

SECOND REPORT OF THE ETHNIC TELEVISION REVIEW PANEL:

STRUCTURE AND FUNDING OF THE INTERIM

MULTICULTURAL/MULTILINGUAL TELEVISION SERVICE

14 December 1979

INTERIM Print
Postal & Telecommunications
Department

LIST OF RECOMMENDATIONS

The Panel makes the following recommendations :

RECOMMENDATION ONE:

Multicultural television should respond to the media needs of our ethnic communities and must be accessible to the whole community.

RECOMMENDATION TWO:

The replacement of NEBAC, SEBACs and SBS, by a Statutory Authority named the Independent and Multicultural Broadcasting Corporation.

RECOMMENDATION THREE:

That the Corporation have the following broadcasting objectives :

- . to assist Australian residents from all ethnic groups to maintain their languages and develop their cultures, to pass them on to their descendants and to contribute to a greater sense of self-esteem and confidence;*
- . to promote tolerance and mutual understanding between the members of Australian society and an appreciation of the diverse, multicultural nature of our society, as well as its history and traditions;*
- . to present to non-English speaking residents of Australia programs in community languages, and at the same time to encourage and facilitate the learning of English and other languages;*
- . to provide information and advice on the rights and obligations of residence in Australia and on other matters which will assist non-English speaking migrants to settle;*
- . to encourage the learning of English; and,*
- . to undertake such other special broadcasting requirements as are legislated for by Parliament.*

RECOMMENDATION FOUR:

That the Board consist of not fewer than seven (7) nor more than eleven (11) members, at least three (3) of which shall be drawn from the membership of the Australian Institute of Multicultural Affairs.

RECOMMENDATION FIVE:

That Members be part-time, appointed by the Governor-General, that one Member be appointed Chairman of the Board of the Corporation and one Member be appointed Vice-Chairman.

RECOMMENDATION SIX:

That the term of office of Members be for up to five years, with Members eligible for re-appointment.

RECOMMENDATION SEVEN:

That the Corporation should be responsible to Parliament for the implementation of its objectives through the Minister for Post and Telecommunications and report annually to Parliament.

RECOMMENDATION EIGHT:

The establishment of State Consultative Committees in the States and Territories receiving the Corporation's services to advise the Board of the Corporation.

RECOMMENDATION NINE:

That :

- (a) the Board of the Corporation invites nominations of individuals every two years;*
- (b) the Board selects every two years from the nominees at least twelve (12) and no more than eighteen (18) members from each State Consultative Committee and*

selects from each Committee a member to be Chairman of the Committee;

- (c) committees comprise a broad cross-section of the community, meeting as individuals and not as representatives of organisations;*
- (d) committee members are not re-appointed for consecutive two-year terms. This should not preclude re-appointment at a later date;*
- (e) committees be established in various States and Territories as services are introduced in those States; and,*
- (f) Members, the General Manager, staff or contractors of the Corporation and their dependents be ineligible for membership of State Consultative Committees.*

RECOMMENDATION TEN:

That the IMBC should be held accountable for its performance and operations by a public enquiry held every five years and conducted by a body other than the ABT.

RECOMMENDATION ELEVEN:

That the appointment of the General Manager be by Members of the Board of the Corporation on terms and conditions as it determines, with powers equivalent to that of a Permanent Head.

RECOMMENDATION TWELVE:

That a Secretariat be established within the IMBC.

RECOMMENDATION THIRTEEN:

That the legislation amending the B & T Act provide for the following :-

- . that the staff of the IMBC be employed in the service of the IMBC;*
- . that the IMBC be empowered to determine salaries and other terms and conditions of employment of its staff, subject to the approval of the Public Service Board;*
- . the preservation of existing and accrued rights of officers of the APS appointed to the service of the IMBC;*
- . that the IMBC has the capacity to employ people of all nationalities on a non-discriminatory basis.*

RECOMMENDATION FOURTEEN:

That provision be made to facilitate the deployment of skilled and qualified SBS staff in the service of the IMBC.

RECOMMENDATION FIFTEEN:

That the IMBC should seek to cover its costs to the greatest possible extent through advertising, subject to the overriding responsibility to the effective implementation of multiculturalism and the need to protect the interests of smaller language groups, whose capacity to attract commercial advertising is limited.

RECOMMENDATION SIXTEEN:

That in the initial stages there should be experimentation with alternative forms of advertising (block and spot, sponsorship) in order to ascertain the most effective approach that can be adopted, consistent with the objectives of the Corporation.

RECOMMENDATION SEVENTEEN:

That seven members be temporarily appointed to the Board of SBS from 31 December 1979.

RECOMMENDATION EIGHTEEN:

The establishment of an Implementation Task Force responsible directly to a sub-committee of three Members of SBS to oversee the establishment of the IMBC.

RECOMMENDATION NINETEEN:

That the Task Force be operational by January 30, 1980.

RECOMMENDATION TWENTY:

That legislation to amend the Broadcasting and Television Act 1942 be introduced in Parliament within the next three months.

RECOMMENDATION TWENTY-ONE:

That the Panel be consulted on the implementation of its recommendations until the Task Force is established.

INTRODUCTION

1. The Ethnic Television Review Panel commenced its work on 1 May 1979. It was asked to report by 31 July on the general aims and philosophy of a permanent multicultural television service, the objectives, policies and types of programming to be offered and reactions to the experimental service. On 6 July 1979, the Panel presented its first report.

2. The Government subsequently issued revised terms of reference (Attachment A) calling upon the Panel, inter alia, to jointly agree with the Special Broadcasting Service (SBS) on the guidelines for the second cycle of the experimental service and to consult on the Ultra High Frequency (UHF) facilities for the Interim Service. The Panel was also required to report progressively to the Government with the final report being submitted on 31 March 1981.

