

Investigation report no. BI-759

Summary	
Licensee	WIN Television Qld Pty Ltd (the Licensee)
Relevant legislation/standard	<i>Broadcasting Services Act 1992</i> (the BSA) Broadcasting Services (Television Captioning) Standard 2023 (the Standard)
Finding	No finding in relation to subsection 130ZZA(4) in Part 9D of the BSA [which requires a commercial television licensee to comply with the Standard] Breach of paragraph 130ZZD(2)(b) of the BSA [make audio-visual records sufficient to enable the responsible person's compliance with Division 4 and 5 to be readily ascertained]. Breach of paragraph 7(1)(o) of Schedule 2 to the BSA [licence condition requiring compliance with applicable provisions in Part 9D of the BSA], because the Licensee did not meet its record keeping obligations under paragraph 130ZZD(2)(b) of the BSA.
Program	<i>Chicago Med</i>
Dates and times of broadcasts	Episode 1 - 19/01/2026 11:33:23pm – 12:28:00am AEST Episode 2 - 20/01/2026 11:31:34pm – 12:26:11am AEST Episode 3 - 26/01/2026 11:10:12pm – 12:05:11am AEST Episode 4 - 27/01/2026 11:08:18pm – 12:06:24am AEST Episode 5 - 29/01/2026 11:01:53pm – 11:57:16pm AEST Episode 6 - 31/01/2026 11:01:29pm – 11:56:45pm AEST
Type of service	Commercial—television
Attachments	A – extracts from the Licensee's submissions to the ACMA B – relevant provisions of the BSA
Date finalised	29 July 2026

Background

On 10 March 2026, the Australian Communications and Media Authority (the **ACMA**) commenced an investigation under the BSA into WIN Television Qld Pty Ltd (the **Licensee**) for 6 episodes of *Chicago Med* (the **Program**) broadcast in January 2026.

The Program is a drama program broadcast by the Licensee.

The ACMA received a complaint alleging that unsatisfactory captioning was ‘happening again’ regarding the Program. The complainant referenced ‘happening again’ because they had made a previous complaint in 2024, which resulted in a breach finding for the Program in a previous investigation of *Chicago Med* ([BI-710/BI-711](#)).

The ACMA has investigated the Licensee’s compliance with:

- > subsection 130ZZA(4) of the BSA [commercial television licensee to comply with the Standard]
- > paragraph 130ZZD(2)(b) of the BSA [make audio-visual records sufficient to enable the responsible person’s compliance with Division 4 and 5 to be readily ascertained]

with respect to the Program.

The ACMA has also investigated the Licensee’s compliance with the licence condition in paragraph 7(1)(o) of Schedule 2 to the BSA.

Legislative framework

The Licensee is required to provide captioning services for the Program during the designated viewing hours of 6am to midnight under subsection 130ZR(1) of the BSA.

Subsection 130ZZA(4) of the BSA imposes an obligation on commercial television broadcasting licensees to comply with the Standard determined by the ACMA under subsection 130ZZA(1) of the BSA. Subsection 130ZZA(4) is in Part 9D of the BSA and therefore compliance with the Standard is a licence condition for commercial television broadcasting licensees under paragraph 7(1)(o) of Schedule 2 to the BSA.

The Standard establishes minimum requirements relating to the quality of captioning services to ensure that captions are meaningful to deaf and hard-of-hearing viewers.¹ Specifically, the Standard requires captions to be readable, accurate and comprehensible.²

A ‘captioning service’ is defined in section 6 of the Standard as ‘a service in which captions are provided for programs that enable the viewer to follow the speakers, dialogue, action, sound effects and music of a program’.

‘Captions’ is defined in section 6 of the Standard as ‘the visual translation of the soundtrack of a program in English, in word form’.

The Standard stipulates that the quality of a captioning service for a program must be considered in the context of the program as a whole.³ When determining the quality of a

¹ Section 5 of the Standard.

