



Submission to the Australian Communications and Media Authority
Review of the captioning obligations in the *Broadcasting Services Act 1992*

July 2016

1. Executive Summary

- The subscription television (**STV**) sector is committed to closed captioning and provides a vastly greater number of captioned services than any other broadcast sector— currently providing captioning at different levels on more than 80 channels.
- ASTRA members take very seriously their captioning obligations under the *Broadcasting Services Act 1992* (**BSA**), and consistently achieve high levels of compliance.
- ASTRA has identified a number of reforms to increase the transparency of, and simplify the administration of the STV captioning scheme set out in the BSA. The scheme is currently overly complex and unduly administratively burdensome. Reforms already identified by ASTRA include: publishing an annual captioning plan to inform subscribers about captioning levels on each channel; introducing consistent captioning targets across movies and general entertainment (**GE**) channels, and across STV platforms; and, introducing more objective exemptions—for example, for channels with a very low audience share. These proposals are not designed to reduce current levels of captioning. A summary is provided at Section 4 below.
- ASTRA acknowledges that these reforms are a matter for the Department of Communications and the Arts (**DoCA**), and that the Australian Communications and Media Authority (**ACMA**) is seeking feedback on the operation of other aspects of the BSA captioning scheme. To this end ASTRA has provided comments on a number of issues at Section 5 of this submission.
- Finally, this submission sheds light on the ongoing inequity of the BSA captioning framework which imposes onerous captioning obligations on tens of STV channels, while only imposing substantive captioning obligations on one channel for each commercial and national free-to-air (**FTA**) broadcaster. This is the case even though FTA multi-channels have audiences that are significantly higher than STV channels. ASTRA urges the ACMA to make recommendations to rectify this imbalance as part of this statutory review.

2. Introduction

ASTRA is the peak industry body for subscription media in Australia. More information about ASTRA, our members and their contribution to the Australian economy is at Attachment 1.

ASTRA welcomes the statutory review of captioning obligations in the BSA being conducted by the ACMA, and the opportunity to comment.

ASTRA members acknowledge the importance of captioning in promoting inclusion and accessibility and invest significantly each year to provide captioning across a very broad range of channels. ASTRA members currently provide captioning, at different levels, across more than 80 channels—a vastly greater number than any FTA broadcaster.

Appendix 2 contains a visual representation of the breadth of captioned services on Australian STV taken from the Foxtel website, which demonstrates which channels are captioned on its platform, and at what levels.

As the Foxtel customer information shows, actual levels of captioning on STV channels can often exceed the target that the STV provider, and its channel partner, is seeking to achieve. This strong performance was indeed demonstrated in the most recent compliance reports released by the ACMA, which showed that, in FY15, STV licensees achieved a very high level of compliance with their captioning target requirements, with the majority of channels in fact exceeding their legislative targets.¹

3. Background and stakeholder engagement

As noted in the ACMA's consultation paper (the **Consultation Paper**), this statutory review builds on recent consultations conducted by DoCA which, while still ongoing, have already presented a number of very sensible options for reform (see Section 4 below).

In these consultations ASTRA has made reform recommendations designed to streamline and simplify compliance, while also making the STV scheme more transparent for consumers. Our members have sought to retain the fundamentals of the STV captioning regulatory scheme set out in the BSA—and do not seek to walk away from existing overall levels of captioning, or the legislative pathway to higher levels of captioning in the future.

In formulating these proposals ASTRA has benefited greatly from productive engagement with deafness stakeholder groups. ASTRA convenes a regular STV Industry Captioning Roundtable, which allows our members to better understand the needs of caption users. This forum has helped ASTRA members understand the importance to deaf viewers of clear and transparent information regarding what channels and programs will be captioned and at what levels. This consultation has informed our proposals for consistent captioning targets within genres and across platforms and, for example, has resulted in the publication of the Foxtel consumer information set out at Appendix 2.

4. ASTRA's existing reform proposals

ASTRA notes, and appreciates, that the ACMA does not seek to cover the same ground in its statutory review as has already been covered by DoCA in its earlier reform consultations.