3. This report deals with the structure and financing of the Interim Service. The Panel will report on programming matters shortly. Specifically, this report covers :-

PART I	: The Options Considered
PART II	: The Recommended Multicultural Broadcasting Structure
PART III	: Sources of Funding
PART IV	: Transitional Arrangements and Implementation

4. Since the revised terms of reference were issued, the Panel's Chairman has examined structures bearing on multicultural television in selected overseas countries. The Panel has agreed with SBS guidelines which are designed to meet the criticisms made of the first experimental cycle and create the basis for a successful second experimental cycle. (Attachment B). The

Australian Broadcasting Commission (ABC) has agreed to the Panel's request that it transmit a series of films in the major community languages to coincide with the second cycle. The ABC is also considering a proposal, initiated by the Panel - with the concurrence of SBS - that it should package a news segment for the second experimental cycle.

5. The Panel has drawn to the attention of the Government its grave concern about the decision to broadcast the Interim Service on UHF and a re-examination is now being conducted of the technical assumptions upon which this decision was based.

6. The Panel's investigations have confirmed that there is a sufficient supply of high quality programs to ensure that the Interim Service is successfully launched. Australia is soundly placed to satisfy the television needs of our non-English speaking settlers. The Panel is confident that this service can be made accessible to the whole community through the provision of programming of general appeal and the use of sub-titling.

7. Australia can become a world leader in the use of radio and television to assist in the integration of migrants, aid in the preservation of their language and culture and promote understanding and tolerance. Moreover, unless the Government's commitment to multicultural television is effectively implemented it is probable that, as more channels become available, there will emerge in our nation separatist electronic ghettos - television stations and networks that exclude those who speak only English and isolate ethnic groups from the community at large. This has been the course of development in nations such as the USA and Canada which have large migrant populations.

R 1 Australia can avoid these mistakes *by responding to the media needs of our ethnic communities and by making it a fundamental tenet that multicultural television must be accessible to the whole community.* The Panel recommends accordingly.

8. The Government's commitment to have a multilingual/multicultural television system in operation by October 1980 is practicable. Timing, however, is very tight and a great deal remains to be done to have the Interim Service ready to broadcast by that time. It is essential that early decisions be made by Government on the structure and financing of the Interim Service and prompt action taken on legislative changes, personnel appointments and program procurement. Thus, as well as its recommendations on structure and funding, the Panel makes recommendations about their implementation.

9. The Panel's specific terms of reference relate to multicultural television. The close links between radio and television structures, however, require that multicultural broadcasting be addressed as a whole and the Panel wishes to record its strong endorsement, in general terms, of the nexus established by the Government between ethnic radio and television. Breaking this nexus would lead to duplication and severely curtail the effectiveness of the electronic media in advancing the objectives of multiculturalism. Nonetheless, it is not the Panel's wish to go beyond its terms of reference and accordingly recommendations have been framed in such a way as to enable the Government to treat them as related exclusively to television, or to allow both radio and television to be brought under the aegis of a single independent statutory authority.

PART I : THE OPTIONS CONSIDERED

10. In its First Report, the Panel saw a need for experimentation and a study of relevant experience overseas before a decision was made on a permanent structure. "At this point", the report stated, "options should remain open and structures flexible." Since that Report was submitted, overseas experience has been examined and the Panel has concluded that, while a high degree of flexibility can be maintained, all the options for a permanent service cannot be left open.

11. It has become clear that if the Interim Service is to be successful, it must be launched by an organisation with a degree of certainty about its longer-term prospects. This certainty can only be provided if the Government now decides that the organisation with the responsibility for the Interim Service should also have carriage of the permanent service. Otherwise, the success of the Interim Service will be jeopardised. Even in the television industry, where staff are highly mobile, a Government could not expect an organisation whose very existence was in question to display the commitment necessary to meet the considerable demands of having the Interim Service on air in October 1980. Such an organisation would lack the incentive to develop appropriate policies; be denied the ability to attract personnel of high calibre and, the capacity to develop a corporate identity and high standing in the community.

12. There is a connection between the interim and permanent structures that cannot be broken - making the Interim Service work must bring with it an irreducible element of commitment to the broad structural outlines of the permanent service. Decisions on the Interim Service therefore have to take account of long-term considerations and decisions about the permanent structure have to be examined from the perspective of an effective Interim Service.

13. The Panel's key recommendation, the establishment of an independent and multicultural broadcasting corporation, takes account of these considerations. It meets the need for certainty and, while laying down central elements of a viable long-term structure, it allows considerable latitude for change and adaptation. The Panel, however, wishes to underscore that establishing such a corporation precludes (for reasons discussed below) the ABC assuming responsibility for the permanent service.

14. In coming to its recommendations about the structure of the Interim Service, the Panel considered and set aside the following options :

- (i) the ABC;
- (ii) commercial television stations, licensed by the Australian Broadcasting Tribunal;
- (iii) the British Independent Broadcasting Authority (IBA) model;
- (iv) public television stations, licensed by the Australian Broadcasting Tribunal; and
- (v) the existing ethnic broadcasting structure.

Option (i) : The Australian Broadcasting Commission

15. Discussions with the Chairman of the ABC indicated the Commission was interested in assuming responsibility for multi-cultural broadcasting as part of a second national network. The Panel was initially attracted to the ABC providing the multi-cultural television service since this appeared to have potential for minimising establishment costs, limiting legislative change and drawing upon the ABC's expertise in television broadcasting. Closer examination, however, led the Panel to conclude that the ABC option was not viable.

16. An effective multicultural television service needs a broadly-based policy making body with appropriate representation from the ethnic communities, a consultative structure which facilitates responsiveness to the ethnic communities' needs and employment on a predominantly contractual basis. The Panel also sees a need to use advertising as a means of offsetting the costs of multicultural television to Consolidated Revenue.

17. The Panel believed it was unrealistic to expect the ABC to consider implementing such significant changes in its role and structure in time to successfully launch the Interim Service in October 1980. Taking the case of advertising alone, the introduction of advertising by the ABC - even in the context of a second network - would represent a fundamental change in the Commission's nature and operation, and to the public's perception of the Commission's role. (It should be noted that the financial advantages of using the ABC's existing plant should not be given too great a weight. Estimates provided by the Postal and Telecommunications Department indicate that establishing new facilities for the Interim Service by SBS would cost \$7.2 million in a full year and supplementing existing ABC facilities would cost \$7.9 million).

