



# **Draft Broadcasting Services (Television Captioning) Standard 2013**

Submission by the Australian Communications Consumer Action  
Network to the Australian Communications and Media Authority

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## **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 availability, accessibility and affordability of communications services for all Australians.

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 activate its broad and diverse membership base to campaign to get a better deal for all communications consumers.

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# Executive Summary

ACCAN applauds the Australian Government for its recognition of the importance closed-captions play in providing meaningful access to our foremost medium for news, information and entertainment for many Australian consumers. Closed-Captions on television provide access to essential information for viewers who are Deaf or hearing impaired; providing the audio-equivalent information that is an integral part of any television broadcast.

ACCAN has been an active participant in the ACMA Closed-Caption Committee lobbying strongly for consumer interests. We are disappointed in the final draft standard and do not believe that it will meet stakeholder expectations unless it undergoes considerable amendment. Closed-captions which are readable, comprehensible and accurate are certainly the goals of all interested parties, however this draft standard contains so many requirements open to interpretation that it is unlikely to consistently provide any of the outcomes expected.

We make several recommendations which we believe are integral in ensuring that the standard provide the necessary consumer safeguards, provide certainty for broadcasters and caption providers while at the same time providing the ACMA with a robust tool that enables monitoring consistency of adequate quality closed-captions:

- **Recommendation 1: That the document requires pre-prepared block captions on all non-live broadcast programming.**
- **Recommendation 2: That the document include the minimum benchmark for live closed-captions must be current best practice or higher.**
- **Recommendation 3: That the document allow live scrolling captions only on genuinely live broadcast programs.**
- **Recommendation 4: That the document include reference to best-practice measurable closed-caption metrics.**

ACCAN is concerned that the published documents for this public consultation have not been provided in Auslan, the preferred and first language of Deaf Australians. Deaf Australians rely on closed-captions to access television and as such this consultation is of profound importance to their social inclusion and participation.

# Response to the draft Broadcasting Services (Television Captioning) Standard 2013

## Introduction

ACCAN is pleased to have the opportunity to comment on the draft Broadcasting Services (Television Captioning) Standard 2013 (the draft standard).

ACCAN applauds the Australian Government for its recognition of the importance closed-captions play in providing meaningful access to our foremost medium for news, information and entertainment for many Australian consumers.

Closed-captions on television provide access to essential information for viewers who are Deaf or hearing impaired, providing the audio-equivalent information that is an integral part of any television broadcast. Research has also shown that growing numbers of Australian television viewers are turning on closed-captions. Supporting longstanding claims by Deaf Australia and Deafness Forum, a 2010 Australian Institute survey commissioned by ACCAN and Media Access Australia revealed statistics indicating that 33 per cent of television viewers used captions some of the time.<sup>1</sup>

In order that television viewers who are Deaf, along with the growing number of viewers with hearing loss, have equal access to the increasing content in our predominant medium for news, education and entertainment, closed-captions need to be consistently delivered at levels of the highest quality over all television broadcast channels.

## Discussion

The ACMA's Closed-Caption Committee was formed in response to significant concerns from consumers that the quality of current closed-captions is not providing adequate levels of readability, comprehensibility and accuracy. Whilst the free-to-air broadcasters have informally adopted the Deafness Forum Caption guidelines, closed-captions continue to fall short of consumer expectations. ACCAN's member consultation and feedback from our Standing Advisory Committee on Disability Issues (SACDI) indicate that many consumers who rely on closed-captions are continually frustrated by closed-captions which are incomprehensible or lag so far behind the on-screen video that they become meaningless. Years of continued lack of improvement and an increase in 'live' closed-captions have led to consumer complacency, where consumers just switch channels in disgust.

ACCAN has been an integral member of the ACMA's Closed-Caption Committee, advocating in the interest of consumers who rely on closed-captions. We now have the opportunity to create a Standard which will provide consumers with closed-captions that are readable, comprehensible and accurate; provide industry, both broadcasters and caption providers, with certainty and provide the ACMA with clear and consistent guidelines to enforce quality levels and protect consumer safeguards. Unfortunately, the draft standard as it exists, does none of these things. Closed-captions which are

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<sup>1</sup> [http://accan.org.au/index.php?option=com\\_content&view=article&id=298:research-on-caption-awareness&catid=98:access-for-all&Itemid=234](http://accan.org.au/index.php?option=com_content&view=article&id=298:research-on-caption-awareness&catid=98:access-for-all&Itemid=234)

readable, comprehensible and accurate are certainly the goals of all interested parties, however this draft standard contains so many requirements open to interpretation that it is unlikely to consistently provide any of the outcomes expected.

ACCAN asserts that the following recommendations need to be adopted and incorporated into the standard in order to meet the stated expectations and community safeguards. These recommendations will ensure Parliament's intent in the *Broadcast Services Act 1992* will be assured in the implementation of these new amendments.

## Recommendations

- **Recommendation 1: That the document requires pre-prepared block captions on all non-live broadcast programming.**

It is widely accepted that pre-prepared captions delivered in block format offer the greatest levels of accuracy and timeliness, providing the greatest possible readability and comprehensibility for consumers who use closed-captions. Deafness and consumer groups contend that pre-prepared 'block' captions should be adopted as the minimum standard for all non-news programming which has been recorded and is available for captioning prior to broadcast.

