



Australian Government

**Department of Broadband,
Communications and the Digital Economy**

**Access to Electronic Media for the
Hearing and Vision Impaired**

Approaches for Consideration

Discussion Report

2009

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Acronyms and abbreviations

AANA	Australian Association of National Advertisers
ABC	Australian Broadcasting Corporation
ABS	Australian Bureau of Statistics
ACMA	Australian Communications and Media Authority
ACT	Australian Capital Territory
ASTRA	Australian Subscription Television and Radio Association
AVSDA	Australian Visual Software Distributors Association
Auslan	Australian Sign Language
BCA	Building Code of Australia
BCC	Building Codes Committee
BSA	<i>Broadcasting Services Act 1992</i>
CMC	Cultural Ministers Council
COAG	Council of Australian Governments
DDA	<i>Disability Discrimination Act 1992</i>
DTS	Digital Theatre System—a multi-channel digital surround sound format
DVD	Digital Versatile Disc
HDTV	High-definition television
MP	Member of Parliament
MPEG	Moving Picture Experts Group—sets standards for audio and video compression and transmission
NBC	National Broadcasting Company (USA)
NCAM	National Center for Accessible Media (USA)
NDS	National Disability Strategy
NHS	National Health Survey
NSW	New South Wales
NT	Northern Territory
NTSC	National Television System Committee—an analog television standard used in the US, Japan and elsewhere
Ofcom	Office of Communications (UK)
PAL	Phase Alternating Line—an analog television standard used in Australia, the UK and elsewhere
QLD	Queensland
SA	South Australia
SBS	Special Broadcasting Service
SDTV	Standard definition television
TAS	Tasmania
TV	television
UK	United Kingdom
UN	United Nations
USA	United States of America
USD	United States Dollars
VIC	Victoria
WA	Western Australia
W3C	Worldwide Web Consortium

Introduction

On 30 April 2008, the Minister for Broadband Communications and the Digital Economy, Senator the Hon Stephen Conroy, released a discussion paper as part of an investigation into access to electronic media by people with a hearing or vision impairment.

The discussion paper identified existing regulatory requirements for captioning and audio description on Australia's electronic media and indicated current levels of these services on these media. This included captioning and audio description on free-to-air and subscription television, films in cinemas, DVDs and audio-visual content on the internet. The discussion paper also looked at overseas arrangements as a point of comparison.

The discussion paper invited public comment on a number of key issues, including the adequacy of current levels and appropriate future targets for these services. Submissions to the Department of Broadband, Communications and the Digital Economy (the Department) closed on 13 June 2008. The Department received 167 submissions from representatives of the television, film and internet industries, and from people with a hearing or vision impairment and their representative bodies.

A number of key issues were raised in the submissions, including:

- the adequacy of captioning and audio description services
- future targets for captioning and audio description
- associated costs
- regulatory frameworks
- the necessary application of captioning and audio description to new and emerging communications and media content delivery platforms.

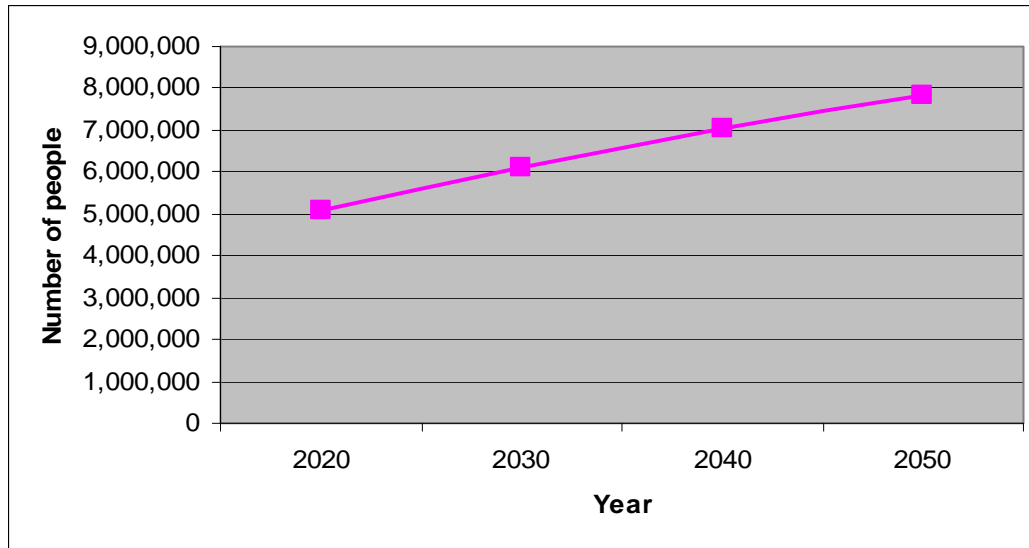
The Australian Government has carefully considered the submissions received and has developed possible approaches to address the key issues raised in submissions to the investigation. This report outlines the approaches being considered by the Government. Submissions and further views are invited in relation to the appropriateness and effectiveness of these proposed approaches by 29 January 2010.

The Government will consider all submissions received in relation to the possible approaches in developing its final report on access to electronic media by the hearing and vision impaired. The report is expected to be tabled in Parliament in 2010, and will outline the Government's recommendations.

For many Australians, visual and hearing impairments make it hard to enjoy a digital world that most people take for granted. According to data from the Australian Bureau of Statistics (ABS), about 2.67 million Australians—one in every eight people—have some form of hearing loss.¹ There are also about 284 000 people who are completely or partially blind.²

Over the next decade, an ageing population and an increase in the incidence of obesity-linked diabetes are expected to lead to an increase in the number of Australians who experience visual and hearing impairments. Hearing loss is expected to affect more than five million Australians by 2020.³ The number of vision-impaired Australians is also expected to increase and is projected to reach about 716 000 by 2020.⁴

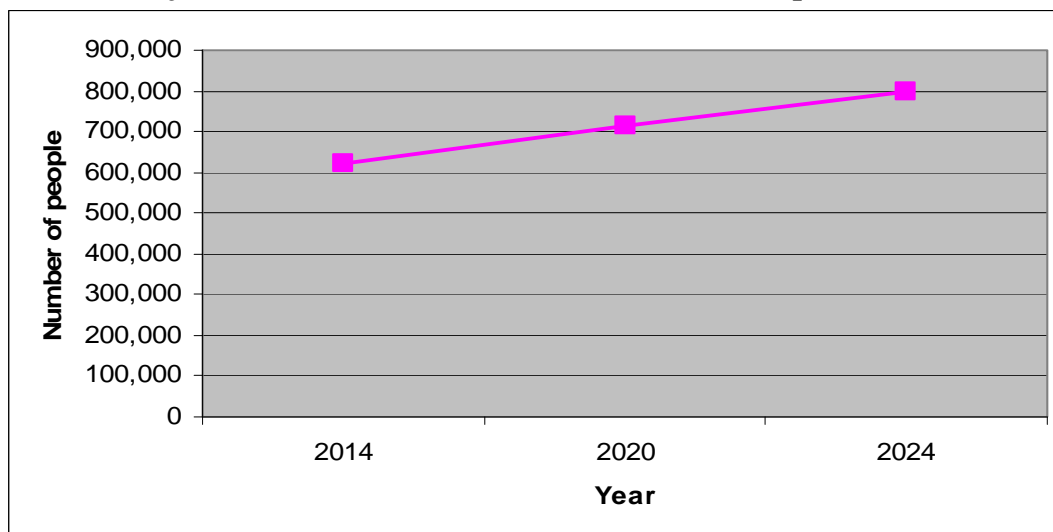
Table 1: Projected number of Australians with a hearing impairment



Source: Access Economics, *Listen Hear! The Economic Impact and Cost of Hearing Loss in Australia*, 2006

Results of the 2007–08 National Health Survey (NHS) showed that although most people reported they were in good health or better, 77 per cent of the total population reported that they had one or more current long-term medical conditions. The most commonly reported long-term conditions were problems with eyesight.¹ However, complete or partial deafness affected 10 per cent of the population and hearing problems were commonly reported.⁵

Table 2: Projected number of Australians with a vision impairment



Source: Access Economics, *Clear Insight: The Economic Impact and Cost of Vision Loss in Australia*, 2004

Electronic media such as television, film and the internet are invaluable sources of information and entertainment for all Australians. Changes in technology and media consumption, particularly the growth of subscription television and increased levels of audio visual content consumed via the internet, present an opportunity to consider current arrangements for access to electronic media for people who have hearing or vision impairments.

¹ Including 26 per cent with long sightedness and 23 per cent with short sightedness. (Australian Bureau of Statistics, *2007/08 National Health Survey*, ABS cat. no. 4364.0, ABS, Canberra, 2009)

United Nations Convention on the Rights of Persons with Disabilities

On 17 July 2008, Australia ratified the United Nations Convention on the Rights of Persons with Disabilities. On 30 July 2009, Australia became a party to the Optional Protocol to the Convention. This allows complaints about breaches of the Convention to be heard by the international Committee on the Rights of Persons with Disabilities where domestic remedies have been exhausted.

The Convention sets out with much greater clarity the obligations on countries to promote, protect and ensure the rights of people with a disability, and specifically prohibits discrimination against people with disability in all areas of life.⁶

One of the eight general principles of the Convention (Article 3) is accessibility, including access to information. Article 9(2) specifically states that countries “shall also take appropriate measures to promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information”.⁷

Article 21 sets out the obligations for enabling freedom of expression and opinion, and access to information. In particular, Article 21 states that countries must take all appropriate measures to:

- ensure that information intended for the general public is provided to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost (Article 21(a))
- urge private entities that provide services to the general public, including through the internet, to provide information and services in accessible and usable formats for persons with disabilities (Article 21(c))
- encourage the mass media, including providers of information through the internet, to make their services accessible to persons with disabilities (Article 21(d)).⁸

Finally Article 30 states that countries must take all appropriate measures to ensure that persons with disabilities:

- enjoy access to cultural materials in accessible formats
- enjoy access to television programs, films, theatre and other cultural activities, in accessible formats
- enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

Social inclusion

The Australian Government is committed to assisting all members of the community to play a full role in Australian life. It is the intention of the Australian Government to take a whole-of-Government approach to the social inclusion of individuals and communities.⁹

To be socially included, all Australians need to have the resources, opportunities and capability to:

- Learn by participating in education and training
- Work by participating in employment, in voluntary work and in family and caring
- Engage by connecting with people and using their local community’s resources
- Have a voice so that they can influence decisions that affect them.

