



**Submission by
Free TV Australia Limited**

Department of Broadband,
Communications and the Digital Economy

Access to Electronic Media for the Hearing
and Vision Impaired – Approaches for
consideration

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1 Executive Summary

- Free to air commercial television broadcasters have demonstrated their good faith commitment to improving the level and quality of television captioning.
- Broadcasters have recently committed to future targets for free to air commercial television captioning and are building towards 85% of 6am to midnight programming.
- Given the financial and operational implications of captioning, there is a strong need for a clear future regulatory framework regarding television captioning and Free TV welcomes the approaches for consideration in the Discussion Report.
- Free TV supports amendments to the *Broadcasting Services Act 1992* (BSA) which reflect the terms and requirements in place under the existing temporary exemption. Free TV supports prescribing an amended BSA under the *Disability Discrimination Act 1992* in order to provide regulatory certainty.
- Free TV is willing to consult with Government on future levels of captioning of 6.00am to midnight programming on the primary channel, in the lead-up to digital television switchover in 2013.
- However there must be recognition of the technical and operational issues which arise as captioning reaches very high levels and a 'strict liability' approach to regulation will be impracticable.
- The current approach to captioning on multi-channels should continue. The more appropriate time to consider the future of captioning on multi-channels is closer to final analogue switch-off, when these services will be more firmly established.
- Urgent legislative amendments are required to ensure that the existing regulatory framework for captioning on multi-channels does not start to expire with analogue switch-off in Mildura in June this year.
- Free TV does not support the introduction of minimum requirements for audio-describing of television content.
- Free TV submits that television content made available on-line should not be treated differently than other audio-visual content delivered on-line.
- Free TV submits that further regulation of emergency warning broadcasts is not necessary but would welcome further discussions with government and stakeholders regarding the accessibility of these broadcasts.

2 Introduction

Free TV Australia is the peak industry body representing all of Australia's commercial free to air television licensees.

Free TV welcomes the opportunity to comment on the Department of Broadband, Communications and the Digital Economy (DBCDE) Discussion Report *Access to Electronic Media for the Hearing and Vision Impaired – Approaches For Consideration*.

Free to air broadcasters recognise that captioning is a much-valued service within the deaf and hearing-impaired community. Broadcasters have demonstrated their good faith in comfortably meeting the requirements of the previous HREOC exemption to reach a minimum of 70% captioning of programming from 6.00am till midnight by 2007.

Broadcasters have also committed to further significant increases in captioning levels and have undertaken extensive consultations with peak deaf groups on various issues relating to television captioning. Free to air broadcasters have recently committed to further staged increases in captioning to reach 85% of programming by the end of 2011 and have met the requirement to achieve a minimum average of 75% of 6am to midnight programming for the period ending 31 December 2009.

In meeting these captioning targets, broadcasters deliver a significant and valued service to the deaf and hearing impaired community and have committed millions of dollars each year in direct expenditure.

Further requirements are also set down by the Commercial Television Industry Code of Practice with regards to the publication of captioning in program guides and promotions, monitoring of transmissions, communication with hearing-impaired viewers regarding any technical issues preventing the transmission of captions and the accessibility of emergency, disaster or safety announcements.

As noted in Free TV's previous submissions on these issues, captioning is just one of a wide range of public service outcomes that broadcasters are required to comply with and fund.

Broadcasters must also meet a range of statutory obligations including providing adequate and comprehensive coverage, meeting minimum quotas of Australian content including sub-quotas applying to adult drama, children's programming and documentaries, and meeting local content requirements that apply to regional broadcasters. Broadcasters are also subject to other requirements concerning the content of programming delivered to children, restrictions on the types of programs that can be shown at certain times of the day, and limits on amounts and types of advertising and many others.

Since the Government's 2008 *Access to Electronic Media for the Hearing and Vision Impaired* Discussion Paper, free to air television broadcasters have committed to significant additional captioning levels and have undertaken a series of productive consultations with peak deafness organisations. As noted above, the current temporary exemption provides for further staged increases in captioning to reach 85% of programming by the end of 2011.

However, the need for long-term regulatory certainty remains and broadcasters therefore welcome the release of the Discussion Report and the proposals to centralise captioning regulation within the broadcasting legislative framework.

We would welcome further discussion with the Government and stakeholders regarding future captioning levels further to the 85% target set for 2011. Free TV broadcasters require urgent legislative amendments to ensure that the existing regulatory framework for captioning on multi-channels does not start to expire with analogue switch-off in Mildura in June this year.

Free TV provided a substantial amount of background information regarding television captioning in its submission to the Government's 2008 Discussion Paper. Whilst this information remains important context for policy development in this area, this submission focuses on the 'approaches for consideration' put forward in the current Discussion Report:

- Regulatory certainty, including future captioning levels;
- A trial of audio-descriptions;
- Multi-channel captioning;
- Captioning quality;
- Captioning of online content; and
- Accessibility of emergency warnings

3 Comment on Approaches for Consideration

3.1 Achieving regulatory certainty

Free TV welcomes the proposal in the Discussion Report for achieving regulatory certainty regarding captioning on free to air television. The financial and operational implications of captioning requirements have meant that the current regulatory uncertainty has been of significant concern for broadcasters.