18. The Panel does however believe that the ABC - whose knowledge and experience is of the highest order - and the organisation charged with the task of mounting the interim and permanent service should have a co-operative and mutually supportive relationship. The ABC's present examination of the possibility of packaging a news segment for the second experimental cycle is a significant step towards the emergence of such a relationship, and the Panel looks forward to a mutually beneficial association developing between the two organisations.

Option (ii) : Commercial Television Stations

19. The Panel considered the direct involvement of commercial operators in the Interim Service by the issue of commercial licences by the Australian Broadcasting Tribunal.

20. There is a conflict between the principal responsibility of commercial television operators to shareholders and the objectives of a multicultural television service. A fully commercial service would, of necessity, neglect groups that are not large enough to generate sufficient advertising revenue. In addition, the capital intensive nature of commercial television operations makes it difficult to revoke licences once granted.

21. The Panel believes that advertising is not inherently inimical to a service which pursues the goals of multiculturalism. The above considerations, however, led it to conclude that issuing commercial licences is not an appropriate way to pursue the goals of multicultural television.

Option (iii) : The British Independent Broadcasting
Authority Model (IBA)

22. The British IBA is a statutory authority which regulates commercial radio and television. It provides frequencies and transmitters for use by companies to whom it issues contracts for blocks of time (e.g. In London, London Weekend Television only holds a contract for the period from 7 p.m. Friday to midnight Sunday and Thames Television holds a contract for the remainder of the week). Program contractors operate under guidelines determined jointly with the IBA and can - and have had - contracts rescinded.

23. The establishment of an IBA-type system for multicultural television went some way to overcoming the difficulties the Panel saw with the issuing of full commercial licences. If an IBA-type structure was established to provide the frequencies and transmission facilities, and program operators made use of them under contract, the concerns about the consequences of unfettered commercialism for the goals of multiculturalism would be lessened.

24. For the Interim Service, the Panel recommends against the establishment of a statutory authority along the lines of the IBA on three grounds. Firstly, there will be a need to experiment and develop a sense of the potential and limitations of multicultural television before guidelines for program contractors can effectively be laid down and supervised.

Secondly, given the uncertainty about the commercial possibilities of multicultural television, it is unlikely that a statutory authority would be able to set conditions on program contracts which would most effectively serve the needs of multiculturalism. Thirdly, overseas national broadcasting corporations from whom material would have to be sought have made it clear that the cost of acquiring programs from them will depend fundamentally on whether the service is primarily intended to make a profit or to provide a service to the community.

25. It should be stressed that the Panel's recommendations for the multicultural television service do not pre-empt a long-term development along the lines of the IBA. This option will have to be considered in the context of the final report, when greater experience has been accumulated on the operation of multicultural television.

Option (iv) : Public television stations

26. A further option raised in the course of the Panel's consultations was the licensing of public/community television stations by the Australian Broadcasting Tribunal. The proposed objectives of public/community television include, inter alia,

- . to maximise community involvement
- . to enable community groups to initiate, produce and present their own programs
- . to provide a complimentary service that would not otherwise be available

- . to experiment with programming content, style and format
- . to establish and identify programming and viewer needs which could provide impetus to all areas of television
- . to maximise accountability to viewers.

27. While these represent important aspects of television, the Panel concluded that public television's overriding commitment to alternative special purpose programs is too limited to serve the needs of multicultural television. To locate multicultural television under the aegis of public/community television would be to put it in the realm of broadcasting designed principally to meet minority group needs. This would run counter to the overriding objective of promoting multiculturalism among the whole community. In this context the Panel however notes that the Public Broadcasting Association of Australia has expressed grave doubts about the practicability of achieving the objectives of multicultural broadcasting (i.e. to present programs that will attract a multilingual audience and the community generally).

Option (v) : The Existing Ethnic Broadcasting Structure

28. In seeking to meet the broadcasting needs of Australia's ethnic communities the Government has, over the past two years, created a complex mosaic of administrative and advisory structures.

29. The Special Broadcasting Service, appointed by and responsible to the Minister for Post and Telecommunications, has carriage of ethnic radio and television as part of a broad responsibility for "special broadcasting". In addition, there exists an ethnic broadcasting advisory system appointed by the Minister for Immigration and Ethnic Affairs comprising the National Ethnic Broadcasting Advisory Council (NEBAC) and two State Ethnic Broadcasting Advisory Committees (SEBACs). The function of NEBAC is to advise both the Minister for Post and Telecommunications and the Minister for Immigration and Ethnic Affairs on broadcasting services for ethnic communities. At the same time, NEBAC has the role of advising SBS. The SEBACs for their part, advise SBS and Ministers through NEBAC on State broadcasting matters. As well, SEBACs can advise station managements directly on programming and other matters. Further, while NEBAC advises both on radio and television, SEBACs advise only on radio.

30. These structures were an imaginative and purposeful response to the need to put ethnic broadcasting on a solid basis and to establish an advisory system for Ministers reflecting the needs and interests of Australia's ethnic communities. The structure performed well in meeting many of the demands placed on it in the initial stage. Yet it is inevitable with any new and complex initiative that there will be unintended developments which, together with the emergence of new tasks and circumstances, will create a need to re-evaluate.

31. Multilingual/multicultural broadcasting has now reached the stage where the need for such a re-evaluation is manifest. The development of the various bodies concerned with multilingual/multicultural broadcasting and their inter-relationship with one another now impose significant constraints on the ability of the system, as presently constituted, to meet the challenges of the future.

32. The position today is that the first three hour per week cycle of the television experiment has concluded and the Government is committed to mounting an Interim Service of some considerable substance and complexity in October 1980. The present structure is not adequately equipped to meet this increased responsibility. Its modification is urgently needed if multicultural television is to achieve its objectives.

