

SBS RESPONSE TO THE ACMA'S CONSULTATION PAPER PROPOSAL TO REMAKE THE BROADCASTING SERVICES (TELEVISION CAPTIONING) STANDARD 2013 June 2023

Key Points

- The Special Broadcasting Service (**SBS**) welcomes the opportunity to comment on the Australian Communications and Media Authority's (**ACMA**) Consultation Paper *Proposal to remake the Broadcasting Services (Television Captioning) Standard 2023 (the Paper)*.
- SBS takes extremely seriously the need to ensure its services are accessible, and that those accessibility features are of the highest possible quality.
- There are, however, improvements which can be made to the way in which that quality is measured and assessed by the regulator, which will assist industry in delivering the best possible product to consumers.
- Given the strongly supportive feedback gathered by the ACMA from caption users, the very low level of complaint received by SBS regarding captioning quality, and SBS's strong compliance record, there is scope to consider changes to the way quality is assessed.
- Using an NER model for assessment would minimise the risk of subjective interpretations occurring with evaluation under the current approach and would provide a standardized and consistent method for evaluating captioning quality across different sources.
- SBS supports further trial of the industry-standard NER¹ model of assessing compliance, together with a short-term remaking of the captioning quality Standard, along with targeted amendments to the Standard to remove constraints on innovation in service delivery (such as requirements regarding colour and placement, and the 'program segment' provisions).
- This proposed approach will improve the efficiency and effectiveness of industry's compliance planning, and facilitate responsible innovation in service delivery, both of which stand to benefit caption users and the delivery of accessibility features.
- In future, there may also be a need to consider legislative amendments to remove existing barriers to the adoption of a metric model that differentiates between live and pre-prepared captions.
- To remain fit for purpose the broadcast captioning quality rules should observe a balance between appropriately upholding captioning standards on television, while acknowledging

¹ A model which seeks to provide greater objectivity to the quality assessment of live captioning. It derives a quality score, which is: $\text{Score} = (N - E - R) / N$ where:

N is the total number of words and punctuation in the caption file

E is the sum of Edition errors, each multiplied by an impact weighting

R is the sum of Recognition errors, each multiplied by an impact weighting



that a significant proportion of captioned content is now consumed on non-broadcast digital services which are not covered by the rules. The rules should not constrain broadcasters from innovating in alignment with digital services where that innovation is to the benefit of audiences.

Introduction

The principal function of SBS is to provide multilingual and multicultural broadcasting and digital media services that inform, educate and entertain all Australians and, in doing so, reflect Australia's multicultural society.² In fulfilling this public service function, we are driven to make our services as accessible as possible to as many Australians as possible, including our commitment to fulfilling our captioning requirements under Part 9D of the *Broadcasting Services Act 1992* (**BSA**).

For the financial year to date, SBS has delivered **4,094 hours** of first run captions, with a total overall of **15,538 hours** of captioned content. Subject to budget considerations, SBS looks to provide additional discretionary captioning beyond regulated requirements.

A critical part of fulfilling this commitment is the need to ensure that the captions provided with our content are of the highest possible quality, with 'quality' calibrated according to the needs and preferences of caption users. This is reflected in the stringent service level agreements we have in place with our caption service provider, Red Bee Media (**Red Bee**).

Extensive periodic reporting requirements between SBS and Red Bee cover all aspects of service delivery and quality, and ensure the highest standards are maintained.³

These arrangements ensure that, at all times, the need to deliver captions of the highest possible quality is the guiding consideration for our service provider.

SBS is performing strongly in the delivery of high quality captions

SBS's strong commitment to captioning quality, and the high performance of our captioning service provider, translates into strong beneficial outcomes for caption users. This is demonstrated in the low number of complaints SBS receives compared the number of hours of captions transmitted.

For the financial year to date, SBS has received 14 complaints regarding the quality of live captions (this includes latency issues but excludes a small amount of further feedback arising from technical issues at SBS's broadcast technology provider).

