

Note: I have responded to the Captioning issues only

### **Issue 1**

#### **Should the current captioning requirements apply to all commercial multi-channels immediately after switchover?**

Yes, but I believe that the introduction date should be amended and brought forward to June 2010.

The current captioning requirements must apply to all commercial multi-channels and I consider this to be non negotiable issue as a hearing impaired television viewer. This is because I would be immediately disadvantaged by any concessions or further exemptions granted to the commercial multi-channels in respect of the current captioning requirements.

From a practical viewpoint, it also seems to make far more sense to maintain the current captioning requirements from when the digital switchover process begins in the June 2010, as opposed to waiting until the switchover is completed at the end of December 2013. This would ensure that all broadcasters (including the various metropolitan and regional broadcasters) would be on a level playing field and it would enable them to focus on the technical and content issues associated with the digital switchover rather than having to learn how to implement and apply a different set of requirements for captioning.

The current captioning requirements which apply under the Broadcasting Services Act and also the related exemptions recently granted under the Disability Discrimination legislation are already extremely generous and favorable to the television broadcasters.

The broadcasters have a good understanding of how these rules and requirements operate and I see no reason why these should be changed for the new digital multi-channels.

### **Issue 2**

#### **Should the commercial broadcasters receive exemptions on captioning requirements for certain multi-channels with specialised content? If so, how should these exemptions apply and what structure should they take?**

No.

I am very strongly opposed to any further exemptions being granted in respect of multi-channels, notwithstanding that some of these multi-channels will be created with specialised content and specific viewer segments in mind.

In today's environment, most people are aware that captioning is essential and that it is heavily used by those television viewers who are Deaf / hearing impaired and also by others (such as those who are learning English as a second language and so on).

Put bluntly, captioning is simply the right thing to do.

Furthermore, it is my understanding, which is supported by the CEO of Media Access Australia, Alex Varley, that there are no longer any substantial technical issues associated with providing

captioned content and the switchover to digital media will actually make it easier for the broadcasters and content producers / providers to broadcast captioned content.

Perhaps a good example of where a policy which continues to promote exemptions to the captioning requirements could lead to television viewers being continually disadvantaged relates to the GO! multi-channel, which seems to concentrate predominantly on classic television episodes and cartoons, with some modern content thrown in as well.

The program "Frasier" is presently broadcast captioned on GO! as it has previously been shown on Nine's "core" analog channel and therefore doesn't qualify for an exemption under the current captioning requirements of the Broadcasting Services Act.

Another very popular sitcom, "Seinfeld" is also broadcast on GO! but because it was not previously shown on Nine's "core" analog channel, it is not presently being captioned, even though Channel 10's analog channel captioned their broadcasts of "Seinfeld" and I am sure that it wouldn't take much effort for the captioned content to also be provided by GO!

This illustrates that if the Government was to allow captioning exemptions for multi-channels, such as GO!, then they would be effectively undermining the enormous progress that has been made in captioning and accessibility over the past decade and aspirations for 100% captioning would remain firmly entrenched in the realms of rhetoric.

Captioning represents an extremely important enabler for us all.

It allows us to meet our basic human rights obligations and it also promotes "real" social inclusion for all of Australia's television viewers. I believe that it is very important for the Government not to lose sight of these overriding objectives.

### **Issue 3**

#### **Should the application of captioning requirements on commercial multi-channels be phased in over a period of time?**

No.

As I have outlined above, captioning is an important tool for social inclusion.

Improving social inclusion in Australia is a major and stated objective of the present Labour government. Any attempts to reduce or "phase in" captioning requirements for the multi-channels will simply have a detrimental impact on those television viewers who rely on captions.

It also seems to me that there is a real need for the Government to acknowledge this fact and to move ahead and document our longer term captioning aspirations.

I personally believe that it makes sense to have a target of 100% captioning levels by 31 December 2013 legislated by the Broadcasting Services Act, as this flows on incrementally from the current targets for 31 December 2011 of 85% captioning levels between 6am and 12 midnight. This could be mandated by the Government as a result of this review or alternatively, as a result of the "Access

to Electronic Media for the Hearing and Vision Impaired” discussion paper review which is currently in progress.