Video on Demand for People with Disability: Traversing Territorial Borders
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Abstract

Introduction

Within Australia, the approach taken to the ways in which disabled people access television is heavily influenced by legislation and activism from abroad. This is increasingly the case as television moves to online modes of distribution where physical and legislative boundaries are more fluid. While early investigations of the interaction and the compliance and notion of representation and thus the body's position (Boddy), the introduction of the new media technologies saw a shifting focus towards the impact and introduction of new media technologies. Drawing on Chan's definition of media internationalisation as "the process by which the ownership, structure, production, distribution, or content of a country's media is influenced by foreign media interests, culture, and markets" (2011), this article considers the impacts of legislative and advocacy efforts abroad on Australian television audiences with disabilities accessing subscription Video on Demand (VOD).

Subscription (VOD) services have caused a major shift in the way television is used and consumed in Australia. Prior to 2015, there was a small subscription VOD industry operating out of this country. Providers such as Quickflix had limited content and the bulk of VOD services used by Australians related to catch-up television, using YouTube or Vimeo, or downloading content over the Internet. New VOD services such as Netflix and Amazon (streaming Netflix US library and proxy services (Royal; Lombato and Meese). VOD is distinct in that it is generally streamed over Internet-based online services and is not linear, giving viewers the opportunity to watch the video at any time once available. Unlike broadcast television, there is no provision for encryption or control of VOD. These services take advantage of the time-shifted convenience of the medium. In addition, VOD is not typically terrestrial, traversing national boundaries and challenging audience expectations and legislative boundaries. This research is concerned with the subscription model of VOD in Australia where subscribers pay a fee to gain access to large collections of content.

This internationalisation of television has also offered the opportunity for people with disabilities that previously excluded them from the practice of television consumption, to participate in this national pastime. On an international level, audio description is becoming more available on VOD than it is on broadcast television, thus offering disabled people access to television. This article situates the Australian approach to VOD accessibility within a broader international framework. Questioning whether the internationalisation of television has affected the ways in which content is viewed, both at legislative and public levels. While providers are still governed by national regulations, these regulations are influenced by international legislation. Further, the presence and success of advocacy groups to agitate for change will determine the way accessibility is viewed and defined in Australia. The role of the Accel Free Movie Project, in conjunction with changes in the 21st Century Communications and Video Accessibility Act (CVAA) in the USA, has not only reframed accessibility discourse in the US, but also, as companies such as Netflix move abroad, has potentially stimulated a shift in media accessibility standards in Australia.

We focus in particular on the impact of three new services – Netflix Australia, Stan, and Presto Entertainment—which entered the Australian market in 2015. At the time of writing, Netflix was described as having entered the "war design war" as consumers are predicted to be changes in viewing (Chu). Despite some calls to improve the accessibility of VOD for disabled consumers, via legislation and advocacy, none of these providers launched with an accessibility policy in place. Even close to its Australian launch, it was reported that Netflix was not planning to improve the accessibility of its content (Davies). Despite the absence of audio description was less surprising. With the exception of a 12-week trial on the Australian Broadcasting Commission (ABC) in 2012 and a follow up trial on Nine in 2015, audio description has never been available to Australian people who are vision impaired.

The findings and methodology of this article are based on research into disability and streaming television in Australia, conducted in 2015 and 2016. Funded by the Australian Communications and Consumer Action Network (ACCAN), the 12-month project reviewed national and international policy; surveyed 145 people with disability; and conducted interviews with media professionals, policy advisors, accessibility advocates, and disabled Australian VOD consumers.

