

**Senate Standing Committee on Environment, Communications and the Arts**  
**Answers to Senate Estimates Questions on Notice**  
**Budget Estimates Hearings May 2009**  
**Broadband, Communications and the Digital Economy Portfolio**  
**Australian Broadcasting Corporation**

**Question No: 134**

**Program: 1.2**

**Hansard Ref: ECA 40**

**Topic: Rating of sport on ABC2**

**Senator Lundy asked:**

Can you provide the committee with any information about the respective ratings of the football and the WNBL, and how it performed as content?

**Answer:**

The average rating across the whole season for the WNBL broadcast on ABC2 on Friday nights was 14,000 viewers. This compares with an average audience on Friday nights on ABC2 of 40,000 viewers since the WNBL season concluded.

For the Saturday afternoon broadcasts (which were usually repeats of the Friday night matches) the average audience across the season was 59,000 viewers with a peak of 84,000 viewers for the Grand Final.

The W-League (women's football) had an average audience across the season of 73,000 viewers with a peak of 104,000 for the Grand Final. ABC2 has not broadcast any football this year.

The WNBL (screening on ABC2 Friday evenings) this year did not perform well. The highest average audience (on Friday 13 February) was 21,000 viewers.

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**Question No: 135**

**Program: 1.2**

**Hansard Ref: ECA 40**

**Topic: Penetration of ABC2**

**Senator Lundy asked:**

Could you provide details of the penetration of ABC2 to date?

**Answer:**

According to the Government's Digital Switchover Taskforce's first digital tracker report (First Quarter 2009), an estimated 47 per cent of Australian homes have converted to digital terrestrial television. Another 16 per cent subscribe to pay television services. On this basis, the ABC estimates that ABC2 can be viewed in around 63 per cent of households.

It should be noted that the ABC has now rolled out digital transmission to deliver a signal with ABC2 to approximately 97 per cent of the total Australian population.

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**Question No: 136**

**Program: 1.1, 1.2, 1.3**

**Hansard Ref: ECA 40**

**Topic: Coverage of Event based Women's Sport**

**Senator Lundy asked:**

Could you provide the committee with an outline of the range of commitments the ABC has entered into with respect to event based coverage of sport that women play?

**Answer:**

The ABC has rights for the coverage of the Asian Women's Cup in 2010. This is the championship for women's football in the Asian Football Confederation. Success at this tournament will mean that the Matildas will qualify for the Women's Football World Cup in Germany in 2011. The rights to the Asian Women's Cup have been acquired as part of the agreement for coverage of the W-League and Matildas between the ABC and the Football Federation Australia.

The ABC is in discussions with Golf Australia for continuing coverage of the Australian Women's Open golf tournament which is scheduled to be held in February 2010. The ABC has just completed three years of coverage of that event.

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**Question No: 137**

**Program: 1.1**

**Hansard Ref: ECA 43**

**Topic: Correction of incorrect report issued by United Nations on AM program**

**Senator Troeth asked:**

Can the ABC provide a record of the findings of the investigation when completed. Has the ABC corrected the record regarding false allegations broadcast on the AM program on 6 May?

**Answer:**

Yes, the ABC has corrected the record. The following was published on the ABC website:

**Complaint:** An audience member raised a number of concerns in relation to the ABC's coverage of events leading up to and during Israel's Operation Cast Lead in Gaza. The audience member complained that the ABC widely reported allegations that Israel had targeted United Nations schools during the incursion but provided limited subsequent reportage of a UN retraction of its claim that a UN school in Jabaliya had been shelled.

**Audience and Consumer Affairs response:** The ABC acknowledged that a *PM* presenter's statement on 7 January that "The targets of Israeli strikes have included schools operated by the United Nations..." was inaccurate. The ABC acknowledged that no suggestion had been made that the Jabaliya school was deliberately targeted. Other ABC reports about the incident in Jabaliya were found to have been accurate and in context at the time of publication. The ABC noted that the UN retraction was separately reported in two stories: in *The World Today* and ABC News Online. However, the ABC agreed that original reports about the incident also should have been updated to include information regarding the UN retraction. The failure to do so in a timely fashion was in breach of the ABC's Editorial Policies. Editor's Notes were appended to each of the relevant stories, pointing to the retraction. Other concerns raised by the complainant were not upheld.

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**Question No: 138**

**Program No. 1.1, 1.2**

**Hansard Ref: ECA 44**

**Topic: Apologies Concerning pro-Israeli Bias**

**Senator Abetz asked:**

Has there been a requirement for any on-air apology or retraction or editor's note in relation to a story that might be deemed as being too pro the Israel point of view?

**Answer:**

No.

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**Question No: 139**

**Program No. 1.3**

**Hansard Ref: ECA 46**

**Topic: SMS Texts by ABC during 2007 Election**

**Senator Abetz asked:**

Can the ABC provide copies of the content of texts sent by SMS during the 2007 election period?

**Answer:**

This information was provided in the ABC's answer to Senate Question on Notice 483 published in Senate Hansard dated 26 August 2008.

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**Question No: 140**

**Program: 1.1, 1.2, 1.3**

**Hansard Ref: ECA 52**

**Topic: Leave Arrangements for Peter Lloyd**

**Senator Abetz asked:**

Was Peter Lloyd on sick leave at the time of his arrest? When did he plead guilty? Did the ABC know that Peter Lloyd intended to plead guilty? If so, why was he continued in employment until 3 December?