The Government's social inclusion agenda aims to launch a new era of governance to mainstream the task of building social inclusion. Promoting social inclusion requires re-thinking how policy and programs across portfolios and levels of government can work together to combat economic and social disadvantage in Australia.¹⁰

The Government's National Disability Strategy (NDS) will be an important component of the Government's commitment to promoting social inclusion for all Australians and will include the following high level measurable outcomes:

- equal social, economic and cultural participation of people with disability and their families
- elimination of discrimination experienced by people with disability and their families.

The NDS will set the direction of future disability policy in Australia and will maximise inclusion and deliver outcome-focused initiatives that respond to the needs of people with disability, their families and carers.

The NDS will deliver a whole-of-Government, whole-of-life approach to disability issues and will incorporate the principles of the United Nations Convention on the Rights of Persons with Disabilities.¹¹

The Cultural Ministers Council (CMC), a forum including ministers responsible for culture and the arts in Australia, is also currently developing a National Arts and Disability Strategy to improve coordination and collaboration across governments, helping to ensure that Australians with a disability have the opportunity to engage fully in arts and cultural activities.

The development and implementation of the National Arts and Disability Strategy will also be guided by the principles of this UN Convention. The UN Convention sets out obligations in relation to participation in cultural life and also specifies that countries take all appropriate measures to ensure persons with disabilities can "access cultural materials ... and access television programs, films, theatre and other cultural activities in accessible formats."¹²

Submission process

Submissions are invited in writing by 29 January 2010. The preferred method for receiving submissions is by email to mediaaccessreview@dbcde.gov.au.

Submissions can also be made by post to the following address:

Manager
Broadcasting Content Policy Section
Department of Broadband, Communications and the Digital Economy
GPO Box 2154
CANBERRA ACT 2601

Submissions should be made using only one of the two options.

Where possible, the Department will publish submissions on its website in both the original format and an accessible RTF format (.rtf). When submitting by email, submitters are invited to provide documents formatted as RTFs or Word documents (.doc) for this purpose.

Submissions will be made public unless otherwise specified. If a submission is marked confidential, a version that may be publicly released should also be provided. Please note that the Department reserves the right not to publish documents or other information that it receives from industry or the public.

Chapter one: Captioning and audio description

What is captioning?

Captioning is the presentation of the audio component of audio-visual content as text on screen. It is generally intended to assist viewers with a hearing impairment. Captions include descriptions of sounds, laughter and music, and are usually situated on screen to minimise interference with the picture. Captions are timed to appear with speech and are usually coloured and positioned to indicate who is speaking. Where speaker identification is not relevant, captions are usually in the form of white writing on a black backdrop.

Two types of captioning are generally used—closed and open. In relation to television captioning, closed captions are encoded into the television signal as teletext data, which can be decoded and viewed with a teletext decoder or teletext capable television. Open captions are overlaid or ‘burnt’ onto the original print recording of a program and do not require a teletext decoder.

What is audio description?

Audio description is the presentation of the visual component of audio-visual content as additional verbal commentary that complements the underlying soundtrack. It is generally intended to assist people with vision impairment. A narrator describes speakers, gestures, facial expressions, scene changes, text on screen and other visual information on a separate pre-recorded digital file that is synchronised with the file of a television program or film. The audio description is generally transmitted to the consumer via headphones.

Who uses captioning and audio description?

Captioning is used by viewers of television, DVD, film and cinema services who:

- are Deaf
- have a hearing impairment
- are learning English (captions assist in the pronunciation of words)
- are developing literacy skills—including children learning to read
- are viewing content in a noisy environment, such as in clubs and gyms.

Audio description is used by consumers of visual media who:

- are blind
- have a vision impairment
- have difficulties reading print, such as colour blindness
- have learning difficulties
- have physical difficulties interacting with print and visual media.

Chapter two: Regulatory framework

Under the *Disability Discrimination Act 1992* (DDA), disability discrimination is unlawful and the Act aims to promote equal opportunity and access for people with disabilities. The *Broadcasting Services Act 1992* (BSA) provides for the captioning of free-to-air television programs. Other than the general non-discriminatory provisions of the DDA, there is no regulatory requirement specifically for the audio description of electronic media.

Broadcasting Services Act 1992

Clause 38 of Schedule 4 to the BSA requires each commercial television broadcasting licensee and each national broadcaster to provide a captioning service for television programs transmitted during prime viewing hours (6.00–10.30 pm) and news or current affairs programs transmitted outside prime viewing hours. When Clause 38 of Schedule 4 to the BSA applies, it is a condition of a commercial television broadcasting licence to comply with this requirement (Subclause 7(1)(o) of Schedule 2 to the BSA).

A number of types of program are exempt from this requirement, including the following:

- television programs that are not in English or mainly not in English
- non-vocal music-only programs
- incidental or background music
- live sport coverage with unscheduled extended coverage that displaces a news program
- programs broadcast on a standard-definition television (SDTV) or high-definition television (HDTV) multi-channel during the simulcast period (unless previously broadcast with captions on the broadcaster's core channel). Since 1 January 2007, commercial broadcasters have been able to provide one HDTV multi-channel. Since 1 January 2009 they have also been able to deliver one SDTV multi-channel.

The BSA also provides that there will be a review of content and captioning requirements in relation to commercial broadcaster multi-channels to be conducted by 1 January 2010 (Clause 60C, of Schedule 4 to the BSA).

Industry codes

Section 123 of the BSA provides for sections of the broadcasting industry to develop codes of practice in relation to aspects of broadcasting services. Paragraph 123(2)(i) provides that these codes of practice may relate to captioning of programs for the hearing impaired.

The Australian Communications and Media Authority (ACMA) must register a code developed by a section of the broadcasting industry if it is satisfied that:

- the code provides appropriate community safeguards for the matters covered by the code
- the code is endorsed by a majority of the providers of broadcasting services in that section of the industry, and
- members of the public have been given an adequate opportunity to comment on the code.

The Commercial Television Industry Code of Practice, developed by Free TV Australia on behalf of commercial television broadcasting licensees and registered with ACMA, includes provisions that deal with closed captioning. Under this code, commercial television licensees will:

- ensure that closed-captioning is clearly indicated in station program guides, in press advertising, in program promotions and at the start of the program
- exercise due care in broadcasting closed captioning, and ensure that there are adequate procedures for monitoring closed captioning transmissions
- provide adequate advice to hearing-impaired viewers if scheduled closed captioning cannot be transmitted. If technical problems prevent this advice being provided in closed captioned form, it must be open captioned as soon as reasonably practicable
- when broadcasting emergency, disaster or safety announcements, provide the essential information visually whenever practicable. This should include relevant contact numbers for further information.

The Australian Subscription Television and Radio Association (ASTRA) has developed the Subscription Broadcast Television Code, Subscription Narrowcast Television Code and the Open Narrowcast Television Code on behalf of the respective sections of the industry. These codes are required to be registered with ACMA.

Each of the ASTRA codes include provisions in relation to closed-captioning. Under each of these codes, where closed-captioning programming is made available it will be clearly identified with program schedule information provided to the press and in program guides. Furthermore, when closed captioned programming is introduced, or the range of programs captioned is extended, the relevant broadcaster will consult with organisations representing the hearing impaired and organisations specialising in providing closed-captioning.

The Subscription Broadcast Television Code also notes that ASTRA has an agreed roll-out plan with the Australian Human Rights Commission. This agreement is discussed further in the *Australian Human Rights Commission agreement—captioned films in cinemas* section.

The Deafness Forum of Australia, in consultation with a number of organisations including Free TV Australia and ASTRA, developed an initial draft ‘Captioning Quality Guidelines’ which set out proposed quality standards for captions. Industry representatives, including representatives of the cinema, free-to-air television and subscription television industry, are understood to support the development of guidelines in principle. The proposed ‘Captioning Quality Guidelines’ have not been finalised or registered with ACMA.

ACMA complaint handling role

ACMA is able to handle complaints about alleged non-compliance with the conditions of broadcasting licences. Under Clause 38 of Schedule 4 to the BSA, it is a condition of a commercial television broadcasting licence to provide captions for television programs transmitted between 6.00–10.30 pm and news or current affairs programs transmitted at other times.

In considering a licensee’s compliance with the captioning provisions of the BSA, ACMA can have regard only to the matters set out in Clause 38. ACMA is therefore limited to considering whether or not a licensee is providing a captioning service. Concerns about the quality of captioning are generally a matter for individual broadcasters, although ACMA may consider whether the quality of a captioning service, when viewed across an entire program, would be a comprehensible service to a deaf or hearing impaired audience.

ACMA may also consider complaints about a matter covered by a registered industry code. Captioning is a matter that is dealt with in the Commercial Television Industry Code of Practice and the Subscription Broadcast Television Codes of Practice.

Under these industry codes, written complaints must first be submitted to the relevant broadcaster within 30 working days of the broadcast at issue. If the complaint is not answered by a commercial television broadcaster within 30 working days of being received or to the complainant's satisfaction, it may then be referred to ACMA. Subscription broadcasters have 60 days to respond to such complaints. ACMA will assess the complaint and determine whether or not there has been a breach of the relevant code. If there has been a breach of the code, ACMA may direct the relevant broadcaster to comply with the code. Failure to comply with such a direction may result in a financial penalty.

ACMA powers

ACMA has a range of powers intended to enable it to deal effectively with breaches of the law—including, in particular, the program standards and licence conditions—established by the BSA or the codes developed under the BSA, all in a manner commensurate with the seriousness of the breach. Where there has been a breach of a code, ACMA may accept an enforceable undertaking for the purpose of securing future compliance with the code or impose an additional licence condition under Section 43 of the BSA requiring a licensee to comply with the codes.

