
Submission

13 June 2023

Sunsetting of the Television Captioning Standard

Submission by the Australian Communications Consumer Action
Network (ACCAN) to the Australian Communications and Media
Authority (ACMA)

About ACCAN

The Australian Communications Consumer Action Network (ACCAN) is the peak body that represents all consumers on communications issues including telecommunications, broadband and emerging new services. ACCAN provides a strong unified voice to industry and government as consumers work towards communications services that are trusted, inclusive and available for all.

Consumers need ACCAN to promote better consumer protection outcomes ensuring speedy responses to complaints and issues. ACCAN aims to empower consumers so that they are well informed and can make good choices about products and services. As a peak body, ACCAN will represent the views of its broad and diverse membership base to policy makers, government and industry to get better outcomes for all communications consumers.

Contact

Elie El-Khoury Antonios
Disability Policy Officer

PO Box A1158
Sydney South NSW 1235
Email: info@accan.org.au
Phone: (02) 9288 4000

Contact us through the [National Relay Service](#)

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Executive Summary

ACCAN thanks the Australian Communications and Media Authority (**ACMA**) for the opportunity to make a submission to the consultation on the sunseting of the *Broadcasting Services (Television Captioning) Standard 2013*.¹ This submission was developed in consultation with our members, including Deafness Forum of Australia, Deaf Australia and the Centre for Inclusive Design (**Cfid**). The object of the Television Captioning Standard is to ensure that captions on television programs are meaningful to deaf and hard-of-hearing (hearing-impaired) viewers, by providing mandatory requirements for the quality of captions on television.² Quality captions are essential towards enabling consumers with hearing impairment to enjoy television on an equal basis as others.

It is clear from the ACMA audits that the current Standard is an effective an evaluation tool for monitoring the quality captions.³

It is ACCAN's view that the Standard should be remade with minor amendments to require broadcasters to address issues related to the latency and synchronicity of captions used on their television programs. The redrafted Standard should then be implemented by the ACMA with stronger compliance and enforcement measures, specifically, increased use of ad-hoc auditing of captioned programs. Additionally, the ACMA needs to provide more support to viewers to lodge complaints about the quality of captions; as well as providing more transparency around the outcomes of captioning complaints; the actions taken by the ACMA and broadcasters to resolve these complaints; and penalties for non-compliance with the Standard.

To assist broadcasters with interpreting the key elements of the Standard, the ACMA should provide further explanatory guidance to broadcasters to enable them to provide quality captioning on television, specifically in terms of ensuring captions are readable, accurate and comprehensible.⁴

Additionally, ACCAN's submission encourages the ACMA to further investigate and provide information on the implementation of a metric model such as the Number, Edition error, Recognition error (**NER**) in metric model to measure the quality of live captioning.⁵

Although this specific consultation refers only to captions on television, ACCAN believes that it is necessary to consider if legislation related to captioning could be expanded to include captions on

¹ Australian Communications and Media Authority (ACMA), *Sunseting of the television captioning standard*, May 2023, <https://www.acma.gov.au/consultations/2023-04/sunseting-television-captioning-standard>.

² See para 3 of *Broadcasting Services (Television Captioning) Standard 2013*, <https://www.legislation.gov.au/Details/F2016C00225>.

³ ACMA, *Proposal to remake the Broadcasting Services (Television Captioning) Standard 2013: Consultation paper*, May 2023, pp. 8-9 <https://www.acma.gov.au/consultations/2023-04/sunseting-television-captioning-standard>.

⁴ See para 5-9 *Broadcasting Services (Television Captioning) Standard 2013*, <https://www.legislation.gov.au/Details/F2016C00225>.

⁵ ACMA, *Proposal to remake the Broadcasting Services (Television Captioning) Standard 2013: Consultation paper*, May 2023, p. 7, p. 31 <https://www.acma.gov.au/consultations/2023-04/sunseting-television-captioning-standard>.

online services, as well as whether captioning quotas should be increased to help monitor captioning availability and quality on television.

List of Recommendations

Recommendation 1: That the Standard is redrafted with minor amendments to require broadcasters to address issues of latency and synchronicity in the captions used on their television programs.

Recommendation 2: That the redrafted Standard is implemented by the ACMA with stronger compliance and enforcement measures.

