

SUBMISSION
BY
MEDIA ENTERTAINMENT AND ARTS ALLIANCE
TO THE
PRODUCTIVITY COMMISSION

REVIEW
OF
DISABILITY DISCRIMINATION ACT 1992

APRIL 2003

The Media Entertainment and Arts Alliance

The Media Entertainment and Arts Alliance (Alliance) is the industrial and professional organisation representing the people who work in Australia's media and entertainment industries. Its membership includes journalists, artists, photographers, performers, symphony orchestra musicians and film, television and performing arts technicians.

Introduction

The Alliance welcomes the opportunity to make submission to this Inquiry.

Since the enactment of the Disability Discrimination Act 1992 there is little doubt that progress has been made both in terms of the recognition and acceptance within the community of the principal that people with disabilities have the same fundamental rights as those who do not and in respect of some improvement in their access to premises and the provision of goods, facilities and services.

This submission will confine itself to looking at community recognition and acceptance, opportunities for performers with disabilities and access for those with disabilities to cultural activities.

Recognition and acceptance

In our increasingly diverse societies, it is essential to ensure harmonious interaction among people and groups with plural, varied and dynamic cultural identities as well as their willingness to live together. Policies for the inclusion and participation of all citizens are guarantees of social cohesion, the vitality of civil society and peace. Thus defined, cultural pluralism gives policy expression to the reality of cultural diversity. Indissociable from a democratic framework, cultural pluralism is conducive to cultural exchange and to the flourishing of creative capacities that sustain public life.

Article 2, UNESCO Universal Declaration on Cultural Diversity¹

Market forces alone cannot guarantee the preservation and promotion of cultural diversity, which is the key to sustainable human development. From this perspective, the pre-eminence of public policy, in partnership with the private sector and civil society, must be reaffirmed.

Article 11, UNESCO Universal Declaration on Cultural Diversity²

The Alliance strongly believes that one of the best ways to enhance recognition and acceptance of those with disabilities is through art and, given its pervasiveness, through film and television in particular.

While Codes of Practice for television and the content standards administered by the Australian Broadcasting Authority are outside the remit of the Disability Discrimination Act the Alliance strongly believes that the role television plays in the community must be considered when determining strategies whereby greater acceptance and recognition of people with disabilities can be achieved.

The Federal Government has long recognised the impact of television on the community and to that end has required broadcasters to screen certain levels of Australian programming and for that programming to develop and reflect a sense of Australian identity, character and cultural diversity. This requirement is set out in the objects of Broadcasting Services Act. However, the Alliance believes that measuring the extent to which that is achieved is long overdue for serious research.

The Alliance has championed the need for the images that Australians see of themselves and the stories that are told on small screens across Australia to be genuinely reflective of who we are as a society. Since 1992, the Alliance has been instrumental in pushing for research to be undertaken on the extent to which Australian drama programs reflect the cultural diversity of the Australian community.

¹ UNESCO Universal Declaration on Cultural Diversity, adopted 2 November 2001, available online at www.unesco.org/opi/eng/unescopress/2001/01-120e

² UNESCO Universal Declaration on Cultural Diversity, adopted 2 November 2001, available online at www.unesco.org/opi/eng/unescopress/2001/01-120e

Over the past 15 years some improvements have been achieved. For instance in 1992, research undertaken by the Alliance showed that less than 2% of available roles were for performers of culturally diverse backgrounds and there were no roles for Indigenous performers in commercial television drama.

Further research undertaken by Queensland University of Technology (QUT) in collaboration with the Alliance and released by Minister for Immigration and Multicultural Affairs, Philip Ruddock, in 1999 showed a dramatic improvement. 20% of roles in drama programs on free to air commercial television were filled with performers from non-English speaking backgrounds (compared with 24% in the general population and 3% of roles were filled by Indigenous performers (compared with 2% in the general population).

Cultural Diversity in Australian Television Drama (again conducted by QUT in collaboration with the Alliance) furthered the work of the 1999 report and was released in May 2002. It surveyed actors appearing in main and guest roles in 13 television drama productions between May and August 2001. It confirmed the trend identified in the 1999 study that the representation of actors of culturally diverse backgrounds has increased significantly since the early 1990s. However, representation of Indigenous actors dropped to 1.1% with only one of 136 guest roles filled by an Indigenous actor.

Unlike the 1999 survey, which focused on commercial television, this study surveyed actors across both commercial and public broadcasting and found that there was no significant difference between the two areas of broadcasting. Of all the actors surveyed (main and guest cast) across both commercial and public broadcasting 26.5% were of various culturally diverse backgrounds – 28% of guest roles and 22% of main roles.

