

**RATIONALE FOR
AN
INDIGENOUS BROADCASTING SERVICE**

Aboriginal and Torres Strait Islander Commission
November 1999

1. GENERAL

- **Australia should be an egalitarian society.** This idea has wide social acceptance among both Indigenous and non-Indigenous Australians.
- At colonisation, Indigenous societies were remarkably egalitarian, which often surprised their European contemporaries, from Captain James Cook onwards.

From what I have said of the Natives of New-Holland they may appear to some to be the most wretched people upon Earth, but in reality they are far more happier than we Europeans ... **They live in a Tranquility which is not disturb'd by the Inequality of Condition:** The Earth and sea of their own accord furnishes them with all things necessary for life, they covet not Magnificent Houses, Household-stuff &c, they live in a warm and fine Climate and enjoy a very wholesome Air, so that they have very little need of Clothing ...¹

There can hardly be said to be any form of government existing among a people who recognize no authority, and where every member of the community is at liberty to act as he likes, except in so far as he may be influenced by the general opinions and wishes of the tribe. ²

- From colonial times European Australians have also been generally egalitarian and have tried to embody this concept in their social institutions.
- We acknowledge that people are not equal, in the sense that they are born with natural differences and that social differences will develop throughout their life cycles. But our mutually accepted sense of values dictates that there are some areas of life in which our society will not tolerate inequality. These areas are usually referred to in terms of **rights**.
- For example, we believe in the rule of law; i.e. the equal subjection of all to a set of laws created by an elected legislature and administered by the courts. To this end, we have deliberately created a set of rules, officially recognised and enforced by the state, which treats all people as equal. **Equality before the law** is the right of every Australian.
- Australians are also generally committed to the proposition that every citizen should enjoy **freedom of expression**.

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas ...³

Moreover, this right to freedom of expression should be enjoyed without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.⁴

- Public policy should always protect and preserve our rights as citizens, including our right to freedom of expression. ATSIC believes that Indigenous Australians have a right to access the electronic highways along which modern societies communicate. **The broadcasting system is one of those highways and access to it should be rights based.**

In a democratic society, communication is a basic human right. In Australia this increasingly means electronic communication. It is critically important that Indigenous peoples have access to the means of communication within their communities.⁵

- A broadcasting system that provides **freedom of access to the electronic highways** is particularly important to the Indigenous peoples because:
 - their cultures are based upon verbal communication
 - further loss of their languages will lead to cultural degradation
 - a significant proportion are not fully functional in English and are therefore hampered in seeking access to employment and services such as health and education

Not having the confidence to speak, read and write English can mean that some Indigenous people find it difficult to approach services such as health and welfare services. The same applies to communications services - which can in turn be the key to accessing the others.⁶

- Therefore “the broadcasting system should play its part by **providing Indigenous peoples with a primary service** designed both to maintain Indigenous languages and cultures and to provide information, education and entertainment to Indigenous communities.”⁷
- Such a service is also important to Australians generally because:
 - **the Indigenous media are the most effective means for communicating with the Indigenous peoples**; e.g. the 103 communities involved in the Broadcasting for Remote Aboriginal Communities Scheme (BRACS) by definition have no other access to broadcasting services.

... the Indigenous media sectors are offering an invaluable first level of service – in fact in many instances the only vehicle for communicating with Indigenous Australians ...⁸

I know if it's my language being spoken I will listen to that quite closely. But English ... you can hear English and you don't really take notice of it. But when you hear your own language and what's being spoken in your own language, you do take a lot more notice.⁹

- **mainstream media reinforce negative stereotypes of Indigenous Australians**

The overall media representation of Aborigines differs significantly from the representation of other minorities. Australians appear to be

far more threatened by strong, positive images of Aboriginality than they of (sic) assertive images of immigrant groups or exotic peoples.¹⁰

○ **Reconciliation requires mutual understanding**

The perpetuation and promotion of negative racial stereotypes, a tendency towards conflictual and sensationalist reporting of race issues and insensitivity towards, and often ignorance of, minority cultures can all contribute to creating a social climate which is tolerant of racist violence.¹¹

Most Australians still have very limited exposure to Indigenous cultures, the issues that concern Indigenous peoples, or the views of the Indigenous communities.¹²

- **Therefore the broadcasting system must also play a part in informing mainstream Australians about our Indigenous peoples and their cultures.**
- **It should provide a cultural and economic bridge between Indigenous and non-Indigenous peoples.**¹³
- **ATSIC proposes that the Objects of the *Broadcasting Services Act 1992* be amended in order to recognise the special role of Indigenous broadcasting in the Australian broadcasting system.**

The Australian broadcasting system should ... reflect the ... multicultural and multiracial nature of Australian society and the special place of Indigenous peoples within that society ...

