



COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

**HOUSE OF
REPRESENTATIVES**

STANDING COMMITTEE ON COMMUNICATIONS,
INFORMATION TECHNOLOGY AND THE ARTS

Reference: Community broadcasting

WEDNESDAY, 21 JUNE 2006

CANBERRA

CONDITIONS OF DISTRIBUTION

This is an uncorrected proof of evidence taken before the committee. It is made available under the condition that it is recognised as such.

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

[PROOF COPY]

INTERNET

The Proof and Official Hansard transcripts of Senate committee hearings, some House of Representatives committee hearings and some joint committee hearings are available on the Internet. Some House of Representatives committees and some joint committees make available only Official Hansard transcripts.

The Internet address is: **<http://www.aph.gov.au/hansard>**

To search the parliamentary database, go to:
<http://parlinfoweb.aph.gov.au>

HOUSE OF REPRESENTATIVES

**STANDING COMMITTEE ON COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE
ARTS**

Wednesday, 21 June 2006

Members: Miss Jackie Kelly (*Chair*), Ms Owens (*Deputy Chair*), Mrs Bronwyn Bishop, Mr Garrett, Mr Hayes, Mr Johnson, Mr Keenan, Mr Laming, Mr Ticehurst and Ms Vamvakinou

Members in attendance: Mr Garrett, Miss Jackie Kelly, Mr Laming and Ms Vamvakinou

Terms of reference for the inquiry:

To inquire into and report on:

- The scope and role of Australian community broadcasting across radio, television, the internet and other broadcasting technologies;
- Content and programming requirements that reflect the character of Australia and its cultural diversity;
- Technological opportunities, including digital, to expand community broadcasting networks; and
- Opportunities and threats to achieving a diverse and robust network of community broadcasters.

WITNESSES

MALONE, Mr Patrick Allan, Chief Executive Officer, Australian Indigenous Communications Association..... 1

VILLAFLO, Mr George, Project and Research Officer, Australian Indigenous Communications Association 1

Committee met at 9.36 am

MALONE, Mr Patrick Allan, Chief Executive Officer, Australian Indigenous Communications Association

VILLAFLOR, Mr George, Project and Research Officer, Australian Indigenous Communications Association

CHAIR (Miss Jackie Kelly)—Welcome. I declare open this public hearing of the House of Representatives Standing Committee on Communications, Information Technology and the Arts in its inquiry into community broadcasting. The inquiry arises from a request to this committee by Senator the Hon. Helen Coonan, federal Minister for Communications, Information Technology and the Arts. Written submissions were called for and we have received 126 to date. The committee is now conducting a program of public hearings and inspections. This is the fourth hearing of the inquiry.

Although the committee does not require witnesses to give evidence under oath, I should advise you that these hearings are formal proceedings of the parliament and consequently they warrant the same respect as proceedings of the House itself. It is customary to remind witnesses that giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. I invite you to make a brief opening statement before we move to questions from the committee. We do have your submission before us.

Mr Malone—We have presented you with a submission, and I would just like to talk to it a little. One thing that needs to be recognised is the difference between what is generally known in this country as community broadcasting and what is known as Indigenous broadcasting. One of the big differences is community broadcasting is mostly based on volunteerism whereas, with Indigenous communities, it is usually the first and only job that someone working in broadcasting might have. That is the main thing.

In a lot of ways the Indigenous broadcasting industry has been propped up over many years now by the Community Development Employment Program—for example, the Work for the Dole scheme. That has been the way that most of our members have received their salaries. This is a concern to us because, in the near future, there will be a changeover from the CDEP to full-time employment, which will cause a whole lot of problems in our communities. It is raising a whole lot of concerns for us. We want to put ourselves into a position where the Department of Communications, Information Technology and the Arts and the Department of Employment and Workplace Relations get together and work out some way for that conversion to be carried out so that our people do not miss out.

The other point to make is that Indigenous broadcasting is inclusive of all the platforms in broadcasting—not just radio. Especially in remote communities, people are involved in, for example, television and broadcasting on the web. In our organisation, we have representatives from radio, television, online content and print. A lot of our people are involved in all of that.

The other concern that we have for our future is the move towards digital radio—how we are going to be involved in that and our desire to be involved in that and any of the changes that may be made. Then of course there is the old chestnut about funding. Indigenous broadcasting

funding has been capped at \$13 million since the late 1990s, and there has been no change—not even CPI changes. In that time, we have seen our industry grow and there is a lot more demand on those dollars without there having been an increase in funding. That is also big concern.

CHAIR—Thank you. Mr Garrett will start off with questions.

Mr GARRETT—I am interested to know the number of people within a community who have an involvement with the radio stations. Could you tell us how many people come to work in radio stations, assuming that all of them would usually come through as recipients of CDEP, and also how long they stay? Have any of them gone on to work in broadcasting or other areas subsequent to doing that work?

Mr Malone—We have an arrangement where trainees come in and go through the Batchelor Institute of Indigenous Tertiary Education. There is an associate diploma in broadcasting and journalism there, which is a three-year course.

CHAIR—Which institution?

Mr Malone—Batchelor.

CHAIR—At Melbourne University?

Mr Malone—No, Batchelor is in the Northern Territory.

CHAIR—So it is done at Batchelor?