This low level of complaint can be further contextualised in light of the high number of hours of captioning delivered by SBS in this same period (see above).

This high level of satisfaction was also evident in the research conducted by the ACMA in preparation for this consultation,⁴ which showed that:

- Most respondents were satisfied or very satisfied with the quality of live and pre-prepared captioning services
- Satisfaction with the quality of live captioning was high across all broadcasting services
- Satisfaction with live captioning on live news and current affairs was uniformly high

² *Special Broadcasting Service Act 1991* (Cth) s 6 - *SBS Charter*.

³ This includes breakdowns on incidents, service availability, service uptime and outages, accuracy % for live captions, accuracy % for file captions, performance case study reviews with findings and future improvements opportunities.

⁴ Australian Communications and Media Authority *Use and experience of captioning: Consumer research to support the ACMA's Captioning Quality Standard Review*, p 3



- Satisfaction results for closed captions were very high, with more than 90% of respondents indicating satisfaction
- Overall satisfaction with the quality of captioning was high across all categories of broadcaster

These results should provide confidence to the ACMA that industry has in place the requisite service level agreements and quality assurance protocols to ensure that captions of a very high quality are being consistently provided.

Changing consumer experiences and expectations of captions

It has been ten years since the current quality Standard was made, during which time there have been significant and far-reaching changes to the media consumption habits of Australian audiences. There have also been significant changes to the amount of captioned content that is available, but also, there have been significant changes to the manner in which captions are produced and provided.

There are two key developments – the increasing penetration into Australia of streaming services with large libraries of international content; and, the development and refinement of automated captioning technologies.

The impact is twofold:

- Firstly, audiences have been exposed to, and have accepted, different forms of captioning delivery and features
- Secondly, the methods available to caption service providers have evolved and transformed

These developments and impacts are important considerations to be taken into account by the ACMA in its decision-making.

Over the last decade, captioning technologies have undergone remarkable evolution, driven by advancements in machine learning, natural language processing, and artificial intelligence. These advancements have resulted in the development of highly accurate and automated captioning solutions that have drastically improved the accessibility of various media formats, including television programs, movies, online videos, live events, and online meetings.

The advancements in captioning technologies have also extended to mobile applications and online platforms. Many popular video streaming platforms, social media networks, and educational websites now offer built-in captioning features, enabling users to enjoy content in multiple languages and cater to diverse audiences.

In addition, and at the same time, video consumption habits have changed fundamentally, with rapid take up of online video and streaming services. Captions on these services are delivered differently to the captions traditionally delivered on linear broadcast television, with key differences in areas such as colour, font type and size, and placement on screen. Audiences are consuming these services in large numbers.

There is scope for research to explore the extent to which this proliferation of alternative forms of captioning has altered the expectations of caption users in ways which call into question some of the more limiting provisions of the current captioning quality Standard for broadcast television (and the ACMA's approach to enforcing the Standard).



We note the Paper argues that the way in which newer forms of captioning delineate speaker changes, or position the captions, means these formats are “not able to deliver important features that contribute to the quality of captions”⁵.

This is where an understanding of changing consumer expectations would be particularly useful, given that these features are treated differently in captions on streaming and other online platforms, which are increasingly a preferred entertainment option of audiences. Research of this kind may reveal that these features are not of central importance to consumers (or that alternative forms of delivering these features are sufficient), and that the format of captions provided on newer platforms is acceptable to audiences.

An understanding of these issues could support possible changes to the Standard which would enable broadcasters and their caption service providers to embrace innovative technologies, and in so doing, further increase the quantum of captions provided.⁶ If the existing regulation is constraining innovation in service delivery in a way that is not aligned with consumer expectation, considered review of the Standard should occur.

A new approach is warranted – the NER model is preferred

As expressed in our submission to the targeted stakeholder consultation undertaken in 2022, SBS remains in favour of the adoption of the NER model for assessing captioning quality. The appropriate levels of NER compliance should be determined in consultation with broadcasters, caption service providers and caption users.

