



Victorian Aboriginal Legal Service Co-operative Ltd.

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Department of Communications, Information Technology and the Arts
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To Whom it May Concern,

**Re: VALS Response to the Indigenous Television Broadcasting Service Review -
Digital Transmission Discussion Paper**

VALS supports the proposal to introduce an Indigenous Television Service.

The arguments for introducing an Indigenous Television Service are:

- The representation of Indigenous Australians on mainstream television is limited and practically non-existent. Arguably, the exclusion of Indigenous Australians from the mainstream arena is discriminatory.
- Often the representation of Indigenous Australians within the mainstream media is one sided, as it does not include the Indigenous voice, which is very disrespectful to Indigenous Australians.
- Often mainstream media overly depicts negative images of Indigenous Australians, rather than positive images, which is damaging to the self-esteem of Indigenous Australians.
- For instance, the punitive sentencing regime and media hysteria about a 'tough on crime approach' has a detrimental and toxic impact on Indigenous Australians, and in part arguably contributes to their over-representation in the criminal justice system. Equal media attention should be given to facts such as:
 - The deterrent effect of sentencing prisoners is not as effective as it is made out to be.
 - There is a need to address underlying issues in order to break a pattern of offending.

Arguments for an Indigenous Television Service are that it would:

- Increase the visibility of Indigenous Australians within the media. This will benefit Indigenous Australians in terms of promoting Indigenous culture and self-esteem etc. It will also benefit the Reconciliation process between Indigenous and non-Indigenous Australians. Non-Indigenous Australians will gain a better understanding of Indigenous Australians if Indigenous Australians are represented in the media to a greater extent.

- Enable the Indigenous perspective to be represented and valued within the media. Australians should be given the opportunity to make a well informed decision about Indigenous Australians, rather than basing their opinions on racist assumptions. Indigenous Television will be a step towards keeping mainstream media accountable in terms of the objectivity of the representation of Indigenous Australians.
- Enable the depiction of a balance of positive and negative representations of Indigenous Australians. There are many positive initiatives involving Indigenous Australians that do not receive the time of day in the media. This is arguably due to discrimination and the perception that bad news sells. A space should be created for ‘good news stories’ that promote the self esteem of the Indigenous community and the Reconciliation process.

The impact an Indigenous Television Service will have on service providers, such as VALS, and the consequential benefits to the Indigenous community

An Indigenous Television Service will increase Indigenous and non-Indigenous Australian’s awareness of issues affecting the latter and services available to assist with such issues.

As the sole provider of legal services specifically for Indigenous Australians in Victoria, VALS envisages that Indigenous Television will be benefit:

- Indigenous and non-Indigenous Australian service providers by providing a vehicle for advertising.
- The Victorian Aboriginal Legal Service by providing a captive audience. For instance, VALS Education Unit could make use of Indigenous Television.
- The Indigenous Australian community by increasing awareness and accessibility of services. Indigenous television has the potential to not only inform Indigenous Australians of services, but also encourage them to access them.

Please find attached VALS response to the Practical issues –Questionnaire.

Yours Sincerely,

Greta Jubb
Research Officer

Practical Issues – Questionnaire

In practical terms an Indigenous Television Service should comply with the Recommendation 208 of the Royal Commission into Aboriginal Deaths in Custody (1991): “in view of the fact that many Aboriginal people throughout Australia express disappointment in the portrayal of Aboriginal people by the media, the media industry and media unions should encourage formal and informal contact with Aboriginal organisations, including Aboriginal media organisations where available. The purpose of such contact should be the creation of a better understanding, on all sides, of issues relating to media treatment of Aboriginal affairs”.

1) What should be the objectives of an Indigenous Television Service?

VALS agrees with the objectives listed in the Discussion Paper and argues that the following concepts should also be included:

- Increase accessibility of services for Indigenous Australians.
- Self empowerment of Indigenous Australian community
- Prevention and diversion of Indigenous Australians from the criminal justice system/child protection system.
- Improve relations between the Indigenous and non-Indigenous Australians
- Enable messages and the influence of Indigenous role models/mentors to reach a larger audience.
- Provide a source of cultural training for Government and non-Government agencies. Cultural training is often overlooked because of issues of time, money and availability of trainers. Perhaps, Indigenous Television could aim to fill gaps that currently exist in this area.
- Employment of Indigenous Australians.

2) Who should be the target audience of an Indigenous Television Service?

VALS does not agree that the Indigenous Television service should focus solely on Indigenous people. The Indigenous Television Service should target a non-Indigenous audience also. VALS notes the potential an Indigenous Television Service has to impact the thinking of non-Indigenous Australians.

3) What should the service coverage of an Indigenous Television Service be?

The service coverage of an Indigenous Television service should be on a national level, with the capacity to cater for particular need in certain areas (ie: regional and remote).

4) How best can an Indigenous Television Service’s objectives be met?

The objectives of the Indigenous Television Service can best be met by:

- The creation of an Indigenous Television Broadcaster. This would ensure that Indigenous Australians have full control over the content and production of

Indigenous Television. The creation of an Indigenous Television Broadcaster will bring the following benefits:

- Self Determination of Indigenous Australians in the area of television service provision.
- Provide Indigenous Australian ownership of Indigenous Television.
- Employment of Indigenous Australians. It should be a requirement that Indigenous Australians are employed in technical and creative roles. Additionally, traineeships etc should be provided specifically for Indigenous Australians.