¹ The ACMA's 2014/15 annual captioning compliance results subscription television, available at <http://www.acma.gov.au/theACMA/2014---2015-annual-captioning-compliance-results-subscription-television>, showed that in FY15:

- approximately 99.5 per cent of subscription television services (660 out of 663) met their annual captioning targets for the year
- approximately 67 per cent of subscription television services exceeded the captioning target
- captioning services were provided on 458 subscription television services (or 93 distinct subscription television channels)
- subscription television services carry over 4 times the number of hours of captioning on FTA primary services (based on ACMA 2014–15 captioning compliance reports which showed that in total 588,853 hours were captioned on the primary FTA channels between 6am and midnight, while 2,530,004 hours of captioned content were broadcast on STV services).

Nonetheless, it is worthwhile recapping ASTRA's existing proposals. ASTRA proposes the following key reforms:

4.1 Channel Provider Role

Simplify channel captioning obligations and deliver a single STV captioning plan by expressly recognising the role of channel providers under the captioning framework. The scheme should enable channel providers to:

- maintain a single captioning target for their channel regardless of the STV platform on which it is broadcast;
- report once to the ACMA on compliance with captioning targets for their channels; and
- seek individual exemptions and target reduction orders for their channels, irrespective of platform.

4.2 Movies and General Entertainment Categories

Simplify the genre targets by collapsing the categories in Movies and general entertainment (**GE**) so that there is a single target for Movie channels and a single target for GE channels. These single targets would be based on an average of the targets for the three existing categories in each genre. Sport, news and music targets would remain the same. All targets would remain subject to year on year incremental increases as currently legislated.

4.3 Exemptions

Remove s.130ZX of the BSA (nomination of exempt channels based on a minimum number of channels in the same genre meeting captioning targets) and introduce three new statutory exemptions:

- (1) Audience share exemption: where viewership for a channel is below 0.05%, introduce the right for a channel provider to claim exemption based on the channel's viewership.
- (2) International channel exemption: an automatic exemption for certain international channels broadcast in Australia where the feed provided into Australia is not captioned for any other international market.
- (3) Racing channel exemption: an automatic exemption for racing services where live racing and the replays of live racing represent at least 70% of the channel's content (except for Christmas Day and Good Friday).

Important clarification: the Consultation Paper suggests, at page 25, that DoCA is considering *replacing* exemption orders and target reduction orders with 'threshold' exemptions (for example, the audience share exemption).

For the avoidance of doubt, ASTRA's proposal is to remove the s.130ZX exemption, and to introduce the three exemptions listed above, but to retain all other existing exemption mechanisms, including the ability for channel providers or STV providers to apply for exemption orders and target reduction orders (which are also available for FTA commercial television); and the new channel exemption.

4.4 Single STV Captioning Plan

By collapsing the categories in the Movie and GE genres; recognising channel providers under the regulatory scheme; and adopting statutory exemptions based on objective criteria (such as audience share), a prospective and single STV captioning plan can be published ahead of each financial year for the benefit of caption users and channel providers alike. The Plan could be published subject only to any later individual exemptions, new channel exemptions or target reduction orders.

4.5 Parity with FTA Multi-channels

There is currently significant inequity in the application of captioning obligations to STV channels and FTA multi-channels. This arises because FTA multi-channels have much less onerous captioning obligations than comparable STV channels with far lower audience share, despite having almost identical programming styles (see Appendix 3).

In ASTRA's strong view, FTA multi-channels should adopt the STV captioning framework with the same genre targets, the same increasing increment and the same exemption availability (including an audience share threshold).

Further detail on our existing proposals is set out in ASTRA's February 2016 submission to DoCA.² Since lodgement of that submission to DoCA, ASTRA has worked to build industry consensus, consult and listen to advocacy groups and liaise with the ACMA and DoCA on practical matters. Practical issues which ASTRA would welcome further discussion on with the ACMA and DoCA to finalise a comprehensive reform package include:

4.6 Responsibility for publication of the STV Captioning Plan

ASTRA acknowledges that this role may be more appropriately resourced by industry than the ACMA and would welcome further discussion on this.

4.7 Channel reporting for pass through providers

ASTRA proposes that STV providers could report on behalf of international pass through channel providers who do not have a place of business in Australia, similar to the new eligible expenditure drama scheme.

4.8 International channel exemption

ASTRA has further refined the scope of this exemption such that it would only apply to news and sports channels. ASTRA would welcome further discussion with the DoCA and the ACMA on this.

