



Response to 'A Captioning Scheme for Subscription Television' Issues Paper

1 November 2021

1. Executive Summary

- ASTRA welcomes the opportunity to respond to the Australian Government issues paper, *A Captioning Scheme for Subscription Television* (the **Issues Paper**), dated October 2021.
- The subscription television (**STV**) sector is the leading source of television captioning for deaf and hard of hearing people in Australia. ASTRA members are committed to closed captioning and provide a vastly greater number of captioned services than any other broadcast sector.
- ASTRA members take very seriously their captioning obligations under the *Broadcasting Services Act 1992* (**BSA**), and consistently achieve high levels of compliance.
- However, ASTRA also recognises the complexity of the current STV captioning rules which are difficult for consumers to interpret and predict, and the regulatory burden borne by STV channels in relation to captioning obligations. As such ASTRA supports reform of the STV captioning scheme.
- ASTRA is seeking a package of changes to the STV captioning regime. The proposed package comprises:
 1. a low audience share exemption together with an exemption for racing channels;
 2. reducing the number of categories for the Movies and General Entertainment (**GE**) genre categories; and
 3. removing the annual increases in captioning targets.
- This submission also addresses the ongoing disparity of the BSA captioning framework which currently imposes significant captioning obligations on essentially all 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.
- For completeness, **Attachment A** to this submission contains ASTRA's responses to each of the proposals for a STV captioning scheme.

2. ASTRA

ASTRA is the peak body representing the STV and radio industry in Australia. ASTRA's members include television operators, independent content companies, technology companies and the industries that support them. ASTRA manages codes of practice and represents the industry with regulators and Government.

ASTRA was formed in 1997 with the purpose of providing businesses an opportunity to come together to represent the subscription broadcasting industry. ASTRA's membership is varied, and members range from subscription-funded distribution platforms that deliver screen-based content over cable, satellite and the internet, to independent content providers, media sales agencies, technology and communications companies as well as small domestic channel groups and community-based organisations.

The STV industry is a significant cultural and economic contributor. In 2019 subscription media members directly supported over 3,800 jobs in Australia¹ and the total economic contribution of the industry to the Australian economy was approximately \$3.0 billion.²

3. Overview of STV captioning regulation

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..

A summary of the complex and significant captioning obligations which apply to STV services is below:

- Captioning is a STV licence condition under the BSA. This means that if an STV licensee does not meet its captioning requirements for any given year, it is in breach of one of its licence conditions.
- STV captioning targets are strict and, subject to some narrowly focussed exemptions, increase at a uniform rate of 5% per annum across each channel until they reach 100%.
- STV captioning obligations increase across STV licensee's platforms each financial year, both in terms of the number of channels required to caption and level at which those channels must caption.
- This means that in FY23 absent any changes to the STV caption rules, all STV channels will be required to caption, subject to any individual exemptions, and eventually licensees will be required to caption 100% of content across 100% of channels.

¹ Deloitte Access Economics, *Economic contribution of Australian Subscription Television and Radio Association members* (May 2021) 10.

² Ibid 9.

- By contrast:
 - FTA broadcasters are only obliged to caption their main channel for 18 hours a day; and news and current affairs programs and repeat programming that has previously been aired with captions, that may appear on their multi-channels; and
 - streaming services are not subject to specific captioning regulation.

4. Principles underpinning proposed reform measures

ASTRA's view is that the current STV captioning rules require reform to: (1) achieve simplicity and consistency for both customers, channel providers and licensees; and (2) address regulatory disparity between STV providers and other broadcasters including the commercial FTAs.

Simplicity and consistency for consumers and channel providers

The current STV captioning rules are confusing from both an administrative and consumer perspective.

The complexity in STV captioning largely arises from: (1) the way in which the STV Movies and GE genre categories are broken down into three subcategories per genre, and; (2) the operation of a "Numbers Exemption" which allows licensees to nominate exempt channels based on a minimum number of channels in the same genre meeting captioning targets.

