About Deaf Australia:

Deaf Australia acknowledges the Traditional Owners and Custodians of the lands on which we work and pay our respects to Indigenous Elders past and present. Sovereignty has never been ceded. It always was and always will be, Aboriginal land.

We recognise the past atrocities against Aboriginal and Torres Strait Islander peoples of this land and that Australia was founded on the genocide and dispossession of First Nations people. We acknowledge that colonial structures and policies remain in place today and recognise the ongoing struggles of First Nations people in dismantling those structures; and especially that of Deaf, Deafblind and hard of hearing First Nations peoples.

Deaf Australia was founded in 1986 as a not-for-profit organisation that represents all Deaf, Deafblind, and hard of hearing people, and others who are fluent and knowledgeable about Auslan. The focus has and continues to be on developing access to information and accessible communication. We work with Australian governments and collaborate with key stakeholders to make sure that Australia complies with the United Nations Convention on the Rights of Persons with Disabilities. The UN Convention and the National Disability Strategy guides our work; we aspire to achieve equity for Deaf people across all areas of life.

Deaf Australia advises that this document may be publicly distributed, including by placing a copy on our website.

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June 2023

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Introduction:

Deaf Australia is pleased to be able to make a submission to the Australian Communications and Media Authority (ACMA) into the sunsetting of the Television Captioning Standard. We are representing not only ourselves at Deaf Australia; we also make this submission in partnership with Deaf Victoria and Deaf Connect. Deaf Victoria is as the name suggests; a Victorian based advocacy body established in 1982. It is a state-based advocacy organisation run by and for Deaf and hard of hearing people. Deaf Connect emerged from a merger between Deaf Services (QLD) and the Deaf Society (NSW) in 2020. It is an organisation focusing on community and empowerment while delivering on a national agenda to improve equity for Deaf and hard of hearing lives.

We are concerned at any possibility of weakening future establishment of the Standard, in no unreasonable part because the Standard has traditionally relied on those who use captions daily – the Deaf viewer – to make complaints about the quality of captions while allowing much leeway on the broadcasters' behalf. Given that technology is rapidly improving and new ways of creating quality captions are not too far off, it is essential that the Standard reflects this burgeoning reality and evolve as a result.

Please note that, in this submission Deaf Australia will use Deaf person/people/community to refer to all d/Deaf, Deafblind, and hard of hearing people who use Auslan as their language of preference, unless otherwise stated. Deaf Australia writes broadly about signing Deaf people, yet recognise that Deaf people are intersectional beings, and that this paper was written by a white Deaf person, so important nuances covering Aboriginal and Torres Strait Islander Peoples, BIPOC and all other intersecting identities are likely to be missing from this paper.

- 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?

Why or why not?

A metric measurement model needs to be used effectively to measure the three aspects of quality of captions in readability, accuracy and comprehensibility; it is precisely because of the possibility of captioning related technology becoming even more finely tuned that it is most appropriate for the Standard to commit to supporting viewing and industry examination of a metric measurement model. Guidance needs to be explicit and in-depth on interpreting the key elements of the Standards; there should be no equivocation in avoiding the provision of high-quality captioning.

Why? We state unequivocally that:

- The benefits of examining a metric measurement model in the future are numerous. It acknowledges the potential for advancements and developments in captioning related technologies. By doing so the Standard demonstrates a forward-thinking approach that anticipates and responds to innovation and progress rather than being reactive long after technology demonstrates issues which is a common theme in Australia. The Standard will thus show a willingness to adapt and evolve alongside the advancements in technology, ensuring it remains relevant and effective.
- The provision of explicit and in-depth guidance in interpreting key elements of the Standard is required so that there can be no ambiguity or misinterpretation. Stakeholders can have a clearer expectation of what is required, and industry stakeholders will also have a clearer understanding too of what is expected of them. This would lead to consistent and uniform captioning practices that benefits all, especially those who use captioning.

The Standard should thus promote and make mandatory the examination of a metric measurement model and provide in-depth guidance on interpretation. This demonstrates a commitment to on-going improvement, adaptability and the result of delivering high-quality captioning services.

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?

