7 May 2021

Submissions to Order Applications  
Diversity, Localism and Accessibility Section  
Australian Communications and Media Authority  
PO Box Q500  
QVB NSW 1230

Via email: [captioning@acma.gov.au](mailto:captioning@acma.gov.au)

**Re: Draft exemption and target reduction orders for comment**

ACCAN thanks the Australian Communications and Media Authority (ACMA) for the opportunity to comment on the draft exemption and target reduction orders listed in appendix 1.

ACCAN’s long held concern that Australian consumers who rely on closed captions struggle to have the same functional access to television services as other Australians has not changed since we last submitted to the ACMA’s draft exemption and target reduction orders. Deaf and hearing impaired Australians continue to be excluded from full access to any television service in Australia, despite this issue of inequality being debated in our public policy discussions for decades. In 2012 the Australian Parliament passed legislation mandating greater captioning of subscription television with an expectation that subscription television services would meet increasing annual caption targets.[[1]](#footnote-1)

Thus, closed caption requirements have been part of the Australian subscription television market legislative framework since 2012.[[2]](#footnote-2) Under the previous model, in which the Australian Human Rights Commission presided over the exemption process, subscription services needed to provide tangible evidence that they were working towards meeting their legislative obligations; legislation designed to ameliorate disability discrimination. ACCAN urges the ACMA to apply this principle to the current exemption and target reduction processes. ACCAN is concerned that there has been no commitment from the applicants to investigate opportunities to meet their legislative obligation, nor any stipulation from the ACMA that the applicants take any pro-active measures to address their legislative obligation into the future.

More specifically, it is ACCAN’s position that the STV-EO-386 application for a five-year exemption is particularly unacceptable. There have been no captions for this Service on the Applicant’s platform as they have been granted captioning exemption orders since 2013.[[3]](#footnote-3) Furthermore, the Applicant has previously been found in breach of their licence conditions regarding this Service.[[4]](#footnote-4) Given their previous exemptions and the extended period of time covered by this current application, ACCAN believes it is inappropriate for the Applicant to be granted this exemption. Additionally, the period of time covered by this application is excessive given the Government’s Broadcasting Legislation Amendment (2021 Measures No. 1) Bill 2021,[[5]](#footnote-5) which proposes amendments to the Broadcasting Service Act 1992 and would provide subscription television captioning rules to be made by legislative instrument.

In the interest of providing equitable access for all Australians to our changing media environment, ACCAN strongly recommends that the ACMA deny these exemption and target reduction applications. This recommendation is based on the lack of evidence that the applicants are taking bona fide steps to meet their captioning obligations beyond the exemption period. ACCAN asserts it is unacceptable that after decades of advocacy and lobbying for increased access to both publicly funded and subscription broadcast television services, Australians who rely on captions continue to find themselves excluded from equitable access to subscription television services.

Sincerely,

Wayne Hawkins

Director of Inclusion   
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## **Appendix 1**

| **Draft Order Number** | **Channel Name** | **Applicant** | **Specified Eligible Period** |
| --- | --- | --- | --- |
| STV-EO-386 | Channel News Asia | Fetch TV Pty Ltd | 1 July 2020 – 30 June 2025 |
| STV-TRO-00114 | CMT | Telstra Pay TV Pty Ltd | 1 July 2020 – 30 June 2021 |
| STV-TRO-00120 | TRT World | Foxtel Cable Television Pty Ltd | 1 July 2020 – 30 June 2021 |
| STV-TRO-00121 | TRT World | Selectra Pty Ltd | 1 July 2020 – 30 June 2021 |
| STV-TRO-00125 | TRT World | Telstra Pay TV Pty Ltd | 1 July 2020 – 30 June 2021 |
| STV-TRO-00128 | TRT World | Optus Vision Media Pty Ltd | 1 July 2020 – 30 June 2021 |

1. The Broadcasting Services Amendment (Improved Access to Television Services) Act 2012 <http://www.comlaw.gov.au/Details/C2012A00083> [↑](#footnote-ref-1)
2. Available: <http://www.acma.gov.au/Citizen/TV-Radio/Television/Captioning/captioning-1> [↑](#footnote-ref-2)
3. ACMA Statement of Reasons, available: <https://www.acma.gov.au/publications/2021-04/report/386-news-asia> [↑](#footnote-ref-3)
4. Ibid. [↑](#footnote-ref-4)
5. Available: <https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r6699> [↑](#footnote-ref-5)