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The Parliament of the Commonwealth of Australia

# **Review of the Special Broadcasting Service Annual Report 2002-2003**

House of Representatives  
Standing Committee on Communications, Information Technology and the Arts

June 2004  
Canberra

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## **Membership of the Committee**

**Chair**            Mr Bob Baldwin MP

**Deputy Chair** Mr Michael Hatton MP

**Members**        Mr Steven Ciobo MP  
                      Mr Pat Farmer MP  
                      Ms Sharon Grierson MP  
                      Mr Michael Johnson MP  
                      Mr Chris Pearce MP  
                      Mr Robert Sercombe MP  
                      Mr Lindsay Tanner MP  
                      Mr Ken Ticehurst MP

## **Committee Secretariat**

Secretary Ms Catherine Cornish

Inquiry Secretary Mr David Monk

Administrative Officer Ms Suzy Domitrovic

# **Review of the Special Broadcasting Service Annual Report 2002-2003**

## **Introduction**

- 1.1 On 3 December 2003 the House of Representatives Standing Committee on Communications, Information Technology and the Arts (the Committee) decided to review the *Annual Report 2002-2003* of the Special Broadcasting Service (SBS).<sup>1</sup> Following adoption of the inquiry the Committee received several items of correspondence regarding the performance of SBS.<sup>2</sup>
- 1.2 On 11 February 2004 the Committee held a public hearing at which representatives of the SBS gave evidence on a number of issues that arose from the Annual Report.<sup>3</sup>

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1 The Standing Orders of the House of Representatives empower standing committees such as the Committee to inquire into annual reports of government departments and authorities that have been tabled in the House of Representatives. The *Annual Report* is available at SBS's website, viewed 10 May 2004 at <http://www.sbs.com.au/sbscorporate/index.html?id=392>.

2 See Appendix A.

3 A transcript of the evidence at the public hearing is at Appendix B to this report and is also available from the Committee's website:  
<http://www.aph.gov.au/house/committee/cita/sbsreportreview/transcripts/11feb04.pdf>.

## Inquiry

### Issues

- 1.3 There was considerable media attention on some of the issues that arose from the Report. Broadly the issues concerned the broadcast of news programs from a source that was offensive to some local communities; complaints of inadequate consultation with local communities; allegations of bias in coverage; and allegations of poor complaint handling procedures. These issues were examined at the Committee's public hearing on 11 February 2004.

#### **Broadcast of news programs from sources that are offensive to local communities**

- 1.4 Strong concerns were raised directly with the SBS by the Vietnamese community over broadcasts of the Vietnamese government news program *Thoi Su* from VTV4. The program ran from early October 2003 to 6 December 2003. The concerns were also raised with the Committee. In essence the complaints were that, despite clear objections from a local community that comprised many refugees, SBS was broadcasting news from a government broadcaster in Vietnam, amounting to what the local community regarded as propaganda from a government it had fled. That is, the program amounted to propaganda, and there was inadequate consultation about its broadcast.
- 1.5 At the public hearing SBS repeated its apology to the Vietnamese community,<sup>4</sup> outlined the history of its negotiations with the community over the screening of Vietnamese news on World Watch<sup>5</sup> and noted that it had upgraded the disclaimers it broadcast to show that news bulletins did not represent the editorial views of SBS.<sup>6</sup> SBS based its apology to the Vietnamese community on two issues: the hurt that had been caused (exacerbated by the fact that the community was a refugee community) and the inadequacy of its consultation process on this occasion.<sup>7</sup>
- 1.6 The complaints by members of the Vietnamese community of inadequate consultation were in contrast to the declaration in the *Annual Report* by SBS: 'This year, SBS conducted the most extensive community consultations in its history... Individual language communities invited to

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4 Mr N. Milan, Transcript, 5 February 2004, p.5.

5 Mr S. Brown, Transcript, 11 February 2004, p.3.

6 Mr N. Milan, Transcript, 11 February 2004, pp.6-7.

7 Mr S. Brown, Transcript, 11 February 2004, p.18 and Mr N. Milan, pp.6 and 20.

meet with managers and broadcasters in Sydney and Melbourne to discuss programming included: French, German, Greek, Cantonese, Turkish, Mandarin, Thai, Kannada, Croatian, Hindi, Urdu, and Vietnamese.’<sup>8</sup>

- 1.7 The SBS noted at the hearing that it had sought detail from the Federation of Ethnic Communities’ Councils of Australia (FECCA) about its concerns with SBS. SBS also noted it had begun a consultation process with FECCA and that its Community Advisory Committee had a permanent FECCA member.<sup>9</sup>
- 1.8 In terms of lessons learned from the Vietnamese news broadcasts, SBS asserted that it was reviewing the way in which WorldWatch programs are introduced to provide for deeper consultation,<sup>10</sup> and that the Code of Practice had been amended by the Board so that the introduction of new WorldWatch programs would be assessed on the size of the language community and also the basis of the programming sources available in the language to determine which suited the community’s particular needs.<sup>11</sup>

### Allegations of bias

- 1.9 The Australia/Israel & Jewish Affairs Council (AIJAC) in November 2003 released analysis of SBS-TV’s news and current affairs coverage of the Middle East. It said it had found that SBS ‘exhibits an entrenched and strongly pronounced bias against Israel in its news, reportage and selection of documentary material’ and a ‘lack of responsiveness, indeed negativity...to reasoned and documented complaints.’ The report, *SBS-TV and the Middle East*, considers SBS World News coverage of the Middle East for 2001, documentary programs from 1993-2003, and called for changes to SBS complaints procedures and other oversight mechanisms to ensure fuller compliance with the SBS Codes of Conduct.<sup>12</sup>
- 1.10 At the public hearing SBS was questioned about classification of programs it broadcast—whether there were procedures in place to ensure that over time a balanced perspective was provided. The SBS responded that there were:

... matching complaints from AIJAC and the Palestinian groups, from the Palestinian point of view they say “Seventy-five per cent

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8 SBS *Annual Report 2002-2003*, p.69.