**Answer:**

Mr Lloyd was on leave at the time of his arrest. ABC staff are entitled to various types of leave, and the type of leave an employee utilises at any particular time is a private matter between the ABC and that employee.

Mr Lloyd pleaded guilty on 4 November 2008.

No, the ABC did not know he intended to plead guilty.

It was inappropriate for the ABC to make a decision regarding Mr Lloyd's employment until the Corporation understood the penalty to be imposed by the court, which occurred at Mr Lloyd's sentencing hearing on 2 December 2008. Mr Lloyd's employment ceased on 3 December 2008.

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**Question No: 141**

**Program No. 1.2**

**Hansard Ref: ECA 54**

**Topic: New ABC Children's Television Channel**

**Senator Wortley asked:**

Where will the children's channel be located and how many jobs will be created?

**Answer:**

The main on-air presence of the children's channel (ABC3) will be based in Melbourne. ABC3 will commission a wide variety of content from all across Australia. The ABC expects that the channel will create around 15 ABC positions, but will generate many more in the broader production sector.



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**Question No: 142**

**Program: 1.2**

**Hansard Ref: ECA 55**

**Topic: Staff for the Children's Channel**

**Senator Wortley asked:**

In relation to the programming production positions, will they be located in one location?

**Answer:**

ABC Television has advertised positions in both Sydney and Melbourne, and the location mix of staff will not be known until recruitment for ABC3 is finalised.

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**Question No: 143**

**Program No. 1.2**

**Hansard Ref: ECA 55**

**Topic: Jobs in Independent Production Sector**

**Senator Wortley asked:**

Has the independent production sector given the ABC any indication of the number of jobs that are likely to be created through the commissioning of Australian children's television content?

**Answer:**

There are no specific indications of the number of jobs that are likely to be created through the commissioning of Australian children's television content, but the ABC expects it to be in the hundreds across the funding triennium.

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**Question No: 144**

**Program: 1.2**

**Hansard Ref: ECA 55**

**Topic: Australian Drama Hours**

**Senator Wortley asked:**

How many hours of original Australian drama were broadcast annually on the ABC on average over the last decade?

**Answer:**

On average, 70 first run original Australian drama hours have been broadcast annually from 1999 to 2008. This figure includes Narrative Comedy.

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**Question No: 145**

**Program No. 1.2**

**Hansard Ref: ECA 60**

**Topic: Funding of External Production**

**Senator Ludlam asked:**

Can you provide an estimate of the proportion of funds contracted by the ABC to external providers of production in the last financial year and an estimate of the leverage this provided?

**Answer:**

In the financial year 2007-08, the ABC commissioned \$48 million worth of production with external producers, contributing towards total production budgets of \$133 million. The percentage of the ABC's contribution is 36 per cent of the total production budgets, or a 1:2.8 ratio.

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**Question No: 146**

**Program: 1.2**

**Hansard Ref: ECA 60**

**Topic: Joint Projects with Commercial Broadcasters**

**Senator Ludlam asked:**

Does the ABC currently have any projects or proposals for joint productions with the commercial and subscription television sector?

**Answer:**

The ABC rarely commissions projects with the commercial or subscription television sectors. However, ABC Television is currently working on a children's project entitled *Gasp* which has been financed by a commercial broadcaster (Nine Network), the ABC and other financiers.

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**Question No: 147**

**Program: 1.2**

**Hansard Ref: ECA 61**

**Topic: Australian Drama Hours**

**Senator Ludlam asked:**

Can the ABC estimate how many hours of Australian drama will be produced with the new funding in the second and third years of the next triennium?

**Answer:**

The ABC had factored in about 10 hours of drama for each of the relevant years prior to the funding boost. It is now talking to the independent sector about commissioning new scripts and production. Given the long lead times and lags in commissioning, producing and then broadcasting new dramas and the extent of upscaling required by the new funding, at this stage it is impossible to be precise about Year 2 and Year 3 outputs. The drama slate is still being devised.

The ABC has consistently maintained it will strive for the same drama level as is required for the commercials and will use a mixture of series, movie-length features and short-form dramas to deliver the high-quality content its audience demands. As has been past practice, complete details of drama output will be documented in the ABC's annual report.

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**Question No: 148**

**Program: 1.2**

**Hansard Ref: ECA 61**

**Topic: Percentage of Australian Content**

**Senator Birmingham asked:**

What percentage of overall drama would be Australian content at the 90 hour range?

**Answer:**

The ABC expects to be broadcasting approximately 380 hours of overall drama in 2012. The percentage of that figure that will comprise first-run Australian content will depend on the roll-out of scripts and productions (and broadcasting decisions) over the triennium. The new funding involves a big upscaling of production and the new drama slate will take some time to devise.

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**Question No: 149**

**Program: 1.3**

**Hansard Ref: ECA 67**

**Topic: Cost of Regional Broadband Hubs**

**Senator Minchin asked:**

Can you provide a breakdown of how the funding provided for the regional broadband hubs will be allocated?

**Answer:**

The funding provided for the ABC's regional broadband hubs will be allocated to enhance community contributions and broadband content to ABC Radio sites for regional Australia over the next three years. The funding has been allocated as follows: \$2.5 million in year one, \$4.7 million in year two and \$8.1 million in the third year of the triennium.

The ABC is currently working on a Regional Broadband Strategy to ensure its approach to establishing regional hubs complements the NBN rollout.



