INDIGENOUS COMMUNICATIONS AUSTRALIA (ICA)

A PROPOSAL TO MEET
THE BROADCASTING NEEDS OF
AUSTRALIA'S INDIGENOUS PEOPLES

**Submission to the Productivity Commission by
the Aboriginal and Torres Strait Islander
Commission (ATSIC)
September 1999**

CONTENTS

PART A: INTRODUCTION

The Productivity Commission's Terms of Reference for this Inquiry rightly observe that Australia's broadcasting legislation seeks "to provide a regulatory environment that varies according to the degree of influence of certain services upon society and   which facilitates the development of an efficient and competitive market that is responsive to audience needs and technological developments".

 They then proceed to note that:

The Acts also seek to protect certain social and cultural values, including promoting a sense of Australian identity, character and social diversity … [1]

ATSIC agrees that the Commission should focus on balancing the social, cultural and economic dimensions of the public interest. And it contends that   'the well-being of the community as a whole' would be materially assisted if our Indigenous citizens, the peoples who more than any other in the recent past have given us our sense of Australian identity, could be assisted to enjoy the same level of communication services as their fellow Australians.

This submission essentially rests upon the concept of freedom of expression. It asserts the right of every Australian citizen, including Indigenous citizens, to receive information and ideas, as well as to impart them. Unless citizens can "receive information and ideas in a form that is unmediated by the channel on which they are transmitted"[2], they cannot truly be called free. Certainly, they are prevented from reaffirming and nurturing their cultural identity.

ATSIC believes that our broadcasting system should be rights-based.[3]   Indigenous media are not just optional extras, but a critical component of the reconciliation process itself.

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.[4]

There are now some 386 000 Indigenous people in Australia. They are greatly disadvantaged and Indigenous media are demonstrably the most effective way of meeting their communication needs.

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.[5]

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[1] Productivity Commission. *Issues Paper: Broadcasting; March 1999*, 3

[2] Vincent Porter. "Public service broadcasting and the new global information order"; *Intermedia*; Vol 27 no 4; August 1999, 35

[3] The concept of a rights-based broadcasting system is embodied in the Council of Europe's 1994 Mission Statement for Public Service Broadcasters. *Cf* Vincent Porter. *op cit*

[4] ATSIC. *Digital Dreaming: a National Review of Indigenous Media and Communications; Executive Summary;* Woden ACT; June 1999, 63

[5] *idem*

ATSIC believes that broadcasting services are a merit good. While there are no widely accepted criteria for establishing this, Australian society generally accepts that efficient and affordable communications are intrinsically desirable. This is an area in which the market is not coping and never will cope and "public policy should **not** rely upon market forces to address the communication needs of Indigenous peoples".[6]

Indigenous broadcasting in Australia is currently in a situation analogous to that of ethnic broadcasting a quarter of a century ago. That is, while a number of well meaning attempts have been made to meet the broadcasting needs of Indigenous communities, they have sometimes been *ad hoc*, unplanned and unresponsive to their target audience.

It is necessary not only to amend the relevant legislation, but to take a fresh look at the aims and objectives of the Australian broadcasting system so that Indigenous communities are provided with the broadcasting services that are their right.

The objectives of Indigenous broadcasting services should be:

a)   to provide a primary (first level) broadcasting service to Indigenous Australians. *This should be designed to maintain Indigenous languages and cultures and to provide information, education and entertainment to Indigenous communities.*
b)   to inform mainstream Australians about our Indigenous peoples and their cultures.

The submission argues that it is necessary to:
- review the situation
- establish an integrated long-term development plan; and
- initiate necessary action.

Accordingly, ATSIC recommends some significant legislative amendments. Since these amendments are important building blocks in its wider plan to equalise communication services, it also spells out a proposal to establish a statutory authority to provide broadcasting services to Indigenous Australians. This might be called Indigenous Communications Australia (ICA) and would include both National Indigenous Television (NITV) and National Indigenous Radio (NIR).

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[6] *ibid*, 13

PART B: BACKGROUND

The three-sector broadcasting system

For the last quarter of a century Australia has been described as having three sectors in its broadcasting system: national, commercial and community broadcasting.[7] While the very term 'broadcasting system' is now questionable[8], we will adopt that typology for the purposes of this paper.

National broadcasting services are those provided by the Australian Broadcasting Corporation (ABC), the Special Broadcasting Service (SBS) or the Parliament; i.e. they are government funded.[9]

Commercial broadcasting services are intended for the general public, able to be received by commonly available equipment and funded by advertising; i.e they are operated for profit.[10]

Community broadcasting services are provided for community purposes, able to be received by commonly available equipment and provided free; i.e. they are not operated for profit.[11]

Creation of the three sectors

If we go back twenty five years, it will be seen that the creation of this three-sector system was a uniquely Australian achievement, driven by the need to satisfy pent up demand for a range of services not then available.

From 1932 until June 1975, Australia enjoyed a dual broadcasting system, consisting of national (ABC) and commercial services only. By the standards of the day, this system provided 'adequate and comprehensive services'.[12] Indeed, it was regarded as a very advanced system. Australian broadcasting compared favourably with that of the UK and

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[7] In 1975 the groundbreaking *Green Report* recommended creation of a third sector, then called 'public broadcasting'. To avoid terminological confusion, it was later re-labelled as 'community broadcasting' (in Europe government funded broadcasting is called 'public'; in the USA community broadcasting, which is substantially government-funded, is called 'public'.)

[8] Confusion arises because the original, technology-based definition of 'broadcasting' was based on the transmission of wireless signals; e.g. "radiofrequency transmissions intended for reception by the general public." Because developments in the technology now allow many different forms of transmission, the word 'broadcasting' is not defined in the existing Act. Instead, the words 'broadcasting service' are defined in terms of the *program material* being broadcast; i.e. 'television programs or radio programs'. How this material is transmitted is irrelevant. Consequently, the Act contains apparent oxymorons like 'subscription broadcasting services' and identifies not three, but six, types of service, including subscription broadcasting, subscription narrowcasting and open narrowcasting. *Broadcasting Services Act 1992*; S6

[9] *ibid*, S13

[10] *ibid*, S14. They are sometimes called 'free to air' services.

[11] *ibid*, S15

[12] The term was used in the *Broadcasting & Television Act 1942* to describe the objectives of the system.

more than favourably with that of the USA. At the time only Canada could be said to have a more adequate and comprehensive system.

However, Australia 1975 was a very different country to the Australia of the 1930s. Aware of this, the coalition Government commissioned the Department of Post and Telecommunications

> to inquire into the Australian broadcasting system with particular regard to the machinery and procedures for the control, planning, licensing, regulation, funding and administration of the system [13].

The path-breaking Green Report argued that the effectiveness and value of a broadcasting system rested entirely upon its capacity to serve the diversity of interests in society.

> Insofar as Australian society is diverse, and encompasses a wide variety of interests, tastes and needs, so the broadcasting system should attempt to provide, within the framework of economic feasibility, a diversity of services to satisfy the requirements of special interest or minority groups as well as those of the mass audiences … The system must be structured in such a way that the mass interest does not erase the special or minority interest, and social issues are not ignored. [14]

The result has been the present three sector system. Over a decade or more, the legislative, administrative and regulatory framework of Australian broadcasting has been changed by successive governments and by the work (often unpaid) of thousands of broadcasters precisely to accommodate this crucial objective: to provide a diversity of services.[15]

The development of ethnic broadcasting

Community broadcasting developed as a response to our social diversity.[16]

By 1975, 1.4 million people in Australia had been born in countries with a first language other than English.[17] Although this diversity was the direct result of government policies, the communications needs of these people had been ignored. Clearly, one of the most glaring deficiencies in the broadcasting system was its failure to meet the needs of a whole set of special interests: non-English speaking Australians. Because there are such striking parallels between their situation and the current situation of Australia's original inhabitants, it is worth considering this in a little detail.

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[13] Postal and Telecommunications Department. *Australian Broadcasting: a report on the structure of the Australian broadcasting system and associated matters* (The Green Report); Canberra 1976, 2

[14] *ibid*, 38

[15] Note that the community sector provides broadcasting services to many special interests; e.g. ethnic broadcasting, fine music, radio for the print handicapped, Christian radio, tertiary education, gays and Lesbian radio, etc. There are also a number of community television stations.

[16] There have also been consistent, though often belated, attempts by the ABC. However, it has to be said that commercial broadcasting has virtually ignored the issue and some features of its programming (especially talkback radio) have been consistently inimical to minorities such as the Indigenous communities. Some subscription broadcasting services now cater for specific language groups; e.g. Greek or Italian.

