



# Inquiry into the Communication Legislation Amendment (Regional and Small Publishers Innovation) Bill 2017



## Response of the Indigenous Remote Communications Association



**January 2018**

<hr/> <p>This submission is made by the Indigenous Remote Communications Association (IRCA) following sector consultation. It is expected that some radio services, RIBS and RIMOs will make individual submissions in which case the IRCA Submission should not be taken to displace those submissions.</p> <hr/>	<p><b>About the Indigenous Remote Communications Association</b></p> <p>The Indigenous Remote Communications Association (IRCA) is the peak body for Indigenous media and communications. It was founded in 2001 as the peak body for remote Indigenous media and communications. In late 2016 it transitioned to the national peak body for First Nations broadcasting, media and communications.</p> <p>Up to 105 Remote Indigenous Broadcasting Services (RIBS), 33 additional licensed retransmission sites across Australia, 8 Remote Indigenous Media Organisations (RIMOs) and 28 urban and regional First Nations radio services are eligible for representation by IRCA.</p> <p><b>About the First Nations broadcasting and media sector</b></p> <p>First Nations broadcasters are not for profit community organisations providing a primary and essential service to their communities. They reach nearly 50% of the Australian Aboriginal and Torres Strait Islander population, but are prevented from providing a primary radio service to all Aboriginal and Torres Strait Islander peoples due to a lack of funding.</p>
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First Nations broadcasters and media producers also connect non Indigenous communities with Aboriginal and Torres Strait Islander people and culture, developing greater understanding and building stronger relationships.

The sector:

- Comprises:
  - Radio services able to reach around 320,000 First Nations people, including around 100,000 very hard to reach people in remote Indigenous

communities, or approximately 47% of the First Nations population.

- A wide range of First Nations news and current affairs services including:
  - National Indigenous Radio Service (NIRS) and its National Indigenous News and Weekly News in Review
  - Central Australian Aboriginal Media Association's news service, including its Strong Voices program.
  - Koori Radio's news and current affairs programming
  - NITV News and Living Black
  - Print media including Koori Mail, National Indigenous Times, Land Rights News
- A regional satellite TV service reaching 240,000 remote households and a free to air national TV service.
- Over 230 radio broadcast sites across Australia.
- Is a multimillion dollar industry with over 35 First Nations community owned and managed not for profit media organisations.
- Holds the capacity to be a preferred supplier for all government messaging to our communities.
- Is the most relevant and appropriate service with the highest listenership, community engagement and local ownership of all media services.
- Is delivered in the first language of many remote peoples.
- In remote communities, is the most reliable and ubiquitous radio and media services.

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## Submission

### 1. Beginning points: self-representation, language, diversity, strength and growth

The Indigenous Remote Communications Association (IRCA) welcomes the opportunity to respond to the *Inquiry into the Regional and Small Publishers innovation Fund*. The Inquiry has high relevance to First Nations news provision in regional and remote areas.

Before addressing the specific matters in the Inquiry, it is important that the role of First Nations broadcasters as the primary providers of news and current affairs to their communities is clearly understood. At a purely operational level, the delivery of a First Nations news service is a requirement for First Nations media organisations receiving funding through the Indigenous Advancement Strategy. At a strategic level, the delivery of a First Nations news service is a tangible enactment of Article 16 of the UN Declaration of the Rights of Indigenous Peoples to establish their own media in their own languages and to have access to all forms of non indigenous media without discrimination.

#### Statement of Principle

**First Nations media organisations are the primary providers of First Nations news and current affairs to their communities and are the key providers of mainstream news and current affairs to their communities in forms that are appropriate and relevant.**

It is of the utmost importance that First Nations news organisations are supported in sustaining and further building their capacity in gathering news stories, developing journalism and news presentation skills, and developing platforms to share content within the sector, and where appropriate, to other sectors.

The way in which First Nations issues are represented in non Indigenous media is of vital interest to First Nations peoples. **First Nations peoples and issues are consistently misrepresented in news and current affairs.** Recommendation 208 of the 1991 Royal Commission into Aboriginal Deaths in Custody Report specifically noted “that many Aboriginal people throughout Australia express disappointment in the portrayal of Aboriginal people by the media”<sup>1</sup>.

