



## **Inquiry into captioning in New Zealand**

Report of the Government Administration Committee

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*Presented to the House of Representatives*

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# Inquiry into captioning in New Zealand

## Recommendation

The Government Administration Committee has carried out an inquiry into captioning in New Zealand and makes the following recommendations to the Government:

We recommend that the provision of captioning content be a requirement for NZ On Air and Film Commission funding.

We recommend that further progress be made in improving captioning access, including all platforms from broadcast to online content, and film screenings.

## 1 Introduction

We initiated this inquiry because New Zealand compares unfavourably with other countries in its levels of captioning for television content, DVDs, and movie screenings.<sup>1</sup> We also received the petition of Louise Carroll seeking legislation to ensure accessibility via closed captioning. We sought to investigate issues relating to captioning, and to endeavour to enhance captioning in New Zealand. We see this as consistent with New Zealand's obligations under the United Nations Convention on the Rights of Persons with Disabilities.

### Terms of reference

We decided on the following terms of reference for the inquiry:

- international comparisons of captioning access
- issues around royalties and intellectual property
- legislation and regulation in terms of export of films (import to New Zealand)
- public education/attitude towards captioning
- responsibility for the provision of captioning (e.g. comparison with the Relay Service, an obligation under the Telecommunications provisions for Telecommunications companies to provide)
- requirements under existing legislation and regulation in relation to advertising
- potential for Captioning Watchdog (as in the United Kingdom)
- and any other related issues which may arise.

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<sup>1</sup> Captioning is the text version of speech and other sound that can be provided on television, DVDs, online videos, and at cinemas and theatres. For more information, see the "Definitions" section of this report.

## **The United Nations Convention on the Rights of Persons with Disabilities**

The Convention is an international treaty that establishes obligations on States that are parties to it to promote, protect, and ensure the rights of persons with disabilities. It reaffirms that all people with any type of disability must enjoy all human rights and fundamental freedoms.

New Zealand ratified the Convention in 2008.<sup>2</sup> Accordingly, New Zealand is obliged to apply the relevant tenets and principles.

Some parts of the Convention are particularly relevant to the provision of captioning in New Zealand. Notably, Article 9 requires that appropriate measures are in place to “enable people with disabilities to live independently and participate fully in all aspects of life”. Article 21 deals with freedom of expression and opinion, and access to information. It covers the rights of persons with disabilities to receive information in accessible formats and using different types of technology. It urges both private entities and the mass media to make their services accessible. Moreover, Article 30(1b) of the Convention reads:

States Parties recognise the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that people with disabilities enjoy access to television programmes, film, theatre, and other cultural activities in accessible formats.

Submitters discussed the importance of these articles being fully implemented. The Office of the Ombudsman specifically recommended that the Convention be taken into account, with the understanding that it advocates the participation of disabled people in all aspects of cultural life and recreational activities.

## **Definitions**

### **Captions**

Captions are similar to subtitles, but the text is in the same language as the spoken audio. Captions also include descriptive text for sound effects like “door slamming”, “gunshot fire”, or “silence”. Often in this report, we refer to “captions” or “captioning” generally.

### **Closed captions**

Closed captions (CC) are turned on using a button on a television remote control, or by choosing an option on a phone, tablet, or computer.

### **Open captions**

Open captions do not require switching on.

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<sup>2</sup> The Disability (United Nations Convention on the Rights of Persons with Disabilities) Bill, as enacted, amended the Human Rights Act 1993 and other Acts to enable New Zealand to ratify the United Nations Convention on the Rights of Persons with Disabilities.

## 2 Overview of current levels of captioning in New Zealand

No legislation in New Zealand requires broadcasters or video on demand providers to deliver captioning.

We heard from Able, which is New Zealand’s television captioning and audio description service. It is fully funded by NZ On Air.<sup>3</sup> Able provides captioning services for Television New Zealand (TVNZ), MediaWorks, and Prime television. Able is only funded to provide captions for free-to-air television.

Able supplied us with figures for levels of captioning available on four New Zealand free-to-air channels. These figures represent both new and repeated content, and are an average across a 24-hour period. The figures are from the 2015/16 financial year, except for Prime. Captions were launched on Prime in February 2016, following investment in the equipment necessary to broadcast captions.