Each STV licensee nominates the Movies or GE subcategory for each channel and which channels will receive the benefit of the Numbers Exemption. This places channels and consumers at a disadvantage as Movies and GE channels that sit on multiple STV platforms may have different captioning obligations per platform. It also means it is difficult for licensees to prospectively communicate to customers the level at which each channel will caption.

Removing some of this complexity will enable greater consistency of captioning across platforms and enable licensees to better communicate to customers the rates at which channels will be captioned.

Regulatory relief and balance

The STV industry bears the brunt of captioning obligations compared to the obligations held by the FTA channels and streaming services.

The current captioning rules for STV place a disproportionate regulatory and technical burden on the STV industry. Without amendment, the current scope of STV captioning regulation (which will ultimately require 100% of a channel's schedule to be captioned) has the potential to impact the viability of small and niche STV channels which have more limited resources than their FTA multi-channel counterparts.

Under the current regulation, the FTAs are only required to caption 75% of their main channel (100% of 6am to midnight) with no meaningful obligation on their multi-channels (other than a requirement to caption news and current affairs programs and repeats of previously captioned programs). Streaming services have no regulatory obligation to caption.

The effect of this imbalance is that comparable STV channels and FTA multi-channels, whose content is vastly similar but whose FTA audiences are much larger, have vastly different captioning obligations to each other. Examples from FY21 include:

- A minimum of 6 movies channels on each STV platform, including for example Foxtel's *Foxtel Movies Drama* channel, were required to caption at 100%, whereas comparable FTA multi-channels with movies programming e.g. 9Gem had no substantive regulatory obligations. This is despite 9Gem having approximately 17 times the audience of *Foxtel Movies Drama*.³
- Foxtel's STV GE channel *Lifestyle Food* was required to caption 75% of its content, whereas comparable multi-channel, *SBS Food*, had no substantive captioning obligations. This is despite *SBS Food* having approximately three times the audience of *Lifestyle Food*.⁴

See **Attachment B** to this submission for a comparison of targets of comparable FTA vs STV channels, showing their respective audience shares vs their respective FY21 captioning obligations.

Consistent with the underlying principle in the BSA that different levels of regulation should be applied to services "according to the degree of influence" those services have on the Australian community, our view is that STV channels bear a disproportionate regulatory burden in relation to captioning, as compared to FTA multi-channels.

We argue there is no logical reason for different approaches for STV and FTA multi-channels. FTA multi-channels channels should not escape substantive captioning obligations while STV channels are regulated for the same genres (and in many cases with a lower audience share).

5. Regulatory reform required

ASTRA's strong view is that to reform the current STV rules to achieve simplicity and certainty for both customers and channel providers, the following reforms measures should be implemented as a package:

- a low audience share exemption together with an exemption for racing channels;
- reducing the number of categories for the Movies and GE genre categories; and
- removing the annual increases in captioning targets.

In addition, it is the STV industry's view that the current exemption and target reduction order provisions should be retained with slight enhancements to ensure that they are appropriately targeted.

This package of changes ensure that a high level of captioning is retained on STV and that STV continues to be the leading provider of captioning on broadcast television. However, it also ensures that captioning regulation is appropriately targeted at channels with the highest audience share and is simpler and more transparent for consumers.

³ Source: OzTAM. 5 City Metro. Linear Data. Live + Playback to 7 Days. Total People. Jan - Dec 2020. 0600-2359

⁴ Ibid.

5.1 Low audience share exemption

ASTRA supports the introduction of a low audience share exemption. Where viewership for a channel is below 0.1% of the average annual national audience share (across both FTA and STV in all homes). ASTRA supports a right for a channel to automatically claim a captioning exemption based on viewership below this level.