For a licence condition to be imposed under Section 43 of the BSA:

- ACMA first needs to give the licensee written notice of its intention to impose the licence condition
- the licensee must be given a reasonable opportunity to make representations to ACMA in relation to the proposed license condition
- the proposed licence condition must be published in the Commonwealth Gazette before becoming effective.

The licensee can apply for ACMA's decision to be reviewed by the Administrative Appeals Tribunal.

ACMA may also informally agree to accept measures by broadcasters to improve compliance. For example, ACMA has on many occasions agreed measures with licensees involving action by them intended to ensure compliance problems are addressed and are effective. Such measures have often succeeded in improving behaviour within licensees (and networks). If a licence condition is successfully imposed and a licensee breaches such an additional licence condition, then as alternatives to suspending or cancelling the licence, ACMA has power to issue a remedial direction requiring compliance. In the event that the licensee does not comply with a remedial direction, ACMA may:

- pursue a civil penalty
- refer the matter for prosecution as an offence
- suspend or cancel the licence or
- at any time, accept an enforceable undertaking (including provisions dealing with compliance with a code).

If ACMA has convincing evidence that codes of practice have failed to provide appropriate community safeguards in relation to a matter, it can determine a new program standard to apply to a particular section of the broadcasting industry.

Disability Discrimination Act 1992

The DDA makes disability discrimination unlawful and aims to promote equal opportunity and access for people with a disability. Under the DDA, individuals can lodge complaints of discrimination and harassment with the Australian Human Rights Commission (formerly the Human Rights and Equal Opportunity Commission).

Section 3 of the DDA states that the objects of the Act are:

- (a) to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:
 - (i) work, accommodation, education, access to premises, clubs and sport; and
 - (ii) the provision of goods, facilities, services and land; and
 - (iii) existing laws; and
 - (iv) the administration of Commonwealth laws and programs; and
- (b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community and
- (c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

Section 24 of the DDA makes discrimination unlawful in relation to access to goods and services, except where providing non-discriminatory access would involve unjustifiable hardship. Section 29 makes discrimination unlawful in the administration of Commonwealth laws and programs.

The Commission is responsible for receiving complaints of discrimination and attempting to conciliate agreements between parties to a complaint. If conciliation is not possible, the Commission will terminate the complaint and advise the complainant of their right to take their complaint to the Federal Court for determination. It is only this court that can determine if discrimination has occurred and whether a defence of unjustifiable hardship exists.

Under Section 55 of the DDA, the Commission may, on application, grant temporary exemptions for up to five years from complaints in relation to issues specified in an exemption. Temporary exemptions are generally only granted for periods during which actions are being taken to eliminate discrimination. The effect of an exemption is that actions or circumstances covered by the exemption are not unlawful under the DDA while the exemption remains in force.

Australian Human Rights Commission exemption—captioning of free-to-air television

On 12 May 2003, the Commission granted a temporary exemption from complaint under the DDA to free-to-air television broadcasters (ABC, SBS, Network Seven, Network Nine, Network Ten) provided captioning increases to 70 per cent of programs between 6 am–midnight by the end of 2007. This level was reached, and the exemption subsequently expired on 31 May 2008.

On 13 May 2008, the Commission received an application from the free-to-air broadcasters for a further exemption until 31 November 2008 on the basis that the exemption would provide regulatory certainty to the broadcasters about their liability under the DDA, which would enable them to fully participate in the media access review being undertaken by the Department of Broadband, Communications and the Digital Economy. On 27 August 2008 the Commission granted broadcasters a 12-month temporary exemption from the DDA, so far as it relates to the captioning of television programming by the broadcasters.

The Commission held further discussions with the free-to-air broadcasters and on 10 September 2008 it received from the free-to-air broadcasters a new application for a temporary exemption under the DDA. The new application has similar terms to the initial decision but includes the following differences:

- a captioning exemption to cover three years (i.e. to 31 December 2011 rather than 27 August 2009)
- an incremental phased-in increase in captioning up to 85 per cent of content broadcast during the 6 am to midnight period. This equates to an increase of about five per cent per year.

On 13 October 2008, the Commission granted the free-to-air broadcasters an exemption based on the application received and submissions provided by individuals and organisations. Broadcasters are required to caption 85 per cent of broadcast content by 31 December 2011.

The exemption is subject to the further conditions that broadcasters report to the Commission on consultations with deafness organisations concerning the following:

- proposals to address issues regarding the accuracy of captioning—by 30 June 2009
- the total captioning hours being achieved—by 30 June 2010
- captioning levels being achieved on secondary channels—by 31 December 2010
- a review considering the possibility for further increases in captioning—by 31 December 2010.

Each of the exemptions granted to the free-to-air broadcasters were restricted to the ABC, SBS, Seven, Nine and Ten and did not include all free-to-air regional broadcasters.

By 30 June 2009, in accordance with the exemption conditions, Free TV Australia provided a report to the Commission on broadcaster consultations conducted with deafness representative groups (Media Access Australia, the Deafness Forum of Australia and Deaf Australia) on proposals to address the accuracy on captions. The report is discussed in greater detail in chapter three.

On 9 March 2009, the Commission announced it had received an application from the regional broadcasters (the Prime Media Group, the WIN Corporation and Macquarie Southern Cross Media) for an exemption in relation to captioning of television programs. A DDA temporary captioning exemption was granted on 12 May 2009 for the same terms and conditions as those granted to metropolitan free-to-air broadcasters on 13 October 2008, including that they caption 85 per cent of broadcast content by 31 December 2011 and conduct further consultations with deafness organisations.

Australian Human Rights Commission exemption—captioning of subscription television services

In June 2004, the Commission granted the ASTRA members a five year exemption from complaint under the DDA, subject to various conditions. The key conditions of the temporary exemption require each of the subscription broadcasters covered by the ASTRA application to:

- implement captioning roll-out for a minimum of 20 channels
- use reasonable endeavours to enable a further 20 channels within 24 months of the captioning launch and apply the captioning roll-out to those channels enabled
- ensure availability of information on program captioning

- report annually to the Commission on compliance, including on measures taken to ensure quality and accuracy of captioning
- commence a review of the implementation of the ASTRA proposal within three years of granting of the exemption
- present to the Commission a proposal for a further plan for captioning to commence by the time of the expiry of the exemption.

On 12 June 2009, the Commission announced it had received an application for DDA exemption from ASTRA. In the application ASTRA submitted that the targets set in its 2004 proposal had not only been met but exceeded. The proposed second exemption, for a period of five years, includes the following conditions:

- continued annual increases in captioning of a minimum of 40 channels. A dual measurement system for captioning levels is proposed. Phase one channels would be required in the first year to caption either 30 per cent of programming measured by scheduled hours or 40 per cent measured by share of viewing. Phase two channels would be required in the first year to caption either 20 per cent of programming measured by scheduled hours or 30 per cent measured by share of viewing. Plus a further captioning increase of five per cent per channel concerned in each remaining year of the exemption
- using reasonable endeavours to enable an additional 10 channels for captioning over the course of the next five years
- using reasonable endeavours to enable at least one Australian news broadcasting channel with a captioning target of five per cent measured by scheduled programming or 15 per cent measured by share of viewing
- using reasonable endeavours to enable at least one Australian sports broadcasting channel with a captioning target of five per cent of scheduled hours or 15 per cent measured by share of viewing
- reporting to the Commission on compliance with these targets
- a review considering the possibility for further increases in captioning, including consulting with organisations representing deaf and hearing impaired and organisations specialising in providing closed captioning.

The Commission sought submissions on the application for DDA exemption by 17 July 2009. The Commission is currently considering the submissions received.

Australian Human Rights Commission agreement—captioned films in cinemas

In 2001, the Commission facilitated negotiations on an agreement with some members of the cinema industry and representatives of people with a hearing impairment for the captioning of films in cinemas.

Under the agreement, Village, Hoyts and Greater Union each identified a central city location at which open captioned films are to be shown. In 2005, the agreement was extended from the eight capital cities to include Newcastle and Maroochydore.

The agreement was negotiated as part of a Commission inquiry into a complaint from a deaf man about access to captioned films in cinemas. This agreement is a voluntary agreement among the parties and does not offer protection against individual complaints under the DDA in relation to cinema access.

There are ongoing discussions between the Commission and the major exhibitors (Village, Hoyts, Greater Union and Reading) on possible increases in cinemas offering captioning and audio description. Further information on the agreement negotiations and the DDA exemption application is available from the Australian Human Rights Commission's website at http://www.humanrights.gov.au/disability_rights/exemptions/cinema/notice.htm.

Regulation of digital television multichannels

On 19 October 2008, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy, announced the proposed timetable for the switch to digital television.

The *Broadcasting Legislation Amendment (Digital Television Switch-over) Act 2008* (the Act) amended the *Broadcasting Services Act 1992* to provide the legislative framework to implement the Government's phased, region-by-region digital television switchover timetable.

The Act also amends the dates for the commencement of two statutory reviews relating to digital television and broadcasting policy, including a review of the rules for captioning and content requirements applicable to commercial broadcaster multichannels which was due to commence by one year before the start of switchover. The Act amends the date by which the Minister must cause this to be conducted to 1 January 2010.

The Broadcasting Legislation Amendment (Digital Television Switchover) Bill (the Bill) was introduced in to Parliament on 24 September 2008. The Bill was subject to inquiry by the Senate Standing Committee on Environment, Communications and the Arts.

The Department of Broadband, Communications and the Digital Economy, in its submission to the Senate Committee Inquiry into the Bill, noted that:

“It is possible that different regulatory requirements for content and captioning may operate in different parts of the country in relation to commercial digital multichannels during the switchover process. The new date of 1 January 2010 for conducting the review will give the Government sufficient time to adjust regulatory settings in relation to content and captioning requirements for commercial digital multichannels, if appropriate.”

The Department plans to release a discussion paper which will commence the review in the second half of 2009.

Chapter three: Television broadcasting

A number of key issues were raised in submissions, including levels of captioning and audio description services on television (free-to-air and subscription), in cinema films, on DVD movies and on internet-delivered audio-visual content. The adequacy of captioning and audio description services, associated costs and regulatory frameworks for captioning and audio description services were also raised.

This chapter deals with the first of these issues—captioning and audio description services on television.