### Current levels of captioning (based on the 2015/16 financial year)

Channel	Percentage captioned
TVNZ 1	56 percent
TVNZ 2	73 percent
Three	30 percent
Prime	9 percent

We are also aware that a small amount of repeat captioning is available on the channels Bravo and Duke.

Closed captioning is currently available on 28 Sky television channels (including channels 1, 2, 3 and Prime).<sup>4</sup> We understand that many of Sky’s channels originate overseas, and therefore have captions on their original broadcast in those countries. These are commonly referred to as “pass through” channels, meaning that they are sent to New Zealand without any changes. This does not mean that the captions automatically pass through as well—there are technical requirements for this to happen. We were informed that for these channels, Sky has worked with international distributors to enable the captions to pass through with the programme content.

Sky noted that one of the major costs it incurred in captioning Prime was a significant fee charged by state-owned Kordia, to include the caption file in the broadcast fee. Sky absorbed the costs of implementing systems to enable captions on the pass-through channels on the Sky platform. However, it submitted that applying captions to other channels would involve significant investment in equipment to align caption files with

<sup>3</sup> NZ On Air is the working name for the Broadcasting Commission, which is publicly funded under an agreement with the Minister of Broadcasting.

<sup>4</sup> “What is Closed Caption and which channels support it?” SkyTV, available at: [https://skytv.custhelp.com/app/answers/detail/a\\_id/1374/~/\\_what-is-closed-caption-and-which-channels-support-it%3F](https://skytv.custhelp.com/app/answers/detail/a_id/1374/~/_what-is-closed-caption-and-which-channels-support-it%3F)

video content. There would also be personnel costs associated with quality control and delivery, and costs for sourcing or creating captions.

Channels not currently captioned in New Zealand include Māori Television and Choice Television.

Parliament broadcasts have been captioned since 9 August 2016.

### **News programming**

We heard from submitters that the only news programme with captions is One News. No news is captioned on any channel between 11pm and 12noon the following day, and programmes such as Breakfast and the Paul Henry Show are not captioned.

### **Live captioning**

We were told that TVNZ is the only broadcaster that supports live captioning. This means that live programmes on any other channels are inaccessible to deaf or hard of hearing people unless aired as a repeat, with captions.

However, we are aware that the National Foundation for the Deaf underwrote \$200,000 to enable captioning on Prime. This funding allowed All Blacks rugby tests to be accessible, and coverage of the 2016 Rio Olympics. Able said that thanks to the creation of new live captioning facilities for the latter project, it will be well equipped for live captioning in future.

### **Television on demand and video on demand**

Major developments in the on-demand content area in recent years mean that options for screen entertainment have expanded significantly. Video and television content can now be accessed from any screen with an internet connection. These services are subscription-based or free (often free services are funded by advertisements).

According to Able, captioning is not available on TVNZ OnDemand or 3Now. This is due to technical incapability. Other New Zealand-based video on demand services such as NEON (a division of Sky) and Lightbox (Spark NZ) do not have captioning.

Netflix, an American entertainment company, offers captioning on all its content.

### **How many people use captioning in New Zealand?**

According to NZ On Air research from 2016, one in six people (17 percent) used captioning while watching television in 2016. This has grown significantly from one in ten in 2014.<sup>5</sup>

The Captioning Working Group<sup>6</sup> believes that more than 250,000 New Zealanders are likely to have hearing loss severe enough to need captioning. As well, it believes captions would make many more people's viewing experience easier and more enjoyable.

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<sup>5</sup> NZ On Air and Glasshouse, Where are the audiences? 2016, p. 25, available at: <http://www.nzonair.govt.nz/document-library/where-are-the-audiences-2016/>

<sup>6</sup> The Captioning Working Group is made up of Louise Carroll, Robyn Carter, David Kent, Chris Peters, Robert Hewison and Helen Mackay. For more information, see <https://www.captionitnz.co.nz/who-we-are/>

Evidence is limited about the prevalence of hearing loss in New Zealand. However, a recent Deloitte report states that “the prevalence of hearing loss was estimated to be 880,350 people in New Zealand in 2016, or 18.9 percent of all people”.<sup>7</sup>

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<sup>7</sup> Deloitte Access Economics Pty Ltd, “Listen Hear! New Zealand–Social and Economic Costs of Hearing Loss in New Zealand”, February 2017.