Mr Malone—Yes. From my experience, over the years, a lot of people have gone through there. In talking about a community, it is hard to say as, usually, when someone is trained up, they move on to something else, other avenues open up for them or there is an ability for them to move into the ABC, SBS or places like that if they are any good.

Mr GARRETT—Would everyone who comes in and does community broadcasting work do it through CDEP?

Mr Malone—Most people. Some of the older people would probably be on pensions and that sort of thing. The more cultural—

Mr GARRETT—But all the young people would?

Mr Malone—Most of them, yes. We are currently doing a survey of all our members to find out exact numbers on that and to work out who is on full wages. It is probably only the coordinator who is on full wages and everyone else would probably be on CDEP.

CHAIR—Wouldn't the trainees be on some sort of tertiary assistance?

Mr Malone—When they attend Batchelor, it switches over from CDEP to Abstudy.

Mr GARRETT—My second question relates to the provision of facilities, what kinds of technical facilities there are and what sorts of demands and challenges the sector faces in terms of the maintenance of equipment and facilities and also embracing new technologies, including digitisation as it comes towards us.

Mr Malone—As you could imagine, a lot of the facilities in communities are really old. There was recently an upgrade of transmitters by the department, which has given people an extra television channel to broadcast out of—an Indigenous community television channel. Other than that, there has been very little capital infrastructure brought in over many years.

The added problem in remote areas is that technical services are very hard to come by. In a lot of remote places, people have to send small bits of equipment away to Perth, Darwin and other places for repairs. That equipment could be gone for weeks. One of the things that AICA is hoping to get off the ground is some sort of traineeship for technicians, so that we will have some trained technicians in remote areas or some in regional areas who can go to the more remote areas.

Mr GARRETT—I am wondering about the way in which people receive information in communities, including information about their obligations, rights and responsibilities; information about events—for example, if there is medical information coming into the community or things of that nature—and interactions with, say, government agencies? Are people receiving their information by way of leaflets and pamphlets which you then read out on air? Is it generally the practice that this information is broadcast pretty widely and that a lot of people get to hear about what is going on and what is important in their lives by listening to the radio and by watching TV?

Mr Malone—In most of our communities, the Indigenous broadcasting service is the only form of information that people can access. The information is broken down so that people in communities can understand it better. Even though there might be a government strategy relating to something or other, the broadcaster will break it down and make sure that the community or people in the community understand it a bit better. That could be on health, education, legal activities et cetera and general information about what is happening in the community.

Ms VAMVAKINO—I have a question stemming from the second part of Peter's question regarding the dissemination of information—which you have answered. I am very familiar with ethnic broadcasting, and I know the importance of such broadcasting in terms of not only information but also retention and promotion of language. I would like to know how effective Indigenous broadcasting is in promoting and preserving Indigenous languages. Which language is predominantly used? Obviously English is used but what other languages are used? How much work can be done through broadcasting to preserve Indigenous languages?

Mr Malone—A lot of work can be done and is being done. In some instances, especially in the Kimberley, the radio stations have a relationship with the local language centre. So they work together on that. In some communities, English is probably a third or fourth language, and a lot of the information is given in the first language. The other issue is the maintenance of language. That is something that is of great concern. There are not many languages left—only bits and pieces of languages. A lot of community broadcasters are trying to embark on a language solving exercise to try to bring the languages back.

Ms VAMVAKINO—Is broadcasting central to that?

Mr Malone—It is.

Ms VAMVAKINO—If you did not have the broadcasting, you would not be able to preserve and promote those languages, would you?

Mr Malone—That is right. That is what I was saying earlier about getting the old people in to talk. It is not only about languages; it is also about culture, stories et cetera.

Ms VAMVAKINO—Yes, all those things.

CHAIR—In a 24-hour period or over a week, how much of your programming would be in an Indigenous language and what percentage would be in a different language?

Mr Malone—It all depends on the service. Obviously, in major cities et cetera it is predominantly English. In the more remote areas, the majority of it is done in the language. In Elcho Island, some of the Top End communities and some of the more remote communities in the top end of Western Australia around the Central Desert area, the broadcasting is mostly in languages and English comes in now and again.

CHAIR—Would you have a map with the footprints of each station? You know those maps you can get with the—

Mr Villafior—They are produced in most of the ATSI annual reports. We do not have one with us, but could get one for you.

CHAIR—That would be handy.

Mr Villafior—It is quite a footprint.

CHAIR—You talked about the training up of people within your stations. Triple R presented to us, and they could point out that so and so went from here and into, for example, ABC, SBS, or channels 9 or 7. They were able to provide us with a list. Would you be able to provide such a list? Or are there not quite the same bridging opportunities? Would you need something else added in there to see those transitions, or is it happening?

Mr Malone—I think so. The courses that Batchelor and James Cook University run are specifically aimed at Indigenous broadcasters. They also have as part of their course a placement with either a commercial radio or television station or a national broadcaster. So a lot of them do have the experience of working in the ABC, SBS et cetera.

CHAIR—Are you happy with it as a nursery for talent into the mainstream?

Mr Malone—I think so. That is the whole point about it. We are not there just to inform and entertain our own communities; we are also there to entertain and inform the wider community. It is that bridging thing between Aboriginal and non-Aboriginal. I always talk about demystifying things, breaking down the barriers and letting people know that the sorts of things

that happen in our communities are exactly the same things that other people have concerns about.