33. The National Ethnic Broadcasting Advisory Council (NEBAC) was originally established to advise how ethnic broadcasting might operate effectively under the stewardship of the ABC. When, through no fault of NEBAC, the transfer of ethnic radio to the ABC was not effected, the Minister for Immigration and Ethnic Affairs appropriately amended its terms of reference so that it could use its knowledge to advise the newly-established SBS. NEBAC performed its role with distinction. Given the stage of development to date, it is the Panel's view that the time has come to consolidate into one body the structures concerned with multicultural broadcasting. The Panel is confirmed in this view by private discussions with some members of NEBAC.

34. The State Ethnic Broadcasting Advisory Committees (SEBACs) have the responsibility of advising SBS and informing the two Ministers through NEBAC. They have the responsibility for being a "focal point for all matters relating to ethnic broadcasting in the State". Moreover, they can directly advise station management on programming without reference to SBS. In short, the influence exercised by the SEBACs runs counter to traditional notions of appropriate lines of authority.

35. The situation is not eased by the fact that the evolution of ethnic broadcasting has placed SEBACs in a rather difficult position from which to fulfil their advisory functions. At December 1, 1979, six members of the New South Wales SEBAC and two members of the Victorian SEBAC simultaneously held paid positions as co-ordinators/broadcasters with the two ethnic radio stations. In all, one-quarter of the members of the advisory system are in the position where they tender advice as SEBAC members, about themselves as broadcasters, to themselves as broadcasters. This leads all too easily to the appearance of a conflict of interest and to the view, expressed by members of ethnic communities, that the dual role played by some members of SEBAC render these bodies of little use.

36. The Special Broadcasting Service, the third and operational element of the ethnic broadcasting system, has come under criticism since its establishment. Much of this criticism has not taken into account the difficulties of the task that has faced SBS in both radio and television nor the positive contribution SBS has made. Nevertheless, it is clear that there are barriers to SBS acquiring the prestige and standing in the community that is essential to a successful broadcasting service. This may be attributed to the following factors :

- (a) The NEBAC/SEBAC system. NEBAC, established with the exclusive task of advising on ethnic broadcasting and having a special relationship with Ministers, has imposed limits on the capacity of SBS to acquire standing. Concurrently, SBS has been inhibited from developing a substantial and direct relationship with the ethnic communities, because it is SEBACs that have prime responsibility for liaising with ethnic communities and reporting to SBS. In addition, the fact that SEBACs can directly advise station management without reference to the Board of SBS gives the appearance that SBS control over broadcasting is qualified.

- (b) The difficulties that SBS has had with the first cycle of the television experiment and the legacy of problems facing an organisation subject to the conflicting demands for participation and professionalism, have led members of the ethnic communities to question whether the SBS is the appropriate agency to administer multicultural television.
- (c) The belief current in the communities that some broadcasters and co-ordinators are not behaving with total propriety (a belief sustained by ethnic and English language newspaper analyses of the actions of particular individuals).
- (d) The fact that some aspects of SBS's legislation allow for misunderstanding about the Service's autonomy. These are :
 - (i) That Section 79D(b) of the Broadcasting and Television Act (the B & T Act) allows the Government to give SBS additional functions not by amending legislation (which it would have to do in the case of the ABC) but merely by promulgating regulations. This contrast between the position of the SBS and the ABC has led to credence being given to the charge, made irresponsibly, that the Government can dictate what SBS broadcasts.
 - (ii) That SBS, which is subject to most of the provisions of the B & T Act relating to the ABC, is exempted from the ambit of Section 116(i). This section provides that the ABC "may determine to what extent and in what manner political and controversial matters will be broadcast ...". This is perceived by many members of Australia's ethnic communities as indicating an unwillingness by the Government to allow the SBS to deal with either politics or controversy. This perception has done little for SBS's standing.

- (iii) The categorisation of ethnic radio and multicultural television as "special purpose broadcasting" has been perceived as relegating broadcasting services for ethnic communities to secondary status. The problem has been exacerbated by the designation of the service as the Special Broadcasting Service. This designation has been the source of persistent misunderstanding amongst ethnic communities because - as was borne out by both the Panel's consultations and advice from the Chairman of SBS - it is interpreted as having connotations of paternalism and propaganda.

37. In summary, the existing structure is no longer appropriate to handle the further development of multicultural broadcasting, and the time has come for rationalisation and consolidation.

PART II : THE RECOMMENDED MULTICULTURAL BROADCASTING STRUCTURE

38. Having considered the alternatives, the Panel's conclusion is that the most effective course of action is to modify the existing ethnic broadcasting system, respond appropriately to the criticisms outlined above and remove any basis of misunderstanding of the multicultural electronic media.

39. There is a need to rationalise the system by establishing clear lines of responsibility and constructing a statutory corporation with the authority and the operational capability to meet the challenges of the future. The Panel endorses the Government's recognition of the need to have special radio and television services under a single corporation. However, it believes that the significance of multiculturalism is such as to warrant reference to it in the Corporation's title.

40. Proposing that multiculturalism be given this prominence within the broadcasting system must not diminish the significance of other forms of special purpose broadcasting. The Panel believes that the significance of this sector should be recognised by inclusion of the designation "Independent" in the Corporation's title.

41. To establish a structure which can meet the objectives of multicultural broadcasting and other broadcasting responsibilities determined by Parliament, the Panel recommends the replacement of NEBAC, SEBACs and SBS, by a Statutory Authority named the Independent and Multicultural Broadcasting Corporation which includes, inter alia,

- (i) a Corporation Board of between seven (7) and eleven (11) members;
- (ii) State Consultative Committees on programming;
- (iii) representation on the Corporation drawn from the membership of the Australian Institute of Multicultural Affairs;
- (iv) application of Section 116(i) of the B & T Act to it;
- (v) provision to accept advertising to alleviate the financial commitment from consolidated revenue;
- (vi) the capacity to assume additional broadcasting responsibilities if Parliament so legislates.

42. The Panel envisages that the Independent and Multicultural Broadcasting Corporation (IMBC) would not develop extensive production, presentation and studio facilities but contract major portions of production activities out to private production companies. This policy will allow sufficient structural flexibility to respond quickly to changing needs and priorities.