### 3 Views of submitters

#### **The need for increased captioning in New Zealand**

Many of the submitters we heard from acknowledged that broadcast captioning has increased in recent years—albeit from a low base—and were pleased with developments such as the introduction of captioning on Prime. However, most of them believe that progress is not keeping pace with the rapid increase in video media options. For example, we were told that significant upgrades of TVNZ’s on-demand service, and Lightbox as launched, fail to provide any captioned accessibility. The Captioning Working Group believes that the “access gap” is increasing as more non-captioned services are offered online.

In Able’s opinion, it is becoming clear that broadcasters do not see commercial value in providing captioning. Its justification for this claim is that although broadcasters carry the costs associated with broadcasting the service, they do not currently pay for producing the captioning for their channels. For this reason, most submitters acknowledge that the approach of encouraging broadcasters to implement captioning has had some effect, but in order to achieve a significant increase in the captioning available in New Zealand, the following options need to be considered:

- the Government should strengthen the obligations on broadcasters and video on demand service providers to provide greater accessibility
- alternative sustainable funding sources must be found
- broadcasters must be made to carry some of the costs.

The majority of submitters believe that more captioning is needed if deaf and hard of hearing New Zealanders are to have the same access as all New Zealanders. Many submitters seek regulation of captioning to achieve this, with a goal of 100 percent captioning of broadcast content, including on-demand content.

#### **Captioning in other areas**

In addition to broadcast media, submitters listed many other areas in which they would like to see increased levels of captioning. They include:

- civil defence, emergency, and other public broadcasts
- the judicial process, to enable access and understanding for those involved, such as jury members, witnesses, and people facing charges
- prisons
- airports and transport centres
- all public spaces
- hospitals
- theatres and cinemas
- television advertisements

- the websites of Government departments and ministries
- Facebook and YouTube videos
- live election coverage
- educational facilities.

### **Social effects associated with the lack of captioning**

We were concerned to hear that, without captions, many deaf and hard of hearing people feel isolated, marginalised, and unable to participate in conversations about news, current affairs, movies, or the latest television programmes. Many submitters said that they often misunderstand speech and dialogue on television, and have to rely on people around them to get important information.

A number of elderly submitters who are hard of hearing expressed frustration about their inability to be fully informed and involved in society due to a lack of captioning.

The New Zealand Human Rights Commission considers that captioning plays a vital role in supporting disabled people to participate fully in society.

### **Impacts on children**

Several submissions from young people raised concerns such as feeling left out because many children's shows (such as WhatNow) are not captioned. Additionally, they are unable to participate in school activities.

We also heard from Annabel MacKay and Louis Cheftel, both aged 10 years old, who are deaf and hearing impaired respectively. Both children came to speak to us about why they need captions, and why increasing captioning in New Zealand is important to them.

Annabel and Louis told us that there are a number of shows that they would enjoy watching that are not captioned, including Hanging with Adam, Descendants Wicked World, Air Crash Investigation, and Mythbusters.

We acknowledge that children are missing out on social opportunities, and that this will have a lifelong impact.

### **Acknowledgements**

We thank all of the submitters who contributed to our inquiry. We share their motivation for better access to broadcast, online, and other video content in New Zealand.

## **4 Responsibility for the provision of captioning in New Zealand**

### **New Zealand broadcast media captioning funding model**

Captioning for free-to-air broadcasters is provided by Able, a media access charitable trust that receives \$2.8 million per year from NZ On Air for captioning and audio description services. NZ On Air and Able agree on minimum captioning requirements across channels and the prioritisation of certain kinds of content. Able also offers commercial captioning services. The Captioning Working Group commends Able for its high-capability, good-quality captioning and independent service delivery.

### **Instances where publicly funded New Zealand content is not captioned**

The Government, through Vote Arts, Culture and Heritage, funds two agencies that in turn fund film and television content: NZ On Air and the New Zealand Film Commission. Currently, neither agency requires those it funds to include captioning as a condition of funding.

