

Report of the Chairman
to the
Broadcasting Commission of Ireland
on the proceedings of
The Access Consultative Forum

Kieran Mulvey
19TH March 2004

Report of the Access Consultative Forum

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Introduction

I was requested by the Broadcasting Commission of Ireland to act as an independent Chairman of an “Access Consultative Forum” in order to facilitate discussions, and if agreed, to make recommendations to the BCI on new access rules governing subtitling, sign language and audio description provisions on Irish television channels in the context of Section 19 of the Broadcasting Commission Act 2001.

The organisations and their representatives who participated in the Forum are listed in Appendix 1. Prior to the commencement of the deliberations of the Forum, the Broadcasting Commission of Ireland had conducted one to one consultations with the relevant parties in regard to Section 19 (11) of the Broadcasting Act 2001 and afforded them the opportunity to make submissions if they so wished. In addition, the Commission had prepared and circulated a well researched discussion document entitled “Accessing Television”, which addressed a considerable number of issues which were to be dealt with subsequently in the deliberations of the Forum.

The agreed approach adopted in the formation of the Forum was that preferred by the representatives themselves. This was a “targeted consultation” process whereby all relevant groups were represented and where all interested parties had the opportunity to outline their positions in public session and to be informed of the responses to their representations by the participants. In addition I had a “one to one” dialogue with the major access groups/broadcast providers in order to establish if agreement could be reached on access targets. The Forum met in plenary session on four occasions; November 7th and 25th, December 11th 2003 and January 14th 2004.

In addition, two subcommittees were formed comprising of representatives from the Forum; one, to consider the issues surrounding the “Principles of Access”, the second, to develop an understanding of the “Technical Aspects” of delivering services and the potential costs involved.

A Chairman’s draft report for discussion was issued to the representatives on the Forum on December 9th and was the subject of detailed responses both at the final plenary session and in “one to one” confidential engagements prior to the conclusion of the Forum.

Regretfully it was not possible to achieve final agreement between all representatives on the draft report and as a result I agreed to submit a Chairman’s Report to the Broadcasting Commission of Ireland and to all of the representative organisations.

This is the text of my final report.

I wish to thank everyone involved for their courtesy, contributions, opinions, expertise and insights into this important issue which is of essential importance to those of our citizens who are deaf or hard of hearing or who are blind or partially sighted, and to whom the fullest access to television broadcasting benefits will enhance their lives, improve their educational and cultural endeavours and ensure their fullest participation in civil society. It should be noted in this regard that 2003 was the European Year of People with Disabilities and any significant progress in advancing fuller access to television broadcasting to the above groups in 2004 and beyond would be a fitting and practical response towards a vindication of their rights and aspirations.

Finally, I wish to thank the B.C.I. for facilitating me in understanding this very personally enriching task, and in particular both to Margaret Tumelty for her immeasurable assistance and advice and to Dr. Ruth-Blandina Quinn for all of her research.

Kieran Mulvey
Chairman
Access Consultative Forum

19th March 2004

Section 1

Access Principles

The representative organisations and the broadcast providers represented at the Forum agreed in general to subscribe to the following statement of access principles which would inform and guide the Broadcasting Commission of Ireland in its deliberations on meeting the requirements under Section 19 (11) of the Broadcasting Act 2001.

Statement of Principles

The primary purpose of these access principles is to provide a basis and agreed understanding by which decisions made in relation to the more specific aspects of the access rules are governed.

The following statements of principle have as their function a common understanding that can be referred to when establishing the various rules and regulations that will inform, generate and ensure appropriate service delivery of subtitling, Irish Sign Language and audio description.

These principles are based on trends, which have been emerging from international experience in access provision. The development of the access rules have been informed by the experience of other jurisdictions and in a manner that acknowledges the legislative requirements and broadcast history of the Irish context. It is considered that the development and adoption of *principles* used in these jurisdictions rather than the exact *models* should be used to inform the BCI of what access rules should be implemented to provide the best possible delivery of services for user groups in this country.

1. Primary Principle

The overriding and guiding principle for the BCI in its interpretation of Section 19(11) is that those citizens referred to in the legislation should have **full access** to all forms of broadcast media in a manner and fashion so as to ensure that they have the fullest possible accessibility to such media and its capacity to educate, inform and entertain.