We welcome, in-principle, the proposal to prescribe relevant parts of the BSA under DDA, on the assumption this will provide for the primacy of the BSA to the exclusion of the DDA with regards to television captioning. The potential for Government decisions regarding captioning to be overridden by the DDA complaints process must be removed.

Free TV would expect that there would be consultation and an opportunity to comment on draft legislation to implement this approach.

3.2 Future captioning levels

Whilst the Discussion Report includes proposals for the means of providing regulatory certainty, there is no discussion of possible regulatory settings or future captioning targets.

To this end, commercial free to air broadcasters support amendments to the BSA which reflect the staged captioning increases set down in the current AHRC temporary exemption for free to air television broadcasting. If this approach were adopted, the full range of terms and conditions set down in the exemption should be carried over into the BSA.

The existing AHRC temporary exemption provides for 5% annual increases in captioning up until the end of 2011, by which time, broadcasters will be required to caption at least 85% of 6am to midnight programming.

Free TV broadcasters would welcome the opportunity to work with Government and key stakeholders regarding future captioning levels beyond 2011.

The high levels of captioning already provided mean that to deliver further increases in captioning levels, broadcasters will need to consider programs that are particularly difficult or costly to caption. This will represent a significant commitment of resources for broadcasters.

It is an established principle of broadcasting regulatory policy that regulatory requirements must balance public interest considerations with their financial and administrative burden on broadcasters.

3.2.1 Implications of moving towards 100% 6am to midnight captioning

Broadcasters are aware of proposals for continued annual 5% increases towards 100% of 6am to midnight programming. Given the significant financial and operational implications of such an outcome, broadcasters would expect open consultation on any specific policy proposals being considered by Government.

There are a number of operational and technical issues which need to be considered in any discussion of future captioning levels. It is important to recognise that these issues arise from the dynamic and fast-paced nature of the commercial broadcasting environment and cannot simply be resolved through the allocation of additional resources or funding.

As previously noted by Free TV, given the already high levels of free to air television captioning, each additional 5% captioning requirement means that the more difficult to caption programs must be considered. This means that the impact of captioning additional programs is exponential, rather than linear, when compared to the marginal gains in captioning levels.

It becomes necessary to target late-arriving and difficult to caption programs, which can often mean a greater reliance on live captioning. For broadcasters and caption-viewers alike, live captioning is not preferred, due to the greater cost and the unavoidable trade-offs in quality.

There are an increasing number of programs which broadcasters receive very close to the time of broadcast, limiting greatly the capacity to provide off-line captions. A program can not always be sent directly to a caption service provider once it is received by broadcasters. There are a number of intervening steps which must be undertaken before it is ready for captioning.

For example, a program may need to be edited to fit a particular timeslot or to provide for program breaks. Some programs may also need to be edited to comply with classification or other Code of Practice requirements prior to broadcast. To ensure the captions match the program which goes to air, all these steps must be completed before a copy can be sent to a caption service provider. This process can take some hours. Whilst an advance copy may be able to be provided in some circumstances to allow for some preparation, this will only provide a limited time saving.

Hence, whilst a program may be received in the morning for broadcast in the evening, the program may not be ready for captioning until later in the day. With offline captioning requiring up to 6 hours for every hour of programming, there is often simply not enough time to provide offline captions.

For overseas programs, during certain parts of the US television ratings season, programs will arrive on the same day they are intended to be broadcast. US television networks and productions studios are also becoming increasingly wary of piracy and in an attempt to prevent illegal online distribution have held back programs for as long as possible prior to broadcast in overseas markets. Broadcasters have been contractually prevented from obtaining advance copies of the programs prior to their broadcast in the US.

These considerations apply not just to 'fast-tracked' overseas programming, but also increasingly to locally produced programs. Increasingly, locally produced programs (such as *Sunday Night*, *The White Room*, *Good News Week*, *Biggest Loser*, *Masterchef*) are being delivered as late as one or two days before broadcast as there is an increasing tendency in the local market towards fresher, more dynamic, up to the minute programming. There are also long-standing audience preferences for live content for particular genres, such as news and sport. Some pre-recorded evening news programs, such as *Sunday Night* are not received by the broadcaster until late in the afternoon of the day of broadcast. This has the effect of forcing broadcasters to use live captioning.

It is important to note that broadcasters are dealing with the implications of these lead-time and operational issues in a number of areas. For example, broadcasters are also experiencing time pressures in preparing classification and consumer advice information.

These operational and logistical pressures cannot simply be overcome by the allocation of additional resources to captioning.