- **Recommendation 2: That the document include the minimum benchmark for live closed-captions must be current best practice or higher, i.e. Channel 7 'hybrid' model of pre-prepared closed-captions with scrolling closed-captions used only for live feeds.**

Consumers assert that for news programs, live (online) captions should only be used for those parts of the program where it is impossible to pre-prepare captions from scripts or other material.

- **Recommendation 3: That the document allow live scrolling captions only on genuinely live broadcast programming.**
- **Recommendation 4: That the document include reference to best-practice measurable closed-caption metrics.**

Understanding that discrete measurable benchmarks, such as accuracy levels and time requirements for closed-caption synchronisation, in isolation are not functionally appropriate for defining closed-caption quality, ACCAN asserts that measurable metrics need to be included in any cumulative assessment of readable, comprehensible and accurate closed-captions.

International best-practice guidelines include both these criteria in the provision of quality closed-captions. The Canadian Radio and Television Commission (CRTC) has recently mandated both 95 per cent accuracy and maximum six second time lag as being minimum benchmarks for all English language closed-caption programs as mandatory broadcast licence conditions.

The UK regulator Ofcom's assistive services guidelines state that accuracy levels should meet 98 per cent accuracy and that the time-lag between video and captions should be no more than three seconds.

If these measurable metrics are considered necessary to ensure adequate quality closed-captions for consumers in these other jurisdictions there is no reason why Australian consumers should be expected to accept lesser quality closed-captions.

In addition to the above recommendations ACCAN has several concerns which have not been addressed in the draft standard nor clarified with the ACMA during the closed-caption committee meetings:

1. Clarification and consumer education of the caption complaints process. The amendments to the BSA regarding closed-captions complaints need to be outlined to consumers. ACCAN and other consumer groups expect the ACMA to undertake a wide reaching public awareness campaign to inform consumers of how the new BSA amendments and the draft standard will be implemented. Consumers need to know what to expect from closed-captions, how to make complaints in the case of poor quality captions and what outcomes to expect in the case they do lodge a complaint with the ACMA.
2. Dealing with different types of complaints. Different types of closed-caption complaints need to be addressed appropriately by the ACMA. Not all closed-captions will require a lengthy investigation. Complaints such as no closed-captions on a free-to-air channel should be immediately responded to by the ACMA in order that the problem be quickly rectified. Other closed-caption complaints, such as examples of poor quality closed-captions may be expected to take more time to review. Consumers do not expect or want all complaints to be resolved by a long on-going review.
3. Programs advertised as being closed-captioned. Consumers should be able to expect that any program that is advertised as being closed-captioned will be required by the ACMA to meet the adequate quality standards, regardless of the time that it is broadcast. ACCAN is aware of a closed-caption complaint that was rejected by the ACMA because the program was broadcast outside of the current prime-time requirements even though the program was advertised as being closed-captioned. Current closed-caption quotas require that, at minimum, 90 per cent of a broadcaster's primary programming be closed-captioned. This is information that is widely known in the Deaf and hearing-impaired communities. It is unreasonable that consumers are not able to have the certainty of access the rest of the community expects and demands. ACCAN asserts that the ACMA should require all closed-caption advertised programming to meet the standards of other closed-captioned programming. The decision of a network to caption a program constitutes a commitment that the program has captions of adequate quality. It is irrelevant to the viewer whether a program is exempt from captioning because of its timeslot, or whether it ultimately counts toward a network's quota.

In addition to the shortcomings of the draft standard, ACCAN is profoundly disappointed that, regardless of repeated requests, the ACMA has not made the discussion paper or the meta-principles document available in Auslan. Given that a significant cohort of Australians who rely on closed-captions are Deaf it is appropriate that any public consultation should be made available in the preferred first language of those Australians. Australia was one of the first countries to become a signatory to the United Nations Convention on the Rights of Persons with Disabilities (the Convention), and ratified the Convention in 2010. As such we Australians have made a commitment to uphold the principles of access and inclusion which underpin the Convention:

Article 21 – Freedom of expression and opinion, and access to information states

b. Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;

That the ACMA has chosen not to provide these documents in the preferred first language of Deaf Australians undermines both our national commitment to the Convention and the important purpose of the draft standard and the associated amendments to the *Broadcasting Services Act* under the Broadcasting Services Amendment (Improved Access to Television Services) Bill 2012.<sup>2</sup>

## Conclusion

ACCAN is encouraged by the stakeholder cooperation undertaken over the last couple of years to improve access to television for consumers who rely on closed-captions. However, as we have stated, we do not believe that the draft standard has the necessary requirements to ameliorate the consistent problems that continue to plague closed-caption quality and reliability.

Consumers who rely on closed-captions have waited for many years to see meaningful progress in closed-caption quality and if we do not develop and adopt a standard which can deliver on consumer expectations and community safeguards this will be a lost opportunity.

The current draft standard falls short in providing the outcomes needed by all stakeholders. It will not meet consumer needs, provide certainty for broadcasters nor will it provide the ACMA with the necessary guidelines to consistently measure and enforce best-practice closed-captions.

ACCAN recommends that the ACMA adopt the above recommendations in the draft standard while also removing the vague requirements imbedded in almost every one of the meta-principles. The standard needs to be consistent and not open to differing interpretations from different stakeholders.

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<sup>2</sup> <[http://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bId=r4836](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r4836)>