*Who's watching you tonight?*³ was released by the State of Victoria in June 2002 and highlights another sector of the community currently under-represented on our television screens.

In her introduction to the report, the Hon Christine Campbell, Minister for Senior Victorians, commented: "The images the media use to represent older people in our community clearly affect the way we feel about growing older. They also critically affect the perception younger people have of older people and their role in society. People of all ages want to see themselves and their lives reflected on screen in ways which are realistic and meaningful ... Today there are very few roles for older people in film and television. And, of the roles that we do see, there is often a great disparity between the image we see on our screens and the reality of older people's lives as we know them."

That representation of Australians in all their diversity is an important issue was most recently articulated by Bob Carr, Premier of New South Wales, speaking at the Museum of Contemporary Art on 3 December 2002, the International Day of People with a Disability. In The Message from the Premier, Carr honoured the contribution to the community made by people with a disability. "It is through the arts that we seek to understand and interpret all aspects of our culture and our lives, from personal and unique experiences to universal ones. For people with disabilities, the arts can be especially crucial in this process." That can only happen when people with a disability are recognised firstly as people and secondly as having a disability. Unless they are able to see themselves reflected back on their television screens, the valuable role of which Carr speaks remains unfulfilled. Keynote speaker, actor Kirūna Stamell made the point that she wishes to be cast as an actor – be it in a role of a student, nurse, doctor, friend, sister or nun and not relegated to roles as an elf because of her height or disguised in a puppet suit, heard and not seen. Kirūna's speech is attached as it offers insight into the barriers currently faced by performers with disabilities.

Whilst some headway has been made towards television drama programming more adequately reflecting the cultural diversity of Australians, there remains a long way to go in respect of the elderly and those with disabilities.

³ *Who's watching you tonight?* State of Victoria, published by the Office of Senior Victorians, Rural and Regional Health and Aged Care Services Division, Victorian Government Department of Human Resources and available on-line at www.seniors.vic.gov.au

Similar research to that undertaken in respect of cultural diversity in drama programming is urgently needed in respect of cultural diversity and representation in non-drama programming, together with research in respect of the representation of the elderly and those with disabilities.

Screen Actors Guild research in the United States has established that in defiance of the demographics of the viewing audience, characters in both prime time and daytime television are getting younger. Characters 60 years and older accounted for only 5.6% of all characters and of those half were younger than 65. Representation of characters over 65 was less than a fifth of their representation in the population.

Comparable research has not been undertaken in Australia. However, it is unlikely to show better results than have been achieved in the United States.

Indeed, Network Ten does not see older people as forming part of their target demographic. Speaking at a workshop on the Australian Content Standard held in March 2002,⁴ Andy McIntyre, General Manager, Program Finance and Development, Network Ten, outlined their programming strategy: "The network principally targets the under 40 years demographic, although our drama programs have a broader target of 25-54 years".

In ignoring a significant section of the population, Network Ten's strategy can be described as quota trading by default – by ignoring the sector, the expectation is that another network will fill the gap. If the objects of the Broadcasting Services Act are to be met, and Australian identity, character and cultural diversity genuinely reflected, then this sector of the population should not be so summarily dismissed.

"... if a program 'skews old' it is considered a failure because of the misconception that older people are not a cashed-up consumer group. Commercial networks rarely pay any attention to the viewing patterns of people over 55, referred to in the industry as the '55 to dead' demographic."⁵

That this sector is ignored is curious, given that people aged over 55 watch the most television – 4 hours 18 minutes daily compared with the average for the whole population of 3 hours 13 minutes⁶. According to the Access Economics Report, *Population, Aging and the Economy*,⁷ whilst those over 55 account for only 21% of the population, they head up households that own 39% of nation's household wealth, 54% of the nation's financial assets and account for 25% of all disposable income. Further, Access Economics anticipates that, even accounting for inflation, spending by mature consumers will grow by 61% over the next ten years, double the national average of 32%.

So despite the economic case that can be argued to underpin an enhancement of representation of people over the age of 55, the networks have been slow to take up the opportunities presented by those who watch television the most.

The most recent examination of cultural diversity is Harvey May's report, *Broadcast in Colour – Cultural Diversity and Television Programming in Four Countries*, published by the Australian Film Commission, the Creative Industries Research and Applications Centre and the Australian Key Centre for Cultural and Media Policy. Released last month, the report examines the manner in which people from culturally and linguistically diverse backgrounds are represented on television in the United States, the United Kingdom, New Zealand and Australia.

