

# Community Broadcasting Foundation

## First Nations Engagement Protocol

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## Introduction

The Community Broadcasting Foundation regularly receives funding applications for broadcast projects that include First Nations people and cultural material. This guide helps potential applicants engage First Nations people in a meaningful and respectful manner by identifying the respective protocol.

The CBF First Nations Engagement Protocol has been developed to offer advice and recommendations for engaging Aboriginal and Torres Strait Islander peoples in community media projects in a respectful and appropriate manner at each stage of production and broadcasting. It is designed to be an initial point of reference in planning programming that includes First Nations presenters, contributors and advisors or uses First Nations cultural material. It does not give specific advice on the cultural issues of a particular group, which may vary from region to region. Links to contacts and references to access relevant people and information in different areas is included below.

This guide concentrates on moral and ethical issues relating to the use of First Nations cultural material, recognising First Nations peoples as custodians of culture. It is designed for day-to-day use by program makers planning a CBF grant application. It should be read in conjunction with relevant copyright laws and should not be viewed as legal advice.

The CBF First Nations Engagement Protocol is relevant to anyone working in or with the community broadcasting sector who is applying for a CBF grant, including;

- Indigenous and non-Indigenous presenters, producers and program contributors
- Station Management and relevant station personnel
- Program guests

Presenters, production crew, producers, voiceover artists, script-writers, program contributors and station personnel are broadly referred to in this document as 'program makers'.

We hope program makers working with First Nations people will use this guide as a framework for developing appropriate processes for their specific projects, language groups, regions and communities prior to submitting their grant application.

## Practices: Engaging

Media is an important means of expressing First Nations heritage – past, present and future. Community broadcasters can adopt a best practice approach by encouraging respect for the cultures of Aboriginal and Torres Strait Islander peoples, by acknowledging their innate value and difference from other cultures and by respecting ownership and control of First Nations heritage.

First Nations cultural and intellectual property rights include the right to\*:

- Own and control First Nations cultural and intellectual property
- Ensure that any means of protecting First Nations cultural and intellectual property is based on the principle of self-determination
- Be recognised as the primary guardians and interpreters of their cultures
- Authorise or refuse to authorise the commercial use of First Nations cultural and intellectual property, according to First Nations customary law
- Maintain the secrecy of First Nations knowledge and other cultural practices
- Full and proper attribution

- Control the recording of cultural customs and expressions, the particular language which may be intrinsic to cultural identity, knowledge, skills and teaching of culture.

It is important to recognise the diversity and complexity of the many different First Nations cultures in Australia. Methods of dealing with issues and cultural material may differ from community to community and across urban, rural and remote lands. While it is not possible to prescribe universal rules for engaging with any group of people, there are some fundamental principles within which to conduct respectful work.

*\*Our Culture: Our Future – report on Australian Indigenous cultural and intellectual property rights.*

## **Responsibilities: Protocols**

The CBF supports the *Community Radio Broadcasting Codes of Practice (2008)* which acknowledges the unique status of First Nations peoples as the First Australians and to offer a way to demonstrate respect for their cultures and customs. In the code 'Indigenous Australians' refers to the Aboriginal and Torres Strait Islander people of Australia.

With this Code of Practice in mind, we expect CBF grant-seekers to:

- Include an Acknowledgement of Country where program is produced and/or broadcast
- Be respectful of cultural differences, aware of potential prejudices/stereotypes and avoid perpetuating negative perceptions or stereotypes.
- Program makers should endeavour at all times to present a balanced view of issues. An Aboriginal view of First Nations issues may differ from a non-Aboriginal one. First Nations Australians are a complex and diverse multicultural people and this diversity should be recognised as an integral part of First Nations society and represented as such.
- Seek advice from relevant community leaders, council Elders and/or community service organisations regarding the specific nature of your project to ensure your broadcast intentions for spoken word, music recordings and live content are geographically and culturally appropriate. Where non-Indigenous people produce programs about First Nations people, they should do so in consultation with relevant First Nations people particularly with those who are the subject(s) of the program content. Note that Aboriginal and Torres Strait Islander protocols may prevent the use of some images and archival recordings.
- If a radio or television script depicts a First Nations character, situation or issue, the script should be authenticated to ensure that it is appropriate in terms of language and behaviour. Writers should encourage First Nations collaboration in the script-writing process.
- Program makers should always be aware that First Nations Australians hold Intellectual Property (IP) over their cultural information, images and raw audio recordings. Material can only be used with permission and with provision of a clear outline of any financial and contractual arrangements that may be involved in the project, especially regarding how and when people will be paid, and obtain agreements in principle.
- If a project requires travel into Aboriginal or Torres Strait Islander country or entering communities, it is essential that program makers contact the local Aboriginal Community Council, Land Council or Aboriginal service organisation as a courtesy to the community, to inform the community of their intention in the area, to seek permission to travel on Aboriginal land (including obtaining a visitor's permit if necessary), to help determine the

most appropriate person or persons to be interviewed and to confirm any script consultancy that may be required regarding that community.