The Commission shall make rules requiring each broadcaster to take specified steps to promote the understanding and enjoyment by –

- (a) persons who are deaf or hard of hearing, and*
- (b) persons who are blind or partially sighted,*

of programmes transmitted on any broadcasting service provided by him or her.

Principle of Access

The principle of access concerns the inclusion of deaf, hard of hearing and people with vision impairments fully in the day to day life of civil society. Providing access to the media provides access to the democratic process for these user groups and facilitates them in taking an active and informed role in society as well as allowing them the enjoyment of the other cultural benefits of media access.

The principle of access will underpin and inform the development of the rules insofar as they will aim and be targeted to provide the best possible and technically feasible outcome for the provision of accessible services for the deaf, hard of hearing and people with vision impairments.

2. Principle of excellence

The access rules will specify levels of provision in relation to subtitling, audio description and sign language. The inclusion of a principle of excellence recognises the fact that the development of the access rules is not only concerned with the provision and access to these services but also the standards and consistency that must be used and attained in their delivery including best practice guidelines in both audio and visual presentation. Quality is a key consideration in achieving excellence of production.

3. Principle of incremental progression

The principle of incremental progression acknowledges that while ultimate targets may be identified, broadcasters in many cases may require a timeframe in which they will be required to incrementally increase provision. This principle of incremental progression allows for the extension of access to programming over a specific timeframe during which interim targets, their quantity, accessibility and standards will be identified and measured. Both the broadcast providers and the users are both in a position to know and understand what are the targeted standards and expectations.

4. Principle of responsiveness

Access provision must be developed in response to the needs and priorities as expressed by the user groups as well as the standards laid down by the BCI and in consultation with the broadcast providers. A key component of this principle is ensuring that the user groups have full access to the primetime viewing and listening period in the Irish context. This is understood to mean the fullest possible access to:

- News and current affairs
- Drama and documentary
- Sports
- Talk shows/entertainment
- Major national events
- Films
- Educational programming
- Children's programming including cartoons
- Game shows
- Music

The prioritisation of programme genres or of time periods, where applicable or required, should be carried out in response to the stated preferences of the user groups and they should be consulted on what constitute such programming, at regular intervals.

Summary view of Participants

The organisations representing the Access Groups were supportive of the principles outlined above, though some reservations were expressed regarding the lack of emphasis on matters relating to the usage of Irish Sign Language.

The view of the broadcasters was largely also supportive of the principles. Any major reservation expressed related to issues of cost, differentiation, availability of qualified personnel, matters surrounding the use of Irish language. They wished it to be acknowledged that despite the above considerations, positive efforts were being made to increase access both in relation to home produced and foreign programming.

The Access Groups did acknowledge that significant efforts were being made to increase provision, particularly by RTE.

Section 2 Technical Issues

Introduction

The purpose of this section is to provide a summary of the technical and cost issues that arise in relation to the provision of assistive services. The information has been obtained from meetings and documents provided by all the stakeholders.

1. Subtitling

Conventional subtitles (Page 888) will continue to be the most widely available form of subtitling provided by the four national free-to-air television services. These conventional subtitles can be provided on both analogue and digital transmission systems. In terms of Irish national free to air broadcasters, it is therefore proposed that priority is given to the availability of subtitling via the conventional (VBI) Page 888 system. It is proposed to examine developments in relation to fully compliant DVB digital subtitles as part of the review mechanism proposed for the Access Rules or in the event that a national digital television transmission system is proposed.

Subtitling Equipment

The equipment required to insert conventional subtitles into the programme stream cost in the range of €17,000 to €27,000 per television channel.

RTÉ is the only Irish broadcaster that has in-house subtitling capabilities. The cost of subtitle generation equipment is in the region of €50,000 per workstation. RTÉ currently use three workstations for in-house production of subtitles.

Subtitling Cost

Costs per hour will vary from broadcaster to broadcaster. It is dependent on the mix of programming provided and the level of programming that is subtitled. RTÉ produces some in-house subtitles. It contracts out some live programming and purchase subtitles when available. TG4 outsource all captioning and subtitling requirements. Live programming including news, some children's' programming and English films are not subtitled on TG4. TV3 purchases subtitles for Emmerdale and Coronation Street

The costs of acquiring subtitles range from €150 per hour for previously produced subtitles to in excess of €500 per hour for pre-recorded home produced material. The average cost per hour of subtitling for RTÉ is in the region of €114 per hour.