We note in the consultation paper the broadcasters gave the impression of '…a perceived lack of clarity about the ACMA's interpretation of the Standard, particularly with the term 'distinct program segment' and the Standard's object of ensuring 'meaningful' captions…' which is odd given that Section 3 of the Standard is explicit in the purpose of the Standard: the provision of quality captioning services that are **meaningful to Deaf viewers** (our emphasis). It is difficult to be sympathetic to the broadcasters' supposed confusion surrounding this concept of 'meaningful'; the

term is simply 'to have meaning' and in this context, does the captions make sense or not? The argument that the term 'meaningful' is subjective is fallacious and an example of attempts to equivocate on providing quality captions.

Having said that there are factors to consider when informal guidance is required, or if redrafting the Standards is appropriate. They include:

- If clarification is required, is specific and limited to certain aspects of the Standard, informal guidance may be more appropriate *with consultation from the Deaf community.* Informal guidance can provide clarification, examples or explanations without requiring an overhaul of the Standard. This allows for rapid and flexible responses to specific queries or areas of confusion.
- Redrafting the Standard should be considered if requested clarification and the resulting responses has a significant impact on the overall structure or provisions of the Standard. If requested changes potentially have a cascading effect on other elements of the Standard comprehensive redrafting may be necessary but must always be done with consultation and input from those who benefit the most from quality captions: the Deaf community.

At any stage where clarification or redraft is required the Deaf community should be consulted and at every stage, so they gain the best outcomes possible especially with information broadcast. Too, to assist with compliance mandatory recruitment of deaf and hard of hearing people within the broadcasters to monitor quality should be a part of the process.

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.

If the ACMA were to provide guidance to broadcasters about the application and interpretation of the Standard, an appropriate mechanism to achieve this could be through the creation of official regulatory guidelines. We propose how this would work:

1. The creation of regulatory guidelines where the ACMA can develop guidelines providing detailed explanations, examples and best practices for broadcasters regarding the application and interpretation of the Standard. These guidelines could address common questions, clarify ambiguous provisions and offer practical insights into compliance requirements.
2. Consultation and Stakeholder engagement: the ACMA could engage in a consultative process that highlights and emphasises the input of Deaf people. While the input and feedback from broadcasters, captioning services providers, consumer advocacy groups and any others not mentioned here should certainly be considered, at the end of the day it is Deaf people who benefit most from the best quality captions.
3. Transparency and Publication: the ACMA could ensure transparency by making the regulatory guidelines easily accessible and publicly available. This also includes translation into Auslan for the benefit of those who use Auslan. These guidelines should be readily available and easy to find on ACMA's website along with any other supporting materials required. The guidelines should also be presented in a logical manner, include relevant

examples, case studies and practical tips to support broadcasters in complying with the requirements fully.

4. Regular Updates and Revisions: the ACMA could commit to regular and periodic reviews and updates of the guidelines to reflect evolving industry practices, technological advancements and emerging issues.

5. Feedback Mechanism: the ACMA could establish a feedback mechanism to receive input, queries and suggestions related to the regulatory guidelines. This could involve a dedicated email address or online portal where feedback and input can be received. There should also be an opportunity for those who use Auslan to video themselves and upload these videos onto the online portal for viewing. Prompt responding will indicate the ACMA's commitment to ensuring compliance to the Standard.

By implementing this mechanism, the ACMA can provide broadcasters and stakeholders, especially Deaf people, with clear, practical, and authoritative guidance on the application and interpretation of the Standard. This promotes consistency, improves compliance, and ensures that Deaf viewers have access to accurate and high-quality captions.

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?

In the current legislative context, the adoption of a metric model may be problematic for several reasons.

- Firstly, if the legislation mandates adherence to the Standard, a metric model may not align with those legal obligations unless the legislation is amended to incorporate such a model. Would a metric model satisfy the legislative requirements? Would legal changes be required to accommodate its implementation?

- Secondly, assessing captioning quality is a multifaceted process that includes aspects such as accuracy, synchronisation, completeness, readability and adherence to best practices. They are subjective and context-dependent making it challenging if not impossible to develop a single comprehensive metric that adequately captures the nuances of quality in all situations. A holistic evaluation approach allows for a more comprehensive assessment of captioning quality.

