

ABC submission

**ACMA proposal to remake the
Television Captioning Standard**

June 2023



ABC submission in response to the ACMA's proposal to remake the Broadcasting Services (Television Captioning) Standard 2013

June 2013

1. Introduction

The ABC welcomes the opportunity to comment on the consultation paper issued by the Australian Communications and Media Authority (ACMA) "Proposal to remake the Broadcasting Services (Television Captioning) Standard 2013".

As a national broadcaster, the Corporation provides captions on its television broadcasting channels in accordance with the requirements of the *Broadcasting Services Act 1992* ("BSA") and Broadcasting Services (Television Captioning) Standard 2013 ("the Standard"). In addition, since 2010, it has offered captions for many programs on its video-on-demand service, ABC iview. The ABC's contract with its external captioning partner ensures that the captions it provides on its services have a very high level of accuracy, readability and comprehensibility. The Corporation has no desire to see this high standard diminished.

The consultation paper responds to the anticipated expiry of the Standard in October 2023. The ACMA's preliminary view, as set out in that paper, is essentially that the ACMA should remake the existing Standard as drafted, albeit accompanied by commitments to support a trial of a metric measurement model and provide further guidance on the interpretation of key elements of the Standard.

The ABC's strong preference would be for the current Standard to be replaced by one based on a metric measurement model. However, as the Standard will lapse in fewer than six months, the Corporation accepts that it may not be feasible to develop a new standard in the available time.

Noting this, the ABC does not oppose the remaking of the Standard, save that it believes that the provisions in relation to distinct program segments should be removed and the Standard should only be remade for a limited period in order for a trial of suitable metric measurement model to be completed and replacement standard developed. It welcomes the ACMA's proposal to provide interpretive guidance and support an industry trial of a metric measurement model.

These matters are discussed in further detail below.

2. Introduction of a metric measurement model

The current Standard is based on subjective assessments of the accuracy of captions. When assessing captioning complaints or conducting compliance audits, the ACMA often finds fault with the quality of the captions provided by broadcasters, even though in ACMA's own findings the target audience was generally satisfied or very satisfied with the quality of live and pre-prepared captioning services. This suggests that the current subjective model is not fit for purpose.

In contrast, a metric measurement model, such as NER, is quantifiable, objective and designed to measure the quality of captions from the perspective of viewers. Such a model is equally applicable to live and pre-prepared captions, albeit with different accuracy thresholds to reflect the relative difficulty of delivering live captions.

Shifting to an objective model of this kind would allow the industry to benchmark its performance against the same criteria that is applied by the ACMA. This would ensure consistency and predictability in the measurement of captioning quality.

In addition, the adoption of a metric measurement model would lay the foundation for the introduction of automated real-time captioning (ARC) technologies. The ABC has been working with its captioning partners to trial ARC and believes it shows promise as a means of reducing the cost of delivering high-quality captions to viewers. If realised, this would allow the Corporation to increase the number of captioned programs that it offers to audiences using the same budget.

Increasing accessibility in the form of more captioned programs would represent a tangible benefit to viewers (Question 5). It is consistent with the audience data available to the ABC, which indicates that viewers are generally more interested in having access to more captioned programs than they are in an improvement on the already-high standard of captions provided.

2.1. Preferred measurement model

The ABC believes that the most appropriate metric-based model is NER supplemented by a latency requirement (Questions 6 and 7).

The NER model is quantitative and objective. It measures the accuracy and comprehensibility of captions from the perspective of the members of the audience for whose benefit captioning is ultimately provided. For these reasons, it represents a superior alternative to the subjective model embodied in the current Standard.

The ABC, along with other broadcasters, already uses NER as part of the assessment of the performance of its captioning partner. As such, monthly NER analyses of broadcasters' output are already being generated. Adopting NER as the basis for a new standard is likely to be relatively uncomplicated for the industry.

The Corporation acknowledges that even short delays in the broadcast of live captions can affect viewers' experience of television programs. NER does not measure such delays. To compensate, it should be accompanied by a latency requirement in any future standard.

It is important to note that some degree of latency is unavoidable in live captioning. Further, there are several possible causes of captioning latency issues, including delays arising from the generation of captions and from the technology pipeline used to insert captions into a live broadcast stream. A future standard should distinguish between these factors. The ABC is actively exploring ways of reducing the technology component of delays; however, due to the nature of digital television, there will always be some delay.

The ABC notes that the ACMA has asked whether viewers who were concerned about the quality of captioning would be able to determine whether a captioning service has met a metric measure while they are watching a television program (Question 5). Respectfully, this is a curious and

unhelpful question. The critical test from the perspective of viewers is whether its captions are accurate, comprehensible and timely. In contrast, the measurement system is the mechanism by which a regulator holds the broadcaster delivering that captioned service accountable. Clearly, the measurement model must be calibrated in such a way that a compliant service is consistent with the delivery of a good experience for viewers relying on the captions. However, if viewers are offered an unsatisfactory experience, their rightful concern will be with the service, rather than the model used by the regulator to assess that service.

2.2. Conduct of a trial

It is important that any metric measurement trial be conducted in a manner intended to move towards a new standard.

As described above, the ABC proposes that the ACMA remake the Standard only for a period sufficient to allow the trial of metric measurement to be completed and a new standard devised. Remaking the Standard for another 10 years would be too long in a field that is currently witnessing rapid developments. Ideally, the duration of the new standard should be extended for no longer than would be required to conduct a metric measurement trial and seek any necessary legislative changes (see below) to enable a more effective standard to be put in place. The ABC believes that a period of no more than 12 months should be sufficient for this purpose.