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**Question No: 150**

**Program: 1.2**

**Hansard Ref: ECA 70**

**Topic: Venues for *Play School* Concerts**

**Senator Ludlam asked:**

Can you provide details of the venues used by the ABC for public *Play School* concerts?

**Answer:**

The ABC goes to great lengths to identify suitable venues for the *Play School* concerts. In New South Wales locations in particular, the only suitable concert venue is often located within clubs. In these locations, the entertainment venue is clearly separated from the gaming activities of the club.

Below is a summary of *Play School* events venues for 2008 and 2009.

	ACT	NSW	QLD	SA	TAS	VIC	WA	Total
2008								
• Total <i>Play School</i> venues	1	24	18	10	4	17	9	83
• Number of venues in clubs	0	20	0	0	0	2	0	22
2009								
• Total <i>Play School</i> venues	Not yet held	16	9	Not yet held	Not yet held	17	Not yet held	42+
• Number of venues in clubs		16	0			2		18

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**Question No: 151**

**Program: 1.2**

**Hansard Ref: ECA 71**

**Topic: Contractual Arrangements for *Play School* Concerts**

**Senator Ludlam asked:**

Can you provide details of the contractual arrangements between the ABC and the company Kids Promotions for providing the *Play School* concerts? How long has Kids Promotions had the contract and do the licensed clubs pay the ABC directly?

**Answer:**

Kids Promotions have been touring *Play School* since 2001. The licensed clubs do not pay the ABC directly. Details of the current contract are commercial-in-confidence between the ABC and Kids Promotions. Key elements of the contract are:

- The contract is to provide *Play School* and *Bananas in Pyjamas* with national tours for pre-school audiences.
- The contract states that suitable venues must be sought and approved by the ABC prior to venue bookings.
- A suitable venue is described in the contract as “a first class professional stage at a venue described in Part 5 of the Schedule and that has been approved for it by the ABC under this clause.” Part 5 of the schedule describes a suitable venue as being ‘theatres and hall’ as a primary option and ‘registered clubs’ as a secondary option where “the Performance area is at a reasonable distance from other activities within the registered club such as gambling and alcohol sale and consumption.”

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**Question No: 152**

**Program: 1.2**

**Hansard Ref: ECA 71**

**Topic: Branding and Revenue for the ABC – *Play School***

**Senator Ludlam asked:**

What ABC branding do the concerts have and what revenue is derived by the ABC from this arrangement?

**Answer:**

The *Play School* logo is used in print advertising primarily in local newspapers. There is no ABC branding or *Play School* branding used within the venue itself during the concert. At times, the venue may include the event in its marketing activities. The amount of revenue derived by the ABC is commercial-in-confidence.

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**Question No: 153**

**Program: 1.2**

**Hansard Ref: ECA 71**

**Topic: Use of the ABC Brand in Licensing Premises**

**Senator Ludlam asked:**

Is the ABC aware of any concerns raised about the potential impact on children and parents and on the ABC brands?

**Answer:**

No. Prior to this issue being raised in public, no complaints had been received by either the ABC or Kids Promotions about the suitability of a venue.

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**Question No: 154**

**Program: 1.1, 1.2**

**Hansard Ref: ECA 73**

**Topic: Interviews on the ABC**

**Senator Minchin asked:**

At what point in the interview process does recording of persons being interviewed in ABC studios commence and should they be notified that recording has commenced?

**Answer:**

Recordings generally begin just before an interview starts and staff usually notify the interviewee. On a live show such as *News Breakfast*, the camera needs to be live in the lead up to an interview and that means that the interviewee may be recorded before the interview begins. The aim is to notify the interviewee that this is happening. It is only the interview itself that goes to air.

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**Question No: 155**

**Program: 1.1,**

**Hansard Ref: ECA 74**

**Topic: ABC Investigation of Misconduct by Stephen Crittenden**

**Senator Birmingham asked:**

What misconduct was ultimately found in that matter?

**Answer:**

The ABC and Mr Crittenden agreed to be bound by confidentiality during and following the misconduct investigation.

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**Question No: 156**

**Program: 1.1**

**Hansard Ref: ECA 74**

**Topic: Guidelines for Broadcast of Personal Views by ABC staff**

**Senator Birmingham asked:**

What proactive steps have been taken since the Crittenden incident?

**Answer:**

No further specific action has been taken by the Radio Division. Radio staff are well aware of the Editorial Policies in relation to expressing personal views on air.

The ABC will continue to monitor adherence to the Editorial Policies and reinforce these as appropriate to ensure clarity and understanding by staff.

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**Question No: 157**

**Program: 1.3**

**Hansard Ref: ECA 74**

**Topic: Use of ABC Footage on YouTube**

**Senator Birmingham asked:**

Was the employee who posted ABC owned footage on YouTube asked to resign?

**Answer:**

No.



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**Question No: 158**

**Program: 1.1, 1.2, 1.3**

**Hansard Ref: ECA 80/81**

**Topic: Commercial Details of Harper Collins Partnership**

**Senator Ludlam asked:**

Can the ABC provide details of its commercial partnership with publisher Harper Collins, including earnings by Harper Collins and how income is calculated? How often has the ABC rejected a book proposal from Harper Collins under the new contract?

**Answer:**

As advised in Question on Notice 98 from Additional Estimates in February 2009, HarperCollins has purchased the right to operate the ABC Books imprint under licence.

