



**Submission to the Australian Communications and Media Authority
Discussion Paper for the Review of the Television Captioning Standard**

18 December 2015

1. Introduction

ASTRA welcomes the opportunity to respond to the ACMA's Discussion Paper for the review of the Broadcasting Services (Television Captioning) Standard 2013 (the Standard).

ASTRA's members remain committed to closed captioning, which promotes inclusion and accessibility for Australians. Subscription television licensees and channel providers also spend a significant amount each year on captioning – currently providing captioning (at different levels) across 88 channels – as well as on demonstrating compliance with legislative requirements.

ASTRA members are committed to providing captioning services of the highest quality possible for the programs they deliver.

Available data suggests the quality of captions provided on subscription television is meeting community expectations, with zero ACMA investigations into the quality of subscription TV captioning since the Standard commenced in 2013.

Notwithstanding this, ASTRA acknowledges the need for a standard against which quality can be reliably assessed by the ACMA when called upon to investigate captioning matters. To this end, ASTRA strongly supports the ACMA's stated preference for a non-metric standard based on the test of 'meaningful access'.

Compliance with the Standard is a licence condition, breach of which carries the risk of serious sanctions. Hence, whilst the primary goal of the Standard will always be to ensure captioning quality, it is very important this is balanced with a need to reflect the operational environment of caption service and television program delivery. This will ensure compliance can be reasonably achieved.

2. About ASTRA

ASTRA is the peak industry body for subscription media in Australia. ASTRA was formed in September 1997 when industry associations representing subscription (multichannel) television (STV) and radio platforms, narrowcasters and program providers came together to represent the new era in competition and consumer choice. ASTRA's membership includes the major STV operators, as well as over 20 independently owned and operated entities that provide programming to these platforms, including Australian-based representatives of international media companies, small domestic channel groups and community-based organisations.

Now in its 20th year, STV is one of Australia's most popular industries, enriching the lives of millions, creating 8370 jobs, investing \$800 million annually in production and adding \$2 billion to the economy. In 2015, one third of Australians subscribe, along with millions more who watch subscription content in public venues. Every week more than 1000 hours of first-run locally produced content is broadcast, as well as the best international content.

3. Executive Summary

- ASTRA's members remain committed to closed captioning, which promotes inclusion and accessibility for Australians.
- ASTRA is also committed to providing the highest quality of captions as permitted by current technology and the operational realities of multi-channel television broadcasting.
- ASTRA believes the quality of captions should be measured through an approach which is closely aligned to the policy objective of maximising access to television programs for deaf or hearing impaired viewers.
- Of the options presented in the Discussion Paper, ASTRA supports Option 1, which puts forward the continuation of the ACMA's current approach based on the concept of 'meaningful access'.
- The range of factors which contribute to whether captions are meaningful are too varied and complex to be captured in a simplified metric.
- An accurate assessment of meaningful access is best achieved through an approach which allows the regulator to take into account all the circumstances of the captions as it feels are relevant.
- In contrast, international experience has shown that Option 2, a metric-based approach, would drive trade-offs which are not of benefit to the caption user, would result in substantial compliance risk for broadcasters and would impose very high compliance and monitoring costs for the regulator and broadcasters.
- Such an approach would also divert captioning resources away from the delivery of new captions.
- In terms of the ACMA's proposed amendment to the Standard, an approach based on the difference between captioning types, rather than one based on the difference in program delivery types, is preferable.

4. Background

Much of the conversation regarding the quality of television captions addresses the differences between live captions and pre-prepared captions. ASTRA believes there is widespread understanding and acceptance of the quality differences which arise from different captioning types, as was discussed and acknowledged at the recent ACMA captioning forum.

ASTRA's members are proud of the significant advances which have been achieved in the quality of live captions following significant investment in resources and effort. That being said, it is important to keep in mind that what constitutes a high quality product for live captioning will differ to what constitutes a high quality product for pre-prepared captions.

Whereas pre-prepared captions for pre-recorded programs delivered with ample lead time should result in 100% quality in terms of accuracy, placement and timing, the

limitations inherent in live captioning mean that the judgement of what constitutes high quality captioning in that environment will necessarily differ. ASTRA members continuously strive to provide the highest quality of live and pre-prepared captions as is achievable given the technology available and the environment in which captions are prepared.

Given the widespread acceptance of the 100% benchmark for pre-prepared captioning, this submission is largely focused on the assessment of the quality of live captions.

5. Quality of live captioning

The only current method of captioning for live programs (including live sport and news) is live captioning which generally involves a stenocaptioner manually transcribing spoken words, or a captioner re-speaking into specially calibrated voice recognition technology, in real time. This is also the case for programs that are completed so close to broadcast that live captioning is the only form of captioning available.