Previously Produced / Acquired Subtitles

Previously produced subtitling data can be acquired for in the region of €150 per hour. This acquired data will need to contain the same time-code as the video in order to ensure correct play-out. Some additional costs arise in relation to verifying the compatibility of the time-code data and loading the data into the subtitle play-out system.

Subtitles for home produced (non-live) Programming

Subtitling costs for pre-recorded home produced programming costs in the region of €500 per hour.

Subtitles for Live Material

Costs for the provision of the subtitling for live programming, by third party contractors, can cost in the region of €350 to €500 per hour. Additional costs arise in relation to the level of preparation and co-ordination required between the broadcaster and the contractor both in advance of and during broadcast, the type and duration of the programme and as a consequence the number of subtitlers required, and the cost of the data lines to the party that provides the live subtitling data.

2. Signing

Closed signing involving the use of a real person as opposed to a computer-animated avatar can only be achieved using digital distribution systems. This would require the development of a national digital terrestrial television system and/or an upgrade to the channel provisions of the Irish services on the digital BSkyB satellite service.

Open signing may be provided whereby a signer is shown in part of the screen and the full video image is shown behind but at a reduced size. In the UK, some open signing on analogue TV consists of previously broadcast material that is rerun in the overnight hours with signing and may be recorded for watching at a more appropriate time. The UK also has specialist programmes with sign language aimed at deaf signing people. In providing general the costs are higher than subtitling and are in the range of €350 per hour. It may be more appropriate and effective to focus at the native sign language users such as Deaf people rather than interpreters as it would provide an equal opportunity for Deaf people to participate and work in the world of broadcasting.

3. Audio Description

The carriage of both audio description and the normal sound information during peak programme hours on the existing analogue free-to-air national broadcasting networks is not possible. The use of either the mono or one half of the stereo circuit of analogue television for audio description would cause difficulties in fringe reception areas. However audio described programming could be provided during off peak hours. Some "open " audio description is transmitted on the UK analogue television services during the overnight hours. "Based on figures from the UK, the cost of inserting audio description at source is approximately STG£700 - £800 per hour of broadcast programme. (Source: NCBI)

Closed audio description would require digital distribution. It would be possible to upgrade the number of audio circuits on the digital satellite system from two to four. New equipment would have to be purchased and extra bandwidth sourced at significant cost (early estimate is €90,000). Audio description could, if provided by the broadcasters could then be transmitted via the BSkyB service. The carrying through of this additional audio onto digital cable and MMD would need to be reviewed. Even if technically possible, this could involve changes at up to 42 head-ends. This could also mean that the primary source for Irish services to the digital cable systems would be via satellite and not via off-air reception of the analogue signal from the local transmitter. This

could incur equipment replacement costs and impact on signal reliability for the cable and MMD companies.

4. Speech Based Electronic Programme Guides (EPG's)

It was noted that a speech based EPG service may be provided on the BSkyB platform. This could result from the ITC's VISTA prototype Electronic Programme Guide that viewers can access by their own voice. The system performs a search of standard EPG data and answers the viewers' queries in synthetic speech. The prototype system enables visually impaired viewers to select the programmes they want to watch from the hundreds of digital channels now available. Once the viewer has decided what to watch, the VISTA system automatically changes to the appropriate digital TV channel, or - if the programme is on at a later time - stores a reminder.

Summary

Conventional subtitling (Page 888) is available on both analogue and digital distribution platforms. In relation to the four national free-to-air broadcasters, priority should be considered for conventional subtitling. Developments in relation to Digital (DVB) subtitles can be considered as part of the proposed review mechanism for the Access Rules or when a decision is made in relation to a national digital television transmission system.

Closed signing involving the use of a real person as opposed to a computer-animated avatar can only be achieved using digital distribution systems. Open signing may be provided whereby a signer is shown in part of the screen and the full video image is shown behind but at a reduced size. Consideration could be given to the provision of open signing on analogue TV that consists of previously broadcast material that is rerun in the overnight hours with signing and may be recorded for watching at a more appropriate time. Specialist programmes with sign language aimed at deaf signing people could also be considered.

Consideration could be given to the transmission of Audio Description programming at off-peak times using the current distribution platforms. It may be possible to provide audio description via an additional audio channel on the BSkyB satellite system. However the reception of the television signal is not free-to-air and requires payment. In developing any proposed national digital television transmission system, capacity should be reserved for an audio description channel.