Programming that reflects the Indigenous cultures of Australia should be provided within the Australian broadcasting system as resources become available for the purpose.¹⁴

2. ATSIK POLICY

- **ATSIC's broadcasting policy** is based upon three key premises:
 - Indigenous Australians have a **right** to consultation and self determination in their own affairs
 - Australians generally recognise that the Indigenous peoples have been **greatly disadvantaged** and accept that special consideration is required; and
 - **an effective broadcasting infrastructure** is crucial to redressing their disadvantage.
- The rationale for this policy rests upon five main considerations:
 - a) equity
 - b) cultural maintenance
 - c) efficiency
 - d) employment; and
 - e) community perceptions

a. Equity

- In the 1970s the Commonwealth recognised the special needs of Australians of non-English speaking background (NESB), by providing the Special Broadcasting Service (SBS) and subsidised access to community broadcasting. These services constitute **ethnic broadcasting**.
- Ethnic broadcasting has been a success story, meeting **migrant needs** by providing:
 - entertainment
 - news of Australia and their home countries
 - maintenance of their languages and cultures
 - information and advice to assist with settlement; and
 - instruction in the English language
- It also meets the needs of **mainstream Australians** by providing:
 - enrichment of Australian culture by infusion of ethnic cultures
 - teaching of migrant languages to Australian language students; and
 - cultural integration

Total funding for SBS in 1999-2000 is \$114 million annually ... Ethnic broadcasting is formally recognised as one of the four areas of community broadcasting regularly funded by government and recurrent funding in 1999-2000 is \$1.36 million.¹⁵

- While the broadcasting needs of Indigenous Australians have been partially met by the Broadcasting for Remote Aboriginal Communities Scheme (BRACS) and limited access to community broadcasting, **the services provided are still inadequate.**
- This is largely because both kinds of service have been **under funded and forced to rely upon volunteers.** As a result they are unable adequately to meet Indigenous needs.
- There are 386 000 Indigenous Australians – 2.1% of the population. **Because of their historic disadvantage, their geographic isolation and their socio-economic marginalisation they have an even greater need than that of the ethnic communities for special broadcasting services.**
- **Mainstream Australians** also need these special services, because without them they will never enjoy the cultural enrichment, access to Indigenous languages and integration of the cultures that are their birthright as Australians.

b. Cultural Maintenance

- Language reaffirms and nurtures cultural identity. **Loss of language leads to cultural dislocation and destruction.**
- Broadcasting in Language:
 - provides **cultural enrichment and reinforcement**
 - allows access to **news of Indigenous affairs**
 - provides **an Indigenous perspective** to general news and current affairs
- Many Indigenous people still **speak an Indigenous language at home.**

...in rural and remote areas of the Northern Territory and Western Australia, the rate was 32-39%.¹⁶
- Some Indigenous peoples still have **first languages other than English.** Older people may never be functionally literate in English.
- The broadcasting system should help the Indigenous people to **maintain the languages and cultures that are the core of their identity.**

c. Efficiency

- Because of their physiography, countries like Australia, the USA, Canada, the Philippines and Indonesia have a particular need for very efficient communications. It is therefore unsurprising that all these countries have readily adopted satellite delivery technology in their broadcasting systems.
- **This need for communications efficiency is exacerbated in servicing a substantial Indigenous population, particularly if the Indigenous peoples in question require communications in Language.**
- Canada, for example, now broadcasts in fifteen native languages as well as English and French across 4.3 million square kilometres in several time zones. Our needs are very similar. That is why ATSIC has so strongly supported the BRACS.
- Satellite-based delivery systems are very cost effective in reaching rural communities and isolated homesteads. **Using present technology, there is no more efficient method** of providing a scattered population with:
 - government information on matters such as
 - health and nutrition
 - child welfare
 - social services
 - substance abuse
 - domestic violence
 - telemedicine
 - distance education
 - news and current affairs
 - children's television
 - music
 - special events
 - cultural enrichment
- To date there has been no comparable method of reaching urban audiences. Australia is still grappling with fundamental decisions regarding digitisation, but **within the next decade the efficiency of existing terrestrial delivery systems will be substantially enhanced by the introduction of multi-channelling.**
- Many Indigenous people are urban-based. ATSIC believes that the proper mix of satellite, cable and the new digital terrestrial television broadcasting (DTTB) delivery systems can provide **a once-only opportunity to deliver a range of Indigenous broadcasting services on a national basis at relatively low cost.**