² Paragraphs 10(a), 11(a) and 12(a) of the Standard.

³ Paragraph 9(a) of the Standard.

captioning service for a program, the cumulative effect of the readability, accuracy and comprehensibility of the captions must be considered.⁴

The Licensee is also required to comply with record-keeping requirements under paragraph 130ZZD(2)(b) of the BSA.

Relevant provisions of the BSA are set out in **Attachment B**.

Issue 1: Did the Licensee comply with the Standard and, accordingly, comply with subsection 130ZZA(4) of the BSA?

Finding

No finding regarding the licensee's compliance with subsection 130ZZA(4) of the BSA for the relevant 6 episodes of the Program listed below:

Program	Date
1 – This Town Ain't Big Enough for Both of Us	19/01/2026
2 – What Happens in the Dark Always Comes to Light	20/01/2026
3 – Penny for Your Thoughts, Dollar for Your Dreams	26/01/2026
4 – Spin a Yarn, Get Stuck In Your Own String	27/01/2026
5 – I Think There Is Something You're Not Telling Me	29/01/2026
6 – I Think I Know You, But Do I Really?	31/01/2026

Reasons

On 23 February 2026, the Licensee provided the ACMA with copies of the audio-visual records (including captions) of the Program.

Based on the review of the 6 episodes of the Program the ACMA found on 15 May 2026, on a preliminary basis, that the cumulative effect of the captioning issues relating to comprehensibility in the 6 episodes of the Program was significant enough to result in the captioning service for all 6 episodes of the Program to fail to comply with the Standard.

On 12 June 2026, the Licensee responded to the ACMA's preliminary findings (at **Attachment B**) advising that the audio-visual records (including captioning) supplied on 23 February 2026 did not represent the Program as broadcast.

The Licensee submitted that the discrepancies between the copy of the broadcasts provided to the ACMA and the actual broadcasts were caused by an issue with the Licensee's compliance logger, which had failed to capture what was presented in the actual broadcast transport stream. Specifically, the Licensee noted that their compliance logger was not recording caption colour data, and there were also indications that caption timing may have been different in the logger output compared to the broadcast.

The licensee further submitted:

As the broadcasts in question took place in January 2026, both the original transport stream data and the proxy recordings have now passed their respective retention periods and are no

⁴ Paragraph 9(c) of the Standard.

longer available. This means WIN is unable to provide recordings of the actual broadcast for the ACMA's review...

In its response dated 9 July 2026 to the revised preliminary finding issued on 25 June 2026, the Licensee stated:

WIN notes and welcomes the ACMA's revised position that a finding can no longer be made in relation to subsection 130ZZA(4), on the basis that the records relied upon do not reliably represent the broadcast as it went to air.

Conclusion

The Licensee submitted that the copies of the Program provided to the ACMA did not have accurate records of the captioning as broadcast, and a record of the actual broadcast is not available. Consequently, it is not possible to determine whether the Licensee complied with the Standard and, accordingly, whether it complied with subsection 130ZZA(4) of the BSA.

Issue 2: Did the Licensee comply with its record-keeping requirements in paragraph 130ZZD(2)(b) of the BSA?

Finding

The Licensee failed to comply with the record-keeping requirement in breach of paragraph 130ZZD(2)(b) of the BSA.

Reasons

Paragraph 130ZZD(2)(b) of the BSA requires that a commercial television broadcasting licensee must, in a form approved in writing by the ACMA, make audio-visual records sufficient to enable the licensee's compliance with Division 4 and 5 of the BSA to be readily ascertained.

Subsection 130ZZD(4) of the BSA requires licensees to keep audio-visual records for at least 30 days after a program is broadcast. If a complaint is made within those 30 days, the records must be kept for a longer period of at least 90 days from the broadcast date.

As noted above, on 12 June 2026, the Licensee submitted that the episodes of the Program given to the ACMA on 23 February 2026 were not representative of the actual broadcasts that went to air. The Licensee further advised that no copies of the broadcast versions are available.