Mr LAMING—Have you done any ratings in some of those communities to see whether they are listening to the shock jocks from mainstream radio stations, if they can receive them, or whether they are listening to their local stations?

Mr Malone—To date, there have not been any ratings done. When I worked for the ABC we tried to do an audience survey in remote communities, and it was just about impossible. It would have to be via interview because, in those days, you could not ring people in a community. As there was usually only one phone in a community, you could not ring someone's house and conduct a survey. It is pretty difficult. I can only go on what broadcasters tell me. They tell me that most of their people listen to them all the time.

Mr LAMING—Is there a real sense that older people are happy to have a radio and to carry a radio around but that young people were moving towards DVD and video in communities? Is that something that Indigenous radio has engaged in?

Mr Malone—It is not something that I am aware of at this stage—though I can see that happening with the PlayStations and things like that.

Mr LAMING—Obviously, where you have a very popular Indigenous service, there will be more radios. Has there ever been thought given to (a) the provision of radios when you start a service and (b) doing an audit of how many of your households actually do have a radio?

Mr Malone—No-one has done an audit, but I think the majority of people do have radios. One thing I did not touch on was that there is a National Indigenous Radio Service. I think they have also put in a submission to the committee. That is programming coming out of Brisbane but it is fed in from a lot of the remote communities. So anywhere you are sitting in Australia, you can actually hear it. I can sit here and listen to someone from Halls Creek in Western Australia and listen to their programming. I think that is a very good service. The good thing about that is that it gives people a national perspective on what is happening.

Mr LAMING—Has there ever been any censorship or criticism issues from Indigenous people about the content on Indigenous radio, particularly about it being inappropriate or perhaps targeting wrong subgroups within the community? Have there been any complaints like that that your industry collects?

Mr Malone—I am not aware of any. I am guessing that it is to do with the sorts of courses that people do with regard to making sure that they abide by cultural protocols. There is this whole issue about making sure that they talk to the right people before they actually do the programming and making sure that the right people are talking about those sorts of things.

Mr LAMING—Extending from that, is there any structure within Indigenous radio that says that certain topics are only discussed at particular times of the day? Are there any types of programming that are restricted to particular times of the day? I am getting to my final question, which pertains to censorship. Is there any of that sort of division where you have, for example, adult-only discussions after a particular time at night?

Mr Malone—I do not know of any. The raunchiest program is probably Mary G—Mary Geddardyu—and I do not think it is that bad.

Mr Villafior—I have been working with Patrick for only two months. I think there have been two complaints, and they have been mainly about the structure of the entity itself rather than the content—for example, that it is too inclusive and all those sorts of structural issues, which I would like to bring up later if I get an opportunity to. As far as content, that is left to the individual stations. The complaint system is more about the structure of the entity and how a community is engaged. They are all the internal matters which are community based and change daily—someone may not like somebody one day and quite like them the next.

CHAIR—You mentioned that the National Indigenous Radio Service produces content. Obviously each of your local stations would produce some content locally. You also mentioned Alice Springs and Townsville having streaming by internet. Is that so people can pick that content off the internet and use it in their stations? I am just wondering how you get enough content.

Mr Malone—There is not too much going on on the web at this stage, and I think it is a fairly unreliable sort of technology at the moment. You still have the dropout rates, especially when you are doing programming. It is not only the National Indigenous Radio Service that provides satellite programming; CAAMA in Alice Springs also does a satellite radio broadcast. The Townsville Aboriginal and Islander Media Association, 4K1G, also does satellite broadcasts. There is also NIRS. So there are three stations that communities can pick from—and they do that over the year. Most of the people in Queensland in the Cape York area take a talkback program coming out of Cairns. It goes down through Townsville, up on the satellite and all over the place. Most people tap into that for their morning programming. *Let's talk*, a program that comes out of Brisbane, goes up on the National Indigenous Radio Service. So there are a couple of different programs that people can decide to take or they do their own stuff.

CHAIR—So the content is developed more by what people feel like doing rather than, as Andrew mentioned earlier, people saying, 'There's a whole series of music, dance or cultural things that need to be preserved or archived and we can go around building that'—like the Mornington Peninsula and so forth? So it is not directed by any program where they say, 'Here's some funding to go out and do this and these are the programs to produce' and then people pick it up if they want to?

Mr Malone—It is more what people are doing in the local situations, basically.

Mr Villafior—With the recent review of the Indigenous Broadcasting Act that could alter a bit with the imposition of shared responsibility agreements being tacked on to licence conditions and funding conditions. That is another issue that we need to talk about.

CHAIR—You mentioned that you are funded through the Department of Communications, Information Technology and the Arts. Is that via the Community Broadcasting Foundation or is it through separate funds?

Mr Villafior—It is separate—through the old ATSIC system and the Indigenous coordination centres. It is channelled from DICTA through the Indigenous coordination centres in each of the regions to the communities.

CHAIR—Do you feel that there would be a better way of funding things—for example, if there were access to other aspects of funding?

Mr Malone—One of the dreams our members have had is an Indigenous communications foundation that would fund our sector.