Indigenous media are the most cost effective – and often the only - vehicle for communicating with Indigenous Australians. Therefore, funding of the sector should not be seen as welfare spending, but as an investment.¹⁷

Some future legislative amendment would be necessary to allow an ICA network(s) to be ‘piggybacked’ onto any national distribution network, a fact that might be noted in the Productivity Commission’s report. However ... there is no technical impediment to multi-channelling.¹⁸

d. Employment

- Indigenous broadcasting offers Indigenous people access and participation, but **it can also provide opportunities for employment**. Since the unemployment rate for Indigenous people is much higher than for the community generally (23% compared to 9% in 1996), this point is of critical importance.
- **A thoroughgoing review of Indigenous media training policies, funding criteria and implementation strategies is currently required.**¹⁹
- ATSIC has not attempted to factor funds for training into its estimates for an Indigenous broadcasting service. However, it favours a **whole-of-organization approach under which Indigenous people are trained for employment in the rapidly changing media environment under the same terms offered to mainstream media trainees; i.e.**
 - in-house, entry level training
 - a proper training wage (not CDEP or Abstudy, since these programs operate under different criteria)
 - multi-skilling
 - opportunities for tertiary study; and
 - a predictable career path
- The communications sector is expanding rapidly all over the world. In Australia it is one of the highest growth sectors. Indigenous people with transferable skills - such as the Certificate of Basic Electronics or the Broadcast [Station Operators] Certificate of Proficiency (BCOP) – **will readily find real jobs in the mainstream industry**.
- Moreover, **Indigenous people generally will benefit from easier access to information about social welfare services, including opportunities for employment**. It is particularly important that some of these opportunities will be in rural and remote areas.

As the ABS dryly puts it, ‘While the use of Indigenous languages is an expression of the maintenance of Indigenous culture, it can also be a marker for reduced access to services and employment.’²⁰

e. Community perceptions

- Communication is the representation of shared beliefs. **It does not meet a people's need for communication that others should speak on their behalf.**
- The broadcasting of culturally and linguistically relevant programs on Australian radio and television will inevitably **reinforce the sense of self worth of Indigenous peoples.**

...there is no substitute for a community's language in identifying suitable role models, identities and values. 'If we lose our language, if we lose our culture ... we become lost ourselves.'²¹

- It will also **improve the profile of Indigenous peoples in the mainstream community.**

Indigenous people are largely invisible in the mainstream media and what coverage is provided tends to reinforce and perpetuate negative stereotypes ... Since most Australians will never meet an Indigenous person, let alone get to know them well, this is a matter for serious public concern ... the broadcasting system must play its part by informing mainstream Australians about our Indigenous peoples and their cultures.²²

- As the Productivity Commission has already noted in its draft Report, Indigenous media can **"offer a 'cultural bridge' between Indigenous and non-Indigenous Australians"**.²³

3. MARKETING INDIGENOUS AUSTRALIA

- There is world wide interest in Indigenous Australian art and culture, especially the art of Arnhem Land and Central Australia, and exports now reach at least 75 countries. In 1997 ATSIC estimated that the market for Indigenous arts and crafts was worth some \$200 million per year.²⁴ Commercial galleries operate not only in Alice Springs, Darwin, Brisbane, Sydney and Melbourne, but also in Amsterdam, Tokyo and San Francisco. Collector interest has been so great that rare items; e.g. rock paintings, are now specified in legislation to protect cultural heritage (*Protection of Movable Cultural Heritage Act 1986*).
- In the decade, 1987-1998 exports of Australian film and television (FTV) program material doubled (from \$50 million to \$100 million).²⁵ An Indigenous broadcasting service would regularly commission FTV programs with Indigenous themes, thereby increasing the supply of program material attractive to overseas broadcasters and pay TV operators; e.g. documentaries, series, serials and feature films.
- The effect will be to:
 - increase the output of FTV programs dealing with Indigenous history, art and culture; e.g. the feature film *Radiance* (an award-winning comedy-drama directed by Rachel Perkins)
 - popularise Indigenous art and culture, both here and abroad; e.g. the ABC's *National Indigenous Documentary Series* (half-hour documentaries on Indigenous issues, people and lifestyles) and the SBS/AFC *Indigenous Drama Series* (15-30 minute short drama series), both on show at overseas film festivals.
 - enhance tourism. Indigenous culture differentiates our tourism product from that of other countries and half of the \$200 million per year arts and crafts industry hangs off tourism²⁶. Yet there is a dearth of suitable audio-video material. This is particularly significant for the tourist industries of North and Central Australia.
- **The export of Indigenous FTV programs will allow world access to Australia's unique art and culture without the risk of damage to our heritage. It should also make a substantial contribution to Australia's balance of payments.**