Captioning and audio description levels on television

The current level of captioning on free-to-air television in Australia is estimated to cover more than 70 per cent of programming between 6 am and midnight. In addition, approximately 40 subscription television channels provide captioned programs. In Australia, digital television content is broadcast in the MPEG-2 format which is not compatible with the delivery of audio description. There is no audio description on free-to-air or subscription television in Australia.

As outlined in chapter two, on 13 October 2008 the Australian Human Rights Commission granted the free-to-air broadcasters a captioning exemption to 31 December 2011. The temporary DDA captioning exemption included requirements for a five per cent increase per year in captioning up to 85 per cent of content broadcast during the 6 am to midnight period by December 2011. The Commission has also granted a temporary exemption to subscription television broadcasters provided they caption a gradually increasing number of channels. This exemption expired in mid-2009 and future captioning target negotiations as part of a new temporary exemption application have already begun between the Commission, community representatives and ASTRA.

The ABC reported in its submission that it broadcasts more captioned output than any other media outlet in Australia. This includes programming scheduled outside the 6.00 am to midnight timeframe set out in the previous and current DDA captioning exemption. The ABC advises that the key challenges in the midnight to 6.00 am scheduling period is the reliance on live captioning for sport coverage, particularly local sport, and the requirements involved in captioning music video content presented during programs such as *Rage*.

From the submissions received there was a general dissatisfaction with the current level of captioning among individuals and representatives of people with a hearing impairment. Representatives of people with a vision impairment note that there is no audio description on television.

Free-to-air and subscription broadcasters have expressed concerns about the technical difficulties and costs involved with captioning some types of programs. They have indicated that providing captioning is becoming more logistically challenging with overseas programs increasingly being broadcast very shortly after their release overseas, and preferably before potential audiences can access the programs over the internet. This allows less time to caption these programs before they go to air locally.¹³ The broadcasters want any future captioning targets to be realistic, phased-in and balance public interest considerations with the financial and administrative toll on broadcasters.

“The process for modifying [caption files acquired from overseas] is extremely time consuming and, given the general shorter lead times for receiving this material, is increasingly impractical.”¹⁴

“The costs of providing captioned programs are widely recognised as being significant, given the limited availability of highly trained, experienced captioners and the considerable time taken to caption a single hour of programming. This is a particular concern for regional broadcasters, where there is a greater shortage of experienced captioners.”¹⁵

“[V]isually centred programming, such as the weather segments of news... are heavily loaded with graphic and text information, making the sensible placement of captions problematic in some circumstances.”¹⁶

Providing captioning services costs each broadcaster up to three or four million dollars each year.¹⁷ Free-to-air and subscription broadcasters believe further increases in captioning requirements would result in an unreasonable requirement for them to provide captioning on programs that are more difficult and costly to caption, such as live-to-air programs and sport. Media access groups argue that, over time, the cost of converting and preparing captioned files has decreased primarily due to technological advancements such as voice recognition. Media Access Australia claims that free-to-air television networks are spending on average around 0.22 per cent of turnover on media access requirements. This compares to international benchmarks of one–two per cent.¹⁸

Broadcasters do not support the introduction of minimum requirements for audio description and consider that the cost of establishing and delivering this new service will be several million dollars.¹⁹ Representatives of people with a vision impairment propose that the Government should oversee a trial to introduce audio description on free-to-air and subscription television.²⁰ The ABC and SBS have specified that additional resources would be required to meet further increases in captioning requirements or to introduce audio description. SBS have also called for the captioning exemption for non-English language programs to remain.²¹

“For those non-English language programs that SBS does subtitle, the process is exacting and time-consuming. It involves translation first, and then the production of on-screen titles. For SBS, it can take around 40–60 hours to subtitle one hour of programming for presentation on-air.”²²

“Subtitling into English is not sufficient. This only provides the speech and not the associated sound effects.”²³

Overall, when considering appropriate future targets for audio description and captioning services in Australia, representative groups²⁴ and people with a hearing and vision impairment point to the levels of captioning and audio description currently available overseas, particularly in the UK, Canada and USA.

Broadcasters are concerned about applying overseas experiences in Australia. Free TV Australia draws attention to Australia’s relatively small population and large geographic area, which both impact on the economic costs and logistics involved in providing broadcasting services and need to be considered when comparing Australian requirements to overseas examples.²⁵ Broadcasters consider that captioning and audio description obligations should be based on current levels and consider the broader regulatory environment which imposes other statutory obligations such as Australian content and local content quotas.²⁶

Community television

Captioning on community television was not specifically raised in the 2008 access to electronic media for the hearing and vision impaired discussion paper. To date, community television has not been required to provide captioning services. Community television has a limited ability to

raise revenue through promotional material and therefore the additional cost of captioning is likely to represent a substantial burden on community television providers.

Free-to-air television and the competing obligations of the Broadcasting Services Act 1992 and the Disability Discrimination Act 1992

Free-to-air broadcasters and peak disability groups have expressed concerns over the competing obligations of the *Broadcasting Services Act 1992* (BSA) and the *Disability Discrimination Act 1992* (DDA) in regard to accessing electronic media. They argue that the current legislation in the BSA is virtually redundant as DDA agreements now set higher targets than the requirements outlined in the BSA (refer to chapter two) and that this creates an uncertain regulatory environment.

Free TV Australia noted in its submission that if the Government sets future targets and timeframes for captioning on television, these targets must not be able to be over-ridden by the DDA complaints process. In addition, setting strict targets for captioning levels could result in broadcasters taking decisions which prioritise quantity over quality, in an effort to comply with regulatory changes.²⁷

Representatives of the hearing and vision impaired state that the role of ACMA or the BSA should be expanded to increase legislative authority and provide a more transparent complaint system. They point to other areas of disability where the development and implementation of standards has been important to improving access, for example, building access for people in wheelchairs via reform to the building and transport standards. They argue that ACMA's role has been limited to date.

Representatives of the hearing and vision impaired proposed that a specific definition of captioning and audio description be included in the BSA to establish basic parameters, a terminological reference and greater clarity among stakeholders. Representatives of the hearing and vision impaired also advocate for the Attorney-General to develop Disability Standards in areas covered by the DDA, for example, in the area of television or cinema access.

Representatives of the hearing and vision impaired have recommended that the DDA be changed to allow the Disability Discrimination Commissioner to pursue test cases in their own right. Vision Australia drew attention to the recommendations from the Productivity Commission's 2004 review of the DDA²⁸ to extend the powers of the Commissioner to be a complainant in matters of public interest.²⁹

In the absence of prescribed standards, the role of the Australian Human Rights Commission in increasing captioning access has been commended by representatives of the hearing and vision impaired. They state this role needs to continue and be targeted at helping to improve captioning and audio description access across a range of media, especially television. However, representatives of the hearing and vision impaired state that fundamentally the Commission's role is about broad protection of human rights in society, of which media access is only one facet. They consider that the current regulatory framework has created a reliance on the Commission and the DDA in the context of general regulatory and market breakdown. In the absence of the Commission, representatives of the hearing and vision impaired believe that progress in levels of media access would have been limited.

While new targets in the BSA would serve to update that Act, that option would not in itself address the perceived conflict between the two Acts—the DDA would continue to operate. To address that issue, the DDA provides for the Attorney-General to prescribe the relevant part of the BSA under Subsection 47(2) of the DDA. The effect of prescribing it would be that anyone

acting in direct compliance with the part of the BSA prescribed would no longer be subject to complaint under the DDA.

Approach being considered—achieving regulatory certainty

The Government is considering updating the BSA captioning targets for free-to-air broadcasters and to prescribe the relevant parts of BSA under the DDA to address concerns about regulatory certainty.

The Government is also considering conducting a review of captioning and audio description on electronic media in Australia in 2013. This review will consider future captioning and audio description targets for free-to-air broadcasters as Australia prepares to complete the switch to digital-only television.

Captioning requirements for subscription television—current requirements under the code

The Australian Human Rights Commission has also granted a temporary exemption from complaint under the DDA to subscription broadcasters provided they caption a gradually increasing number of channels. This exemption expired in mid-2009 and future captioning target negotiations have begun on a new temporary exemption application between the Commission, community groups and subscription broadcasters (refer to chapter two).

Subscription broadcasters state that the current regulatory arrangements negotiated with the Commission and hearing impaired stakeholders have worked effectively.

Approach being considered—subscription television requirements

The Government is considering amendments to the BSA to require subscription broadcasters to meet specified captioning targets by 31 December 2014.

The Government is seeking advice as part of this consultation process on appropriate captioning targets to be included in the amended BSA given the complexities in this area.

The Government is considering conducting a review of captioning and audio description on electronic media in Australia in 2013. This review will consider possible future captioning and audio description targets for subscription broadcasters.

Audio description on television

Disability representative groups consider that broadcasters' reported difficulties with audio description are over-stated and point to Australian shows such as *Neighbours* and *Home and Away* that are already being audio described in the UK.³⁰

The codes created by the UK communications regulator Ofcom provide a useful guide and framework for determining how Australian audio description targets could be determined and phased in. A code, or similar instrument, could help set priorities and balance the revenue and audience threshold requirements needed to establish a framework for the introduction of audio description.

Representatives of people with vision impairment propose that the Government should provide financial support to investigate the feasibility of an audio description trial, noting that it would help identify any technical issues that need to be resolved and build capacity in the industry.³¹ The national broadcasters ABC and SBS have specified that additional resources would be required to meet further increases in captioning requirements or to introduce audio description.³²

The Australian Government notes the research already being undertaken in the area of audio description by subscription television broadcasters. ASTRA is currently conducting a detailed audio description scoping study to understand the implications for the subscription television sector. This study is not complete and there is no detailed costing information or a specific timeframe for completion as yet.

Representatives of people with vision impairment are seeking a phased introduction of audio description services on free-to-air and subscription television, DVDs, films in cinemas and the internet.