The Discussion paper also contains the following proposals:

- Share studio and transmission facilities with another broadcaster.
- Have a primary role of production or commissioning programming which could be transmitted on existing broadcast networks.

VALS does not agree with the above suggestions because they have the potential to result in:

- Less control over Indigenous Television in the hands of Indigenous Australians.
- Less employment prospects for Indigenous Australians.

5) If an Indigenous Television Broadcaster is established, how should be broadcasting service be transmitted?

VALS is limited in its ability to comment on this question. VALS can answer this question by suggesting what form of transmission is inappropriate. It is inappropriate for Indigenous Television transmission to be carried on pay-TV services. As Indigenous Australians experience extreme disadvantage, it is inappropriate to place an obstacle in the way of Indigenous Australians wishing to access Indigenous Television.

6) If transmission is achieved by carriage over an existing broadcaster's network, what should be the nature of any carriage obligation?

If transmission is achieved by carriage over an existing broadcaster's network, the nature of any carriage obligation should be as follows:

- Obligation to transmit the Indigenous Television Service.
- Obligation to employ Indigenous Australians and create Indigenous specific traineeships.
- Obligation for staff to undergo Cultural Training.
- Obligation to consult Indigenous Australians on decisions.

7) How much transmission capacity should the carrier be required to make available?

The carrier should be required to make a full time service available, as Indigenous Australians deserve nothing less.

8) Alternatively, should the service be primarily a source of programming that could be made available to any interested broadcaster? If so, should it produce that programming itself or commission it from external production houses?

VALS welcomes the possibility of the contents of an Indigenous Television Service appearing on mainstream media. The programs should be produced by the Indigenous Television Service because in the words of an Indigenous filmmaker (Darlene Dhungutti), which are applicable to television,: “Many non-Indigenous filmmakers struggles with the appropriate way to discover and tell Indigenous stories”.¹ However, VALS considers that such a program source role will be a positive spin off of the role of the Indigenous Television Service, rather than a sole focus. The focus of Indigenous Television should be as a distinct broadcaster.

9) What would be an appropriate licensing regime for an Indigenous Television Service?

An appropriate licensing regime for an Indigenous Television Service would be to establish a third national broadcaster in the mould of the ABC and SBS. This will be in the interests of Indigenous Australians having a sense of ownership over the Indigenous Television service.

10) Who should control an Indigenous Television Service?

A Statutory authority should control an Indigenous Television Service. It is important that the Indigenous Television Service has authority and standing and is not seen as a toothless tiger.

VALS is concerned by the following suggestions:

- Establishing an Indigenous Unit on a non-Statutory basis within the structure of an existing broadcaster, Government body etc.
- If the service is carried on a national broadcaster digital multichannel, it be required that one or more board members of the relevant national broadcaster is Indigenous.

VALS argues that specific services for Indigenous Australians should remain distinct and not be mainstreamed. VALS is concerned about the authority of the Indigenous voice within mainstream services and the cultural sensitivity of mainstream services.

11. If an Indigenous Television Service were to be carried by an existing national broadcaster, should it be carried by the ABC or SBS?

The issue of whether an Indigenous Television Service should be carried by the ABC or SBS depends on two issues:

¹ ‘Indigenous Filmmaker Visits VCA’ Victorian College of the Arts Campus News, Issue 1 2004, p. 9.

- The commitment of the existing national broadcaster to meet the needs of Indigenous Australians.
- The level of coverage of the national broadcaster and the accessibility of the national broadcaster to Indigenous Australians.

It appears from the Discussion Paper that a benefit of the ABC is that it has a larger terrestrial television transmission network than any other broadcaster whose analog coverage is required to be replicated in digital. The benefit of SBS is the existence of a Charter that specifically mentions a commitment to Indigenous Australians. VALS argues that only a national broadcaster that provides a combination of the previously mentioned factors would be suitable.

12. If sponsorship/advertising is permitted on an Indigenous Television Service should there be any culturally specific content restrictions?

If sponsorship/advertising is permitted on an Indigenous Television Service there should be culturally specific content restrictions. Such restrictions should be left up to the Board of the Indigenous Television Service and incorporated into the code of practice. The Board will be in a better position than legislation drafters to address the issue of culturally specific content restrictions.

13. In what language should an Indigenous Television Service broadcast?

An Indigenous Television Service should broadcast in a combination of the following languages:

- Indigenous Australian languages;
- English.

14. How should an Indigenous Television Service be funded?

There is an issue about independence of the Indigenous Television Station if it is solely funded by the Government. There is the danger that if the Government is criticised on the Indigenous Television Service then funding will be jeopardised. There is the risk that the Government will consider its role as funding body to also be censor.

In mentioning the above concerns VALS does not wish to excuse the Government from an obligation to fund the Indigenous Television Service. VALS argues that funding for the Service is dependent on Commonwealth and State Government and business sectors. The Government is in the best position to fund an Indigenous Television Service and the funding of such a Service is in line with Government values (ie: capacity building of the Indigenous Australian community).

However, VALS calls on the Government to take on the responsibility of ensuring that safeguards are in place to ensure the Service does not become victim to political opportunism. VALS argues that this could be achieved by the creation of a Statutory

Authority, independent of Government, which is guaranteed a certain duration of operation.

VALS supports a combination of Government funding and advertising/sponsorship raised funding. A benefit of an Indigenous Television Service being funded by advertising/sponsorship is that services that meet the needs of Indigenous Australians can become sponsors, and community awareness of such sponsors will be raised.