”. Vision Australia must stress to the Committee that the stipulations under 1, 2 and 3 of section 130ZZB of the Bill, should not be applicable as a discretionary measure depending on circumstances. Emergency warnings by their very nature, are about public safety and therefore all sections of the Australian public must be fully included in the communication. Vision Australia on this point, recommends that the Committee seek clarification on the intent of sub-section iii) and to seek the removal of the words “if it is reasonably practicable”.

### **3. Conclusion**

Vision Australia believes that the Bill ought to be adjusted to incorporate the recommendations provided in this submission to clarify language and to achieve the Bill’s desired outcome. Without clear language to the intent of the stipulations and definitions, it is our fear that the Bill will not provide adequate prescription to broadcasters and will potentially fail when it is needed the most.

We thank the Senate Committee on Environment and Communications for this opportunity to make comment on this important public policy matter.

Yours faithfully,

Brandon Ah Tong  
Policy & Public Affairs Advisor

## **About Vision Australia**

### **Background**

Vision Australia is the nation's premier provider of blindness and low vision services and was formed by combining the expertise of several organisations who shared in a common purpose. We are a living partnership that unites people who are blind, sighted and who have low vision. Our goal is that people who are blind or have low vision will be able to access and participate fully in every aspect of life they choose.

To help realise this goal, we provide early childhood, orientation and mobility, employment, information, recreation and independent living services, advocacy services and dog guide services. We also work collaboratively with Government, business and community groups, to help raise awareness, promote public education and to work towards eliminating barriers for our clients in the community.

Through our combined histories of providing a range of quality client focused services, Vision Australia is well placed to provide a considered voice on a range of public issues affecting people, who are blind, Deafblind, have low vision and have other difficulties accessing print.

### **Our Client Group**

There are currently about 300,000 people living in Australia who are blind or have low vision that cannot be corrected by the use of glasses or contact lenses or surgical remedies. With the aging of the Australian population, the World Health Organisation estimates that this number will double over the next two decades, as vision loss is, by and large, a disability that is age-related.

People who are blind or have low vision are an important section of the community. Governments and parliaments must take their needs and perspectives into account when making laws and developing policy, and business and the community, have an obligation to be mindful of their human right to access all aspects of Australian life on an equal footing as their sighted peers.

Likewise, people who are Deafblind, and people who have a print disability, constitute important segments of Vision Australia's client group, and we are committed to providing high-quality services to them. People with dual sensory loss and people with other difficulties accessing print, have the same human rights as others in the community, and their needs and expectations of community life must be given the same degree of attention as other groups.