Free-to-air and subscription broadcasters do not support the introduction of minimum requirements for audio description of television content due to financial and technical barriers present. For example, there is currently no way of transmitting 'closed' audio description on Australian television.³³ Free-to-air and subscription broadcasters are supportive of the need for further research into the technical issues, workforce training, audience demand and the resource implications associated with the introduction of new audio description services.³⁴

Free TV Australia also notes that the current digital receiver and transmission standards do not make provision for the transmission or reception of audio-description services. Hence, even if audio-description services were transmitted, it is likely that a significant proportion of the population would not be able to receive these services without investing in additional equipment, if available.³⁵

A technical trial of audio description could focus on identifying and understanding the technical issues present and contribute to specific new research on the costs, benefits and implications of an introduction of audio description broadcast services more generally in Australia. Issues that could be considered include: establishing and transmitting the service, the development of trained audio-describers, and analysis of the audience demand and interest in programming. The capital and recurrent costs of establishing and delivering a new audio description service could also be considered.

Auslan

People with a hearing impairment and representative groups also argue that Auslan (Australian Sign Language) is a uniquely Australian language and advocate for a regular signed language television program, in Auslan, to be produced by a national broadcaster.³⁶ Deaf Australia Inc

believe there should be a regular Auslan program or series of programs on SBS, as Auslan is a distinct language and SBS is chartered to provide multilingual programming.³⁷

“While there is potentially a reasonably small (and dedicated) market for Auslan programs, it is a very real and deserving market in the same way as any other community language requirements and should be considered for funding.”³⁸

Approach being considered—audio description

The Government is considering conducting a technical trial of audio description on the ABC before digital switchover.

New digital television services

Clause 38 of Schedule 4 to the *Broadcasting Services Act 1992* (BSA) requires each commercial television broadcasting licensee and each national broadcaster to provide a captioning service for television programs transmitted during prime viewing hours (6.00–10.30 pm) and news or current affairs programs transmitted outside prime viewing hours. When Clause 38 of Schedule 4 to the BSA applies, it is a condition of a commercial television broadcasting licence to comply with this requirement (Subclause 7(1)(o) of Schedule 2 to the BSA).

A number of types of program are exempt from this requirement, including the following:

- television programs that are not in English or mainly not in English
- a television program or part of a television program which only provides non-vocal music
- incidental or background music
- live sport coverage with unscheduled extended coverage that displaces a news program
- programs broadcast on a standard definition television (SDTV) or high definition television (HDTV) multi-channel during the simulcast period (unless previously broadcast with captions on the broadcaster’s core channel).

Free-to-air broadcasters believe that the imposition of captioning requirements for multichannels would be financially burdensome and inconsistent with the establishment of viable digital multichannels.³⁹ The free-to-air broadcasters maintain that multichannels should remain exempt from captioning requirements throughout the switchover period to minimise the regulatory burden on these new services.

The *Broadcasting Legislation Amendment (Digital Television Switchover) Act 2008* amended the date for the conduct of a statutory review of content and captioning rules applicable to multi-channels. The review of content and captioning rules as they apply to multi-channelled commercial television broadcasting services will be conducted before 1 January 2010. A discussion paper seeking comments from the public, industry and other interested parties on the application of the rules for program standards and captioning on commercial broadcasters’ multi-channels will be released in the second half of 2009. The date of 1 January 2010 gives the Government sufficient time to make any appropriate adjustments to the regulation of the captioning requirements for commercial digital multichannels ahead of switchover.

Commercial broadcaster digital multichannels transmitted in a particular licence area are exempt from Australian content and children’s program standards and captioning requirements until the end of the simulcast period in that licence area. During the simulcast period, a commercial broadcaster is required to simultaneously transmit the commercial television broadcasting service

concerned in both analog mode and in standard definition digital mode.⁴⁰ The exemption for commercial digital multi-channels from captioning and content requirements will continue in a television licence area until all analog television signals have been switched off in that licence area.

A phased region-by-region switchover means that the simulcast period will vary from region to region. This may mean that different regulatory requirements for content and captioning on digital multi-channels will operate in different parts of Australia during the switchover process. Details of the timeframes for switchover are available on the website www.digitalready.gov.au.

Subclause 38(1) of Schedule 4 of the BSA imposes a requirement on each commercial television broadcasting licensee and each national broadcaster to provide a captioning service on television programs transmitted during prime viewing hours and news and current affairs programs transmitted outside prime viewing hours. Prime viewing hours begin at 6.00 pm and conclude at 10.30 pm daily, or at other prescribed times.

Subclauses 38(2) to 38(10) set out exemptions from this requirement, including exemptions for commercial and national broadcasters' digital multichannels during the simulcast (or simulcast-equivalent) period (unless the program has been previously transmitted on the core television broadcasting service). Compliance with the requirement in subclause 38(1) is a condition of commercial television broadcasters' licences, as provided in paragraph 7(1)(o) of Schedule 2 of the BSA.

Section 41C of the BSA sets out the services authorised by commercial television broadcasting licences after the end of the simulcast (or simulcast-equivalent) period. Services to which Subclause 38(1) will apply after the simulcast period ends are those authorised under the section 41C (i.e. digital multi-channels). Therefore, once the simulcast period for each licence area ends, the exemptions in Subclauses 38(4) and 38(9) for commercial television broadcasters and subclauses 38(5) and 38(10) for national television broadcasters will no longer operate and the requirement for captioning in Subclause 38(1) will apply to all services provided by commercial and national television broadcasters.

Multichannels already broadcast programming which has been captioned. Therefore, some captioning is available, and will remain available, on digital multichannels.⁴¹

The Australian standard for digital television receivers, *AS 4933.1-2005—Requirements for receivers—VHF/UHF DVB/T television broadcast*, now sets a minimum requirement for equipment that it must be “capable of simultaneously decoding from the transport stream, a video stream, an associated audio stream and associated teletext closed captions”. It further requires that decoded information be presented in a time-synchronised manner suitable for a display device and sound reproduction system.⁴² As such, it already makes provision for the delivery of captioning. The standard does not, however, cover recording and playback.⁴³ The standard does not consider audio description.

In New Zealand, the broadcasting digital transmission system has been designed to support the addition of audio description to a program, in anticipation of audio described programming being provided in the future.⁴⁴

The Department is continuing to investigate ways in which consumer equipment used for the reception of digital television can be made accessible to people who have a hearing or vision impairment. The Australian Government's Digital Switchover Taskforce Consumer Expert Group is committed to working with all sections of the community in exploring the problems particular sectors of the community face in the transition to digital television.

On 3 June 2009, the Digital Switchover Taskforce released a Request for Tender (RFT) for the provision of assistance to eligible households in the Mildura licence area—Australia's leading digital television region and the first to make the full switch to digital broadcasting in the first half of 2010. The successful respondent(s) to the RFT will be required to supply, install and demonstrate the use of a high-definition digital television set-top box, and complete any required remedial upgrades to household cabling or antennas. The RFT places significant emphasis on ensuring the set-top box is as user friendly as possible and includes specifications designed to assist people with a disability. The technical specifications were designed around AS 4933.1, along with research conducted by Digital UK on usability specifications. In this RFT, a stated desirable feature of the set-top box is the ability to decode MPEG-4 (a pre-requisite for closed audio description) formats.

ACMA is also willing to work with representatives of the disability sector to increase industry understanding of the needs of the sector and help promote wider consumer awareness of the options for purchasing equipment with the appropriate captioning features.

The labelling regimes introduced by the Digital Switchover Taskforce, Freeview, and the Australian Digital Suppliers Industry Forum have requirements that products labelled under their respective schemes comply with the current version of the industry standard developed for digital reception equipment, i.e. AS 4933.1.

At present, ACMA believes these regimes give disabled users a clear path to identification of equipment that features support for captioning by meeting the requirements of the Australian standard. The fact that each of the regimes has a path for restitution in the event that a device does not meet the requirements in the standard is a significant bonus for consumers.

Approach being considered—multichannel television captioning

The review of content and captioning rules as they apply to multi-channelled television commercial broadcasting services will be conducted before 1 January 2010. A discussion paper seeking comments from the public, industry and other interested parties will be released in the second half of 2009.

The Government is also considering conducting a review of captioning and audio description on electronic media in Australia in 2013. This review will consider future captioning and audio description targets for multi-channels.

Live captioning

“[T]he current trend in captioning across the world is towards live captioning, and this trend will no doubt continue as speech recognition software is refined and adopted by more caption suppliers.”⁴⁵

It is understood that the technology behind voice recognition software has improved over the past few years to the extent where it can be used to caption live programs.⁴⁶ In this method, a captioner repeats dialogue of a live program into a microphone and speech recognition software converts this to captions. This method is used around the world to caption news, sport and other live programming.⁴⁷ As the technology behind this method improves it could be used by Australian broadcasters to caption live programs.⁴⁸

In Australia, some live television events are exempt from providing a captioning service under the BSA, such as unscheduled extended live sports broadcasts and live broadcasts that fall outside

the prime-time hours (apart from news and current affairs programs). Technological developments in captioning methods should make captioning live events easier. Live captioning has historically been performed by stenocaptioners—highly paid and highly trained professionals who use a phonetic keyboard to create captions as a program is broadcast.

Broadcasters drew attention to the limitations of live captioning:

“Live stenographers are only able to accurately provide continual captioning for very limited periods of time without a break in proceedings. Sporting events, such as the long-form Bathurst motor races, may go for 10 hours or more.”⁴⁹

“The recent trend for much reduced turnaround times between acquisition and broadcast in Australia of programming acquired from overseas means... an increased reliance on live captioning... Live captioning of these programs is a more costly option and more resource intensive, requiring additional captioners to deliver acceptable quality standards.”⁵⁰

Captioners can be in high demand and difficult to source.⁵¹ It can be quicker and cheaper to train and employ voice recognition captioners than stenocaptioners.⁵² Voice recognition captioners can be trained within several weeks and earn a salary that is about half that of stenocaptioners, who can take several years to train. Furthermore, the shortage of stenocaptioners over time will become less of a limiting factor as voice recognition can account for some captioning work. Stenocaptioners could then be free to specialise in captioning more complex programs.

Quality of captions and audio description

In the submissions received representatives of people with a hearing impairment raised several concerns about the quality of captioning currently available on television, particularly on free-to-air television.

