

12 June 2020



Department of Infrastructure, Transport,
Regional Development and Communications

By email: contentoptionspaper@communications.gov.au

Re: Supporting Australian stories on our screens

Thank you for the opportunity to provide our views on Australian content obligations. As you know, ACCAN has a long history of supporting the rights of consumers with disability and working towards inclusive communications for all Australians. As such, ACCAN does not have a view about the different models outlined in the options paper, however we would like to take this opportunity to put forth our views on the cultural value of Australian content in relation to people with disability.

Article 30 of the Convention on the Rights of Persons with Disabilities (the CRPD) outlines that people with disability have the right to equal access to participation in cultural life, including equal access to television shows, films, theatre and other cultural activities.¹ Not only must people with disability have access to these types of cultural materials, it must also be ensured that these materials are made available in accessible formats. This must be equally the case for children and young people with disability, acknowledging the role that accessible Australian content can play in helping them to gain a sense of inclusion, community and national identity. As such, access to (and the cultural value of) accessible Australian content on broadcast, subscription and streaming services must be carefully considered.

Access to Australian content on broadcast, subscription and streaming services must be available as broadly and as inclusively as possible, taking into account the range of accessibility requirements that different people with disability will have. For instance, some people with disability will require captioning on content; some will require audio described content; and others will require wheelchair accessible cinemas and theatres, possibly in conjunction with other accessibility measures, such as hearing loops or audio description. One type of accessibility must therefore never be seen to compensate for a lack of accessibility in another area.

Despite the human rights imperative to meet these accessibility requirements, there have been distinct differences in the prioritisation of certain accessibility requirements. Captions, for instance, were first introduced in 1982² with the government financially supporting the

¹ Available: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-30-participation-in-cultural-life-recreation-leisure-and-sport.html>

² Ellis, K., Kao, K., Peaty, G. & Locke, K. 2019, Live Caption Quality Monitoring on Australian Free-to-Air Television, Australian Communications Consumer Action Network, Sydney. Available: <https://accan.org.au/our-work/research/1691-live-caption-research>

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formation of the Australian Caption Centre. While captions were restricted in their scope and availability (initially available between 6pm-10pm on the ABC and commercial channels), a commitment was nonetheless made. In comparison, advocates from the blindness community have been calling for audio description to be made available on Australian television for over 20 years. The ABC and SBS have recently been funded³ to deliver 14 hours of audio description per week on their main channels from 1 July 2020.

This recent funding announcement comes after two audio description trials on the ABC (one in 2012 and one in 2015-16) and the convening of an Audio Description Working Group in 2017-18, which in its final report outlined three possible approaches to implementing audio description on Australian TV.⁴ The funding allocation for the ABC and SBS to introduce audio description is therefore both long-awaited and very welcome. Nevertheless, equity of access to cultural material on Australian television has not yet been realised for the blindness community, with audio description still not available on commercial free-to-air channels, and with questions remaining about the longevity of the ABC and SBS audio description offering. This is primarily due to inadequate legislative protection to address the market's failure to provide equal services to all.

It is worth noting that since 2011, Screen Australia has implemented a funding condition that requires the programming in which it invests to be both captioned and audio described. This commitment to accessibility features was welcomed by members of the disability community, and indeed in the years since, many people with disability have benefitted from this automatic inclusion of accessibility features when viewing Screen Australia films in caption and audio description compliant cinemas. However, the accessibility features of Screen Australia programming do not carry across to other platforms. This renders Australian audio described content inaccessible to the very people these accessibility measures are supposed to benefit.

A possible solution would be an approach similar to that which was adopted in the United States through the Twenty-First Century Communications and Video Accessibility Act of 2010.⁵ This Act stipulates that access features for video content must follow the content – meaning that where something is captioned on one platform (such as television), the captions must follow the content across other platforms (such as Netflix or Stan, for instance). Reforms similar to those offered by this Act should be introduced in Australia and should relate to all content (including content created and made available to consumers on the internet). Such clear legislative requirements would help to ensure access features exist across all platforms

³ Fletcher, P. 2019. Television audio description for blind and vision impaired Australians. Media Release 16 December 2019. Available: <https://minister.infrastructure.gov.au/fletcher/media-release/television-audio-description-blind-and-vision-impaired-australians>

⁴ The 2018 final report of this working group is available: <https://www.communications.gov.au/documents/audio-description-working-group-final-report>

⁵ Available: <https://www.gpo.gov/fdsys/pkg/BILLS-111s3304enr/pdf/BILLS-111s3304enr.pdf>

(including Australian and international streaming services), to support the cultural inclusion of all Australians with disability. ACCAN recommends that the Department investigate this as a matter of priority, in addition to exploring other ways of ensuring that accessibility features are more consistently available across a range of platforms.

A recent consultation undertaken by ACCAN illustrated that access to accessible audio-visual content continues to be an issue for people with disability in Australia.⁶ We therefore recommend that the Department carefully consider the accessibility of Australian content over the course of this consultation, and we further recommend talking directly to a range of people with disability about the impact that access to accessible Australian content has (or would have) on their day-to-day lives.

Please do not hesitate to contact ACCAN should you require clarification or additional information on any of the issues we have raised.

Yours sincerely,

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Disability Policy Adviser

⁶ More information available: <http://accan.org.au/our-work/1765-accessible-comms-roadmap>