CHAIR—To the tune of?

Mr Villafior—More than \$13 million.

Mr Malone—Obviously, more than \$13 million. That is what is there now—and \$2 million of that goes to subsidising the Imparja satellite service.

CHAIR—So \$17 million or \$20 million?

Mr Malone—We have done some figures and have said that we should be getting in the order of what SBS get. They are on \$70 million or something like. They are the sorts of services that we are providing.

CHAIR—If you are going to that level, do you think it has the capacity to reach as big an audience as SBS? Would that change in content require more professional managerial skills? One of the complaints from the others guys that we have had is the lack of managerial skills and that it is very hard to get a good manager on a station. They are worth their weight in gold. Sometimes people have had 10 years experience and they are great and they stay, but half the time a lot of the failure is that you cannot get a good manager in. Would you need a lot of structural reform to—

Mr Malone—That is all part of it. There needs to be a lot of training in areas. There have been Indigenous people involved in broadcasting in the last 15 or 20 years and they are still sitting on CDEP and doing this and they have never progressed. I suppose it is that old cycle where they see themselves as broadcasters and not as managers and the managers always come from somewhere else.

CHAIR—What if you started out with a program of funding for managerial training, management employment or something like that and gradually worked up—for example, from \$30 million you could say that you would like an extra \$2 million to employ however many people to professionally manage these stations and then have some centrally coordinated training program for that. Then you would have some sort of evolutionary process to SBS. I do not think if you just got \$70 million, you would be an SBS overnight. It just would not happen.

Mr Malone—That is right. There would be a few more steps.

CHAIR—Yes, there would be a few more steps in between. I am just trying to flesh out what those steps would be.

Mr Malone—There needs to be some progression. We have done some work over the years. There have been management programs tacked onto the end of that journalism and broadcasting course that I was talking about. For the ones who wanted to do it, they could do another 12 or 18 months in management studies—but not very many people take that up. The few people who have done it then go back to their communities with all these qualifications and go back on to CDEP.

Ms VAMVAKINO—You are almost caught in a catch-22: you have not been able to develop effectively because of a shortage of funding and, in order to justify increases in funding, you need to be able to say that there are resources and personnel out there ready to assume the sorts of participation that SBS has developed over a period of 30 years—and they have a lot more resources and a lot more people—so that is a real challenge. It is all very well to talk about increasing funding to do that, but that will take time.

Mr Malone—That is probably where we would eventually see ourselves. Somehow we will get there.

CHAIR—You are limited by the five-minutes an hour sponsorship?

Mr Malone—Yes.

CHAIR—One of the other complaints we have had is that government advertising for its programs does not come through to communities. Do you feel you could benefit from getting some of that sort of sponsorship? Can you elaborate on how effective Indigenous broadcasting is at delivering government programs such as health, education and social services?

Mr Malone—That is one of the strengths: to break down those services or new programs into language that people on the ground can understand.

CHAIR—So taking the government advertising off the commercial stations would not work?

Mr Malone—No. It would have to be targeted. There is a group that most stations work through that gets government advertising dollars.

CHAIR—In the group that you represent?

Mr Malone—No, not in our people. It is a non-Indigenous group—their agents.

Ms VAMVAKINO—They are a translating facility?

Mr Malone—They go out and get the advertising and then come back, and we have all these stations that we can put that out on. They get paid for that.

CHAIR—The community generally felt that they were hardly done by in terms of government advertising. They would not be so reliant on other government revenues if they were guaranteed that a percentage of government advertising had to through the community.

Mr Malone—It would be good if there were a percentage. It is a matter of knowing where to go to access it and how to tap into it.

CHAIR—It is open to this committee to make a recommendation that a percentage of government advertising go through community radio. It would then be up to the community to fight for that through your agents if it were DEWR or government programs such as health. Obviously the advertising of health programs that target Indigenous people should come your way. Does that happen?

Mr Malone—It happens to an extent. I know from experience of living in this town that other people working in government departments have said, ‘We’ve got programs that we want to try to get out there.’ You have to go through a certain office—I have forgotten the name of it, sorry—to do government advertising, and they are the ones who say that that the advertising door is to go through this avenue. A lot of times people I know have gone directly to the National Indigenous Radio Service and said: ‘We want to get this information out there to Indigenous communities. How much will you charge?’ and they have been happy to do that and to distribute the money out to the communities.

CHAIR—It is a hard one, but you might come back to us in terms of obvious sponsorship dollars and how much of that would be from government programs.

Mr Malone—It is a fair bit. We find it hard to track commercial sponsorships, maybe because of where we are situated.

CHAIR—Are there any add-ons that government could do that increases the awareness other than sponsoring a particular program or having a little segment in there? There are other things that government can do to increase awareness of its programs through your services.

Mr Villafior—That is tied up in the structural reforms and is more about the awareness of the service than the delivery itself. You could waste a lot of money on the awareness and have no improvement on the delivery, so they are all connected.

Ms VAMVAKINO—Do you want to talk about some of those weaknesses and the restructure issues?