[17] The major source countries were Austria, China, Germany, Greece, Italy, Latin American countries, Lebanon, Netherlands, Poland, Yugoslavia, the UAR. and the USSR. *ibid*, 18

Until the 1970s there was scarcely any broadcasting in the first language of established migrant groups, such as the Greek and Italian communities, let alone in the languages of new arrivals. The working assumption was that all these communities would as speedily as possible assimilate into the dominant Anglo-Saxon culture. As a consequence, for many years the ABC virtually ignored non-English speakers and commercial stations were deliberately prevented from broadcasting more than a minuscule amount of foreign languages[18]. It is no exaggeration to say that both sectors of the existing system "ignored the needs of people from non-English speaking backgrounds"[19]

The arguments for introducing ethnic broadcasting were:

- that broadcasting services are a merit good
- that people of ethnic origin have the same right to these services as people from the dominant groups
- that diversity is socially and politically desirable in itself.

Ethnic broadcasting would meet two sets of needs. Migrant needs would be met by the provision of:

- entertainment
- news of Australia and the home countries
- maintenance of the culture of ethnic groups
- information and advice to assist with settlement in Australia; and
- instruction in the English language

The needs of all Australians would be met by:

- enrichment of Australian culture by infusion of ethnic cultures
- teaching of migrant languages to Australian language students; and
- cultural integration[20]

Australia's great ethnic broadcasting experiment began in 1974. It occurred in a variety of forms and a variety of places under the rubric of both the national sector and the developing community sector (itself then still in the experimental stage).[21]

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[18] Until 1973 commercial radio stations were allowed to broadcast only 2.5% of their transmissions in foreign languages and these broadcasts had to be followed by English translations. However, these restrictions were not really needed; two years after they were lifted, less than one program hour in every five hundred was in a language other than English. The ABC was content to produce programs such as *Learning English* and *Contact*, a weekly half-hour mainly in English. There were also a handful of television programs based upon non-English material, such as *Variety Italian Style*. Consultative Committee on Ethnic Broadcasting. *Future Development of Ethnic Broadcasting in Australia: Report to the Minister for Immigration and Ethnic Affairs and the Minister for Post and Telecommunications*; July 1976, 41.

[19] Department of Transport and Communications. *Review of National Broadcasting Policy: Discussion Paper – Special Broadcasting Service*; Canberra July 1988, 6

[20] *ibid*, 20

[21] For example, the University of Adelaide provided access through its experimental 'public' station, 5UV. In 1975, the ABC began to provide regular access to 28 groups broadcasting in as many ethnic languages through radio station 3ZZ and radio stations 2EA Sydney and 3EA Melbourne were funded (albeit at a very low level) by the Commonwealth.

In January 1978 a dedicated statutory authority, the Special Broadcasting Service (SBS), was established under the *Broadcasting and Television Act 1942*. Its charter at that time was to provide multilingual radio services through 2EA Sydney and 3EA Melbourne. Later this charter was extended to include television and later still the SBS was given its own Act, now the *Special Broadcasting Service Act 1991*.[22] It was deliberately identified with the needs of a diverse and multicultural society.

> The principal function of the SBS is to provide multilingual and multicultural radio and television services that inform, educate and entertain all Australians, and in doing so, reflect Australia's multicultural society.[23]

Concurrent with these developments in the national sector, the burgeoning community broadcasting sector provided access for ethnic communities and successive governments funded that access.

The ethnic broadcasting that in 1974 seemed so revolutionary a concept has now become routine. There is a statutory authority specifically charged with serving the needs of ethnic communities. Total funding for SBS in 1999-2000 is $114 million annually and Australia is perhaps unique in the world in having not one, but two national broadcasters.[24]

There are also a variety of ethnic broadcasting services provided in the community sector. Seventy nine stations, including five full time ethnic stations, produce more than 1480 hours per week of local programming in 90 languages. Ethnic programs are available in every State and Territory capital and in 42 regional and rural areas. There is a very successful training scheme funded by government and ethnic programs generally attract generous sponsorship. 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.[25]

It should be noted that both the SBS and the ethnic community broadcasters have strong support on both sides of politics. The community broadcasters are represented by a peak national body, the National and Ethnic Multicultural Broadcasters' Council (NEMBC), based in Melbourne. Ethnic broadcasting is a permanent feature of the Australian landscape.

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[22] In January 1980, acting on the recommendations of the Ethnic Television Review Panel, the coalition government attempted to extend the SBS to become the Independent and Multicultural Broadcasting Corporation (IMBC), but this was rejected by the Senate. Despite the legislative and administrative shambles, SBS still managed to commence multicultural television in Sydney and Melbourne on target, just eight months after day one. The incoming ALP government commissioned a widespread review of the SBS and finally established the SBS more or less in its current form.

[23] S 6 (1)

[24] In 1976, when the Fraser Government decided to fund ethnic broadcasting, it asked the ABC to provide it. However, the ABC argued for a larger budget than the Government was prepared to offer. In the event this led to the establishment of the SBS in 1978. Legislation to amalgamate the two organisations was introduced into the Parliament by the Hawke Government in 1986, but after sustained resistance from the ethnic communities, it was dropped in 1987.

[25] The four areas are: general, ethnic, Aboriginal and radio for the print handicapped. The Government has provided a total of $3.3 million to community broadcasting for 1999-2000, to be distributed via a special purpose organisation, the Community Broadcasting Foundation (CBF). It also provides substantial one-off grants; e.g. $3.0 million in the *Better Communications* package of 1996.

PART C: INDIGENOUS BROADCASTING

Australia's experiment in ethnic broadcasting has been outstandingly successful, both as a *primary service* ("allowing the communities to talk among themselves") and as a means of *informing mainstream Australia* ("allowing us all to understand and appreciate a little better the richness of the cultures our migrants brought with them").[26] It is universally acclaimed as a unique and valuable development in Australian society.

But what of the original inhabitants of Australia? What of our Indigenous peoples? They have begun the journey, but their communications needs are far from being met – at either of the two levels required.

In many respects the Indigenous communities stand where the ethnic communities were back in 1974. But in some respects they stand even further back. Although they have survived a long period of hardship – and have reclaimed their heritage with pride - our Indigenous peoples are still severely disadvantaged in almost every facet of life.

There has been considerable debate in Australia and elsewhere about how to define a person as 'Indigenous'. The Australian Bureau of Statistics (ABS) uses the Commonwealth working definition:

> An Aboriginal or Torres Strait Islander is a person of Aboriginal or Torres Strait Islander descent who identifies as an Aboriginal or Torres Strait Islander and is accepted as such by the community in which he or she lives.[27]

Using this yardstick, in 1996 there were 386 049 Indigenous Australians, 2.1% of the population and growing.[28] Contrary to popular belief, over half of them lived in NSW or Queensland, but they were not highly visible except in the Northern Territory, where they represented 28.5% of the population.

The ABS has recently analysed social indicators relating to Indigenous Australians in considerable depth.[29] A few major points should be made here:

- the Indigenous population has a life expectancy 18-19 years lower than other Australians[30]
- families are larger and more likely than other Australian families to have a sole parent and receive a lower weekly median family income[31]

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[26] Hon M. J. Duffy, Minister for Communications. "Review of Special Broadcasting Service*"; House of Representatives Hansard* 6 December 1983

[27] The issues are discussed at length in ABS. *Occasional paper: Population Issues, Indigenous Australians;* 1996.

[28] ABS. *1996 Census of Population and Housing.: Aboriginal and Torres Strait Islander People* 1998. Between 1901 and 1966 the ABS measured roughly 80 000 Indigenous people at each census. It believes that the apparent increase is caused by several factors, including increased fertility, dropping death rates, use of different definitions and growing social acceptance of Indigenous identity.

[29] ABS. *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples*; 1999.

[30] 56.9 years for Indigenous males and 61.7 years for Indigenous females. These are similar to the rates in Lesotho, Western Sahara, Bolivia and Pakistan. *ibid*, 134

- the unemployment rate is significantly higher (23% compared to 9% for the total population)
- about 34% attend an educational institution, compared with 26% of the total population; nevertheless
- a far greater proportion left school early;
- a smaller proportion have post secondary qualifications (14% compared to 34%)
- they have very poor health status; and
- they are much more likely to be imprisoned (over 14 times the rate for Australians as a whole)

Even optimists find it difficult to resist the conclusion that our Indigenous peoples are "the most deprived, imprisoned, harrassed, dependent, dispossessed group in Australia."[32] ATSIC believes that for them adequate communications services are not a luxury – not even just a right – but a necessity.