On 9 July 2026, the Licensee acknowledged the ACMA's revised preliminary findings in relation to subsection 130ZZD(2)(b) and Schedule 2, paragraph 7(1)(o), and advised it does not seek to dispute the factual basis for those findings.

The Licensee also advised that its broadcast playout provider had confirmed that the compliance logging system retains recordings for up to seven days, during which time captioning formatting attributes, including colour and positioning, are accurately captured and displayed. After seven days, the system retains only lower-resolution proxy copies for archival purposes. Although these copies preserve the caption text, they do not consistently preserve formatting attributes such as colour and positioning.

Consequently, the ACMA was unable to readily ascertain the Licensee's compliance with Division 4 and 5 of the BSA because:

- > the copies originally provided by the Licensee did not accurately represent the captioning service provided for the 6 episodes of the Program when they were broadcast
- > the audio-visual records of the broadcasts that would accurately represent the captioning service were only available for 7 days and are no longer available.

Conclusion

The Licensee did not make audio-visual recordings of the episodes of the Program sufficient to enable the Licensee's compliance with Division 4 and 5 to be readily ascertained as required under paragraph 130ZZD(2)(b) of the BSA.

Issue 3: Did the Licensee comply with paragraph 7(1)(o) of Schedule 2 to the BSA?

Finding

The Licensee failed to comply with paragraph 130ZZD(2)(b) of the BSA, in breach of the licence condition at paragraph 7(1)(o) of Schedule 2 to the BSA.

Reasons

As the Licensee failed to comply with the record-keeping requirements of paragraph 130ZZD(2)(b) of the BSA, the Licensee also failed to comply with the licence condition at paragraph 7(1)(o) of Schedule 2 to the BSA.

Attachment A

Licensee's response and submissions

Extracts of the Licensee submission to the ACMA dated 24 March 2026:

[...]

The WIN Network broadcast of *Chicago Med* is delivered via a broadcast relay directly from the Nine Network. The program itself is produced and pre-recorded by Wolf Entertainment, and the captions are embedded within the program at the time of production.

As the captions are provided as part of the program file, WIN Network does not generate or modify the captioning. Accordingly, we do not have visibility as to whether the captions were created by human captioners or generated using AI-based tools.

Upon review by our Broadcast Centre, we were unable to identify any captioning errors in the material broadcast. It is possible that the issue experienced may be related to the caption processing or settings on the viewer's television or receiving equipment.

[...]

Extracts of the Licensee submission to the ACMA dated 12 June 2026:

[...]

WIN Television Qld Pty Ltd (WIN) provides this response to the ACMA's Preliminary Investigation Report dated 15 May 2026 (the Preliminary Report) in relation to the captioning of six episodes of *Chicago Med* broadcast in January 2026.

WIN takes its captioning obligations seriously and respects the importance of accessible broadcasting for deaf and hard of hearing viewers. We respond to the Preliminary Report in good faith and with full transparency, including in relation to matters that have come to our attention since WIN's initial submission of 24 March 2026.

1. Correction to WIN's Submission of 24 March 2026

WIN acknowledges that its submission of 24 March 2026 stated that WIN's Broadcast Centre was unable to identify any captioning errors in the material broadcast, and suggested the issues may have related to caption processing or settings on the viewer's own television or receiving equipment.

WIN now understands that this assessment was based on a review of recordings generated by WIN's compliance logging system (Actus). As set out in Section 2 below, WIN has since identified that there is a material difference between what the Actus compliance logger captures and what was present in the actual broadcast transport stream. Specifically, the Actus logger was not recording caption colour data, and there are indications that caption timing may also be rendered differently in the logger output compared to the broadcast.