In addition to the primary interests represented at the Forum, I wish in particular to record and acknowledge the input given in this area by ComReg, NTL, Setanta Sport (Irl) Ltd., and Chorus and the technical/engineering services of the Broadcasting Commission itself.

Section 3

Influencing Factors

There are a number of other factors influencing the deliberations on providing access.

1. The issue of differentiation

The issue of differential treatment of broadcasters acknowledges what are seen as the relative differences between various broadcasters and as a result the need to establish differential targets, timeframes or other factors in relation to their provision of subtitling, audio description and Irish Sign Language.

This differential treatment would be on the basis of identified and articulated criteria.

The factor does not have as its aim the unfair treatment of broadcasters in that one broadcaster would be given more onerous targets than another. Neither does it have as its aim the lowering of expectations regarding the provision of access services by all broadcasters.

Rather it acknowledged that the following criteria can impact on the ability of the broadcaster to attain the same targets within the same timeframe.

- The age of the broadcast provider
- The level of current provision
- The nature of the broadcast provider
- The technical/human resource cost
- Technical capacity

The issue of differentiation between broadcast providers is based on a number of considerations, namely:

(a) The age of the broadcast provider

RTE provides a level of subtitling that has developed slowly over the past fifteen years. TV3 is in existence since 1998. RTE has had a significantly greater period of time in which to develop its in house capacity and expertise in the provision of subtitling. Their efforts in this area have been acknowledged. Within international experience the trend is to identify a target for accessible services (sign language, audio description and Irish Sign language) in percentage terms and then to permit the broadcaster a period of time to attain that level of provision, during which incremental targets must be met. This is based on a recognition that increases in this type of provision are difficult to implement. Therefore, this issue acknowledges the relative difference in time already afforded to the Irish broadcasters in developing this capacity.

(b) The level of current provision

RTE currently provides up to 80% subtitling in peak time viewing as well as a range of programming across the schedule. It aspires to increasing its provision significantly, particularly in home produced programmes. TV3 currently broadcasts three programmes that are subtitled. These programmes are purchased with subtitles and there is currently no in house capacity to generate subtitled material. It could be argued that the relative effort and cost required to bring TV3 up to the *current* levels provided by RTE would be considerable. However, as no Irish broadcaster provides audio described programmes,

considerable effort would need to be made by all broadcast providers to increase the level of audio described programmes incrementally to ensure adequate provision on a par with current provision subtitling.

(c) The nature of the broadcaster – free to air services

RTE is a public service broadcaster, part funded through the licence fee. As such it could be argued that it has additional public service duties, of which provision of accessible programming to those with disabilities is one. Indeed RTE has recently recognised increased accessibility to programming as an aim in its organisational charter.

TV3 is a private company, commercially funded and as such, while not discounting its responsibility to provide accessible programming, it could be argued that this responsibility is relatively less than that of RTE, given its public service remit. Therefore, it would be argued that the access rules should recognise this difference, in setting either differential targets or differential timeframes for the attainment of those targets, or both.

TG4 is a public service broadcaster that has linguistic objectives. The channel is part funded through the licence fee and as such had additional public service duties. The service currently provides subtitling in both Irish and English and it is envisaged that any targets laid down for TG4 must take cognisance of the linguistic role it plays and as such the determination as to the language in which subtitles are to be provided is at the discretion of the service.

(d) The nature of the broadcaster – non free to air services

Non free to air services such as satellite channels, cable channels or MMD channels may target small or niche audiences. These services will be obliged to comply with the Commission's regulatory framework, including rules developed regarding their social responsibility with regards to access provision. However, there may be a need to look at these types of services on a category by category, or case by case basis with reference to a range of issues. Thus recognising the issue of differentiation between these and free to air services.

2. Service Provision

The provision of services will involve considerations of the technical and human resource capacity to provide subtitling, audio description and Irish Sign Language. It also requires a mechanism by which the user groups can inform and be consulted upon target attainments, quality of production and provision and information measures to advertise services and current and future research projects. Separate discussions on obtaining and reaching service provision targets will be necessary with cable providers, production houses and programme sponsors.

3. Funding

It can be argued that there is a public duty to provide access and increase the provision already available. The principle of access can only be vindicated if broadcasters have access to the technological capacity to provide these services and user groups can receive them in their homes/places of employment. Consideration therefore must be given by the State and its agencies to providing the necessary technical requirements to ensure these access principles can be fulfilled in their fullest sense. Separate funding

arrangements should be considered and targeted to assist broadcast providers to meet specific obligations arising from these principles/rules, to ensure the maximum possible roll out of both technical and human resource requirements to ensure that the spirit and intent of Section 19(11) can be fully vindicated. This is a matter fundamentally for the government and policy makers. However in the interim there is a statutory obligation on the BCI to set rules and regulations for broadcasters under the Broadcasting Act 2001.

