



Response to Government Discussion Paper

National Cultural Policy

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Culture is the dynamic proof of the human expression of a past time and present place.

Culture is the essential living record of human existence. The past gives culture its content, but the present gives culture its meaning.

AICA's definition of Culture
2011

1. Introduction

AICA has expressed to departments for some time now that seeking real engagement with Indigenous people cannot be limited to website announcements. Consultation becomes predictably cosmetic and missed opportunity is replaced by policy expediency that cannot be held out to represent the Indigenous views.

Due to lack of physical and other resources AICA has placed the National Cultural Policy Discussion Paper for public attention on our website. As expected, we received limited national membership feedback.

Therefore, this submission must be taken as not representing the views of our national membership and we urge that a genuine process be effected immediately to seek our views before deciding on what others think is our position on the National Cultural Policy.

Unlike others, and yet no more important than others, our culture is uniquely and intertwined inextricably with our lands. Culture is being destroyed because of inadequate Australian heritage and culture protection laws; laws that have failed to provide even basic protection of the ongoing destruction of our culture and things, tangible and intangible, that sustains our humanity as Indigenous peoples.

With this in mind, the AICA office, submits our paper on issues connected to Indigenous media and communications.

Organisation of this Submission

This submission is arranged as follows:

- Introduction
- The Australian Indigenous Communications Association
- Our culture
- United Nations Declaration
- Specific Responses to Discussion Paper with Recommendations
 - Language as a vehicle for culture
 - No single Indigenous culture
 - Problems with the Copyright concept
 - Role of the Indigenous Media Sector
- Attachment A
 - Transcript of ABC AM program

Note: In this document the word “Indigenous” peoples and communities refers to Aboriginal and Torres Strait Islander peoples and communities.

2. The Australian Indigenous Communications Association (AICA)

The Australian Indigenous Communications Association (AICA) is the Aboriginal and Torres Strait Islander national peak elected representative body for all aspects of the broadcasting and media sector in Australia. AICA formulates and advocates policy with and for the members of the Aboriginal and Torres Strait Islander broadcasting and media sector: urban, rural and remote - broadcasting, print, online, film, video & television as well as communications.

We provide support and representation and a voice for all Aboriginal and Torres Strait Islander controlled organisations and individuals that are actively involved in or connected with the broadcasting and media sector.

3. Our culture

Aboriginal and Torres Strait Islander peoples have retained, to varying degrees, our cultures and oral and visual traditions despite over two centuries of European settlement.

Since the 1984 *Out of the Silent Land* Report of the Task Force on Aboriginal and Islander Broadcasting and Communications, individual and community efforts, talent and overall achievements of Aboriginal and Torres Strait Islander peoples and their organisations in the broadcasting and media sector have played a major role in the continuing work and objective of turning the tide of colonial history and cultural silence.

It is refreshing to revisit this report and note that despite being inadequately funded over the past years, progress has been made across the sector for and by Aboriginal and Torres Strait Islander peoples and communities; progress that aims at securing Indigenous media and communications within the existing Australian communications framework.

A communication framework undergoing extreme changes in how, means and manner, all Australians now can communicate across a diverse convergence of media landscapes once limited to their own solo potential. Now, with convergence, nothing recorded, is wasted as new media forms utilise communications in ways that still boggle the uninitiated. Australian communications in the present periods are as exciting as watching and hearing when men first walked on the moon; unbelievable but it was happening.

4. United Nations Declaration

The United Nations Declaration on the Rights of Indigenous Peoples (September 2007) article 31.1 says in part:

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions as well as the manifestations of their sciences, technologies and cultures

This is omitted Indigenous policy framework for the National Cultural Policy; and when proper engagement and consultation with Indigenous peoples of where we are to sit at the cultural table does happen, then such an important International promise to the rest of the world cannot be ignored.

5. Specific Responses to Discussion paper with Recommendations

AICA welcomes the recognition of 'Indigenous culture' in the discussion, especially in the Introduction and Goal 1; yet reiterates our Introduction.

Language as a vehicle for Culture

The use of the adjective 'Indigenous', while striving for a sense of inclusivity, carries the heavy risk of the loss of identity of individual and separate Aboriginal and Torres Strait Islander communities.

There is no single traditional 'Indigenous' language.

In the Foreword to the Dictionary of Aboriginal Words (see below), Burnam Burnam writes that at the time of Captain Cook, there were some 500 different Aboriginal nations 'each with their separate languages and dialects'. There are fewer but still strong 'living' Aboriginal and Torres Strait Islander languages in Australia, that is, language spoken by grandparents and children alike.