We were informed that the Film Commission also does not require captioning as a matter of course in the feature films that it invests in. Captioning tends to be on a case-by-case basis and is often related to distributor requirements and overall budget. The Film Commission has also pointed out some technical issues around the technology required to play captions in cinemas. We were told that captioning is available through specific screenings with open captions, or closed caption devices attached to a seat.

The Brokenwood Mysteries, a murder mystery series, is an example of New Zealand funded content that is inaccessible to deaf New Zealanders. We heard that this series is available online in the United States and Canadian markets with captioning. However, in New Zealand, despite having significant NZ On Air funding (over \$4 million) it aired without captioning, and was not available online with captions either. A second example is Terry Teo, for which NZ On Air granted \$1.3 million to Semi-Professional Pictures for six 30-minute programmes to be produced. These programmes went directly to TVNZ OnDemand, without captions.

### **Options for requiring publicly funded content to be captioned**

We were informed about three options for regulation that could require captioning of publicly funded content.

The first option would be to amend the Broadcasting Act 1989 and the New Zealand Film Commission Act 1978 to require that captioning be a condition of funding for film and television. The funding criteria would then be updated to reflect this.

This approach would ensure that captions were created for publicly funded content, but distributors might still choose not to use those captions, or might not have the technical capacity to do so. Furthermore, funding agencies might be expected to increase the funding provided to content creators to help with the cost of creating captions. TVNZ expressed concern in its submission that if funding for captioning was not provided as a top-up to

NZ On Air's current resources, funds would be diverted away from the funding of local content.

A second option would be to amend the Broadcasting Act 1989 to require content distributors to caption publicly funded content. This would place more responsibility on the distributor to ensure that the captions are not only created, but used. If the regulatory requirements introduced were unique to publicly funded content, the associated extra costs and technological capability might be a disincentive for distributors to acquire this content. This could be partly addressed if regulations were developed with the aim of achieving an overall increase in captioning availability rather than specifically targeted for publicly funded content.

Option three would be to provide Able with additional funding to caption all publicly funded content. This funding would be in addition to current NZ On Air funding provided to Able. To date, broadcasters have been responsible for any investments needed to allow their platform to broadcast captions. Able's funding is specifically for creating captions and audio description.

### **Cost for 100 percent captioning of free-to-air television**

Able gave us information about costings for the additional budget that would be needed for increased captioning for New Zealand free-to-air television.

Able stated that the cost to increase captioning coverage to 100 percent across TVNZ 1, TVNZ 2, Three and Prime is approximately \$6 million a year. This is in addition to the \$2.8 million it receives annually from NZ On Air for its services. It also told us that the cost to provide 100 percent captioning for any channel not currently captioned is approximately \$3.5 million per year, per channel.

Able added that:

- these costs are estimates only
- it would expect costs to reduce by 25 percent in subsequent years
- these costs do not include capital expenditure: approximately \$100,000 would be needed to establish live links between Able and broadcasters
- these costs take into account infomercials, but not regular television commercials
- these estimates do not include a commercial mark-up
- as automated captioning technology improves, costs will continue to reduce, but this is unlikely in the first five years.

### **Legislation requiring captioning**

Internationally, a common captioning funding model is that broadcasters are legally required to fund the delivery of broadcast media. Broadcasters ensure the provision of free-to-air and commercial television programmes, movies, videos, live and pre-recorded sports, and other events, through their profits.

The Captioning Working Group believes that non-taxpayer funded captioning is feasible in New Zealand and could become an integrated expense, absorbed by advertisers and broadcasters. The Captioning Working Group notes that there are clearly defined exemptions to captioning requirements in models such as that of the United Kingdom.

We also heard proposals similar to those used in some overseas models, involving the setting of captioning targets. For example, the Office of the Ombudsman recommended that legislation require all news and current affairs programmes to be captioned by January 2018. In addition, an increasing annual target would be imposed on other programmes to achieve a goal of 80 percent of all programmes captioned by 2020. Overseas jurisdictions often set targets with timeframes of between 5 and 10 years, allowing enough time for broadcasters to scale up their captioning services and absorb implementation costs incrementally.

As an alternative, Able is of the view that it would be reasonable to consider a mix of NZ On Air funding and broadcaster-funded services because New Zealand is a small market.