Broadcasters are aware of new technologies, such as voice recognition captioning, being put forward as potential solutions to the difficulties involved in achieving very high levels of captioning. However, it is important to understand that there are limitations involved and that these technologies are some way from being suitable for widespread adoption.

For example, voice-recognition captioning does not simply involve a program's dialogue being entered into a computer for translation into captions. Because a computer can not distinguish between voices and other soundtrack noises, this method involves a trained operator re-voicing a program in its entirety, for entry into a computer. Voice-stenographers require specific training to operate the software and build a vocabulary that can be understood by the computer. In some ways the process can be more intricate than offline captioning.

This method can also be more resource intensive. There is a natural limit of about 20 minutes in which a voice stenographer can work before their voice becomes tired and the computer can no longer recognise it. This compares with a typical 40 minutes shift for a text stenographer.

Whilst a broader range of people can be trained as voice stenographers, the number of available, trained staff is still very low. There are also similar quality implications as apply with other live captioning methods.

All these factors will determine the impact of increasing captioning quotas and broadcasters expect there will be open and collaborative consultation regarding any proposals for future captioning levels beyond the existing AHRC commitments.

3.2.2 *Strict liability captioning requirements*

In its first submission to the Media Access Review, Free TV raised concerns regarding amendments to the BSA which removed the requirement for captioning obligations to be met “to the extent practicable”.

This qualification was an important recognition of the fact that a strict liability in relation to captioning requirements is not feasible in all circumstances, due to the difficulties of providing captions for particular programming genres, particularly live programming or for unforeseen technical faults.

The justification for the removal of the “as far as practicable” phrasing remains unclear. As government considers the regulatory arrangements for future increases in captioning, the need to restore this phrasing becomes pressing.

In its submission to the 2008 Media Access Review, Free TV outlined some of the difficulties of providing seamless captioning in sport programming and visually centred programming.

It is also important that provision is made for unforeseeable technical or operational difficulties that arise from time to time with the transmission of captions. A strict liability requirement to achieve 100% (or close to that level) captioning allows no accommodation of technical or equipment failures. Broadcasting transmission systems are not perfect and from time to time technical failures occur. In most cases, these can be fixed relatively quickly. However, for inadvertent technical failure to result in regulatory non-compliance would be overly burdensome and unwarranted.

Whilst broadcasters maintain a very high quality of service, no system can guarantee 100% performance of the sound and vision components of a transmission system at all times. Achieving 100% of captioning at all times has a further degree of difficulty given captioning is a manual process that incorporates the risk of human error.

When a problem occurs with captioning in a program and a fix is applied, it is commonly necessary to reset the transmission equipment. As this would also interrupt the audio and video stream, broadcasters will typically wait until a program break. This would presumably affect a broadcaster’s ability to reach 100% compliance.

These issues are of particular concern to regional broadcasters. With multiple local broadcast centres, and longer offset times for repairs and/or delivery of replacement equipment to distant locations, regional broadcasters are disproportionately affected by strict liability requirements.

Such difficulties should not automatically result in a breach of a commercial broadcasting licence condition regardless of the circumstances.

The reinstatement of the “as far as practicable” provision, or a similar provision, will be a crucial issue for broadcasters when considering increases in captioning levels.

3.3 Audio description

The Discussion Report indicates the Government is considering conducting a technical trial of audio description on the ABC before digital switchover.

As noted in the Discussion Report, Free TV does not support the introduction minimum requirements for audio-describing of television content.

However, if a trial is to proceed, given the outcomes of any trial are likely to inform future policy and regulatory discussions, Free TV submits that the terms and results of the trial should be made public. Broadcasters use a range of transmission systems and as such, the implications of carrying audio-descriptions is likely to vary for each broadcaster

3.3.1 Technical issues

There are a number of important technical issues which need to be addressed in any trial of audio descriptions in the Australian terrestrial television broadcasting environment.

Of note is that the current digital receiver and transmission standards (AS 4599 and AS 4933) do not make provision for the transmission or reception of audio-description services. Hence, leaving aside the technical impediments to the transmission of audio-description services, it is likely that a significant proportion of the population would not be able to receive these services without investing in additional equipment, if available. The conduct of a trial would likely require the purchase and distribution of specialised equipment, if it was available from manufacturers.

It is likely that any trial will reveal that existing transmission and play-out systems would need to be redesigned to carry the additional audio channels and 'ducking signals' (required to reduce the volume of the underlying soundtrack to allow the audio-description to be audible) required to deliver audio-descriptions. The use of an additional audio channel would also create extra spectrum demands and, given that broadcasters are currently utilising all available capacity within their allocations would result in a trade-off decision elsewhere in the broadcast stream (for example, in Dolby audio quality or picture quality).

3.3.2 Other issues

The approach proposed in the Discussion Report (conduct of a trial) is clearly aimed at scoping and overcoming the existing technical impediments associated audio-descriptions in the Australian television environment.