Accessibility Abroad Impeding on Local Accessibility: The Netflix Model

Despite the lack of a clear accessibility policy, Netflix is in front in terms of accessibility, with captions available for most content. Audio description for some content became available in April 2015 shortly after its Australian launch. The introduction of this accessibility feature has been directly attributed to the advocacy efforts of the Accessible Netflix Project, an international online movement operating out of the US and advocating for improved accessibility of VOD in the US and abroad (Ellis & Kent). As part of his research, he told us that Netflix's provision of captions was in response to the impacts of legislation in the USA, namely the CVAA, which we discuss later in the paper, while having no jurisdiction in Australia, has improved the availability of captions by mandating accessibility by abroad. As a result, accessible content is imported into the Australian market.

When Netflix introduced audio description on its original programming, the VOD provider described the access feature as an option that customers could choose. "Just like choosing the soundtrack in a different language" (Wright). However, despite successful trials, other VOD providers have not introduced audio description as a way to compete with Netflix, and there is no legislation in place regarding the provision of audio description in Australia. People with disability, including people with vision impairments, do use VOD and continue to have particular unmet access needs. As the Netflix example illustrates, both legislation and recognition of people with disability as a key audience demographic will result in a more accessible television environment.

Impact of International Legislation

The accessibility of VOD in Australia has been impacted upon by international legislation in three key ways: through comparative benchmark, or industry examples globally that have made changes to reflect accessibility requirements in this context. The CVAA in the US is perhaps the most effective to date, specifically addressing the issue of access to modern communications for people with disability; and conducted interviews with media professionals, policy advisors, accessibility advocates, and disabled Australian VOD consumers.

The CVAA and Captioning

The CVAA seeks to ensure that "accessibility laws enacted in the 1980s and 1990s are brought up to date with 21st century technologies, including new digital, broadband, and mobile platforms, and evolve with changes in technology and demand so that it is appropriate to be applied to Internet video as well as traditional television. It is distinctive in its approach to accessibility for Internet protocol delivered video programming, including VOD. While full accessibility requirements, such as the inclusion of audio description, have not yet been implemented in all content, it is considered to be an appropriate solution for the accessibility needs of all content—specifically, English and Spanish—across cable, broadcast, satellite, and VOD content. VOD apps, plug-ins and devices are also required to implement the complete captioning capabilities, with specific requirements for personalisation, colour, size, and fonts. This requirement is applied to video programming distributors and to video on-demand providers. Programmers are expected to provide captioning compliance certificates. Indeed, providers are required to report a failure to do so. Quality standards have also been established, with an emphasis not simply on the presence of captioning, but also on accuracy, synchronicity, completeness, and appropriate placement of captions. Despite an absence of similar legislation locally, the impacts of these foreign interests will penetrate the Australian market.

In Australia, the example set by the VOD Act has warranted recommendations by the ACMA and Media Access Australia. In a recent interview, Chris Mikul reinforced the position that "accessibility is a priority. For the accessibility of VOD to be improved, the Government needs to introduce a new set of rules for providers to follow, and the media regulator should ensure that the providers are compliant." Mikul noted that if the VOD market continues to grow, "it is only a matter of time before the larger VOD providers address the need for accessibility." In the US, the CVAA provides a template for the future of VOD regulations, establishing a framework for ensuring that people with disabilities have access to VOD content. While the CVAA has been seen as a positive step towards improving accessibility, it is clear that more needs to be done to ensure that people with disabilities have equal access to VOD content.
Accessibility Advocacy and Advocacy

Advocates for accessibility, such as the NAD, have impacted not only on the legislative framework for VOD in the USA, but also on the international public perception and expectation of accessibility. It is important to note that many of the help forums generated by international VOD providers mix customers from multiple countries, establishing a global space in which requirements and expectations are shared. These spaces generate a transnational accessibility, providing an awareness of what provisions are being made in other countries, and where they are not. Orrego-Carmona conducted a study on subtitling for the purpose of language understanding and found the generalisation of audio-visual content and international media flows have impacted on the public view of subtitling. Indeed, this finding suggests that the “leakage of content” (Chan 2014), and the availability of related material through social media and advocacy networks, has improved awareness of accessibility issues.