The poor representation in non Indigenous media directly impacts on the development and implementation of government Indigenous policy<sup>2</sup>. Mainstream reporting often takes a deficit approach focusing on the “problem of First Nations peoples” rather than addressing the many successes, or in fact the structural inequalities arising from dispossession and racism that underpin the so called “problem”. A study of First Nations policy development and its intersection with mainstream media reporting found that:

- “Between 1988 and 2008, Australia’s news media paid **very selective attention to Indigenous policy issues, unless they were the site of controversy or politically salient.**
- Indigenous broadcasting policy received virtually no public attention, while health and bilingual education received occasional intense media attention. Newspaper journalists told the story of Indigenous health policy **through a small number of routine and predictable news frames.**<sup>3</sup>”

In this context, First Nations peoples highly value First Nations news content. The 2016 *Remote Indigenous Communities Media and Communications Survey* identified positive stories and First Nations focus in the top three reasons for listening to First Nations media. Importantly, having content delivered in local languages featured in the top 6 reasons.

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<sup>1</sup> <http://www.austlii.edu.au/au/other/IndigLRes/rciadic/national/vol5/5.html#Heading5>

<sup>2</sup> Kerry McCallum (ed). 2012. The media and Indigenous policy: how news media reporting and mediatized practice impact on Indigenous policy. p4. Available at [http://www.canberra.edu.au/about-uc/faculties/arts-design/attachments2/pdf/MIP-Report\\_Combined\\_Final.pdf](http://www.canberra.edu.au/about-uc/faculties/arts-design/attachments2/pdf/MIP-Report_Combined_Final.pdf)

<sup>3</sup> Kerry McCallum (ed). 2012. The media and Indigenous policy: how news media reporting and mediatized practice impact on Indigenous policy. p.vii. Available at [http://www.canberra.edu.au/about-uc/faculties/arts-design/attachments2/pdf/MIP-Report\\_Combined\\_Final.pdf](http://www.canberra.edu.au/about-uc/faculties/arts-design/attachments2/pdf/MIP-Report_Combined_Final.pdf)

*Table 1 Reasons for listening*

1	For positive Aboriginal and Torres Strait Islander stories 77%
2	Hearing about own people and community 67%
3	For the Aboriginal and Torres Strait Islander focus in programs and news 56%
4	Hearing people talk in own language 56%
5	Supports local employment 51%
6	Feel proud when listening 51%

The 2016 Survey evidenced news as important content for First Nations audiences, with local and national news rating in the top 6 content preferences as shown in Table 2.

*Table 2 Content preferences*

1	Music 92%
2	Community events 76%
3	Local news 73%
4	National news 66%
5	Live sports broadcasts 60%
6	Local interviews 55%

First Nations news organisations have developed significant news and current affairs content, programming and capacity including but not limited to:

- National Indigenous Radio Service (NIRS) and its National Indigenous News and Weekly News in Review.
- Central Australian Aboriginal Media Association's news service, including its Strong Voices program.
- Koori Radio's news and current affairs programming.
- NITV News and Living Black.
- Print media including Koori Mail, National Indigenous Times, Land Rights News.

Remote First Nations communities have very few print news publications available to them. Broadcast news is the dominant forms of receiving news. However, a diverse range of delivery platforms has developed in the First Nations news sector print media, local terrestrial broadcasts, online services, satellite delivered services, streaming content, apps and podcasts – to ensure that First Nations audiences receive news in forms, including language forms, that are appropriate to their situation and location.

Building from this diversity of platforms, is a groundswell amongst First Nations broadcasters to grow and strengthen the capacity of the sector in journalism and to

create appropriate print, online and broadcasting platforms, protocols and processes for sharing content.

The provision of news and other media content in local languages continues to be relevant and important, rating in the Top 6 reasons for listening to remote First Nations radio as shown in Table 1 above. Whilst English is spoken by a majority of First Nations peoples, the 2011 ABS Census identified that 17% of First Nations people identified themselves as not speaking English well or at all<sup>4</sup>. First Nations media has an important role in sustaining and affirming the first languages of Australia. Chapter 3 of the Australian Human Rights Commission, Social Justice Report (2009), highlights the following reasons:

1. Promotes resilience
2. Improved health
3. Improved cognitive functioning
4. Increased employment options
5. Costs and compensation
6. Intrinsic value

Fewer than 150 First languages are in daily use in Australia today compared to between 350 and 700 at the time of the British invasion. Of the languages spoken today all except 20 are highly endangered. First Nations media play an important role in contributing to the continuation of those languages that remain.