Mr Villafior—I have only been involved in the media industry for a while. My background is in law. I am more interested in the structure of our members, which is independently set up under the Aboriginal Councils and Associations Act, as well as all the difficulties of a small community keeping up with the regulations. As you are aware, it is all changing. There will shortly be a stricter corporation regime. They used to call it the Indigenous Corporation Bill, but now they call it the Corporations (Aboriginal and Torres Strait Islander) Bill 2005. It increases the pressure on the existing structure and the members, so I was more looking at it as an overall change—whether any improvements that can happen with individual members in respect of the independent, individual broadcasting structure will be improved under the new one. It is then about whether it will be increasing the problems of going into the corporation regime. You can imagine going into a remote community and saying, ‘Put your hand up as a director, but these are now the conditions that you are going to be under.’ We go right back to 1976, before the Aboriginal Councils and Association Act first came out, with all the problems that they have

experienced over the years. The whole idea of structural change means that you have to grab those two—one act and one bill—and place them in the back of your mind somewhere and look at the structural reform and the amount of money and the community problems that go into these individual organisations.

I worked in Cape York for a long time, and my view is to look at the authoritative entities that are there in the community. You have them there—they are community based and they tie in with more community based authority structures to get rid of the regulatory powers of the Councils and Associations Act and the Corporations Act and to blend them into more of a structural reform. It gets away from the problems we are having with a few current members now, because the community problems just overpower everything.

CHAIR—That is where the ‘in’ group get control, and that is it.

Mr Villaflor—That is the structure they are under. So that is a structural reform. When you are talking Indigenous reform you are looking at the structural reform they are engaged under—whether or not it is working. In some it is and others it is not.

CHAIR—Some of the community ones have suggested constitutional reforms. The Department of Communications, Information Technology and the Arts hands out a constitution, along with the licences, and says: ‘This is what it has to look like. These are your membership roles, these are your fees, this is your board structure, this is your CEO et cetera. You have to comply with this constitution.’ It seems that sometimes people just run away with their own constitution; they pull out a not-for-profit thing.

Mr Villaflor—That is the difficulty of the Aboriginal Councils and Associations Act. Everyone has different rules, and different communities will have slightly different variations of it. An enormous problem for a national peak body such that Patrick and I are involved with is to try to coordinate all these individual structures into one common response. That structural reform is more critical to Indigenous broadcasting than the funding in a sense. It is still a priority, but you need that structural reform.

I have put before the committee the historical level of funding and some of the background. The ache of the membership is that it still aspires to have its own body that controls and regulates its own reporting and all the issues that ATSIC stood for in the early days: having empowerment, control of your languages and your future. That is the idea of setting up a national body—so you can have almost a community broadcasting foundation. I have tried to compile all the reports on Indigenous broadcasting over the years into a bit of a summary. They want their own too and they want to get rid of all these individual structures and acts such as the Aboriginal Councils and Associations Act and to tap them into the main body, like a community broadcasting foundation. When you talk about capacity, they want to tap these community organisations more closely to the authoritative structures in their community. So, rather than putting in new managers and all that, you build it up in the authority structures that are there. That is the structural reform that is quite critical.

Mr Malone—One of the jobs that we have over the next 12 months is to do up a module on governance to take out to community organisations.

CHAIR—Could you give us a copy of that?

Mr Malone—Yes.

CHAIR—That would be great. On community radio, what you hear is that one of the key things you need on a board is a member of the board of a local educational institution—be it the principal of a school or a university or wherever—someone from council, in terms of what community developments are happening, and someone with a clear financial background, a certified accountant, to do the bean counting. There are a few other things that are essential to the board and then there is the community representation—a popular local person. Usually they tend to be the talk show host—the radio guy that loves hearing his own voice on radio, and that is the guy that tends to dominate it. When you talk about authoritative structures, what are you specifically referring to in an Indigenous community that equates to that type of model?

Mr Villaflor—My experience, particularly in Cape York, is that there are three levels in the community: the government level, the local council type structural level and the traditional level. Aurukun, for instance, always used to have a local council structure but they would always set up a traditional owners structure. When it came to the land issues, the council could not make decisions without referring it to this other body. So a complex area of authority exists there. If we are dealing with the young people—anyone over 15 now has ‘older’ status—we have to get that structure back into the community.

CHAIR—So a government person as in—

Mr Villaflor—The local shire clerk. There are also professionals that are included on these bodies, as they are doing with the National Indigenous Broadcasting Service. That is not just for Indigenous film makers; it is for all professional film makers as well. So you structure that into the community. If you are going to be talking about accountability and capacity building, they already have the structures in there to build on. That is not using the administrative model that seems to be in the press at the moment, with the latest release about putting administrators in there. Things are not that crook. They are to a point, but you cannot put administrators back into each community. That seems to be in the press today.

There are strong authoritative structures. When I was in Cape York they were still just as strong as they were a long time ago. They are just as strong. They may not be as pronounced as people think they are, but the language is strong, the authoritative structures are strong and the women sing for their country. The men may think they talk for it but the women have their own role and that has hardly ever been touched on. So men just do not make decisions. They have a whole women’s regime behind them that they have to go through. Central Australia is a great example of the women power out there and the structures they maintain.