Our members are keen to progress finalisation of these proposals, and we hope that they will be in a good position to move forward in the new Parliament.

² Available on the ASTRA website at http://www.astra.org.au/pdf/news/FINAL_ASTRA_Sub_DOCA_Captioning_Reform_110216.pdf

5. ACMA Issues

ASTRA is pleased that the ACMA's focus in this review is on both the efficiency and effectiveness of the captioning scheme, and that the ACMA will seek to balance both considerations of access to television services for the deaf and hearing-impaired community, and the objective of minimising unnecessary administrative and financial burdens for industry.³

We have only noted below comments on issues which remain of concern to ASTRA members.

5.1 Exemption and Target Reduction Order Process

In the interest of procedural fairness, we recommend the following adjustments to the process:

- The ACMA should have the power under s.130ZY to vary the terms of an application sought by a licensee (or channel provider) for an exemption or target reduction order in consultation with the applicant before the order is made or rejected.
- The ACMA should be authorised to consult with the applicant on any issues raised in the application or request further detail where it is necessary to enable the ACMA to make an informed decision.
- The ACMA should develop, in consultation with stakeholders, guidance on the application of s.130ZY and the considerations that the ACMA takes into account when having regard to the criteria set out at s.130ZY(5) relating to a finding of "unjustifiable hardship".

5.2 Repeats

We acknowledge the importance of the repeat rule in the context of the commercial FTA networks who currently only have mandatory targets on their primary channel. However, we strongly believe that its duplication in the STV context is superfluous (because all channels, not just one primary channel, have substantive obligations) and should be removed.

5.3 Captioning quality breaches

ASTRA supports the decoupling of compliance with the *Broadcasting Services (Television Captioning) Standard 2013* (the **Standard**) and compliance with captioning targets. The note to section 5 of the Standard is inappropriate, and not required by s.130ZR of the BSA. In our view, the ACMA should have discretion in the exercise of its enforcement powers where there has been a failure to meet the Standard.

5.4 Sports aggregation

As noted in the Consultation Paper, s.130ZV(3) of the BSA allows for annual captioning targets to be aggregated across a group of sports channels owned by the same channel provider.⁴ The provision currently permits one third of a sports channel's target to be met on another sports channel supplied by the same provider, so long as the

³ Consultation Paper, page 2.

⁴ Consultation Paper, page 19.

average of the captioning levels across all channels in the group meets the annual target.

This provision allows sports channel providers to:

- have the flexibility to ‘move’ a proportion of a channel’s captioning target if, for example, a sporting tournament is shifted from one channel to another channel and the destination channel had already met its captioning target—this allows the captions to ‘follow’ the tournament and maintains viewer accessibility throughout the tournament; and
- direct captions to programming which is of greatest interest to audiences (such as channels covering popular local sporting codes like the AFL and NRL)—thereby providing greatest consumer benefit.

ASTRA’s previous submissions on this issue suggested that the minimum requirement per service should be reduced from two-thirds to half of the target and we re-iterate ASTRA’s recommendation to reduce the minimum target for an individual sports channel to 50% as long as the average across all channels in the group meet the sports target. Reducing the minimum per service will allow greater flexibility to deliver further viewer benefit. As noted above, there would be no overall reduction in captioned hours across the group of sports channels, and transparency and compliance monitoring would be maintained through annual reporting to the ACMA showing levels of captioning achieved for each channel in the group.

5.5 Implications of compliance with 100% targets

We note that the ACMA refers to recent industry comments from Free TV and Ai Media relating to the complexities involved in meeting a 100% target and the treatment of compliance breaches.⁵

5.5.1 Treatment of Compliance Breaches

ASTRA’s members do not currently face these complexities since the maximum target for an STV channel in the FY16 year was 80% for a Category A movie service. As such any technical errors and issues relating to late delivery of assets or late ingest have been managed by STV licensees by removing the relevant program from the target to avoid breach of a licence condition.

However, this target will reach 100% by FY20, and, as noted by Free TV, licensees will be reliant on the ACMA using discretion and regulatory forbearance for the inevitable minor breaches of the licence condition. This absolute requirement will cause regulatory compliance issues, and we would urge the ACMA to deal with this issue as part of this review. ASTRA recommends a clearer exemption for technical breaches and other matters (not just engineering issues) outside the control of the licensee—such as late delivery of captioning files for express content.⁶

⁵ Consultation Paper, pages 35–36.