Recommendation 3: That the ACMA further investigates and provides information on the implementation of a metric model such as the NER model.

Response to consultation questions

Question 1

If the Standard were to be remade as currently drafted, would it be appropriate for it to be accompanied by a commitment to:

- > **support industry to further examine the introduction of a metric measurement model in the future, particularly given the likely faster evolution in captioning related technology in the coming years.**
- > **provide further guidance on the interpretation of key elements of the Standard?**

ACCAN supports the re-making of the Standard with minor amendments to require broadcasters to address issues of latency and synchronicity in the captions used on their television programs. The redrafted Standard should then be implemented by the ACMA with stronger compliance and enforcement measures. Alongside this, the ACMA should conduct further examination of a metric model.

ACCAN's position on the redrafting of the Standard is informed by the insights gathered from the ACMA's audits and consumer research, as well as consultation with our members, including Deafness Forum of Australia, Deaf Australia and the Centre for Inclusive Design (CfID). The ACMA's own audit findings indicate that when the compliance audit mechanisms are used, the Standard operates effectively to monitor the quality of captioning. Findings from the two audits conducted by the ACMA between July 2022 and March 2023 identified:

- 108 individual issues as contributing to the captions not meeting the requirements relating to quality, with the majority relating to inaccurate captions, followed by issues with caption comprehensibility (audit 1 from July-October 2022).⁶
- 70 individual issues as contributing to captions not meeting the requirements relating to quality, with the majority relating to inaccurate captions (audit 2 from October 2022-March 2023).⁷

The ACMA's use and experience of consumer captioning research highlighted that relying solely on a complaint's mechanism does not ensure effective compliance with the Standard, because viewers were often unaware of how to lodge complaints.⁸ The ACMA's consumer research also identified:

- 45 per cent of deaf and hard-of hearing consumers perceived that live captions did not reflect the meaning of content, regardless of the program or medium.

⁶ ACMA, *Proposal to remake the Broadcasting Services (Television Captioning) Standard 2013: consultation paper*, May 2023, p. 8 <https://www.acma.gov.au/consultations/2023-04/sunsetting-television-captioning-standard>.

⁷ *Ibid.*, p. 9.

⁸ ACMA, *Use and experience of captioning: Consumer research to support the ACMA's Captioning Quality Standard review*, May 2023, pp. 22-24 <https://www.acma.gov.au/consultations/2023-04/sunsetting-television-captioning-standard>.

⁸ *Ibid.*

- Many deaf or hard-of-hearing Australians felt live and closed captions were ‘out of sync’ with content, or that captions were inaccurate or incomplete.
- Many participants were more willing to ignore minor inaccuracies or readability concerns and persisted with watching the television program.⁹

These findings suggest that while participants may be willing to tolerate issues with the quality of captions, they have also raised concerns about the inaccuracy and incompleteness of captions on television. These findings, however, should be treated with caution as they are not entirely representative of the diverse range of consumers who use captions on television. Other consumer groups not considered in this research who rely on captions include the Deaf community (who use Auslan to communicate), and the deafblind community. As such, the ACMA would need to canvass the views of these groups prior to implementing a metric model.

ACCAN proposes that the ACMA further investigates and provides information on a measurement metric model, in terms of how it will support the captioning requirements for the Deaf and deafblind communities. The ACMA should also provide guidance on how a metric model can be used to measure the readability, accuracy, and comprehensibility of live captions. Alongside the metric model, ACCAN also recommends the ACMA continue to collect, publish, and refer to qualitative consumer data to inform their understanding of and response to captioning issues on television.

As such, it is important that further guidance is provided on the interpretation of key elements in the Standard, as a collaborative process between industry, consumers and the ACMA.

Question 2: Is the clarification that broadcasters have indicated they would like about elements of the Standard best achieved through informal guidance rather than redrafting the Standard? Why or why not?