9 Mr N. Milan, Transcript, 11 February 2004, p.2.

10 Mr N. Milan, Transcript, 11 February 2004, p.5.

11 Mr N. Milan, Transcript, 11 February 2004, p.7.

12 The report is available online at:  
[http://www.ajiac.org.au/resources/reports/sbs\\_report.html](http://www.ajiac.org.au/resources/reports/sbs_report.html).

of your documentaries covering the Middle East are pro-Israeli and only 25 per cent are neutral”, while AIJAC has a completely different view. ... What we do is endeavour, across the schedule and across a period of time, to run a broad range of opinions. I do not think ... it is possible to find a documentary that matches this one and cancels out that one. ... Preferably, documentaries would be self-balancing and, in the main, that is what we seek.<sup>13</sup>

- 1.11 When asked about SBS’ role, whether it included promoting Australian values, SBS responded ‘yes’, but ‘the primary value is the value of multiculturalism, and that is the free and open expression of all cultures. We see our role in promoting Australian values of actually the prime directive as promoting the value of multiculturalism.’<sup>14</sup>

### **SBS’ handling of complaints**

- 1.12 The AIJAC report asserted that there was a lack of accountability by SBS for its actions and it called for changes to the SBS complaints procedures and other oversight mechanisms to ensure fuller compliance with SBS’s Codes of Conduct.
- 1.13 At the time of the Committee’s public hearing in February 2004, the SBS was already seeking submissions to its review of its complaint handling procedures and had received considerable input.<sup>15</sup> Information on SBS’ complaints handling procedure is available online.<sup>16</sup>
- 1.14 SBS stated that it was focused on improving transparency and independence internally for its complaint handling process.<sup>17</sup> Under questioning it also referred to the fact that independent review was possible already:

But we have put forward, and it seems to have been forgotten in all of this discussion, that there is already independent review. The ABA is empowered to review both public broadcasting and commercial broadcasting. The difference is that they have no direct penalty in the sense that they cannot take our licence away in the way they can in the commercial centre. But they can report us to parliament, which we would consider to be a very serious

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13 Mr S. Brown, Transcript, 11 February 2004, pp.11-12.

14 Mr N. Milan, Transcript, 11 February 2004, p.16.

15 Mr N. Milan, Transcript, 11 February 2004, p.8.

16 Viewed 24 May 2004 at <http://www.sbs.com.au/sbscorporate/index.html?id=401>.

17 Mr N. Milan, Transcript, 11 February 2004, p.22.

matter if a complaint got upheld and we were not seen to handle it properly.<sup>18</sup>

- 1.15 The Committee notes recent comment by the Minister for Communications, Information Technology and the Arts on the responsibilities and obligations of the Australian Broadcasting Corporation and SBS:

High standards are expected, particularly in relation to news and current affairs. An important aspect of this is the need to have rigorous complaints-handling processes, in which the public can have confidence. The Government is continuing to discuss the handling of complaints with the national broadcasters.<sup>19</sup>

- 1.16 The *Annual Report* noted that in 2002-03 the Australian Broadcasting Authority (ABA) had investigated four complaints that SBS had breached its Codes of Practice. In the judgments it had made, the ABA found in favour of SBS except for a case in which SBS had not made a timely reply to the complaint; SBS conceded this. Interestingly, the Report notes that:

In one case, while finding in favour of SBS, the ABA noted that the appropriateness of the SBS Code relating to balance over time in news and current affairs coverage could be further tested in a review of the Code.<sup>20</sup>

## Other matters

- 1.17 At the hearing SBS also responded to questions on its strategies to attract young people to its audience,<sup>21</sup> resources, and changes to the *Insight* program.<sup>22</sup>

## Conclusion

- 1.18 The Committee was reassured to some extent that the SBS was conscious of the issues that had raised genuine concern, and was working towards addressing them. As the SBS put it:

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18 Mr N. Milan, Transcript, 11 February 2004, p.22.

19 The Hon. Daryl Williams AM QC MP, speech to the Australian Broadcasting Summit, 'Government Perspectives and Policies on the Future of the Australian Media', 17 March 2004, viewed online at [http://www.darylwilliams.dcita.gov.au/Printer\\_Friendly/0,,0\\_7-2\\_4011-4\\_118052-LIVE\\_1,00.html](http://www.darylwilliams.dcita.gov.au/Printer_Friendly/0,,0_7-2_4011-4_118052-LIVE_1,00.html) on 24 May 2004.

20 See p.60. The SBS Codes of Practice can be found online at <http://sbs.com.au/media/1706Codes.pdf>.

21 Mr N. Milan, Mr T. Luu and Mr W. Berryman, Transcript, 11 February 2004, pp.9-10.

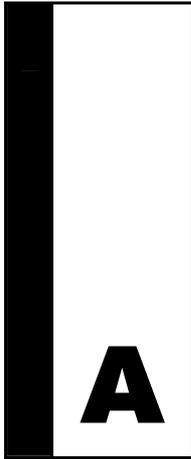
22 Mr S. Brown, Transcript, 11 February 2004, p.23.

