



SUBMISSION

CONTENT AND ACCESS:

The future of program standards and captioning requirements on
digital television and multi-channels

Discussion Paper

**DEPARTMENT OF BROADBAND, COMMUNICATIONS
AND THE DIGITAL ECONOMY**

SPECIAL BROADCASTING SERVICE CORPORATION

December 2009

Introduction

SBS welcomes the opportunity to comment on the Department's discussion paper 'Content and access: The future of program standards and captioning requirements on digital television multi- channels'.

SBS is Australia's multilingual and multicultural national broadcasting service. SBS operates under the *Special Broadcasting Service Act 1991*. Our principal function is to provide multilingual and multicultural radio and television services that inform, educate and entertain all Australians, and, in doing so, reflect Australia's multicultural society (SBS Charter). SBS also delivers content online on its website www.sbs.com.au.

SBS operates two national television broadcasting services: SBS ONE – available in analog and digital mode; and SBS TWO – SBS's digital multi-channel, which was launched in June 2009.

SBS's principle function is to provide services in accordance with the SBS Charter. SBS is not subject to specific Australian content and children's programs standards and our comments in this submission will focus on the captioning requirements of the commercial television broadcasting digital multi-channels.

In respect of Australian content, SBS is the only broadcaster that can speak to all Australians regardless of the language they speak or where they are from, creating distinctive local content that reflects the cultural realities of the Australian community. By realistically portraying different cultures SBS promotes not just acceptance of difference and diversity in the Australian community, but an awareness of how this diversity energises and enriches the nation. SBS is the only broadcaster in Australia effectively doing this. SBS considers that it is important that all broadcasters commit to the production of more original and distinctive Australian content, contributing to a greater diversity of views, programming and sources and harnessing the talent of the Australian creative community.

Summary

- SBS considers that the current exemption in respect of captioning requirements on multi-channels should be extended to the end of the switchover period (31 December 2013), with the requirements to be reviewed before the end of the switchover period. This does not rule out broadcasters increasing captioning levels on their multi-channels.
- The outcome of the Government's 'Access to Electronic Media for the Hearing and Vision Impaired' Discussion Report should inform the next steps of this process.

SBS's current captioning services

SBS is subject to, and complies with, the same captioning requirements as the commercial television broadcasting services (clause 38, Schedule 4, *Broadcasting Services Act 1992*) as well as the requirements of the temporary exemption from liability under the *Disability Discrimination Act 1992* (DDA) granted by the Australian Human Rights Commission to the ABC, SBS, Network Ten, Channel Nine and the Seven Network in October 2008 (AHRC exemption).

SBS is committed to broadcasting television programs that are accessible to all Australians, an exacting task given our Charter requirement to provide multicultural and multilingual television services for all Australians. In 2008/09, 47 per cent of SBS ONE's programming was in a language other than English, and 76 per cent of SBS TWO (first month of operation). In order to make its multilingual programming available to all Australians SBS applies English language subtitles, produced by SBS's Subtitling Unit, to television programs in a language other than English which are broadcast on SBS ONE and SBS TWO (excluding WorldWatch, our schedule of in-language daily news bulletins from international broadcasters).

SBS thus provides captioning services in two forms: through the provision of closed captioning services for our English language programming as required under the BSA and the AHRC exemption; and through the provision of subtitles (open captioning services) for programming in a language other than English.

Both types of captioning are resource intensive and costly. Subtitling non-English language programs requires great skill and is time-consuming, it involves translation first, and then the production of on-screen titles. It can take SBS's subtitlers around 40-60 hours to subtitle one hour of programming for presentation on-air. The majority of SBS's closed captioning work is outsourced, and is likewise labour and skill intensive.

SBS's submission to the Department's Discussion Paper on Access to Electronic Media for the Hearing and Vision Impaired in June 2008, noted that the total cost of SBS's subtitling and captioning services was \$4 million annually. SBS's closed captioning contract was put out to tender recently and SBS may be in a position to provide a revised annual cost in its submission to the Department's Discussion Report 'Access to Electronic Media for the Hearing and Vision Impaired' at the end of January 2010.

Captioning on multi-channels

Digital television multi-channels give broadcasters the capacity to deliver new and different content, which is recognised as a key driver in the take-up of digital television. Currently 56 per cent of Australian households have converted to digital television (DBCDE, Digital Tracker Report Quarter 3, 2009); with full digital switchover scheduled for the end of 2013.

Most of Australia's multi-channels have only recently been launched. SBS launched SBS TWO in June 2009. Despite limited Government funding and low revenue expectations SBS considered that it was essential that it contribute to the Freeview multi-channel platform through the launch of SBS TWO to help drive the take-up of free-to-air digital television in Australia.

SBS is committed to SBS TWO providing more programming in languages other than English. As a consequence the majority of its programming is captioned. However SBS TWO is not funded by the Government. SBS has only been able to run SBS TWO by utilising programming that has previously been captioned for broadcast on SBS ONE, and through synergies with PAN TV in respect of access to subtitled first run movies from overseas distributors.

Imposing additional captioning requirements on SBS TWO would make it unviable in the short term, especially given the current funding situation, and would affect SBS's ability to provide more new multilingual and multicultural programming to Australian television audiences.

The removal of the current exemption in respect of captioning requirements on all the free-to-air digital multi-channels would seriously impact on their viability given the cost of providing captioning services and low revenue expectations due to their low audience share.

The exemption should be extended to the end of the switchover period (31 December 2013), with the requirements to be reviewed before end of the switchover. This does not rule out broadcasters increasing captioning levels on their multi-channels. The AHRC exemption requires the free-to-air broadcasters to consult with deafness organisations on captioning levels being achieved on their multi-channels by 31 December 2010.

The outcome of the Government's 'Access to Electronic Media for the Hearing and Vision Impaired' Discussion Report will be relevant and should inform the next steps of this process, especially given that the approaches being considered include updating the BSA captioning targets for the free-to-air broadcasters, prescribing relevant parts of the BSA under the DDA and conducting a review of captioning and audio description on electronic media in Australia in 2013.