“Poor quality captions are as bad as no captions at all.”⁵³

Quality concerns focus on the synchronisation of captions, nonsensical captions or captions with obvious spelling and grammatical errors. These problems were more often associated with live captions on television and some representatives of the hearing impaired have called for live captioning to be used as a last resort or banned in favour of pre-prepared captions. The free-to-air and subscription broadcasters note that providing live captions is resource intensive compared to other methods.⁵⁴

“While errors in spelling and punctuation are unavoidable with live captioning, offline all pre-prepared captions should be edited before they go to air, so theoretically should be free of such errors.”⁵⁵

Despite the concerns expressed by representatives of people with a hearing impairment, the broadcasters state in their submissions that they are not aware of any general concerns over captioning quality. Free TV Australia also maintains that any dramatic increases in captioning requirements could lead to broadcasters prioritising quantity over quality, in an effort to comply with legislative amendments.

Problems with caption quality may also arise when people experience difficulties in getting captions to appear on their television screens properly. According to Media Access Australia, common problems include captions appearing on screen with jumbled letters (that look like spelling mistakes), disappearing letters, numbers instead of letters at different heights, and whole lines or words missing. These problems are often caused by reception or transmission problems.

“[I]t should be noted that there are often technical problems associated with the way decoders receive captions, which broadcasters have no control over, or ability to correct.”⁵⁶

An outcomes-based approach may be desirable for both consumers and content providers, given the risk of locking in particular technologies in a time of rapid changes and developments.

The free-to-air and subscription broadcasters and representatives of the hearing impaired have expressed their commitment to developing best practice quality guidelines for captioning and to holding biannual meetings to discuss quality issues. Support from industry and disability groups has been given to the Captioning Quality Guidelines being negotiated by industry and deafness organisations as a measure to standardise the quality of captions broadcast. These proposed guidelines are expected to be voluntary but there have been calls by representatives of the hearing impaired to register mandatory standards with ACMA to improve quality, accountability and create more transparent complaint handling procedures.⁵⁷

“Electronic media (like other media channels) should be required to publicly report the achievement of captioning quotas, targets and outcomes to ACMA each year.”⁵⁸

Representatives of the vision impaired have suggested that mandatory standards for audio description should be developed and introduced covering all media. The quality of audio description services was not raised by broadcasters or industry except to note that further research into the requirements of these services is needed.

By the 30 June 2009 deadline, Free TV Australia, representing commercial free-to-air television broadcasters and the ABC and SBS, provided a report to the Australian Human Rights Commission on the consultations conducted with deafness representative groups on proposals to address the accuracy on captions. The report formed part of the DDA temporary exemptions requirements outlined in chapter two and has been published on the Commission’s website.

The consultations conducted on 13 March 2009 and 11 June 2009 provided an opportunity for broadcasters to hear first-hand from deafness organisations some examples of issues of concern. The meetings also provided an opportunity for the deafness organisations to hear directly from broadcasters regarding the technical process, organisational procedures and contractual arrangements which can affect captioning quality and how quality issues are dealt with by broadcasters.

Based on initial discussions, broadcasters developed a list of proposals designed to address the key issues of concerns raised by deafness organisations. These can be grouped into three main categories:

1. service provider-side issues—factors within the control of caption service providers, such as quality of service and responsiveness to feedback
2. broadcaster-side issues—factors within the control of broadcasters, such as technical (play-out, transmission) issues, receipt and handling of feedback, responsiveness to callers
3. consumer-side issues—issues arising from the quality of consumer reception equipment.⁵⁹

While the specific terms of the DDA temporary exemptions refer to the ‘accuracy’ of captions, following feedback from the Deafness Forum of Australia, the focus of the consultations undertaken between broadcasters and deafness groups focused on the broader issue of the ‘quality’ of captions and the useability and accessibility of captions to better reflect the key issues of concern to caption-users.

In this context, the ‘quality’ of captions referred to a range of factors such as speed, placement and font type, as well as other matters such as the mechanisms for feedback to broadcasters and broadcasters’ relationships with their caption service providers.

The final report provided to the Commission proposes that broadcasters continue to consult on quality issues with representatives of the deaf or hearing impaired on a regular (biannual) basis and that the proposed actions to address the main categories of concerns are ongoing.

Approach being considered—caption quality

The Government will facilitate the finalisation of existing draft voluntary quality guidelines or the development of a code of practice for television before digital switchover.

Chapter four: DVDs and cinema films

This chapter deals with issues of captioning and audio description services in cinemas, and on DVD movies.

Cinema access systems available

The provision of captions in cinemas, English-language text version of the movie soundtrack, enables Deaf or hearing impaired people to access films shown in cinemas. Audio description, where the important visual information is presented in an audio format, enables people with vision impairment to access films shown in cinemas.

The DTS cinema access system, owned by Datasat Digital Entertainment (formerly known as DTS Digital Theater System, Inc.), is a multi-channel digital surround sound format used for both commercial and consumer grade applications.⁶⁰ The DTS access system is the current access system which is used in Australia. It is also used in the UK, USA, Canada, New Zealand and some other European countries.

The captioning component of the DTS access system consists of a hard drive/processor which is installed in the projection room of the cinema and a data projector for beaming the open captions onto the cinema screen. The audio description component is delivered via a sound system that plays into individual headphones or a personal listening device. Audio description is not usually played for the entire audience.⁶¹

Whilst the DTS access system is not permanently fixed, it is usually installed on one screen per location and that becomes the dedicated access screen.

Dolby Laboratories produces a similar access system to the DTS access system, and this is in use in the UK and USA. The Dolby system also supports both captioning and audio description.

There is another captioning system called Rear Window Captioning. Rear Window Captioning is an alternative to open captioning systems, in which text is permanently visible. Rear Window captioning is a form of closed captioning because the viewer must choose to view the captions. Rear window captioning is also compatible with DTS access system.

Rear Window captions are delivered via the reflected projection of them from the back wall of the cinema onto a personal flexiglass screen, adjusted by the user to capture the captions in line with the bottom of the movie screen. No other patrons in the cinema see the captions due to their different line of sight. In Australia, the current delivery of captions for films is via open captions, where everyone in the cinema sees the captions. Rear Window provides a flexible delivery service, where patrons can request a screen for any session of the captioned film. This technology also incorporates audio description infrared capacity thereby increasing audience accessibility to include the deaf and blind communities.⁶²

Rear Window was featured in two sessions, *Prime Mover* and *Cheri*, at the 2009 Sydney Film Festival in mid 2009.⁶³ Audio description was also available for *Cheri*.

Cinema access in Australia

The cinema sector is divided between independent cinemas and large multiplex cinemas, or chains. Independent cinemas are owned by community and cultural centres, individuals, film societies, Dendy cinemas (NSW, VIC, QLD, ACT), Australian Multiplex Cinemas (QLD, VIC), Palace (VIC, NSW, QLD, SA), Grand, ACE (WA) and Wallis Theatres (SA), as well as mid-tier operations and smaller single and twin screen locations. Multiplex cinemas run the majority of

cinemas across Australia and are owned by Hoyts, Greater Union Birch Carroll, Village Roadshow and Reading.

According to Screen Australia, the cinema industry consists of some 1980 screens in 493 locations nationally. The independent Cinema Association of Australia represents approximately 80 per cent of the independent cinema sector.⁶⁴

On 25 June 2008, the Minister for Ageing, the Hon Justine Elliot MP, announced a \$350 000 one-off commitment to improve cinema accessibility for older Australians. The funding was allocated to existing independent cinemas in rural, regional and suburban areas. The specific cinemas funded under that one-off grant were announced on 4 May 2009, and the new accessible screens became operational in the second half of 2009.

The new accessible cinema locations include:

- Australian Multiplex Cinema 6, Tweed Heads NSW
- Palace Verona, Paddington, NSW
- Cmax Cinemas, Darwin, NT
- Cinema Nova, Carlton Melbourne, VIC
- Deakin Cinema Complex, Mildura, VIC
- Sale Cinemas, VIC
- Dendy Canberra Centre, ACT
- Cmax Cinemas Devonport, TAS
- Grand Cinemas, Bunbury, WA
- Big Screen Cinemas, Hervey Bay, QLD
- Palace Nova East End Cinemas, Adelaide, SA
- Whyalla Cinema, SA.

Each cinema will show two to three captioned screenings per week, while audio description will be available at any showing of the designated movie.

Representatives of the independent cinema industry estimate that the nominal cost to facilitate the screening of captioning and audio description is \$40 000 per location.⁶⁵ They argue that this amount would constitute ‘unjustifiable hardship’ to some independent business operations that have lower profit margins compared to metropolitan multiplexes. They maintain further Government support is needed to implement captioning and audio description in smaller independent screens. A submission was not received from the large multiplex cinema chains.

Pricing for Rear Window captioning systems compatible with the DTS access system are subject to dealer pricing. Volume discounts are likely to be more competitively priced. Prices for DTS XD20 unit for playback are US\$5500 (this provides captions and audio description only, however these units can also be upgraded to play DTS Digital Sound). The one-off license fee to the Media Access Group who developed the Rear Window system is US\$2000. The LED Display costs are US\$4500 with individual rear window reflectors costing US\$80 each.⁶⁶

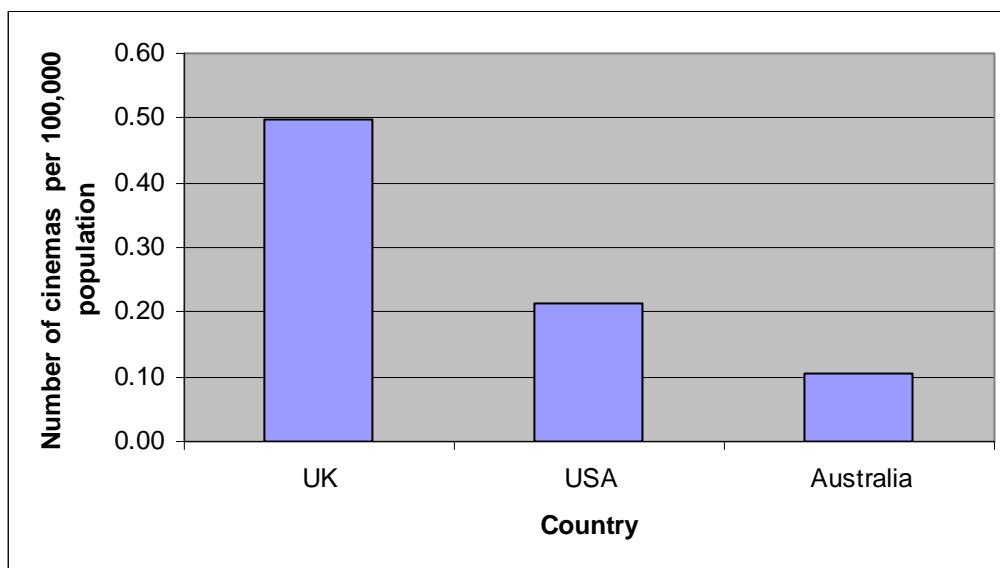
As outlined in chapter two, the voluntary agreement negotiated by the Australian Human Rights Commission (the Commission), the major cinema chains and representatives of people with a hearing impairment does not offer protection against individual complaints in relation to cinema access. It also specifically relates to open captioned films.

