



**To the Committee Secretary**

Standing Committee on Communications, Information Technology  
and the Arts  
House of Representatives  
Parliament House  
Canberra ACT 2600  
Australia

**Submission to**

The House of Representatives Standing Committee on  
Communications, Information Technology and the Arts  
Community Broadcasting Inquiry

**From**

**WasabiTV**

<http://www.wasabiTV.com.au>

Ananth Sarathy and Daniel Brunet



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## 1.0 Introduction

We would firstly like to thank you for the opportunity to submit to the Parliamentary Inquiry on community broadcasting. We hope our submission will go some lengths to ensure that community interests are always at the forefront of community television.

WasabiTV is a creation of two Australians who have seen a substantial gap in the ability for Australian television (community and commercial) to distribute content (i.e. shows).

We believe WasabiTV has something to offer to community television and in particular content providers from many different community organisations. The technology WasabiTV puts at the hands of the producers (for free) is something commercial stations have spent considerable amounts of dollars on.

We feel in this submission that we may be able to put forward compelling points which illustrate

- The almost monopolistic strangle hold community TV stations hold in Australia.
- Community televisions failings to ensure that content producers interests are at the foremost of their existence.
- How community television, lacks the ability has to foresee future trends to remain viable.
- And how content "exclusivity" may preclude community content from being promoted and distributed without re-percussions.

The question also remains – has community TV planned out a succession path, if funding is not received?

The reason we are passionate about the outcomes of the parliamentary inquiry is, the digital broadcast spectrum is not only an opportunity for Australia to have leading edge technology in the family home, but to also use this opportunity to create a free market for community content.

Community television stations are the primary and will continue to be the primary, broadcaster of community content. WasabiTV asks the inquiry to ensure that content providers are still able to adapt to new technologies, self promote and grow without fear of loosing their primary outlet.

## 2.0 Increased Content Support

WasabiTV's primary purpose is to act as a medium to allow community organisations and producers to promote content in the digital age.

We also do not profit from content producers. It is a service entirely run to allow supporters of community content to download (shows) and enjoy the content irrespective of time and or location.

We average 5 000-10 000 page visits each 4 day period, with users watching multiple shows at a time. These downloads both local and international, allow shows such as "Ma Cherie" (new content to WasabiTV) to showcase their work globally.

WasabiTV also has "captive" audience viewers, not channel surfers. The audience eagerly follows a strong cross-section of community interests from religion, child, teen, sports and adventure shows.

WasabiTV is also averaging one new community show per week. At this current rate, WasabiTV may have more community based content than the vast majority of "Community TV" stations.

Furthermore, WasabiTV works with community producers to assist in their successes. Such as:

- the maker of "Dolphin Juice" has used references from WasabiTV for a tender to produce a film named "Zombies in Kombies";
- WasabiTV has also started to provide revenue for the producer of "Hooked with Dave Butfield" a fishing show. Dave Butfield sells content on WasabiTV where all profits go to producers to raise funds to help create more quality content; and
- An outlet for shows that may not have received airtime previously, like "Off Planet Films" by Tom Priestly a talented producer from Tasmania.

This has all been achieved in the first 6 months of WasabiTV not with advertising, but through the passion of content providers and through word of mouth of supporters.

However, community producers are facing roadblocks in promoting their content on Aurora, the internet and internationally due to the "Exclusivity Licence" clause enforced by "Community TV" licence holders.

## 3.0 Challenges Facing Community Producers

### 3.1 Limitations Imposed by Community TV Broadcasters

When WasabiTV launched, 15 producers excitedly submitted their content on WasabiTV wanting to promote their shows in the digital age and to increase their market penetration. However, their content was soon retracted due to the limitations imposed by community television stations.

For example, the producer of "Chart Busting 80's" has clearly stated her disappointment in having to remove the content from WasabiTV.

**"Thanks for the opportunity of being a part of Wasabi which I think is a great concept, however in light of the situation and reaction from Channel 31 at this point in time, can you please remove Chartbusting 80s content of the site until further notice."**

Extract of email received from Chart Busting 80s to WasabiTV on the 18<sup>th</sup> of November 2006.

This reaction is in direct relation to such emails sent to producers from community broadcaster, Television Sydney (TVS).