NER is a quantitative approach, which reduces subjectivity and is the methodology primarily used in the broadcast industry for contractual KPIs. Given its critical role in existing contracts, the NER approach already plays a significant role in the high level of quality that exists in contemporary broadcast captioning (as demonstrated in low complaint numbers, and the strong results from the ACMA research).

Whilst industry seeks to emphasise the benefits of an NER model for planning and executing compliance, it should also be emphasised that an NER model is also viewer-centric, in that it makes an assessment of errors in terms of how that error impacts on a viewer's understanding of a program.⁷ The NER model looks at 'edition' and 'recognition' errors (essentially, whether the captions are accurate) and applies weightings to those errors depending on how much they impact on comprehension. This illustrates how the NER model focuses on the needs of the viewer.

We note the Paper suggests a key shortcoming of the NER model is that it does not include measures for assessing synchronicity. There are measures currently in place in service level agreements which measure latency and we are therefore confident that an NER model could be implemented and be accompanied by a latency measure, to ensure that synchronicity is included in the regulatory framework for caption quality. That is, there are clear industry standards on latency which could be adopted into an 'NER + latency' framework.

The paper also raises a number of other concerns with an NER model⁸, which we seek to address:

⁵ See p 12

⁶ Newer caption technologies can deliver a lower cost product, which can in turn, increase the quantum of captions able to be provided within given budgets.

⁷ <https://www.ai-media.tv/ai-media-blog/the-best-accuracy-measurement-for-captions-yet-the-ner-model/>

⁸ See p 21



- That it would be difficult for viewers to determine if a service has met a metric measure while they are watching – under the complaints-based system currently in place, there is no requirement that a consumer be able to definitively know if a service is compliant before lodging a complaint. They are able to do so on the basis of their own experience of the service as inadequate. This would not need to change under an NER model.
- That there are subjective human judgments inherent in the NER model – the key consideration is that there would be *fewer* subjective judgments than under the existing model.
- That NER assessments may not be able to be feasibly conducted at scale – given the extensive use of the NER model in service delivery contracts, this concern appears misplaced.
- The availability of trained and certified NER assessors – NER is already extensively used. This concern appears misplaced.
- Initial and ongoing costs of implementing a metric model – as noted above, NER assessments are already a feature of existing contracts and should not attract significant additional costs.
- Costs of regularly assessing a range of programming – this is already provided for under existing contracts and should not attract significant additional cost.
- Meeting compliance reporting obligations – broadcasters are not currently required to report on adherence with the quality standard so we are unsure why this concern has been tabled. It is not clear whether ACMA is proposing a move away from the current complaints-based regulatory approach. SBS would not support such a change.

Legislative change may be required

As noted by the ACMA in its paper, there are currently legislative constraints which prevent the ACMA from making captioning quality standards which are tailored to the different characteristics of live and pre-prepared captioning (s 130ZZA(2B) of the BSA).

SBS agrees with the ACMA's conclusions in the Paper that this poses challenges to the implementation of a metric model of assessing captioning quality, given the well-recognised differences in expectations regarding live and pre-prepared captions (and the need for a different NER rate for each type of captions).

If the consensus position of industry is in favour of a metric model, and the proposed trial proves the value of this approach, an approach to Government seeking targeted legislative amendments to facilitate a metric model, would be appropriate.

A trial of NER is supported, together with the short-term renewal of an amended Standard

As noted above, SBS's preferred model of captioning quality regulation is for the adoption of an NER model, with an added latency standard. Given the reservations expressed by the ACMA in the paper, SBS is willing to support a trial of the NER model, as proposed by the ACMA, but with some key additional considerations.

The proposed trial should be led and funded by the ACMA, conducted in consultation with industry and caption-users and on a 'without prejudice' basis (meaning that regulatory breaches should not arise from trial findings). SBS does not see the need for the trial to take several years, given the extensive use of NER already across industry, and the wealth of captioned content available to form part of the trial.