4. EU Developments

The situation regarding the levels of access provision across Europe varies and reflects the absence of a common European perspective or standard of provision. This mitigates against the development of a standardised requirement on the part of regulatory authorities across Europe. Ireland is not on its own, however, in developing rules to ensure its citizen's rights in relation to media access.

The "Television without Frontiers" Directive (adopted in 1989 but substantially revised in 1997) is relevant also in regard to provision for those citizens deprived of full sensory faculties.

The most recent rapporteurs' Report makes reference to the need for the European Commission to seek also "to promote sub-titling and sign language interpretation for those with hearing difficulties and audio-visual description for the visually impaired" (Para 15).

It also noted in Para 22;

"that levels of sub-titling and sign language interpretation for those with hearing difficulties, and of audiovisual description for the visually impaired, vary quite widely from Member State to Member State; recalls the Commission's commitment to Parliament in June 2002 to raise this issue in the present report; notes that the Commission has not done so: once again calls on the Commission to address the problem of improving access to the broadcast media for those suffering from sensory impairment".

Section 4

Framework for Implementation

With a view towards progressing a framework plan implementation a number of targets were suggested by me for discussion among the representatives on the forum.

In order to progress these framework targets, a number of one to one meetings were held with the principal representative groups and the main broadcast providers. The suggested targets were predicated on the basis of the following;

1. Requirements

Section 19 (11) of the Broadcasting Act 2001 requires that:

The Commission shall make rules requiring each broadcaster to take specified steps to promote the understanding and enjoyment by –

- (a) persons who are deaf or hard of hearing, and
- (b) persons who are blind or partially sighted,

of programmes transmitted by any broadcasting service provided by him or her.

The rules described here pertain to the provision of subtitling, sign language and audio description in the broadcast media. More particularly, these rules shall initially pertain to the national free to air services, that is, RTE 1, Network 2, TG4 and TV3. In the case of non free to air services it is recommended that the Commission will address the provision of subtitling, sign language and audio description on other types of services on a category by category basis.

For the purposes of these rules the meaning of the word programme is broadcast material *excluding* advertising.

2. Principles underlying the rules

These rules are based on a number of articulated principles and take cognisance of a number of key influencing factors. In determining the rules, attention has been paid to each of these principles and factors. These are as follows:

- A primary principle of access
- A principle of excellence
- A principle of incremental progression
- A principle of responsiveness

Influencing factors

- The differences between broadcast providers in terms of
- Age of the service
- Level of provision at the time of the development of the rules
- The nature of the broadcast provider
- The technical and human capacity of the broadcast provider
- The technical difficulties associated with provision of the assistive service

- Funding
- Developments at EU level

Both these principles and influencing factors have informed the determination of the targets and timeframes to be attained by broadcast providers.

3. The main requirements

The proposals outline the proportions to be attained by the three forms of provision subtitling, sign language and audio description.

Subtitling

Differential targets have been developed for each of the four services to be attained over a ten year period. Incremental targets have been established for each broadcast provider and a review of progress will be carried out at the end of the third, fifth and tenth year.

When considering the establishment of targets two major considerations arise, the first is that the targets should address what are critical blocks of viewing so that any increase in subtitling provision provides maximum benefit to the user groups. Secondly, that the targets should address programming targeting young children.

The targets as outlined here are based on an eighteen hour broadcast day from 7am to 1am. The decision to base the targets on an eighteen hour day is based on what is seen as the need to focus the development of subtitling during mainstream viewing hours.

The rules do not specify which genres or types of programming are to be prioritised in the development of subtitling. However, within the targets laid down, it is expected that broadcasters will ensure that some of the gains made on an annual basis are in the areas of peak viewing and also programming aimed at young children. The rules also advocate, through the principle of responsiveness, that broadcast providers are responsive to the needs and preferences of the user groups in determining how they will develop subtitling provision.

In the case of the RTE services, the rules outline targets for each specific channel and it is the intention of the rules that the services are ‘unbundled’, that is, that each channel must attain the targets indicated rather than taking a cumulative figure of the level of assistive services provided across all RTE services.