4. POSSIBLE OPTIONS

- ATSIC supports NIMAA's proposal to establish a statutory authority to provide broadcasting services to Indigenous Australians, called Indigenous Communications Australia (ICA), which would include both National Indigenous Television (NITV) and National Indigenous Radio (NIR).²⁷ We would expect the BRACS stations, and possibly some existing community stations, to affiliate to the ICA.
- **We believe that establishment of the ICA would make an important contribution to the process of Reconciliation. It would be standing testimony to Australia's respect for its Indigenous peoples, their art and their cultures and would be recognised as such both here and abroad.**
- However, we accept that there are a number of options regarding implementation. The most feasible are:

Option A: an independent national broadcaster

Option B: a division within an existing national broadcaster; and

Option C: a community broadcaster

OPTION A: An Independent National Broadcaster

- Option A is to provide the services through an independent statutory body, representative of the Indigenous peoples. The services would be 'piggy-backed' (multiplexed) on a frequency already used by one of the national broadcasters. They would be taxpayer-funded, supplemented by income from the sale of sponsorships. The organisational structure would be like that of the existing national broadcasters.
- **The advantages of Option A are:**
 - the Indigenous peoples would feel that they 'owned' the authority
 - the authority would provide a long-term, professional structure for Indigenous employment and training
 - the services would be instantly recognisable icons for Indigenous art and culture; and
 - Indigenous programming would not be diluted
- **The disadvantages of Option A are:**
 - the bulk of costs (including the opportunity cost of allocating part of a television frequency) would be met by the taxpayers
 - there would be some duplication of infrastructure already available in the ABC and SBS; and
 - the Indigenous peoples might perceive the authority as an 'electronic ghetto'; or non- Indigenous people might perceive the authority as

unduly favouring Indigenous peoples (“Aborigines are getting a special deal”)

OPTION B: A Division Within An Existing National Broadcaster

- Option B is the same as Option A, except that the Indigenous broadcasting services would be accommodated within the framework of an existing national broadcasting authority. Note that:
 - The ABC already has dedicated Indigenous production units in both radio and television and produces programs for and about the Indigenous peoples. It also assists, trains and employs Indigenous broadcasters.
 - The SBS charter already obliges it to “contribute to meeting the communication needs of ... Aboriginal and Torres Strait Islander communities.”²⁸ It has a record of producing and commissioning programs for and about the Indigenous peoples and a program purchasing unit which commissions programs in this area.

- **The advantages of Option B are:**
 - Indigenous services would be perceived as a legitimate extension of existing special services; e.g. ethnic broadcasting
 - it would avoid duplication of infrastructure (‘re-inventing the wheel’)
 - it would facilitate partial use of a national frequency
 - the services would still provide a long-term, professional structure for Indigenous employment and training; and
 - they could be provided at marginal cost

- **The disadvantages of Option B are:**
 - the bulk of costs (including the opportunity cost of allocating part of a television frequency) would still be met by the taxpayers
 - Indigenous peoples might not feel they ‘own’ the services (“whitefella business”)
 - Indigenous programming might be diluted

OPTION C: A Community Broadcaster

- Option C would need to be an Indigenous community broadcasting network (radio and television). New legislation would be required to create ‘network’ licences and if precedent is followed, the Australian Broadcasting Authority (ABA) would need to hold hearings before granting such a licence or licences.

- **The advantages of Option C are:**
 - the Indigenous peoples would feel that they ‘owned’ the services
 - the services would be instantly recognisable icons for Indigenous art and culture; and
 - Indigenous programming would not be diluted

- **The disadvantages of Option C are:**
 - it would place considerable management and financial burdens on the Indigenous communities
 - funding for community broadcasting is already insufficient
 - the services would have to be volunteer driven
 - they could not provide professional training and a career structure
 - they could not afford substantial program commissioning
 - existing Indigenous community licensees would need to cooperate
 - new legislation would be required; and
 - it is unlikely that suitable applicants would be found.

5 CONCLUSION

ATSIC acknowledges that the Terms of this Reference to the Productivity Commission are restricted to a review of broadcasting legislation. However, we have expanded our focus in this Submission in order to set the scene for building a national Indigenous broadcasting service. It will be seen that our first three Recommendations are essential precursors to providing such a service.