⁶ ‘Express’ refers to content which originates overseas and is broadcast in Australia within a very short time after its overseas premiere. This can often occur within hours of the global premiere, and in some cases simultaneously with the east coast of the US.

5.5.2 Challenges of 100% Targets

STV licensees are subject to captioning targets, which increase year on year by 5% across a full 24 hour period (with no time zone exemption available as, for example, is the case in the United States—see detail below).

Some ASTRA members, while recognising the regulatory importance and community benefit of captioning, have raised concern at both the cost impact and operational challenge of reaching higher captioning targets in coming years. ASTRA member, VIMN Australia Pty Limited (**VIMN**), operator of the Nickelodeon and MTV STV channels, has indicated that captioning an additional 20% of programming (from 80% to 100%) will increase overall captioning costs by more than 50%. The basis for this increase is that meeting the 100% target will require the captioning of low frequency programming. In particular, the captioning of live programs would require VIMN to implement costly technical changes to its channel feeds for live events.

The STV industry is comprised of a number of independent channel providers of varying sizes and the financial impact of meeting the 100% target will be borne by these businesses. ASTRA is of the view this cost is onerous in some cases, particularly given that Australian STV channels generally have a lower audience share than FTA multi-channels, which currently have no captioning targets.

ASTRA's understanding is that international levels of captioning are generally either lower than 100% or subject to an exemption period over the 24 hour day (in the US there is a 4 hour exemption between the hours of 2am and 6am;⁷ in Canada the broadcast day is limited to an 18 consecutive hour period⁸).

Given the significant disparity between the regulatory impost (and associated cost burden) on STV channels in Australia in contrast to the FTA captioning regime in Australia and STV channels in other jurisdictions, future compliance with the Australian STV captioning scheme may not be sustainable for a number of the STV channels which are currently available in Australia without either individual exemptions / target reduction orders or the availability of other exemptions. We urge the ACMA to fully consider the availability of exemptions in overseas markets which have 100% targets as part of this review; and we refer the ACMA to the US self-implementing exemptions under Section 79.1(d) of the FCC's closed captioning rules by way of example.⁹

6. Conclusion

As noted in the Consultation Paper, the current captioning regulatory scheme was introduced in 2012 and since that time has been subject to a number of reviews, with important amendments having already been made, including in relation to the rules that govern captioning on STV.

⁷ US captioning rules are set out in Title 47 of the *Code of Federal Regulations*. Part 79 contains accessibility of video programming rules. Section 79.1(d)(5) sets out an exemption for 'programming distributed in the late night hours'.

⁸ In Canada the requirement is to caption 100% of programs over the 'broadcast day'. 'Broadcast day' means the period of up to 18 consecutive hours, beginning each day not earlier than six o'clock in the morning and ending not later than one o'clock in the morning of the following day, as selected by the licensee. For more information see *Broadcasting Public Notice CRTC 2007-54* – available at <http://www.crtc.gc.ca/eng/archive/2007/pb2007-54.htm>; and, *Broadcasting Regulatory Policy CRTC 2015-104* – available at <http://www.crtc.gc.ca/eng/archive/2015/2015-104.htm>.

⁹ Section 79.1(d) of the Commission's rules. Summary available at <https://www.fcc.gov/general/self-implementing-exemptions-closed-captioning-rules>

ASTRA understands that this consultation process is part of the statutory review that the ACMA is required under Part 9D of the BSA to conduct. ASTRA looks forward to working constructively with both the ACMA and DoCA to achieve the sensible reforms we have proposed in both consultation processes—delivering benefits to both consumers and broadcasters.

Finally, we reiterate our strong view that the ACMA should consider the disparity between the STV and FTA captioning schemes. As clearly demonstrated in Appendix 3 to this submission, there is significant and unjustifiable imbalance between the two schemes. The STV sector and its channels are on a legislated path to 100% captioning (over 24 hours) for all STV channels. This legislated path applies to channels with significantly lower audiences than FTA multi-channels. We urge the ACMA to provide recommendations on redressing this as part of this review.