The report finds that, "the three countries other than Australia have made significant improvements through explicit programs and policies which address cultural diversity and television". May goes on to

⁴ *Changing Standards for Australian Content on TV*, Proceedings of a workshop hosted by Network Insight, the Australian Film Commission and Allens Arthur Robinson, edited by Kirsten Harley, RMIT University, April 2002, page 6

⁵ *Who's watching you tonight?* State of Victoria, published by the Office of Senior Victorians, Rural and Regional Health and Aged Care Services Division, Victorian Government Department of Human Resources and available on-line at www.seniors.vic.gov.au, page 8.

⁶ AC Nielsen, *Australian TV Trends, 2001*, quoted in *Who's watching you tonight?* at page 9.

⁷ *Population, Aging and the Economy*, Access Economics, cited in *Who's watching you tonight*, at page 5.

say, “carefully considered involvement in, and attention to, cultural diversity in policy and program production at all levels, can yield valuable results for all stakeholders”.⁸

Whilst the approaches to raising levels of cultural diversity in programming varied between the four countries, the outcomes of the different approaches are clear – Australia is lagging behind.

May concludes, “As networks do have ‘ultimate control’ of programming, regardless of whether it is an independent production or an in-house one, a commitment from them to cultural diversity would send a message to the production industry as a whole, that cultural diversity is to be given serious consideration in all production.”⁹

That they will do so voluntarily however seems unlikely.

The Federation of Australian Commercial Television Stations (FACTS)¹⁰ *Code of Practice* was drafted in 1992-3 and, despite the finding of the 1992 study on cultural diversity, did not include any such commitment. Only after intense lobbying by ethnic organisations, the Communications Law Centre and the Alliance, did FACTS release a set of Advisory Notes relating to the portrayal of cultural diversity in 1994. Those advisory notes were not, however, incorporated into the *Code of Practice* when it was revised in 1999.

Whilst the Alliance believes cultural diversity should be dealt with in the *Code of Practice*, it is not sufficient to await the next ABA review of the Australian content standards and hope that the networks might be agreeable to such an amendment.

As indicated above, whilst some research has been undertaken in respect of the portrayal of the cultural diversity of Australians, comparable research has not been undertaken in respect of the representation of the elderly nor of those with disabilities. It is, however, unarguable that the elderly and those with disabilities are inadequately represented.

The television series *House Gang* was a notable exception, a series that explored the lives of people with intellectual disabilities. Otherwise, those with a disability are mostly portrayed as someone with an illness and confined to the very occasional guest or minor role.

Thorough research would greatly assist in developing strategies that might see the under-representation of those with disabilities addressed.

Just as adequate representation of the cultural diversity of Australians on television has assisted community recognition and acceptance, the same will be true in respect of the representation of those with disabilities.

Film and television dominate the cultural landscape in Australia. However, the importance of the performing arts cannot be underestimated. The impact of the Para Olympic Games in Sydney in 2000 and the Para Olympics Arts Festival was enormous. In particular, the thousands and thousands of school children who attended were able to see and accept, many for the first time, the achievements and the talent of those sports persons and artists, all with disabilities, who performed over those few weeks in October 2002. Being able to enjoy and celebrate their achievements is a far more compelling driver of attitudinal change than any educational campaign is likely to be.

Access to arts for those with disabilities

In the lead up to the 2000 Sydney Olympics, a comprehensive audit of venues was undertaken for the Para Olympic Arts Festival. The results revealed what scant regard has been given to those with a disability who wish to access the arts. The Festival was finally principally located at the Seymour

⁸ *Broadcast in Colour – Cultural Diversity and Television Programming in Four Countries*, Harvey May, Australian Film Commission, Creative Industries Research and Applications Centre, Brisbane and Australian Key Centre for Cultural and Media Policy, Brisbane, 2000, page 7.

⁹ *Ibid*, page 68.

¹⁰ The Federation of Commercial Television Stations was recently renamed Commercial Television Australia.

Centre, it having been identified as the most appropriate venue for those with disabilities and as the venue most interested in committing funds to updating facilities such as access for taxis, provision of companion seating, floor markings and the like.

That venues do not more readily accommodate the needs of those with disabilities is surprising – it creates a forgone audience. Many of the accommodations needed to be made for people with disabilities are also required for the elderly, a section of the population with the time and the money to spend on the arts.

Issues such as well-lit streets outside venues at night, access to lifts, public transport, and taxis are just as important for those without disabilities as for those with disabilities. It is, however, certain that the difficulties faced by the elderly and those with disabilities are exacerbated, and often to the extent that prevents attendance at arts venues. Many arts venues are not even on public transport routes, for instance, Hickson Road in Sydney houses the Sydney Theatre Company, and yet there are no public buses to the venue. Not only must those with disabilities have access to public transport, the public transport needs to be scheduled and routed appropriately.