There are several reasons why a low audience share exemption is beneficial for all captioning stakeholders:

1. Captioning obligations should be targeted to the channels with a reasonable level of viewers. This is consistent with a similar exemption in the UK legislation which is also designed to achieve the greatest audience benefit.⁵
2. The criteria for a low audience share exemption is objective and can be consistently applied across all platforms as the exemption will attach to the channel. This reduces confusion for both channels and consumers as channels will not be treated differently according to the platform they are provided on.

In contrast, the current exemption orders available under s.130ZY of the BSA are based on subjective criteria and have sometimes been applied inconsistently by the ACMA. The result is that exemption orders have been granted for channels on one platform but refused in relation to the same channel on a different platform. E.g. Sky Racing have exemption orders for Sky Racing 1 and 2 when they supply and licence these channels directly themselves (which they do for TABs and licensed premises), but the ACMA recently refused an exemption for Sky Racing 1 and 2 on the Foxtel platform.

A low audience share exemption is also consistent with the foundation regulatory policy underpinning the BSA that different levels of regulation should be applied to services “according to the degree of influence” those services have on the Australian community.

Low audience share exemption and “new channels”

Consideration should be made in the updated STV captioning rules for new low audience share channels for whom audience data is not yet available and for whom the “new channel” exemption is also not yet available.

The new channel exemption in the BSA is narrowly drafted to only apply to services that “predominantly consist of programs not previously transmitted in Australia”.⁶ In addition, the proposed low audience share exemption applies to channels for which audience data from the previous calendar year is below a certain threshold.

The business model for STV includes the provision of a wide range of narrowly-targeted, niche services. We are concerned that new low audience share channels may not enter the Australian STV industry if they cannot automatically qualify for a new channel or low audience share exemption. In order to ensure that captioning does not deter new small entrants to the STV industry, we recommend that either:

- the low audience share exemption caters for new channels who are expected to achieve a low audience share by allowing those channels to rely on an audience share e.g. their first month of operation, to determine whether the low audience share

⁵ Ofcom, ‘Television Access Services – Review of the Code and guidance’ 23 March 2006 https://www.ofcom.org.uk/data/assets/pdf_file/0016/42442/access.pdf 4.

⁶ *Broadcasting Services Act 1992* (Cth) s130ZV(6).

exemption applies to the new service for that financial year; or

- provision is given for services that are “new” but may not meet the narrow new channel exemption requirements. We note that in the UK channels are automatically exempt from captioning requirements in their first year of operation.⁷

5.2 Genre categories

The second key reform ASTRA supports relates to the collapsing of the Movies and GE STV genre categories.

Collapsing these categories will ensure that there is a single target for Movies and a single target for GE, resulting in simplicity for all captioning stakeholders. However, in order to not unduly burden STV channels currently captioning at subcategory C of the Movies and GE categories, we submit that this change should be implemented as a package together with a low audience share exemption and removing annual increases in captioning targets.

One of the factors which results in STV captioning rules being overly complicated is that the Movies and GE genre categories are divided into three categories per genre, each with their own separate captioning targets. The effect of this is that it is very difficult to prospectively communicate the captioning rate per channel and the same channel may have different targets on different platforms. Therefore, collapsing the Movies and GE genre categories will alleviate both the administrative burden of determining where Movies and GE categories will caption and achieve consistency between platforms.

We therefore support collapsing the Movies and GE genre categories subject to the captioning targets being capped at the average of no greater than the current FY22 rates and the low audience share being introduced.

5.3 Removing annual increases in captioning targets

ASTRA strongly supports introducing a total cap on each genre’s captioning target, rather than the current ultimate 100% requirement.

Capping targets would be consistent with the FTA requirements. Furthermore, capping captioning levels at reasonable rates is consistent with international models including the UK regime where captioning targets for commercial and subscription channels are set at a maximum of 80%.

We submit that targets should be frozen at the average of no greater than the current FY22 rates. Although this change would provide some relief for our members, it would also still provide an extremely high level of captions on STV, requiring continued substantial investment and captioning levels that well exceed the level of captions on FTA.