ACCAN does not believe that the Standard is unclear from a consumer experience perspective. To achieve clear guidance on the elements of the Standards for broadcasters, the ACMA should provide explanatory information about key elements of the Standard. The consultation paper notes that during the preliminary round of discussions, broadcasters raised concerns around the lack of clarity in the Standard about what the terms ‘distinct program segment’ and ‘meaningful captions,’ mean in practice.¹⁰

Paragraph 3 of the Standard states that the object of the Standard is to ‘ensure that captioning services are meaningful to deaf and hearing-impaired viewers’.¹¹ The term ‘meaningful’ is not defined in the Standard and therefore its plain and ordinary meaning applies. Broadcasters have expressed to the ACMA that the term ‘meaningful’ is a subjective concept and that the scope of a

⁹ ACMA, *Use and experience of captioning: Consumer research to support the ACMA’s Captioning Quality Standard review*, May 2023, p. 3, <https://www.acma.gov.au/consultations/2023-04/sunsetting-television-captioning-standard>.

¹⁰ ACMA, *Use and experience of captioning: Consumer research to support the ACMA’s Captioning Quality Standard review*, May 2023, pp. 17-19, <https://www.acma.gov.au/consultations/2023-04/sunsetting-television-captioning-standard>.

¹¹ See para 3 *Broadcasting Services (Television Captioning) Standard 2013*, <https://www.legislation.gov.au/Details/F2016C00225>.

‘distinct program segment’ should be interpreted more broadly, for example, to refer to content broadcast between ad breaks.¹²

The consultation paper states that the “inclusion of the term ‘distinct program segment’ is intended to ensure that distinct segments of a program are captioned in a meaningful way for viewers, where the contents of those segments are unrelated to other parts of the program.”¹³

ACCAN believes that from a consumer’s perspective, the explanation of these concepts is clear in the current Standard. Contrary to the views expressed by broadcasters to the ACMA, ACCAN believes that the term meaningful is not subjective, but rather that it refers to whether the captions are accurately representing what is said in the program. ACCAN also considers that distinct program segments are not solely segments broadcast between ad breaks, but also distinct segments broadcast between ad breaks.

Nonetheless, ACCAN is supportive of ACMA providing further guidance to broadcasters on these concepts, including how to provide quality captions in distinct program segments.

Question 3

If the ACMA did provide guidance to broadcasters about the application and interpretation of the Standard (in addition to information in published investigation reports), what would be an appropriate mechanism to achieve this? Please provide details.

Guidance about the interpretation and application of the Standard could be provided to broadcasters through:

- Explanatory statements on the Standard, made available on the ACMA website.
- Examples of distinct segments within a television program.
- Case studies and examples of how the Standard applies to captions in practice.
- Caption checklists and tip sheets to assist broadcasters in providing quality captions.
- Education sessions for content managers and teams about the impact of low-quality captions on consumers who rely on captions.
- A contact person to assist broadcasters in meeting captioning requirements under the Standard.

This information should be made available on request in accessible formats (Plain language, Easy-English, closed captions, Auslan, Braille).

¹² ACMA, *Proposal to remake the Broadcasting Services (Television Captioning) Standard 2013: consultation paper*, May 2023, p. 19 <https://www.acma.gov.au/consultations/2023-04/sunsetting-television-captioning-standard>.

¹³ *Ibid.*, p. 18.

Question 4

In the current legislative context, would a metric model be an appropriate alternative to the Standard's current approach to measuring the quality of captioning? If so, why and how?

ACCAN recommends that the Standard is redrafted with a requirement for broadcasters to address the latency and synchronicity of captions, alongside stronger compliance and enforcement measures. A pressing concern is the lack of effective enforcement and monitoring of the quality of captioning by the ACMA. The ACMA's use and experience of consumer captioning research is limited in the sense that it does not cover:

- Insights from Deaf or Deafblind consumers.
- The outcomes of complaints lodged by viewers.
- Penalties for non-compliance with the Standard.
- The actions taken by broadcasters and/or the ACMA to resolve complaints.¹⁴

Without this data, it is difficult to gauge the full extent of caption quality breaches. Additionally, it is unclear how effective the current ACMA activities are in regard to monitoring and enforcing the Standard in relation to the quality of captioning, as well as holding broadcasters accountable for complying with the Standard. As a result, ACCAN asserts that the ACMA must take a more proactive role in monitoring caption quality and responding to complaints about the quality of captions. This is significant because, the ACMA's audits indicate a number of breaches of the Standard that were not otherwise identified.¹⁵ Additionally, the ACMA's consumer experience research reveals a lack of awareness by participants of the ACMA's role, and how to lodge complaints to the ACMA.¹⁶ The inability for viewers to lodge complaints, undermines efforts to address issues related to the quality of captioning on all forms of television.