Nine disability discrimination complaints were lodged with the Commission in early 2009 by people who are blind or vision impaired. The complaints are directed at cinema chains that offer captioned screening of films but do not provide audio description.⁶⁷

Media Access Australia advises that of the 174 films shown with captions since 5 October 2006, 116 films (67 per cent) also had an audio description track, which means they could have been accessed by blind and vision impaired patrons, had the cinemas been equipped with the audio description component.⁶⁸

By way of international comparison, in May 2009, the USA has 530 accessible cinemas (all with captions, and most with audio description) and the UK has approximately 307 accessible (all with captions, and almost all with audio description).⁶⁹

Table 4: Audio/Visual accessible cinemas adjusted for population—an international comparison



Source: Various, May 2009

Table 5: International comparisons of cinema access for the hearing and vision impaired 2009

Cinema access	Australia	United Kingdom	United States of America
Number of cinemas with caption facilities	24	307	650
Number of cinemas with audio description facilities	12	300	More than 500*

Source: Media Access Australia

* Includes Canada

Audio description tracks are available on the majority of imported films already being screened with captions in Australia. Audio description services, however, are not widely accessible in Australia due to a lack of cinema technical infrastructure. If an infrared transmitter and receiver system is used in cinemas, then moviegoers wishing to access audio description are required to sit

in an area that has a direct line of sight with the transmitter. Alternatively, with an FM transmitter system, users can sit anywhere in the cinema and access the audio described track.⁷⁰

Representatives of the vision impaired argue the Government should provide financial assistance to independent cinemas and/or introduce regulation to overcome cinema access issues.

‘The lack of audio description in... cinemas is especially remarkable given that 70 per cent of the accessible recordings provided for open captioned screenings also contain an audio description track.’⁷¹

The Disability Standards for Access to Premises are designed to align property owners’ responsibilities under the *Disability Discrimination Act 1992* with their compliance obligations under the Building Code of Australia (BCA). The draft Disability (Access to Premises—Buildings) Standards were referred to the House of Representatives Standing Committee on Legal and Constitutional Affairs, along with the Regulatory Impact Statement and other papers, for consultation and report to Parliament by 15 June 2009. Disability representative groups provided a submission to the Committee raising access issues about cinemas.

The Committee’s report was tabled on 15 June 2009 and is available from the Committee’s website.⁷² The Committee acknowledged recommendations from disability representative groups,⁷³ which called for support for necessary infrastructure for captioning and audio description to be required in the Code.

A joint submission to the inquiry from Blind Citizens Australia, Deaf Australia, the Deafness Forum of Australia and Vision Australia, raised the issue of access to films shown in cinemas for people who are deaf or blind. The submission had argued that the provision of audio description and captioning was equivalent to the requirement under the Premise Standards and BCA for Hearing Augmentation. Hearing Augmentation provides access for those with a hearing impairment to ‘whatever event is taking place within the rooms where the augmentation is required.’⁷⁴

Disability representative groups recommended the Premises Standards include a specific requirement for ‘a means of delivering captions and audio description in Class 9b buildings that are used primarily for the showing of feature films.’⁷⁵

However, the Committee did not choose to recommend change on this item, instead stating:

‘[A]s with other issues such as building management and ticketing, this issue may be beyond the scope of the Premises Standards as it does not relate to the physical fabric of a cinema. The Committee encourages the Government to continue work on this issue.’⁷⁶

The building and refurbishment of new or existing cinemas in Australia is a commercial decision for cinema operators.

Approach being considered—cinema

The Government recognises that the refurbishment of cinemas is a commercial decision for cinema operators.

The Government is considering conducting a review of captioning and audio description on electronic media in Australia in 2013. This review will consider captioning and audio description in cinemas.

Digital Video Discs (DVD) and Blu Ray discs

The Australian Human Rights Commission convened a series of roundtable meetings with the Australian Visual Software Distributors Association (AVSDA), Media Access Australia and representatives of the vision and hearing impaired in 2007 to discuss business, consumer and technical issues surrounding accessibility features on DVDs. Following these meetings AVSDA agreed to develop audio description and captioning logos that could be adopted as a voluntary industry standard and be easily identifiable on DVD covers.⁷⁷ AVSDA's submission states that its members are increasing the amount of captioned and audio described titles made available.⁷⁸

Representatives of the hearing and vision impaired state the levels of audio description and captioning on DVDs is inconsistent. For example, information about audio description and captioning is not always available on the DVD's cover. Lack of DVD labelling and menu functionality were also raised as issues that impact on independent access to DVDs by people with a hearing or vision impairment. Such groups want mandatory labelling standards for captioning and audio description.

Representatives of people with a hearing and vision impairment consider that the costs of providing captioning and audio description services should not be passed on to the end consumer with a disability.⁷⁹

DVDs have become more widely available and used in recent years. However, budget distributors often release DVDs in Australia without any kind of special features such as captioning or audio description. These distributors are difficult to liaise with as they are generally not members of the industry association, and other than the obligatory classifications process there is no requirement on the distributor to provide additional or special features.

Consumers increasingly expect that if content is captioned at the cinema or on television it will be available with these access features when distributed via internet download or DVD.

DVD distributors claim that a lack of storage capacity on DVDs limits their ability to include access features without reducing the existing special features available, which are in many cases a key selling point to general audiences.

Blu-ray DVDs, with their greater storage capacity, could be required to include captioning and audio description without encroaching on special features included to appeal to general audiences. Standard-definition DVDs often include up to eight language options, two of which, if that language community is not significantly represented in Australia, could be replaced with captioning and audio description.

Some distributors such as Roadshow add access features to DVDs prior to distribution, many others do not. A business case analysis of the DVD industry conducted by Media Access Australia suggests that for most entertainment titles, providing access is viable and there are untapped opportunities for further market expansion.⁸⁰ The combined domestic consumer market size for access features is larger than the domestic market for other languages such as Italian, Mandarin, Cantonese etc.⁸¹

Australian television series and films on DVD funded through Screen Australia

Screen Australia is the Australian Government's principal agency for funding the production of film and television in Australia. It is a Commonwealth statutory authority. Australian film and television producers and production companies can apply to the Screen Australia for funding. To be eligible, projects must meet the criteria set out in the Screen Australia Funding Guidelines,⁸²

which are the major tool for communicating Screen Australia policies and are revised regularly in consultation with the industry.

On 8 June 2007, the then Film Finance Corporation announced that all Australian feature films it finances will have captioning for both cinema and DVD from 1 July 2007, with costs covered by the agency for an initial period of 18 months. On 1 July 2008, the Film Finance Corporation merged with the Australian Film Commission and Film Australia to form Screen Australia. The captioning policy continues with Screen Australia and as of 1 January 2009, producers who receive feature film investment funding are required to put aside a portion of their budget to caption for cinema and DVD release. These funds do not extend to providing appropriate captioning files suitable for internet download purposes or to audio describe the film.

Non-Australian television series and films on DVD

AVSDA, in consultation with consumer and disability representative groups, has developed the Accessibility Framework for the Home Entertainment Film Industry, encouraging its members to import captioned titles from international sources where possible. This is a voluntary industry code.⁸³

Media access groups consider that captioning, especially audio description rates, could be readily and cost effectively increased if tighter procedures were put in place to ensure that audio description and captioning files are imported into Australia.

Australia imports the majority of its mainstream release DVD titles from the UK. This is because the UK and Australia use the same PAL television system, as opposed to the USA's NTSC system. Media access groups stipulate that if Australian DVD distributors imported all titles currently available with audio description in the UK, the number of audio description titles in Australia would double.

There are issues of inconsistency with imported television series released on DVD that illustrate the somewhat arbitrary nature of the distribution of DVD access features in Australia.

Submissions to the 2008 discussion paper contend that while earlier series of some popular television programs on DVD contain captions, later series on DVD do not.⁸⁴

Media access groups have also proposed that DVD access could also be increased by the Australian Human Rights Commission imposing *Disability Discrimination Act 1992 (DDA)* exemptions similar to the temporary captioning exemptions granted to television broadcasters.

Access groups argue that with DDA based quotas in place, the DVD industry will look to overseas access files to help fill those quotas cost-effectively, given it is significantly cheaper to import material that already has access features than it is to create such features.

Media Access Australia has been recording figures on new release rental DVDs since mid-2006. In total, 1712 titles have been researched.

Table 6: Access to DVD rental releases to hearing and vision impaired Australians, April 2009

Type of access	Australia	International
Captions/English subtitles	57%	77%
Audio description	7%	11%

Percentages vary considerably from month to month.

Source: Media Access Australia, Department of Broadband, Communications and the Digital Economy data request 2009

Approach being considered—accessibility of non-broadcast media

The Government is considering consulting with stakeholders including producers and distributors to develop a voluntary industry standard requiring distributors of imported and locally made DVDs to include captions and audio description, where these are already available. The voluntary industry standard would also require labelling of DVDs that have captions and audio description.

The Government will also consider whether further regulatory measures are required in the future if availability does not improve by the end of 2012.

The Government will encourage industry to partner with the disability representative groups to develop a business case analysis for including captions and audio description on DVDs distributed in Australia by the end of 2013.