We also note that some ASTRA members are subject to a 100% target, for which technical compliance is a significant challenge. With the current 5% year on year target increases, this burden is increasing as more channels across STV platforms move towards a 100% target. As such, we submit that freezing and collapsing targets at no greater than the average of FY22 targets would also provide regulatory relief for STV

⁷ Ofcom, ‘Ofcom’s Code on Television Access Services’ dated 5 February 2021
https://www.ofcom.org.uk/data/assets/pdf_file/0035/179954/tv-access-services-code.pdf 5.

channels given the extraordinary technical and operational compliance burden involved in achieving a 100% captioning target.

5.4 Publication of captioning information

We support the prospective publication of captioning information, on the basis that the proposed package of reforms is implemented.

It is reasonable for deaf and hard of hearing viewers who are contemplating or are currently subscribing to STV to want to know which channels will be captioned and at what level. Implementing the proposed package of reforms (collapsing the categories in the Movies and GE genres (subject to a reasonable captioning target) and adopting statutory exemptions based on objective criteria) enables a prospective and single STV captioning plan to be published ahead of each financial year. The plan could be published subject only to any later individual exemptions, new channel exemptions or target reduction orders.

ASTRA's view is that the prospective publication of a single STV captioning plan has significant benefits for both customers and channel providers. In addition to achieving transparency and a level of clarity for consumers, such publication will also assist channels who may be required to caption at different rates across different platforms.

5.5 Exemption orders and target reduction orders

ASTRA does not support the removal of exemption orders and target reduction orders, even if the package of reforms proposed in the Issues Paper are introduced. The exemption and target reduction orders should be maintained to ensure that a regulatory option remains available for certain channels who may not be able to meet their captioning target and for whom an exemption or target reduction order may be appropriate.

However we note that the current application process for an exemption or target reduction order leads to uncertainty, particularly for channel providers, as decisions can differ across platforms. We therefore submit that financial considerations in applications for exemption or target reduction orders should be appropriately targeted at the channel provider to ensure clarity for channel providers and consumers.

5.6 Racing Exemption

Last, ASTRA supports an automatic exemption for racing services where live racing and the replays of live racing represent at least 70% of the channel's content. An automatic exemption for these channels is supported as it reduces red-tape and removes the administrative burden of preparing and lodging individual exemption applications.

An exemption for racing services is deemed sensible for the below reasons:

- Audio commentary: commentary before and after a race on a racing channel largely reflects information already available as text on the screen, which means that captions add little to the viewing experience in these circumstances. Further the speed at which race commentary is delivered, the readability, accuracy and comprehensibility of the captioning would also be poor during coverage of a race.
- Display: Racing channels are inherently unsuited to captioning due to the density of onscreen information. Captioning on a racing program would obscure both the

racing vision and the critical racing text displays. At times up to 75% of the screen view during coverage of a race is comprised of text information and it would not be possible to position the captions in a manner which would not obscure the other on-screen text or the racing vision. Further, with such a significant proportion of the screen being text and other graphics, adding captions may be distracting and add little value beyond the written information already provided.

Attachment A: Proposals for a STV captioning scheme

1. Number of categories

Should the 5 categories of STV services listed in Table 5 above be adopted in the Scheme? If so, is it appropriate to average the captioning levels for the movie and general entertainment categories?

Yes we support the collapsing of the STV service into 5 categories, subject to:

- the implementation of the package of reform proposals outlined in the Issues Paper being introduced (in particular the low audience share exemption); and
- an appropriate target for the Movies and GE genres being set.

2. Levels of Captioning (Annual Captioning Targets)

What is an adequate level of captioning for STV services to commence on 1 July 2022?

- a) Resetting the annual captioning targets at 2020–21 levels?**
- b) Remaining at the 2021–22 annual captioning targets?**
- c) Moving to the 2022–23 annual captioning targets?**
- d) Some other set of targets? Please explain why.**

If the categories of STV services are not collapsed into five categories, then our position is that the annual captioning targets should be remain at the FY22 captioning targets.