The education system and converging new media will take its final toll on these surviving languages if not raised as important in any National Cultural Policy framework. Already, Cape York Peninsula Aboriginal communities have access to 17 new television channels.

The waiting destruction of the languages on Cape York is inevitable as it has happened across the world with Indigenous peoples when mainstream communications dominants in their communities.

This should not be accepted as a given in the National Cultural Policy framework.

See Attachment A for a recent account on the ABC's current affairs radio program AM of the story of one such traditional language and the hopes of keeping it alive. There are so many enlightening stories of attempts at language survival. A walk down the main street of Alice Springs and hear the soft sing song languages of ancient Aboriginal cultures communicating can be at times like a different country. But this is the gift that Indigenous peoples hold out to all Australians and yet it still is unappreciated.

The National Cultural Policy framework must keep these languages alive.

Yet in societies where so much of culture is passed on in spoken stories, the loss of each living language is the loss of some of its associated traditional oral culture. It is not a total loss- but an important unrecoverable national loss. Therefore, the National Cultural Policy must address the issue of Aboriginal and Torres Strait Islander language recovery, maintenance and protection.

The protection is the vexed but solvable issues relating to Indigenous intellectual property rights that remain outside of Australia's Intellectual and copyright laws; the National Cultural Policy framework must address these. The sought after national policy framework cannot be developed to reflect national values by sneaking past with one eye deliberately closed on these issues.

The Indigenous Media Strategies Goals

Each stated Goal must address and include an Indigenous media strategic action plan. The Queensland National Indigenous Radio Service (NIRS) have submitted to us their brief but telling views on where Indigenous communications are to survive being swamped within the National Cultural Policy framework”

- financial resources and their employ,
- second is access and availability (affordability) of technology as an enabler,
- third is quality and culture dissemination; and
- fourth is economic capacity building for communities.

Each Goal must sustain the cultural relevance of the media and communications services. The National Cultural Policy framework must be designed to guide and support this. At present, its omission needs urgent attention before finalizing the policy framework.

Recommendation 1

That the National Cultural Policy recognises the importance of maintaining, protecting and reviving Aboriginal and Torres Strait Islander languages; possibly through specific funding of programs at the Institute of Aboriginal and Torres Strait Islander Studies as the lead Indigenous agency and others identified.

No single 'Indigenous Culture'

Just as there is no single Aboriginal and Torres Strait Islander language, there is no single associated culture. Accordingly, the comments immediately above apply with equal force in this section.

Recommendation 2

That the National Cultural Policy recognises, in words and strategies, that there is no single 'Indigenous Culture', rather there are many surviving traditional cultures from different Aboriginal and Torres Strait Islander communities.

Problems with the Copyright concept

We note that in the Discussion paper's Background section, it says that '(t)he Australian Government supports Australia's cultural life in extremely diverse ways which reach beyond direct financial support – through regulation, legislation and setting standards (including intellectual property)'.

Sydney lawyer Terri Janke has written extensively on the interaction between statutory copyright provisions and Indigenous intellectual property. In her 2009 paper *Writing up Indigenous research; authorship, copyright and Indigenous knowledge systems* (Terry Janke and Company, 2009) she notes that 'Intellectual property laws are limited in their ability to protect Indigenous knowledge systems ... By way of very general overview the shortfalls in copyright protects' fall under the following headings:

- 'Copyright focuses on material form;
- Copyright protects the expression not the underlying content;
- Moral rights for individuals only;
- Limited term for copyright protection; and
- No special protection of sacred knowledge.'

For a more detailed discussion of this matter, see the still very relevant Terri Janke's 1999 report *Our culture our future: a report on Australian Indigenous cultural and intellectual property rights*.

Suffice to say that while existing copyright provisions provide some protection for some expressions of Aboriginal and Torres Strait Islander culture, they are insufficient in scope and understanding to protect such culture. Janke's 1999 report suggests how this might be remedied.

Recommendation 3

That the National Cultural Policy recognises that the current Copyright framework is too limited in its capacity to protect Aboriginal and Torres Strait Islander cultures, and commits to review and amend the framework to give it greater capacity to do so.

Role of the Indigenous Media Sector

The Indigenous media sector has a vital role to play in the preservation, protection, development and promotion of Aboriginal and Torres Strait Islander cultures.