It is not an objective to offend; it is an objective to inform. The charter says “inform, educate and entertain all Australians”.<sup>23</sup>

Bob Baldwin MP  
Chair

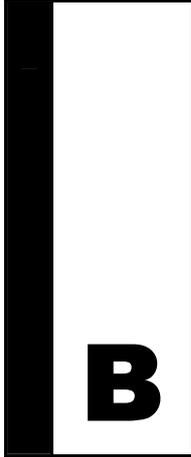
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23 Mr S. Brown, Transcript, 11 February 2004, p.15.



## **Appendix A – List of submissions**

<b>Number</b>	<b>From</b>
1	Vietnamese Community in Australia
2	Vietnamese Television Association Inc
3	Vietnamese Community in Australia (supplementary submission)
4	Vietnamese Community in Australia (supplementary submission)
5	Federation of Ethnic Communities' Councils of Australia (FECCA)



## **Appendix B – Witnesses and transcript of hearing**

**Wednesday, 11 February 2004, Canberra**

### **Special Broadcasting Service Corporation**

Mr William Berryman (Head of New Media and Distribution)

Mr Shaun Brown (Head of Television)

Ms Julie Eisenberg (Head of Policy)

Mr Tuong Quang Luu (Head of SBS Radio)

Mr Nigel Milan (Managing Director)

Mr Jonathan Torpy (Chief Financial Officer)



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

**HOUSE OF  
REPRESENTATIVES**

STANDING COMMITTEE ON COMMUNICATIONS,  
INFORMATION TECHNOLOGY AND THE ARTS

**Reference: Examination of annual reports**

WEDNESDAY, 11 FEBRUARY 2004

CANBERRA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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**<http://parlinfoweb.aph.gov.au>**

**HOUSE OF REPRESENTATIVES**

**STANDING COMMITTEE ON COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE  
ARTS**

**Wednesday, 11 February 2004**

**Members:** Mr Baldwin (*Chair*), Mr Ciobo, Mr Farmer, Ms Grierson, Mr Hatton, Mr Johnson, Mr Pearce, Mr Sercombe, Mr Tanner and Mr Ticehurst.

**Members in attendance:** Mr Baldwin, Mr Ciobo, Mr Farmer, Ms Grierson, Mr Hatton, Mr Tanner and Mr Ticehurst

**Terms of reference for the inquiry:**

SBS Annual Report 2002-03

**WITNESSES**

**BERRYMAN, Mr William Leslie, Head of New Media and Distribution, Special Broadcasting Service Corporation..... 1**

**BROWN, Mr Shaun, Head of Television, Special Broadcasting Service Corporation... 1**

**EISENBERG, Ms Julie, Head of Policy, Special Broadcasting Service Corporation..... 1**

**LUU, Mr Tuong Quang, Head of SBS Radio, Special Broadcasting Service Corporation ..... 1**

**MILAN, Mr Nigel, Managing Director, Special Broadcasting Service Corporation 1**

**TORPY, Mr Jonathan Paul, Chief Financial Officer, Special Broadcasting Service Corporation ..... 1**



**Committee met at 9.52 a.m.**

**BERRYMAN, Mr William Leslie, Head of New Media and Distribution, Special Broadcasting Service Corporation**

**BROWN, Mr Shaun, Head of Television, Special Broadcasting Service Corporation**

**EISENBERG, Ms Julie, Head of Policy, Special Broadcasting Service Corporation**

**LUU, Mr Tuong Quang, Head of SBS Radio, Special Broadcasting Service Corporation**

**MILAN, Mr Nigel, Managing Director, Special Broadcasting Service Corporation**

**TORPY, Mr Jonathan Paul, Chief Financial Officer, Special Broadcasting Service Corporation**

**CHAIR**—The Parliamentary Liaison Office advises that Professor Islam MP, Chair of the Bangladeshi Parliament Standing Committee on the Ministry of Cultural Affairs, will be observing the public hearing today. I now declare open this public hearing of the House of Representatives Standing Committee on Communications, Information Technology and the Arts for its review of the Special Broadcasting Service annual report 2002-03. In December 2003, the committee decided to undertake this review of the SBS annual report that was tabled in the parliament on 4 November 2003. I now welcome representatives of the Special Broadcasting Service.

I remind you, as I remind all witnesses, that the giving of false or misleading evidence is a serious matter and may be regarded as contempt of parliament. I also remind you that the committee prefers all evidence to be given in public. At any stage, however, you may request that your evidence be given in camera, and the committee will then consider your request. Do you wish to make some brief introductory remarks before the committee puts its questions to you?

**Mr Milan**—Mr Chairman, I would only be repeating what I said in private session, so I think that is probably unnecessary.

**CHAIR**—Welcome here today. A number of issues have been raised with members of the committee and been discussed with and throughout the committee in relation to SBS, its report, some of the manners in which it has been broadcasting and the complaints handling process. I will now open up to questions of SBS from the members of our committee.

**Mr TANNER**—Apologies that I have to leave in about 10 minutes because of another commitment. I have one question, Nigel, and I would preface it by a couple of comments. First, I would commend SBS for taking action on the independent complaints process issue. Given the developments that have occurred in that area with respect to the ABC in the last year or so, I think it is unavoidable that equivalent approaches have to be developed with respect to SBS. I hope that you will produce a new set of arrangements that will provide a framework that will be satisfactory for all the various competing and conflicting interests that inevitably have a stake in what SBS broadcasts.

Second, we all know about the events that transpired with respect to the dispute regarding the broadcasting of Vietnamese government news on SBS. I think it is probably worth placing on the record that I am pleased that SBS acknowledged it made a mistake in how it dealt with it and has had the courage to revisit its decision. All of us make mistakes in public life. The best way of judging people is how they deal with the situation when they do make a mistake, whether they dig themselves further into the hole. So I was pleased with the way that SBS chose ultimately to deal with that issue.