If the categories of STV services listed in Table 5 of the Issues Paper are collapsed then the Movies and GE annual captioning targets should be set at no greater a level than the average of the Movies and GE FY22 levels.

We note that collapsing the GE and Movies categories will increase the level at which Category C movies and GE channels will need to caption. Setting the captioning targets for these genres at the averaged FY22 levels will ensure that this transition is slightly softened, while maintaining a high level of captions on STV.

It is important to note that free-to-air (**FTA**) channels have capped 75% quotas on their main channels only and unlike STV services, there is no regulatory pathway to increase their channels to 100% over 24 hours.

3. Freeze or Continued Annual Increases of Captioning Targets

- a) Is it appropriate that annual STV captioning levels be frozen or should captioning levels continue to increase by 5 per cent per annum as under the existing rules at subsection 130ZV(2) in the BSA?**

Our position is that annual STV captioning levels should be frozen.

Freezing the targets would be consistent with the FTA regime; notwithstanding their significantly greater audience and reach, FTA channels have capped 75% quotas on their main channels only and unlike STV

services, there is no regulatory pathway to increase their channels to 100% over 24 hours.

We also note that except for public broadcasters, the UK regime has a maximum target of 80%.

- b) If STV annual captioning levels are frozen, should this freeze be permanent or reviewed after a period of time? If the latter, what should that period of review be?**

For the reasons explained above, a freeze of annual captioning levels should be permanent. The current rate of STV captioning is extremely high, particularly when compared with analogous services on FTA television, for which a review period does not apply.

4. Exemptions and target reduction orders (unjustifiable hardship)

- a) As audience share or the difficulty in captioning racing channels are factors in applications for exemption or target reduction orders based on hardship, is it necessary to retain these exemptions or target reduction orders based on hardship for STV licensees, given the proposed introduction of new exemptions based on objective and transparent criteria (see Proposal 4 and 5)?**

Yes, it is necessary to retain exemption and target reduction orders based on hardship, as there may be edge cases which should be granted an exemption under the current criteria, which would not be captured by a low audience share or racing channel exemption.

Examples of cases where exemption or target reduction orders would still be beneficial for both channels and viewers are:

- Where unexpected technical difficulties arise, which mean that a channel cannot meet their overall target but have a pathway to future compliance. For example, in FY21 a target reduction order was granted by the ACMA to the CMT channel after the channel provider encountered unexpected significant technical and practical difficulties relating to the use of captioned files.⁸ But for this order, the channel would not have met its captioning target
- In the event of unprecedented disasters and events e.g. a global pandemic which impacts the ability of a channel to operate as normal and establish captioning technology; and
- Where a channel is expected to have a low audience share but audience data is not yet available for the channel.

- b) If these exemptions and target reduction orders are retained, should their:**

- i. availability be limited to circumstances where other exemptions do not apply?**

⁸ ACMA, *102 Foxtel Cable Television Pty Limited* (Web Page) <https://www.acma.gov.au/publications/2021-03/instruction/102-foxtel-cable-television-pty-limited>

Yes - provided the new low audience share and racing channel exemptions are implemented, ASTRA agrees that the availability of exemption and target reduction orders should be limited to when other exemptions are not available.

ii. assessment criteria be amended? If so, how?

Our view is that the assessment criteria for exemption orders and target reduction orders should be based on the circumstances of the channel provider and not the STV licensee.

Under the current STV captioning rules, the ACMA may make a statutory exemption or quota reduction order where it is satisfied that a refusal to make the order would impose an “unjustifiable hardship” on the licensee in relation to the channel concerned.

Foxtel has been largely unsuccessful in its attempts to obtain exemptions for channels as the ACMA has not been satisfied that a refusal to make an exemption order for the channel would impose an unjustifiable hardship on Foxtel as the licensee.