APPENDIX 1

About ASTRA

ASTRA was formed in September 1997 when industry associations representing subscription (multichannel) television 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.

ASTRA's members provide a diverse range of news, information, sport and entertainment programs which deliver significant social benefits to a broad cross-section of the Australian community. In 2016, 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.
















The STV industry also makes substantial economic contributions. In 2014/15 ASTRA members invested more than \$796 million in local content production, added \$2.083 billion to the economy, and created jobs for 8370 Australians.

STV is poised to continue to make great contributions in the new media landscape, growing the economy, creating even more jobs and delivering high-value services to consumers. However, in order to fully achieve our potential and ensure global competitiveness, regulatory imposts must be framed so as to avoid undue complexity and inefficiency, and in a way that ensures a level regulatory playing field across broadcasting sectors.
















APPENDIX 2




Foxtel channels providing closed captioning in FY16



The tables below set out Foxtel's captioning targets for the July 2015 to June 2016 period.¹⁰

ENTERTAINMENT			
	FY15 Target 75%	FY15 Actual 78%	FY16 Target 60%
	FY15 Target 55%	FY15 Actual 55%	FY16 Target 60%
	FY15 Target 55%	FY15 Actual 64%	FY16 Target 60%
	FY15 Target 55%	FY15 Actual 78%	FY16 Target 60%
	FY15 Target 55%	FY15 Actual 74%	FY16 Target 60%
	FY15 Target 55%	FY15 Actual 95%	FY16 Target 60%
	FY15 Target 55%	FY15 Actual 65%	FY16 Target 60%
	FY15 Target 55%	FY15 Actual 81%	FY16 Target 60%
	FY15 Target 75%	FY15 Actual 88%	FY16 Target 80%
	FY15 Target 55%	FY15 Actual 80%	FY16 Target 60%
	FY15 Target 55%	FY15 Actual 60%	FY16 Target 60%
MOVIES			
	FY15 Target 75%	FY15 Actual 95%	FY16 Target 80%
	FY15 Target 75%	FY15 Actual 99%	FY16 Target 80%
	FY15 Target 75%	FY15 Actual 100%	FY16 Target 80%
	FY15 Target 75%	FY15 Actual 100%	FY16 Target 80%
	FY15 Target 75%	FY15 Actual 100%	FY16 Target 80%
	FY15 Target 75%	FY15 Actual 99%	FY16 Target 80%
	FY15 Target 75%	FY15 Actual 99%	FY16 Target 80%
	FY15 Target 75%	FY15 Actual 99%	FY16 Target 80%
	FY15 Target 75%	FY15 Actual 80%	FY16 Target 80%
Pay Per-View New Release Movies*	FY15 Target 45%	FY15 Actual 89%	FY16 Target 50%

¹⁰ This appendix reproduces information available to customers on the Foxtel website at <https://www.foxtel.com.au/got/support/tv/how-to-use/foxtel-remote/closed-caption-channels.html>.

	NATIONAL GEOGRAPHIC CHANNEL	FY15 Target 55%	FY15 Actual 63%	FY16 Target 60%
	Disney Junior	FY15 Target 75%	FY15 Actual 98%	FY16 Target 65%
	Nick Jr.	FY15 Target 45%	FY15 Actual 69%	FY16 Target 50%
	Boomerang	FY15 Target 45%	FY15 Actual 68%	FY16 Target 50%
	MTV MUSIC	FY15 Target 5%	FY15 Actual 59%	FY16 Target 10%
	MTV DANCE	FY15 Target 5%	FY15 Actual 64%	FY16 Target 10%
	CHANNEL 4	FY15 Target 5%	FY15 Actual 18%	FY16 Target 10%
	MTV HITS	FY15 Target 5%	FY15 Actual 26%	FY16 Target 10%
	Max	FY15 Target 5%	FY15 Actual 48%	FY16 Target 10%
	CMC	FY15 Target 5%	FY15 Actual 21%	FY16 Target 10%
	FOXTEL smooth	FY15 Target 5%	FY15 Actual 29%	FY16 Target 10%
	sky NEWS LIVE	FY15 Target 15%	FY15 Actual 22%	FY16 Target 20%
	sky NEWS BUSINESS	FY15 Target 15%	FY15 Actual 16%	FY16 Target 20%
	FOX NEWS at 5pm	FY15 Target 55%	FY15 Actual 100%	FY16 Target 20%
	DAYSTAR	FY15 Target N/A	FY15 Actual N/A	FY16 Target 85%