As such, the ACMA must provide more support to viewers to help them lodge complaints, as well as publishing data on the outcomes and resolution of complaints, and penalties for non-compliance with the Standard. These penalties may include fines for non-compliance with the Standard, and loss of broadcaster license for repeated non-compliance.

In acknowledging the need for stronger compliance and enforcement, and more support for viewers to lodge complaints, ACCAN supports the further examination of a metric model. A metric model would provide a research-informed, user-focused and flexible approach to measuring the quality of captions on television, in terms of the caption's readability, accuracy and comprehensibility.¹⁷ However, it is necessary to recognise that the implementation of a metric model would require

¹⁴ ACMA, *Use and experience of captioning: Consumer research to support the ACMA's Captioning Quality Standard review*, May 2023, pp. 22-24 <https://www.acma.gov.au/consultations/2023-04/sunsetting-television-captioning-standard>.

¹⁵ ACMA, *Proposal to remake the Broadcasting Services (Television Captioning) Standard 2013: Consultation paper*, May 2023, p. 6-10 <https://www.acma.gov.au/consultations/2023-04/sunsetting-television-captioning-standard>.

¹⁶ Ibid.

¹⁷ P Romero-Fresco, *Negotiating quality assessment in media accessibility: the case of live subtitling*, *Universal Access in the Information Society*, July 2020 p. 743 <https://link.springer.com/article/10.1007/s10209-020-00735-6>.

significant resources to be accessed by the ACMA and broadcasters for them to be able to effectively use the metric model. As such, the ACMA would need to provide further guidance on the resources required for the potential implementation of a metric model.

Question 5

What benefits, if any, would a metric model have for viewers compared to the Standard's current approach to measuring the quality of captioning? Would viewers who are concerned about the quality of captioning be able to determine whether a captioning service has met a metric measure while they are watching a television program? If so, how?

ACCAN is concerned that the potential implementation of a metric model, could place an unnecessary burden on viewers to be able to understand and apply the model to identify captioning errors. Expecting viewers to be to understand and learn how to apply a rigorous, accuracy-based metric model is an onerous and unreasonable expectation, that could interfere with viewers ability to enjoy television. While a metric model may help broadcasters identify captioning issues and improve their captioning quality, the focus on measuring captioning quality in the redrafted Standard should be on stronger compliance and enforcement. At present, the ACMA only identifies non-compliance with the Standard through complaints lodged by viewers.¹⁸ This strategy is proving to be ineffective in monitoring compliance with the current Standard, as consumers are often unaware of how to lodge complaints, and there is a lack of available data on the outcomes of these complaints.¹⁹ It is also important to note that the way viewers might apply the metric model will differ according to their own subjective experiences of the captions and whether the captions are meaningful and appropriate for them.

As such, the ACMA needs to consider the onerous burdens associated with implementing a metric model for viewers, while also providing viewers with more support to lodge complaints about captioning quality.

¹⁸ ACMA, *Proposal to remake the Broadcasting Services (Television Captioning) Standard 2013: Consultation paper*, May 2023, p. 19 <https://www.acma.gov.au/consultations/2023-04/sunsetting-television-captioning-standard>.

¹⁹ *Ibid.*, pp. 22-24.

Question 6

What, if any, metric model would be the most appropriate to assess the quality of captioning? Please explain how it would address the BSA requirements of readability, accuracy and comprehensibility.

