

Australian Broadcasting Corporation

Submission to the

Senate Environment and Communications Legislation Committee

Inquiry into the Broadcasting and Other Legislation Amendment (Deregulation) Bill 2014

December 2014



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Introduction

The Australian Broadcasting Corporation (ABC) welcomes the opportunity to contribute to this Inquiry into the Broadcasting and Other Legislation Amendment (Deregulation) Bill 2014 ("the Bill").

The ABC wishes to confine its comment to the amendments relating to the captioning regime set out in Schedule 6 of the Bill. The Corporation strongly supports the amendments in that Schedule, noting that their implementation will not affect its provision of captioned content for deaf or hearing-impaired viewers. This submission will specifically address the amendments that relate to:

- Live and pre-captioning
- Annual compliance reporting
- Complaints about captioning.

Captioning at the ABC

Universal access is a goal at the heart of public broadcasting and the Corporation has a long-held policy of providing accessible options to ensure that its content is available to inform, entertain and enrich the lives of all Australians.

The ABC is committed to facilitating access for those who would otherwise be restricted in their consumption of television services and provides captions on all its free-to-air channels, including channels on which it is not mandated to caption programs. In the last six months, the Corporation provided a captioning service on 100% of its programs broadcast between 6 am and midnight on its primary television channel. Captions are also provided on ABC2 on 100% of programs during primetime and 93% of programs across the day, 94% of programs on ABC3 are captioned and 73% of content on ABC News24. In addition, most programs that

are broadcast with captions in prime time on ABC and ABC2 are also available with captions on the ABC's online catch-up television service, iview.

Live and pre-prepared captioning

The ABC notes that there are different operational requirements in creating pre-prepared captions and live captions. As such, the ABC supports the proposed amendment, set out in Item 11 of Schedule 6 of the Bill, that requires the Australian Communications and Media Authority (ACMA) to consider the differences between providing live captioning and pre-prepared captioning when determining captioning standards under section 130ZZA(1) of the *Broadcasting Services Act 1992* ("BSA").

The ABC's principle concern is that the current captioning standard, the *Broadcasting Services (Television Captioning) Standard 2013*, does not provide a clear distinction between the two and recognising this distinction in the Captioning Standard is fundamental to drafting a workable and fair compliance framework. Programs which are typically captured under the captioning standard will include a mixture of live programs, programs delivered close to broadcast time and programs delivered well before transmission dates; each requires a different captioning response.

For example, the ABC's *Q&A* program is broadcast live with a studio audience. It is a dynamic program where panellists often speak over one another and combines tweets which appear on the lower part of the screen. *Q&A* is live-captioned by a stenographer, who also arranges the placement of the captions around graphics and tweets on-screen as the program goes to air.

In contrast, drama programs such as *ANZAC Girls* are delivered well in advance of their transmission date and so can be pre-captioned with a great deal of accuracy. In between these two categories are programs that not broadcast live, but are delivered close to their transmission time, generally because the subject of the program is topical. Examples include programs such as *Media Watch*, *Australian Story* and *At the Movies*. These programs are captioned when the program is being "ingested" for broadcast and, as a result, this type of captioning can experience some delays of the captions appearing on-screen.

Annual Compliance Reporting

The ABC also supports the amendments contained Item 15 of the Bill that introduce a new record-keeping system and in Item 3 of Schedule 6 that repeal the current reporting requirements.

The current reporting requirements contained in section 130ZZZC of the BSA are onerous and do not necessarily lead to better captioning coverage on-screen.

Under the current requirements, the Corporation provides the ACMA with eight annual compliance reports that outline the output and technical difficulties experienced in each state

and territory. The ABC is then required to re-enter this data into a form specified by the ACMA, which is a resource-intensive process that duplicates information previously provided. These reporting requirements are particularly onerous because the Corporation is obliged by the BSA to caption 100% of its programs on its primary service between 6 am and midnight.

This amendment will not affect the ABC's provision of captions, nor the quality of its captions nor its ability to comply with the legislation.

Independent of its obligations to report to the ACMA, the Corporation undertakes internal monitoring and reporting quality control processes which include:

- Monitoring output at MediaHub and at the ABC's Master Control;
- Conducting investigations by the ABC's Audience and Consumer Affairs department in response to audience complaints;
- Issuing daily reports from its caption provider noting all programs that were captioned live and of any caption loss, including technical details known at the time;
- Recording captioning outages in ABC TV's scheduling database, allowing it to re-caption repeats, if necessary;
- Assessing and logging the quality of captioning output throughout the day and evening; and
- Conducting spot-checks on programs across its four output channels.

On request, the ABC can supply the ACMA with a list of programs and times that it experienced difficulties in delivering a captioning service in the current format the ABC uses to collect this data.

Complaints about captioning

The ABC supports the changes proposed in the Bill to replace annual compliance reporting with a complaints-based system.

Where an audience member finds fault with the ABC's captions service they can, in the first instance, complain to the ABC's Audience and Consumer Affairs department.

The department will conduct an investigation of the captioned content and, if it finds the content either did not provide captions for the program or did not deliver captions that meet the captioning standard determined by the ACMA, the ABC will find itself in breach of its captioning obligations. Should the audience member making the complaint not be satisfied with the Corporation's internal investigation, it can complain to the ACMA, as is current practice.

The ABC believes this is an effective and less resource-intensive way to monitor the provisions of captions on television in Australia.

Conclusion

The ABC is committed to maintaining a high-quality captioning service and providing access to television content for viewers who are deaf or hearing-impaired. The Corporation supports these captioning amendments as they remove onerous reporting obligations and acknowledge that there are differences between pre-recorded and live captioning. The ABC supports the move to a complaints-based compliance system, as this provides audiences with opportunity for a faster and more direct remedy. The amendments contained in the Bill will allow the Corporation to redirect resources away from reporting, but will have no impact on the way audiences experience captioning on its television services.