Whilst the technical considerations which would affect the transmission of audio-descriptions are important issues, Free TV believes the more fundamental issue is the substantive difference between audio-descriptions, which require the creation of new content, and captions, which merely translate existing content into written form.

Free TV raised these factors in its submission to the 2008 consultation paper and we maintain our view that whilst both captioning and audio-descriptions are services that seek to improve access to electronic media for people with a sensory disability, these services raise quite distinct issues for television broadcasters, regulators and users.

3.4 Multi-channel television captioning

The Discussion Report notes that a separate review is being conducted into content and captioning rules as they apply to multi-channels. Please refer to the discussion of captioning obligations for digital multi-channels put forward in Free TV Australia's submission to the consultation on *Content and access: The future of program standards and captioning requirements on digital television multi-channels*

Free TV acknowledges the deaf and hearing impaired community's desire to see captioning expand on the multi-channels. However, as addressed in detail in Free TV's submission to the multi-channel review, the significant impact that increased captioning obligations would have for these emerging services must also be considered.

Free TV supports the approach put forward in the Discussion Report whereby a review of captioning on free to air multi-channels would take place in 2013. Free TV notes that it is a requirement for free to air broadcasters to consult with representatives of the deaf and hearing impaired community on multi-channel captioning prior to the expiry of the current AHRC exemption in 2011.

Given the need to allow multi-channels to mature and establish long-term viability, these reviews and consultations would appear to be appropriately timed.

However, Free TV wishes to emphasise that legislative amendments are urgently required to ensure that the existing exemptions continue to apply as switchover progresses.

3.5 Caption quality

The Government's Discussion Report considers the issue of captioning quality and notes the development of voluntary quality guidelines.

Broadcasters take very seriously the need to ensure the quality and accuracy of television captions is adequate to meet the needs of deaf and hearing impaired viewers. Broadcasters have no desire to see poor quality captions delivered to their audiences; their incentive is to make programming as accessible as possible to the widest possible audience. For broadcasters, the expectation is that caption service providers will deliver on their contractual obligations, which have been carefully negotiated and which represent a substantial financial commitment by broadcasters.

Free TV Australia, in conjunction with the ABC and SBS have worked collaboratively with peak deafness organisations to identify and address key factors affecting captioning quality.

A significant amount of progress has been made on these issues over the last six to twelve months. Broadcasters have demonstrated their good faith commitment through the coordination of a series of face to face consultations and through the development and implementation of a range of proposals intended to improve captioning quality.

A full report on these consultations was provided to the Australian Human Rights Commission and is available on its website.¹ A copy of that report is at Attachment A.

3.5.1 Television captioning quality guidelines

The Discussion paper includes a proposal that the Government will facilitate the finalisation of existing draft voluntary quality guidelines or the development of a code of practice for television before digital switchover.

Significant progress has been made towards finalising the Television Captioning Guidelines, and we are hopeful the guidelines will be implemented in the near future. We are optimistic that the implementation of the guidelines, together with the substantive actions outlined above, will result in a tangible improvement in both the quality of captions and the feedback mechanisms available to users of captions.

Broadcasters are hopeful that the bilateral discussions to date between the industry and deaf organisations will be able to resolve outstanding issues in a timely fashion.

Recognising their importance, broadcasters had aimed to finalise the guidelines in 2009. Broadcasters are currently awaiting feedback from the deaf groups on a proposed final set of guidelines. Broadcasters will continue to work with the deaf groups to agree and finalise the guidelines.

As such, Free TV does not consider a code of practice is necessary. Moreover, as discussed above, it is important to note that increases in captioning levels are likely to result in an increased resort to live captioning methods as broadcasters target more and more 'late arriving' and live programming, in order to meet captioning quotas. This will have an inevitable effect on quality, and it is vital that these practical and operational factors are acknowledged in any policy advice and/or decisions arising from the Discussion Report.

Although Free TV's members are committed to the delivery of the highest quality captioning service, a rigid or inflexible quality standard is not the best means to address quality issues surrounding captioning. Captioning, by its nature, requires a great deal of skill and judgement and cannot be governed by a set of absolute rules. Formal requirements specifying particular visual outcomes may not offer sufficient flexibility to deliver the best outcome for viewers.

Strict rules would frequently require compromise, in a live captioning environment in particular, in order to meet opposing objectives. For example, it is often not possible to achieve synchronicity between captioning and the relevant vision, while at the same time ensuring that captions are as close as possible to the original wording, ensuring viewers have the time to absorb the captions contents and keeping captions to only one or two lines. In these circumstances, the best outcome for viewers is often provided by allowing the captioner to exercise discretion and judgment, particularly in the live captioning environment.