ACCAN believes that the NER model would be an appropriate model to measure the quality of live captioning. The NER model adopts a ‘rigorous (research-informed, valid, reliable, user-focused) and transferable (straightforward, flexible and valid for training)’ approach to identifying captioning errors.²⁰ The NER model measures:

“The number of edition and recognition errors, deducted from the total number of words in live captions (including punctuation marks). The number is then divided by the total number of words in the live captions and multiplied by 100. A score of 100 indicates that the content was captioned perfectly, noting the international standard for NER for captions of live programs is 98.”²¹

Since 2013, The NER model has been trialled in the United Kingdom and Canada. Data from a United Kingdom Office of Communications (Ofcom) 2013 NER sample study, found that when the NER was applied:

- Accuracy for news programs was generally higher than 98%, however it was often significantly lower for chat shows;
- The average time lag for captions was 5.6 seconds, which was higher than Ofcom’s recommended target of 3 seconds, but could go as high as 24 seconds; and
- The average speed of captions was generally within Ofcom’s guideline of 160–180 words per minute.²²

In 2014-2015 Ofcom asked broadcasters, to measure the accuracy, speed and latency of samples of programming. In the review, the NER model was used to calculate accuracy rates. This review led to improvements in processes for preparing live subtitles (for example, obtaining scripted material and pre-preparing segments of live programming).²³

A Canadian research study from 2018, utilised a sample of eight video segments with the NER model, and found that user ratings of satisfaction with the quality of captioning of the video

²⁰ P Romero-Fresco, *Negotiating quality assessment in media accessibility: the case of live subtitling*, *Universal Access in the Information Society*, July 2020 pp. 743-744 <https://link.springer.com/article/10.1007/s10209-020-00735-6>.

²¹ ACMA, *Proposal to remake the Broadcasting Services (Television Captioning) Standard 2013: consultation paper*, May 2023, p. 20 <https://www.acma.gov.au/consultations/2023-04/sunsetting-television-captioning-standard>.

²² Media Access Australia, *UK media regulator releases first caption quality report*, May 2014, https://mediaaccess.org.au/latest_news/television/uk-media-regulator-releases-first-caption-quality-report.

²³ ACMA, *Proposal to remake the Broadcasting Services (Television Captioning) Standard 2013: Consultation paper*, May 2023, p. 31 <https://www.acma.gov.au/consultations/2023-04/sunsetting-television-captioning-standard>.

segment appeared to increase with increasing NER score amongst both hearing and deaf/hard-of-hearing respondents, however further investigation was required to validate this finding.²⁴

Pablo Romero-Fresco's research article from July 2020, disputes the ACMA's criticism of the NER model being:

"Too onerous on live captioning providers, too lenient on pre-recorded captioning providers, too prescriptive and complex, and finally for not accounting for captions that are edited but do not necessarily lose information and for comparing audio and captions instead of focusing on viewer comprehension."²⁵

Romero-Fresco argues that the NER is not suited to pre-recorded captions, edited captions are factored into the NER model, and the final assessment of the quality of the captions are informed by how the captions impact on the experience of the viewer.²⁶ Furthermore, ACCAN's live captioning monitoring research report, recommended the introduction of a quantifiable number of acceptable captioning errors for live audiences.²⁷

These findings highlight the potential of the NER model to increase user satisfaction with the quality of captions, however the ACMA would need to conduct a more up-to-date trial of the model, to validate the benefits of the NER model.

There are however limitations in using the NER model. The NER model measures captioning quality for live captions only, which in contrast to pre-recorded captions, must be produced in real time which can lead to delays and errors²⁸. Compliance with the NER model is assessed by human evaluators. These assessments can produce subjective results, as the evaluators need to attribute weight to specific errors. "For example, the extent to which an error impacts on comprehension must be determined by the assessor."²⁹ Because the NER model largely focuses on the accuracy of the captions, it fails to identify contextual information that contributes to the quality of captions, such as whether the captions capture background noises in television programs.³⁰ Further, the NER model does not cover reading rates, and the latency and synchronicity of captions, which were key

²⁴ Canadian Association of the Deaf, *Key Findings: Understanding user responses to live closed captioning in Canada – summary report*, September 2018, p. 15

http://www.livecaptioningcanada.ca/assets/User_Responses_Survey_Key_Findings_FINAL.pdf.

²⁵ P Romero-Fresco, *Negotiating quality assessment in media accessibility: the case of live subtitling*, *Universal Access in the Information Society*, July 2020 p. 746 <https://link.springer.com/article/10.1007/s10209-020-00735-6>.

²⁶ Ibid.

²⁷ Australian Communications Consumer Action Network (ACCAN), *Live caption monitoring on Australian free-to-air television*, March 2020, p. 54 <https://accan.org.au/our-work/research/1691-live-caption-research>.

