



Cộng đồng Người Việt Tự Do Úc
Châu
Vietnamese Community in Australia

PO Box 719 Mt. Lawley WA 6929

Tel: 0500 88 88 00 Email: cdnvtduc@hotmail.com

SBS Annual Report
Review Inquiry
Submission No. ...1.....

09 February 2004

To
The Chair (Mr. R. Baldwin),
Deputy Chair (M. Hatton),
And all Members of the
House Standing Committee on Communications, Information Technology
and the Arts

Dear Committee Chair, Deputy Chair, and Members

On behalf of the Vietnamese Australian community, for which the Vietnamese Community in Australia is the elected representative, I write to invite the Committee to consider the following matters as part of its Review of the Special Broadcasting Service Annual Report 2002-2003, particularly SBS Television.

A. LACK OF COMMUNITY CONSULTATION IN RELATION TO VTV4

SBS TV failed to consult with the key stakeholder, the Vietnamese viewership, before deciding to use the Communist Party of Vietnam's VTV4 propaganda-as-news program as part of its WorldWatch lineup.

That this failure took place despite the written promise by the former Head of Television, is a noteworthy point.

But perhaps even more noteworthy is that this failure took place despite key people (the Managing Director, the Head of Television, and the Head of Television News and Current Affairs) being aware of strong opposition by the Vietnamese community.

This opposition was expressed several times:

- Over the months leading to the decision, by the Head of SBS Radio, Mr. Quang Luu. Mr. Luu's strong judgment against the decision should have been especially respected, not just because he is in regular and widespread contact with fellow Vietnamese Australians, but also because he has the feel, and the resources to confirm that

feel, of the Vietnamese and other ethnic communities through SBS Radio's language programs and staff.

- Several times in each of 2000, 2001, 2002, and 2003, at face-to-face meetings between the VCA and the MD or the Head of TV. This was also expressed in writing in several letters.
- At least once in writing by Senator Payne and, as her office informed me, a few times verbally to Mr. Phil Martin, Head of TV News and Current Affairs, during 2002 and 2003. While inviting SBS to add other languages in WorldWatch, she specifically told SBS that the Vietnamese language was different because VTV4 was state propaganda aimed at a refugee community.

B. POSSIBLE REASONS FOR NON-CONSULTATION

- "Did not think of consultation"

According to the Head of SBS TV, Mr. Shaun Brown, SBS TV did not consult because firstly, he and others in SBS TV Management did not think of consulting with the Vietnamese community and, secondly, he was not aware the former Head's promise to consult.

- "VCA not representative"

According to the answers given by the Managing Director, Mr. Nigel Milan, at the 3-4 November 2003 Senate Estimates Hearing, SBS TV did not consult (even though he was personally well aware of the strong opposition) because he believed that the VCA may not be representative as an organisation, as few people in the community were involved with it. However, he tendered no facts to support this belief.

Reality is overwhelmingly against that belief. Since its establishment in 1976, the VCA has been accepted by federal and State Governments, and the NGO community, as the community's representative organisation. Its Chapters have been funded by governments to deliver services previously delivered by governments, and attend on various committees to represent the views or advocate for the community. If SBS TV sends its people to Tet festivals organised by the VCA (which as far as we know, it has never), it would see for itself how closely the Vietnamese people are involved with the VCA.

Apart from the above reasons stated by SBS Management, the facts inevitably lead to the possibility of others:

- **Arrogance**

This could be either in the name of editorial independence, or without it. This, despite the SBS Act's requirement for SBS to be aware and take account of community opinion.

Mr. Phil Martin's categorical public statement on 9 October 2003, that the Communist Party of Vietnam's Thoi Su program would continue on SBS TV regardless of whether and how strongly the Vietnamese community opposed, is an indication of this apparent arrogance.

- **Agenda or ideological belief favorable to the current Vietnamese regime**

- In its response to the Senate Estimate Committee's Question 36, SBS TV listed all films or documentaries relating to Vietnam which it has screened since 1994, and itself acknowledged that some of its documentaries were pro-Hanoi and, importantly, none presented a counter-balance. In its above response, SBS TV wrote: *"While some of the programs listed in the attachment (such as [documentary] Combat Women and [feature film] Hanoi: Winter 46) present views associated with the communist side in the Vietnamese conflict, other programs broadcast by SBS in the last two years (for example Eleventh Child and Three Seasons) are either neutral on the question of the conflict or not concerned with it."*

This clearly means that overall, there was a pro-communist bias. Yet, in the very next paragraph, SBS TV claimed balance:

"While acknowledging the abovementioned difficulties ["SBS is limited by the amount, quality and nature of programs available from Vietnam"], SBS believes the breadth of programs on and about Vietnam broadcast on SBS Television complies with the requirement under its Codes of Practice to provide a balance of views over time."