"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."[33] The same applies to communications services - which can in turn be the key to accessing the others. 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."[34]

In 1996 about 13% of Indigenous people reported speaking an Indigenous language at home.[35] While this applied to a low proportion of people in the eastern and southern States, in rural and remote areas of the Northern Territory and Western Australia, the rate was 32-39%.

Since most human behaviours are language-embedded, language is an inevitable part of culture. Language reaffirms and nurtures cultural identity. It is simultaneously part of its culture, an index to it and symbolic of it.[36] Loss of language therefore leads to cultural dislocation and destruction.

So it is highly relevant that at colonisation over 250 Aboriginal and Torres Strait Islander languages were spoken in Australia. Today there are no more than 75.[37] Some Indigenous peoples still have first languages other than English – indeed, may speak English only as

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[31] In 1996, $502 as compared to $736 for other families. Incomes were higher in major urban areas ($573), but still lower than for others ($803).
[32] Tom O'Regan with Philip Batty. "An Australian television culture: issues, strategies, politics" in Tom O'Regan. *Australian Television Culture*; Allen & Unwin; 1993, pp. 169-192.
[33] ABS *op cit*, 71
[34] *idem*
[35] *ibid*, 18. most commonly Arrente or Warlpiri (Central Australia), or Dhuwal-Dhuwala (Eastern Arnhemland).
[36] Joshua A. Fishman. "Language and Culture"; *The Social Science Encyclopaedia*; Routledge 1985, 444
[37] Mostly in the north, centre and west of Australia, although others are preserved in pockets, especially by older people, in other parts of Australia. There are also two *creoles,* forms of pidgin that have become the primary language of a speech community and serve to link different language groups.

fourth or fifth language. Some older people in particular will never achieve functional literacy in English.[38]

These Indigenous languages, like the cultures they reinforce and support, are threatened by an undiluted diet of mainstream broadcasting, especially mainstream television.   For them it is 'cultural nerve gas'.[39]   The role of the Indigenous media is not only to enable Indigenous peoples, but also to maintain the languages and cultures that are the core of their identity.

Indigenous media

Like the communities from which they spring, the Indigenous media are heterogeneous, comprising print, radio, film, television and multimedia. Serving them are some fifty media associations, ranging from large, sophisticated organisations like the Central Australian Aboriginal Media Association (CAAMA), with a television licence and major production capacity, to small associations like those at Hall's Creek or Fitzroy Crossing. Nationally they are   represented by an umbrella organisation funded by ATSIC: the National Indigenous Media Association of Australia (NIMAA), based in Brisbane.

This submission will concentrate upon the sectors of direct relevance to Indigenous broadcasting: radio and FTV (film and television).[40]

Indigenous radio

Radio is the most highly developed and the Indigenous media associations have enjoyed some success within the community broadcasting sector. The advantages of radio for Indigenous communications are that it:

- is relatively cheap to establish
- has low operating costs
- is low-tech, providing significant opportunities for training and employment
- is informal in tone and content
- provides an appropriate outlet for many aspects of Indigenous culture; e.g. music, drama and comedy
- depends on the spoken, not the written, word; and
- is an intensely personal medium

There has also been considerable activity in the national sector.   The Australian Broadcasting Corporation (ABC) has been involved since the 1980s, setting up a purpose-

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[38]   In centres like Alice Springs seven or eight languages may be in daily use. Institute for Aboriginal Development. *Current Distribution of Central Australian Languages* 1990. *Cf* Russell Bomford's comment about a group from the central desert who speak Pitjantjatjara, Yunkujulla, Warlpiri and Arrernte before they speak English. Productivity Commission. *Transcript of Proceedings at Brisbane on Thursday 20 May 1999*, 12J. Remedio and others.

[39]   Eve Fesl, quoted in Michael Meadows. "Ideas from the bush: Indigenous television in Australia and Canada"; *Canadian Journal of Communications;* Vol 20, Number 2, 1995.

[40]   In 1997 ATSIC commissioned the most comprehensive survey of the Indigenous media yet undertaken, which resulted in the study called *Digital Dreaming: a national review of Indigenous media and communications;* June 1998. An Executive Summary was published by ATSIC in June 1999.

specific radio production unit[41]. It has assisted Indigenous media associations[42], employed a quota of Indigenous broadcasters[43] and produced national programs[44]. Since its inception, the Special Broadcasting Service (SBS) has also produced "regular Aboriginal programs covering issues of relevance and interest to Aboriginal Australians" as well as training Indigenous broadcasters.[45] Its current legislative charter requires it, *inter alia*, to "contribute to meeting the communications needs of Australia's multicultural society, including ethnic, Aboriginal and Torres Strait Islander communities".[46]

However, the main developments in Indigenous radio since the 1970s have been in the community broadcasting sector. Currently there are 94 licensed Aboriginal stations: 10 community stations in urban areas, 103 stations under the Broadcasting for Remote Aboriginal Communities Scheme (BRACS)[47], 3 narrowcast stations and one commercial station. There are also up to 40 aspirant groups and one temporary licensee.

The Indigenous radio stations are served by two national distribution networks. The Aboriginal Program Exchange (TAPE) weekly distributes sound tapes compiled from material submitted by Indigenous broadcasters and stations. The National Indigenous Radio Service (NIRS) provides a continuous stream of quality programming for downloading via satellite to Indigenous stations. Over one thousand hours of Indigenous radio are now broadcast each week.

Radio is neither as capital or skill-intensive as television, yet it is a very effective communications medium in communities with a strong oral tradition. ATSIC believes that radio is a highly appropriate medium for Indigenous communications and has given Indigenous radio its strong support.

Indigenous film and television (FTV)

FTV production is very capital and skill-intensive. Again, the ABC[48] and the SBS have produced relevant material, usually aimed at the general audience. They also provide occasional markets for independent Indigenous productions.

ATSIC at one time made its own magazine program for regular distribution, *Aboriginal Australia*. However, the program was never given favourable exposure (usually shown

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[41] The Indigenous Broadcast Unit (IBU).

[42] The IBU is required to "act as the catalyst in the development of Indigenous media organisations, as needed".

[43] Since 1988 its Aboriginal Employment and Development Program (AEDP) has sought to employ at least 2% of Indigenous staff – reflecting the percentage of Indigenous people in the Australian community.

[44] ABC Radio currently produces and broadcasts *Speaking Out* and *Awaye*, both of which are aimed at a general audience.

[45] Department of Transport and Communications. *op cit*, 5. The term 'Indigenous' was not then in general use.

[46] *Broadcasting Services Act 1992*, S 6 (2)

[47] See the following section for BRACS stations, which are designed to re-transmit both radio and television, including national and commercial programs. They can also originate programming.

[48] Since 1989, ABC Television has had an Indigenous Programs Unit (IPU), which has the objective of becoming a centre of excellence for production of Indigenous television in Australia. It has produced a number of important series; e.g. *Blackout* (a magazine), *Kam Yam* ('come yarn' in creole), *Songlines* (Indigenous music) and the National Indigenous Documentary Series (half-hour documentaries).

midnight to dawn). After criticism from Indigenous producers that it (a) used a non-Indigenous production house; and (b) was primarily directed to educating non-Indigenous Australians, the program was dropped and funding was transferred to CAAMA, then NIMAA. Currently it is split between SBS and a National Indigenous Documentary Fund administered by NIMAA.

CAAMA also operates a remote commercial television service (RCTS) for Central Australia: Imparja TV. Imparja is affiliated to the Nine Network and its programming is 95% non Indigenous.

Some Indigenous communities have demonstrated considerable capacity to establish and operate television networks fashioned to their own design. Four desert communities (Yuendumu, Kintore, Lajamanu and Willowra) currently control the Tanami Network. This network is funded by selling airtime to government and other users and since 1993/1994 has made a small operating profit.

Significantly, the Tanami Network is locally controlled and governed by Warlpiri community cultural rules. *Access* to broadcasting services (where one is a client) is not *control* (where one sets the agenda). So that the present arrangements, where Indigenous broadcasters must work within the protocols of the community sector, are often inappropriate. They simply do not meet one of the fundamental criteria. However well-intentioned, community stations are simply unable to provide wholly satisfactory vehicles for Indigenous communications.[49]

The Broadcasting for Remote Aboriginal Communities Scheme (BRACS)

BRACS was introduced in 1987 to deliver radio and television programs via satellite to Indigenous peoples in remote areas. The 103 stations vary widely, but generally speaking are capable of receiving one ABC radio service, the ABC television service and an RCTS. These are then re-transmitted to local communities.

