

Australian Broadcasting Corporation

Submission to the

Department of Communications and the Arts

Improving Captioning Regulation

January 2016



ABC Submission to the Department of Communications and the Arts review of the Captioning Regulatory Framework

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Introduction

The Australian Broadcasting Corporation (ABC) appreciates the opportunity to comment on captioning regulation and options for reform as outlined in the Department of Communications' policy consultation paper on the captioning regulatory framework.

The Captioning Regulatory Framework

The ABC acknowledges the intent of the *Broadcasting and Other Legislation Amendment (Deregulation) Act 2015* (Deregulation Act) and of this further consultation to release broadcasters from onerous, costly or unnecessary requirements, while ensuring a level of transparency and responsibility to the public in the delivery of captions. The ABC believes the existing co-regulatory regime is effective in balancing the maintenance of the captioning service required of broadcasters while giving broadcasters the ability to independently manage the delivery of those captions in the most efficient way possible.

Annual Captioning Compliance Reporting Requirements

The ABC supports Option 3 of keeping the current reporting requirements on the national broadcasters in reporting on their compliance with the captioning legislative requirements in Part 9D of the *Broadcasting Services Act 1992*.

The ABC can support this option after the Australian Communications and Media Authority (ACMA) made revisions to the reporting requirements in 2015, so that they now require

broadcasters to indicate the level of captioning achieved on its primary channel and, if the quota is not met, to provide an explanation as to why that quota was not met.

This is a vast improvement on the previous reporting forms which required the ABC to outline each captioning outage across its network. The ABC regards this as a positive outcome of the Government's deregulation agenda as it removed an onerous obligation on industry that did not deliver any perceptible benefit to the deaf and hearing-impaired community.

Emergency Warnings Captioning Obligations

The ABC supports Option 2, which requires no change to the current arrangements.

Other Stakeholder Proposals

The ABC supports Option 3, which requires no change to the current mandatory level of captions provided by FTA broadcasters.

On the current cost per hour basis, the first proposal (Option 1) to extend captioning on ABC TV's primary channel to a daily 24 hour service would result in an approximate 24% cost increase annually.

The ABC has three dedicated multichannels, and is the only FTA broadcaster that provides a 24 hour television news network. The second proposal (Option 2), which requires broadcasters to caption their multichannels from 6am to midnight daily and to caption all news and current affairs on multichannels would substantially increase the ABC's costs for captioning with an approximate annual 80% increase in costs.

As the consultation papers notes, the extension of captioning provisions beyond the current levels would create significant additional expense to broadcasters and may reduce expenditure in other areas such as content development. The ABC does not receive any discrete funding for its captioning services. If mandatory captioning levels were to increase, then ABC TV would need to reconsider its budget allocations, for example, it might be forced to reduce expenditure in other areas. The ABC is already reviewing expenditures across a range of services and areas due to budget funding cuts.

The ABC believes that the increased costs for captioning as a result of options 1 or 2, or both in tandem, would be disproportionate and onerous in consideration of the incremental benefit it would bring to the ABC's late night and multichannel audiences.

Conclusion

The ABC is committed to the provision of captioning as it addresses an important need for our hearing-impaired and deaf audiences. However, it should be recognised that the delivery of captioning services is a significant investment for any broadcaster.

The ABC believes that the captioning regulatory system should provide broadcasters with the flexibility to independently manage their captioning service in the most efficient way possible while providing the audience with a useful and effective service, and the arrangements outlined above maintain that framework.

The ABC meets all mandatory requirements for the delivery and reporting of captions. The ABC will continue to maintain a high quality captioning service subject to available resources and budget allocation.