The question which flows in part from that and is something that concerned me a great deal in the course of that dispute is that the Federation of Ethnic Communities Councils of Australia, FECCA, both privately and publicly in some media indicated a degree of disillusionment with SBS. It was quite a broad set of concerns, and that worries me. I am wondering if you have had any recent consultations with FECCA about their concerns.

You might recall there was an article, I think in the *Age*, probably very late last year where these things were aired. Without passing comment on the particular points they have raised, it does concern me that the umbrella body for the ethnic communities across Australia is making such strong statements. I would be interested to know what discussions you have had with them and whether you believe that the issues that they are raising can be satisfactorily addressed.

**Mr Milan**—Yes, Mr Tanner. Around the time of that article—in fact, it had been just prior to that article—we had actually met with the FECCA executive, and when I say ‘we’ I mean basically the team you see before you. They expressed some of the concerns that were reflect in that article but were unable to come up with anything specific. So we agreed then as to a process of consultation with FECCA and we are in the process of arranging that.

Independently of that, my head of television, Shaun Brown, has written to FECCA asking if he might attend the next FECCA meeting, again to try and get some more specific information about what their concerns are. We take FECCA very seriously as a major stakeholder in SBS. We are concerned that they are concerned. But, as is often the case in these circumstances, and I am sure you have had experience of this yourself, the first time you hear about it is when you read about it in the newspaper. Prior to around that time, we had not had any formal approach from FECCA. I would point out that our own Community Advisory Committee does in fact have a permanent FECCA member. So we were quite surprised with the level of concern that was expressed, but we see it as something that can be resolved.

**Mr HATTON**—In the interests of transparency, I will indicate my bias: the fact that more than 10 per cent of my electorate is Vietnamese, that in the order of 13 or so busloads of my constituents were present outside SBS on 28 October and that I spent the day with them outside. Their fundamental slogan was ‘Da Dao Viet Cong News!’, that what they saw as a propaganda piece should be taken off the air. That there had not been consultation with the community prior to it being put into place was for me a brutally simple situation for Australia as a whole. With more than 200,000 Australian Vietnamese, with the history and background that they have, it should have been fairly simple and fairly easy for SBS TV, firstly, to work out what the impact of that TV news program on that community would be; two, to have the foresight rather than the hindsight to be open and consultative and transparent at the start—and one would hope that would occur with other communities as well; and, three, despite the injunction that SBS should be confrontational and controversial, I would suggest that this particular situation is a wonderful

indication of the fact that, if you take on your own community and attempt to put in their face something that the vast majority of the people in the community reject, it is not really good public policy.

There is a simple comparison that I would go to, and that is to put the question to Mr Brown in terms of the initial decision to do this, the amount of consultation there was and the amount of assessment by SBS of what the reaction in the community would be. I want to put that question to Mr Brown and the same question to Quang Luu, the head of SBS Radio.

**Mr Brown**—The origins of the issue kind of predate my arrival and looking back historically to gain some sort of context for the final decision, my understanding is that the significant push to have a Vietnamese news service on air began some two years ago, probably through expressions of Senator Marise Payne, I think it was, who took up a particular case and said that, with regard to the Vietnamese and Arabic news services, SBS should be meeting its obligations in that regard, in particular because those two language groups figure very highly in the census data yet they were unserved.

My understanding is that there were meetings between the senator and television management where it was said that generally if this becomes technically available then it would be proceeded with. Those discussions, I believe, triggered a reaction from the Vietnamese Community in Australia, and two rounds of consultation took place between that organisation and SBS Television, with my predecessor as the head of television. At the end of that period of consultation, the VCA's position had not changed. They were vehemently opposed; that was clear.

My predecessor had said, though, that it would be introduced still if it became available. At that stage it was not technically available, but it would be introduced once it became technically available. There was a further expression of desire from the Vietnamese Community in Australia to have another round of consultation. From reading the file notes, my understanding is that that was declined but what was agreed by my predecessor was that, if this service became available, he would inform the Vietnamese Community in Australia of its availability and give them an opportunity to make further submissions.

I guess it is semantics whether that is consultation or a chance to make a fresh submission. It really does not matter, because at the end of the day when I took up that position I was not aware of that undertaking and was not made aware of that undertaking and simply acted in accordance with our policy which we had recently reconfirmed, which was to introduce more ethnic community news services in languages other than English across the board. Let me point out that at the time it was not just the Vietnamese news that came on, it was also an Arabic news and a Tagalog news that were specifically filling in blanks on the WorldWatch news service.

The failure to complete that final round of consultation was inadvertent but unacceptable. That was the conclusion of the board and one which I support. And consequently it was decided that no further action would be taken—well, we took it off air—without further consultation with the Vietnamese community.

As to the second part of your question as to what was our knowledge at the time of the likely impact: it is clear, because there have been two rounds of consultation, that the Vietnamese

Community in Australia was vehemently opposed and had stated that very strongly to my predecessor. He had commissioned a survey to test whether or not the Vietnamese Community in Australia's view was held across all of the Vietnamese community. It was a very small survey; it was Sydney only. Again, it was not publicly available; it was kept by my predecessor as something that he had done and put in a bottom drawer.

That did show actually that a majority of the Vietnamese community would like a news service from Vietnam. I do not think that, frankly, clinches the deal one way or the other because the question did not really go into exactly what would have been the source of the news service and, if that had been spelt out, you may have got a different response. Those were the circumstances. It is regretted. I have apologised, as has everybody on the board and the senior staff of SBS, to the VCA for the failure to honour a written undertaking.