Our position is that a licensee’s financial standing is not a meaningful reflection of an individual channel’s ability to caption and does not reflect the way in which business is conducted where channels are contractually responsible for fulfilling the obligation.

Accordingly it would greatly assist our third-party channels if the test of unjustifiable hardship related to the financial position of the channel provider, which is far more relevant to whether unjustifiable hardship will be imposed, than the revenue position of the licensee.

5. Nominated exemptions

Is it appropriate for this exemption to be retained until such time as the proposed new exemptions set out at proposals 4 and 5 can be claimed?

The exemption provided under s.130ZX of the BSA is due to expire on 30 June 2022. Provided the new exemptions are in place by 1 July 2022 we are comfortable for this exemption to fall away as scheduled under the current rules.

6. New racing exemption

As the criteria for this new proposed exemption is objective and self-evident, it is proposed that STV licensees do not apply for racing exemptions but should publish the channels to which this exemption applies each financial year. Options for the publication of exemptions are raised for comment at Proposal 6. Is it appropriate that this exemption be “claimed” by publication only?

Yes.

However, there may be cases where the exemption may need to be

retrospectively claimed where the programming mix of the channel changes and although the channel does not meet the threshold at the outset of the year, it does over the course of the year.

We note that it is not clear as to whether channels which do not meet the threshold to claim the racing exemption, should then have to caption live racing content to meet the applicable captioning target which then applies to that channel.

7. New low audience share exemption

a) Is there any evidence that a threshold other than less than 0.1% is a more appropriate threshold level for a low audience share exemption? What is the alternative threshold and the evidence of its appropriateness?

We are comfortable that 0.1% is an appropriate threshold level for a low audience share exemption.

b) Where available, is the OzTAM measurement used in the “A2” report appropriate for determining the low audience share for the purposes of this exemption? Are there are measures that are more appropriate?

Yes, the OzTAM measurement used in the “A2” report is appropriate for determining the low audience share for the purposes of this exemption as it captures data from both subscription and non-subscription television homes.

However we note that for various commercial reasons, not all channels presently engage OzTAM to provide audience share data and therefore this measurement cannot be the sole measure used for all STV channels.

c) Is an exemption period of 2 years appropriate for this exemption? If not, what alternative period is more appropriate and why?

Yes, we consider that an exemption period of 2 years is appropriate for this exemption as:

- Audience levels are relatively stable and therefore are unlikely to change dramatically over a two-year period;
- This is consistent with the new channel exemption period; and
- Two years gives a channel enough time to prepare for captioning should their audience share start to increase sufficiently.

d) Should the low audience share exemption be claimed by “publication”, where both the details of the exemption and the data relied upon to demonstrate the low audience share are published?

ASTRA’s view is that as the data on which the exemption is claimed is retrospective, the audience share can be claimed by “publication”. However, we are of the view that for confidentiality purposes the data relied upon to demonstrate the low audience share should not be published but may be provided to the ACMA on a confidential basis if requested.

8. Publication of captioning information

a) What information should be published?

- i. **Should the overall, actual percentage of captioning proposed to be delivered by STV licensees for each channel for the current financial year be published?**

This information could be published on a prospective basis if the categories of STV services are collapsed per Proposal 5 and the package of reforms proposed in the Issues Paper are implemented.

By collapsing the categories in the Movie and GE genres (subject to a reasonable captioning target) and adopting statutory exemptions based on objective criteria (low audience share and racing channels), a prospective and single STV captioning plan can be published on each licensee's website 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.

We submit that if the Movies and GE categories are not collapsed, then publication of captioning targets should remain at the end of each financial year to ensure that licensees retain the requisite flexibility needed to manage their captioning plans, and for consistency with current regulatory requirements regarding annual captioning compliance reporting.