**"the supply and transmission of programs through a third party such as WasabiTV may in fact constitute a breach of our TPLA"**

Extract of email received from Dolphin Juice to WasabiTV on the 14<sup>th</sup> of November 2006

As a result of the challenges imposed by Community Broadcasters, within the first 24 hours WasabiTV went from supporting 15 shows to none.

Despite these constraints producers have been so passionate about promoting content on WasabiTV. That we have even received contracts to review, and it can be clearly seen that a producer is **limited to promoting their own content**.

#### "2.1 Exclusive License

**The licensor grants TVS a sole and exclusive license to do any or all of the following in the territory during the term:**

- (a) Cause the program, in so far as it consists of visual images, to be seen in public and in so far as it consists of sounds to be heard in public;**
- (b) Communicate the program to the public, whether by way of an analogue or digital signal otherwise, including broadcasting the Program and causing the Program to be transmitted to persons throughout the Territory, including by Free Television, Pay Television and any Datacasting or similar delivery mechanism."**

WasabiTV has also endeavoured to support up and coming producers from the Royal Melbourne Institute of Technology/Television (RMITV). Although we received this disappointed response, RMITV still indicated that they would get the message out to all of their producers.

**“Unfortunately 90% of our producers are doing shows with Channel 31, and you may be aware that C31 does not permit their shows to be uploaded to other competing sites on the net, such as Wasabi.”**

Extract from e-mail received from RMITV to WasabiTV on the 8<sup>th</sup> of February 2007

### **3.2 Monopolistic style activities?**

Individual community TV license holders only allow each other to broadcast content exclusively; however the following are examples indicating possible monopolistic style activities whereby producers were not permitted to provide content to sites such as WasabiTV.

**“It is quite ironic that despite not letting us give content to you, they have set up their own site "TV Now" doing a similar thing. Double Standards??”**

Extract from e-mail received from RMITV to WasabiTV on the 28<sup>th</sup> of December 2006.

Another example refers to section 2.3 of the TVS contract stating:

#### **“2.3 Assignment and sub-licence**

**The licensor agrees that TVS:**

**(a) May assign the broadcast rights to any third party, including other community television providers, during the Term; “**

Community TV license holders allow each other to distribute content but do not provide access or a framework for outside parties to support content providers. This is the same content, which many Community TV licence holders may **not** assist in the production of and may even **charge** producers for air time.

This is a passionate issue, and one which is not unique to WasabiTV. This theme can also be seen in the submission of CTV Perth to the Parliamentary committee (please note no affiliation to WasabiTV).

What is even more of a concern was WasabiTV receiving a letter from the peak body in Community Television the **CBA** on a letter head from **C31** in Melbourne. **Can we assume the peak body has some independence from the licence holders?**

## 4.0 The Future: Community TV and Content

The steps to digital TV are exciting but what protection is in place for content providers?

WasabiTV is in the digital space and can see a convergence of IPTV (Internet Protocol TV) and Digital TV in the near future. Allowing community TV licence holders, to claim content exclusively into the future and practice the way they have been. May result in content providers being forced to rely on "Community TV" to be proactive or face extinction.

If we remove the road blocks community content providers face to promote content on Aurora, the internet and other mediums without the risk of losing a core audience. The parliamentary committee can ensure community groups are serviced regardless of what technology they rely on.

WasabiTV also believes this will mean greater competition to deliver a better service to the community groups who produce content. This will enable greater exposure of the community, the general public and allow people to be much more aware of current issues facing their local community.

## 5.0 Conclusion

To ensure community TV Licence holders do not lose sight of their true goals to service the community and their messages going into the digital age with tax payer funding. We must ensure the community interests are best served.

I appeal to the Parliamentary Committee to use this chance to ensure that

- a) All exclusivity rights are removed from Community TV licence holder contracts and
- b) Community TV licence holders are forced to encourage self promotion of shows by content producers.

I would also like to wish everyone the best of luck in this inquiry as it is a way of leading Australia into the Digital TV age and to ensure that Australian TV content is free from constraints.

Best of Luck and Sincerely,



Ananth Sarathy  
[Ananth@wasabity.com.au](mailto:Ananth@wasabity.com.au)

Daniel Brunet  
[Daniel@wasabity.com.au](mailto:Daniel@wasabity.com.au)