In particular, the viewer's desire to receive as much information as possible needs to be balanced against the practical constraints of how quickly captions can be read

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[http://www.hreoc.gov.au/disability_rights/exemptions/tvcap/Final%20Report%20to%20AHRC%20on%20quality%20consultations%20\(for%20publication\)%20rev.doc](http://www.hreoc.gov.au/disability_rights/exemptions/tvcap/Final%20Report%20to%20AHRC%20on%20quality%20consultations%20(for%20publication)%20rev.doc)

and how much visual information can appropriately be displayed on the screen at any one time.

The adoption of such standards could unintentionally give deaf and hearing impaired viewers unrealistic expectations about what is actually achievable, resulting in a higher level of dissatisfaction regarding the quality of captioning.

Nevertheless, Free TV has worked cooperatively with deaf groups to understand and address quality considerations in the presentation of captions.

3.6 Internet accessibility

Any government policy relating to captioning of online content should be agnostic as to its source. Content provided/hosted by broadcasters should not be treated more onerously than any other online content.

For technical and contractual reasons networks are not able to simply “re-use” the captioning files from broadcast content. In most cases, the program will need to be re-captioned prior to uploading in an on-line format. The re-captioning will inevitably result in delays for content going on line. This has implications for the networks as copyright owners who will want to put content on line as soon as possible to reduce the risk of piracy.

There are also significant cost implications which will arise from the need to host two versions of the program – one with captions, one without.

3.7 Captioning of advertising content and emergency broadcasts

The Discussion Report notes the Government is considering mandating captioning or subtitling of all pre-produced emergency, disaster or safety announcements and introducing a voiceover requirement for essential information such as contact numbers.

Free TV broadcasters take very seriously the need to ensure that essential information is accessible to as many people as possible. The Free TV Code of Practice requires that when broadcasting emergency, disaster or safety announcements, broadcasters must provide essential information visually, whenever practicable. This should include relevant contact numbers for further information.

Free to air broadcasters have also developed and adopted the Audio Captioning Guidelines, designed to provide consistency of access to certain categories of on-screen textual information for the blind and vision impaired community.

Broadcasters follow these Guidelines and they are distributed to external producers. These Guidelines provide guidance for broadcasters to ensure that as much on-screen textual information as is feasible is replicated orally so that television is accessible to people who have a visual disability.

The Guidelines cover:

- Emergency announcements
- News flashes
- Competition entry details
- Lotto results
- Sports results

As a result of the Code requirements and the Audio Captioning Guidelines, broadcasters are confident that essential information is being made as accessible as possible to deaf and hearing impaired, and blind and vision impaired viewers.

Hence, the rationale for the Discussion Report's proposal is not clear. It is also not clear what category of warnings is intended to be covered by any requirement that all 'pre-produced' emergency, disaster or safety announcements be captioned or subtitled. Free TV submits that a requirement couched in these terms may lead to confusion and/or delay in getting important information to air.

For example, in response to a cyclone situation in Queensland in early February the Seven Queensland newsroom in Maroochydore prepared and recorded a warning which was then fed to the Melbourne playout and distribution centre in the next commercial break.

In a strict sense, this emergency warning was 'pre-produced'. A requirement to caption this would have resulted in a delay in that important information getting to air. This is despite the warning carrying all essential information in visual form (by way of text on-screen)

Hence, it may be difficult to formulate a definition of 'pre-produced' which does not inadvertently capture, and therefore delay, critical information.

Free TV submits the Government may wish to consider a consolidated requirement that all emergency announcements, regardless of how or when they are produced, should contain all pertinent details in both a visual and audible format. This would reflect current industry regulation and best-practice and would prevent unnecessary delays in the dissemination of essential information.

ATTACHMENT A**FREE TO AIR TELEVISION BROADCASTERS****REPORT OF CONSULTATIONS ON PROPOSALS TO ADDRESS THE
ACCURACY OF CAPTIONS****JUNE 2009**Introduction

This report is provided on behalf of Free TV Australia (representing all of Australia's commercial free to air television broadcasters), the ABC and SBS ('the Broadcasters'). The Broadcasters are parties to temporary exemptions from the *Disability Discrimination Act 1992* granted by the Australian Human Rights Commission (Free to Air Television Captioning (No. 3) of 13 October 2008 and Regional Television Captioning of 12 May 2009).

Broadcasters welcomed the formal framework provided by the exemptions for important consultation between broadcasters and the deaf and hearing impaired community on a range of matters. The first issue to be addressed under this framework was 'accuracy of captioning', with the exemption requiring that:

By 30 June 2009 the Broadcasters are to report to the Commission on the results of consultation with deafness organisations including Deaf Australia and the Deafness Forum of Australia, on proposals to address issues regarding accuracy of captioning

Broadcasters take very seriously the need to ensure the quality and accuracy of television captions is adequate to meet the needs of deaf and hearing impaired viewers.

Whilst the terms of the exemptions refer to the 'accuracy' of captions, following feedback from the Deafness Forum, the focus of the consultations undertaken to date has been on the broader issue of the 'quality' of captions.