## **5 International comparisons of captioning access**

### **Australia**

#### **Legislation requiring captioning**

On 20 March 2015, the Broadcasting and Other Legislation Amendment (Deregulation) Bill 2015 was enacted and amendments to captioning provisions in the Broadcasting Services Act 1992 came into effect.

#### **Regulation authority**

The Australian Communications and Media Authority (ACMA) regulates television captioning in Australia. Captions must comply with requirements set out in legislation, industry codes of practice and the television captioning quality standard.

#### **Degree of captioning on main channels**

Free-to-air television broadcasters must caption all content from 6am to midnight. All news and current affairs programmes broadcast on their main channels must be captioned.

Subscription television licensees have annual targets for the proportion of programmes that must be captioned. These targets increase yearly until they reach 100 percent in a 24-hour period.

Both free-to-air and subscription television broadcasters are obliged to caption repeat programmes.

#### **Exemptions to captioning requirements**

Non-English programming, music-only programming, and community broadcasters are exempt. New subscription television services are exempt from the annual captioning targets for one or two years depending on the commencement date of services.

Subscription television licensees may also apply to the ACMA for particular services to be exempt.

#### **Emergency warnings**

If a broadcaster or subscription television licensee transmits an emergency warning at the request of an emergency service agency on any of its television broadcasting services, the broadcaster must transmit the whole emergency warning in text and speech, and caption the warning where practical.

#### **Annual reporting and record-keeping requirements**

National and commercial television broadcasters must give annual compliance reports to the ACMA.

#### **Breaches**

Provision is made for certain captioning breaches to be disregarded if they were caused by significant, unforeseen technical or engineering difficulties.

### **Television Captioning Quality Standard**

The Broadcasting Services (Television Captioning) Standard 2013 requires broadcasters to ensure that captions are readable, comprehensive, and accurate, so that they are meaningful to viewers.

### **Video on demand**

There is no legislative requirement for video on demand services to be captioned. Media Access reports that captions are available on three catch-up television services: ABC's iview, SBS on demand, and Plus7. Also, the on-demand platforms iTunes and Foxtel caption a substantial amount of content.

## **United Kingdom**

### **Legislation**

Under the Communications Act 2003, television broadcasters are required to deliver a certain proportion of their programmes with subtitles, signing, and audio description to ensure that people with hearing or visual impairments can understand and enjoy television programmes. It also requires Ofcom (the UK media and communications regulator) to review the Television Services Code relating to provision for the deaf and visually impaired.

### **Regulation authority**

Ofcom is required to set 10 year targets for captioning. By a broadcaster's tenth year of service, it must caption 80 percent of its content. Ofcom reports on the provision of television access services by broadcasters twice a year.

### **Degree of captioning on main channels**

In 2016, 83 domestic channels were required to provide broadcast access. This accounts for more than 90 percent of the audience share for UK television.

### **Exemptions to captioning requirements**

In deciding which programmes and services to exclude, Ofcom may consider: the extent of the benefit, the size of the intended audience, the technical difficulty of providing the assistance, and the cost.

### **Video on demand**

The Digital Economy Act, passed in April 2017, will extend captioning requirements to on-demand content.

## **United States of America**

### **Legislation**

The Americans with Disabilities Act 1990 requires places of public accommodation (such as state offices, libraries, theatres, museums, education facilities, hotels, hospitals, restaurants, shops, train stations, and airports) to display all video with captions.

The Twenty First Century Communications and Video Accessibility Act 2010 requires all online video previously aired on US television to be closed captioned. It also extended captioning requirements to television programmes delivered over the internet, and reinstated requirements for audio description. However, this applies only to content that is distributed on the internet, not online-only content.

### **Regulation Authority**

The Federal Communications Commission (FCC) regulates interstate and international communication via television, radio, and internet. The FCC sets strict guidelines for closed captioning television programmes and live broadcasts, with specific standards for caption accuracy, timing, and placement.

The FCC rules apply to all television programming with captions, requiring that captions are accurate, synchronous, complete, and properly placed. The rules recognise the greater difficulty in live captioning as opposed to captioning of pre-recorded content.

### **Degree of captioning on main channels**

All content from 6am to 2am must be captioned.