We acknowledge there is a need for the existing sunseting standard to be remade to facilitate the trial, but submit that the renewal period should be short, perhaps 2 or 3 years. This is appropriate given the pace of change in the provision of captioning services and audience consumption habits, and will provide a concrete prompt for the issues raised in this consultation to be revisited in a timely manner.

However, SBS does not agree with the ACMA's proposal to remake the Standard without amendment. There are several components of the Standard which should be redrafted to provide additional scope for innovation in caption service delivery and to expand the scope for broadcasters and caption service providers to repurpose existing captioning files which accompany international content.

Proposed amendments to the Standard

Whilst SBS supports a short-term renewal of the Standard, there are several aspects of the Standard which should be reconsidered and amended, given contemporary developments in caption service delivery and the need to remove barriers to innovation and efficiency.

Existing provisions which reference the use of colour⁹ and which have created an expectation that different speakers will be denoted with different colours or positioning should be removed from the Standard. There are alternative ways of denoting different speakers (eg, chevrons, hyphens) which are widely used in captions on other platforms or in captions supplied from overseas and the Standard should accommodate these alternative approaches.

The existing expectation/requirement for different colours and placement can also prevent the re-purposing of existing caption files supplied with overseas content. The need to create all-new Australian captions for international content comes with a financial cost, whereas if international captions were able to be re-used, that budget could be allocated elsewhere (specifically, to expand the quantum of captions overall by captioning another program).

Paragraph 6(b) of the Standard should be removed as it promotes an approach to compliance assessment which is at odds with the viewer's experience of content. The current approach whereby compliance within a news program is considered on a segment-by-segment basis does not align with the audience's experience of a news program, which is of a program as a whole.

Whilst the content of different segments will be unrelated and distinct, this does not interrupt the viewer's experience of a news program as a continuous stream of programming. It is not usual for a viewer to tune in for a specific program segment, and then cease viewing upon its conclusion.

The ACMA consistently adopts the perspective of the 'ordinary, reasonable viewer' in its broadcasting investigations. An ordinary, reasonable viewer's experience of a news program is of it as a program as a whole, rather than as distinct segments.

Conclusion

Evidence strongly suggests that the quality of captions currently provided is consistently high and is of considerable value to caption users. SBS is committed to continuing this very high level of service delivery and inclusivity.

However, there is scope for change in how quality is measured and assessed, and this can be done in a way which benefits both industry and caption-users.

⁹ Clause 7(b)(i) of the Standard



The focus should be on changes which ensure industry can effectively and efficiency plan for compliance and deliver product, and on ensuring barriers to innovation are minimised. This will have direct benefits for caption users, who will continue to enjoy the current high standard of captioning, with appropriate frameworks in place to safeguard the quality of captions.

SBS looks forward to working closely with the ACMA on the proposed trial of the NER model and would welcome further consultation on this and the other matters raised in this submission.



ATTACHMENT A – ANSWERS TO QUESTIONS IN THE CONSULTATION PAPER

Question 1: If the Standard were to be remade as currently drafted, would it be appropriate for it to be accompanied by a commitment to:

- > support industry to further examine the introduction of a metric measurement model in the future, particularly given the likely faster evolution in captioning related technology in the coming years?
- > provide further guidance on the interpretation of key elements of the Standard?

Why or why not?

As outlined above, SBS would support a trial of NER measurement, led and funded by the ACMA in consultation with industry, with a prompt timeframe for completion.

A formal trial would permit exploration of the issues of concern raised by the ACMA and would demonstrate the benefits of an NER model, which is already used extensively across the industry.

Formal guidance would be of use to broadcasters and caption service providers, especially when encountering novel situations or seeking to explore innovative ways of delivering captions.

Question 2

Is the clarification that broadcasters have indicated they would like about elements of the Standard best achieved through informal guidance rather than redrafting the Standard? Why or why not?