Chapter five: The internet

Content distributed via the internet

Other than the general non-discrimination provisions of the DDA, there is no specific legislative requirement in relation to the captioning or audio describing of any audio-visual content on the internet. This includes television programs subsequently distributed via the internet after being broadcast on television. While there may be an expectation that programs that are provided with access features when broadcast on television would also be provided with access features when made available online, this is not currently required under the BSA.

The Australian Government is committed to improving accessibility for all people, and promotes the use of Web Content Accessibility Guidelines 1.0—a web standard developed by the World Wide Web Consortium (W3C). The revised web standard (version 2.0) was released in December 2008. The Department of Finance and Deregulation is currently reviewing this standard, with the Australian Human Rights Commission, to determine best practice approaches for online accessibility for government agencies, businesses and the Australian public in coming years.

Representatives of disability groups have advocated for an improvement in the accessibility of captioned and audio described material on the internet, particularly films and television content available for download. They point to overseas examples like the BBC (UK) and NBC (USA) television networks that have developed customised media player software to allow the viewing of downloadable materials with captioning and audio description.⁸⁵

[T]he interim solution is very simple in that data storage costs are dropping by orders of magnitude and there is no reason why open-captioned/open-described versions cannot be offered alongside the non-accessible version. Consumers who want audio description or captioning do not mind if that access feature cannot be turned off.⁸⁶

The [USA] National Center for Accessible Media (NCAM), who helped to develop the Public Broadcasting Service's caption software, was quoted as saying, "All the tools exist to do it. It's just a matter of time and money to make it happen. It's pretty straightforward and not terribly expensive."⁸⁷

However, industry representatives, including broadcasters, Google and Telstra, maintain that any legal requirement to add captions and audio description to internet material would hinder the flexibility needed to facilitate industry efforts to overcome the technical challenges present at this time. Industry also maintains that legal requirements to add captions would impose an unrealistic administrative and financial burden.⁸⁸

When Telstra inquired into obtaining the necessary captions and audio descriptions for its BigPond television service, it was advised that if captions were required the company would need to meet all costs associated with providing captions, in addition to the licence fees payable to the content owners.⁸⁹ Telstra's initial investigations suggest that captioning and audio description costs for its movie download service and its BigPond television service would require additional incremental expenditure and up-front development costs. At this time these costs were deemed to represent an undue financial impost on a relatively new and developing service.⁹⁰

'Content providers do not presently provide Telstra suitable captions for internet download under current contract arrangements. Meeting additional costs for captioning movies would represent a significant incremental per unit cost to Telstra, and make these products commercially unviable.'⁹¹

‘Meeting the full cost of providing captions for each movie on offer...[via the Telstra BigPond] download service would represent a significant additional cost, which would ultimately lead to higher prices.’⁹²

‘It is important to note that re-purposing content for delivery on other broadcast output or online content invariably requires re-captioning the content.’⁹³

The Department of Broadband, Communications and the Digital Economy is monitoring overseas developments particularly in the USA which has draft legislative initiatives such as the *Twenty-first Century Communications and Video Accessibility Act 2009*² and an Internet Captioning Forum whereby providers of web-based video including Google, Microsoft and Yahoo, aim to develop solutions to increase the amount of online video accessible to the hearing impaired.

‘The [Internet Captioning] Forum will initially address the technical challenges presented by online video re-purposed from broadcast or other previously captioned sources, as well as video created specifically for the Web.’⁹⁴

The limited availability of captioning and audio description access features for online audio-visual content is attributed to a range of technical considerations related to online media and text formats, differences in the software for online audio-visual players, the editing of material originally distributed with access features, and a lack of clear online caption production and delivery standards and requirements.

While the most popular multimedia players, such as Windows Media Player, Apple Quicktime, RealNetwork RealPlayer and Adobe Flash Player, are understood to be capable of supporting access features, they tend to require access information—i.e. captions and/or audio description—to be in different file formats.³

Disability stakeholder groups accept that the internet presents new technical challenges and impediments to access, but argue that there are solutions. For example, one solution is to provide content in two downloadable versions, one with captioning and/or audio description and one without. A parallel download solution avoids the need for consumer-end technology. Avoiding consumer-end technical solutions to audio description is disability stakeholder groups’ preferred approach.

Industry is working toward improving the accessibility of internet material. Google, for example, has introduced a closed caption search function on its Advanced Video Search page.⁹⁵ The new version of Microsoft Windows 7 is expected to support the recording and playback of captions from television through the use of a television card. It will also support the recording, where available, of multiple audio tracks for playback of audio description.⁹⁶

Both open source software such as Linux and Apple’s OS X support similar features for online audio visual content through software such as Apple Quicktime. Apple in particular has used its combined hardware and software technologies to develop new accessibility solutions. This includes new online representations of web pages that operate via voice and touch for the blind.⁹⁷

Centrelink has become the first Australian Government Agency to introduce a talking website. The new text-to-speech technology allows clients with low vision, low levels of literacy or those

² The Act was introduced into the House of Representatives as a bill on June 19, 2008 under the number HR 6320. It was then referred to the House Committee on Energy and Commerce for approval. As the bill did not clear the committee approval process by the end of the House of Representatives term in December 2008, it was struck. The bill was reintroduced on 27 June 2009 under the same name. It has been assigned the number HR 3101 and is now with the House Committee on Energy and Commerce for approval.

³ Free tools for creating caption files for different media types are available from the National Centre For Accessible Media’s website at <http://ncam.wgbh.org/>

who spoke English as a second language to access Centrelink information. The website combines ReadSpeaker technology with the current web accessibility guidelines. The ReadSpeaker application is free, works with the lowest broadband speeds and does not require a software download. The application can be accessed by visiting www.centrelink.gov.au and selecting the 'listen' feature.

Internet service providers are reliant on content providers to supply material that is either captioned or audio described. Internet content providers also include members of the general public via user generated content websites such as YouTube.

'In the case of user generated content, another reason providers would not be able to comply [with regulatory minimum levels of accessibility] is the sheer volume of material that is uploaded to websites by a great number of users...By way of example, *every minute*, approximately ten hours worth of content is uploaded to YouTube.'⁹⁸

YouTube, a video sharing website, allows users of the site to search for captioned or subtitled videos, and to create their own captioned content or caption existing content.⁹⁹ YouTube also has a service that allows text to be changed into a different language in real-time. The caption search, caption create and caption translate features demonstrate how traditional access features can be expanded within the scope of new media to create an opportunity for users to watch captioned videos in their native language or to increase the amount of material accessible for those with hearing impairments.

According to the ABC, the key issues that need to be addressed with regard to making online content more accessible to the hearing and vision impaired include:

- clarification of any legal obligations
- technical specifications
- the initial capital cost
- technical and ongoing costs
- addressing community expectations.

All these issues equally apply to the introduction of audio description in other mediums, for example, television.

Approach being considered—internet accessibility

The Government will continue to monitor international developments in this area to inform future policy development.

The Government will encourage industry to partner with the disability representative groups to improve online accessibility by the end of 2013.

Chapter six: Advertising content

Captioning and audio description of advertising content

With regard to television commercials, other than the general non-discrimination provisions of the DDA, there are no legislative requirements for television commercials to be captioned or audio described. In Australia digital television content, including advertising, is currently broadcast in the MPEG-2 format which is not compatible with the delivery of closed audio description. Captioning of advertising material is a commercial decision for advertisers and not specifically covered in the BSA.

The Australian Association of National Advertisers recommends responsible advertisers caption their commercials. Figures from Media Access Australia indicate that around a third of all television commercials are captioned.

Representatives of people with a hearing or vision impairment advocate for all advertising content on television to be captioned and audio described. Free-to-air broadcasters consider the captioning and audio description of advertising content to be a matter for individual advertisers. This issue was not raised by subscription television representatives.

Emergency broadcasts

Free-to-air television broadcasters play a vital role in the dissemination of emergency information.

The BSA and Commercial Television Industry Code of Practice set requirements for the timely and accurate broadcast of emergency information to a licensee's local community. The information is provided in text and oral form to maximise accessibility.

Representatives of disability groups have indicated that captioning and audio description should be compulsory for emergency, disaster and safety announcements. Currently emergency broadcasters are only required to caption 'wherever practicable'. Free TV Australia has supported the development of national guidelines and broadcast levels for the broadcast of emergency warnings by the Australian Government. These set down the processes for cooperation between emergency services and all media sectors.

Activities to improve the coordination of emergency warning communications are occurring. The Australian Emergency Management Committee is undertaking a project that will ensure commercial broadcasters are provided with guidance for operating the Standard Emergency Warning System. This will see the use of services to assist people who have hearing and vision impairments.

ACMA is also considering the public submissions it has received on a new draft Emergency Call Service Determination, which sets out specific requirements on telecommunications industry participants in making, handling and transferring emergency calls. The new draft Determination follows an extensive review of the *Telecommunications (Emergency Call Service) Determination 2002*, which was initiated in April 2008. The Determination is expected to be considered by ACMA in December 2009.

Government advertising

The Australian, State and Territory Governments all have policies in place requiring their departments and agencies to caption all television commercials and public information videos and DVDs.⁴

Approaches being considered—captioning of advertising content and emergency broadcasts

The Government notes that all Australian Government departments and agencies have policies requiring the captioning of all television commercials and public information videos.

The Government will consider mandating captioning or subtitling of all pre-produced emergency, disaster or safety announcements broadcast on television and introduce a voiceover requirement for essential information such as contact numbers.

The Government will consider holding discussions with the Australian Association of National Advertisers (AANA) to look at strengthening existing requirements regarding the captioning of advertising content.

For emergency warning requests, that are not pre-produced the priority remains for the warning to be broadcast without delay. However, the Government acknowledges the community need for captioning and audio support for such warnings, and will work with industry to ensure that such a capability is developed so that warnings can be broadcast with these features in a timely and effective manner.

⁴ The Australian Government operates its policy under the DDA. The compulsory captioning of television commercials is administered by the Communications Advice Branch within the Department of Finance and Deregulation which provides advice to the Interdepartmental Committee on Communications. The only area which is exempt from captioning is Defence Force Recruitment because people with hearing or vision impairment are not eligible for recruitment to the Australian Defence Force.

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