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Submission by email: mediaaccessreview@dbcde.gov.au

Submission made by the Australian Visual Software Distributors Association (AVSDA) to the review being conducted by the Department of Broadband, Communications and the Digital Economy (DBCDE) into 'access to electronic media for the hearing and vision impaired'

About AVSDA

The Australian Visual Software Distributors Association (AVSDA) was formed in 1983 to represent the interests of owners of copyright in, and distributors of, videos in Australia. The video market is now 99% using the DVD format. In 2007, AVSDA members moved over 95 million titles worth \$1.347 billion in wholesale sales. According to ABS data, the entire film and television production and distribution industry in Australia employs directly or indirectly over 50,000 people.

The Association speaks and acts on behalf of its members on issues that affect the industry as a whole such as censorship, film piracy, media access, technology challenges, free trade, copyright and enforcement.

AVSDA lobbies government stakeholders, responds to government enquiries by submissions, seeks amendments to legislation, and when appropriate works with other copyright industries to affect change. AVSDA also commissions industry research from time to time to gauge Australian consumer attitudes to our industry - an industry which is currently going through a period of constant change led by changes in technology.

AVSDA currently has 16 members who range from all the major international film distribution companies through to wholly-owned Australian companies such as Roadshow Entertainment, Madman Entertainment and Starz Home Entertainment.

AVSDA liaises closely with the Office of Film and Literature Classification to ensure a smooth working relationship between it and our members and to help resolve any issues that arise.

AVSDA is also proud to support the Starlight Children's Foundation.

More information can be found at www.avsda.com.au

AVSDA and the HREOC DVD Accessibility Roundtable

During 2007, the Human Rights and Equal Opportunity Commission (HREOC) convened a series of roundtable meetings bringing together the vision and hearing impaired sector, Media Access Australia and AVSDA. AVSDA was pleased to be able to take part in the roundtable meetings so that all parties could become more informed of the issues from a user/consumer's perspective as well as understanding some of the business and technical issues surrounding including accessibility features on DVDs.

We are pleased that following these roundtables, AVSDA agreed on the following:

- To develop artwork that would be adopted as an industry standard creating standard AD and CC logos and language on accessibility features on DVDs so they are easily identifiable and locatable on DVD covers;
- Communicate and make available this artwork to the entire industry, not just AVSDA members (AVSDA has written to the few Australian DVD distributors who are not members of AVSDA advising them of the art work and the initiative available for download from the AVSDA website);
- To develop and adopt an accessibility framework for DVDs; and
- For AVSDA to accept complaints and questions on accessibility and direct these to the relevant distributor (which is currently operational).

We have come a long way in 12 months and members such as AVSDA's Village Roadshow are taking leadership in increasing the amount of audio described titles made available.

AVSDA's Accessibility Framework for the Home Entertainment Film Industry

AVSDA is pleased that it has created with input and approval from HREOC its Accessibility Framework for the Home Entertainment Film Industry and the following text is available on the AVSDA website located at www.avsda.com.au.

Objectives of this Framework

The Australian Visual Software Distributors Association (AVSDA), as the association representing the home entertainment film industry in Australia, affirms its commitment to making available access features including English captioning (CC) and audio description (AD) on its products where possible.

The objectives of this Framework are to:

- Promote the availability of access features for deaf and blind people and those with a vision or hearing impairment on titles released in Australia; and
- Promote the use of clear and consistent labelling of DVDs that provide access features.

Industry constraints

AVSDA members are not always able to include certain access features for a number of reasons including:

- The DLT master is sourced from overseas without access features and cannot be changed for Australian distribution;
- English captioning or Audio Description does not exist; or
- The additional files containing English captioning or Audio Description cannot fit onto a DVD due to memory restrictions inherent in this technology.

However, AVSDA members are committed to increasing the amount of product available in Australia with access features and have already undertaken steps to educate, promote, accurately label and include features on Australian DVDs.

Principles

In seeking to meet its Objectives, AVSDA members will apply the following principles:

- Where an audio described version has been produced in another region and is made available for the Australian DLT and is technically and legally able to be included, members will release those DVD titles with audio description;
- Members will advocate with their suppliers of DLT masters that access features should be included on DLTs for the Australian market;
- Where an English captioned version has been produced in another region and is made available for the Australian DLT and is technically and legally able to be included members will release those DVD titles with English captions;
- If captioned for television broadcast is made available to the distributor in a file format that is compatible and at a reasonable price members will release DVDs of Australian television programs with English captions;
- If captioned for cinematic release and the captions are provided for the home entertainment distributor by the producer and the producer approves of the changes / additions members will release DVDs of Australian feature films with English captions;
- If audio described for cinematic release and the AD are provided for the home entertainment distributor by the producer and the producer approves of the changes / additions members will release DVDs of Australian feature films with audio description;
- Members will ensure that access terminology is consistent across AVSDA membership and thus the industry. Recommended terms are:
 - English captions; and
 - English audio description.
- Members will ensure that access logos are consistent with the internationally recognised logos for audio description and captioning. These logos have been adopted by AVSDA and circulated to all AVSDA members;
- Members will ensure that access feature placement is consistently located on DVD sleeves and that maximum colour contrast is considered in the design. A template with the logos has been sent to all AVSDA members; and
- Members will ensure that correct information about access features is provided on member websites.