The ABC retains full editorial control over all titles and content, as well as full ownership of the ABC trademark and the ABC Books brand. The ABC retains control over the promotion of ABC Books' publications. There are specific conditions set out in the licensing document whereby the ABC may terminate the agreement.

The revenues will be returned to the ABC as currently occurs with other commercial partnerships that have been operated by ABC Commercial for many years. Further details of the arrangement are commercial-in-confidence.

As at 3 June 2009, no book proposals have been rejected.

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**Question No: 159**

**Program: 1.1, 1.2, 1.3**

**Hansard Ref: ECA 81**

**Topic: Staffing of ABC Books**

**Senator Ludlam asked:**

How many staff did ABC Books have prior to the announcement of the Harper Collins contract? What were their roles? How many staff does ABC Books now employ? How many editorial staff are there in ABC Books and what is the size of the Unit?

**Answer:**

Prior to the partnership, the following 12 on-going positions constituted the ABC Books business:

- Manager, Books, Magazines and Audio
- Managing Editor, ABC Books
- International Sales & Production Manager
- Production Manager Publishing
- Publishing Commissioning Editor for Children's books
- Two Publishing Commissioning Editors for Adult Books
- Publishing Assistant
- Senior Editor for Children's Books
- Two Editors for Children's Books (one of the positions was vacant at the time of the announcement); and
- Administrative Assistant.

In addition, there were seven on-going roles in other areas of ABC Commercial, which supported the Books business, including:

- Direct Sales Executive
- Manager Distributor Operations
- Inventory Co-ordinator
- Business Affairs Executive
- Marketing Co-ordinator, Books and Audio
- Two Publicity Co-ordinators

Of these staff, eight were offered roles by HarperCollins. All but one person accepted the offer and are employed by HarperCollins in the ABC Books Division. A further six people are currently working for ABC Commercial either in their existing roles or new roles within ABC Commercial. This includes three staff within ABC Commercial who are responsible for ABC Books.

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In the ABC Books Division of HarperCollins Australia, there are eight people who are entirely responsible for ABC Books - four publishers, two assistants and two editors (five of these people came from the ABC). There is also a dedicated marketing manager and a special sales manager. The latter also came from the ABC.

In addition, approximately 60 HarperCollins staff (including one who came from the ABC) are also working for up to 30 per cent of their time on ABC Books – these include editors, designers, typesetters, administration and contracts people, rights and sub-rights managers, sales representatives, publicists, finance department staff, marketing designers and assistants.

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**Question No: 160**

**Program: 1.1, 1.2, 1.3**

**Hansard Ref: ECA 81**

**Topic: Number of Books Published**

**Senator Ludlam asked:**

How many books has ABC Books commissioned and how many books has ABC Books published in each of the three financial years leading up to this one? How many books does the ABC estimate will be published under the new arrangements?

**Answer:**

ABC Books published 160 titles in 2006/07, 166 titles in 2007/08 and 125 titles in 2008/09. It is estimated around 100 titles will be published by HarperCollins in the 2009/10 financial year.

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**Question No: 161**

**Program: 1.1, 1.2, 1.3**

**Hansard Ref: ECA 88**

**Topic: Promotion of Product from Commercial Agreements**

**Senator Ludlam asked:**

Can the ABC provide a copy of legal advice that the ABC can promote products produced in commercial partnerships?

**Answer:**

The ABC has partnered with many organisations over a long period time to produce products for distribution and sale, including through ABC Shops. These have often been promoted in the form of announcements on ABC broadcast networks. Examples include DVDs, magazines and books. Partners include the BBC for DVDs and Harper Collins in relation to books.

In relation to books in particular:

1. Section 29(1) of the *Australian Broadcasting Corporation Act 1983* (ABC Act) specifically empowers the Corporation to compile, prepare, issue, circulate and distribute literary material (which is broadly defined in Section 3 to include books, periodicals, newspapers, magazines, pamphlets, circulars, manuscripts, musical scores, maps, plans, pictures, photographs and prints).
2. Section 29(2) of the ABC Act empowers the Corporation to determine charges payable in respect of these matters or activities with a view to raising as much net revenue as practicable, having regard to the proper performance of its functions and to the matter or activity concerned.
3. Section 25 of the ABC Act provides the ABC with broad powers in relation to its functions including, in particular, Section 25(1)(f) which empowers the ABC to engage persons to perform services for the Corporation and Section 25(5) which enables the ABC to enter into agreements or arrangements with a bona fide publisher of any literary material in relation to the sharing of any expense or risk associated with the production, distribution, sale or presentation of any program, film, recording, concert, entertainment or literary material.
4. Sections 25(1)(f) and 25(5) enable the Corporation to enter into agreements with partners such as Harper Collins in relation to the production, circulation, distribution and sale of books. The preparation, circulation, distribution and sale of books either by the ABC on its own, or in conjunction with a third party under an agreement as permitted under

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Section 25, is clearly authorised under Section 29 of the ABC Act and is therefore an activity of the ABC.

As a result, the Corporation is authorised to broadcast announcements relating to those matters under Section 31(2) of the ABC Act, which permits the broadcast of any announcement relating to any activity of the Corporation.

The correctness of this approach has been confirmed in conference by senior counsel.

