

18 December 2023

Ms Phyllis Fong  
Manager, Media Diversity Section  
Australian Communications and Media Authority  
PO Box Q500  
Queen Victoria Building NSW 1230

*By email: captioning@acma.gov.au*

Dear Ms Fong

### Captioning quality guidelines

Thank you for the invitation to provide our views on the AMCA's draft Broadcasting Services (Television Captioning) Standard 2023 – Captioning quality guidelines. We appreciate the ACMA drafting Guidelines to assist our members to comply with the Standard.

However, the concerns we have previously raised about the Standard, in written submissions and at the Roundtable on 13 November 2023, are not addressed by the Guidelines. These concerns include:

- Absence of an objective metric to monitor compliance, such as the NER system.
- Impracticality of applying the Standard in a live broadcast environment, particularly given the volume of live broadcast has significantly increased since the inception of the framework.
- Ambiguity in the treatment of programming that is live, pre-recorded or comprising elements of each, given the inconsistent interaction between subsections (2A) and (2B) in s 130ZZA, and s 130ZZA(7A).
- Challenges associated with the ACMA's interpretation of 'distinct program segments' in s 6(b) as including stories within news or entertainment programmes.

As such, while we appreciate the efforts to develop Guidelines, we do not consider that they provide adequate guidance on how our members may achieve compliance or what they can expect by way of regulatory response.

Free TV welcomes the ACMA's commitment to considering a trial of NER and we look forward to engaging further on this issue.

Yours sincerely

A black rectangular box used to redact the signature of Bridget Fair.

Bridget Fair  
Chief Executive Officer