Due to the variation between the different A, B and C category targets for the Movies and GE categories, the targets per each channel in these categories can and do move throughout the year in order to ensure compliance across the categories in each genre. The ultimate rate at which a service is captioned may not be determined until closer to the end of the financial year. STV licensees are not currently required to nominate the applicable category for Movie and GE services to the ACMA until the end of each financial year, and we submit that this should remain the case if the Movies and GE categories are not collapsed.

- ii. **Should a list of services that are not captioned and the relevant exemption and/or target reduction orders be published?**

Exemption and target reduction orders are already published on the ACMA's website.

We are comfortable to publish prospective information regarding channels which have a statutory exemption from captioning based on objective criteria i.e. low audience share and racing channels.

- iii. **Should information about whether individual programs are captioned or not be published?**

STV licensees including Foxtel currently make this information

available via their Electronic Program Guide and the Foxtel Magazine and it is a current ASTRA code requirement that “Where closed captioning programming is made available it will be clearly identified with program schedule information provided to media and in program guides.”⁹

Our view is that this requirement is sufficient to ensure that captioning information about individual programs is made available.

- iv. Should a requirement to include information on whether a program is captioned or not be included in the Electronic Program Guides of STV Licensees?**

See above.

b) When should information be published?

- i. For information about the captioning levels and applicable exemptions and target reduction orders at a service (channel) level, should information be published before the start of every financial year (noting that the new, proposed exemptions will apply from the beginning of each financial year)?**

Where the Movies and GE STV categories are collapsed, information about the relevant STV captioning levels, exemptions and target reduction orders can be published at the start of the financial year.

However, where new services are introduced, and new exemptions become available throughout the year that information may become out of date. It would be onerous to continually require STV licensees to update captioning information it has previously published.

Per our response to 8(a)(i) above, our view is that if the Movies and GE categories are not collapsed, and the package of reforms are not implemented, then publication of captioning targets should remain at the end of each financial year to ensure that licensees retain the requisite flexibility needed to manage their captioning plans, and for consistency with current regulatory requirements regarding annual captioning compliance reporting.

- c) If retrospective exemptions remain in place or new services become available during the financial year, how should published reports be amended?**

See above.

- d) Where should information be published? Should information about the captioning levels and applicable exemptions and target reduction orders at a service (channel) level be published on:**

- i. the ACMA website**
- ii. the website of each STV licensee**

⁹ ASTRA, *ASTRA Subscription Broadcast Television Codes of Practice* (2013) cl 2.4.

iii. both the ACMA website and on the website of each STV licensee?

In order to ensure that this information is updated efficiently and expediently, this information should be published on the ACMA website.

STV licensees may choose to publish such information but should not be subject to a legal requirement to continually publish and update such information.

e) Should information about individual programs be published in the program guides (electronic and otherwise) of STV licensees?

















See above response to question 8(a)(iii).

9. Retention of certain captioning rules

Should the modified formula for STV services be modified in any way? If so, why and how?

ASTRA is not seeking any changes to the modified formula for subscription sports channels.

Attachment B – FTA multi-channels vs STV captioning targets (FY21)

Channel	Description	Audience*	Captioning target**	STV comparison	Description	Audience*	Captioning Target (FY21)
	General entertainment & sport	39,606	0%		General entertainment	11,879	85%
	General entertainment & sport	43,099	0%		General entertainment	5,603	85%
	Movies	24,071	0%		Movies	3,982	100%
	General entertainment	31,995	0%		General entertainment	6,101	85%
	General entertainment & movies	36,067	0%		General entertainment	9,239	85%
	Lifestyle	35,367	0%		Lifestyle	16,337	85%
	Youth targeted programming	36,145	0%		Youth targeted programming	11,322	85%
	General entertainment & sport	53,728	0%		General entertainment	4,143	55%

* Source: Source: OzTAM. 5 City Metro. Linear Data. Live + Playback to 7 Days. Total People. Jan - Dec 2020. 0600-2359

** No captioning target for FTA multichannels – requirement to caption News and Current Affairs programs and repeats of primary channel captioned programs only