Significant features of the BRACS model are that:

- it enables radio or television programs to be produced locally
- these programs can use the language(s) chosen by the local community
- local program material can then be embedded in broadcasts; and
- the local community can choose not to broadcast mainstream material.

Properly resourced and managed, the BRACS stations are capable of making an invaluable contribution, providing information, entertainment and education to severely disadvantaged Indigenous Australians. They are also capable of providing a wide range of services, such as government information in Indigenous languages, cultural programs for school-age children and telemedicine.

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[49] O'Regan and Batty, *loc cit* distinguish between four levels of control in Aboriginal television: Aboriginal television which entails Aboriginal control, Aboriginal programming on mainstream television, Aboriginal organisational control of a television licence or production company and programming involving Aborigines.

Unfortunately, the roll-out of BRACS stations was not as well planned as it might have been, consultation was minimal and training schemes, while valuable, need to be greatly expanded. Above all, arrangements for the funding of operational staff have proved to be inadequate for the magnitude of the task.

Between 1993 and 1997 ATSIC funded a BRACS Revitalisation project costing $7.6 million. This has been effective in providing for equipment upgrades and training (although not in the Torres Strait). The principal outstanding issues are operational funding, including wages, and a more comprehensive strategy on training.[50]

Community broadcasting

Indigenous broadcasters have also been active in the community broadcasting sector. However, this section of the Act does not provide a suitable framework for them. Indeed, they find considerable difficulty in functioning effectively within this sector because community broadcasting:

- is based upon voluntarism; and
- works to a Code of Practice that is largely irrelevant.

Apart from government funding, the major source of revenue for community stations is program sponsorship (payments received in return for on-air acknowledgment of support). Reported returns from sponsorship range widely; i.e. from less than $500 p.a. for BRACS stations to $160 000 p.a. for a community station serving a regional city. Most Indigenous stations are at the lower end of this scale.

The most successful community stations enjoy either long term institutional backing (e.g. educational stations) or an affluent target audience and subscribers (e.g. ethnic, Christian and fine music stations). They therefore have a stable funding base and good infrastructure. They also have substantial paid, specialist staff and a considerable force of volunteers.

The largest stations have quite substantial incomes. For example, in 1997 3RRR Melbourne had 11 500 subscribers and its total income from radiothons, subscriptions and donations reached $0.53 million. The year before 4MBS FM Brisbane raised $222 thousand from subscriptions and $99 thousand from sponsorships. A typical subscription rate is $50 p.a.

The correct volunteer to staff ratio for these stations differs greatly according to its program format, with the level of paid staff required rising the more talk programs are produced. Specialist staff are required not only to produce quality talk programs, but also to train volunteers so that they in turn can do the same. So a progressive music and talk station like 3RRR has 150 volunteers and 14 paid staff; whereas a fine music station like 4MBS has 250 volunteers, but needs only 4.5 staff.

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[50] These issues are addressed at length in Neil Turner. *National Report on the Broadcasting for Remote Aboriginal Communities Scheme;* National Indigenous Media Association of Australia; 1998.

It should be recognised that Indigenous radio differs fundamentally from community radio generally. Working within the dominant cultures, community broadcasting provides its listeners and viewers with *a range of alternatives* to the mainstream media. That is not the case with Indigenous broadcasting. Its core commitment is to offer Indigenous communities *their primary service*.

Indigenous stations do not have affluent audiences (and therefore subscribers). Although some stations have attracted volunteers, these tend to be sympathetic non-Indigenous people. There is no body of affluent middle class Indigenous people available to be mobilised, let alone 'work' for the station after retirement, bringing their professional skills with them.

In practice, most Indigenous people do not see working in broadcasting as *pro bono* work. They regard it as an *entrée* into one of the very few careers open to them. So even if voluntarism is accepted as a useful first step, as a means of attracting young people to the stations, there is a very strong feeling that Indigenous broadcasting staff should be paid. That is why Indigenous broadcasters have applied for and won an industrial award. They want 'real jobs'[51].

Indigenous broadcasters also have difficulty reconciling their approach to standards with that of community broadcasters in general. For a variety of reasons, the philosophical basis of community broadcasting is often irrelevant to them. For example, the current Code of Practice, self-authored by community broadcasters, articulates a liberal, permissive and pluralistic approach to media and is couched in sophisticated English. In 1995 a national conference of BRACS licensees adopted a plain English version[52], but the truth is that Indigenous communities may well wish to apply quite restrictive protocols to broadcasting in their areas.

It is hardly surprising that regulations designed to address the concerns of non-Indigenous Australians should sometimes fail to meet those of Aboriginal and Torres Strait Islander communities. "Cultural and language differences, remoteness, unique histories and particular emotional needs" [53] all demand a distinctive approach.

A specifically Indigenous Code of Practice could only be written after consultation with the communities served and each media organisation might need to put in place a set of specific cultural protocols. It would be expected to:

- acknowledge Indigenous culture and identity; i.e. The Law
- recognise and protect Indigenous cultural and intellectual property rights (IPR); e.g literature, art, languages, cultural property, knowledge and resources and documentation of heritage; and
- identify both generic and specific cultural protocols for interaction with local communities; i.e. accepted customs and processes for dealing with them.

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[51] *NIMAA Submission*, 10
[52] Neil Turner. *op. cit*., 14
[53] *Digital Dreaming*, 38

PART D: OVERSEAS MODELS

There are a number of relevant overseas models,[54] but we will concentrate upon New Zealand and Canada.   Like Australia, both countries have sought to develop Indigenous media. Unlike Australia, they have also:

- formally recognised the links between language and cultural maintenance and the media
- codified national attitudes towards Indigenous languages and cultures in legislation (especially their *Broadcasting Acts*); and
- designated specific programs through which Indigenous media are to be funded.

The New Zealand experience

Broadcasting is seen by many Maori as critical to language maintenance and cultural revival. A series of legal decisions, largely based on the Treaty of Waitangi, have upheld the view that the Maori language is a social asset and that the Crown has a responsibility to protect it.

The *Broadcasting Act 1989* established an agency, Te Mangai Paho, specifically charged with promoting Maori language and culture by funding

- broadcasting; and
- programs for broadcast.

The significance of language and cultural maintenance is also recognised in the *Maori Language Act 1987*, the *Education Act 1989* and the *New Zealand Bill of Rights 1990*.

Major sources of funding are:

- television licence fee (14%)
- Department of Communications budget; and
- expenditure, including cross-subsidies, by New Zealand On Air (the national broadcaster)

Maori culture, especially music, has substantial appeal to mainstream audiences. NZOA funds a minimum of 250 hours of Maori programming on National Radio and funds production of music videos. About 15% of videos played since 1991 have been by Maori artists. Two of the ten most-played videos on N.Z. television are by Maori performers.

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[54]   These include *Televisi Pendidikan Indonesia (TPI)*, a non-profit, national educational television network serving an audience of some 200 million. However, although Indonesia has some parallels with Australia, the differences are considerable; e.g. there are some 300 language communities, but in the interests of national unity TPI broadcasts exclusively in *Bahasa Indonesia*.

There are three major elements in Maori radio: Radio Aotearoa, the *iwi* stations and Mana Maori Media.

Radio Aotearoa (RA) is a national radio network dedicated to serving urban Maori. The *iwi* stations are independent. Originally established with volunteer staff, 22 of the 24 are now funded for five full-time staff by NZOA. They have to demonstrate that they have a potential Maori audience of at least 10 000. Mana Maori Media is an independent Maori news agency. It produces five daily news bulletins, nightly current affairs, sports coverage and a general interest program, *Mana Hour*, in both English and Maori. Its programs are networked to RA and RNZ stations and are available for re-broadcast by *iwi* stations.

In 1997 a consultancy team retained by ATSIC commented that:

- the system may not be particularly effective in maintaining Maori language and culture. The best performance indicators would seem to be the amount and quality of broadcasts on Maori issues, in language. However, content is not regulated and there are disagreements about Maori *control*, as opposed to Maori *content*, and/or focus on Maori audiences
- most stations use music, rather than talk formats (easy listening or country music, interspersed with traditional Maori music)
- Radio Aotearoa, the national radio network designed to serve urban Maoris, plays Classic Hits, plus American urban dance and rap
- the most successful *iwi* station, MAI FM Auckland (weekly cumulative audience of 100 000) plays black urban dance music, with some Maori artists
- there is mutually destructive conflict between rival Maori groups; and
- there is no provision for training.[55]

For these reasons, and also because Canada's size, its physiography and the distribution of its Indigenous peoples are very like those of Australia, ATSIC suggests that we should not attempt to emulate the New Zealand model. The Canadian experience is far more relevant.