Social media campaigns, instigated in both the UK and the USA are significant examples of consumer and public-led activism for accessibility. "LOVEFILM hates deaf people", #subtitled, launched by the Action on Hearing Loss group in the UK, and #withcaptions, were all effective online campaigns launched by individuals and disability activist groups. In early 2014, comedian Mark Thomas, as part of his show 100 Acts of Minor Dissent, placed two large posters at the entrance to the offices of Netflix to protest against subtitled titles. A subsequent petition at change.com attracted 6556 signatories, asking for rental DVDs that were subtitled to be listed, and all streamed content to be subtitled (https://www.change.org/p/lovefilm-amazon-prime-video-amazon-uk-please-list-your-subtitled-rental-dvds-and-subtitle-your-streamed-content). A year later, Amazon increased its subtitled content to 40 percent. As of June 2015 the company was working towards 100 percent subtitling. The petition turned its attention to Sky On Demand, initiated by Jamie Danjoux, a 17-year-old boy with hearing loss (https://www.change.org/p/sky-enable-subtitles-for-on-demand), has attracted 6556 signatures. The social media campaigns #subtitled and #withcaptions similarly aimed to increase awareness and engagement with accessibility of VOD on a global scale. In the UK legislation is yet to specifically address VOD captioning, the subject of accessibility and VOD is currently being debated at policy level. It was also successful in gaining commitments from Sky and BT TV to improve subtitles for their VOD and catch-up VOD programming.

In the USA, The Accessible Netflix Project and founder Robert Kingett have been significant advocates for the inclusion of audio description on Netflix and other US VOD providers. Further, while the Accessible Netflix Project has a focus on the United States, its prominence and effectiveness has facilitated awareness of the accessibility of VOD transnationally, and the group internally monitors and comments on international examples. This group was integral in persuading Netflix to provide audio descriptions, a move that has had an impact on the level of accessibility worldwide.

These advocacy efforts have not only included Australian audiences via their invitations to participate in transnational online spaces, but their success also has had a direct impact on the availability of captions and audio description imported to Australian video on demand consumers.

Conclusion

The national borders of television have always been permeable—content from abroad influencing programming and culture. However, within Australia, borders have been erected around the television culture with long wait times between shows airing abroad and locally. In addition, licencing deals between overseas distributors and pay television have delayed the introduction of VOD until 2015. That year saw the introduction of three VOD providers to the Australian television landscape: Stan, Presto Entertainment, and Netflix Australia. With the introduction of VOD, Overseas providers have established a firm place in the Australian television marketplace. Even before the formal launch of overseas VOD providers, disabled users were accessing content from providers such as Netflix USA via VPs and tunneling services, illustrating both the clear demand for VOD content, and demonstrating the laboratory ways in which international legislation and provider approaches to accessibility have permeated the Australian television industry

The rapid increase in ways in which we watch television has increased its accessibility. The nature of video on demand—streamed online and nonlinear—means that the content accessed is no longer as restricted by time, space and time. Television. Audiences are able to personalise and modify access, and can use multiple devices, with multiple assistive technologies and aids. This increasingly accessible environment is the result of legislative and advocacy efforts originating in other countries. Efforts to improve captions and introduce audio description, while not originating in Australia, have seen improvements to the availability of accessibility features for disabled Australian television audiences. To return to Chan’s definition of media internationalisation with which we began this article, a concern with television accessibility while in Australia, has taken place due to the influence of “foreign media interests, culture and markets” (Chan 71). However, despite the increased potential for full accessibility, there remains deficits. Captions and audio description, the two main features that support the playback of online video content in an accessible way, are not consistently provided. There are no clear, applicable legislative requirements for VOD accessibility in Australia. This must change. Based on our research, change at government, industry and advocacy levels are required in order for VOD in Australia to become fully accessible. Legislation needs to be introduced that requires a minimum level of accessibility, including audio description accessibility, on broadcast television and VOD.

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References