**Mr HATTON**—Did your predecessor think to walk across the corridor and ask Quang Luu what the impact would be?

**Mr Brown**—I do not know the answer to that.

**Mr HATTON**—Quang Luu?

**Mr Luu**—I think my view and my position on the issue and the way I expressed it were already confirmed by the managing director and the chairman of SBS when they contacted the delegation from the Vietnamese Community in Australia. To cut a long story short, as part of the indication of the health of SBS, we did debate the issue and I did express my view insofar as my knowledge of the community's concern. I considered that as part of the normal process of a creative organisation like SBS.

As to what happened to those views and how they turned out to be, I think that is now part of the history. The board has made a decision, and both the managing director and the head of television have expressed the view that they regretted very much that part of the exercise by SBS Television as part of the WorldWatch program.

**Mr HATTON**—But specifically for SBS Radio, has SBS Radio looked at taking overseas news services from the Republic of Vietnam?

**Mr Luu**—SBS Radio, unlike SBS TV, does not buy ready-made programs from overseas. SBS Radio is broadcasting in 68 languages and all are Australian made according to the Australian standard. So we do not buy overseas programs and we do not broadcast overseas programs.

**Mr HATTON**—From your experience in radio, do you think that that model is transferable to TV, that we could locally source the part of the Vietnamese diaspora that is in Australia, that there is enough news content within that community and enough news within the Vietnamese community itself worldwide that that could provide part of that content for such a locally produced and engendered program, given that it already happens on channel 31?

**Mr Luu**—As far as radio is concerned, we have professional staff to produce programs that meet the needs of the Vietnamese or, for that matter, any other communities that we seek to serve

within Australia. Whether that model can be adopted for television or not is a matter we need to consider very carefully in terms of cost structure and what is available, because television as you know, deputy chair, is very expensive. With the resources that are available to television, I think it may be very difficult for everything to be locally produced.

**Mr HATTON**—Sure, I understand that. I also understand the manner in which the community felt enormously aggrieved at the fact that the consultations were not open enough at the start and that there was not any agreement at all with their position.

I just say this very quickly: I do not think we should be using broadcasting in a way that is so confrontational with a group of people whose life experience has been torture, imprisonment and the long, long warfare in that country. In taking any people into Australia under the refugee and humanitarian program, it is usually fundamental that we take particular note of the circumstances at their coming and their experience. It is incumbent on SBS, as it is incumbent on the other media in Australia—and this view I know is shared by the member for Fowler and my other colleagues here at the table, both Labor and Liberal—not to add to the historical grief of those people and to ensure that their position in Australia is respected.

I will give you one simple example of the most profound thing that happened on the day. A man who runs a restaurant in Cabramatta, who lives in my electorate, told me simply what this was about. He said, ‘I am here today, not working at my job, because I believe so strongly in this. I get up in the morning and I take my children to school. I then go to work. I don’t get back to home until very late that night into early next morning. So all of that period of the day after the children have left school, they are at home without their parents because we’re working for our livelihood and to look after them. We don’t want them exposed to what is a patently propagandistic program deliberately put together by the Vietnamese government to try to break down anti-Republic of Vietnam feeling within the Vietnamese diaspora. It’s there to poison our children’s minds against our own experience.’

So that was the driving force for him, for the 4,000 or so people who were there that day and the 10,000 to 11,000 people who were there on the day that we were voting for a new leader in the Labor Party and therefore could not be there. I would simply ask this: that in the future steps, not only with the Vietnamese community but others, we look at not just the consultation processes but what is operative in SBS to ensure that this cannot occur again in the hurtful manner that it did.

**Mr Milan**—Mr Hatton, let me assure you and I think we have already stated that we have apologised to the Vietnamese community. We accept totally the main thrust of what you are saying. It was a mistake; it happened on my watch. It is my responsibility. I am the managing director of the organisation. I have personally apologised to Mr Doan, who is at the back here.

To take the broader point, yes, there is a learning experience for the organisation through all of this. We are reviewing the way we introduce WorldWatch programs, and indeed I can assure you there will be a much deeper consultation process before any other bulletins are introduced.

**Mr FARMER**—My electorate of south-west Sydney takes in Campbelltown and the Macarthur regions and basically I have a high population of Vietnamese people around and in that community. They have made representations to me, to my office. One of the most alarming

things that has come out of this report and these circumstances, as far as I am concerned, is that the Vietnamese community were able to band together in large numbers to be able to make their feelings felt and heard. My fear is that, with SBS policy being the way that it is, your review policy and the way you go about your news, what is to stop things like this happening in the future but, because there is not a huge uproar from organised ethnic groups, it does not get changed and nothing gets done about it and representations are not made to people like me, for instance, but we continue to allow overseas government propaganda to flood our airwaves and our television screens as a result of that? I truly believe that, in light of all of this, there needs to be a responsible stand taken by the board on every case on a case-by-case basis, given the Australian values that people from overseas who move to here expect. I do not think that is too much to ask as a broadcaster working out of Australia.

**Mr Milan**—It is a difficult area. The program, of course, is put up to serve communities, not to create the kind of angst that the Vietnamese program created. I would say, though, as a general point that the Vietnamese community—this came out within the debate and it has been emphasised by Mr Hatton in his questioning of our organisation—is a refugee community, and so the level of hurt and the rawness of their experiences is rather different from other communities. For instance, with the news from Beijing, most of the people who have come from mainland China to Australia have come as free settlers. They were used to seeing the news service before they left; they are used to seeing it now; and we have received no complaints. That would go by and large for all the television news services that we have introduced.

Whilst I accept your point about we are opening up our airwaves, there is an upside of that. I do a fair amount of representation of the organisation overseas, and SBS is seen around the world as a wonderful model broadcaster for the promotion of racial harmony. One of the things I am particularly proud of is that, because our democracy is so strong, we can cope with these broadcasts and we can give people an opportunity to see a continuance of what they would be seeing were they still in their country of origin.

