



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

PROOF

BILLS

**Broadcasting Services Amendment (Improved
Access to Television Services) Bill 2012**

Second Reading

SPEECH

Monday, 25 June 2012

BY AUTHORITY OF THE SENATE

SPEECH

Date Monday, 25 June 2012
Page 14
Questioner
Speaker McKenzie, Sen Bridget

Source Senate
Proof Yes
Responder
Question No.

Senator McKENZIE (Victoria) (11:42): In the 7½ minutes left—and I hope you excuse me as I quickly run my pen through over half of my speech—I will attempt to make some brief but, I hope, significant contribution to the debate on the piece of legislation before us today. I rise to speak on the Broadcasting Services Amendment (Improved Access to Television Services) Bill 2012. As we are aware, this bill looks to improve access to commercial and subscription TV for Australia's hearing-impaired community, which is projected to be five million by 2020. In fact, one in eight Australians has some form of hearing loss, so it is a worthy aspiration and, as Senator Stephens mentioned, fulfils our obligations under the United Nations requirements and also our own disability act.

The bill seeks to amend the Broadcasting Services Act to increase captioning targets on free-to-air TV and introduce captioning targets on subscription television; mandate broadcasters to transmit emergency warnings in text and speech and caption them where practicable; and enable ACMA to develop a captioning standard to legislate compliance reporting, recordkeeping requirements and a statutory review and to make compliance with the captioning requirements a licence condition.

Last week—and I heard Senator Birmingham refer to this as the 'shotgun inquiry'; I am a member of the Senate Environment and Communications Legislation Committee, and it most definitely was a shotgun inquiry—the Senate referred the provisions of this bill to the committee and required it to report back today. In fact, I think it was about 35 minutes ago, so I hope everyone has had a chance to peruse that report before contributing to this debate. Electronic media is central to modern social and economic life. We all acknowledge the importance of equitable access to electronic media services as a matter of social justice. The coalition supports this broad objective of the bill, though we believe that more practical changes could have been made. We have gone through those. One was the issue of timing: that with a caption program beginning before midnight and finishing the next day, the proportion of the program broadcast after midnight is taken to have been broadcast during designated viewing hours and thereby counted towards the broadcaster's target. Imagine how frustrating it would be for hearing-impaired sports fans if they were in the third quarter of a sports game.

The second amendment that the coalition attempted to move in the other place was the insertion for a general exemption for international pass-through channels such as CNN and BBC. There is quite a significant cost attached to captioning—\$750 per hour, which obviously increases for live broadcasts because of the level of skill required to make that happen. Our own public broadcaster, the ABC, mentioned the increased cost. The ABC submission to the committee said:

Extending captioning on ABC1 will cost the ABC as much as an estimated \$800,000 extra annually by 1 July 2014. The increased cost occurs not just as a result of increasing the percentage of hours captioned to 100 per cent. Costs will increase as a result of new requirements to caption each of the regional (state and territory) break out programs through which the ABC delivers coverage of local events (such as regional sporting competitions and other state based events).

As a Nationals senator, I would hate anything to affect that and the ability of hearing-impaired Australians who live in the regions to have the availability of local content. I hope the government allows additional funding for the ABC in order for them to deliver this great service to the hearing impaired throughout our nation. I look forward to that.

I also mention a submission from a hearing-impaired mother living in regional Victoria. Louise expressed some frustration at not being able to effectively share the viewing experience with her family and friends when captions are not provided, a point that particularly stood out for me as a senator with a particular interest in regional Australia. Louise felt further disadvantaged in her regional setting when she was unable to access deaf TV programs as shown in our capital cities.

I have only 2½ minutes, so I will go to the one issue within the legislation that goes particularly to matters in which I am interested. It goes to the requirement that pass-through channels be subject to captioning quotas. In the submission by ASTRA they made a pertinent point about the unintended consequences of this bill. According to division 3, section 130ZV, if a provider has over 18 general entertainment services, such as Foxtel, they are categorised as a category C provider. Foxtel's annual captioning target percentage

for their programs as of July 2012 is 15 per cent. But if you have less than 18 general entertainment services you are categorised as a category A. Such a provider might be a company called TransACT, which delivers services into regional Victoria—shows that we see that are shown by other subscription providers—and their quota is 40 per cent, despite the fact that both Foxtel and TransACT could be offering the same service. One has to provide a 40 per cent captioning service; the other one provides 15 per cent. I am sure it is an unintended consequence. It is one of those things that flows out from a one-size-fits-all policy, but I am sure my regional constituents would not like to see a reduction in regional content or competition in the subscription TV market due to an increased cost burden for one provider in the regional market over the other.

Finally, I touch on the matter of emergency warnings, one that Victorians are highly cognisant of after our Black Saturday event and recent floodings. We think that will be a great provision for us. Aside from the matters I have mentioned and those mentioned in the report, I welcome this work as it provides access to those in our community who are unable to participate fully in the digital world unless services like these are provided in our urban and rural communities.

The ACTING DEPUTY PRESIDENT (Senator Boyce): Order! The time allotted for consideration of this bill has expired. The question is that the bill be now read a second time.

Question agreed to.

Bill read a second time.