In April 2011 the Government released the report: *Review of Australian Government investment in the Indigenous broadcasting and media sector* (the Stevens report).

AICA strongly supports the finding of the review where, in its consideration of the role of the Indigenous media sector in the *Closing the Gap* agenda, the report says in part:

Supporting culture

Submissions to the review noted that the affirmation of culture is integral to the formation and retention of a positive Indigenous identity. In communities that experience a significant degree of social disadvantage, Indigenous broadcasting is a critical service, empowering them through the broadcasting of relevant news and information that would be otherwise unavailable.

Submissions also highlighted the responsibility of the sector to reflect the cultural, linguistic and geographic diversity of Indigenous Australia.

Recommendation 4

That the National Cultural Policy recognises, in words and funding, the essential role of the Aboriginal and Torres Strait Islander media sector plays in fostering, maintaining and promoting Aboriginal and Torres Strait Islander cultures and communities.

TRANSCRIPT FROM ABC AM PROGRAM – 6 September 2011

Japanese linguist helps revive an Aboriginal language

TONY EASTLEY (Presenter): It's taken 40 years but from almost the ashes of extinction, an Aboriginal language has been saved and is again being spoken on Palm Island in North Queensland.

The last living speaker of the Worrongo language is a Japanese professor who created a dictionary after learning it from one of the last native speakers in the early 1970s.

Natalie Poyhonen in Townsville prepared this report.

TASAKU TSUNODA: The name for Palm Island is Borrgoman, the name of Townsville is Gabilagaba.

NATALIE POYHONEN: In north Queensland the Worrongo language is coming back to life.

In the most unlikely of tales, a Japanese professor who first spoke the language four decades ago is gearing up to play a pivotal role in spreading the Worrongo sound.

The story begins with the Australian Literacy and Numeracy Foundation approaching the Palm Island community about first language learning for children.

Chairwoman and founder, Mary-Ruth Mendel, says when she put the call out for an experienced voice she couldn't believe her ears.

MARY-RUTH MENDEL: When we were talking to families on Palm Island and saying 'Yes there's many languages here and, you know this is what we can do, but this is what we need: a dictionary and a speaker', they all went 'But there is a language, it's Worrongo language, and it has a dictionary and it has a speaker.'

And I said 'Oh terrific, where is that speaker?' and they said 'Japan' - and I said 'What? How can that be so?'

NATALIE POYHONEN: In 1971 linguistics student Tasaku Tsunoda was sent by his Monash University supervisor to the island, where he met Alf Palmer, one of the last two native speakers of Worrongo.

TASAKU TSUNODA: When I was doing field work with him he used to say to me

"I'm the last one to speak Worrongo. When I die, this language will die. I'll teach you everything I know, so put it down properly."

NATALIE POYHONEN: Professor Tsunoda now works at the National Institute for Japanese Language and Linguistics in Tokyo.

He says Alf Palmer showed incredible foresight in helping to preserve the endangered Aboriginal language.

TASAKU TSUNODA: Language connects you with your ancestors, language part, you know, a very important part of your identity and also language is something like a vessel. Often when a language disappears, it's very difficult to transmit traditional knowledge without original language. There are certain aspects of culture that cannot be translated into another language.

NATALIE POYHONEN: But reviving this Indigenous heritage could also help English literacy levels.

TASAKU TSUNODA: Some of the Worrongo words: eye - jili, nose – goja, mouth - jawa, grey hair - birngga.

NATALIE POYHONEN: The professor's dictionary is being transformed into a card system.

It will include the English letters and different sound options for how words should be pronounced in Worrongo.

Eventually those words will be used to translate classic Australian children's stories and other texts.

Mary-Ruth Mendel says first language literacy can transform the learning possibilities for Indigenous youth.

MARY-RUTH MENDEL: That extra engagement, that extra connection to books and story and vocabulary and sentences, and the listening skills that go with it really sparkles up children's neurology.

And it's not just a party trick, that actually is growing neural pathways in the brain which then teachers can build on in school.

NATALIE POYHONEN: When Professor Tasaku Tsunoda returns to Palm Island this week he's planning a graveside tribute for his late friend Alf Palmer.

He says he will tell him he's bringing people to Palm Island to make books for the Worrongo language, and he hopes it makes his friend very happy.

(Tasaku Tsunoda presenting a tribute to Alf Palmer in Worrongo.)

TONY EASTLEY: Japanese professor Tasaku Tsunoda ending that report from Natalie Poyhonen.