Below is a brief analysis of documentaries and films:

Documentaries:

The more noteworthy ones were:

- **Combat Women:** Through selected quotes by female communist fighters, and through the editorial line, it

presented them as heroines, and their enemies as the dark force. Significantly, it was first screened on International Women's Day

- **Gao Rang (Grilled Rice):** it presented North Vietnamese propaganda film-makers in a positive light, and derogated South Vietnam through using quoted words such as by interviewee film-maker Ngoc Quynh's "...*danh tui My Nguy...*" (to fight the (despised) gang of Americans and the illegitimate regime), or interviewee cameraman Tien Sy's repeatedly used phrase "*mot thang linh*" ('a low life soldier') to talk about a South Vietnamese soldier.
- **Cu Chi Tunnels:** it glorified the communist war effort

As SBS TV itself acknowledged above, none of the other documentaries (eg. "**Street Cafes: Hanoi**", "**Street Cafes: Ho Chi Minh City**", "**Street Cafes: Central Vietnam**", "**Women: The Strength of Vietnam**") provided any counter-balance.

Films:

Films provided by the Communist Party-controlled film-makers numbered 13, or 2/3 of all 18 films. All these films have been approved by the Ministry for Culture.

Many have the Vietnam War in the background, and presented that conflict from communist viewpoint: **Hanoi: Winter 46** followed communist cadres' activities. **Heading South Going North:** viewpoint of communist soldier in his love story. **The Long Journey:** reunification after the war (even the term unification is loaded in the Vietnamese context. Communists refer to it as unification or liberation, southerners think of it as invasion by the north). **My Sweetheart Is Getting Married:** the War, as seen through the regime's eyes, is constantly in the background. **Wharf of Widows:** sufferings of North Vietnamese women due to war.

It is important to note that none of the films screened by SBS, whether provided to it by the Vietnamese communist regime or others, presented viewpoints unfriendly to the Hanoi regime.

C. THE "SURVEY" BY SBS TV

According to the Managing Director, after the above-mentioned Senate Estimates Hearing on 3-4 November, he was informed by the former Head of SBS TV, Mr. Peter Cavanagh, that Mr. Cavanagh had commissioned a survey, and it showed majority support by the Sydney survey sample of respondents.

The circumstances surrounding this so-called survey are so suspicious and it raises so many questions while answering none, that it deserves to be thoroughly discredited:

First, Mr. Cavanagh seemed to be the only one aware of it, and never reported its presence to anyone during his time in SBS, even though he used public money in commissioning it.

Second, the design of the survey – from the wording of the question (which did not make clear that the program would come from a Communist Party-owned station) to the choice of respondents (Sydney only, while the program would be seen nationwide) – was done without consultation, despite Mr. Cavanagh having promised to consult with the VCA which, presumably, would include consulting on such details.

Third, this "survey" result of majority support is simply wrong. The opposition was overwhelming, whether measured by the ratio of the numbers of protest demonstrators to supporters (20,000:0), the ratio of protest/support signatures (40,000:0), the ratio of anti/pro emails (Our estimate is at least 100:1), or the ratio of anti/pro telephone calls to SBS' feedback phone line 1800 500 727 (SBS' verbal estimate at the Senate Estimate Hearing was at least 10:1).

D. SUITABLE VIETNAMESE-LANGUAGE NEWS PROGRAM FOR WORLDWATCH

SBS TV has told us that in the latter half of 2004, it will consult with the VCA to find a suitable Vietnamese-language news program for WorldWatch. We in turn have told SBS that we would make constructive suggestions to it.

We call on SBS TV to:

Give weight to representative status of consulted parties:

As our experience with SBS via its Community Advisory Committee in November 2003 shows, apparently SBS TV did not give weight to the fact that the number of VTV4 supporters it consulted with (whom SBS had told us that it had difficulty finding) were very few in number when compared with the mass represented by the VCA. Most importantly, they represented themselves, they are not elected community representatives.

It would be proper for SBS TV to give this weight this time.