The idea of structural reform is to look at where they are placed. The Aboriginal Councils and Associations Act must be looked at, as well as the new Indigenous corporation bill, which is a nightmare from my perspective. The Aboriginal Councils and Associations Act is failing the Aboriginal people because of the regulatory means it imposes. They should look at what is in there, what is working, and at the amount of money that goes into the Aboriginal Councils and Associations Act towards capacity building and training. If you introduce this new bill, all the rest just adds up. It is very much like the awareness of services. Money going into the awareness

makes no impact on the delivery. That is the structural reform regarding utilising the dollar. You need to use whatever is in the community that structurally comes under their authority, and it could change in each community. The way I look at it, they should remove some of the independent legal entities which are struggling because of the regulatory regimes of the councils act and potentially the corporation one when it comes out. They should move them into the community structure itself so that they come under one regime of the National Indigenous Broadcasting Service.

As the paper says, most of the funding is ad hoc, the policy is ad hoc and it is all about opportunity. Heaps of money is floating around that has been structured under this whole-of-government approach, which seems to find itself bogged down by its own red tape. There need to be structural reforms in Indigenous broadcasting. I have seen the aspirations in the records about having our own national broadcasting foundation. We support the Community Broadcasting Foundation. When I was at their last meeting, they said there was a crying need to improve it, so you have a struggling minority. Listening to that, we shake our heads and think we are struggling for the same dollar but for different reasons. It is not that we should be first cab off the rank but there is a need to direct attention to the crisis that is there. Communications are the most important aspect of all in the communities. I found that when I was running the Aboriginal Legal Service in the Cape.

Mr GARRETT—I need to clarify in my own mind what you are saying. Are you saying that, instead of requiring broadcasting entities to have to fulfil a new set of regulatory requirements—for example, under the Corporations Act, and all the responsibilities attached to reporting and so on—that the broadcasting entity would be in some way attached to or incorporated into the local community through the local council and the connection with local traditional elders and other decision-making bodies so that in a sense it would exist within that frame, and the reporting accountability and other requirements would come from there up to the national body, which essentially monitors and directs as they go?

Mr Villafior—Yes. That is the model I have looked at. One of the most telling documents—which is mentioned in the *Historical level of Indigenous broadcasting funding and other comments on submission*; please try and find it, apart from the deaths in custody recommendations—is from the Telling Both Stories Forum in 1996, which supports that model. All the Indigenous leaders who were there—most of them are gone now—spelt out their aspirations for where they wanted to get their communications. That still drives our underlying culture as a peak body and our membership. Otherwise we will forever be fighting the ethnic dollar and the community broadcasting dollar. You may gloss over the improvement of awareness but it is more about the delivery. I do not think things out there are as crook as people like to portray them. I have seen the strength of the communities and bringing in Indigenous broadcasting will strengthen them even more. Community controlled is community controlled. I have looked at the whole picture and tried to get my head together about this and where we are going.

Funding went to DCITA after ATSIC, ATSIIS and OIPC. DCITA's culture on funding is: we contract you—an Aboriginal group—for service. They are not too concerned whether they are involved with the process making as long as the service is delivered, which goes against the whole grain of policy making. It is no good making policy for something you have no clue about. It is just a waste of time. So whilst that is not the overall culture, the message I am getting

is: we contract you for service; if you do not deliver it, we take the money off you. They did that to one of our members just recently. That has backfired on them because the members then rallied together. That is not the model to use. To get away from this whitefella culture—whereby we will still maintain and administer your funds—government has a role to play in that area. They have a role to support the area, but not to prolong the support.

The Queensland government is a prime example in relation to Indigenous broadcasting funding. Give us the Commonwealth funding to prop up all our state government bodies we have set up. Again, it is almost awareness of health services without improving delivery. The membership and I have been strong advocates of not being Commonwealth blokes. Where is the responsibility of the states and territories in the delivery of our services? Broadcasting is about more than just Commonwealth issues. All of that is changing with the whole-of-government approach, and that needs to be dovetailed with where Indigenous broadcasting sits. Amazing things could happen.

Getting back to languages, another issue is the exploitation around IP issues. That is the area I am working on with the New South Wales Department of Aboriginal Affairs. Someone said that languages cannot be copyrighted and I said: 'Of course they can. Anything exploitable can be copyrighted.' Programs that are coming need to be sorted out too—and we are not even approaching that area. People's stories get taken and end up all over the place. As far as intellectual property rights go, Aboriginal people are still ignored. This is an issue that is strongly involved with communication because what do you do when you resell that—which is eventually going to happen? The Indigenous culture pendulum will swing back again after Paris. Paris is not to be looked at as if it is just a little Paris thing. People need to be saying, 'There is Indigenous culture over there in Australia.'

There is potential with these radio shows and the national Indigenous television service. Potentially they are something that the world wants to hear and see. That needs to be fostered. But unless that structural reform comes into it, we will be faced with going cap in hand to a government department and they will have the total say about what we will do and what we will produce. They will say, 'This is your SRA.'

I do not have a problem with SRAs. As long as the community want one, we will back it. As long as it is backed by Tom Calma, the Aboriginal social justice commissioner, and the human rights element is behind it, it is not a problem. If things are crook in some communities then you need to be told that to be able to do something about it. I do not personally—nor does AICA—have a problem with SRAs. But the committee needs to concentrate on the structural reform, otherwise we will be stuck in this funding regime. We will be going to DCITA next year for annual funding—because they cannot fund us for three years—and we will go through this process again. The structure of authority is in the communities now and is strong. That needs to be built on rather than being separate from the community itself. But as Mr Garrett says, the model that I had in my head is so simple that it is scary.