- Thirdly, the field of captioning technology and standards is continually evolving. As new technologies emerge, and industry best practices evolve it may be challenging for a metric model to keep pace with these advancements. The current Standard with its focus on guidelines and best practices allow for flexibility in adapting to emerging technologies and evolving industry norms.

- Finally, the development and implementation of a metric model would require extensive stakeholder involvement, most particularly from Deaf viewers. The Standard as is currently implemented is skewered towards flexibility for broadcasters and provides much in room for equivocation. Any new initiatives must include and reflect the input and feedback from Deaf viewers so that the final product is accurate, fair and is accompanied by severe penalties should the broadcasters not comply.

If there is a desire to explore a metric model as an alternative to the current approach, it would require careful consideration, research, and stakeholder engagement. Assessing its compatibility with existing legislation, addressing the complex nature of captioning quality, accommodating evolving technology, and achieving stakeholder consensus are crucial aspects to be addressed to determine the appropriateness and feasibility of a metric model in the current legislative context.

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?

From an objective viewpoint it would be easy to see how the use of a metric measure is appealing; it would be objectively comparative, transparent and easily accountable and would provide real time evaluation. However. Implementing a real-time evaluation system based on a metric model may pose technical and logistical challenges. It would require collaboration between broadcast or streaming platforms, captioning service providers, and technology developers to integrate the necessary tools and data for real-time quality assessment. This doesn't seem to be happening at present.

Let us focus on foreign language subtitling, to add nuance. There is no consistency in captioning foreign language programs and movies – if a character says something in Spanish that is well known to non-Spanish speakers, this is not captioned at all for the Deaf viewer. If a character that mainly speaks Spanish and suddenly speaks in English this is not captioned. We know this thanks to hearing partners, friends and families telling us when that happens. We can also see it for ourselves when the captions disappear, yet the characters are still talking. Sometimes there are captions placed on top of hard-code captions – why? It isn't necessary. Often the captions are poorly placed on the screen covering key information like specifically written hard-coded words, location and other 'Did You Know' type information. The burden of monitoring for quality captioning is always placed on us Deaf viewers.

It is the broadcasters' responsibility to ensure that standardising the display of quality indicators across different platforms and devices. This is critical for consistency and ease of use. Furthermore, the feasibility of real-time evaluation depends on the specific metrics and measurement methods used in the metric model. Some aspects of captioning quality, such as accuracy, may be easier to evaluate in real-time, while others, such as readability or adherence to style guidelines, may require more comprehensive analysis.

The current Standard only identifies non-compliance when viewers lodge complaints regarding captioning issues and quality. How therefore can a metric measure improve compliance with the Standard? If the reformatted Standard does not include measures to enforce compliance that does not rely on the complaint system and proactively monitor broadcasters' provision of captions, then what good is a metric measurement except to look good on paper?

Overall, while a metric model can provide benefits in terms of objective comparison, transparency, and accountability, implementing real-time evaluation of captioning quality during program viewing would require substantial technical and Deaf viewers alongside industry collaboration. It would involve the development and adoption of standardised quality indicators and the integration of

assessment tools into broadcasting or streaming platforms. It also needs to be accompanied by penalties for non-compliance.

Determining the most appropriate metric model to assess the quality of captioning depends on various factors, including the specific requirements of the Broadcasting Services Act (BSA) and the goals of the assessment. While it is challenging to define a single universally appropriate metric model, I can outline some key considerations and potential metrics that could address the BSA requirements of readability, accuracy, and comprehensibility:

1. Readability:
•   Caption Placement: Measure the appropriateness and consistency of caption placement on the screen, ensuring that captions do not obstruct essential visual elements.
•   Font Size and Style: Assess the legibility of captions by measuring font size, contrast, and readability across different screen sizes and resolutions.
•   Line Length: Evaluate the optimal length of caption lines to avoid excessive truncation or overcrowding, ensuring readability and ease of comprehension.
2. Accuracy:
•   Word Error Rate (WER): Calculate the percentage of words in the captioning that deviate from the original spoken content. Lower WER indicates higher accuracy.
•   Spelling and Grammar: Assess the correctness of spelling, grammar, punctuation, and capitalization within captions.
•   Speaker Identification: Evaluate the accuracy of identifying speakers in the captioning when multiple individuals are speaking.
3. Comprehensibility:
•   Caption Synchronisation: Measure the degree of synchronisation between the spoken dialogue and the appearance of captions, ensuring they appear and disappear in a timely and synchronised manner.
•   Caption Completeness: Assess the completeness of captions, ensuring that all essential dialogue, sound effects, and relevant audio cues are accurately represented.
•   Contextual Understanding: Evaluate the extent to which captions convey contextual information, such as speaker identification, tone, and non-verbal cues.