Companies such as the Sydney Theatre Company that have actively addressed the needs of those with disabilities by having dedicated performances for those with hearing impairments and those with visual impairments can demonstrate the financial rewards of so doing with an expansion in their audience base.

Enforcement

The Alliance considers that the development of mandatory disability standards in respect of access to premises, information and public transport is crucial. They could be introduced with phase-in provisions to avoid undue financial hardship. The Alliance supports the revision of the Building Code of Australia to meet the requirements of the Disability Discrimination Act and recommends that the building code be amended to cover space around buildings and internal fit-out

The Alliance also considers that a system that is complaints driven by aggrieved persons to be inappropriate. Currently, those in the community who are likely to face the greatest difficulty in making complaints are reliant for any remedy to any breaches of the Disability Discrimination Act on entirely their own actions. Whilst the ability for aggrieved persons to make complaints must be retained, the Alliance strongly supports the reintroduction of the ability for HREOC to initiate complaints and to receive complaints from persons other than aggrieved persons.

Finally, the Alliance is of the view that complaints should be able to be brought where the circumstances for discrimination exist even though a complaint may not have been notified by an aggrieved person. Aggrieved persons are more likely to avoid premises that give rise to concern than they are to face the daunting process of making a complaint.

International Day for people with a disability

On December 1, actor Kirūna Stamell joined Premier Bob Carr in launching International Day for People with a Disability.

Hi my name is Kirūna Stamell. I am completing a BA (Media and Communications) with a second major in Film/Theatre at the University of NSW. I am currently writing and devising a solo physical theatre work. I identify as a person with a disability. I have a rare condition of dwarfism although I identify as a 'person of short-stature'.

I have been given the opportunity to share some of my experiences as an artist who identifies as having a disAbility. I hope to shed some light on disAbility in the arts and to promote a positive culture of inclusion in the Australian arts community.

My agent called me the other day. I was a bit worried because it's getting close to Christmas so I was getting ready to say, "I am really sorry but I don't do the *elf* thing".

I have always wanted to act – in the beginning I really wanted to be a dancer on *Young Talent Time* or a pop star like Kylie. Kylie was the first record I owned after Patsy Biscoe. When I was three, I begged my mother to enrol me in dance classes. It took a while to find a dance school that would accept me but that was all I wanted to learn how to do. It was a burning passion that would not be moved by my father's suggestions I become a doctor.

Once when I was four, I was in a class in a church hall. We were all in our pink leotards and satin shoes, learning how to lace the ribbons. All the little girls were being corrected on their technique and moves. The teacher never once corrected me.

Now as a four year old I realised something was amiss. Was I just dancing perfectly or was she IGNORING me! So I decided to test her. Placing my feet in the technical position of pigeon, I stood at the ballet barre like the others. Beginning at the back of the barre (where her favourites were located), she corrected every little girl until she got to me. She looked at my feet, said in a dismissive tone, "very nice", and continued the lesson.

Ballet didn't want me. It was the one and only art form that completely barred me. I wasn't going to be a ballerina. The art form is too obsessed with proportions. Oh, sure I could dance, but I didn't look like a ballerina, however one is supposed to look.

After five years moving from dance school to dance school, I found one willing to teach me. This time I ditched the ballet barre and took up tap. I liked it. It was loud and I was great at. But surely I could've played somebody in the *Nutcracker*!

I was lucky I was persistent. My parents, who are not short-statured, would not have continued taking me from class to ballet class had I not insisted.

Not all people will be able to, or interested in, developing a professional career in the arts. However, without exposure to the arts experience there is little chance of them considering the industry as a career choice. Even if the last thing someone wants to do is get up on stage, or wield a paintbrush, the chance to access the arts is a life-enriching thing that should be promoted to all people. Audiences of people with disabilities deserve the same experiences as all other people.

I have trained as a dancer for 18 years and been an actor since 1994 when I hosted the pilot for a children's television show. They liked me and said I was good, but television executives said I would have to be replaced – not for lack of talent, not because they didn't think I was pretty, but because "parents would feel uncomfortable explaining me to their children". What is art and acting about if not making people think, talk, discuss and learn?

To have a culturally diverse and healthy society we need to have an educated and thinking population. A population that can see a character on television with an amputated arm and accept that this character is also a sex kitten. That as a 'person of short-stature', I could play a teacher, secretary or a vivacious

Irish nun. I could be any of these things in real life, except the nun – I am not Catholic. But my short-stature wouldn't stop me converting if I felt like it! In real life I don't play a "dwarf". In real life I am quite simply a person.