Whilst the accuracy of captions is a crucial issue, it is just one factor impacting on the useability and accessibility of captions. The 'quality' of captions also depends on a range of other factors such as speed, placement and font type, as well as other matters such as the mechanisms for feedback to broadcasters and broadcasters' relationships with their caption service providers. Broadcasters and deafness organisations have subsequently chosen to refer to 'captioning quality' as the subject of consultations, as it is felt that this approach better reflects the key issues of concern to caption-users.

First consultation meeting

Following the Commission's October decision, the Broadcasters wrote to Ms Karen Lloyd AM, Executive Officer, Deaf Australia, Ms Nicole Lawder, Chief Executive Officer, Deafness Forum of Australia and Mr Alex Varley, Chief Executive, Media Access Australia ('deafness organisations').

Broadcasters invited the deafness organisations to participate in a meeting to discuss recent issues of concern regarding captioning quality. It was also hoped that the meeting would provide an opportunity to revive discussions on the television captioning guidelines.

This meeting was held on 13 March 2009. In attendance at the meeting were:

Karen Lloyd	Executive Officer, Deaf Australia
Nicole Lawder	Chief Executive Officer, Deafness Forum of Australia
Alex Varley	Chief Executive, Media Access Australia
Chris Mikul	Media Access Australia
Holly Brimble	Director of Legal and Broadcasting Policy, Free TV
Nick O'Donnell	Solicitor, Regulatory and Business Affairs, Seven Network
Paul Richardson	BCM Presentation, Seven Network
Scott Briggs	Regulatory Affairs Manager, PBL Media Pty Ltd
Ian Wilson	Manager, Regulatory Affairs, Network Ten
Owen Torpy	Manager, Government Relations, SBS
Winnie Lai	Manager, Subtitling, SBS
Glenn Mason	Subtitling & Program Preparation Business Manager, SBS

The ABC's representative on captioning issues was unable to attend the meeting due to illness, however the ABC have subsequently fully supported and endorsed the outcomes of that meeting (further detail on the outcomes of the meeting is provided below).

The meeting was characterised by an open discussion of key issues and constructive and positive contributions from all parties.

At the meeting, the Broadcasters outlined their strong commitment to captioning quality. Broadcasters have no desire to see poor quality captions delivered to their audiences; their incentive is to make programming as accessible as possible to the widest possible audience. For broadcasters, the expectation is that caption service providers will deliver on their contractual obligations, which have been carefully negotiated and which represent a substantial financial commitment by broadcasters. Broadcasters emphasised their willingness to enforce the terms of contracts to ensure appropriate quality captions are delivered to audiences.

The meeting provided an opportunity for broadcasters to hear first-hand from deafness organisations some examples of issues of concern. The issues raised at this first meeting included:

- Broadcasters' processes for receiving and responding to viewer feedback regarding captioning quality (including the accessibility of the process, the timeliness of responses and the advice given by network reception staff);
- Broadcasters' processes for monitoring the play-out and transmission of captions;
- Time lag issues, including the delay between the resolution of technical problems and the recommencement of captions and the speed of 'catch-up' captions;
- Accuracy of live-transcribed captions; and
- 'Hanging' or intermittent captions.

The meeting also provided an opportunity for the deafness organisations to hear first-hand from broadcasters regarding the technical process, organisational procedures and contractual arrangements which can affect captioning quality and how quality issues are dealt with by broadcasters.

Discussion at the first meeting canvassed:

- Procedures for the monitoring of caption delivery at the broadcasters' end (including at both the play-out and transmission stages of broadcast);
- The procedures used and materials available to network reception staff when dealing with calls about captioning quality;
- The kinds of information callers can provide to assist broadcasters in addressing captioning quality issues;
- The procedures for the internal referral of callers' feedback within networks and the timeframes for dealing with technical issues;
- The procedures for the receipt of formal complaints and the timeframes for a broadcaster's response;
- The nature of the relationship between broadcasters and captioning service providers; and
- The kinds of problems experienced by caption-users which are likely to be caused by poor quality or improperly functioning digital reception equipment (set-top boxes).

At the meeting it became clear that the factors affecting the quality of captions could be grouped into three main categories:

1. Service provider-side issues – factors within the control of caption service providers, such as quality of service and responsiveness to feedback
2. Broadcaster-side issues – factors within the control of broadcasters, such as technical (play-out, transmission) issues, receipt and handling of feedback, responsiveness to callers
3. Consumer-side issues – issues arising from the quality of consumer reception equipment.

As well as scoping the factors affecting captioning quality, the Broadcasters and deafness organisations were able to discuss proposals to address these issues. Based on these discussions, broadcasters subsequently developed a list of proposals designed to address the issues of concern raised at the meeting (refer to [Attachment A](#)). This list was circulated to the deafness organisations on 5 May 2009.