We have argued:

- that the Objectives of the *Broadcasting Services Act 1992* should be amended to recognise the special role of Indigenous broadcasting
- that ministers should commission a feasibility study to report on possible migratory paths to an Indigenous broadcasting authority; and
- that BRACS licences should be substantially modified.

Australia is - and should be - an egalitarian society in which every citizen enjoys freedom of expression as a right. Since our broadcasting system is one of the electronic highways along which modern societies communicate, access to it should be rights based. Citizens denied access to broadcasting are denied their birthright.

The success of Australia's unique experiment in ethnic broadcasting demonstrates that the broadcasting system can be a powerful instrument for communicating with specific communities as well as developing mutual understanding.

Australia's 386 000 Indigenous Australians have an even more pressing need for special services than our migrant communities, yet the services provided for them remain inadequate. Many Indigenous people speak English only as a second, third or fourth language. Loss of their own Languages exacerbates their cultural dislocation.

However, in the next decade, multi-channelling will provide a highly efficient means of delivering a range of national Indigenous broadcasting services at relatively low cost. This opportunity must not be missed.

A national Indigenous broadcasting service would provide significant training for mainstream employment. It would alert Indigenous communities to the services available to them. It would provide opportunities for increasing our trade with the outside world. And it would improve the Indigenous peoples' confidence as well as enhance their standing in the general community.

It is essential that the broadcasting system provide a primary service to the Indigenous peoples. But it can do even more. It can also assist our mutual understanding. It can provide a true cultural and economic bridge across which all Australians may travel towards Reconciliation.

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- ¹ J C Beaglehole (ed). *The Journals of Captain James Cook: The Voyage of the Endeavour 1768-1771*, Cambridge 1955, 399
- ² Edward J Eyre. *Journals of Discovery into Central Australia and Overland from Adelaide to King George's Sound*. London 1845, 315
- ³ Council of Europe. (ETS No.5) *European Convention on Human Rights*, Article 10
- ⁴ *ibid*, Article 14
- ⁵ ATSIC. *Digital Dreaming: a National Review of Indigenous Media and Communications; Executive Summary*; Woden ACT; June 1999, 63
- ⁶ ATSIC. *Indigenous Communications Australia (ICA): a proposal to meet the broadcasting needs of Australia's Indigenous peoples*; Submission to the Productivity Commission; September 1999, 10
- ⁷ *ibid*, 23
- ⁸ ATSIC. *Digital Dreaming: a National Review of Indigenous Media and Communications*; Woden ACT; March 1998, 425
- ⁹ Ros Bowden and Bill Bunbury (comp.) *Being Aboriginal: comments, observations and stories from Aboriginal Australians*; Sydney 1990, 34
- ¹⁰ Goodall, H *et al.* *Racism, Cultural Pluralism and the Media; a report from the Office of Multicultural Affairs*; November 1990, 67-8
- ¹¹ *ibid*, 365
- ¹² ATSIC. *Indigenous Communications Australia (ICA)*, 24
- ¹³ *idem*
- ¹⁴ *ibid*, 27
- ¹⁵ *ibid*, 8
- ¹⁶ *ibid*, 10
- ¹⁷ ATSIC. *Digital Dreaming: a National Review of Indigenous Media and Communications; Executive Summary*, 3
- ¹⁸ ATSIC. *Indigenous Communications Australia (ICA)*, 26
- ¹⁹ Cf ATSIC. *Digital Dreaming: a National Review of Indigenous Media and Communications*, Chapter 5. Recommendations 5.1-5.4 deal with training policies and funding. The distortions introduced by attempting to utilise CDEP and Abstudy funding for Indigenous trainees are widely canvassed in Neil Turner. *National Report on the Broadcasting for Remote Aboriginal Communities Scheme*; NIMAA Brisbane; May 1998.
- ²⁰ ATSIC. *Digital Dreaming: a National Review of Indigenous Media and Communications*, 10
- ²¹ Quoted at *ibid*, 12
- ²² ATSIC. *Indigenous Communications Australia (ICA)*, 23
- ²³ Productivity Commission. *Broadcasting; Draft Report*; October 1999, 101

²⁴ ATSIC. *National Aboriginal and Torres Strait Islander Cultural Industry Strategy*; February 1997,

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²⁵ *ibid*, 203

²⁶ ATSIC. *loc cit*

²⁷ ATSIC. *op cit*, 4

²⁸ *Broadcasting Services Act 1992*, S6 (2)