The Canadian experience

Canada's Indigenous peoples have a long history of media involvement. Early native[56] publications were supported by tribal governments and churches; the first broadcasts took place in Alaska in the 1930s. Short wave broadcasting in language began in 1960, under the aegis of the Canadian Broadcasting Corporation (CBC), which has been heavily involved in Indigenous broadcasting.

In 1970 the CBC created the Northern Service, a group of five stations broadcasting in eight languages which reaches 98% of the population north of the sixtieth parallel. In 1974 it set up an Office of Community Radio to provide access for communities where there was no provision for local programming in French, English or Aboriginal languages.

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[55] *Digital Dreaming*, 25-6
[56] Official Canadian usage appears to favour the words 'native' or 'aboriginal' (sometimes without the capital) rather than 'Indigenous'.

Fifty-seven transmitters across the north provide radio and television services to remote communities of more than 500 people.[57]

Since the 1960s, thirteen independent Native Communications Societies (NCS) have concentrated on radio, partly through community stations, and print. However, some produce television programs or bilingual magazines or pages for the Internet. The NCS employ 200 Aboriginal staff and produce more than 300 hours of language programming weekly. They reach an estimated audience of 240 000 in 300 communities – about 37% of the total Native population.

Community radio stations affiliated with the NCS broadcast in a fashion similar to BRACS; i.e. they re-transmit programs from their local NCS, but can interrupt this to insert their own programming. The sector as a whole provides news and information in twenty languages, employs about 400 staff (full and part-time) as well as volunteers, and produces some 5 000 hours of programming per week. [58]

Between 1978 and 1982, after the launch of the Anik B satellite system, Inuit organisations in Nunavut and Northern Quebec participated in pilot projects testing applications such as television broadcasting, community communications, tele-education and tele-health.

In 1980 the Canadian Radio-television Telecommunications Commission (CRTC), Canada's broadcasting regulator, established a committee[59] to report on extension of services to northern and remote communities. The committee subsequently recommended the urgent need for special measures to allow Indigenous peoples to preserve their languages and foster their cultures through a variety of broadcasting initiatives.

In 1981 the CRTC licensed CANCOM (a satellite service provider) to deliver a range of southern programming into northern remote communities; as a *quid pro quo*, it was required to assist northern Aboriginal broadcasters.

In 1983 the government announced its Northern Broadcasting Policy (NBP) and a Northern Native Broadcast Access Program (NBAP). Both were designed to encourage native peoples to preserve their languages and foster their cultures. The production and distribution of regional radio and television programming were to be funded through the thirteen NCS.

The NBP also made 'one-off' grants directed at assisting NCS to gain access to existing broadcasting services and sometimes funded the establishment of radio networks. In 1997, rates were CAN$500 per hour and $8 500 per hour for television. The level of funding depends upon a global amount allocated in the annual budget and this has fallen recently – mainly because broadcasters in the thirteen identified regions are now well established.

This NBP was administered by the Department of Canadian Heritage. NCS applying for funds had to be:

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[57] Note, however, that the majority of the Indigenous population live in urban centres to the south.

[58] Between 1970 and 1990, NCS were well funded under the Native Communications Program, but this was scaled down and many now suffer viability problems. The federal government is one of Canada's largest advertisers, but makes little use of Indigenous stations. Between 40 and 45% of revenue now comes from non-government sources. The print sector has suffered worst, with some being forced to close and others sacking staff or reducing the frequency of publication.

[59] The Therrien Committee

- incorporated as non-profit companies
- managed and controlled by Indigenous people
- responsible to the communities they serve
- independent of organisations with political or religious goals

Television Northern Canada (TVNC)

During the 1970s and 1980s the NCS also lobbied for a dedicated native television network. Eventually, a federal task force on broadcasting policy recommended that:

- the rights of Indigenous peoples to broadcasting services should be recognised in the *Broadcasting Act*; and
- NCS should share a transponder with the CBC Northern Service.

In 1988 the Minister for Communications announced support for a northern Aboriginal network and the new Act explicitly recognised the broadcasting rights of Canada's Indigenous peoples:

> The Canadian broadcasting system should … serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of Aboriginal peoples within that society …
>
> Programming that reflects the Aboriginal cultures of Canada should be provided within the Canadian broadcasting system as resources become available for the purpose.[60]

In 1991 Television Northern Canada (TVNC) was licensed as a non-profit corporation, "to serve northern Canada for the purpose of broadcasting cultural, social, political and educational programming for the primary benefit of Aboriginal people in the North".[61] That is, it was to provide a primary service. TVNC is controlled by a number of NCS and other interested parties, including CBC North, who provide all of the programming.[62]

TVNC has adopted a pan-Aboriginal approach; that is, it broadcasts in fifteen Native languages[63], as well as English and French. Its signal is distributed from three separate uplink facilities via the Anik E-1 satellite and re-broadcast in 97 communities as well as some cable. Its coverage area is 4.3 million square kilometres and the audience is about 100 000, more than 50% Indigenous and spread across five time zones. Audience surveys reveal high levels of interest, with the audience learning language and traditional skills.

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[60] Canada. *Broadcasting Act 1991*, S3

[61] *Decision CRTC,* 91-826

[62] Members are: Inuit Broadcasting Corporation, Inuvialut Communications Society, Northern Native Broadcasting (Yukon), OkalaKatiget Society, Taqramuit Nipingat Inc., Native Communications Society for the Western NWT, Government of the Northwest Territories, Yukon College and the National Aboriginal Communications Society. Associate members include CBC North, Kativik School Board, Labrador College, Northern Native Broadcasting (Terrace, BC), WaWatay Communications Society and Telesat Canada.

[63] Inuktitut, Inuvialuktun, Slavey, Chipewyan, Dogrib, North and South Slavey, Cree, Gwich'in, Han, Kaska, Tagish, Northern and Southern Tuchone and Tlingit.

Funding is through the Department of Canadian Heritage, which allocated CAN$10 million over four years for establishment costs (capital installations, transponder rental, network operations and maintenance) and $3.1 million per annum for operation of the network.

TVNC is licensed as a not-for-profit, commercial network and can advertise for up to 12 minutes per hour (ten minutes for members and two minutes for the network). However, about 60% of its budget is spent on transponder costs and its audience is remote, relatively poor and often unemployed, making it relatively unattractive to advertisers. Occasional use transmission services also provide revenue.[64]

The Aboriginal Peoples Television Network (APTN)

In June 1997 the TVNC Board decided to move for a national Aboriginal television network. It coopted a group of southern native Canadians to advise it on their special needs and commissioned a national survey which reported that two thirds of Canadians supported the idea of a national aboriginal television service, even if it meant displacing an existing service.

By September 1997 it was arguing before the CRTC that its service should be national in scope; that is, available both to southern Indigenous peoples and to other Canadians. In November of the same year it applied to the CRTC for a single licence for a satellite-to-cable programming undertaking[65], including existing television transmitters in Northern Canada, expiring 31 August 2005.

The proposal was that APTN should be given a dual mandate:

- to provide a primary (first level) service to Indigenous peoples; and
- to inform mainstream Canadians about their Indigenous peoples and cultures.

It said that APTN would be programmed predominantly by Indigenous Canadians and would reflect their concerns and the diversity within their cultures: "a celebration of our rich heritage and a sharing of our ideas … within the native community and with fellow Canadians." TVNC promised to expand its Board to make it representative of the whole country: 21 members, including ten representing northern Canada, nine representing the south and one each for eastern and western Canada. Up to thirty hours of programming per week were to be acquired from independent producers in southern Canada.

APTN is committed to delivering "a full spectrum of high-quality programming" and will broadcast approximately 120 hours per week in English, French and up to fifteen Aboriginal languages.[66] It will include children's shows, educational programs, cultural and current affairs, drama, music, comedy, documentaries, discussion programs, political coverage, special events and programming about Indigenous peoples around the world. Its news and information service will provide "a perspective that is not currently

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[64] Note the parallels with Imparja TV.

[65] In Australia the equivalent to a 'programming undertaking' is a broadcasting service.