Mr Malone—Just before we move off intellectual property, one of the sections in our funding agreements with DCITA says that the Commonwealth holds the right to intellectual property derived from the program, which causes our members concern.

CHAIR—And then they may do nothing with it. We do that with every building contract we have, in Defence and elsewhere, and then just do nothing.

Mr Malone—Filmmakers and radio program makers say, ‘It is really our property. It should not be vested in the Commonwealth.’ That is one thing that keeps coming up all the time.

CHAIR—It was very interesting about the worldwide opportunities for marketing. Twenty million is very small, but worldwide you might have an SBS-size audience. Do you mind taking me through the funding on page 11 for ‘Remote area (ex-BRACS)’, ‘Regional council projects’, ‘NIMAA operational’, ‘Imparja television subsidy’ and ‘Other national’ and how you see it going with the remote Indigenous broadcasting services?

Mr Villafior—These are the figures the members asked me to collate from the funding. In the document here it talks about \$13 million since the 1990s. Members, particularly AICA members, wanted to know just where this funding was. That allocation was taken from a parliamentary paper. Again, it is an example of ad hoc policy.

Mr Malone—It is from a fact sheet.

CHAIR—What does BRACS do?

Mr Malone—We have just changed the name again. We call them remote Indigenous broadcasting services—the communities that receive satellite signals and basically get ABC, SBS and commercial. This is television and radio.

CHAIR—It is not Indigenous?

Mr Malone—They are not Indigenous. But our remote broadcasters have the opportunity to put their own programming to air. They take the stuff off the satellite and they have transmitters going out. They have the channels going out—ABC, SBS, commercial—and then there is an Indigenous station, radio and television, that they can use in the local communities. We were saying earlier that one seems to get used mostly during the day and maybe the commercials at night for television.

CHAIR—What is the content for the Indigenous TV channel?

Mr Malone—At this stage it is only being trialled. When you go out to Alice Springs you will see it. At this stage they are sending programs from Papunya and Willora into Imparja. That is going up on the satellite. At this stage it is only ceremonies and that sort of thing being played over and over. Eventually that channel is going to be the national Indigenous television service.

Mr GARRETT—Imparja is going to go across, is it?

Mr Malone—Imparja is involved. They are on the committee.

CHAIR—They are a second lot of funding down there—that \$2 million in the budget?

Mr Malone—Yes.

CHAIR—Is Imparja then going to roll into that channel?

Mr Malone—No.

CHAIR—We are looking for that forward structure through to the SBS type of thing.

Mr Malone—Imparja is going to keep its commercial licence. NITV is going to be more community.

CHAIR—And ‘Regional council projects’?

Mr Malone—The regional council projects are the ones that are the regional radio stations around the country.

CHAIR—That is the content production?

Mr Malone—No, this is funding for 4AAA, Tamar , 3KND—that sort of thing.

CHAIR—You have to apply each year for a different amount—you put in a submission and you say what you are going to do with it and then they want it all acquitted?

Mr Malone—All of that.

CHAIR—Which just does not work very well.

Mr Malone—Yes. That now is ICCs, Indigenous coordination centres. That comes through there, through DCITA, through the ICC down to the community broadcasters. That money was always a set amount of money that went directly to the councils, so the community council used to get the money to run the BRACS system. That is changing now. DCITA are in the process of changing that.

CHAIR—NIMAA?

Mr Malone—NIMAA is now AICA. NIMAA went down about four or five—

CHAIR—I thought you said you needed structural reform. It sounds as though you have just had it all!

Mr Villafior—This was the initial body that was set up as the peak body and it had its funding cut a couple of years ago, so they resurrected it into this body—

Mr Malone—AICA. They felt they needed a peak body. We feel strongly that we need a peak body.

Ms VAMVAKINO—But in that restructuring with the resurrection of this peak body, did it take in a lot of the issues that you raised about structural reform—the need to address this?

Mr Villafior—It is very hard for a government department to do structural reform without the minister pushing for structural reform.

Mr Malone—We are in our second year now. We are just working on a strategic plan that will address a lot of that stuff. We are having an AGM in Alice Springs in July, so a lot of people are going to be there. All of our members should be there in the second week in July and we will go through the strategic plan again and try to get it sorted out.

CHAIR—There is also this matter of reducing ‘other national’: \$4 million, \$3 million, \$2 million for ‘other national’. What is in that?

Mr Malone—That is probably ABC and SBS—money from ATSIC that used to go to ABC and SBS.

CHAIR—To do a content production element?

Mr Malone—Yes. SBS used to have a program; it is called *Living Black* now—that sort of thing.

CHAIR—So it was not worthwhile or—

Mr GARRETT—It is still going.

Mr Malone—It is still going.

CHAIR—It has gone down to \$2 million. It has had its funding halved.

Mr GARRETT—When you look at ‘other national’, are you talking about the amount of money that is made available for Indigenous program making through other networks?

Mr Malone—Yes.

Mr GARRETT—That does not look quite right to me.

Mr Malone—ATSIC used to make sure that they gave SBS and ABC money to put programming in—

Mr Villafior—To get Indigenous people employed and actually raise the profile of what they are doing.