**Mr FARMER**—I certainly agree with your sentiments as far as SBS is concerned in relation to bringing harmony to communities through the various programs available. However, I just would like to know, and I believe the committee would like to know, what is in your charter—perhaps using this as a precedent—to set guidelines for the future as far as overseas government regimes and propaganda are concerned that is conflicting with the ideals of the Australian way, the Australian people.

Let me just elaborate on that slightly. It is one thing to say that it is wonderful to have a democracy here in Australia that tolerates everything that happens overseas; but, by the same token, there needs to be a standard set by responsible broadcasters here in this country to make sure that they uphold standards in broadcasting anything from overseas and that they can decipher between what is actual news and what is propaganda.

**Mr Milan**—We do not make that judgment and, to be fair, we could not. If we had to make that judgment then we would not be offering a WorldWatch service at all to any language community. It would also negate the point of doing it. It is done as a service to say, 'If you were still living in your country of origin, this is the news of the day. This is what your relatives are seeing. This is how it is presented to them.' It is presented with a disclaimer. I will read out to you code 2.4.3, Overseas Television News and Current Affairs Programs:

SBS Television broadcasts, substantially unedited, news and current affairs programs from other countries. Much of the material is non-English language and unsubtitled. In selecting such programming, SBS endeavours to ensure a level of quality which is appropriate to the SBS schedule. These programs are drawn from a variety of overseas sources—government, commercial and public—and are often produced and interpreted from particular editorial perspectives. Prior to broadcast SBS will clearly identify the source of the programs so that audiences can exercise their own judgment about how issues and information are presented.

We have now upgraded our on-air warnings so that all of the bulletins are now interspersed with an editorial disclaimer, if you like, saying that they do not represent the editorial views of SBS.

**CHAIR**—Do you make a point when you are running one side of an argument or point of view to actively seek to present the alternative point of view so that you are not just reprinting or republishing propaganda that might come from one regime? Do you seek out opposing views on that to provide more balance to the community?

**Mr Milan**—Not within the WorldWatch schedule itself. But I would put it to you, chairman, that in the totality of the schedule of SBS we have World News bulletins that present, if you like, the Australian view of the global picture in prime time every night. So we would say the totality of our programming certainly does do that, but within specific non-subtitled in-language news bulletins, no, we do not. However, because of the Vietnamese experience, the board has added to the code the following, which will go into our next publication:

A decision on whether to introduce a new program to the WorldWatch schedule should be based not only on the size of the language community within Australia but also on a careful assessment of all available programming sources in that language to determine which, if any, is best suited to serving the community's particular needs.

So the board is cognisant of the impact of the decision to suspend the Vietnamese language program, the Thoi Su news.

**CHAIR**—I will come back to that again in a while.

**Ms GRIERSON**—The Vietnamese Community in Australia have put forward a submission to us. I can see their frustration and I understand it will raise frustrations for you too. They raise a very simple point: they feel that they rarely see SBS identities, senior management, at any of their functions, at their big events. The response they felt from SBS was that SBS is about issues, not about festivals and events. But I understand that their concern may suggest that some community liaison and public relations effort is not as well understood or accessed by or evident to communities around Australia. I understand the problem for SBS identities to have that extra role but I also understand their accountability. Do you think you have sufficient resources to do community liaison and public relations sufficiently?

**Mr Milan**—That is a very good question. First of all, I think it is important to look at SBS holistically and look at all three services. Community based language services and indeed community events coverage is done very extensively on radio and now, because we have access online to all of those services through our web site, people can actually access them in a timely way. To try to do that sort of community based programming in television, one, there is only 24 hours in a day but also it would be extremely expensive. What we have tried to do with our television channel is to promote the broader issues of multiculturalism to try to promote

intercultural harmony between the various groups. By definition, the common language to everyone in Australia is English, and hence there is more English language programming on television.

With your specific question on whether there is enough in terms of community liaison, one of the things subsequent to this whole issue that the head of television and I are considering at the moment is whether we should put on a specific television community liaison person that could better express the role of television and consult more broadly with the communities on an ongoing basis.

**Ms GRIERSON**—Would there ever be an item at a board meeting that gives feedback on that community feel and scanning of your target audiences?

**Mr Milan**—Yes. Our Community Advisory Committee does meet regularly and give feedback to the board. There is, I suppose, a recognition by the board that that process has not been as comprehensive as it might have been. Clearly, if you put the Vietnamese issue, which is specific and clearly was a mistake on behalf of the organisation, together with the sort of issues raised by FECCA that have a broader range, then more timely consultation processes would be desirable.

**Ms GRIERSON**—You also are in the process of reviewing your complaint handling procedures and you have submissions due by 14 February, I think.

**Mr Milan**—Yes.

**Ms GRIERSON**—Do you have any idea if you are getting suggestions and much input into setting up that process?

**Mr Milan**—Yes, we are getting plenty of input. We have had to write back to a number of the people who have inputted because it has been more by way of complaints and we are saying, 'We are not actually soliciting for more complaints, we are wanting specific submissions about the actual process and procedures.' I think we will end up with a number of very meaningful submissions.

**Ms GRIERSON**—You obviously have a procedure already, and I guess everyone wants to be assured that the new procedure will allow some fearlessness and some honest advice that is independent of management, politics or whatever. Do you feel that will be the outcome? How do you think you will vary your processes at this stage to make sure that is the outcome?

**Mr Milan**—It is too early to make that call yet. Am I confident that we will come up with a fearless and transparent process? Yes. It is a bit too early to make the call on how we are going to do it because we are yet to process all of the submissions.

