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Senate Environment and Communications Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600
sent by email: ec.sen@aph.gov.au

Save Our SBS response to FECCA 28-5-15 letter
Communications Legislation Amendment (SBS Advertising Flexibility and Other Measures) Bill 2015

Save Our SBS welcomes this opportunity to elaborate on the scepticism we expressed of FECCA's support of the *Communications Legislation Amendment (SBS Advertising Flexibility and Other Measures) Bill 2015* (the Bill) and an apparent conflict of interest in this matter which was not indicated in FECCA's published submission to the Senate Environment and Communications Legislation Committee (the Committee) or in evidence to the Committee's public hearing in Melbourne on 18 May 2015 (the public hearing).

In the follow-up letter dated 28 May 2015 (the letter) from the Chair of FECCA to the Committee the following is stated:

The erroneous allegation made by Save Our SBS Inc of a conflict of interest relies on a figure of \$51,000 reported inaccurately as the financial representation of the relationship between FECCA and SBS. We fail to understand how this figure was identified, and reiterate that the assumption of an existing conflict of interest is both unfounded and unsubstantiated.

Save Our SBS provides the following clarification.

In our opening statement to the public hearing the reference to the \$51,000 was – as stated to the Committee – a direct reference to an investigative piece in *Crikey*¹ however we did not rely on that investigation alone. Before drawing attention to this we checked the Annual Reports: SBS and FECCA. Additionally, we also received information from a very senior person at the highest level of SBS that SBS had granted some \$50,000 of funding every second year for some years to FECCA, referred to as sponsorship. Most recently this was identified in the SBS Annual Report:

SBS was a main sponsor of the 2013 FECCA Conference: Breaking Down the Barriers – A Strength Based Approach for a Just Society. SBS Managing Director Michael Ebeid delivered a keynote address on the role of SBS in promoting social cohesion in Australia^{II}.

¹ Robin, M, Crikey, 23 April 2015, *SBS brings out the big guns as questions raised about multicultural group's support*, <http://www.crikey.com.au/2015/04/23/sbs-brings-out-the-big-guns-as-questions-raised-about-multicultural-groups-support>

^{II} SBS Annual Report 2014

A reference appears in the FECCA Annual Report:

Conference Income & Reimbursements: \$51,756^{III}

There are references to other conferences in various documents and earlier Annual Reports but the SBS-FECCA financial relationship was not declared by FECCA in their written submission or at the public hearing.

However, the FECCA letter (after the public hearing) to the Committee acknowledges sponsorship of “FECCA’s biannual national conferences [and] in-kind contribution from SBS”. Aside from the Annual Reports, since the public hearing, Save Our SBS rechecked with our informant who reconfirms that the amount was in the order of \$50,000 (see previous page).

Added to this, the FECCA letter refers to the upcoming 2015 conference and potential support of SBS is yet to be finalised.

In our view FECCA are compromised in their support of the Bill.

Furthermore, it seems odd to us that FECCA appears to have moved from their former position (of not supporting more advertising or the Bill) yet did not survey the wider ethnic communities members or as far as we can tell ask ‘do you support or not support this Bill and why’.

Save Our SBS believes we are entitled to remain sceptical of FECCA’s impartiality in this matter especially given the apparent undeclared conflict of interest and survey of none.

Part of FECCA’s expressed support for the Bill at the public hearing was based on there being adequate safeguards in place for SBS to meet its Charter obligations. This view was reflected in FECCA’s letter to the Committee that there be “adequate safeguards in place to ensure that the integrity of the SBS Charter is maintained. In this regard, we emphasise the key role of the SBS Board...”

We point out that section 10 of the *SBS Act 1991* lays out the duties of the Board (including at section 10(1) references to the Charter) but nothing in the Bill or the *Act* provides any safeguards of the sort FECCA elude to and furthermore section 10(2) of the *Act* specifically prevents such safeguards at law: “Nothing in this section imposes on the Board a duty that is enforceable by proceedings in a court.” FECCA’s statement of support for the Bill with safeguards in place shows little understanding of the Bill and *Act*. It seems to us that FECCA’s support is at best naive and based on a false belief of the law and current practice.

In conclusion we acknowledge FECCA’s statement at the public hearing: “We have found ourselves between a rock and a hard place given the current situation. On principle FECCA would not wish to see increased advertising on SBS... We do see potential there for a slippery slope and we are very concerned about it...^{IV}”. On this point Save Our SBS and FECCA share common ground.

Quentin Dempster
Member, Save Our SBS Inc

Steve Aujard
President, Save Our SBS Inc

^{III} 2012-13 FECCA Annual Report

^{IV} Environment and Communications Legislation Committee, 18 May 2015, Communications *Legislation Amendment (SBS Advertising Flexibility and Other Measures) Bill 2015*, evidence of Ms Karanastasis, Senior Deputy Chair, FECCA.