In addition to promoting these Principles within its membership AVSDA will also:

- Liaise with non-AVSDA members and DVD information providers on the importance of correct accessibility feature information availability; and
- Encourage non-AVSDA members to adopt similar principles in relation to accessibility.

Complaints handling

access@avsda.com.au

AVSDA will update its website and make this Accessibility Framework for the Home Entertainment Film Industry available for viewing and download.

AVSDA will also respond to queries in relation to this Framework and respond on behalf of members to complaints about accessibility of specific DVD titles where access features were available overseas and not in Australia.

Current Home Entertainment CC and AD Statistics

As the review's discussion paper points out, 93 per cent of the top 25 DVDs sold in 2003-2006 had captions and six per cent were audio described whilst the growth segment of TV series on DVDs has 83% captioned.

Media Access Australia statistics also show that from 2002 through to 2007, there has been a 300% increase in the number of titles with audio description made available in Australia, admittedly from a low base.

Due to the HREOC roundtable and the efforts and investment by some AVSDA member distributors, the number of audio described discs should continue to trend upwards. The latest Media Access Australia Report (issue 6, autumn 2008) says that in its latest bi-monthly research 9 per cent of titles studied had audio description and the 'gap' between Region 4 and other regions has dropped: *"The gap between audio described DVD titles has lessened and the overall number has risen"* (page 9).

The reason for this rise, the reports states is due to the efforts of AVSDA members which is a direct result of the education and awareness achieved through the AVSDA / HREOC roundtables. AVSDA looks forward to more titles to be offered to Australian consumers with audio description included.

The same report also looks at the technology of high definition BluRay discs. *"Blu-ray titles continue to perform well with regards to captioning. Of the 135 titles researched to date, 100% are captioned"*. The report also showed that BluRay discs surveyed had 8 per cent of titles containing audio description.

These industry figures show that the industry is a leader in making its content available to people with vision or hearing impairments and will continue to work to facilitate greater adoption.

DBCDE Reviews and Communications

Thank you for this opportunity to comment on this review by way of this submission. In addition, this review provides AVSDA with the opportunity to pass comment on the way the Department conducts reviews and engages with industry more generally. When an industry or policy review is conducted and impacts on a major section of the sector one would have hoped the Department would reach out and inform the effected industry in a proactive manner.

AVSDA became aware of this current review on media accessibility by way of a paid media release subscription service which delivered the Minister's media release announcing the review via email. Without this service, AVSDA would not have been informed by the Department by way of email, phone call or letter of the review's existence or nature.

This follows the Department's approach to handling the legislation and policy implementation around the restricted access system (RAS) and the age content verification device that occurred under the former Government. Again in this policy review AVSDA's view was not sought as part of industry consultations and feedback. Indeed the industry consultations were very narrow; the poor drafting of the original legislation and its unintended consequences could have been addressed and better handled if the Department engaged more widely with industry at the outset. I can only compare the DBCDE and its predecessor with your colleagues in other departments who are able to inform and embrace industry around policy reviews and implementation.

Conclusion

AVSDA is conscious that this review began in 2007 under the former Howard Government. A lot has happened in the home entertainment DVD sector of the industry since that time and the AVSDA / HREOC roundtable is testament to that.

AVSDA has committed to making accessibility a priority issue for the Association and will continue to work through related issues. New technology and innovation in the way movies and TV shows are delivered to consumers over digital platforms will continue to challenge and I hope offer new solutions to the vision and hearing impaired. An example of which is a current technology restriction hindering wider adoption of captions and audio description on titles made overseas for local distribution is the limited disc space on standard definition DVDs. HD (BluRay) DVDs may offer increased scope for including more features.

It must also be remembered that many of the major film titles are produced overseas and local companies acquire the Australian distribution rights and simply deliver (ie distribute to retailers) a product of which they have no control of the content and features. Where input can be given to the source to include certain features, AVSDA members are working with the studios and content owners to include the access features and some positive progress is being made.

We appreciate the opportunity to make this submission and should you have any questions, Simon Bush, CEO of AVSDA can be contacted at either phone 0417 642 200 or email Simon.Bush@avsda.com.au.

ENDS.

Cc: Ms Sophie Mitchell, Adviser, Office of Senator the Hon. Stephen Conroy