43. In the long term, it will be possible for the body to develop along the lines of the British IBA as a facilitator of broadcasting, providing the frequencies and transmission infrastructure, with program contractors producing material to fill blocks of time.

44. This approach is broadly in line with the views expressed by community groups in the course of the Panel's first round of consultations earlier this year. Ethnic communities made clear their view that multicultural television should be the responsibility of a statutory authority of independence and high standing, accountable to Parliament, with unequivocal editorial independence and made responsive to their needs through effective consultative mechanisms.

R 3 45. Objects of the Corporation : It is recommended that the Corporation have the following broadcasting objectives :

- . to assist Australian residents from all ethnic groups to maintain their languages and develop their cultures, to pass them on to their descendants and to contribute to a greater sense of self-esteem and confidence;
- . to promote tolerance and mutual understanding between the members of Australian society and an appreciation of the diverse, multicultural nature of our society, as well as its history and traditions;
- . to present to non-English speaking residents of Australia programs in community languages, and at the same time to encourage and facilitate the learning of English and other languages;
- . to provide information and advice on the rights and obligations of residence in Australia and on other matters which will assist non-English speaking migrants to settle;
- . to encourage the learning of English; and,
- . to undertake such other special broadcasting requirements as are legislated for by Parliament.

46. Membership of the Corporation : The Board of Members of the Corporation should reflect the diverse and multicultural nature of Australian society and it is recommended that the Board consist of not fewer than seven (7) nor more than eleven (11) members, at least three (3) of which shall be drawn from the membership of the Australian Institute of Multicultural Affairs as it has a major role in providing advice on multicultural affairs (Section 5 & 6 of the Australian Institute of Multicultural Affairs Act, 1979).

R 4 47. The Panel recommends that Members be part-time, appointed by the Governor-General, that one Member be appointed Chairman of the Board of the Corporation and one Member be appointed Vice-Chairman.

R 6 48. It is further recommended that the term of office of Members be for up to five years, with Members eligible for re-appointment.

R 7 49. Accountability and the Consultative Structure : The Panel recommends that the Corporation should be responsible to Parliament for the implementation of its objectives through the Minister for Post and Telecommunications and report annually to Parliament.

50. There was a general consensus during the consultations that ethnic communities should be involved at some level in the structure and administration of the permanent service. There was, however, also recognition of the practical difficulties involved in direct representation and a widespread agreement that an effective consultative structure would reflect the preferences and perspectives of ethnic groups.

R 8 51. The Panel recommends the establishment of State Consultative Committees in the States and Territories receiving the Corporation's services to advise the Board of the Corporation.

R 9 Specifically, it is recommended that :-

- (a) the Board of the Corporation invites nominations of individuals every two years;
- (b) the Board selects every two years from the nominees at least twelve (12) and no more than eighteen (18) members from each State Consultative Committee and selects from each Committee a member to be Chairman of the Committee;
- (c) committees comprise a broad cross-section of the community, meeting as individuals and not as representatives of organisations;
- (d) committee members are not re-appointed for consecutive two-year terms. This should not preclude re-appointment at a later date;
- (e) committees be established in various States and Territories as services are introduced in those States; and,
- (f) Members, the General Manager, staff or contractors of the Corporation and their dependents be ineligible for membership of State Consultative Committees.

R 10 52. Commercial and public broadcasters are subject to regular public inquiry by the Australian Broadcasting Tribunal (ABT) at the time of licence renewal. The ABC, on the other hand, is not subject to statutory review requirement. Notwithstanding this, the Panel believes that the IMBC should be held accountable for its performance and operations by a public enquiry held every five years and conducted by a body other than the ABT. It recommends accordingly.

R 11 53. General Manager of the Corporation : In order to place the independence and standing of the Corporation beyond question, it is recommended that the appointment of the General Manager be by Members of the Board of the Corporation on terms and conditions as it determines, with powers equivalent to that of a Permanent Head.

R 12

54. Secretariat to the Corporation : The Panel sees merit in the adoption of the British Broadcasting Corporation's practice of having an independent secretariat and recommends *the establishment of such a Secretariat within the IMBC with the function of :*

- (i) co-ordinating the corporate activities of the members of the Corporation, the General Manager and the State Consultative Committees;
- (ii) servicing meetings of the Board of the Corporation and the State Consultative Committees, and assisting the General Manager and the Board with the analysis of policy as required;
- (iii) exercising no executive function, performing its duties independently of the operational arms of the Corporation.

55. Staffing : It is essential that the Corporation should be served by highly skilled and experienced broadcasting staff with an appreciation of multiculturalism and personnel with appropriate capacities in the areas of administration, engineering and general support services.

56. The Service of the IMBC : The IMBC should be a flexible broadcasting organisation responding to its changing environment through adaption rather than by constantly increasing its staff. Consequently, it should be able to quickly re-allocate its available resources, especially personnel. This is to a considerable degree dependent on the staff of the IMBC being employed in the service of the IMBC.

57. In addition, the IMBC will be operating in an industry which is highly competitive, in which people are highly mobile and where engagements are usually on a contract basis, subject to periodical evaluation. The capacity of the IMBC to operate in this environment will be facilitated if the direct control of personnel management is vested in the IMBC.

58. The tasks of the IMBC dictate the need for distinctive personnel arrangements. Consequently, the Panel recommends that
R 13 the legislation provide for the following :-

- . that the staff of the IMBC be employed in the service of the IMBC;
- . that the IMBC be empowered to determine salaries and other terms and conditions of employment of its staff, subject to the approval of the Public Service Board;
- . the preservation of existing and accrued rights of officers of the APS appointed to the service of the IMBC;
- . that the IMBC has the capacity to employ people of all nationalities on a non-discriminatory basis.

R 14 In addition, to maximise expertise developed to date, it is recommended that provision be made to facilitate the deployment of skilled and qualified SBS staff in the service of the IMBC.