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**Question No: 162**

**Hansard Ref: Written**

**Topic: ABC Program Complaints**

**Senator Birmingham asked:**

- (a) How many complaints have been received this financial year? Please detail and group by program or incident.
- (b) How long did it take to assess/resolve these complaints?
- (c) How many of these complaints were upheld and how many dismissed? What were the outcomes of those upheld?

**Answer:**

- (a) In 2008-09, the ABC logged 196 635 audience contacts, comprising 56 173 letters and emails and 140 462 calls to switchboards in State and Territory capitals and particular ABC programs and services.

Of these contacts, 32 130 were complaints, 10 933 expressed appreciation and 153 572 were other contacts (such as suggestions, requests for information and scheduling and transmission inquiries).

Of the 32 130 complaints received, 3 196 were claims of party political or other bias, 368 alleged lack of balance and 1 738 were claims of factual inaccuracy. These complaints related to a broad range of ABC programs and services.

- (b) Between 1 July 2008 and 30 June 2009, ABC Audience and Consumer Affairs responded directly to 19 396 audience contacts. Of these, 16 337 (84 per cent) received responses within 28 days.
- (c) During 2008-09, 17 646 written complaints were finalised by Audience and Consumer Affairs. Where a written complaint suggests that the ABC may have breached its Editorial Policies or Code of Practice, Audience and Consumer Affairs will investigate the complaint. Where standards have not been met, the complaint will be upheld (either fully or in part). The Unit also deals with complaints about matters of personal taste and preference – such as scheduling matters, preferences for different presenters and so on. While such complaints are responded to, they are not capable of being upheld. During the financial year, 8 851 complaint issues were investigated, of which just over half were upheld (4 654 or 53 per cent). Excluding complaints about the ‘Make a Realistic Wish Foundation’ Sketch by The Chaser’s War on Everything, 4 847 issues were investigated, of which 650 (13 per cent) were upheld.

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**Question No: 163**

**Hansard Ref: Written**

**Topic: Hours of Australian Content**

**Senator Birmingham asked:**

How many hours of Australian content were broadcast for each of the last five years, broken down by category (drama, sport, news etc) and what was the amount invested in each of those categories?

**Answer:**

ABC Television generally does not report content hours broadcast against the amount invested. This is because the hours broadcast each year could be made up of hours produced from a number of years. Comparing the two, therefore, is not an accurate reflection of the cost of broadcast.

Accordingly, ABC Television reports on spend by the Australian content hours produced or commissioned, and reports on the hours broadcast only without an associated cost.

In order to provide an answer to the Senator's questions on notice 163 and 164 with the data available, ABC Television has produced the attached spreadsheet, which shows the total cost of cash and labour by category per financial year, and Australian content first run broadcast hours on ABC1 (National and NSW).



## Total Cost and ABC 1 First Run Broadcast Hours

Total Cost (Actual Cash + Labour) - \$ Millions

Genre	0910 Est		0809 Est		0708		0607		0506		0405	
	Total Cost \$ Millions	Australian Content First Run Hours	Total Cost \$ Millions	Australian Content First Run Hours	Total Cost \$ Millions	Australian Content First Run Hours	Total Cost \$ Millions	Australian Content First Run Hours	Total Cost \$ Millions	Australian Content First Run Hours	Total Cost \$ Millions	Australian Content First Run Hours
News and Current Affairs	\$110.7	1180	\$110.7	1185	\$105.4	1157	\$102.8	1172	\$99.8	1019	\$91.8	970
Arts, Entertainment & Comedy	\$38.8	1058.5	\$35.2	1076	\$35.6	1094	\$33.8	1156	\$29.5	866	\$35.6	976
Drama	\$18.2	25.5	\$12.9	14	\$9.6	16	\$10.6	7	\$4.5	16	\$8.8	3
Factual (Inc Sport)	\$37.8	522	\$39.9	531	\$41.1	506	\$42.4	558	\$41.8	459	\$43.5	450
Children's and Education	\$27.6	135	\$8.1	150	\$9.6	140	\$5.2	111	\$7.7	107	\$6.9	76
Total Australian Acquisitons	\$0.7	0	\$0.7	0	\$0.8	0	\$0.5	0	\$4.9	0	\$4.0	0
<b>Total</b>	<b>\$233.9</b>	<b>2921</b>	<b>\$207.5</b>	<b>2956</b>	<b>\$202.2</b>	<b>2913</b>	<b>\$195.2</b>	<b>3004</b>	<b>\$188.1</b>	<b>2467</b>	<b>\$190.6</b>	<b>2475</b>

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**Question No: 164**

**Hansard Ref: Written**

**Topic: Hours of New Australian Content**

**Senator Birmingham asked:**

How many hours of new Australian content were broadcast for each of the last five years, broken down by category (drama, sport, news etc) and what was the amount invested in each of those categories?

**Answer:**

Refer to question on notice 163 and attached spreadsheet.

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**Question No: 165**

**Hansard Ref: Written**

**Topic: Forecast Hours of Australian Content**

**Senator Birmingham asked:**

How many hours of Australian content are forecast to be broadcast in the coming financial year and other years covered by the triennial funding agreement, broken down by category, and what is the amount forecast to be invested in each category?

**Answer:**

Refer to question on notice 163 and attached spreadsheet.

The ABC has provided an estimate at this stage for the coming financial year. At this stage, it is not possible to be precise about Year 2 and Year 3 outputs.