**Ms GRIERSON**—We will look forward to finding out more about that. Gross revenue was up. Without giving me any great detail about that—and it was hard for us to say why revenue was up from the report—do you think it is from new successes and endeavours or is it from cuts and changes that perhaps may have diminished SBS in any way?

**Mr Milan**—You mean changes in programming?

**Ms GRIERSON**—Or staffing levels or target strategic resourcing or whatever.

**Mr Milan**—I think SBS has a strong track record of prudent management. That is an ongoing process. But if you are looking at overall staffing levels of SBS, they have tended to drift up on my watch rather than down. We have been more successful in raising some revenues commercially: some of those are from advertising; some of those are from programming sales; and some of those from merchandising material associated with programming. I might emphasise here that our first obligation is to the charter. We only look at the commercial benefit of something after we have made a decision to program it for charter based reasons and then, of course, we do everything we can to try to exploit any commercial capacity that it might have.

**Ms GRIERSON**—How important is engaging youth, whether it be radio, online or TV, at the moment in your strategy? Are you investing in that and are you getting the results?

**Mr Milan**—We have made a big investment through our online service. The answer to the first question is yes, it is very important. We recognise at the moment that the age profile of our television services is quite old. We suspect that the base audience for our radio services is quite elderly as well. Radio has a program which I might ask Mr Luu to talk to now and then we will come back to what we are doing in television and online later.

**Mr Luu**—It is certainly very important for SBS Radio to be able to attract young listeners without walking away from our services to the old and the not so old. So we try to capture all age brackets, but particularly with the younger ones because they are the future. Bearing in mind that there are 3.2 million Australians who are the second or third generation of Australians who came here as refugees or migrants, that is a very sizeable market for SBS as a whole and particularly for SBS Radio.

So we initiated four or five years ago a training program called the training program for young broadcasters. Many language programs, such as the Spanish, German, Greek and Croatian language programs, have specialised staff to train young broadcasters to provide programs for young listeners. And that is expanding. The Vietnamese are also now trying to do that kind of thing. By and large, we would like to do more, but our difficulty in terms of the facilities is that, because of limited air time, we are not able to expand the youth program to the extent we would like. That is something we would like elected representatives to bear in mind in terms of giving SBS Radio more facilities for air time to do its proper job.

**Mr Milan**—That means frequencies.

**Ms GRIERSON**—Is your percentage of youth increasing in all areas?

**Mr Milan**—The way radio is surveyed, it is very difficult to actually make that judgment.

**Mr Luu**—We retain a professional research organisation to do the surveys across many languages broadcast by SBS Radio, and we broadcast in 68 languages, including English. It is very difficult as mainstream organisations to do the surveys in the same way as the ABC, Radio 2UE or 2GB have been doing. What we try to do is to get a professional organisation to

interview by phone a sample of listeners speaking that particular language. The last round of surveys included 400 listeners or potential listeners in Sydney and another 400 in Melbourne across many languages. They interview them not only in terms of why they listen to radio but also why or how SBS Radio programs can satisfy their needs and how we could make programs to attract people who are yet to be our listeners.

**Ms GRIERSON**—I think it must be very difficult, because you have a lot of youth who have grown up with a lot of cultural influence but not a lot of language.

**Mr Luu**—It is difficult, and it is labour intensive and costly.

**Mr Milan**—Ms Grierson, it might be useful for you to from our head of new media, because I think we have had a lot of wins with the younger audience on our web based services.

**Mr Berryman**—We have used our online forums to do two things: to reach a younger audience, because that is what the audience is, but to also act, continuing on with some of the things that Quang talking about, in training and preparing people from diverse cultural backgrounds to be practitioners of media.

In the past three years, we have recorded nearly 40 bands or musicians of kids from diverse cultural backgrounds. We are running a program in conjunction with the Victorian government where we have commissioned 25 groups of animators from diverse cultural backgrounds not only to produce material for their age group on television and radio but also to train these people so that we are drawing more people from around the world and from our indigenous culture into SBS and into the media in general. This should over time allow us to start making the type of content, which connects to that point you raised, where people have a strong cultural identity but not necessarily the language, and a strong love of the environment that they live in now. We have had these successes; we have used online to do these things. Some of the points that have been raised before: Quang does not have air time to necessarily extend and to radically change what he does; Shaun is limited by resources, 24 hours a day and a very strong audience. These new media areas represent a great way of exploring this new environment.

**Mr CIOBO**—As a preface to some questions, I want to make the comment that I think SBS does a good job. Certainly from my constituency, I get a lot of favourable reports. But I just want to explore several different aspects of SBS, in particular some comments that were made, and I would like to explore the relationship between programming decisions and news decisions in terms of editorial policy. With respect to programming decisions, Mr Milan, you said—and I am not certain whether it was in your opening remarks or in the public session—that it was challenging and that over time SBS wanted to provide a balanced perspective; is that correct?

**Mr Milan**—Correct.

**Mr CIOBO**—How exactly does that policy work? Does that mean that, for example, SBS will quite knowingly publish or program a series on TV or an individual program or documentary that might be considered by an objective measure to be skewed in one particular way or the other?

**Mr Milan**—The answer to that is probably yes in that most documentary does come from a subjective point of view. What we attempt to do with documentary is that, if we are putting something to air we know is going to be controversial and clearly takes a very partisan view on an issue, we will program within a reasonable period—and that reasonable period would normally be a week or so—another documentary that would counterbalance that and offer an opposing view.

**Mr CIOBO**—So that is the policy within SBS?

**Mr Milan**—Yes.

**Mr CIOBO**—So where, for example, you might have not just a documentary but a program that may be skewed in a particular way, you will then balance that up at some point subsequent to that?