59. Personnel Conditions : Two broad categories of staff will be required - administrative and clerical, engineering and technical, and other support staff; and production staff.

- (i) Administrative, clerical, engineering, technical and support staff must be of the highest quality and skill and, in the broad sense, must appreciate the needs of multicultural broadcasting.. Such employees will be relatively few in number and the prospect of their career advancement limited unless offsetting provisions are introduced. In response to the fact that career prospects will be limited and to enable the IMBC to attract and retain the best available staff, employment should be by reviewable and renewable contract, with salary assessments based on personal performance.

Further, the preservation of existing rights of officers of the APS should facilitate a two-way movement of staff.

- (ii) Production Staff : Although the IMBC should contract out a considerable amount of work, the terms and conditions of employment for its own small production team must be such as to attract and retain talented and creative people. Such people are scarce, especially those who are experienced in production and who have an appreciation of multiculturalism.

This means

- (a) that members of the production staff are more likely to seek contract employment
- (b) that the IMBC will have significant responsibilities for the development of people suitably qualified in multicultural broadcasting. These development programs should include the local training of personnel of ethno-cultural origin (using, for example, the Australian Film and Television School) and the initiation of and participation in international exchange programs as is now the case with exchanges between the ABC and the British Broadcasting Corporation.

Remuneration for production staff should be based on a personal classification rather than on a conventional positional classification system, because the creative nature of the work does not readily lend itself to traditional APS classification based on the assessment of specified duties.

PART III: SOURCES OF FUNDING

60. The funding arrangements for multicultural television were discussed at considerable length in the course of the consultations. The overall consensus that emerged was that while the service should ideally be funded by Government in the same way as the ABC, this was unrealistic and that strictly controlled advertising would be an acceptable means of revenue raising.

R 15 61. The Panel has taken into account these views and the need to minimise the demands on the public purse. It recommends that the IMBC should seek to cover its costs to the greatest possible extent through advertising, subject to the overriding responsibility to the effective implementation of multiculturalism and the need to protect the interests of smaller language groups, whose capacity to attract commercial advertising is limited. It is proposed that initially the IMBC should contract out the role of advertising rather than establish an elaborate sales staff.

62. The Panel is firmly convinced that properly controlled and supervised, the use of commercials would not be inimical to the goals of multiculturalism. Moreover, it could actually foster them through providing information that hitherto may have been denied non-English speakers.

63. Initially, given the objectives the Government sees for multicultural television, the untested nature of the service and the lack of ratings evidence, it is to be expected that there will need to be a substantial degree of public subsidy. However - and this is a premise the Panel wishes to underscore - so long as the Corporation broadcasts on VHF, there are some grounds for confidence that revenue will flow in from the ethnic market. Available research indicates that this market is not insignificant and remains virtually untapped. The research is limited, however, and attempting to base estimates of the potential revenue flow on this source would

be pointless and misleading speculation. The Panel's only assertion is that this area holds some promise and it would not be responsible not to seek income from this source.

64. The Panel believes that in addition to the conventional spot advertising, other sources of revenue should be tapped. We envisage that industrial, financial and service companies may be interested in sponsoring some television productions of a multicultural nature. Companies may also find value in financing the making of original programs which could be offered to the television operator for transmission.

65. Generally, we expect a system to develop where sponsorship (involving an acknowledgement of the sponsor at the beginning and end of the program only) would be accepted for children's programs, news and public affairs productions, spot advertising for prime time entertainment and a mixture of sponsorship and block advertising for non-prime time cultural productions.

R 16 66. The Panel accordingly recommends *that in the initial stages there should be experimentation with alternative forms of advertising (block and spot, sponsorship) in order to ascertain the most effective approach that can be adopted, consistent with the objectives of the Corporation.*

PART IV : TRANSITIONAL ARRANGEMENTS AND IMPLEMENTATION

67. Should the Government accept this Report, a number of transitional arrangements will need to be made to effect the proposals put forward.

R 17 68. Pending the introduction of legislation amending the B & T Act 1942, it is recommended that *seven members be temporarily appointed to the Board of SBS from 31 December 1979* under section 79H of that Act. In order to attract appropriate members, it should be made clear to those approached that the IMBC will be established by legislation early in 1980, and that the members approached will provide the nucleus of the Board of the IMBC.

69. Immediate action should be taken to advertise, nationally and internationally, for the position of General Manager of the IMBC.* Remuneration for these positions should be commensurate with rates in the commercial television sector.

70. Until the IMBC is established, the existing SBS structure should continue to be responsible for mounting the second cycle of the experimental service and, of course, for ethnic radio.

R 18 71. To ensure that the Interim Service is operational and broadcasting 35 hours per week in Sydney and Melbourne by October 1980, the Panel recommends *the establishment of an Implementation Task Force responsible directly to a sub-committee of three Members of SBS to oversee the establishment of the IMBC and the facilities for the Interim Service.* It would be a primary responsibility of the Task Force to liaise with SBS administration at every stage of the development of IMBC. Specifically, it will be necessary for the Implementation Task Force to undertake the following functions :

- (a) prepare drafting instructions for the establishment of the IMBC and liaise with Parliamentary Counsel and appropriate departments;

* Similar action should be taken for the Head of Television.

- (b) undertake the necessary organisation and establishments action in consultation with the Public Service Board (creation of organisational structure, development of appropriate classification structures and establishment of positions);
- (c) undertake staffing arrangements, this will include advertising of positions (in some cases, overseas), interviewing, recruitment and the integration of existing suitable SBS staff;
- (d) if the VHF option is chosen, oversee the establishment of the VHF facilities, namely by arranging a site for the transmission facilities in Sydney and Melbourne. This will require liaison with appropriate government agencies in the Commonwealth, State and local spheres. Transmitters and antennae must be leased or purchased and, in addition, towers must be constructed and erected;
- (e) establish the presentation and studio facilities for the production, assembly, presentation and broadcast of programs by September 1980 so that they may be tested prior to the October commencement. This task will include :
 - (i) arranging for the leasing by IMBC of studio facilities from NBN-3 Newcastle and WIN-4 Wollongong;
 - (ii) purchasing or leasing 'outside broadcast' facilities for the IMBC; and
 - (iii) if necessary, establishing news and current affairs facilities for the IMBC;
- (f) commence arrangements for the contracting of an advertising agency to perform the Corporation's advertising sales, placement and billing functions;
- (g) produce and procure programs (see below).