### **Exemptions to captioning requirements**

There are two categories of exemptions from the closed captioning rules: self-implementing and economically burdensome. Some examples are non-English programming, programming that is already mostly text, and public service announcements.

Channels are also exempt from captioning where costs exceed 2 percent of gross revenue for the year, or where the channel produces revenues of less than \$3 million. New networks are exempt for four years after operations begin.

### **Summary**

We note that in some overseas cases, legislation requiring captioning sets out a general intent to make content more accessible to deaf and hard of hearing people, and appoints a communications regulatory body to set specific regulations and targets. In many jurisdictions, captioning goals are set for specific time periods, such as 5 to 10 years. This allows broadcasters to scale up their captioning services and absorb implementation costs incrementally.

It is difficult to obtain information about the implementation costs of captioning in these overseas models, as it is the broadcaster's responsibility.

### **Potential need for captioning watchdog**

As we have discussed, many jurisdictions have a monitoring agency to oversee caption quality and standards, commonly referred to as a "captioning watchdog". Problems commonly arising include:

- grammatical mistakes
- time delays or "lag" between audio and caption display
- time delays between the visual and caption display
- awkward placement of captions on the screen (e.g. covering actors' faces or mouths)
- miscuing
- captions that are difficult to read due to font or colour.

Many submitters mentioned the captioning watchdogs in international jurisdictions, and believed it would be valuable to establish a similar agency in New Zealand. It was suggested that a captioning watchdog could be appointed alongside the current New Zealand relay service. This is a national relay service for the New Zealand Deaf, deaf-blind, hearing

impaired and speech impaired communities. A model particularly favoured by submitters is that of Ofcom in the United Kingdom, which applies the watchdog role to the Broadcasting Act.

Submitters also commented that a captioning watchdog is important in ensuring that captioning keeps pace with new technology, including online platforms.

In its submission, The Captioning Working Group noted two examples of inconsistent accessibility measures. The first is typed transcripts being used in place of video captioning. The second is the absence of captioning as a means of facilitating communication at a public meeting. The Captioning Working Group feel that these examples reinforce the need for a captioning watchdog in New Zealand.

## **6 Intellectual property issues with imported films and television content**

### **Purchased files**

One of Able's methods for captioning television content is to purchase a file of the text. Able acknowledges that this can raise questions about the intellectual property and ownership of captioning.

Able said that it sources caption files for internationally produced programming from the original production company. Purchasing a caption file and obtaining the rights to broadcast it in New Zealand costs approximately \$300 per television hour. Able must then edit the caption file to match the video content supplied by the New Zealand broadcaster. We were told that this process is more efficient than creating captions from scratch.

We heard that people often believe, incorrectly, that captions "come with" a programme. They think that if a programme is broadcast with captions in its country of origin, it will also have captions in New Zealand. Generally, the rights must be purchased separately from the original captioning production company, because they were produced independently of the distributor or producer. Able buys and sells caption files with many captioning companies worldwide, which is common practice.

The Captioning Working Group understands that visual and captioning files of movies and programmes are separated when sold to international markets. This means that royalties are payable on both files.

## 7 Captioning of advertising

Several submitters noted the lack of captioned advertising in New Zealand. We heard concerns that deaf or hard of hearing people are often late to learn of new products and services. They can also miss out on information conveyed in important public service announcements.

A prime example of this was given by the Captioning Working Group. In 2007, a television advertising campaign was broadcast asking for people to advise their power company if a family member was dependent on life-preserving technology, powered by electricity. This message was not originally captioned. Similarly, serious consequences might arise if advertisements such as those promoting health screening programmes are not captioned.

The Captioning Working Group also pointed out that advertisements and marketing may not reach the deaf and hard of hearing population. It explained that advertisers should have an incentive to extend their audience reach. This, in turn, could help broadcasters to recover some costs. We also heard from other submitters that deaf and hard of hearing people need access to be able to make informed choices as consumers.

Able told us that it provides captioning for television commercials broadcast on TVNZ 1, TVNZ 2 and Three. Advertisers are charged \$200 plus GST per commercial for this service, which is not covered under the NZ On Air funding that Able receives. Viewers indicated they were particularly interested in public service commercials from government advertisers. Able said there is currently nothing to require government advertisers to provide captioning on their commercials. We also heard that local councils and local government would benefit from captioning video content that is posted online or broadcast on television.