[66] Programming is to "reflect an appropriate balance among the needs of all Aboriginal people, including First Nations, Inuit and Metis" and to be relevant to all regions of the country. Not less than 90% is to be Canadian content. *Decision CRTC* 99-42, 3

available". In short, it will offer "a positive window on Aboriginal life and culture for all Canadians".[67]

APTN will be "the world's first national, public aboriginal television network dedicated to stories by and about aboriginal people across Canada and around the world".[68] It will be carried on 'basic cable' throughout Canada. That is, broadcasting service providers using a variety of delivery systems - cable, MDS[69] and DTH[70] - will be required to distribute APTN as part of the basic service; it will be what the Americans call a 'must carry' channel.

This point is of critical importance. In 1995 the CRTC added TVNC to its lists of eligible satellite services, but few distributors chose to carry it. Accordingly, the CRTC, which believes that APTN's "new and unique service" should be available to all Canadians, has required mandatory carriage as part of the basic service. And it has authorised APTN to charge distributors a maximum fee of $0.15 Canadian per subscriber per month in all markets. Because of this provision, APTN has a guaranteed income.

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[67] *ibid*, 2
[68] TVNC Press Release: *Aboriginal Peoples Television Network approved by CRTC*; 22 February 1999.
[69] Multipoint Distribution System
[70] Direct-to-home (satellite)

PART E: POLICY ISSUES

Towards an Indigenous media policy

ATSIC's broadcasting policy objectives are:

- to enable Aboriginal and Torres Strait Islander peoples access, particularly in remote areas, to receive the range of broadcasting and communications services available to Australian citizens generally.

- to develop and extend Aboriginal and Torres Strait Islander broadcasting and communications to reinforce and promote the cultural identities of Aboriginal and Torres Strait Islander peoples and to foster awareness of their cultures.[71]

ATSIC believes that the planning, licensing and regulatory processes should be directed towards creating an Indigenous broadcasting sector with twin aims:

- to provide Indigenous Australians with primary broadcasting services; and

- to inform mainstream Australians about our Indigenous peoples and their cultures.

Accordingly, the Commission seeks recognition and appropriate funding of Indigenous broadcasting as a broadcasting sector in its own right within the framework of the Government's mainstream broadcasting structure.[72]

Primary Indigenous services

As early as 1948 the United Nations declared that communication was a basic human right. This is now being recognised much more widely. Unless citizens can receive information and ideas in a form that is unmediated by the channel on which they are transmitted, they cannot truly be called free. Certainly, they are prevented from reaffirming and nurturing their own cultural identity.

Communication is not just imparting information, but the representation of shared beliefs. It therefore does not meet a people's need for communication that others, no matter how well-intentioned, should speak on their behalf.

Indigenous media organisations commonly note that the dissemination of information must be culturally appropriate in order to be effective. While the Indigenous population may

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[71] ATSIC. *Programme Statements 1998-99*
[72] *ibid*, Program B: Social and Cultural; Sub-Program: 1 Heritage, Environment & Culture; Component: 1.2 Broadcasting .

appear homogeneous to non-Indigenous Australians, it is in fact culturally and linguistically very diverse. It may be appropriate to encourage the use of English as the Australian *lingua franca*, but there is simply 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."[73]

In the 1980s, there was a significant resurgence of language awareness among many Indigenous peoples, which in turn was closely linked to the awakening of Indigenous identity and a concurrent demand for social and political rights.[74]

There has been partial recognition of this hunger for identity in the development of community broadcasting and the establishment of the BRACS. But meeting the need is not just a matter of serving rural areas and remote communities. Like the ethnic communities, our Indigenous peoples also live in the capital cities – yet there are no Indigenous community radio stations, let alone television stations, in Sydney, Melbourne, Adelaide or Hobart.[75]

The wider Australian public is largely unaware that the diverse Aboriginal and Islander languages record quite distinct histories, cultures and views of the world. ATSIC believes that the Indigenous media should be recognised as crucially important in maintaining and regenerating these languages and cultures. And 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.

Informing the mainstream

Indigenous people are largely invisible in the mainstream media and what coverage is provided tends to reinforce and perpetuate negative stereotypes. Despite attempts by organisations like the community broadcasters, the ABC and the SBS to counter these, the coverage they can provide is inadequate.

Since most Australians will never meet an Indigenous person, let alone get to know them well, this is a matter for serious public concern. Studies by bodies such as the Office of Multicultural Affairs and the Human Rights and Equal Opportunity Commission confirm the perpetuation and promotion of negative racial stereotypes in Australia. An Australian Broadcasting Tribunal study (1992) found that commercial radio talkback programs are a major source of stereotyping. This finding has been reinforced by the approach taken by these programs to issues such as the Mabo and Wik debates and the emergence of One Nation.

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[73] *Digital Dreaming: a national review of Indigenous media and communications*; ATSIC; March 1998, quoted at p25

[74] This phenomenon was not confined to Australia. Some three thousand of the world's estimated six thousand languages are expected to disappear in the next century and languages that are not recorded leave no shards for future scholars – they simply vanish.

[75] However, there are a great many aspirants for community radio licences; e.g. Gadigal Information Services [Koori Radio] in Sydney have recently completed their tenth temporary licence transmission. Similar aspirant groups exist in Melbourne, Adelaide, Darwin and Canberra.

Much of this stereotyping is systemic, rather than individual. That is, journalists and others adopt the routines for news gathering, the editorial policies and the news values already in place. These are based upon a set of assumptions about what is commercially attractive which exclude Indigenous Australians. The result is that, while mainstream media can and should make changes, these are unlikely to have any but a marginal effect.

The basic requirement of any reconciliation process is mutual understanding. Many well disposed people from non-Indigenous as well as Indigenous communities understand this. Yet, despite the efforts of both the ABC and the SBS, coverage of Indigenous languages and cultures is minimal. Most Australians still have very limited exposure to Indigenous cultures, the issues that concern Indigenous peoples, or the views of the Indigenous communities. Again, the broadcasting system must play its part by *informing mainstream Australians about our Indigenous peoples and their cultures*.

ATSIC proposals

ATSIC strongly supports the thrust of NIMAA's submission to the Commission arguing for "the establishment of a national broadcasting authority, Indigenous Communications Australia (ICA), to unite all Indigenous media".[76] Addressing ourselves to the Commission's Terms of Reference, we believe that an Indigenous broadcasting authority can help to "protect certain social and cultural values, including promoting a sense of Australian identity, character and cultural diversity …"

Specifically we propose that:
- a statutory authority be established to provide broadcasting services to Indigenous Australians
- this body be called Indigenous Communications Australia (ICA); and
- ICA include both National Indigenous Television (NITV) and National Indigenous Radio (NIR).

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[76] NIMAA. *ICA: Indigenous Comunications Australia:;new directions, more options, cultural diversity through quality programming*; Submission to the Productivity Commission; July 1999.

PART F: IMPLEMENTATION ISSUES

The ICA will not be achieved quickly or easily. Indeed, even if the political will to establish it already existed, it is difficult to see where the planners would find the necessary frequencies. However, Australia will soon enter the world of digital broadcasting, which radically alters the present equations.

The free-to-air broadcasting services currently available in Australia are terrestrial **analog** broadcasts; that is, signals are transmitted from broadcasting studios to radio and television sets in the form of a continuous wave. **Digital** broadcasts use signals that are in the form of discrete bits of information.

For our purposes the critical point is that manipulation of this digital data stream can compress the signal, thereby making for much more efficient use of available spectrum. Each analog channel becomes a multichannel.[77] Therefore after the year 2001, when Australia plans to enter the digital age, frequency scarcity will cease to be the central problem.[78]

The transition to digital radio broadcasting (DRB) is still being planned. So is the transition to digital terrestrial television broadcasting (DTTB), but we already know that it will take a decade or more. Many details are yet to be decided. Significant dates on the current timetable are:

* before 1 January 2004
* Broadcasters formulate television conversion schemes   1999-2000
* Ministerial review   1 January 2000
* Metropolitan DTTB commences   1 January 2001
* Regional DTTB commences   on or after 1 January 2001
* Mandatory DTTB in regional areas   a date to be decided [79]

Since Australia has elected broadly to adopt the American (HDTV) model for DTTB, rather than the British (multichannel) model,[80] it is not yet clear what surplus capacity might be made available for multi-channelling. Certainly, it will provide existing

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[77] For example, a single digital terrestrial television (DTTB) transmitter can send one high definition television (HDTV) program or 3-8 conventional television programs.

[78] This is not to suggest that radiofrequencies will cease to have value.

[79] The ABA Website carries a number of informative papers on DTTB. The timetable for digital radio broadcasting (DRB) has not yet been addressed.

