



**vision  
australia**

blindness and low vision services

Citizens



Blind  
Australia

## **Submission to the Department of Communications In Response to the Consultation Paper: Digital Television Regulation**

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### **About Vision Australia**

Vision Australia is the largest provider of services to people who are blind, have low vision, are deafblind or have a print disability in Australia. It was formed through the merger of several of Australia's oldest, most respected and experienced blindness and low vision agencies. These include Royal Blind Society (NSW), the Royal Victorian Institute for the Blind, Vision Australia Foundation, Royal Blind Foundation of Queensland, and Seeing Eye Dogs Australia.

Our vision is that people who are blind or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision, are deafblind or have a print disability, and to their families. The service delivery areas include:

- early childhood
- orientation and mobility
- employment
- accessible information (including library services)
- recreation
- independent living
- Seeing Eye Dogs

advocacy, and working collaboratively with Government, business and the community to eliminate the barriers our clients face in making life choices and fully exercising rights as Australian citizens.

The knowledge and experience we have gained through interaction with our 32,500 clients and their families, and also by the involvement of people who are blind or have low vision at all levels of the Organisation, is immeasurable. It means that Vision Australia is well placed to provide advice to governments, business and the community on the challenges faced by people who are blind or have low vision fully participating in community life.

Vision Australia is also a significant employer of people who are blind or have low vision, with 15.4% of total staff on the payroll with permanent vision impairment.

Vision Australia also has a formal affiliation with Blind Citizens Australia (BCA) through a Memorandum of Understanding. This relationship was formalised for a number of reasons, including collaboration, and so that Vision Australia's systemic advocacy and public policy positions are, wherever practicable, consistent with the programs and policies of Australia's peak body representing people who are blind or have low vision.

### **About Blind Citizens Australia**

Blind Citizens Australia (BCA) is the united voice of blind and vision-impaired Australians. Our mission is to achieve equity and equality through empowerment, by promoting positive community attitudes, and by striving for high quality and accessible services which meet our needs.

BCA has had significant involvement in this issue. In July 2013, BCA lodged a number of strategic complaints with the Australian Human Rights Commission (AHRC), against the ABC, for their failure to provide television content that is fully accessible. Several other individuals also lodged their own complaints against the ABC after this time which were joined to the group complaint. The 29 complaints went to conciliation with the Australian Human Rights Commission on 17 July 2013.

Since that time there has been ongoing communication the AHRC involving BCA, VA and Media Access Australia. This matter continues to be a priority issue for the wider blind and vision impaired community in Australia.

## Comments on the Consultation Paper

### **Introduction**

Our comments are in response to the Department's Consultation Paper: Digital Television Regulation, which was released in January 2015. We recommend that the Government introduce a regulatory requirement for the provision of audio description on Australian television, similar to the regulatory requirements for captioning. The Consultation Paper does not refer to audio description (although it does refer to the requirements for captioning). However, the complete absence of audio description on Australian television, despite protracted systemic advocacy from the blindness and low vision sector, represents a failure of the current regulatory regime to ensure that the needs and rights of people who are blind or have low vision are being addressed. The television broadcasting industry has shown no willingness to introduce audio description, and regulatory guidance is now appropriate and necessary, especially given that changes to the Broadcasting Services Act 1992 ("the BSA") are foreshadowed in the Consultation Paper.

Vision Australia has developed a Prevalence Model using a range of published demographic and population data from the Australian Bureau of Statistics, and other sources, to provide accurate information about the population of people who are blind or have low vision in Australia. Conclusions derived from this model are used to assist us in planning services and assessing current and future need. The Model indicates that there are approximately 357,000 people in Australia who are blind or have low vision. This is the minimum number of people who are currently unable to access television fully or independently, and who would thus benefit from audio description. There is also research indicating that audio description benefits people with dyslexia, autism and ADHD. It is instructive to note that the Consultation Paper refers to a figure of 184,000 households who currently take advantage of the VAST satellite service to watch television in regional and remote areas. It is likely that the 357,000 Australians who are blind or have low vision comprise a similar or even greater number of households. If a service such as VAST can be justified on the basis of reaching so many households (and we are certainly not suggesting otherwise) then it is self-evident that a similar justification exists for the introduction of audio description.