Consider alternatives other than satellite transmission of programs:

We understand that currently SBS TV only wants to use those materials it can receive in Sydney from satellites. This presents a serious and possibly insurmountable obstacle to using daily television news programs produced by stations in the Vietnamese American community and elsewhere. The cost of satellite transmission to Australia, we understand, is prohibitive, in the order of hundreds of thousands of dollars.

There are workable alternatives. One is for SBS to download these (broadcast-quality) programs daily from the internet. Another is for a third party to perform this download then deliver daily to SBS in Sydney on a DVD, at no or little charge.

We call on SBS TV to be prepared to look at alternatives such as these.

Consider locally-produced materials

A small television industry exists in the Vietnamese Australian community, mainly through VNTV on channel 31 in Melbourne, and Channel 31 in Sydney.

In particular, we understand that VNTV is prepared to gear up to produce a daily half-hour Vietnamese-language news segment suitable for WorldWatch. They may make a submission to the Committee, which we hope will be carefully considered.

E. RECOMMENDATIONS

We hope that in its report to the Parliament, the Committee makes observations and also recommendations to the Minister which, if SBS takes notice of them, it would feel encouraged to reform its consultation process, complaints handling process, and organisational culture. Below, we detail these 3 matters:

1) A Consultation Process

As requested by FECCA and others, SBS TV has agreed to institute a consultation process. This is a good starting point.

We recommend that the consultation process be designed such that it:

- **Is able to be initiated by either SBS or a stakeholder.** If SBS is the only party controlling when and what is consulted, then the process will not work.
- **Can cover any program, or anything, which common sense reasonably tells of the need to consult.** WorldWatch's language segments are a clear candidate as the subject of consultations, but what about documentaries? What about films? What about entertainment programs? What about non-programming matters, such as an apparent tradition of employing only people of Anglo Saxon background in SBS TV's top jobs? There is no clear or easy answer on any of these questions. The solution, we suggest, is two-fold: first, stakeholders other than SBS should be allowed to initiate the consultation process (as above), and second, the rules regarding the consultation process should not rule out any such topic above. Too much or too restrictive consultation, and SBS' editorial independence may be impaired. Too little, and unchecked wrongs by SBS can take place. The balance will find itself through the interplay of forces.
- **Is taken seriously by SBS Management.** On the one hand, no-one would want to burden SBS Management with consultations that dictate what they can or cannot do, or drag out their decision-making timeframe such that they cannot do their job. On the other, SBS Management would not want to be seen as whitewashing consultations. Part of the answer in trying to find the right balance, we believe, is in having the right culture, which we will deal with later below. The other parts of the answer, we recommend, are: First, to ensure that SBS communicates to the consulted parties (and the public, if relevant) its draft decisions, explaining in detail how the draft decision has been arrived at after the consultation so far. Secondly, the consulted parties have a short period to comment on the draft decision. Third, in some cases as judged by the Board, a Board member may assume an oversight or observation role (see below).
- **Is accessible to the Board.** Just as currently usually one Board member sits in meetings of the Community Advisory Committee, so it may help to inform the Board for one or several of its members to be across consultations, or be explained by Management when it decides not to hold a certain consultation. This way, when the Board decides to take an interest in some matter, it will be seen as an impartial and authoritative figure to guide the consultation, or lack of.
- **Covers not just planned decisions but also past decisions.** If there is to be an annual consultation, then the latter means

stakeholders have an opportunity to express views about programming in the previous 12 months.

2) A complaints handling mechanism

For this mechanism to work, we suggest that it should be seen as independent, have teeth, have the right resources, and have sufficient scope:

a) Be independent and seen as independent

Usually the Board is distinct from, and far-removed enough from Management decisions, that independence from Management only is required. However, there may be occasions when that is not enough (particularly if the scope of the mechanism allows complaints not just about programming but also strategic decisions, some of which made by or approved by the Board). Therefore, both SBS Management and Board would probably want the mechanism to be seen as independent from themselves.

Who should appoint top decision-makers of the complaints-handling mechanism? For complete independence, these appointments should be made by other than the Board or Management. It seems to us that the Communications Minister should make these appointments. It is not acceptable for Management to make the appointments. If the Board decides on the appointments, then it should work out how to deal with allegations of bias or imbalance.

Finally, because the TV industry in Australia is reasonably small, it is possible for credible allegations of "industry friendship" influence to surface. Having at least some decision-makers in the complaints handling mechanism who are not industry insiders would avoid this appearance.

b) Have teeth

To whom should the findings and recommendations of the complaints handling mechanism direct? Clearly, Management should be one. But summaries should also be copied to the Board for its oversight.