- If your grant application requests presenter, producer or contributor wages, we would expect to see a distribution of funds for contributor fees for First Nations project participants.
- Refrain from content elements derived from First Nations heritage in their works without the informed consent of the First Nations owners. Programs should include appropriate accreditation if First Nations works are included in the project. You should also consider whether a particular song is appropriate for your project when adding music to your project. For traditional songs, it is a good idea to consult with the performer and relevant language group and get permission to use the songs in an appropriate context.
- Every effort should be made to ensure that the planning and execution of any research or interviews undertaken for your project are done so with the full involvement of, and under direction of, the Aboriginal or Torres Strait Islander people involved. Seek nomination and confirm the use of First Nations consultants by the appropriate community leaders or organisations. Wherever possible, First Nations people should be involved in project decision making and encouraged to engage broadly in day-to-day work or volunteering at your organisation.
- Consider possible long-term outcomes from your project toward [Closing the Gap](#) targets and any relevant Government policies or community campaigns and the potential impact of your project within your local area. Build partnerships with individuals and community organisations that can extend beyond the life of the project and the funding period. Provide feedback to project participants to nurture a positive and ongoing relationship.
- Ensure that any negotiations with First Nations people are honest and clearly detailed about the intended broadcast outcomes of the project.
- Program makers should do everything within their power to protect the physical, psychological and social wellbeing of the First Nations people and everyone they are working with, and to honour their dignity and privacy.

The CBF assessor assignment protocol ensures that First Nations projects for or by First Nations stations/groups will be assessed by a minimum of 50% of assessors identifying as Aboriginal or Torres Strait Islander as well as assessors who have completed or have been deemed exempt from cultural competency training. Such assessors are equipped to determine your organisation's adherence to these protocols.

### **Broadcasting and re-broadcasting**

As primary guardians and interpreters of First Nations culture, Aboriginal and Torres Strait Islander peoples have well-established protocols for interacting with their cultural material. New situations, such as new media platforms, also require cultural protocols and permission should be sought for the re-broadcasting of material online and/or via additional media platforms.

Cultural material should always be used in an appropriate context. Permission to re-broadcast or simulcast material beyond a particular community station broadcast footprint should be sought as some content and stories may not be suitable for wide dissemination. It is the responsibility of program makers to discuss any restrictions on use with the relevant First Nations groups.

In many First Nations communities, the reproduction of names, audio recordings and photographs of deceased people are restricted for public viewing for a period of mourning. The person's family or community should be consulted so that the appropriate protocols are observed for using sound recordings, films and images of First Nations people who have passed away.

## Checklist

Have you:

- Identified any First Nations cultural property you plan to use
- Sought permissions to broadcast cultural material and Intellectual Property
- Consulted with relevant First Nations custodians and groups
- Checked if there are any locally relevant protocols that may impact your project
- Provided opportunity for First Nations people to contribute to the project
- Discussed any requirement for contributor fees
- Provided opportunity to review broadcast material and edits before the project is broadcast
- Confirmed appropriate broadcast and re-broadcast regions

**The CBF supports the Australian Declaration Towards Reconciliation and the National Strategies to Advance Reconciliation as proposed by the Council for Aboriginal Reconciliation and Reconciliation Australia.**

## Helpful references

*Sector Representative Organisations*

First Nations Media Australia (FNMA) - <https://firstnationsmedia.org.au/>

Community Broadcasting Association of Australia (CBAA) – [www.cbaa.org.au](http://www.cbaa.org.au)

*Land Councils*

[National Indigenous Australians Agency](#) (Australian Government)

[Creative Spirits](#)

Local Council Indigenous Engagement Officers.

*Useful background reading*

[CBF Support for Reconciliation](#)

[Community Radio Broadcasting Codes of Practice – Code 4: Indigenous programming and coverage of Indigenous issues](#) (CBAA)

[Uluru Statement from the Heart](#)

[Australian Declaration Towards Reconciliation](#)

[Reconciliation Australia](#)

[United Nations' Declaration of Rights of Indigenous Peoples](#)

[Map of Indigenous Australia](#)

*Educational opportunities*

The [Centre for Cultural Competence Australia](#) offers online cultural training and development courses.