Whilst there are measures which can be taken to help captioners prepare and minimise inaccuracies, there is no escaping the inevitability of some inaccuracies and delay. For example, ASTRA members provide captioners with as much information as possible about an upcoming live program in order to assist with preparation, but these programs will often deviate from the rundown or script. This could be due to guests pulling out at the last minute, segments running over/under time or the insertion of late breaking news.

For example, the Fox Sports program *Monday Night with Matty Johns* goes to air each Monday night during the NRL season at approximately 2050 hrs (depending on the completion time of the live football game that precedes it). The content of the program will often be determined in part by the noteworthy incidents in the preceding game and this is in addition to a large amount of live, unscripted commentary by the host and guests. In addition, some segments are edited and sent to the studio for inclusion in the program during the course of the live broadcast. In these circumstances, the ability of pre-broadcast preparation to aid in the quality of live captions is inherently limited. This has a consequent effect on the quality of captions provided.

In addition to the well-known challenges of live captioning in relation to accuracy and delay, the very fast-paced nature of some live programming will mean captioners must paraphrase what is being said. This is sometimes the best way to ensure viewers are presented with captions that adequately convey the meaning of what is being said. If quality is determined with a simple reference to 'accuracy', this method of captioning, despite providing the meaning of what is broadcast, would not achieve strict compliance with the Standard.

Similarly, the very nature of live broadcasts of sporting events means that captioning is sometimes not a 'word for word' translation of the audio soundtrack. Stenographers live-captioning live sports broadcasts do not caption 'play of the ball' commentary (that is, descriptions of what is apparent visually, such as who has possession, or what play has just been completed). As such, commentary is paraphrased and is an additive service covering stats and expert analysis around the plays taking place.

This reflects what we understand to be the preference of caption users, given the competing demands on captioners to keep up with commentary, avoid unnecessary

captions and to ensure captions do not obscure important on screen visuals and information.

ASTRA believes these factors are well understood and that there is a level of acceptance amongst caption users regarding differences which arise from live captioning.

6. The decision to use live captions

Discussions regarding captioning quality often centre around whether a program is broadcast live (simultaneous with its performance), or is pre-recorded.

ASTRA submits that this focus is misleading, as it does not necessarily follow that a pre-recorded program will always be able to be accompanied by pre-prepared captions. There are a number of factors which determine the feasibility of obtaining pre-prepared captions, the most important of which is the lead-time between completion of, or delivery of the program and broadcast.

As detailed in previous discussions with the ACMA about live captioning, there are many variables which impact on the decision to use live captions. In short, the process of creating captions for a program generally takes a time equal to approximately three times the duration of the program. However, this relates only to the creation of the captions themselves and there are a number of other significant workflows relating to the transfer of program and caption files that impact on the speed with which a caption file can be obtained and broadcast.

The data-transfer process as between broadcaster and caption service provider, in addition to other internal file preparation processes, can add many multiples of the program duration to the process of obtaining offline captions.

Hence, whilst a program may be recorded and completed prior to broadcast, live captioning is still required due to time constraints. For example, the Fox Sports program *The Golf Show* is a pre-recorded program that goes to air every Tuesday night at 1930 hrs. The program is often completed by 1500 hrs on Tuesday afternoon, although this varies from week to week. This program is live captioned to ensure it can go to air with captions.

7. Measurement of quality

7.1 Option 1 – a non-metric approach

ASTRA strongly supports Option 1 as described in the Discussion Paper and notes that this would reflect a continuation of the ACMA's existing approach and is also the ACMA's preferred option.

ASTRA endorses the ACMA's position that "in assessing the quality of captions, the ultimate test is whether the captions are meaningful to the viewer".¹ We submit that the range of factors which contribute to whether captions are meaningful are too varied and complex to be captured in a simplified metric. An accurate assessment of meaningful access is best achieved through an approach which allows the regulator to take into account all the circumstances of the captions that it feels are relevant.

¹ Discussion Paper, p 2

The success of this approach is reflected in the investigation reports to which the Discussion Paper makes reference. In those reports, it is evident that the ACMA, under the existing Standard, is able to take into account the particular circumstances of the program under consideration whilst still setting firm standards for ‘meaningful access.’

This means that variables such as the genre of the program, the speed of speech, the presence of other on-screen visuals and the importance of pieces of dialogue to viewer’s overall comprehension of the program, can all be taken into account in an assessment of accessibility. Importantly for a platform such as Foxtel, which broadcasts a substantial amount of imported content, this also allows for the consideration that captions could be in differing styles depending on the requirements in countries from where a subscription TV licensee may acquire pre-captioned content.