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**Question No: 166**

**Hansard Ref: Written**

**Topic: Forecast Hours of New Australian Content**

**Senator Birmingham asked:**

How many hours of new Australian content are forecast to be broadcast in the coming financial year and other years covered by the triennial funding agreement, broken down by category, and what is the amount forecast to be invested in each category?

**Answer:**

Refer to question on notice 163 and attached spreadsheet.

The ABC has provided an estimate at this stage for the coming financial year. At this stage, it is not possible to be precise about Year 2 and Year 3 outputs.

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**Question No: 167**

**Program No. 1.2**

**Hansard Ref: Written**

**Topic: The Chaser's War on Everything – 3 June 2009**

**Senator Fierravanti-Wells asked:**

In relation to the program of The Chaser's War on Everything of Wednesday 3 June 2009, I was particularly disgusted by the 'Making A Realistic Wish Foundation' segment. In relation to this segment, please advise the following.

- (a) The total number of complaints which were received about this segment.
- (b) Who made the decision to send the segment to air?
- (c) What process for review consideration or otherwise vetting process occurred prior to the decision to send the segment to air?
- (d) Was the segment subject to any review or consideration prior to the decision to send the segment to air? If so please provide details of the date of such consideration or review, the person who considered or reviewed the segment, and the reasoning of that person to proceed with the segment.
- (e) Name each member of ABC staff or management who viewed the offending segment prior to it going to air.
- (f) In the lead-up to the segment going to air, did anyone suggest that the sketch not go to air but that suggestion or decision was over-ridden? If so, please provide details of the person who made the suggestion and the reasons why he or she was over-ridden.
- (g) Was any legal advice sought by any person in the ABC in relation to the segment? If so, what was the nature of the legal advice sought and provided, including any in-house legal advice or external legal advice.
- (h) What were the production costs associated with this segment?
- (i) Were any of the participants in the sketch related to any person employed at the ABC?
- (j) How were the actors sought for the segment, and what, if any remuneration did they receive?
- (k) What information was provided to the participants or their parent/s, or guardian/s?
- (l) Was any person at the ABC aware that any of the participants were or had been cancer sufferers?
- (m) Was any contact made by any person at the ABC with the Make-A-Wish Foundation?
- (n) In relation to any footage or usage of any logos in the segment, is the ABC aware of any breach or potential breach of copyright?

Where was the sketch filmed? If the segment was filmed at other than an ABC studio location, please provide details as to the location where the segment was filmed, any person or persons from that location who knew or had otherwise authorised the filming of the segment, and what information was provided to the owners/occupiers of the premises where the sketch was filmed.

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**Answer:**

- (a) Audience & Consumer Affairs received 3,069 written complaints about the sketch.
- (b) The Head of Arts, Entertainment & Comedy, ABC Television.
- (c) The segment was reviewed by the Executive Producer and upwardly referred to the Head of Arts, Entertainment and Comedy, who then approved it for broadcast. The Manager Editorial Policies and ABC Legal also reviewed the segment prior to broadcast.
- (d) See answer to (c).
- (e) The Executive Producer, the Manager Editorial Policy ABC TV, a member of ABC Legal, and the Head of Arts, Entertainment & Comedy, together with other ABC production staff and another member of ABC Legal who were not involved in oversight of content.
- (f) No.
- (g) In-house legal advice was obtained in relation to this segment relating to its legality. The advice is subject to legal professional privilege.
- (h) Production costs are commercial-in-confidence.
- (i) Yes.
- (j) The participants were contacted via their parents. Each participated on a voluntary basis.
- (k) The participants and their parents were provided with a full script of the sketch.
- (l) No, the participants were not cancer sufferers.
- (m) After the sketch was broadcast, a Chaser team member contacted the Make A Wish Foundation and apologised for any offence to the Foundation.
- (n) No.

The sketch was filmed at St Vincent's Hospital. Filming was authorised by hospital management. The hospital did not request a script.

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**Question No: 168**

**Program No. 1.2**

**Hansard Ref: Written**

**Topic: *The Chaser's War on Everything* – Article in *The Australian***

**Senator Fierravanti-Wells asked:**

I refer to the article in *The Australian* dated 9 June 2009 regarding the offending segment. Please advise of Ms Duthie's position including her immediate supervisor and the "chain of command" to the Managing Director Mr Scott.

**Answer:**

The position is Head of Arts, Entertainment and Comedy. The chain of command is Head of Arts, Entertainment and Comedy, Executive Head Content Creation, Director of Television, Managing Director.

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**Question No: 169**

**Program No. 1.2**

**Hansard Ref: Written**

**Topic: *The Chaser's War on Everything* – 3 June 2009 – Editorial Guidelines**

**Senator Fierravanti-Wells asked:**

Please outline the editorial policies and guidelines that Ms Duthie or any other person in her position ought to have considered and complied with prior to sending the segment to air.

**Answer:**

All ABC content, including *The Chaser's War on Everything*, needs to meet all relevant requirements of the ABC Editorial Policies and the ABC Code of Practice.

All ABC staff are required to observe the ABC's content standards, including that the Corporation does not broadcast or publish material which is likely to offend to a substantial degree the standards of the content's target audience.



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**Question No: 170**

**Program No. 1.2**

**Hansard Ref: Written**

**Topic: *The Chaser's War on Everything* – Action Taken by ABC**

**Senator Fierravanti-Wells asked:**

What action has been taken in relation to the controversy surrounding this segment, including what specific action has been taken regarding Ms Duthie and the members of the Chaser team.