It is important to note that these metrics are suggestions and need further refinement and validation. The appropriateness of specific metrics will depend on technological feasibility, stakeholder consensus from **predominantly Deaf viewers** (our emphasis), and the evolving landscape of captioning practices.

Ultimately, the metric model needs to strike a balance between objectivity and capturing the nuanced aspects of captioning quality, enabling effective monitoring, evaluation, and improvement of captioning services to meet the needs of viewers.

Absolutely yes. There should be no room for equivocation or laxity in application of compliance to the Standards. While overseas metric models may not explicitly include these aspects, it doesn't mean they should be disregarded in the assessment of captioning quality. Here's why these issues should be considered:

1.   Accessibility and Inclusivity: Latency or synchronicity of captioning directly impact the accessibility and inclusivity of content for individuals with hearing disabilities. Timely and synchronized captions are essential for viewers to fully comprehend and follow the dialogue in real-time. Delays or desynchronization can significantly hinder the viewing experience and limit the effectiveness of captioning as an accessibility tool.
2.   Regulatory Compliance: Legislative frameworks and standards for captioning often aim to ensure that individuals with hearing disabilities have equal access to broadcasted content. Addressing issues related to latency and synchronicity aligns with the objectives of these frameworks by ensuring that captioning meets the real-time needs of viewers and fulfills the intended purpose of providing access to audiovisual content.
3.   Viewer Experience and Engagement: Latency and synchronicity impact the viewer experience and engagement, not only for individuals with hearing disabilities but also for broader audiences. Out-of-sync or delayed captions can cause confusion, disrupt the viewing flow, and diminish overall user satisfaction. By addressing these issues, the standard promotes a higher quality viewing experience for all viewers.
4.   Technological Advancements: The landscape of captioning technology is evolving, and there are emerging solutions that can improve latency and synchronicity. By addressing these issues within the standard, it encourages the adoption of technological advancements that can enhance real-time captioning quality. This allows for continuous improvement and alignment with evolving industry practices.

While overseas metric models may not explicitly include latency and synchronicity in their assessment criteria, it does not diminish the importance of these factors in evaluating captioning quality. Including provisions related to these aspects within a standard dealing with captioning quality helps ensure a comprehensive and holistic approach to measuring and improving the accessibility of audiovisual content for Deaf viewers.

Question 8: How should compliance with a metric model be measured and monitored?

Measuring and monitoring compliance with a metric model for captioning quality would involve several key steps and mechanisms. Here are some approaches that can be considered:

1.   Data Collection and Sampling: Establish a system for collecting relevant data on captioning quality based on the chosen metrics of the model. This may involve capturing real-time captioning data during program broadcasts or conducting periodic sampling of recorded programs. Data collection methods could include automated tools, manual assessments, or a combination of both.
2.   Compliance Thresholds: Define specific compliance thresholds or targets for each metric within the model. These thresholds would indicate the minimum acceptable level of quality that

captioning services need to meet. Compliance thresholds should be based on industry best practices, Deaf viewer needs, and regulatory requirements.

3.   Reporting and Self-Assessment: Captioning service providers should be required to submit regular reports as well as self-assessments based on the metric model. These reports would include data and analysis on their compliance with the defined metrics. Self-assessment allows providers to proactively evaluate their own performance and take corrective measures as needed with overview from ACMA.

4.   Independent Audits: Conduct periodic independent audits or assessments of captioning service providers to verify their compliance with the metric model. Independent auditors can review the data, evaluate the quality metrics, and assess the overall compliance of the services. This adds an external validation mechanism to ensure accuracy and impartiality in the monitoring process. This should be published on ACMA's website, so the process is transparent and allows for comment and feedback from Deaf viewers.