The Prevalence Model predicts that the number of Australians who are blind or have vision will increase to 564,000 by 2030. The primary explanatory factor for this increase is that vision loss is highly correlated with age, and as the population ages and lives longer, vision loss will also increase. Many of the people who will acquire vision loss over the next 15 years are currently able to watch television. However, as they acquire vision loss their ability to access television will decrease, unless audio description is made available. Responsible intergenerational planning must therefore include a timetable for the introduction of audio television on Australian television.

## **What is Audio Description?**

Audio description is the term used to refer to a verbal commentary that describes key visual elements of a television program, film, or live performance or event.

Identification of speakers, description of gestures, facial expressions, locale, scene changes, and other visual content are narrated. If dialogue is present as part of the program or event, these narrations are interpolated in gaps in the dialogue. The audio description may be pre-recorded on a separate audio track in the case of television programs or films. For live performances or events the audio description is usually delivered in real-time.

The inclusion of audio description gives people who are blind or have low vision independent access to the content of television programs; conversely, without audio description people who are blind or have low vision are generally unable to follow and enjoy television programs, particularly if they rely heavily on visual elements. Audio description is an equivalent service for people who are blind, as captioning is for Deaf people.

## **International experience**

Audio description is a routine feature of television in many countries. It first became available on US television in the late 1980s, and since then it has been introduced to varying degrees in the UK and numerous European countries including: Austria, France, Germany, Italy, Portugal, and Spain. Audio description was introduced on New Zealand television in 2012.

At present, the UK has the highest amount of audio-described content on television, with mandatory quotas being regulated by the Office of Communications through The Communications Act 2003. This Act requires that 10% of television content be provided with audio description, depending on the size of the channel and the content available. Some channels have voluntarily exceeded this by providing up to 20% of audio-described content.

## **The Australian Context**

Despite decades of advocacy by individuals and organisations, no audio description is provided on television in Australia. In 2012, following repeated and detailed submissions from Vision Australia, Blind Citizens Australia and other organisations to government, the ABC conducted a 14-week, Government-funded trial of audio description on the ABC1 channel. The trial included a range of local and international audio-described content, and was an outstanding success from the perspective of people who are blind or have low vision. However, no audio description has been provided on ABC television since the trial concluded in November 2012, and no other television broadcaster has undertaken a similar trial or announced plans to introduce audio description.

In late 2014 the ABC announced that it would conduct a 15-month trial of audio description on its iView, catch-up television service. The trial, which is due to begin in April 2015, will initially be available only on the iOS platform, but will later be

extended to include other platforms on which iView operates, including the PC Windows and Mac OSX environments.

While this trial is a positive development, it falls far short of what is needed if people who are blind or have low vision are to have equal and independent access to television. Firstly, iView is a catch-up service, and so television programs are not available until after they have been screened. This means that people who are blind or have low vision will be unable to watch television programs at the same time as their sighted counterparts, and in particular they will not be able to watch programs with their family and friends. Secondly, the trial will only be available to people who have internet access and a data plan that will allow the large amounts of data streaming required for online television viewing. Two thirds of Vision Australia's clients do not have internet access, and there is no reason to suppose that this figure is different in the wider population of people who are blind or have low vision across Australia.

While Vision Australia and Blind Citizens Australia are working with the ABC to help make the trial available to as many people as possible, we believe that it will not deliver a level of access to television that the community expects and which is consistent with Australia's obligations under the UN Convention on the Rights of Persons with Disabilities.

### **The UN Convention on the Rights of Persons with Disabilities**

In December 2006, the UN General Assembly adopted the Convention on the Rights of Persons with Disabilities ("the Convention"). Australia was among the first countries to sign the Convention, and in May 2008 it became a part of international law following its ratification by 20 nations. Australia ratified the Convention in July 2008, thereby agreeing to be bound by its obligations.

The Convention is a landmark UN treaty, and is likely to have a significant positive impact on the lives of people with disabilities worldwide, in the coming years. It redefines access issues as part of the human rights agenda, and asserts the fundamental human rights of people with disabilities to participate fully in society, as well as calling on signatories to safeguard and promote these rights.