72. To ensure an adequate supply of local program material for the Interim Service, it will be essential that the Task Force commence immediate liaison with independent local production companies (such as Crawford Productions, Open Channel, Armstrong Audio Video, Reg Grundy Productions, etc) to develop a basis for the local production of some multicultural television programs material.

73. It is urgent that the supply of overseas program material for the Interim Service is assured through the establishment of effective contact with overseas national broadcasting organisations and private suppliers, the drawing up of contracts and immediate purchasing.

74. Immediate funding is vital to undertake these tasks, in particular, funds for overseas program buying. Approval by the Overseas Visits Committee of a quota for overseas program procurement activities is also essential.

75. It is proposed that the Task Force, located in Sydney, would draw on the resources of SBS, the Postal and Telecommunications Department, with the support of the Ethnic Television Review Panel as necessary. To undertake these tasks, the Panel recommends *that the Task Force be operational by 30 January 1980 and include -*

- (i) a senior public servant with permanent head status as Executive Officer;
- (ii) a person with experience in the television industry, at senior executive level, to lead an engineering unit drawn from both the public and private sectors;
- (iii) a program procurement unit, working in co-ordination with SBS;
- (iv) a unit responsible for the implementation of the legislative changes, establishing the IMBC and recruiting the necessary staff;
- (v) a finance and procurement unit;
- (vi) a support services unit.

76. Finally, to implement its recommendations in time to achieve the establishment of the Interim Service, the Panel recommends *that legislation be introduced in Parliament within the next three months*. This would require the lodging of a Cabinet Submission by the end of December, so that Cabinet may consider the Report early in January. The Panel finally recommends *that it be consulted on implementation of these recommendations until the Task Force is established*.

PROPOSED LEGISLATIVE PROVISIONS FOR AN INDEPENDENT AND
MULTICULTURAL BROADCASTING CORPORATION

It is proposed that legislation be introduced in the 1980 Autumn Session of Parliament to amend Part III A of the Broadcasting and Television Act 1942 as follows :-

SECTION	BRIEF DESCRIPTION OF PROVISION	CHANGE PROPOSED
79B	Interpretation	Consequential amendment necessary to existing S 79B
79C	Establishment	Consequential to existing S 79C
79D	Objects	Amend in accordance with paragraph 45
79E	Functions	Amend in accordance with existing Section 79D with consequential amendments
79F	Powers	As per existing section 79E (1) and (3) with consequential changes as appropriate. Repeal existing S 79E(2)
79G	Responsibility for programs	Consequential amendment to existing S 79F as appropriate
79H	Transfer of Material to Corporation	Provision similar to section 8 of the Australian Institute of Multicultural Affairs Act 1979 (AIMA Act)
79I	Lands and Buildings	Provision similar to section 9 AIMA Act
79J	Incorporation	Consequential amendment to existing Section 79G. In addition, insert a new (d) into Section 79G (1) : "may acquire, hold and dispose of real and personal property" and insert a new sub-section 2 into Section 79G which provides "The Common Seal of the Corporation shall be kept

SECTION	BRIEF DESCRIPTION OF PROVISION	CHANGE PROPOSED
		in such custody as the Board directs and shall not be used except as authorised by the Board."
79K	Membership	Amendments to existing Section 79H as per para. 46
79L	Co-operation between Corporation and Departments etc.	Provision similar to section 19 of AIMA Act
79M	Pecuniary Interest	Consequential amendments to existing Section 79J
79N	Acting appointments	Consequential amendments to existing S 79K and to take account of Vice-Chairman (para 47)
79P	Leave of Absence	Retain existing S 79L
79Q	Resignation of Member	Retain existing S 79M
79R	Termination of Appointment	Consequential amendments to existing S 79N
79S	Meetings	Consequential amendments to existing S 79P except delete sub-section (8)
79T	Constitution and Establishment of State Consultative Committees	Insert new provisions as per paragraphs 51 (Recommendations R8 and R9)
79U	General Manager	<p>(a) Consequential amendment to existing sub-section 79Q(i) except that the following should be inserted "and shall be an ex-officio member of the Corporation but shall not hold office as Chairman, Vice-Chairman, nor act in either of those offices"</p> <p>(b) Consequential amendment to existing sub-section 79Q (2) and to provide that the General Manager is appointed by the Board of the Corporation (see para 53)</p>

SECTION	BRIEF DESCRIPTION OF PROVISION	CHANGE PROPOSED
		<p>(c) Retain existing sub-section 79R(2)</p> <p>(d) Consequential amendment to existing sub-section 79R(2)</p> <p>(e) Provide for the General Manager to have the powers equivalent to a Permanent Head under the Public Service Act 1922</p>
79V	Pecuniary Interest of General Manager	Consequential amendment to existing section 79S
79W	Acting General Manager	Retain existing section 79T and substitute the word "Board" for the words "Minister" and "General Manager" for "Executive Director" where appearing. This is consequential to proposed section 79U
79X	Resignation of General Manager	Provide a new section specifying that the General Manager may resign his office by writing signed by him and delivered to the Board
79Y	Termination of office of General Manager	Retain existing S 79W and substitute the word "Board" for the words "Minister" and "Governor-General" where appearing
79Z	Delegation by Corporation	Consequential amendments to existing section 79X
792A	Staff	Insert new provisions which accord with paras 55 to 59 and are similar to sections 35 to 37 of the AIMA Act.
792B	Moneys to be appropriated	Retain existing section 79Z with consequential amendments
792C	Moneys of Service	Retain with an amendment to existing sub-section 792A(d) to provide moneys received by the Corporation in respect of advertising and by providing that the Corporation may borrow moneys