²⁸ P Romero-Fresco, *Negotiating quality assessment in media accessibility: the case of live subtitling*, *Universal Access in the Information Society*, July 2020, p. 742 <https://link.springer.com/article/10.1007/s10209-020-00735-6>.

²⁹ ACMA, *Proposal to remake the Broadcasting Services (Television Captioning) Standard 2013: consultation paper*, May 2023, p. 20 <https://www.acma.gov.au/consultations/2023-04/sunsetting-television-captioning-standard>.

³⁰ P Romero-Fresco and J Martinez, *Accuracy rate in live subtitling – the NER model*, 2015, p. 4 <http://galmaobservatory.webs.uvigo.es/wp-content/uploads/2020/09/1-Accuracy-Rate-in-Live-Subtitling-The-NER-Model.pdf>.

issues identified by viewers in the ACMA's use and experience of consumer captioning research.³¹ These issues will need to be addressed in the redrafted Standard.

As such, the NER model alone would not be able to comprehensibly identify captioning errors related to readability, accuracy and comprehensibility, because the way captions are interpreted and understood is determined by the respective viewer, and it would be onerous to expect viewers to be able to understand and apply the NER model when watching television. It is ACCAN's view therefore that the ACMA should further investigate and provide information on how a metric model such as the NER model, would be used to monitor the quality of live captions. For pre-recording captioning, the redrafted Standard could continue to rely on the feedback of viewers and broadcasters.

Question 7

Metric models used or considered overseas do not include details about the latency or synchronicity of captioning (although these are addressed in other elements of the legislative framework). Should these issues also be addressed by a standard dealing with the quality of captions?

The ACMA's captioning quality audits highlighted latency (the delay or 'time lag' between the spoken words and the captions), and synchronicity (the extent to which captioning coincides with the corresponding spoken words and sounds), as key issues for viewers in relation to the quality of captions.³² In the United Kingdom broadcasters were asked to measure the speed, accuracy and latency of their programs using a multi-faceted NER model.³³ A similar approach should be adopted in Australia, where broadcasters are asked to review the relevant television program or segment without audio, to assess the latency and synchronicity of the captions.

As such, the Standard should be redrafted with minor amendments to require broadcasters to address issues related to the latency and synchronicity of the captions on their television programs.

Question 8

How should compliance with a metric model be measured and monitored?

Compliance with a metric model, such as the NER model could be measured and monitored in a similar way to the process used in Canada. The Canadian NER Scheme applies to English language programs and requires broadcasters to meet an accuracy level of 98 and also meet specific requirements for lag times, positioning and speed of captions.³⁴ Compliance with the NER is enforced by the Canadian Radio-television and Telecommunications Commission (CRTC), broadcasters and certified NER evaluators.³⁵ The NER Advisory Council is mandated by the CRTC to be responsible for overseeing the

³¹ Ibid.

³² ACMA, *Proposal to remake the Broadcasting Services (Television Captioning) Standard 2013: Consultation paper*, May 2023, p. 9 <https://www.acma.gov.au/consultations/2023-04/sunsetting-television-captioning-standard>.

³³ Ibid., p. 31.

³⁴ Canadian Radio-television and Telecommunications Commission (CRTC), *Broadcasting Regulatory Policy CRTC 2019-308*, August 2019 <https://crtc.gc.ca/eng/archive/2019/2019-308.htm>.

³⁵ Ibid.

certification of NER evaluators, making available the names of certified evaluators, NER evaluation guidelines and information on NER training.³⁶

Under the Broadcasting Regulatory Policy CRTC 2019-308, Canadian broadcasters are required to:

- Calculate the closed captioning accuracy rate for two English language programs containing live content on a monthly basis.³⁷
- Report to the CRTC on their efforts made in-house and requests to caption providers to improve the accuracy rate during the broadcast year. The reports must also include the data from each of the two programs that are monitored each month, including the corresponding digital video file for each of those programs.³⁸
- Submit their monthly accuracy rate calculations when the CRTC deems it appropriate, such as in the event the CRTC becomes aware of compliance issues.³⁹

In terms of complaints related to captioning:

- If a party is unable to directly resolve a closed captioning complaint with a broadcaster, that party can file a complaint with the CRTC.⁴⁰
- The CRTC will continue to address any alleged non-compliance by individual broadcasters brought to its attention through the filing of complaints and may explore imposing additional regulatory requirements, including further monitoring requirements, in cases of repeated non-compliance.⁴¹

It is ACCAN's position, that the ACMA should adopt a similar compliance approach to the one used in Canada. This would involve the ACMA and broadcaster regularly reporting on captioning issues and outcomes, and viewers submitting complaints about captioning issues to be dealt with by broadcasters and the ACMA. Additionally, broadcasters could also recruit consumers who are deaf/hard-of/hearing/deafblind to assist with monitoring the quality of captions on television.

³⁶ NER Canada, *NER Advisory Council*, <https://nercanada.ca/>.

³⁷ See Canadian Radio-television and Telecommunications Commission (CRTC), *Appendix 1 to Broadcasting Regulatory Policy CRTC 2019-308*, August 2019 <https://crtc.gc.ca/eng/archive/2019/2019-308.htm>.

³⁸ Ibid.

³⁹ See para 50 of *Broadcasting Regulatory Policy CRTC 2019-308*, August 2019 <https://crtc.gc.ca/eng/archive/2019/2019-308.htm>.

⁴⁰ Ibid., para 55.

⁴¹ Ibid., para 56.

Question 9

What arrangements would need to be in place to provide confidence in the results of a trial of a metric model?

The ACMA could adopt a similar approach to the trials of the NER model in the United Kingdom and Canada.⁴² A sample of television programs and segments should be selected to apply the metric model against the captions used on these programs and segments.

The trial can be divided into two parts. The first part of the trial would be to select a random group of viewers (with and without hearing impairment) to test the quality of the captions on these programs and segments. These viewers would then need to be guided on how to apply the metric model to identify captioning issues in these segments.

The second part of the trial would involve broadcasters and the metric model assessors, viewing the selected programs and segments without audio to assess the readability, latency and synchronicity of their captions. Through dividing the trial into two parts and assigning responsibilities to assessing the captions to both broadcasters and viewers, this will ensure that their diverse experiences in using captions and applying the metric model are considered in the implementation of a metric model.

Complaints about the NER model should be reviewed by an independent person who is separate from the producers of the captions.

Conclusion

Quality captions are essential towards enabling consumers with hearing impairment to enjoy television on an equal basis as others. The Television Captioning Standard plays an important role in evaluating the quality of television captions.

ACCAN's submission supports a redrafting of the Standard with a requirement for broadcasters to address the latency and synchronicity of captions, alongside stronger compliance and enforcement measures, specifically, increased use of ad-hoc auditing of captioned programs.

ACCAN's submission also calls on the ACMA to provide more support to viewers to lodge complaints about the quality of captions, and to publish transparent data on the outcomes and actions taken to resolve captioning complaints, as well as penalties for non-compliance with the Standard.

⁴² See Canadian Association of the Deaf, *Key Findings: Understanding user responses to live closed captioning in Canada – summary report*, September 2018, p. 15 http://www.livecaptioningcanada.ca/assets/User_Responses_Survey_Key_Findings_FINAL.pdf; See ACMA, *Proposal to remake the Broadcasting Services (Television Captioning) Standard 2013: Consultation paper*, May 2023, p. 31 <https://www.acma.gov.au/consultations/2023-04/sunsetting-television-captioning-standard>.

Furthermore, ACCAN supports the ACMA in providing explanatory guidance to broadcasters to enable them to ensure their captions are readable, accurate and comprehensible.

Finally, ACCAN encourages the ACMA to further investigate and provide information on the implementation of a metric model such as the NER model to measure the quality of live captioning.

Outside of this consultation, ACCAN believes it is important to consider if legislation related to captioning could be expanded to include captions on online services, and whether captioning quotas should be increased to help monitor captioning availability and quality on television.

ACCAN is available to discuss any aspects of our submission.

The Australian Communications Consumer Action Network (ACCAN) is Australia's peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers.

ACCAN is committed to reconciliation that acknowledges Australia's past and values the unique culture and heritage of Aboriginal and Torres Strait Islander peoples. [Read our RAP](#)