We were told that commercials are often only captioned as a result of an advertiser receiving a complaint.

## 8 Public education and attitudes towards captioning

### Lack of captioning of movies

We were told that cinema captioning is available in major New Zealand cities for a small number of movies via special one-off screenings of open-captioned films or via the Captiview system, used by Hoyts cinemas.

Able said that New Zealand-produced films are often captioned when the film is sold to overseas markets or shown at international film festivals, because this is a requirement. However, this often happens only after a film has been released in New Zealand, or New Zealand cinemas do not have the capacity to enable the captions.

Hunt for the Wilderpeople is an example of a successful, recent New Zealand film that was distributed in New Zealand without captions.

Closed captioning allows the choice of turning captions on or off. As awareness grows as to why captions are needed and how they operate, there will be more widespread acceptance. Submitters expressed the importance of New Zealand films having a caption file available on release, so that there is access available to captions at an open screening or on a closed captions device.

### Benefits of universal design

The Disabled Persons' Assembly NZ told us about the benefits of universal design in relation to captioning. The concept of universal design is that things should be usable to as many people as possible, regardless of their age, ability, or status in life.

### Other users of captioning

Older people can use captions to compensate for age-related hearing loss. According to a recent study, the number of New Zealanders aged 70 years and older suffering from hearing loss is expected to double in the next 50 years.<sup>8</sup>

People for whom English is not a first language can use captions to keep up with the speed of dialogue and to help understand accents. It is significant that a study on viewership indicated that Asian New Zealanders are 37 percent more likely than the general population to use captioning when watching television.<sup>9</sup>

Lastly, research in 2006 by the UK's Ofcom found that about 7.5 million people had used subtitles while watching television, but only 1.5 million of them identified as deaf or hard of hearing. This indicates that a large proportion of people are using subtitles for various reasons.

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<sup>8</sup> <http://www.hear-it.org/new-zealand-number-seniors-hearing-loss-expected-double>

<sup>9</sup> NZ On Air and Glasshouse, Where are the audiences? 2016, p 25, available at: <http://www.nzonair.govt.nz/document-library/where-are-the-audiences-2016/>

**Literacy support**

Captioning may assist children in reading comprehension when they are learning to read, a point raised by several submitters. The Captioning Working Group highlighted two articles that discuss the positive associations of closed captions or subtitles with reading and literacy rates.

Representatives from the van Asch Deaf Education Centre told us that many deaf and hard of hearing students miss out on incidental learning gained through overhearing. Captions allow these students to participate more fully in the school learning environment and community. The centre's submission detailed the educational benefits of captioning that it has seen in practice.

We were told that captioning can also support students with some types of developmental and cognitive delays.

## 9 Captioning of online content

Increasingly, content is moving to online platforms. We discussed issues involving the captioning of online content at length during our inquiry. The Disabled Persons Association considers that this is an important area for focus, predicting that, by 2020, people will view about 80 percent of content online. This reiterates the substantial increase in the “access gap”.

New Zealand-based online platforms include Lightbox, Quickflix, WatchMe, SkyGo, TVNZ OnDemand and 3Now (MediaWorks’ online platform). As noted, none currently provides captions. There is no requirement for online video content to be captioned in New Zealand.

We heard from Able that TVNZ OnDemand and 3Now offer several programmes that have broadcast on television with captions. We asked Able to explain its approach to captioning for these particular platforms. It said that it is willing to absorb the costs of re-formatting the captions that were originally created for television. It believes that this would maximise the initial investment in producing the captions.

Sky and TVNZ explained that a major challenge of captioning online content is that there are different requirements for different devices because of variations in screen resolution and dimensions. Similarly, specifications may need to be adjusted to cater to a range of internet speeds. It is clear that the primary barrier is the capital cost to acquire the technical capability to provide captions online.

TVNZ is of the view that, in a market where advertising revenue is declining, it is not commercially viable to support this extension to its services. It is prepared to extend captioning to its OnDemand service where:

- extension is to suitable devices
- funding is available for the technology required
- captions already exist for the programme (that is, not all programmes will necessarily be captioned)
- adding captions does not create undue complexity or add ongoing maintenance costs to technology supporting online services.