Mr GARRETT—I could be wrong, but I am pretty sure we have had evidence that the amount of actual Indigenous programming to air on FTA networks would roughly be the same as it has been over that period of time. My guess is that it may in fact be that the networks themselves do not take it—that they actually provide it now. I could be wrong about that.

Mr Malone—Yes, it could come through another—

CHAIR—But does that provide you with the opportunity to rebroadcast on Imparja and your national channel?

Mr Malone—Yes.

CHAIR—So if you have commissioned ABC-SBS to do it, you own the intellectual property and can on-sell, or do ABC and SBS keep that?

Mr Malone—There is a national Indigenous documentary fund. That is how a lot of the documentaries get onto ABC and SBS.

CHAIR—Is that in ‘other national’—docos?

Mr Malone—Yes, so ABC might get first chop and then Imparja and then SBS. It does the rounds—bush mechanics and that sort of thing.

CHAIR—Looking at that, how would you see that funding?

Mr Villaflor—To go from the ad hoc policy of chance and opportunity funding, and try and do that whole-of-government and put it into the one area.

CHAIR—So you take the \$30 million and—

Mr Villaflor—Again, this is just the model that I propose and not our membership. It is something I am doing a paper on to look at the model restructuring. You are the first to hear about it. The membership still has to go through it because we have to come up with an alternative to what is being delivered at the moment, by just taking DCITA’s funding for a year, without our strategic planning, which we are in the process of putting together for the next number of years.

CHAIR—If that is ready by the end of the year, perhaps you would like to come back and give us that.

Mr Villaflor—Yes. Our strategic plan will be sent to you, which will go to the AGM at Alice to be endorsed. That covers that. I thought I brought a copy with me. But that is only an example. They were only examples of the ad hoc sort of policy and funding and it just moved around. It is how the commissioners felt about it at the time—this is the ATSI commissioners.

CHAIR—It seems to plague a lot of community broadcasting. It is ad hoc—this one will work and this one will not. The only difference is the people involved.

Mr Villaflor—And that is the big difference.

Mr Malone—But there is a real network out there that exists with our groups. A lot of it is to do with the interaction that happens at places like Batchelor College. Young broadcasters get together and swap program ideas and that sort of thing.

Mr Villafior—One of the issues relates to empowerment regarding how Aboriginal people are presented in the media. That is one of the good things about having AICA as one body at least that will complain. Can I pass over an example of this. That is the size of the page from the *Canberra Times* probably about a fortnight ago. I have pencilled the part which shows how Aboriginal women were portrayed in a national newspaper. It was horrific. We have responded to that article—not because the person who wrote the article has those views but because they published those views in a national newspaper. Some of them are just over the top and fall clearly within legislation which makes it unlawful. Having a national body to organise and coordinate the image of Aboriginal people, looking at what happens after Paris, is very critical as well, because there has been no response from government on this at all, apart from when we have complained, and there is a formal complaint in to the human rights commission about it.

Mr GARRETT—On this particular article?

Mr Villafior—On that particular issue.

Mr GARRETT—Thursday, 8 June.

Mr Villafior—I have it pencilled there. It is not so much about the overall discussion; it is about some of those views being over the top and possibly offending, in our view, the racial hatred act. That is why there has been a formal complaint. In this day and age, this is the type of image we are being portrayed as. It is more about the urgency of having a body that can coordinate the image of Indigenous people in total to the world. That is why we need to start planning after Paris. It is a great article—‘after Paris’.

Mr GARRETT—I regret to say that the comments by Mr Barnett are not uncommon, as we have read and seen recently, from people. But we certainly note that you are taking action about it.

Mr Villafior—That is just another example of our aspirations to have a national body to have control over how Indigenous people are portrayed in the country, and to ensure that, if it does go over the top, they are pulled up. We have our eye on the future about what happens after Paris, because Paris is quite interesting. I have been watching it from the media level, and it has put us into a world area that we have trouble doing in our own country. But we have not lost the fact of what actually happened in the reconciliation period either. There are more that walked over the bridge that would not have walk there years ago, so it is still as strong as ever. We are making sure that we do not lose that reconciliation image that people wanted to portray. And who portrays it better than the Aboriginal people themselves? That is the structural reform regarding how we have set up our own body.

CHAIR—Do you think you could counter that in the mainstream by the use of your members?

Mr Villafior—Yes.

CHAIR—So better and more effective coordination of the content, programming and penetration of your member stations could influence—this is the *Canberra Times*—

Mr Villaflor—That is right. The *Canberra Times* is also on the World Wide Web. Whether that article is, I am not quite sure, but that makes it even more offensive to that process.

CHAIR—We will draw to a close.

Mr Villaflor—Can I just pass these over, too? This is the press release from the latest Indigenous broadcasting review. It shows where we are struggling to be an entity amongst DCITA. Our role with DCITA is to say, ‘If you are talking about Aboriginal issues, we need to be involved.’ We have to fight our way in there, and it is annoying.

CHAIR—Is it agreed that we will accept this extra documentation? There being no objection, it is so ordered.

Resolved (on motion by **Ms Vamvakinou**):

That this committee authorises publication of the evidence given before it at public hearing this day.

Committee adjourned at 10.39 am