The targets for respective broadcast providers have been developed with regard to the principles and the influencing factors and these are outlined in each case.

Targets

The Targets proposed and which did not receive universal support are outlined in Appendix 2

Section 5

Summary of Proceedings at Final Plenary Session

I outlined the views of the respective representative organisations at the final (4th) plenary session on January 14th and each organisation was afforded the opportunity to respond either orally or in writing. I received responses from the access groups and the broadcast providers, including ComReg and the BCI.

A number of achievements have resulted from the Consultative Forum. These are mainly in the area of a better rapport between the parties and at least a better understanding if not full acceptance of the position of the respective organisations. There was a clear, honest and full engagement on all of the issues concerned.

A considerable degree of agreement has been reached on the principles of access, the technical possibilities and indeed limitations of the new developing technology of broadcasting and the cost involved in providing a greater level of assistive services.

All participants were committed to improving the situation, though cost or issues associated with cost and provision always appeared to be the primary limiting factor in meeting fully the aspirations of the access groups.

Access Groups

The groups were adamant that a ten year framework was unacceptable to them in order to obtain 100% access. They were trenchant in their view that they had been waiting long enough for adequate provision for what they are of the belief is a basic civil right. As a compromise they would agree to a target of 2006/2007 as being reasonable in the context of full access. They are of the opinion also that there is a requirement for greater use of Irish sign language provision.

The provision of greater access to audio described programmes was raised; particularly those broadcast at night as in the case in the United Kingdom. Priority it was felt should be given to “soaps”, home produced drama, current affairs, documentaries and children’s programming. Particular reference was made regarding sports programming in the context of the visually impaired where descriptive commentary would be a distinct asset.

They were generally supportive of access rules applying to a broadcast segment within total viewing hours, incorporating periods of both children and adult viewing times.

Broadcast Providers

RTE Group

RTE was of the view that there was a need to concentrate its resources to provide the requirements under any future access rules around specific viewing periods and possibly centering on around RTE One. The expansion of hours for which access rules would apply would dilute its resources which they would prefer to concentrate around peak viewing periods. It submitted details/information on viewing figures which supported this proposition. They believed that by concentrating resources during such peak viewing periods it would allow the targets suggested to be achieved in a shorter period of time. From their experience there existed a specific problem relating to the availability of technical facilities and dedicated, specifically trained resources /personnel in order to achieve a continuous level of quality provision.

There existed only a limited availability of pre-subtitled material, particularly from the USA. This can create additional problems arising from the age of movies and earlier television serial material and for which no subtitling was available. Cost is a continuing factor which mitigates against achieving the targets proposed.

TG4

TG4 concurred with these views and added that their requirements in regard to Irish language broadcasting contributed to the difficulties which could arise in the context of subtitling. In the community to which they had priority consideration the principle of access had to include both official languages. Reference was made to the requirements to the Equality Act 2003. The issue for TG4 is not the end cost of putting sub-titling to air but the cost of creating them.

TV 3

TV3 were of the view that the Forum report should confine itself to the issues of the principles of access alone. The question of rules and targets were matters for the BCI. They felt that targets which were realistic would be more achievable and that therefore they should be reasonable in terms of the daily broadcast periods and the timeframe for targets.

As an independent broadcaster they relied solely on advertising revenue and did not have access to license fee monies for any developments in relation to the future access rules. Any unreasonable imposition could lead potentially to a reduction of their broadcasting hours. They were not opposed to making some reasonable contribution to the cost of access rules requirement within a reasonable operational framework. It would prefer a restriction to peak viewing hours. It suggested also that the format used in New Zealand to address the issue of access should be studied and adapted to Irish conditions.

Conclusion

With the agreement of those participating in the Forum I agreed to compile a report which would be conveyed to the Broadcasting Commission of Ireland and to all of the representative organisations represented at the Forum.

I trust that I have reflected as best possible the views conveyed at the various meetings and that all of the parties will find the deliberations of the Forum as being useful in advancing the issues involved.

It is a matter for the B.C.I. under legislation to decide upon the access rules which will apply.

Section 6

Recommendations

OVERVIEW

I consider that the access groups have a clear and unequivocal case for the fullest possible access to television broadcasting and no effort should be spared in ensuring the fulfilment of their aspirations.

The broadcast providers must also be assisted to realise these obligations in supportive funding.