**Answer:**

The ABC withdrew the sketch from the repeat episode on ABC2 and online sites. *The Chaser's War on Everything* was also withdrawn from the ABC television schedule for two weeks. Members of the Chaser team also apologised.

The Head of Arts, Entertainment and Comedy was counselled by her manager, the Executive Head of Content, and the Director of Television. A decision was made to alter her duties and responsibility for comedy was removed from her portfolio.

The change to the management structure followed a review of the processes which led to the screening of the segment. The review found that it was not a breakdown in the Editorial Policy processes, but an error of judgement as the segment was not referred up to the next level of management.

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**Question No: 171**

**Program No. 1.2**

**Hansard Ref: Written**

**Topic: *The Chaser's War on Everything* – Editorial Guidelines**

**Senator Fierravanti-Wells asked:**

Please outline what guidelines and policies are in place to deal with material normally sent to air by *The Chaser's War On Everything*.

**Answer:**

As stated in answer to question on notice 169, all ABC content, including *The Chaser's War on Everything*, needs to meet all relevant requirements of the ABC Editorial Policies and the ABC Code of Practice.

ABC staff are required to observe the ABC's content standards. The Editorial Policies state that material should not be broadcast which is likely to offend to a substantial degree the standards of the content's target audience. In addition, staff working with satirical content are required to refer controversial satirical content to senior management for review prior to broadcast.

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**Question No: 172**

**Program: 1.2**

**Hansard Ref: Written**

**Topic: *The Chaser's War on Everything* – Total Number of Complaints**

**Senator Fierravanti-Wells asked:**

Since *The Chaser's War On Everything* first went to air, how many complaints have been received by the ABC regarding any of their programs? In relation to each complaint, please outline what action the ABC took to deal with each complaint.

**Answer:**

Since *The Chaser's War On Everything* first commenced, ABC Audience & Consumer Affairs has received 5,474 written complaints.

Where complainants raised issues relating to compliance with the ABC's Editorial Standards, the issues were investigated by Audience & Consumer Affairs. A response was sent to the complainant, explaining the investigation's findings and outlining, where appropriate, what action had been taken.

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**Question No: 173**

**Program: 1.2**

**Hansard Ref: Written**

**Topic: *The Chaser's War on Everything* – Breaches of Law**

**Senator Fierravanti-Wells asked:**

Since *The Chaser's War On Everything* first went to air, please advise each instance or circumstance where any member of the Chaser team has been involved in any contravention, alleged contravention, breach, or alleged breach, of any Australian or overseas law.

**Answer:**

In 2003, Julian Morrow was convicted of offensive behaviour in connection with a sketch for CNNNN (Series 2).

In 2006, Chas Licciardello was charged with offensive behaviour after a stunt at a Canterbury Bulldogs Match. A magistrate later dismissed the charges on the basis that there was no reasonable prospect of a conviction.

In September 2007, Julian Morrow, Chas Licciardello and nine members of the crew were charged with entering a Restricted Area without justification as gazetted in the *APEC Meeting (Police Powers) Act 2007*, section 19(1) at the APEC Summit. All charges were withdrawn by the NSW Director of Public Prosecutions on 28 April 2008, on the basis that there was no reasonable prospect of conviction.

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Question No: 174

**Program: 1.2**

**Hansard Ref: Written**

**Topic: *The Chaser's War on Everything* – Total of Legal Expenses**

**Senator Fierravanti-Wells asked:**

Since *The Chaser's War On Everything* first went to air, please provide details of all legal expenses including legal consultations, appearance costs, fees, or other related expenses incurred by the ABC related to any segment or action undertaken by *The Chaser* team.

**Answer:**

Legal costs (including expenses) incurred by the ABC since *The Chaser's War On Everything* first went to air related to any segment or action undertaken by *The Chaser* team in Australia total \$39,418.85. This comprises

- (i) \$4,661 in 2006/07 in the successful defence of a summary offence charge against Chas Licciardello. This was in relation to the filming of a segment involving Canterbury Rugby League Club supporters.
- (ii) \$31,663 in 2007/08 in defending the eleven people charged in relation to the APEC matter. The charges were dropped in April 2008.
- (iii) \$3,094.85 in 2007/08 in relation to an action taken by Channel 7 over footage obtained on Channel 7 premises. The ABC agreed not to use the footage.

In addition, a total of \$38,699.70 was paid in 2008/09 for overseas advice obtained in relation to *The Chaser* filming overseas in 2009, comprising:

Italy:	\$12,280.34
Turkey:	\$ 3,418.80
Japan:	\$ 5,474.59
US:	\$10,707.59
France:	\$ 2,564.10
Switzerland:	\$ 2,051.28
Poland:	\$ 2,203.00

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**Question No: 175**

**Program: 1.1, 1.2, 1.3**

**Hansard Ref: Written**

**Topic: ABC Legal Costs and Expenses**

**Senator Fierravanti-Wells asked:**

Please provide details of all legal costs and expenses incurred by the ABC over the last 5 years, including in the financial year to-date.

**Answer:**

2004/05	\$2,077,000
2005/06	\$2,535,000
2006/07	\$3,760,000
2007/08	\$4,260,000
2008/09	\$2,963,000

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**Question No: 176**

**Program: 1.2**

**Hansard Ref: Written**

**Topic: Legal Expenses Associated with any Chaser Segment**

**Senator Fierravanti-Wells asked:**

What component of the legal expenses is directly associated or indirectly associated with any Chaser segment?