DRAMA				
	showcase THE HOME OF HBO	FY15 Target 55%	FY15 Actual 82%	FY16 Target 60%
	BBC FIRST	FY15 Target 45%	FY15 Actual 50%	FY16 Target 50%
	Eurosport 3	FY15 Target 45%	FY15 Actual 69%	FY16 Target 50%
	FX	FY15 Target 55%	FY15 Actual 65%	FY16 Target 60%

DOCOS				
	HISTORY	FY15 Target 45%	FY15 Actual 63%	FY16 Target 50%
	NAT GEO WILD	FY15 Target 25%	FY15 Actual 37%	FY16 Target 30%
	DISCOVERY turbo	FY15 Target 25%	FY15 Actual 54%	FY16 Target 30%
	FOXTEL arts	FY15 Target 45%	FY15 Actual 31%	FY16 Target 50%
	NAT GEO people	FY15 Target 45%	FY15 Actual 55%	FY16 Target 50%
	ANIMAL PLANET	FY15 Target 45%	FY15 Actual 61%	FY16 Target 50%
	DISCOVERY SCIENCE SCI	FY15 Target 45%	FY15 Actual 76%	FY16 Target 50%
	sci crime investigation	FY15 Target 45%	FY15 Actual 50%	FY16 Target 50%
	BBC Knowledge	FY15 Target 25%	FY15 Actual 40%	FY16 Target 30%

ENTERTAINMENT PLUS				
	Comedy Central	FY15 Target 55%	FY15 Actual 58%	FY16 Target 60%
	Syfy Imagine Greater	FY15 Target 45%	FY15 Actual 64%	FY16 Target 50%
	Style.	FY15 Target 25%	FY15 Actual 51%	FY16 Target 30%
	TLC	FY15 Target 45%	FY15 Actual 69%	FY16 Target 50%
	E!	FY15 Target 55%	FY15 Actual 59%	FY16 Target 60%
	A&E	FY15 Target 55%	FY15 Actual 70%	FY16 Target 60%
	LIFESTYLE Home	FY15 Target 55%	FY15 Actual 68%	FY16 Target 60%
	LIFESTYLE You.	FY15 Target 55%	FY15 Actual 68%	FY16 Target 60%
	Food	FY15 Target 45%	FY15 Actual 73%	FY16 Target 50%

SoHo	FY15 Target 55%	FY15 Actual 90%	FY16 Target 60%
BOX SETS	FY15 Target 55%	FY15 Actual 66%	FY16 Target 60%

SPORT			
FOX SPORTS	FY15 Target 15%	FY15 Actual 19%	FY16 Target 20%
FOX SPORTS 2	FY15 Target 15%	FY15 Actual 15%	FY16 Target 20%
FOX SPORTS 3	FY15 Target 15%	FY15 Actual 13%	FY16 Target 20%
FOX SPORTS 4	FY15 Target 5%	FY15 Actual 9%	FY16 Target 20%
FOX SPORTS 5	FY15 Target 5%	FY15 Actual 9%	FY16 Target 20%
FOX SPORTS	FY15 Target 15%	FY15 Actual 20%	FY16 Target 20%
ESPN	FY15 Target 55%	FY15 Actual 57%	FY16 Target 20%
ESPN2	FY15 Target N/A	FY15 Actual N/A	FY16 Target 20%

KIDS			
CN CARTOON NETWORK	FY15 Target 55%	FY15 Actual 85%	FY16 Target 60%
Disney CHANNEL	FY15 Target 75%	FY15 Actual 92%	FY16 Target 65%
Geenie 3000	FY15 Target 25%	FY15 Actual 44%	FY16 Target 30%
nickelodeon	FY15 Target 55%	FY15 Actual 72%	FY16 Target 60%
Discovery Kids	FY15 Target 100%	FY15 Actual 100%	FY16 Target 100%
Disney XD	FY15 Target 55%	FY15 Actual 83%	FY16 Target 65%