The March submission was therefore based on an incomplete and potentially inaccurate representation of the broadcast. WIN sincerely apologises for this and acknowledges that the submission did not adequately engage with the ACMA's concerns. WIN is committed to providing accurate and complete information to the ACMA and retracts the suggestion that the captioning issues may have been attributable to viewers' equipment.

2. The Actus Compliance Logging Issue

Following receipt of the Preliminary Report, WIN engaged its broadcast services provider, (broadcast playout provider), to conduct a more detailed technical investigation of the captioning issues identified by the ACMA. This investigation has revealed a significant deficiency in WIN's compliance logging system that WIN considers is directly relevant to the ACMA's findings.

The key findings to date are as follows:

- Caption colour data is not captured by the Actus logger: The broadcast of Chicago Med carried OP47 teletext captions in colour, with different colours used to distinguish individual speakers. WIN's compliance logging system (Actus) was not capturing caption colour information, and accordingly the recordings provided to the ACMA in response to the initial complaint did not display colour differentiation between speakers. (Broadcast playout provider) has confirmed this by comparing the compliance logger output with the raw transport stream, which shows colour captions present in the broadcast.
- Caption timing may differ between the Actus output and the transport stream: (broadcast playout provider's) comparison of the transport stream (viewed via VLC) and the Actus logger recording has identified that captions appear to be displayed at different frame positions between the two. This raises the possibility that the synchronisation issues identified by the ACMA in the Preliminary Report may, at least in part, reflect a characteristic of the Actus recording rather than the actual broadcast received by viewers. WIN wishes to be transparent that this finding is still under investigation and WIN is not yet in a position to confirm the extent to which the timing issues identified in the Preliminary Report were present in the actual broadcast.
- The original transport stream recordings are no longer available: The raw transport stream recordings are retained for only two days before being overwritten, and a lower quality proxy recording is retained for 90 days. As the broadcasts in question took place in January 2026, both the original transport stream data and the proxy recordings have now passed their respective retention periods and are no longer available. This means WIN is unable to provide recordings of the actual broadcast for the ACMA's review, which significantly limits WIN's ability to provide a definitive comparison at this stage.

WIN respectfully draws the ACMA's attention to these findings as they are potentially material to the Preliminary Report's finding under paragraph 12(b)(i) of the Standard (speaker identification), which was based on the absence of colour differentiation in the recordings submitted. WIN acknowledges that the preliminary finding under paragraphs 12(b)(iii) and (iv) (caption synchronisation) may also be affected, though this aspect remains under investigation.

WIN is continuing to work with (broadcast playout provider) and Actus to fully understand the scope of the logging deficiency. WIN will provide the ACMA with any further technical information as it becomes available.

3. The Nature of the Captioning in the Broadcast

WIN acknowledges the following about the Chicago Med broadcasts in question:

- Chicago Med is a pre-recorded program produced by Wolf Entertainment. The captions are embedded within the program file at the time of production and are

delivered to WIN via a broadcast relay from the Nine Network. WIN does not generate or modify the captioning.

- The transport stream analysis conducted by (broadcast playout provider) confirms that colour-coded captions were present in the broadcast signal, indicating that speaker identification via colour was being delivered to viewers' televisions.
- WIN is seeking to obtain a current broadcast of a Wolf Entertainment program (such as Law & Order, which uses the same captioning format) to provide the ACMA with a contemporary example of the caption colour output as received by viewers, as a proxy demonstration of the caption format used in the Chicago Med broadcasts.

WIN accepts that even if the speaker identification issues are resolved by the Actus logging explanation, the ACMA's findings regarding caption synchronisation remain to be fully addressed. WIN does not seek to deflect from its compliance obligations and acknowledges that, as the licensee, it bears responsibility for the quality of the captioning service delivered to viewers regardless of the technical chain involved in delivery.

[...]

Extracts of the Licensee submission to the ACMA dated 9 July 2026:

[...]

WIN notes and welcomes the ACMA's revised position that a finding can no longer be made in relation to subsection 130ZZA(4), on the basis that the records relied upon do not reliably represent the broadcast as it went to air. [...]