The trial should be conducted by the ACMA and industry working together. To provide confidence in the trial (Question 9), the ACMA should conduct it in open consultation with the industry. The ACMA should share and discuss all results and findings with broadcasters and other industry participants.

The trial costs borne by industry should only extend to quantitative measures. The ACMA should bear the costs of any qualitative elements of the trial, such as focus groups and community consultation.

In the interests of providing a timely outcome, the trial should run for a limited but reasonable period, such as three months.

The trial should explicitly acknowledge the difference between live and pre-prepared captions. Ideally, it should be designed to provide useful observations that might help inform changes of policy and, ultimately, legislation.

If the trial is unsuccessful, the ACMA should seek further input into the industry about revisiting the Standard, as it is not currently working.

2.3. Compliance with a metric measurement model

The consultation paper asks how compliance with a metric model should be measured and monitored (Question 8).

The current monitoring model for captioning is primarily complaints-based with occasional compliance audits conducted by the ACMA. In addition, the ABC provides an annual report on its captioning performance to the ACMA that identifies and explains gaps and issues during the year. This draws upon the regular reports the ABC receives from its captioning and playout providers.

The ABC believes that the current model, which combines viewer complaints, annual reporting and occasional auditing, is effective. It can see no reason why it should not continue to be the basis for monitoring under any future Standard.

The ABC does not believe that any increase in audits should be required to monitor compliance with a metric measurement model once it has been established. However, it acknowledges that more audits may be appropriate for a short period after such a model is first introduced.

2.4. Legislative changes to support a metric model

The ABC notes that s 130ZZA(2B) of the BSA prevents the ACMA from setting different accuracy thresholds for live and pre-prepared captions. Curiously, this is in spite of an obligation under s 130ZZA(2A) to “consider the differences (including time constraints for live content) between providing captioning services for ... live television programs and pre-recorded television programs”. The inability to set different accuracy thresholds for live and pre-prepared captions is an impediment to introducing an effective metric measurement system. Empowering the ACMA to be able to set different thresholds in this way will require legislative change.

If the trial successfully demonstrates the effectiveness of metric measurement, the Corporation believes that the ACMA should make a recommendation to government about the need for such a legislative change in its capacity as the regulator creating and administering the Standard. In such a circumstance, the ABC would expect the industry to make similar representations to government.

3. Guidance on interpreting the Standard

The ABC welcomes the ACMA’s proposal to commit to providing guidance on the interpretation of key elements of the Standard. It believes the ACMA should issue unambiguous formal guidance that broadcasters can rely upon when implementing captioning.

3.1. Matters with which interpretative guidance is required

The key aspect of the Standard that the Corporation believes requires clarification is the requirement in relation to distinct program segments. Program segments are a cause of considerable uncertainty in the industry. It is not clear why the requirement exists or in what way it improves the experience of users of captions. It is not always clear what content is or is not considered to be a distinct program segment for the purposes of the Standard.

The simplest means of resolving the uncertainties surrounding program segments would be to remove the concept from the Standard. This would allow programs to be judged in their entirety. It could be achieved by deleting paragraph 6(b) of the Standard and removing “distinct program segment within a television program” from the definition in clause 4.

In addition, the ABC would welcome formal guidance from the ACMA on aspects of the wider application of the captioning regime, such as the requirements for captioning of rolling coverage of breaking news beyond the legislated period, as occurred recently following the death of Queen Elizabeth II.

3.2. Form of guidance

Further guidance on the interpretation of key elements of the Standard provided by the ACMA should take the form of formal guidance published on the ACMA's website that can be relied upon by the broadcasters who must implement it.

Currently, the ACMA is hesitant to provide guidance in response to queries about the requirements of the Standard. On the occasions when it does so, the advice is informal and non-binding, and it is thus possible for broadcasters to follow that advice and yet subsequently be found to be in breach. Accordingly, the ABC believes that the industry is not well served by informal guidance (Question 2), as its status is uncertain, and it can inhibit effective decision-making.

Ideally, guidance on the interpretation of the Standard should take the form of a set of simple and unambiguous guidelines, accompanied by examples, that broadcasters can draw upon when implementing the Standard. These should be published on the ACMA's website and updated as required.

In novel circumstances where an interpretation of the Standard is required, the ACMA should be prepared to make binding rulings that broadcasters can rely upon. These should be incorporated into updates to the guidelines.

Currently, the industry is effectively required to examine published breach findings to understand the evolving application of the Standard. The Corporation does not believe that this is reasonable. Instead, the ACMA should extract the key findings of its investigations and incorporate them into updates to the guidelines.

The ABC notes that, in 2018, the ACMA published a series of "investigation concepts" papers on accuracy, fairness and decency that drew together relevant precedents. The creation of a similar document in relation to the Captioning Standard would be useful to industry.

4. Conclusion

As indicated above, the ABC's strong preference is for the current Standard to be replaced by one based on a metric measurement model. Noting the short timeframe before the sunset of the Standard, the Corporation does not oppose the Standard being remade, save that it believes that the provisions in relation to distinct program segments should be removed and the Standard should only be remade for 12 months to enable a trial of suitable metric measurement model to be completed and replacement standard developed.

The ABC believes that the most appropriate metric-based model is NER supplemented by a latency requirement.

The Corporation welcomes the ACMA's proposal to provide interpretive guidance in relation to key elements of the Standard. It believes that any such guidance should be formal and published on the ACMA website.

The ABC would be happy to meet with the ACMA to answer any questions it may have about the matters raised in this submission.