We heard that NZ On Air granted \$1.3 million for the production of the children’s drama programme “Terry Teo”. A number of submitters expressed their disappointment to us that these episodes did not screen on television, and instead were only shown on TVNZ OnDemand. This denied access for deaf and hard of hearing young New Zealanders.

## 10 Other related matters

### Audio description

The scope of our inquiry is broad, and we agree with the Association of Blind Citizens of New Zealand that it is also important to consider the related matter of audio description. Able mentioned that, internationally, it is common for audio description to feature in the same “media accessibility” legislation as captioning.

Audio description is a commentary on visual activities that occur on screen. For the blind, deaf-blind, vision impaired, and people with low vision, it is equivalent to captioning for the deaf and hard of hearing. The audio information is provided through an alternative channel, so it does not interfere with standard television listening and viewing.

Audio description commenced in New Zealand in 2011, and has since increased from 2 hours a week to more than 40. However, it is only available on two channels (TVNZ 1 and TVNZ 2).

Blind Citizens of NZ considers that the current availability of audio description does not meet the diverse needs of blind viewers. Among other recommendations, it suggests that films and DVDs produced in New Zealand should be audio described. Additionally, cinemas should screen movies with audio description, as the necessary technology exists. Blind Citizens of NZ also proposes that Freeview and other broadcasters adopt a common way to identify that a programme has accompanying audio description. These are just a few measures that would help to better meet the needs of blind and vision impaired people.

Able told us that the audio description service that it provides has been developing slowly and steadily, but that it now struggles to meet the growing demand. We were pleased to hear that New Zealand’s blind viewers praise the quality of audio-described content produced by Able.

Both Able and Blind Citizens of NZ think that the current funding approach must be reviewed to achieve higher rates of audio description in New Zealand.

### Captioning during civil defence emergencies

Some submitters expressed concern about the inconsistent captioning of broadcast media during civil defence emergencies. The Captioning Working Group believes this needs to be addressed urgently, because it is a safety matter. However, it praised the New Zealand Police for introducing “111 TXT”—an emergency text message service that people with hearing or speech difficulties can register to use.

Able provided some clarification about agreements in place for civil defence emergencies. Able provides live captioning for TVNZ’s news bulletins. It does not caption MediaWorks or Prime bulletins, because they are not functionally supported to provide live captioning, nor is Able funded to provide it. Able does not receive funding or compensation for captioning civil defence messages and coverage. Able said that it understands the importance of captioning during civil defence events so it provides captioning in those circumstances wherever possible. However, it believes that a collaborative approach is needed to ensure that responsibility is shared among the relevant parties.

**Petition 2014/63 of Louise Carroll**

We received a petition from Louise Carroll on behalf of the New Zealand Captioning Working Group. It requests:

That the House note that 2,370 people signed an online petition calling to legislate to ensure accessibility via closed captioning for Deaf, Hard of Hearing and other New Zealanders who need it, to access all broadcast, online and video mediums.

The petition was referred to us on 19 May 2016, and we initiated this inquiry on 1 June 2016. We agreed with the petitioner that the issues raised by her petition would be considered as part of our inquiry.

**Party views**

National Party members of the committee would prefer improvement of captioning access to be made by encouragement and policy change. Whereas, Labour Party and Green Party members of the committee believe that a legislative approach to improving captioning access in New Zealand is now required.

## Appendix

### Committee procedure

We met between 1 June 2016 and 9 August 2017 to consider the inquiry. We called for public submissions with a closing date of 28 July 2016. We received submissions from 92 organisations and individuals, and heard oral evidence from 25 submitters. We heard evidence in Auckland and Wellington. The documents that we received as advice and evidence for this inquiry are available on the Parliament website, [www.parliament.nz](http://www.parliament.nz).

### Committee members

Hon Ruth Dyson (Chairperson)  
Paul Foster-Bell (Deputy Chairperson)  
Barry Coates  
Matt Doocey  
Hon Nanaia Mahuta  
Hon Scott Simpson

Mojo Mathers replaced Barry Coates for this item of business.

Clare Curran and Poto Williams participated in some consideration of this item of business.