SBS favours amendment to the standard to address a selection of issues, as outlined above. In particular, references to the use of colour and the positioning of captions could be removed, to remove real or perceived barriers to the use of international caption files and other methodologies which match the delivery of captions on other platforms.

SBS also strongly supports a removal of clause 6(b) of the Standard, to remove the reference to distinct program segments, as this encourages an approach to assessing compliance which is inconsistent with the viewer's experience of content.

Question 3

If the ACMA did provide guidance to broadcasters about the application and interpretation of the Standard (in addition to information in published investigation reports), what would be an appropriate mechanism to achieve this? Please provide details.

We note that the ACMA has previously published 'Investigation concepts' papers, which sought to assist broadcasters in better understanding the ACMA's approach to enforcement of key editorial concepts, bringing together guidance from historical ACMA investigations.¹⁰

We would support a similar approach as regards interpretation of key concepts in the captioning quality Standard.

¹⁰ For example - <https://www.acma.gov.au/publications/2018-07/guide/investigation-concepts-fairness-impartiality-and-viewpoints>



Question 4

In the current legislative context, would a metric model be an appropriate alternative to the Standard's current approach to measuring the quality of captioning? If so, why and how?

SBS supports the incorporation of the NER model (with an additional latency standard) into the regulatory framework, given it is widely used by industry (and is internationally recognised) and is supporting the current delivery of a high standard of captioning, to the benefit of caption users.

Question 5

What benefits, if any, would a metric model have for viewers compared to the Standard's current approach to measuring the quality of captioning? Would viewers who are concerned about the quality of captioning be able to determine whether a captioning service has met a metric measure while they are watching a television program? If so, how?

As noted above, SBS queries the concerns regarding a viewer's ability to determine caption quality if an NER model is adopted. This is because a detailed understanding of the NER model would not be a pre-requisite for a viewer to lodge a complaint. If a viewer was experiencing issues with any aspect of captioning, there is no requirement that they be able to assess the problem against the regulatory framework before complaining.

Question 6

What, if any, metric model would be the most appropriate to assess the quality of captioning? Please explain how it would address the BSA requirements of readability, accuracy and comprehensibility.

SBS supports a trial and future adoption of the NER model, given its extensive use across the industry as the key means of quality assurance and control. Aligning the regulatory framework with industry standard practice would give rise to tangible benefits in terms of planning and executing compliance—enhancements in the effectiveness and efficiency of compliance planning translates to higher quality captions, to the benefit of caption-users.

The NER model looks at 'edition errors' (where a word or words have been spoken but do not appear in the captions) and 'recognition errors' (where an incorrect word or words appear in the captions). These are directly relevant to addressing the BSA requirements of readability, accuracy and comprehensibility.

Question 7

Metric models used or considered overseas do not include details about the latency or synchronicity of captioning (although these are addressed in other elements of the legislative framework). Should these issues also be addressed by a standard dealing with the quality of captions?

If a metric model were to be adopted, SBS would support the inclusion of latency standards, to ensure this important element of captioning quality is accounted for. An appropriate latency standard (eg, the number of seconds of acceptable delay) could be explored through the proposed NER trial.

A distinction should be made, however, between latency in the delivery of captions, and any latency caused by disruptions to terrestrial broadcast delivery.

**Question 8**

How should compliance with a metric model be measured and monitored?

SBS would support the continuation of the existing complaints-based model. Given the strong positive feedback reported by the ACMA regarding the quality of captions, and the low level of consumer complaint, we do not support additional active monitoring or audits.

Question 9

What arrangements would need to be in place to provide confidence in the results of a trial of a metric model?

As noted above, SBS supports a trial with the following characteristics:

- Led and funded by the ACMA
- Close consultation with broadcasters, caption service providers and caption users
- Completed in a timely fashion
- Completed on a 'without prejudice' basis, with no compliance action arising

If the trial did not result in the adoption of a metric model into the regulatory framework, there should be an opportunity re-open the captioning quality Standard for further review and amendment.