

**A public submission in response to the Australian
Government's 'Media Reform Green Paper:
Modernising television regulation in Australia'.**

Centre for Inclusive Design

May 2021

Submitted by:

Manisha Amin

Chief Executive

Centre for Inclusive Design

Phone: 02 9212 6242

1. About Centre for Inclusive Design

Centre for Inclusive Design is a centre of excellence for inclusive design in Australia. Our network of industry experts and global partners bring innovation and global best practice ID so everyone has the opportunity to connect and be a part of our society. CFID delivers innovation and insight, events and partnerships and a practice that helps people reach you. We build inclusive platforms to create more value for industry, government and most importantly meaningful connection for and with the people who are marginalised.

Centre for Inclusive Design, formerly Media Access Australia (MAA), has a rich history in the traditional disability sector both advocating and providing solutions for over 35 years. MAA was formed out of the Australian Caption Centre (ACC), a not-for-profit organisation founded in 1982. The ACC aimed to promote and produce captioning for deaf or hearing impaired Australians. In 2005, the ACC sold its commercial operations including the captioning services, and formed Media Access Australia.

As MAA, the focus broadened to those disadvantaged in access to media. In the digital age, the role of media and communication grew to include accessibility across digital communication as well as traditional communication. MAA focussed strongly on advocating and providing digital accessibility for Australia in websites, documents and videos. As the role of technology in our lives has grown, MAA realised they needed to tackle design issues in the conception stage and thus created Centre for Inclusive Design.

2. The Green Paper

The Australian Government's Media Reform Green Paper aims to address the issue of the increased use of Subscription Video-on-Demand (SVOD) services, and consequent reduction in viewer numbers (and advertising revenue) for the traditional free-to-air networks. This loss of revenue has led to a reduction in regional news services, and also makes it more difficult for free-to-air networks to meet Australian content quota requirements.

The Green Paper's proposed solution involves offering a new type of broadcasting license which would see free-to-air networks using less of the radio frequency spectrum, and in return the broadcasters would no longer need to pay tax for use of the spectrum. Some of the money made from auctioning the freed-up spectrum would be used to fund new Australian content, and support the provision of news services, particularly regional news. It is also proposed that Australian content quotas could be imposed on SVOD services which have at least a million subscribers.

We believe the loss of revenue of free-to-air networks due to the rise of SVOD is a serious issue, and will become more serious in coming years, and we welcome the Green Paper as a first step in dealing with it. However, while the Green Paper aims to preserve the provision of essential content for Australian consumers, it makes no mention of captioning or audio description, the services that make this content accessible to people who are Deaf or hearing impaired, and blind or vision impaired.

3. Captioning

The Green Paper represents the first serious moves to align internet-distributed services with the kind of regulatory regime that the free-to-air networks are subject to under the *Broadcasting Services Act*. This contrasts with the situation in the United States, where the

21st Century Video and Communications Accessibility Act of 2010 made it mandatory for any program shown on television with closed captions to also have closed captions when distributed over the internet. Subsequent to this, after a complaint was lodged that Netflix was in breach of the *Americans with Disabilities Act*, Netflix announced that it would caption 100% of its content by 1 October 2014. One very welcome consequence of these developments was that, when Netflix launched in Australia in 2015, it also provided captioning for most programs. Since then, other SVOD services in Australia, including Stan and Disney+, provide significant levels of captioned programming.

Given that closed captions are well established on Australian SVOD services, we believe that, should the Government impose Australian content quotas on them, it should also be mandatory that this content is captioned.

4. Audio description

Netflix in Australia currently provides audio description on all its original titles, and some other content. Audio description is also available on some other SVOD services including Apple TV, Amazon Prime, Disney+ and Stan.

The provision of audio description on SVOD services is significant, given that the introduction of audio description on Australian free-to-air television has been so problematic. Audio description has long been available on free-to-air television in the United Kingdom, the United States, Canada, many European countries, South Korea and New Zealand. Australian advocates for blind and vision impaired people have been campaigning for decades for the service to be introduced in Australia. In 2012, a three-month trial on ABC's main channel saw 14 hours of audio described programs being broadcast each week, but this did not result in the introduction of a regular service. (Another trial of audio description, confined to the ABC's iView service, took place in 2015, but again this failed to result in a regular service.) However, after funding was granted to them by the Australian government for the purpose, ABC and SBS began broadcasting at least 14 hours of audio described programming per week from the beginning of July 2020. The service has generally received very positive feedback from blind and vision impaired consumers, with the main complaint being that the audio description is not also provided on the catch-up services ABC iView and SBS On Demand.

The Australian free-to-air TV industry has long opposed the introduction of mandatory audio description quotas. It has been argued that it is difficult and expensive to incorporate audio description into existing broadcasting systems, and there are spectrum constraints which prevent them from broadcasting it. It is also the case that some TV receivers available on the Australian market will start to play audio description when it is broadcast, without the owner turning it on, and in a small number of models, it can't be turned off. (This receiver issue became apparent during the 2012 trial, and has also cropped up, though apparently to a lesser extent, since the regular service on the ABC and SBS began.)

Given these impediments to the introduction of audio description on free-to-air television, it seems obvious that the Government should encourage its increased availability on SVOD services which have already incorporated it into their systems, and to which an increasing number of television viewers are moving. We therefore recommend that, if the Government imposes Australian content quotas on SVOD services, it should also be mandatory that this

content is audio described (as well as captioned) to make it accessible for the widest number of Australians possible,

The Green Paper raises another issue regarding audio description. It states that advances in television compression technology means that “broadcasters should move to transmission arrangements which use less spectrum but which maintain service levels at close to current levels with a minimal impact on viewers”. However, as noted above, spectrum constraints have long been given by free-to-air broadcasters as a reason that they cannot accommodate audio description. We would therefore request that the Government provide advice on this issue before granting new broadcasting licenses allocating less share of the spectrum.