

TEN captioning breach

The ACMA received a complaint on 21 January 2009 alleging that TEN's coverage of the *Inauguration of President Obama* was not captioned.

Under the *Broadcasting Services Act 1992* (the BSA), commercial television licensees must provide a captioning service for all television programs transmitted during prime viewing hours and all television news and current affairs programs transmitted outside prime viewing hours. A 'news or current affairs' program is defined in the BSA as:

- (a) a news bulletin;
- (b) a sports news bulletin;
- (c) a program (whether presenter-based or not) whose sole or dominant purpose is to provide analysis, commentary or discussion principally designed to inform the general community about social, economic or political issues of current relevance to the general community.

TEN initially failed to characterise the broadcast as news given it was not a typical news bulletin and was a one-off event. However, upon review, it acknowledged that the broadcast was 'news' within the relevant definition and, accordingly, should have been captioned. In response to the breach finding, TEN provided a tailored captioning training session to relevant staff from the Programming, Operations and News departments which included detailed discussion of the ACMA finding. TEN undertook to repeat the tailored training annually or as staff turnover requires. TEN also:

- > reviewed its current process to ensure that programs are captioned in accordance with the BSA

Under the *Broadcasting Services Act 1992* (the BSA), commercial television licensees must provide a captioning service for all television programs transmitted during prime viewing hours and all television news and current affairs programs transmitted outside prime viewing hours.

- > is preparing an updated handout summarising captioning obligations under the BSA and Free TV Code with particular emphasis on the relevant definition of 'news or current affairs program'
- > will include captioning as a topic in both regular legal and Code training for the News Department.

The ACMA will continue to monitor the licensee's performance to ensure that these measures result in ongoing compliance. While the licensee breached the captioning provisions during 2007, there are no recorded breaches in relation to captioning in 2008. ☺

The investigation report is available on the ACMA website www.acma.gov.au (go to About ACMA: Publications & research > Publications > Broadcasting publications > Broadcasting investigations reports > Television operations investigations > Television operations—NSW commercial TV investigations [Report 2131]).