In summary, the proposals included:

- Broadcasters to prepare a list of trouble-shooting questions for use by reception staff in dealing with calls regarding captions;
- Broadcasters to check existing procedures to ensure appropriate arrangements are in place for referral of captioning faults after hours;
- Broadcasters and Media Access Australia to consult on a standard captioning complaint form;
- Free TV to consult with Media Access Australia on the quality of captions transmitted by regional commercial free to air television broadcasters;

- Broadcasters to formalise regular, periodic consultations with caption service providers regarding the quality and accuracy of captions;
- Broadcasters to contact the Australian Communications and Media Authority (ACMA) to support regulatory action to mandate minimum technical standards for consumer reception equipment; and
- The deafness organisations to consider writing to Choice to suggest testing of digital television reception equipment, with particular regard to the presentation of captions.

These proposals were developed in direct response to the key issues of concern raised by the deafness organisations and address the factors identified as affecting quality at the broadcaster's end, the service provider's end and the consumer's end. Timeframes were set down for the completion of the proposed actions and broadcasters commenced action to implement them immediately.

Second consultation meeting

A second consultation meeting was organised for 11 June 2009 and was intended to report on the progress made in implementing the actions agreed at the first consultation meeting. This was also the first opportunity for regional broadcasters to engage in these discussions since the Commission's decision to grant an exemption on 12 May 2009.

In attendance at the meeting were:

Karen Lloyd	Executive Officer, Deaf Australia
Nicole Lawder	Chief Executive Officer, Deafness Forum of Australia
Alex Varley	Chief Executive, Media Access Australia
Chris Mikul	Media Access Australia
Holly Brimble	Director of Legal and Broadcasting Policy, Free TV Australia
Paul Richardson	BCM Presentation, Seven Network
Scott Briggs	Regulatory Affairs Manager, PBL Media Pty Ltd
Ian Wilson	Manager, Regulatory Affairs, Network Ten
Therese Iverach	Policy Researcher, SBS
Winnie Lai	Manager, Subtitling, SBS
Kylie Burke	Manager, Editorial Policy, ABC
Geoff Cousins	Captioning and Compliance Co-ordinator, ABC
Shirley Brown	Manager Network and Regulatory Affairs, WIN Television
Alan Butorac	General Manager News and Regulatory Affairs, Prime Television
Greg Dodgson	Chief Operating Officer, Television, Macquarie Southern Cross Media Television

Broadcasters were able to provide a very positive report on progress in implementing the proposed actions since the previous meeting:

- Trouble-shooting questions:
 - A list of trouble-shooting questions developed by Media Access Australia for dealing with calls regarding captioning quality had been circulated to all broadcasters.
 - All broadcasters had responded positively to the questionnaire and agreed to incorporate it into their reception staff's materials for use when dealing with captioning calls, where circumstances permit.
- After-hours calls:
 - The Broadcasters confirmed they have checked existing procedures for the receipt of captioning calls after hours to ensure appropriate procedures are in place for the referral of feedback to relevant technical staff.
- Standard complaints form:
 - The Broadcasters noted their support for the online captioning complaint form developed by Media Access Australia.
 - Broadcasters supported it being used as a standard complaints form and will take action to make it available to people wishing to make a complaint (for example, the Seven Network will explore placing a link to the form from their website and the Nine Network has been referring callers to the form for some time).
 - Importantly, when completed in full the form captures all the relevant information broadcasters require to respond substantively to formal complaints.
- Captioning on regional television:
 - Free TV reported on contact made with Media Access Australia to discuss captioning quality issues specific to regional broadcasters (this issue is dealt with in more detail below).
- Feedback to service-providers:
 - Broadcasters reported on actions taken to ensure procedures are in place for regular feedback with caption service providers, so that feedback from viewers is passed on in a timely manner.
 - A number of broadcasters already have regular scheduled meetings with their service providers and have undertaken to include discussion of viewer feedback and quality issues at those meetings.
 - In addition, a number of broadcasters are now requesting reports from service providers on the accuracy of captions for random examples of live-captioned programs, to allow regular monitoring of service standards.
 - It was noted that these issues do not apply to regional broadcasters who use a technological solution to captioning, rather than service providers.
- Adequacy of digital set-top boxes:
 - On 29 May 2009 the Broadcasters wrote to the ACMA Chairman, Mr Chris Chapman highlighting the impact on deaf and hearing

impaired viewers of the poor performance of digital set-top boxes in the display of captions.

- In the letter, the Broadcasters requested ACMA consider using its standard making powers to mandate the Australian DVB-T receiver standard (AS4933).
- A copy of the letter was provided to the deafness organisations.
- Ms Lawder noted the Deafness Forum of Australia had written in similar terms to the ACMA and had also written to Choice requesting they consider the performance of set-top boxes in relation to the display of captions.

As noted above, the meeting provided an opportunity to engage on captioning quality issues specific to regional television broadcasters. Whilst the majority of programming on regional television is derived from content affiliation agreements with metropolitan broadcasters, regional broadcasters are subject to regulatory requirements for minimum levels of local news and other local programming. Hence some in-house captioning of news programs is undertaken.