[80] A radiofrequency used for DTTB may be likened to a 'data pipe'; that is, it is capable of carrying one high definition television (HDTV) channel or up to eight channels of conventional quality – this is described as 'multi-channelling' or 'multiplexing'.   The picture is made more complex by the fact that this same data pipe can carry either 3-4 live sports programs (where the subjects move at speed) or 6-8 'talking head' programs (e.g. panels in which the subjects stay relatively immobile).

broadcasters with "an important opportunity for testing new ideas and new formats."[81] However, there is considerable demand for alternative uses, including datacasting.

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. [82] However, for the present purpose it is sufficient to note that there is no <u>technical</u> impediment to multi-channelling.

The ATSIC recommendations are not advanced lightly. They form part of a coherent and consistent approach to improving communication services for Indigenous Australians. Nevertheless, implementation will be complex, requiring a coordinated plan that will involve significant changes at the legislative, administrative, planning and regulatory levels of the broadcasting system. In this ATSIC believes that we can learn from the Canadian experience as well as our own ethnic broadcasting experiment.

We would expect implementation to entail three distinct phases:

- Phase One: Consolidation, 1999-2000
- Phase Two: Interim ICA, 2000-2001
- Phase Three: ICA, 2002+

Phase One: Consolidation, 1999-2000

Phase One would entail building upon the already substantial achievements of Indigenous broadcasters and should be accomplished during 1999-2000. It would not lead to substantial costs - say $0.15 million. A draft budget is at <u>ATTACHMENT A</u>.

During Phase One, government should:

- recognise in principle the special place of Indigenous broadcasting in the Australian broadcasting system
- commission a feasibility study on establishing a statutory authority to provide broadcasting services to Indigenous Australians
- amend relevant legislation to:
    - reflect the fact that Indigenous Australians are a special group with special problems and special needs
    - remove impediments to Indigenous broadcasting; and
- negotiate with existing community licence holders re their relationship with a future Indigenous broadcasting authority

The Objects of the *Broadcasting Services Act 1992* (the Act) include promoting "the role of broadcasting services in developing and reflecting a sense of Australian identity,

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[81]   ABC. *Submission to the Productivity Commission Review of the Broadcasting Service Act 1992*; May 1999, para 5. Apart from multi-channelling, the spare capacity can be used for services like captioning and news and market information.

[82]   Broadcasters are prohibited from using the digital spectrum for multi-casting. For example, S 35 (1) Schedule 4 of the *Broadcasting Services Act 1992* prevents national broadcasters from transmitting programming in digital mode during the simulcast period (8 years plus) unless that programming is simultaneously transmitted in analog mode.

character and cultural diversity".[83]   They should be amended specifically to require the provision of Indigenous services. For example, the Canadian formulation might be used:

> 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.

RECOMMENDATION 1: 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.

There is a great deal to be learned from the experiences of our own national broadcasters, especially the SBS, but the Canadian experience is also clearly relevant. Accordingly, ATSIC believes that both should be studied in the context of a detailed feasibility study. Necessary areas of expertise would be Indigenous affairs, broadcasting policy, broadcasting engineering (studio and transmission) and FTV program commissioning/purchasing. A limited amount of overseas travel would be involved.

RECOMMENDATION 2: That the Minister commission a feasibility study to report upon possible migratory paths to a statutory authority providing broadcasting services to Indigenous Australians

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Relatively minor adjustments to the present Act would accommodate a number of Indigenous broadcasters more comfortably either in the community sector or in some special sector more appropriate for providing services to small, isolated communities. Some changes to planning and regulatory practices would also be helpful.

For example, BRACS licences are still something of a hotch potch.   Originally they were granted limited licences and retransmission permits. Then, in 1992, these original stations were deemed to be providing **community broadcasting services** and the licences were registered in the name of the local community media association or, if there was none, the local community council. However, any further applications were to be treated as applications for **open narrowcasting services**. [84]

This latter classification may well be justified. Since they provide a specialised service to remote communities, the category does describe BRACS services. However, it is clearly illogical to have identical services licensed quite differently. It is also very confusing for broadcasters operating without English as their first language. BRACS stations should all operate under the same regulatory regime.

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[83] S3(b)
[84] They were originally licensed under the *Broadcasting Legislation Amendment Act 1988.*

It might make even better sense to take up a recent ABA suggestion and re-categorise BRACS services so that they operate under a class licence; i.e. so long as licensees stayed within set parameters, they would not need to get involved in the paraphernalia of broadcasting regulation: individualised planning, Codes of Practice, renewal of transmitter licences, etc. [85]

Extensive consultation has already taken place and in 1998 ATSIC published a comprehensive study of BRACS by Neil Turner, a broadcaster with considerable hands-on experience of the scheme. We should note that the very real and pressing problems of the BRACS stations relate more to operational funding and a comprehensive strategy on training than to licensing. [86]

RECOMMENDATION 3: That BRACS licences be reviewed in order to remove inconsistencies in the planning and licensing of this service.

The ten community radio stations in urban areas[87], are in a different situation. All have a record of substantial achievement[88], but even the larger stations find it difficult to remain viable.

At the heart of their problem is the fact that the Indigenous peoples of Australia are among our most disadvantaged. Consequently, they do not appeal to advertisers; nor do they easily attract sponsors. Relevant factors have been identified as:

- lack of expertise and/or access to
- business planning; and
- marketing
- community service obligations that conflict with commercial imperatives
- limited funding options
- available funding is *ad hoc* and annual, preventing forward planning
- communities to be served (i.e. available markets) are often
- isolated and/or small; and
- relatively poor
- limited understanding among potential sponsors (government and non-government)
- government slow to use opportunities to advertise
- racism and perceptions that Indigenous media are 'second rate'[89]

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[85] *Inter alia,* open narrowcasting services are broadcasting services "whose reception is limited … by being targeted to special interest groups …" *Broadcasting Services Act 1992*, S. 18. Note, however, that it may be necessary to enable the CBF to provide funding to these services. Turner's recommendation is that future BRACS applications be treated as applications for community licences.

[86] See Neil Turner, *loc. cit*

[87] In radio there are also three narrowcast stations, one commercial station, one temporary licensee and about forty aspirant groups. In television, Imparja TV is licensed as a commercial RCTS.

[88] e.g. see Roy Morgan Research. *Brisbane Radio Station Survey; January 1997* and Kitty van Vuuren & Hank Wymarra. *Report of the Qualitative Component of the 4 Triple A Audience Research Project*; NIMAA and Australian Key Centre for Cultural and Media Research; April 1997.

[89] The issue is discussed at length in *Digital Dreaming, q.v.*

Community licensees, including BRACS licensees, are independent legal entities with their own set of priorities. They are already involved in pressing for improvements, such as increasing the amount of sponsorship time allowed on their stations, and may well choose to remain in the present regulatory regime.

ATSIC believes that this is not a situation where broad brush solutions can be imposed upon potential players. Accordingly, we would like to see existing community broadcasters offered a relationship with the future authority, but they should be free to reject this if they so choose. The form such a relationship would take could only be decided after an extensive process of consultation. Possible options might be:

- the *status quo*
- contractual agreements to supply programming to the ICA
- affiliation to an ICA network
- integration into the ICA (in much the same way that the ethnic broadcasters operating radio stations 2EA Sydney and 3EA Melbourne were eventually subsumed into the SBS); or
- some combination of the above.

Similarly, ATSIC does not believe that it would be necessary to establish a substantial in-house production capacity within ICA. Certainly it would need small presentation studios and editing suites, but generally speaking we would favour outsourcing all programs except news and current affairs. A commissioning arm, similar in form and function to SBS Independent (SBSI), should purchase the bulk of its programming from the already substantial Indigenous production industry.[90]

RECOMMENDATION 4: **That government begin a round of negotiations with existing Indigenous community broadcasting licensees (including BRACS licensees) and the Indigenous FTV production industry regarding their relationships with Indigenous Communications Australia (ICA), a future national broadcaster.**

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[90] In 1997 the Government provided $19 million to SBS Independent over four years. Since its establishment in 1994, it has commissioned about 300 hours of film and television, including a substantial amount of Indigenous programming; e.g. drama and documentaries and the feature film *Radiance*. It has also entered into joint productions with the Australian Film Commission (two *Indigenous Drama Series*) and NIMAA (five half-hour documentaries to be produced by CAAMA). A recent ATSIC consultancy recommended an Indigenous Media and Communications Program Fund of $6 million per annum. This included a non broadcasting component. Cf. *Digital Dreaming*, 438

Phase Two: Interim ICA, 2000-2001

Given that the feasibility study recommended for Phase One proves positive, Phase Two should commence in the year 2000. That is, it would

- commence as the broadcasting system begins the transition to digital broadcasting; and
- not be finalised until the development of a multichannel environment.