**Answer:**

The component of legal expenses associated with any Chaser segment is 0.12 per cent in 2006/07, 0.82 per cent in 2007/08 and 1.31 per cent in 2008/09.

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**Question No: 177**

**Program: 1.2**

**Hansard Ref: Written**

**Topic: *The Chaser's War on Everything* – Annual Budget**

**Senator Fierravanti-Wells asked:**

Please outline the annual budget for *The Chaser's War On Everything* for the last 5 years including in the financial year to-date.

**Answer:**

Information concerning budget figures for the production of *The Chaser's War On Everything* is commercial-in-confidence.



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**Question No: 178**

**Program: 1.2**

**Hansard Ref: Written**

**Topic: *The Chaser's War on Everything* – 28 April 2009**

**Senator Fierravanti-Wells asked:**

In relation to the segment in *The Chaser's War On Everything* relating to the incident at the Vatican on 28 April 2009, please advise the following.

- (a) The total number of complaints which were received about this segment.
- (b) Who made the decision to send the segment to air?
- (c) What process for review consideration or otherwise vetting process occurred prior to the decision to send the segment to air?
- (d) Was the segment subject to any review or consideration prior to the decision to send the segment to air? If so please provide details of the date of such consideration or review, the person who considered or reviewed the segment, and the reasoning of that person to proceed with the segment.
- (e) Name each member of ABC staff or management who viewed the offending segment prior to it going to air.
- (f) In the lead-up to the segment going to air, did anyone suggest that the sketch not go to air but that suggestion or decision was over-ridden? If so, please provide details of the person who made the suggestion and the reasons why he or she was over-ridden.
- (g) Was any legal advice sought by any person in the ABC in relation to the segment? If so, what was the nature of the legal advice sought and provided, including any in-house legal advice or external legal advice.
- (h) Given the location of the segment, did anyone at the ABC seek advice (legal or otherwise) in relation to potential breaches or offences that could arise from the segment under Italian and/or Vatican jurisdiction?
- (i) What were the production costs associated with this segment?
- (j) Please provide details of the incident including any recourse to diplomatic assistance, interaction, detention and questioning by Italian and/or Vatican authorities.
- (k) Please provide details of any legal or other costs incurred by the ABC associated with or linked to the incident at the Vatican.

Is the ABC aware of any official complaint made by either the Italian or Vatican authorities?

**Answer:**

- (a) Audience & Consumer Affairs received 17 written complaints about the segment.

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- (b) The Head of Arts, Entertainment & Comedy and the Executive Head of Content Creation made the decision. The Manager Editorial Policy ABC TV and ABC Legal had also reviewed the segment prior to broadcast.
- (c) The segment was reviewed by the Executive Producer, and referred to the Head of Arts, Entertainment & Comedy and the Executive Head of Content Creation, who then approved it for broadcast. The Manager Editorial Policy ABC TV and ABC Legal had also reviewed the segment prior to broadcast.
- (d) See answer to (c) above. The segment was reviewed on 26 May 2009. The reason for proceeding with the broadcast of the segment was that it complied with ABC Editorial Policies and the ABC Code of Practice.
- (e) The Executive Producer, the Manager Editorial Policy ABC TV, the Head of Arts, Entertainment & Comedy, the Executive Head of Content Creation, and two ABC lawyers.
- (f) No.
- (g) The ABC obtained legal advice from an Italian firm - Gallavotti Honorati & Partners about the proposed stunt. ABC Legal facilitated the obtaining of that advice. The content of that advice is protected by client legal privilege.
- (h) See answer to (g) above.
- (i) Production costs are commercial-in-confidence.
- (j) Two Chaser team members and two production crew members were detained by Italian Police, questioned and released without charge. There was no recourse for any diplomatic assistance in relation to detention and questioning by Italian and/or Vatican authorities.
- (k) \$12,280.34.

No official complaint has been received from the Vatican or Italian authorities.

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**Question No: 179**

**Program: 1.1, 1.2, 1.3**

**Hansard Ref: Written**

**Topic: Boston Consulting Group Report – Actions by ABC**

**Senator Fierravanti-Wells asked:**

What action has been taken by the ABC following its receipt of The Boston Consulting Group report entitled “Project W Summary Findings October 2008?”

**Answer:**

As advised in its answer to Question on Notice 90 arising from Senate Additional Estimates in February 2009, the ABC made a copy of the Project W report available to officers of the Department of Broadband, Communications and the Digital Economy.

The ABC has taken no further action in relation to the Project W report.

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**Question No: 180**

**Program: 1.2**

**Hansard Ref: Written**

**Topic: ABC Participation in Freeview Campaign**

**Senator Minchin asked:**

- (a) How much is the ABC paying for participation in the Freeview Campaign?
- (b) What contribution is, or will, the ABC be required to make for the Freeview electronic program guide?
- (c) How much input is the ABC having into the development of the program guide?

**Answer:**

The ABC is a member of Freeview Australia Limited, along with the SBS and the commercial free-to-air broadcasters.

- (a) All shareholders of Freeview make an annual contribution towards the cost of Freeview, including the development of an Electronic Program Guide (EPG). The details of the contribution are commercial in confidence.
- (b) The costs of the EPG and the ABC's contribution to its development are commercial in confidence.
- (c) The ABC, along with all members of Freeview, is actively involved in all aspects of the development of the EPG.