The Convention has important implications for access to electronic media in general, and audio description on television in particular. Article 21 ("Freedom of Expression and Opinion, and Access to Information") requires States Parties to the Convention to:

*"Take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:*

*d. Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;"*

Article 30 of the Convention is titled "Participation in cultural life, recreation, leisure and sport". It proclaims that States Parties "recognize the right of persons with

disabilities to take part on an equal basis with others in cultural life", and calls on them to:

*"take all appropriate measures to ensure that persons with disabilities:*

- a. Enjoy access to cultural materials in accessible formats;*
- b. Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;*
- c. 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."*

Subsection 5(e) of the same Article calls on States Parties:

*"e. To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.*

These two articles, taken together, represent a powerful and clear statement of the right of people with disabilities to have full access to electronic media in general, and television in particular. Media, especially television, provides information and access to many aspects of cultural life. It is also beyond doubt that the media, especially television and cinema, provide primary sources of leisure activities enjoyed by the Australian community.

Children, in particular, are an important audience for special programming on television. Article 30, subsection 5(d) of the Convention, requires States Parties:

*"d. To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;"*

While clearly having a broader scope than television, this statement expresses a clear intention that, for example, leisure activities in the form of cartoons and other children's television programming, should be accessible to children with disabilities.

The Convention represents a compelling agent of transformative change for people with disabilities. It allows people with disabilities to bypass the differentials in power that are often manifest in attempts to bring about improvements in accessibility, and instead, substitutes a vibrant discourse drawing on universal notions of human rights. The Convention foregrounds the "other" face of freedom—the freedom to: enjoy full participation based on the recognition of possession of a common core of rights as a member of civil society.

Audio description is an internationally established and effective mechanism by which television content can be made accessible to people who are blind or have low vision. Despite ratifying the Convention, and notwithstanding the Convention's unequivocal assertion of the right of people with disabilities to have full and independent access to the cultural and recreational life of the community, Australia continues to deny people who are blind or have low vision the level of access to television that the rest of the community takes for granted.

Given that the television broadcasters have failed to act voluntarily to introduce audio description on Australian television, it is appropriate and timely that the Australian

Government introduce regulatory requirements along with other changes to the BSA, consistent with those explicitly addressed in the Consultation Paper.

## **Audio Description and Captioning**

The Consultation Paper makes several references to the regulatory requirements for the provision of captioning, to allow deaf people and people who have hearing impairments to access television content. While we has not been involved in negotiations around captioning, we are aware that most broadcasters are now exceeding regulatory requirements, at least with some services.

Whatever room for improvement there may be, the introduction of captioning represents a significant achievement in the delivery of accessible television content. By contrast, the lack of a parallel introduction of audio description represents a significant and ongoing failure, resulting in people who are blind or have low vision being segregated from the mainstream of Australian cultural and recreational life. It is time for this segregation to be addressed.

## **Conclusion**

In commenting on the lack of audio description on Australian television, one of our clients recently said:

“Every morning I listen to the people I work with talking about the TV programs they were watching the previous day. All I can do is listen – I can’t participate because there’s no audio description so I can’t watch any of the programs. I’d love to know what Game of Thrones is all about, or what happened in Neighbours. But I feel like I’m in a cultural ghetto with no hope of escape. Actually, with Neighbours it’s even worse than that, because I know that my blind friends in the UK watch Neighbours with audio description, even though the program is made here. I’m told that there are 357,000 people in Australia who are blind or have low vision, just like me. That’s a big ghetto, but it’s still a ghetto, and it isn’t where I want to be. I think it’s great that the Government makes TV broadcasters provide captions so that my Deaf friends can watch TV, but why won’t they do anything so that I can watch TV too?”

To date, there has been no indication from the television broadcasting industry that it is considering a timetable for the introduction of audio-described content voluntarily. Unless there are regulatory requirements in the BSA, similar to those mandating captioning, we therefore have no reason to believe that the situation will change. Current and future generations of people who are blind or have low vision will continue to face daily discrimination and exclusion from participation in Australia’s cultural and recreational life.

Vision Australia recently conducted a survey of our clients and found that 86% want audio description on television. We understand and share the frustration of our client quoted above, and the many others who are blind or have low vision who want to be treated like the rest of the community and have full and independent access to TV.

Vision Australia and Blind Citizens Australia therefore calls on the Australian Government to regulate for the introduction of audio description on Australian television without further delay.