



Ten failed to provide a captioning service for *The Simpsons*

ACMA has found that Network Ten (Sydney) Pty Ltd, the licensee of TEN Sydney, breached the *Broadcasting Services Act 1992* by failing to provide a captioning service for two episodes of *The Simpsons* broadcast in prime time on 8 May 2007.

Under the Act, commercial television licensees must provide a captioning service for all television programs transmitted during prime viewing hours, and television news or current affairs programs transmitted outside prime viewing hours.

ACMA must consider whether the captioning services provided, when viewed across an entire program, are of a quality that would result in that program becoming incomprehensible to a deaf or hearing-impaired viewer.

In this case, ACMA found that captions were not provided continuously throughout the broadcast of the two episodes. For the episode broadcast at 7.30 pm, the non-captioned segments amounted to 17 minutes and 21 seconds of the program, while for the episode broadcast at 8.00 pm, the non-captioned segments amounted to 14 minutes and 25 seconds of the program.

While a text captioning service is unlikely to cover all aspects of a television program in the limited time and space available, ACMA found that the poor quality in the two 30-minute programs meant the level of comprehensibility for deaf or hearing-impaired viewers was significantly affected. ACMA therefore found that the licensee did not provide a captioning service for the episodes in question.

In response to the breach finding, the licensee cited significant mitigating factors for the captioning service provided, which have since been resolved. These mitigating factors arose from TEN's implementation of new digital captioning processes and equipment in 2007. TEN has undertaken to continue to rigorously test and monitor this infrastructure, and to address any viewer feedback.

ACMA notes the actions taken by the licensee in response to the breach finding and considers them to be satisfactory, as this is the licensee's first breach of this clause since the change in legislation on 1 January 2007. This change meant that the provision of a captioning service became compulsory to all licensees during specified hours.



2EAR Moruya did not encourage community participation

ACMA has found that Eurobodalla Access Radio Inc., the licensee of community radio station 2EAR Moruya, breached a condition of its licence by failing to encourage members of the community it serves to participate in the operations and programming of the service.

Eurobodalla Access Radio Inc. holds a community broadcasting licence to provide a radio service for the general community of Moruya.

As the licensee has already taken appropriate measures designed to ensure its obligations under the *Broadcasting Services Act 1992* are met, ACMA has not taken further action. 2EAR will be required to provide a status report in six months time and the need for any additional

reporting will be reassessed then.

Between March and May 2007, ACMA received five complaints that 2EAR was failing to encourage community participation. Additionally, three of the complainants also alleged that the licensee was failing to represent its community interest. However, ACMA found that the licensee was compliant with this requirement of the *Broadcasting Services Act*.

A copy of the investigation report is available on the ACMA website at www.acma.gov.au (go to About ACMA: Publications & research > Broadcasting publications > Investigations > Radio operations investigations > Radio operations – NSW community radio investigations).