1. Access Principles

I believe there is near unanimity on the access principles outlined in Section One and these should be adopted and supported by all those representative organisations attending the Forum. They should be reviewed at periodic intervals of at least every two years in any review process agreed under the access rules.

2. Technical Issues

The Forum presented the opportunity for the access groups, the BCI, ComReg and the broadcast providers to discuss issues of technical provision (digital/analogue), current and future technological broadcasting developments and regulatory matters. It would be a positive development if this form of information sharing on technical feasibility options could continue on a regular basis. Such an ad-hoc committee would serve to maintain an update on the relevant technology and continue the dialogu on “what is available and feasible” to advance access.

3. Funding

Funding remains the primary factor in determining the relationship between the legitimate expectations of the access groups and the ability of the broadcast providers to meet these demands in order to vindicate the rights and entitlements referred to previously in this Report.

To vindicate the principle of full access and to achieve the expectations of the user groups regarding targets and timeframes, there may be a requirement that resources are contributed from one or other central exchequer sources. However, it would also be my view that it is not unreasonable to expect a contribution to be made by broadcasters to the achievement of objectives.

Funding can be provided in a number of ways and I believe such funding could be provided by a combination of exchequer and broadcasters resources and possibly also the following:

- (i) Direct exchequer funding for this purpose to be administered by the BCI, under funding grants available for persons suffering disability and/ or other supportive funding e.g. Dormant Accounts Fund.
- (ii) Designation of part of the recent special grant for programming made under the Broadcasting Funding Act 2003 to ensure all such programmes meet new access rule requirements – some decisions already point in this direction in regard to sub-titling.
- (iii) Additional funds to be made available to those broadcast providers who propose achieving the designated targets in a shorter timeframe.
- (iv) Assistance from the BCI towards achieving better technical specifications /training for access rule requirements and purchasing sub-titling/audio descriptive requirements. This could enable a

pooling of resources, training and personnel which would benefit everyone through a fund for this purpose.

- (v) A mechanism by which the purchase or commissioning of sub-titling/audio-descriptive programming for existing programme transmissions can be achieved and the costs of which could be shared between the B.C.I. and the broadcasters.

4. Targets

While I regret it was not possible to achieve agreement on my proposed targets for implementation, the engagement of the parties around these issues was positive to the extent that certain parameters were established within and surrounding the formation of access rules.

The B.C.I. will under legislation determine finally what those access rules and regulations will be and within what timeframe they should apply.

Organisations and Representatives

Appendix 1

Proposals of the Chairman (09/12/03)

Appendix 2.

<i>Group Name:</i>	<i>Representative:</i>	<i>Title:</i>
	Kieran Mulvey	Forum Chairperson
National Association of the Deaf (NAD)	Sandra O'Brien	Deputy Chief Executive
National Association of the Deaf (NAD)	Máire Rooney	Board Member
Irish Deaf Society (IDS)	Kevin Stanley	Programme Development Manager
Irish Deaf Society (IDS)	Teresa Lynch	Supervisor
Irish Hard of Hearing Association	Pat McKenna	President
Irish Hard of Hearing Association	Anne Ennis	PRO
The National Council for the Blind (NCBI)	Desmond Kenny	Chief Executive Officer
The National Council for the Blind (NCBI)	Sarah Gahan	
TG4	Pádraic O'Ciardha	Leascheannasaí
TG4	Máire Aoibhinn Ní Ogáin	Bainisteoir Sceidil
RTE	Peter Fay	Project Manager, TV IBD
RTE	Isabel Charlton	Manager Transmission Services
TV3	David Mc Munn	Director of Government, Regulatory and Legal Affairs
TV3	Peter Ennis	Director of Operations and Technology
Setanta Sport (Irl.) Ltd.	Patrick Sturgeon	Director of Operations
ComReg	Carmel Mc Loughlin	Broadcasting Licensing Manager
ComReg	Dave Thom	Manager Broadcasting and Satellite
Chorus	Willie Fagan	Chief Legal & Regulatory Officer
Chorus	John Horan	Director of Networks
NTL	Edward Brophy	Head of Regulatory and Public Affairs

Proposals of the Chairman (09/12/03)

RTE 1 (Targets for subtitling provision based on an 18 hour day)

Dec '04	2005	2006	2007	2008	2009	2010	2011	2012	2013
55%	62%	69%	75%	81%	86%	90%	93%	96%	100%

In devising the targets for RTE 1 the following factors were considered:

- RTE is a national free to air service
- RTE 1 provides a key service to the public and is the primary supplier of home produced indigenous programme including news and current affairs.
- It is a public service broadcaster, part funded through the licence fee and as such has additional public service duties, encompassing the provision of accessible programming to those with disabilities.
- It has the largest market share of indigenous broadcasters and the largest percentage of indigenous content.
- The station is the longest established indigenous broadcaster.
- The station is starting from a relatively high position in terms of its current level of subtitling provision
- The station has, over the past ten years, developed its in house capacity both in terms of technical and human resources.
- It has also established external links for the acquisition of live subtitling and has experience in this area.
- At an international level, comparable data indicates that higher requirements are made of public service broadcasters

RTE Network 2 (Targets for subtitling provision based on an 18 hour day)

Dec'04	2005	2006	2007	2008	2009	2010	2011	2012	2013
24%	33%	42%	51%	60%	67%	73%	80%	85%	90%

In devising the targets for RTE 2 the following factors were considered

- RTE Network 2 provides a key service, to specific age brackets, in particular to young people and younger adults.
- It is a public service broadcaster, part funded through the licence fee and as such has additional public service duties, encompassing the provision of accessible programming to those with disabilities.
- The ratio of live to pre recorded or outsourced programming means that an increase in subtitling provision for RTE Network 2 can be achieved by sourcing existing subtitling rather than generating them in house. This should see the costs of increasing subtitling provision being considerably lower than that for RTE 1 where there is more live and home produced programming.

TG4 (Targets for subtitling provision based on an 18 hour day)

Dec'04	2005	2006	2007	2008	2009	2010	2011	2012	2013
24%	30%	36%	42%	50%	56%	62%	68%	74%	80%

- TG4 provides a key service to Irish language speakers.
- It is a public service broadcaster, part funded through exchequer funding and indirectly through the licence fee. As such it has additional public service duties, encompassing the provision of accessible programming to those with disabilities.
- It is a relatively young station at a relatively early stage of development.
- At an economic level it operates on a smaller scale than the other public service providers.
- The service has a number of special productions or home productions for which subtitles have to be produced rather than acquired, therefore raising the cost of subtitling provision.
- For the purpose of facilitating access, the figures above include captioning albeit this does not reflect some of the technical standards associated with subtitling. On screen captioning is seen to provide a useful service for user groups and the service provider and the user groups may wish to negotiate this balance.

TV3 (Targets for subtitling provision based on an 18 hour day)

Dec'04	2005	2006	2007	2008	2009	2010	2011	2012	2013
12%	19%	26%	33%	40%	44%	48%	52%	56%	60%

In devising the targets for TV3 the following factors were considered

- TV3 is a national free to air service.
- TV3 is a private broadcaster wholly funded through commercial revenue.
- TV3 is a relatively young broadcaster at an early stage of development
- TV3 currently has no in house capacity to generate subtitling
- TV3's current level of provision is relatively low
- TV3 provides a mix of live and acquired programming. The type of programming shown on TV3 means that an initial increase in subtitling provision could be achieved in the first three years in terms of acquired subtitling. Beyond this the station will need to develop its capacity to deliver live subtitling through contracting out or outsourcing the provision of subtitling. Therefore the increments are less in the subsequent years in recognition that capacity needs to be built up.

Approach to the development of sign language and audio description provision

The Forum has recognised that there are technical difficulties, which at present mitigate against the full development of these services. However it is recommended that the Commission shall, on an annual basis, review the changing technical environment through the monitoring of international research in this area as well as within the development of the licensing of digital services. The Commission should make this information available to the user groups and broadcasters.

However the Commission should encourage the public service broadcasters in particular to develop their provision of sign language and to explore and develop strategies and the technical capacity for the provision of audio description. Developments in the provision of both Irish Sign Language and audio description should be reported on, to the Commission, on an annual basis.

Standards

The access rules will be accompanied by guidelines. These guidelines will outline the standards to be employed in the provision of subtitling. As the provision of sign language and audio description develops, standards for their delivery will be developed in tandem.

Review

In the case of all broadcast providers the Commission should consider the overall percentage of programmes that incorporate the provision of assistive services as required under the access rules. The Commission should review the progress made on an *annual* basis by each broadcast provider in the context of the targets set and report to the representative groups in regards to these matters. The targets themselves shall be reviewed at the end of three, five and ten years.