It would be extremely difficult to capture all the variables which affect meaningful access in sufficient detail to cover all scenarios. Hence, we support the ACMA’s conclusion that the Standard provides a degree of flexibility to cater for a variety of circumstances.² In particular, it has allowed the ACMA to take into account the different circumstances present in the preparation of live and offline captions.

On pages 19-21 of the Discussion Paper, the ACMA sets out its approach to the key differences between live and pre-prepared captions, and how these can be taken into account using a non-metric measurement of quality. As a whole, ASTRA supports the ACMA’s approach, and welcomes its acknowledgement that:

- In terms of delays and errors for live programs, the focus would be on assessing the meaningfulness of the captions, notwithstanding any delays or errors
- In terms of whether the captions are verbatim, whether this is possible and if not, if the captions reflect the actual meaning of the spoken content
- When considering whether captions are readable and adequately recreate the soundtrack of a program, the ACMA may consider the cumulative effect of the on-screen visual information, together with the captions
- When considering the quality of captions, the ACMA may take into account the time available to prepare captions

For these reasons, and based on the observations below regarding Option 2, ASTRA strongly supports Option 1 as being the approach most likely to meet the policy outcome of providing meaningful access.

7.2 Option 2 – a metric approach

ASTRA would not support the introduction of a quantitative, metric-based approach to the assessment of captioning quality. It is unsuited to the realities of captioning delivery, could result in a downturn in captioning quality and has been shown overseas to impose substantial additional costs with no corresponding increase in accessibility.

Of key concern would be the inability of the ACMA, under the existing legislation, to set separate measures for live and pre-prepared captions. The ACMA and a significant

² Discussion Paper, p 21

range of stakeholders have acknowledged that what constitutes quality as regards live and pre-prepared captions will necessarily differ. This is an unavoidable fact. This makes a one-size-fits-all approach (such as would the result of Option 2) entirely inappropriate.

It would result in either:

- A lower set of measures being introduced so as to accommodate live captioning, meaning pre-prepared captioning would also be measured at that lower rate; or
- A risk of substantial non-compliance for live captions, as was the experience in Canada.

Overseas experience suggests metrics don't necessarily lead to improved accessibility. Instead, they can lead to an increased monitoring burden, higher breach rates and trade-offs aimed only at achieving compliance and not at improving the viewer experience.

The delivery of live captions necessarily involves a series of trade-offs. Achieving greater synchronicity may come at the expense of accuracy, and vice versa. The way regulated quality standards are structured will necessarily drive these trade-offs. This is why 'meaningful access' is such an effective measure, as it directs trade-offs in a way that focuses on the needs of the viewer, as opposed to simply meeting a fixed metric.

This was the experience in the UK where, the Discussion Paper notes, "an improvement in latency came at the expense of subtitles that were too rapid to read and comprehend."³ The 4th Ofcom report on Monitoring of Subtitling Quality noted that:

*When producing live subtitling, trade-offs need to be struck between different quality dimensions. For example, it would be possible to produce accurate, verbatim subtitles for a fast-paced programme, but only if viewers accepted significant delays in the subtitles appearing.*⁴

ASTRA submits that a one-size-fits-all rule for accuracy and latency would result in an approach to captioning that cannot take into account the particular circumstances of the program being captioned. This would mean that, for example, the drive would be towards meeting an accuracy target when, because of the nature of the program (be it particularly fast-paced, or featuring a lot of on-screen information), paraphrasing would be the best means of maximising the accessibility of the program.

Instead of having the capacity to determine an approach to captioning which best conveys meaning in the circumstances, under a metric-based approach the service provider would be driven to meet fixed quality metrics. The ability to make the most desirable trade-off would be taken out of the hands of the caption service provider.

In its Discussion Paper, the ACMA has outlined the overseas experience with a metric-based approach, and ASTRA found the results to be concerning.

For example, Ofcom's sampling showed that 25 per cent of samples failed to meet the 98 per cent quality threshold. Only three samples had a median latency of less than three seconds, which is the maximum delay recommended as best practice under

³ Discussion Paper, p 17

⁴ http://stakeholders.ofcom.org.uk/binaries/research/tv-research/1529007/QoS_4th_Report.pdf

Ofcom's Code on Television Access Services. Most notably, in the sampling of news and entertainment programs, where rapid subtitling was treated as an error, the proportion of subtitling below the acceptability threshold was 67.9 percent.⁵

In Canada, a report from broadcasters found that only 19 per cent of the programs monitored met the 96 per cent verbatim accuracy test.⁶

These results strongly suggest that a rigid, metric-based approach does not reflect the current limitations inherent with the delivery of live-captions. As noted above, compliance with the Standard is a licence condition for broadcasters. The introduction of a system which has been demonstrated as resulting in high breach rates would be of substantial consequence for licensees. In addition, to be an effective regulation, and one in which consumers have confidence, the Standard must avoid prescribing requirements that are not feasible to meet.