Channels not currently providing Closed Captioning

- FOX SPORTS News
- Eurosport News
- Sky Racing 1
- Sky Thoroughbred Central
- Sky News Weather
- BBC World News
- CNN
- CCTV News
- CCTV-9 Documentary
- NHK World
- Aurora
- Bloomberg Television
- CNBC
- A-PAC
- EXPO Infomercial
- Australian Christian Channel
- TVSN
- Al Jazeera
- Russia Today
- Eurosport
- Adults Only 1
- Adults Only 2
- Main Event
- Antenna
- RAI Italia



*The Pay Per-View Movies Actual is an average of the results from the 17 Pay-Per-View channels available on Foxtel

APPENDIX 3

Overview of STV and FTA captioning levels in FY16

While the STV and FTA regulatory schemes have different characteristics,¹¹ the following tables provide a general comparison by reference to STV channels subject to captioning obligations and FTA broadcasters' captioning requirements in FY16.



Channels subject to greater captioning requirements

STV	Metropolitan FTA
<p>48 channels</p>  <p>50–80% captioning across 24 hours in FY16, increasing over time to 100% over 24 hours</p>	<p>5 channels (core/primary channels)</p>  <p>100% captioning across 18 hours (6am to midnight) – no regulatory pathway to 100% over 24 hours</p>

* Bio ceased broadcasting on 1 November 2015

¹¹ Part 9D of the *Broadcasting Services Act 1992* sets out captioning obligations—requirements for commercial FTA and national broadcasters are in Division 2; requirements for STV are in Division 3.

Channels subject to medium or lower captioning levels

STV	Metropolitan FTA
<p>28 channels</p>  <p>10–30% captioning across 24 hours in FY16, increasing over time to 100% over 24 hours</p>	<p>14 channels (multi-channels)</p>  <p>Minimal captioning, except for repeat programs¹²</p>

Captioning rules for free-to-air services

As noted in ASTRA's February 2016 submission to DoCA, there is no logical reason for different captioning rules for STV channels and FTA multi-channels. In particular, ASTRA notes that FTA multi-channels channels should not escape substantive captioning obligations while STV channels are regulated for the same genres (particularly since those STV channels have a lower audience share).

















ASTRA supports the expansion of substantive captioning obligations to FTA multi-channels based on the existing STV genre targets over a 24 hour period. A sensible approach would be to introduce genre-based channel captioning targets for FTA multi-channels set at the same levels as equivalent genres in the STV captioning scheme. Yearly 5 per cent increases could then apply, as they do for STV channels.

The light-touch regulatory approach taken to commercial FTA multi-channels (including in regards to captioning regulation) was previously justified on the basis that the channels were new to the market and had very small audiences. An examination of the current multi-channel offering establishes this is clearly no longer the case, and in turn means there is no sound policy justification for their continued exemption from substantive captioning obligations.

¹² Captioning required *only* when replaying content on these channels that first screened on a core/primary channel with captions, or where replaying content that first screened on another multi-channel with captions.

The following table demonstrates this point very clearly:

FTA multichannels vs subscription TV channels: captioning and audiences

Channel	Description	Audience*	Captioning target**	STV comparison	Description	Audience*	Captioning Target (FY16)
 7 TWO	General entertainment & sport	93,700	0%	 111	General entertainment	12,700	60%
 7mate	General entertainment & sport	80,700	0%	 A&E	General entertainment	13,300	30%
 7flix	Movies	-	0%	 PREMIERE MOVIES	Movies	15,600	80%
 Go!	General entertainment	93,800	0%	 Arena	General entertainment	14,500	60%
 Gem	General entertainment & sport	76,000	0%	 111	General entertainment	12,700	60%
 Life	Lifestyle	36,900	0%	 LIFESTYLE	Lifestyle	24,200	60%
 one	Male-targeted programming	58,200	0%	 turbo	Male-targeted programming	6,400	30%
 11	Youth-targeted programming	73,100	0%	 FOX8	Youth-targeted programming	28,400	60%

* Average audience – Source: OzTAM & Regional TAM. 5 City Metro & Regional Combined Aggregate Markets. Consolidated Data. 0200-0200, 2015 (Calendar Year). Total Individuals.

** No captioning target percentages for FTA multichannels – requirement to caption repeats of primary channel captioned programs only.