SECTION	BRIEF DESCRIPTION OF PROVISION	CHANGE PROPOSED
792D	Application of Moneys	Retain existing section 792B and provide for moneys other than those held on trust or out of consolidated revenue to be expended only in a manner consistent with its powers and functions. In addition, provision should be made that such moneys referred to in the preceding sentence not immediately required to be expended may be invested
792E	Bank Account	Retain existing S 792C with consequential amendments
792F	Estimates	Retain existing sub-section 792D(i) with consequential amendments and amend sub-section 792D(2), in addition to consequential amendments, by adding after the word "moneys" & the words "paid to the Corporation under proposed section 792A".
792G	Accounts and Records	Retain existing S 792E with consequential amendments
792H	Limitations on Contracts	In addition to consequential amendments to existing section 792F, amend figure to \$250,000 and add the words "or, if a higher amount is prescribed, that higher amount".
792J	Audit	Retain existing section 792G with consequential amendments.
792K	Annual Report	Retain existing section 792H and, in addition to consequential amendments, insert a provision after existing sub-section 792H(3) which requires that any action taken under existing sub-section 792H(3) shall be listed in the Annual Report of the Corporation
792L	Rights of Public Servants	Insert a new provision along the lines of the AIMA Act (s.47)

SECTION	BRIEF DESCRIPTION OF PROVISION	CHANGE PROPOSED
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792M	Application of Act	Retain existing section 792J and, in addition to consequential amendments, delete the words "(other than sub-section 1)" after the number "116" and before the number "117". In addition, apply section 100 of the Act, except sub-sections (1), (4) and (5), with consequential amendments.

ETHNIC TELEVISION REVIEW PANELTERMS OF REFERENCE

- . Consult and report on, and make recommendations to the Minister for Immigration and Ethnic Affairs and the Minister for Post and Telecommunications concerning the following matters in relation to the establishment of a permanent multicultural, multilingual television service :
 - a) General philosophy and aims
 - b) The objectives, policies and types of programming services to be offered, including ways and means by which the permanent service can provide information about Australia, its institutions, services for migrants and citizenship and English language instruction to persons whose first language is not English, and
 - c) Reactions to experimental programs of the Special Broadcasting Service (SBS) which are transmitted over the facilities of the Australian Broadcasting Commission (ABC), as well as the initial months of interim programming to be presented over the UHF transmitting stations being established in Sydney and Melbourne.
- . Jointly agree with SBS on guidelines and further cycles of SBS experimental programming on ABC facilities and be consulted on the interim arrangements for the new UHF facilities referred to in (c) above.
- . Obtain advice as required from the National Ethnic Broadcasting Advisory Council (NEBAC) and from independent consultants on matters relating to programming and program format.
- . Evaluate relevant overseas experience on ethnic programming matters, as well as the development and operation of overseas multicultural, multilingual television services.
- . Identify the options available to the Government for the structure, administration and method of funding of the permanent multicultural, multilingual television service in Australia, and recommend which option should be taken up.
- . Report progressively to the Government, with a final report in accordance with the above terms of reference being submitted no later than 31 March 1981.

GUIDELINES FOR THE SECOND CYCLE OF THE ETHNIC TELEVISION EXPERIMENT

The basic commitment of the first cycle of the experimental service was that the experimental T.V. service should reinforce the multicultural nature of Australian society. The way in which this commitment to multiculturalism was translated into actual programming was subject to strong criticisms by community groups.

After careful consideration of public reaction to Cycle I, SBS and the Ethnic Television Review Panel have agreed upon the following guidelines for Cycle II of the experimental service to commence in February 1979.

The second cycle remains committed to the objectives of multicultural television. These objectives are:

- . To assist Australian residents from all ethno-cultural groups to maintain their languages and develop their cultures, to pass them on to their descendants and to contribute to a greater sense of self-esteem and confidence.
- . To promote tolerance and mutual understanding between the members of Australian society and an appreciation of the diverse, multicultural nature of our society, as well as its history and traditions.
- . To present to non-English speaking residents of Australia programs in community languages, and, at the same time, to encourage and facilitate the learning of English and other languages.
- . To provide information and advice on the rights and obligations of residence in Australia and on other matters which will assist the non-English speaking migrants to settle.
- . To encourage the learning of English.

Taking into account the criticisms of Cycle I, the Ethnic Television Review Panel and the Special Broadcasting Service have agreed that Cycle II should be guided by the following principles :-

1. The cycle will be preponderantly transmitted in community languages and will at the same time be accessible through subtitling or dual languages to the English speaking audience.
2. The series should strive to provide equitably for the diverse languages spoken in Australia, but recognise that it may not always be possible to present programs in all languages.
3. Priority should be given to working towards a program format which, while serving the needs of the smaller community groups, will attract a larger audience.

4. As far as possible, programs in particular community languages should be scheduled at set times, subject to the need for flexibility referred to in 5, and appropriate measures should be taken to adequately publicise the program schedule in the press and on ethnic radio.
5. There should be sufficient flexibility in the approach to the experimental service to enable modifications to programming during the course of Cycle II if there are clear indications that a particular approach does not effectively appeal to members of the ethnic communities.
6. Broadcasting matter of a controversial nature should be presented in a fair and balanced manner.
7. Recognising the complexity of program scheduling in television, it may not always be possible to avoid conflict with ethnic radio schedules.
8. Programs should entertain, inform and educate. There should be an emphasis upon diversity and originality of material. Programs will need to be popular, of interest to different age groups and have potential appeal to the broad community as well as the particular ethno-cultural groups.
9. Each transmission should include as wide a range of the following program types as possible : news, information segments, children's programs, drama, comedy and variety.
10. Appropriate measures should be taken to ensure that there is adequate consultation with the ethnic communities during experimental Cycle II, for example, program previewing.
11. The cycle should be used as an opportunity to enhance technical skills, e.g. subtitling, to expand contacts with program sources and to working out appropriate relationships with organisations - e.g. the ABC - as a prelude to meeting the demands of the interim service.