Regional broadcasters outlined the methods used for captioning of news programs and there was constructive engagement on the potential quality issues arising from these methods. For example, Macquarie Southern Cross Media identified an issue regarding the speed with which captions are spooled and noted that action is being undertaken to address this immediately.

Whilst the regional broadcasters were not present at the first consultation meeting, they reported their full endorsement of the applicable proposals and actions agreed to by the group at the first meeting. Regional broadcasters also undertook to liaise further with Media Access Australia to establish contacts to facilitate the regular flow of feedback from deaf and hearing-impaired viewers.

The meeting also allowed further discussion of issues raised at the first meeting, such as:

- Broadcasters' (particularly regional broadcasters') arrangements for monitoring the play-out and transmission of captions; and
- Broadcasters' contractual and operational relationships with service providers.

Some additional quality issues were also raised and addressed at the meeting, such as the factors which determine whether pre-prepared or live-transcribed captions will be used and the response times on specific complaints.

There was substantial discussion on the draft Television Captioning Quality Guidelines at this meeting and regarding the various exchanges of feedback on the draft which had occurred in the lead-up to the meeting. Discussions are continuing, with all parties motivated towards a prompt resolution of outstanding issues.

For the Broadcasters, the meeting was another valuable opportunity to hear first-hand the issues which have been causing concern to deaf and hearing impaired television viewers and to provide direct feedback with the deafness organisations on these issues.

It is proposed that the Broadcasters meet with representatives from the deafness organisations on a regular (bi-annual) basis to ensure this constructive dialogue continues, enabling quality issues to be addressed as they arise.

Quality of television captions

Issues raised in meeting of Deaf Australia, Deafness Forum Australia, Media Access Australia and free to air broadcasters

13 March 2009

Broadcaster-side issues

Issue	Description	Action	Timeframe
Viewer feedback to broadcasters regarding captioning problems.	There is a need to ensure that reception staff have a list of troubleshooting questions they can run through with callers (where time permits). This will help to isolate the cause of the problems and assist in quick resolution of any problems.	Broadcasters to prepare a list of trouble-shooting questions in consultation MAA. This list will then be integrated into broadcasters' existing reception resource materials.	May-June 2009 and ongoing
Viewer feedback– after hours	There is a need to ensure that calls regarding caption transmissions can be received after hours and referred to master control.	<p>All broadcasters have after-hours reception staff and apply the same viewer feedback procedures to calls regarding captioning as are applied to other feedback calls.</p> <p>In the first instance, reception staff would run through troubleshooting questions with the caller where time permits (the development of a standard list of trouble-shooting questions, as noted above, will assist).</p> <p>If trouble shooting established that the issue may be a transmission/playout issue, the reception staff would record and pass on feedback to master control in line with existing procedures.</p> <p>Broadcasters to check existing procedures to ensure appropriate arrangements are in place for referral of captioning faults after hours.</p>	May-June 2009 and ongoing
Complaints	In the event that trouble-	Broadcasters and MAA to	

Handling – standard form	shooting has not resolved the issue for the caller, and the caller wishes to make a complaint, here is a need to ensure that complaints include sufficient information to enable broadcasters to identify source of the problem and respond appropriately. This will also help broadcasters provide detailed feedback to captioning providers.	consult on standard captioning complaint form, which could be faxed to broadcasters. Broadcasters' note that the 'caption problem questionnaire' provided by MAA provides a useful starting point.	May-June 2009 and ongoing
Regional broadcasting quality issues	MAA reported that the quality of captions transmitted by regional commercial broadcasters is not the same standard as captions transmitted by metropolitan broadcasters	Free TV and MAA to discuss scope and nature of quality issues. Free TV to follow-up with regional members.	Likely to require ongoing consultation

Service provider-side issues

Issue	Description	Action	Timeframe
Regular feedback regarding quality of service	Caption users have reported a number of quality issues which occur regularly and which are within the control of caption service providers. These include 'time lag' issues (including 'catch up' captions being displayed too rapidly) and accuracy in live-transcribed captions.	There are a range of arrangements in place across broadcasters for providing feedback to and receiving reports from caption service providers regarding quality. Broadcasters will formalise regular, periodic consultations with caption service providers regarding the quality and accuracy of captions. This would also allow broadcasters to pass on any feedback received from caption users.	Ongoing

Equipment-side issues

Issue	Description	Action	Timeframe
Some consumer equipment performs poorly in terms of caption display	Poor performance of consumer equipment can translate into issues such as 'hanging captions' and intermittent captioning	<p>DFA, DA and MAA to consider writing to Choice to suggest testing of digital television reception equipment, with particular regard to presentation of captions.</p> <p>Broadcasters to contact ACMA to support use of technical standards powers to mandate the Australian standard for digital reception equipment (which includes requirements for adequate receipt and display of captions). .</p>	May-June 2009