The Explanatory Memorandum to the Bill draws attention to the provisions of Article 19 of the International Covenant on Civil and Political Rights for freedom of expression. IRCA draws attention to Article 27 of the Convention in relation to the right to language, namely:

*In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.*

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<sup>4</sup> <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2076.0main+features902011>



The development of First Nation media in Australia in the 1970s and 1980s was a direct response to First Nations communities making a claim to retaining their cultures and languages against the potential for being swamped, with the deployment of the AUSSAT satellite, by mainstream and English content and the bringing of TV and radio to many remote communities for the first time.

That historical reason for the establishment of First Nations media is reflected in the findings of the *2016 Remote Indigenous Communities Media and Communications Survey*. That survey identified the following new sources accessed by remote First Nations community members.

*Table 3 News sources in remote communities*

<b>1</b>	Local Indigenous community radio news	<b>61%</b>
<b>2</b>	NITV News	<b>58%</b>
<b>3</b>	ABC TV news	<b>52%</b>
<b>4</b>	CAAMA News	<b>51%</b>
<b>5</b>	Newspapers	<b>23%</b>
<b>6</b>	Online news service	<b>1%</b> <sup>5</sup>

The limitation in the proposed Bill to funding of only print media (and online) is not consistent with the historical and contemporary context of First Nations media or the diversity of platforms being deployed by First Nations news organisations to reach First Nations audiences.

Nor does it articulate principles for civic journalism appropriate to First Nations communities. First Nations media in all its platform diversity has a strong role in civic journalism, not only in being an educative force for mainstream media in how First Nations news and current affairs is managed according to cultural protocols, but also as a force in its own right for bringing public policy and issues of public significance to the wider Australian community through a First Nations lens. The print news publications Koori Mail and Land Rights News and online news services such as National Indigenous Times have taken a lead role in this latter role.



<sup>5</sup> The low usage of online news arises evidences the extremely limited availability of broadband.

## **2. Response to key matters**

### **2.1 Concerns on limitation of eligibility to print and online**

For the reasons set out in the Beginning Points section above IRCA does not support any legislation that excludes First Nations licensed community broadcasters from eligibility for funding through the Small and Regional Publishers Innovation fund. IRCA rejects the statement in the Explanatory memorandum that “This limitation [that is the limitation to print and content service providers] reflects that these entities are generally the ones which provide news, journalism and other media related content services.” This statement does not reflect the First Nations situation or the specific needs of Aboriginal and Torres Strait islander audiences.

#### **Recommendation**

1. That First Nations broadcasters be included in the eligibility criteria for funding on the basis of their unique role in the primary provision of news and current affairs content to First Nations communities, as well as their unique position in the provision of news and current affairs through the lens of First Nations peoples.
2. That a minimum of 10% of the funding allocation for the Small and Regional Publishers Innovation Fund be allocated for First Nations news and media (print, broadcasters, and online).
3. That the funding allocation be available for the purposes of building news and current affairs capacity in transitioning to contemporary news platforms and systems as well as in building capacity for the development of an increasing number of First Nations journalists nationally.
4. That the Small and Regional Publishers Innovation Fund guidelines consider a broad definition of innovation to include the development of a First Nations news and current affairs aggregation and sharing platform (eg NewsCaf), enabling the compilation of locally relevant news services by First Nations media organisations and the sharing of new stories to non Indigenous news organisations in remote, regional and community spaces.

## 2.2 Representativeness of the Advisory Committee

The importance of civic journalism is such that groups not represented effectively in mainstream media need to be included in any activity aimed at enhancing public interest journalism. It is important that minority and culturally and linguistically diverse communities be represented on the envisaged Advisory Committee.

### Recommendation

5. That Section 205ZK (1) of the Bill be amended as follows:

*The Minister may constitute a committee to advise the ACMA in relation to the exercise of the ACMA's powers under this Part, which Committee will include representation from culturally and linguistically diverse communities, including First Nations.*

## 2.3 Concerns on the Australian Communications and Media Authority (ACMA) as grants administrator

IRCA questions the identification of the ACMA as the funding administration body. IRCA has no issues with the integrity and professionalism of the ACMA and can only commend its capacity to manage spectrum, broadcast licensing, research and associated regulatory roles. However, the ACMA has no current capacity for administering a grants program and IRCA questions the cost effectiveness, and risk of mixed purpose, in establishing a grants program in ACMA without the history of grants administration. The Department of Communications and the Arts has that experience and we strongly recommend that the Australian Government assign the grants administration role to that department.

### Recommendation

6. That grants administration be allocated to the Department of Communications and the Arts.