It may be useful for summaries to also be included in SBS' annual report. Both complaints and compliments should be reported, so that the overall picture is not designed to be negative.

What if Management decides to over-rule, ignore (ie. not consider), brush aside, or implement only partially such recommendations? In

some cases, this may be justified, and in some others not. Obviously, in the latter case, complainants can take the matter to the Australian Broadcasting Authority. We recommend that Management be required to brief the Board in such cases. Oversight by the Board and, with time, its decision from time to time to invite Management to reconsider, will enhance the public's trust in the complaints handling mechanism.

What if in some cases, the complaints handling officer needs access to things currently off-limit (usually, to do with FOI exceptions of the type "program materials", or with "Board papers and Board discussions")? We recommend that Management be encouraged to minimise invoking such restrictions and, when it does invoke, that it include this fact in its briefing to the Board for it to undertake an oversight role.

c) Have the right resources

In terms of quantitative resources, the complaints handling mechanism needs to have the staff necessary to do its work.

In terms of qualitative resources, the skill mix should not just be in the areas of broadcasting or law, but as SBS' existence related to multiculturalism, the mechanism should have this understanding too. We are not advocating that an ethnic person should be appointed, only that some people with an understanding of multiculturalism should be appointed among the top decision-makers of the complaints handling mechanism.

d) Have the right scope

Complaints about programs (news, current affairs, documentaries, commentaries, entertainment ..) and advertisements that are screened would clearly be in scope. What about the decision to drop a program or change its time slot? A commercial sponsorship that is objectionable? An internal management decision that has direct or indirect impacts on programming? The list goes on. It may be tempting to rule out some of these types of complaints. However, we recommend not hard-coding such limits. Hard-coding would prevent some outrageous complaints, but also some worthy ones. Better to not design-in these limits, because any outrageous complaints would be quickly and clearly seen as such.

The above comments and recommendations apply whether the complaints handling mechanism is for SBS only, or for SBS and another public broadcaster.

3) SBS TV's culture

It is relatively easy to feel the culture, but difficult to define it, let alone to shape it. However, it is indisputable that culture drives behavior.

The outcome which we hope to see is a SBS which is aware of the need to maintain and respect its editorial independence as well as creativity, while taking account of its editorial responsibility to society and to its viewership.

Needless to say, we believe that generally SBS TV leans too much on the side of editorial independence and too little on responsibility.

But even if one does not hold this belief, to continually move in the direction of the above outcome is still desirable.

- One part of the solution to effect this movement is in the recommendations we already made: vigorous consultation and complaints processes encourage the organisation to interact directly and healthily with its viewership, thus providing opportunities for ideas to compete.
- Another part is in having people with the right attitude. While we do not recommend that people of non-English speaking background be among the top decision-makers of SBS TV, we see the need for them to have, and be seen to have, a deep understanding of multicultural Australia.
- And another part is in interaction with multicultural Australia. FECCA has publicly said that SBS TV's staff never seem to attend multicultural functions or events. The Managing Director has responded by saying that SBS TV covers issues, not ethnic events. This may be justified, but if it is true that SBS TV's staff rarely attend any multicultural gatherings (events, meetings, festivals, etc.) – and for the Vietnamese community, this is true – then this absence is quite telling about SBS TV's apparent lack of interest in multicultural Australia.

CONCLUSION

We are always mindful of the need to see an editorially independent SBS TV. However, one way to achieve independence is to behave as if one were an isolated island, emitting signals to but otherwise disinterested in,

and disregarding, the surrounding waters. That is certainly not the kind of editorial independence SBS TV or its viewers would want.

What everyone wants is a SBS TV that has a healthy attitude, and that interacts vigorously with its viewership, in the process becoming aware, feeling the pulse, taking account of, and moving in tune with its viewership. We believe that our recommendations are positive, suggesting ways leading to continual improvements along this line.

We stress that all of our suggestions relate primarily to SBS TV. SBS Radio has been active in interacting with its listenership, both through a formal consultative process, and through the many interactions with listeners through talkback radio and other feedback mechanisms.

We stress further that we strongly support the continued existence and development of SBS.

I and a number of VCA colleagues will attend as observers at the 11th February Hearing of the Committee, and we look forward to a positive hearing.

Sincerely

Trung Doan
Federal President