[...]

Remedial action taken to date

Since the ACMA's first preliminary report, WIN has worked with its broadcast playout provider, (broadcast playout provider), and (broadcast playout provider's) compliance logging subcontractors, to investigate the cause of the caption formatting issue identified in WIN's earlier submissions.

That investigation has now established that the issue is confined to a specific step in the compliance logging process, rather than to the broadcast itself. (broadcast playout provider) has confirmed in writing [...] that:

- captions are transmitted to air with their intended formatting attributes, including colour and positioning, as provided in the source content;
- the compliance logging system's short-term recordings, retained for up to seven days, correctly capture and display this formatting; and
- the issue arises specifically in the process used to generate lower-resolution proxy copies for long-term archival purposes beyond that seven-day window, during which caption text is retained but formatting attributes such as colour and positioning are not consistently preserved.

WIN has raised this issue formally with (broadcast playout provider), who in turn have engaged directly with the relevant technology supplier and vendor to identify and remediate the root cause. WIN considers this a materially more precise explanation than was available at the time of its earlier submissions, and one that narrows the compliance gap to the long-term record-keeping function specifically, consistent with the ACMA's preliminary finding under subsection 130ZZD(2)(b). [...]

Conclusion

WIN acknowledges the ACMA's findings in relation to subsection 130ZZD(2)(b) and Schedule 2, paragraph 7(1)(o), and does not seek to dispute the factual basis for those findings. WIN has treated this matter as a priority since it was first identified, and the steps set out above reflect WIN's commitment to ensuring its record-keeping practices allow compliance with Part 9D to be properly demonstrated going forward.

WIN is conscious of the prior finding in BI-711 and takes this opportunity to reiterate its commitment to captioning compliance more broadly, including the reliability of the records that underpin it. [...]

Attachment B

Relevant provisions of the BSA and the Standard

Broadcasting Services Act 1992

Section 130ZR of Part 9D of the BSA

Captioning obligations—basic rule

Basic rule

(1) Each commercial television broadcasting licensee, and each national broadcaster, must provide a captioning service for:

(a) television programs transmitted during designated viewing hours; and

(b) television news or current affairs programs transmitted outside designated viewing hours.

Section 130ZZA of Part 9D of the BSA

Captioning standards

(1) The ACMA may, by legislative instrument, determine standards that relate to:

(a) the quality of captioning services provided by commercial television broadcasting licensees for television programs; [...]

[...]

(4) A commercial television broadcasting licensee must comply with a standard determined under subsection (1).

[...]

Schedule 2 to the BSA

7 Conditions of commercial television broadcasting licences

(1) Each commercial television broadcasting licence is subject to the following conditions:

[...]

(o) if a provision of Part 9D (which deals with captioning of television programs for the deaf and hearing impaired) applies to the licensee—the licensee will comply with that provision.

[...]

Section 130ZZD of Part 9D of the BSA

Record-keeping

[...]

- (2) A responsible person must, in a form approved in writing by the ACMA, make:
 - (a) written records sufficient to enable the responsible person's compliance with Division 2 or 3 to be readily ascertained; and
 - (b) audio-visual records sufficient to enable the responsible person's compliance with Divisions 4 and 5 to be readily ascertained.
- (3) A written record must be retained in the responsible person's custody for at least 90 days after the responsible person's report under section 130ZZC in relation to the financial year to which the record relates is given to the ACMA.
- (4) An audio-visual record must be retained in the responsible person's custody:
 - (a) for at least 30 days after the day the program to which the record relates was broadcast; or
 - (b) if, before the end of those 30 days, the responsible person becomes aware that a complaint has been made under Part 11 about captioning of the program—for at least 90 days after the day the program was broadcast.
- (5) A responsible person must, without charge, make available to the ACMA on request any records retained by the responsible person under this section (whether or not the minimum period for retaining the records has passed).