During Phase Two members would be appointed to an interim ICA Board, with appropriate funding. This interim Board should initiate the action needed to establish a staged timetable for establishment of the ICA, including preparation of a Business Plan, relations with Indigenous producers and broadcasters and ABA planning for national radio and television networks.

Costs would still be modest, mostly entailing servicing of the interim authority and its discussions with interested parties. A draft budget totalling $ 0.94 million is at ATTACHMENT B.

RECOMMENDATION 5: That by 1 January 2000 government

a)   appoint members to an interim Indigenous Communications Australia (ICA) Board

b)   provide appropriate funding

c)   require the interim Board to

- **make recommendations re a staged timetable for establishment of the ICA**
- **finalise negotiations with existing Indigenous broadcasters**
- **negotiate with the existing national broadcasters (ABC and SBS) re multiplexing on their transmissions; and**
- **prepare a three-year Business Plan; and**

d)   direct the ABA to plan for national Indigenous Communications Australia

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Phase Three: ICA, 2002+

Phase Three could commence at any time after the commencement of DTTB, but would probably no earlier than January 2002. During Phase Three government should legislate to create the ICA, appoint the first Board and fund the first triennium.

RECOMMENDATION 6: That a statutory authority be established

a)   **to provide broadcasting services to Indigenous Australians**
b)   **this body be called Indigenous Communications Australia (ICA); and**
c)   **ICA include both National Indigenous Television (NITV) and National Indigenous Radio (NIR)**

PART G: FINANCIAL CONSIDERATIONS

It will be seen that the ATSIC recommendations entail only minor costs in the first two years. Indeed, unless Phase One (1999-2000) demonstrates that a national lndigenous network is feasible, total costs would be $ 0.15 million. Costs in Phases One and Two (1999-2001) – after which government would have to decide whether to make a more substantial commitment – are $ 1.077 million. (ATTACHMENTS A & B)

Because we are at the cusp of change, it is not possible to be definitive about costs in Phase Three (2002 +).   Asking what an ICA might cost in three years time, and in a completely changed broadcasting environment, is a little like asking the length of a piece of string. The answer is: "That depends upon quantifying a considerable number of variables." For example, the policy parameters within which ICA would operate are still undecided, the distribution point(s) and the hours of broadcast are not known, the standard of operation has not been set, we do not know what components will have to be established *de novo*, DRB and DTTB are still at the cutting edge of the technology and digital broadcasting products are still being developed.[91]

The broadcasting process is already largely digitised. The introduction of DTTB and DRB is about digitising the last stage of the end-to-end broadcasting process still in analog form: **terrestrial transmissions**. But in using digital technology "the current concept of what constitutes a channel largely disappears".[92]   There should therefore be some economies compared to analog broadcasting; at this stage we do not really know how significant they will be.

Potential costs to the consumer – a particularly significant point for Indigenous peoples in remote areas - are also uncertain. To receive digital television, consumers will need either a new digital television set or a set-top 'black box' to convert signals for their current analog receivers. To receive HDTV, rather than standard definition television, they will need a special wide screen high definition receiver. Since none of these are yet in production, let alone on the market, estimates of likely prices vary widely. [93]

For the purpose of establishing some 'ballpark' figures, let us assume the following:

- one national radio service (NIRS) networked from a single distribution point[94];
- one conventional quality television service (NITV),[95] also networked from a single distribution point

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[91] Nevertheless, DVB manufacturers have guaranteed that equipment for both broadcasters and consumers will be on the shelves in time for the launch of HDTV services in Australia; i.e. by 2001.

[92] Australia, Parliamentary Library. *Current Issues Brief 19 (1997-98): Digital TV – Lost in Space*; 28 June 1998, 7.

[93]   Set-top boxes are expected to cost anything from a few hundred dollars to $1 000 each, although eventually their price should fall to about $500. Price estimates for HDTV sets vary from $5 000 to $10 000, at least in the introductory phase.

[94] This could be Brisbane, which is the present distribution point for the NIRS, or Alice Springs, where Imparja TV already has studios, uplinks etc.

- re-transmission to the home of signals delivered via satellite in all capital cities and a number of regional areas[96]
- both services multiplexed on another broadcaster's transmissions[97]
- one programming time zone[98]

This would constitute a national (albeit very basic) service. We must stress again that these operational limitations are quite severe[99], that the standards are those for community (not national) services and that many of the figures used are really 'blue sky'.

However, on this very rough basis, the order of expenditure for an ICA would be $ 1.18 million for initial capital costs and $ 23.78 million per annum operational costs (ATTACHMENT C).

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[95] Since it would certainly price potential Indigenous viewers out of the market, ICA television should not be required to transmit in HDTV.

[96] There will certainly be an expectation that the networks will be re-transmitted in regional, rural and remote areas, but the exact number of re-transmission points is undetermined.

[97] From the cost point of view it does not matter which broadcaster, but that broadcaster's charges will certainly be influenced by the number of re-transmission points made available to ICA.

[98] The ABC uses five time zones; the SBS three. Each zone requires a separate transponder.

[99] The limitation to one time zone is particularly restrictive, since Indigenous peoples are widely spread throughout Australia, with concentrations on the east coasts of NSW and Queensland, and in Central Australia, Western Australia and the Northern Territory.

PART H: RECOMMENDATIONS

RECOMMENDATION 1: 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.

RECOMMENDATION 2: That the Minister commission a feasibility study to report upon possible migratory paths to a statutory authority providing broadcasting services to Indigenous Australians.

RECOMMENDATION 3: That BRACS licences be reviewed in order to remove inconsistencies in the planning and licensing of this service.

RECOMMENDATION 4: That government begin a round of negotiations with existing Indigenous community broadcasting licensees (including BRACS licensees) and the Indigenous FTV production industry regarding their relationships with Indigenous Communications Australia (ICA), a future national broadcaster.

RECOMMENDATION 5: That by 1 January 2000 government
- **appoint members to an interim Indigenous Communications Australia (ICA) Board**
- **provide appropriate funding**
- **require the interim Board to**
  - **make recommendations re a staged timetable for establishment of the ICA**
  - **finalise negotiations with existing Indigenous broadcasters**
  - **negotiate with the existing national broadcasters (ABC and SBS) re multiplexing on their transmissions; and**
  - **prepare a three-year Business Plan; and**
- **direct the ABA to plan for national Indigenous Communications Australia (ICA) radio and television networks in the multichannel environment.**

RECOMMENDATION 6: That by 1 January 2003
- **a statutory authority be established to provide broadcasting services to Indigenous Australians**
- **this body be called Indigenous Communications Australia (ICA); and**
- **ICA include both National Indigenous Television (NITV) and National Indigenous Radio (NIR)**

ATTACHMENT A

Draft Budget for ICA in Phase One, 1999-2000	
	($ k)
Consultancies (4)	100.0
Travel & accommodation	
Domestic (10 trips @ $1000)	10.0
International (4 trips @ $5000)	20.0
Printing, binding, etc	5.0
Contingencies	2.0
TOTAL	**$ 137.0**

ATTACHMENT B

Draft Budget for ICA in Phase Two, 2000-2001

($k)

	($k)
Member fees (9 @ $10 k)	90.0
Staff salaries & wages (5 @ $30k)	150.0
Office equipment (rented)	200.0
Telephones & postage	50.0
Rent	100.0
Travel & Accommodation	250.0
Insurance	50.0
Contingencies	50.0
TOTAL	**$ 940.0**

ATTACHMENT C

Draft Budget for ICA in Phase Three, 2002 +

A Capital	($ m)
Office equipment	0.25
Studios	0.50
ENG equipment	0.25
GST	0.15
Contingencies	0.03
TOTAL	**$ 1.18**

B Operational (annual)

Member fees (9 @ $30k)	0.27
Staff salaries & wages (5 @ $40k)	0.20
Telephones & postage	0.05
Rent	0.20
Travel & Accommodation	0.25
Insurance	0.05
Programming	
News & current affairs	3.00
Program purchasing	5.00
Technical	
25% one channel @ $50m	12.50
25% satellite distribution @ $7m	1.75
Direct Radio Broadcasting	0.50
Repairs & maintenance	0.01
TOTAL	**$ 23.78**