In addition to these considerations, the Discussion Paper describes the Canadian experience of administering a metric-based standard, highlighting the extreme impact of monitoring compliance in terms of labour hours. The Canadian experience suggests that a metric-based approach would impose administrative burdens out of proportion with the effectiveness of the measures.

In Australia, there is already a substantial compliance burden associated with monitoring and reporting captioning service levels. To add to that the kind of resources apparently required to monitor compliance with a metric-based system would further divert resources which could otherwise be invested in increasing captioning levels. We consider such an approach to therefore be contrary to the policy objective of maximising the accessibility of television content.

There would also be a significant impact on the ACMA in terms of the requirement to monitor and assess compliance. Given the questionable efficacy of metric-based standards, this would not appear to be an efficient allocation of scarce public resources.

In conclusion, ASTRA submits that a rigid metric-based approach, whilst offering appeal to those who misunderstand captioning quality compliance to be a simple, binary issue would:

- drive trade-offs which are not of benefit to the caption-user
- not reflect the well acknowledged differences between live and pre-prepared captions
- not allow captioning service providers to adapt captioning to reflect the wide range of variables attached to television programming
- result in substantial compliance risk for broadcasters, even while providing the highest quality of captions as time and technology allow
- impose substantial compliance and monitoring costs on the regulator out of all proportion with any perceived benefit
- divert captioning resources away from the delivery of new captions as broadcasters absorb the very high compliance and monitoring burden

⁵ Discussion Paper, p 17

⁶ Discussion Paper, p 14

8. Other matters

There are a number of other matters raised in the Discussion Paper which ASTRA would like to address.

8.1 Proposed amendment to the Standard

We welcome the ACMA's intention to amend the Standard to better reflect the differences that apply when providing captioning services for live or part-live television programs. In previous submissions, ASTRA has consistently supported the ACMA having regard to the context and circumstances of providing captions for a program when assessing the quality of captions for that program.⁷

However, the proposed Note to be included after paragraph 6 of the Standard makes the distinction between live and pre-recorded *programs*. The emphasis is on the circumstances of the delivery of the program. ASTRA submits the distinction should be between the method of captioning used – live or pre-prepared.

This is the crucial difference, because as has been acknowledged widely, there are many circumstances in which live captioning will be used for pre-recorded programming (refer to ASTRA's October 2015 submission). Making the distinction on the basis of the delivery of the program could be misleading. The real issue at hand is the nature of the captions provided, and this should be reflected in the Note.

The quality of captions for pre-recorded programs will not depend solely on the nature of the delivery of those programs, but rather on whether sufficient time was available for the preparation of offline captions. It does not necessarily follow that a pre-recorded program will always be able to be accompanied by pre-prepared captions.

There are a number of factors which determine the feasibility of obtaining pre-prepared captions, the most important of which is the lead-time between completion of, or delivery of the program and broadcast. In many instances, there will have been insufficient time for pre-prepared captions to have been created for programs prior to their broadcast.

As it stands, the proposed Note also does not acknowledge the fact that some programs are 'near live' or delivered late. It would be unfortunate if the opportunity to amend the Standard resulted in a Note which did not accurately reflect all the circumstances in which a program finds its way to air.

8.2 Requirement for offline captioning in certain circumstances

The Discussion Paper notes that in the US, the Federal Communications Commission (FCC) is seeking comments on whether the FCC should require the use of offline captioning or other measures to achieve improved accuracy and synchronicity of captions prior to the re-airing of live and near-live programming.

ASTRA would not support such a requirement. There is a real trade-off to consider – would it be more valuable to invest resources into more (live) captioning of new programs, or to invest those resources into the preparation of new (offline) captions for

⁷ Noting the legislative restrictions on the ACMA's ability to set different standards for live and pre-prepared captions.

a repeat program that is only rebroadcast once to a very small audience. It can be argued that re-use of the live-prepared captions that accompanied the initial broadcast is the optimal use of limited captioning resources. This is particularly the case when it is considered that many encore broadcasts of programs on subscription TV attract a very small audience.

In addition, it is not always the case that the preparation of offline captions for repeats of 'live' programs is possible. For example repeats are typically screened within hours of the initial broadcast. There is generally insufficient time in which to have the repeat program captioned offline.

It should also be noted that much of the live content on subscription TV has a very short shelf life. Once it is not live or near live, the content becomes virtually redundant. Investing resources in re-captioning this perishable content would not be an efficient approach to ensuring accessibility.