I find my body is very political. I think the disabled body in all its forms is very political. I read in the newspaper the other day that the majority of people who discover they are having a short-statured child abort. I felt a bit rejected by society that day, but if I had the opportunity to stand in front of people and to perform, people would learn to see my body in all its different forms, taking on different shapes, words and the movements of different characters. Not necessarily to be beautiful. It isn't about being beautiful but about expressing yourself. Letting people be people and being able to say something that you feel is meaningful. Instead of trying to stuff me in a suit so that nobody can see me, gagging me under a layer of rubber suit and making me mute.

There isn't a level playing field out there. Being an actor is hard enough but being an actor with a disability is truly tough. It would be difficult for me to get the standard waitressing job or retail job between gigs. I have been lucky in that I have been working as a youth worker and I am also a full-time university student, so "technically" I am never unemployed. But I graduate soon and will find myself in a situation where I am left asking, "Where to from here?"

I want to express myself and create a work with my own voice, be given the opportunity to play. Instead of being the invisible engine behind a Caramello Koala costume, I want to play people.

How I look is always on stage with me, it's part of my canvas as an actor and the audience sees that, in exactly the same way they recognise and identify Deborah Mailman as Aboriginal at the same time seeing her adopt the masks of a million different characters as well.

I remember the first time as a little girl I got on stage with a troupe of dancers, I was just one of the girls. After all disability is normal ... nobody's tampered with my genetic package. How "normal" is it to crawl out of a petrie dish. Anyway, I was the last to walk out on stage because we came out in height order. The audience inhaled. At the end of the routine the audience had enjoyed the performance and not forgotten that I was half the size of the other girls but appreciated me for my skill as a performer.

People aren't going to change the channel because I am on the screen. They aren't going to abort their televisions. They might talk about how I look but, hey, they'll remember me. Very quickly they'll get over it and see the character I am portraying. I hope one day I play a character that dies on television and pulls more ratings than Molly's death in *A Country Practice* or win a Logie for most popular newcomer. At the moment I just want to be given the opportunity to learn from experienced professionals, to be given the chance to make my own theatre, for the agents and casting agents to say, "Why don't we at least audition you? It mightn't work but let's try."

I feel so positive and passionate about my craft and I believe that you should follow your dreams, even if that sometimes means hunting them down. I feel positive that things will change. After all it is the positive experiences that have given me the fuel to continue. I had the great pleasure of acting and dancing in *Moulin Rouge* working with Baz Luhrmann. Baz let me show him what I could bring. He never assumed that because I was short-statured that I couldn't do it. There wasn't a part in the film for me until he saw me as an extra and then I was quickly promoted until I somehow found myself in a limousine at the premiere. It gave me the confidence to make this my career. If it wasn't for the directors and dance teachers in my life who have seen in me a potential and talent, gone beyond the literal interpretations of my body, just given me their ear for one small moment and allowed me to show them what I can bring, I don't know where I'd be. Maybe studying medicine or following a career in politics. I wonder if I'd face less discrimination in those fields?

We should help one another to reach our goals and realise the worst anybody can say is "don't call us we'll call you". All I ask is that casting agents, directors, agents, writers, producers and the other decision makers give somebody the opportunity to try for a part. Let a person with a disability audition for an able-bodied character. If it doesn't work don't cast them. Just recognise that we are all part of the same machine. All I will ever ask of anybody is that they let me show what I can bring. It is never a waste of time.

Instead of saying short blonde women with a pimple on their chins don't sell, can't we say "Let's have a healthy accepting society of young children growing up learning how to accept difference". Let's open our minds to the possibility that a person like myself can host a television programme without alienating viewers. Where is the romanticism? Has it all been over thrown by commercialism? Where is the desire to change society? Was it ever there? Who says I wouldn't be able to sell newspapers or cosmetics in a commercial? Should art change anything or is it about maintaining the status quo – pretending I don't exist – except in an elf's costume. It's 2002 and I feel it's about time you liberated my character!

My experiences have shown me that there needs to be a far greater awareness and acceptance of difference and disability in the arts community.

The Accessing the Arts project is an example of the arts community responding positively to the interests and needs of people with disabilities. One of the most valuable things that have come out of this project is the feeling that this is the first step in developing an inclusive arts community. It could be all too easy for the people involved to pat themselves on the back for their one off contribution. However all the participating organizations are committed to developing projects that have a long-term effect. This is just the start.