5.   Regulatory Oversight: ACMA should play a crucial role in monitoring compliance with the metric model. They would review the reports, audit findings, and self-assessments provided by captioning service providers. They can also conduct their own investigations or assessments to verify compliance and address any potential issues or concerns. Again, for transparency purposes this should be published on ACMA's website.

6.   Complaints and Deaf Viewer Feedback: Establish a user-friendly mechanism for Deaf viewers to submit complaints or provide feedback regarding captioning quality. Viewer complaints can be reviewed and investigated by the regulatory authority or a designated body to ensure compliance with the metric model within a very specific timeframe.

7.   Continuous Improvement and Enforcement: Encourage continuous improvement through feedback loops, regular reviews, and collaborative initiatives. Provide guidance, training, and support to captioning service providers to help them meet the compliance requirements of the metric model. Enforce penalties or corrective actions for non-compliant providers to ensure accountability and maintain high standards. This can include financial penalties, to be presented on a scale. For example, repeat offenders will be financially penalised at a higher rate compared to first time penalties. A loss of license for repeat offenders as well should be considered.

It is essential to strike a balance between monitoring compliance and supporting captioning service providers in meeting the requirements of the metric model. A combination of self-assessment, independent audits, regulatory oversight, and viewer feedback can help ensure effective compliance measurement and monitoring while promoting ongoing improvement in captioning quality.

Question 9: What arrangements would need to be in place to provide confidence in the results of a trial of a metric model?

To provide confidence in the results of a trial of a metric model for captioning quality, several key arrangements should be in place:

1.   Clearly Defined Objectives: Clearly define the objectives and scope of the trial. Specify the metrics being evaluated, the participant groups involved (such as broadcasters, captioning service providers, and Deaf viewers from all walks of life – they are NOT all the same in background, education, life experiences as is commonly believed), and the specific outcomes or improvements expected from the trial.

2.   Representative Sample: Ensure that the trial includes a representative sample of captioning content across different genres, platforms, and captioning service providers. This helps capture a diverse range of scenarios and assess the effectiveness of the metric model in various contexts.

3.   Validated Metrics: Use validated metrics that have been thoroughly researched, tested, and accepted within the captioning industry. The chosen metrics should have a proven correlation with captioning quality and address key aspects such as readability, accuracy, comprehensibility, and synchronization.

4.   Consistent Evaluation Methodology: Establish a consistent and standardised methodology for evaluating captioning quality based on the chosen metrics. Provide clear guidelines and instructions to trial participants on how to apply the metrics, collect data, and report their findings. This ensures consistency and comparability of results across different participants and scenarios.

5.   Data Collection and Analysis: Implement a robust data collection process to capture relevant metrics during the trial. Ensure the data collection methods are reliable, accurate, and capable of providing sufficient information for analysis. Analyse the collected data using appropriate statistical methods and data analysis techniques to draw meaningful conclusions.

6.   Independent Evaluation: Consider involving independent experts or organizations in the evaluation process. Independent evaluators can provide unbiased assessment and validation of the trial results, enhancing the credibility and confidence in the findings.

7.   Stakeholder Consultation and Feedback: Seek feedback and input from relevant stakeholders throughout the trial process. This can include Deaf viewers, broadcasters, captioning service providers, accessibility organizations and regulatory bodies. Engaging stakeholders ensures their perspectives are considered and where required, implemented, and any concerns or insights are addressed.

8.   Peer Review and Transparency: Publish the trial methodology, data collection procedures, and analysis techniques for peer review and scrutiny. Transparently sharing the trial design and findings allows external experts to assess the rigor and validity of the trial. This promotes confidence in the results and increases the credibility of the metric model.

9.   Piloting and Iterative Approach: Consider piloting the metric model trial on a smaller scale before conducting a full-scale implementation. This allows for iterative improvements, adjustments, and refinements based on the lessons learned from the pilot phase. Piloting helps identify any potential challenges, limitations, or unforeseen issues that need to be addressed before broader implementation.

By implementing these arrangements, including clear objectives, representative samples, validated metrics, consistent evaluation methodologies, independent evaluation, stakeholder engagement, transparency, and piloting, confidence in the results of a trial of a metric model for captioning quality can be established. It ensures that the trial is conducted with rigor, accountability, and a focus on delivering accurate and meaningful outcomes.