**Mr Milan**—This is documentary only.

**Mr CIOBO**—Only with regard to documentaries. I take it that is quite separate from news values—

**Mr Milan**—Absolutely.

**Mr CIOBO**—in terms of your programming there?

**Mr Milan**—In news we have an obligation to be balanced and fair in every bulletin, so there is no subjectivity in news.

**Mr CIOBO**—When it comes to documentaries, what procedures do you have in place to ensure that there is a balanced perspective provided over time?

**Mr Milan**—Ultimately we rely on our programming staff and we have an experienced programming staff. Everything that goes to air is obviously reviewed before it goes to air and, over a period of time, expertise builds up within the department. So those calls are made within the programming department of SBS.

**Mr CIOBO**—Do you officially classify programs as being one way or the other in terms of a contentious issue? Take the Middle East, for example, if you had something that would be considered pro-Palestinian versus something that was considered pro-Israeli, do you formally classify programs one way or the other?

**Mr Milan**—No, we do not.

**Mr Brown**—By and large, most documentaries do not take a singular subjective view and ignore all other evidence. But there is no doubt that in the Middle East in particular—that tends to be where most of these issues arise—if you asked a representative of a Palestinian cause, they would say that that documentary did not cover this and therefore was one-eyed. As we can see from the matching complaints from AIJAC and the Palestinian groups, from the Palestinian point

of view they say, 'Seventy-five per cent of your documentaries covering the Middle East are pro-Israeli and only 25 per cent are neutral,' while AIJAC has a completely different view.

What we do is endeavour, across the schedule and across a period of time, to run a broad range of opinions. I do not think to be honest it is possible to find a documentary that matches this one and cancels out that one. It does not work quite that way. Preferably, documentaries would be self-balancing and, in the main, that is what we seek. But if we get a powerful documentary that is traversing a particularly important issue and may be seen to be taking a particular angle—such as, say, a Pilger documentary—then we will look for another documentary that addresses similarly that issue. But you could not say that it is a straight match. And in most of the documentaries there is no need for that.

**Mr CIOBO**—You raised Pilger and that is an interesting point to raise because on 9 December last year, the series aired *Pilger breaking the silence: another special report*, the one that was titled 'Truth and lies in the war on terror'. He ran through a whole range of different aspects. I did not see the program; it has been brought to my attention subsequently. I am happy to put on the record that AIJAC brought it to my attention. In essence from what I understand, the film was about 'the rise and rise of rapacious imperial power and a terrorism that never speaks its name because it is our terrorism'. The thrust of the program being that the United States in particular was engaged in a series of terrorist acts around the world, again in areas that were largely considered to be in 'poor devastated far-away places from Latin America to South-East Asia'.

It talks about there now being two heads of power, two super powers 'one is the regime in Washington; the other is public opinion now stirring all over the world. Perhaps as never before make no mistake it's an epic struggle. The alternative is not just the conquest of a far-away country; it is the conquest of us, of our minds, our humanity and our self-respect. If we remain silent, victory is assured'. I find that kind of thing personally repugnant. I am happy to accept Voltaire's point of view that in a democracy we have to accept all different points of view. But, with something like that, what was the balancing program that SBS put forward?

**Mr Brown**—There was not a direct balancing program, and that then goes back to my point before. It is not simply a case of finding one documentary that is unashamedly one point of view, because that does not exist. And the very documentary you are talking about did contain comment from the opposite point of view. Those may have been some of Pilger's conclusions, but he did traverse other points of view in it. And the points of view that he expressed were challenged on camera. It is really hard to make a judgment without seeing the total program.

The other point I would make is that that program was shown in just about every English-speaking country in the world without, as far as I am aware, any suggestion that they needed balance. The audience could not understand that this was, in a way a form of advocacy journalism, a particular point of view, and therefore they needed to have a balance the next week.

**Mr CIOBO**—But doesn't SBS have a responsibility in some regard to ensure that what you are providing is factually accurate and that in some way you take some objective stock of programming that you put to air or onto radio?

**Mr Brown**—That applies particularly to news and current affairs. Accuracy does apply to documentaries but as to documentaries as a style, as a genre, there are several types of documentaries: there are ones which are quasi current affairs, which take a simple down-the-middle approach—on the one hand this and on the other hand that—but the vast majority of documentaries are made by documentary makers who approach it from a particular angle.

With regard to the Pilger one, I will not say that we have had no complaints but I am pretty certain we had no formal complaints. There may have been a little bit of audience feedback. But most of the SBS audience understood what they were seeing and did not feel the need that the next week there should be the sort of anti-Pilger point of view.

**Mr CIOBO**—What values do you look for when you determine which documentaries to broadcast? What is it that gets the green light from SBS to go to air in terms of a documentary?

**Mr Brown**—Firstly, being representative of diversity—a diverse range of views and opinions and traversing important issues. What we are talking about here, let us be specific, is the cutting edge. Across our whole schedule we probably carry a documentary every night. The vast majority of those do not attract the sort of attention you are focusing on, because lost worlds about archaeological discoveries, historical documentaries on Saturday night and lightweight social documentaries do not attract this sort of attention. It is cutting edge where I think the focus comes because it traverses topical issues. It is dealing with issues of today, and that means there is a constant flow of content.

If you take the Middle East, for example, you will see across a given year a vast range of documentaries which kind of broadly balance, but my point is that you cannot expect them to specifically balance. The alternative, frankly, is not to run those documentaries and to say, 'If we have to balance every last word with a completely matching comment, then we simply cannot go there.' I come from a different country; I think it is a great strength of SBS that it can carry these documentaries on that scale, with the best endeavours of achieving balance. If we do not achieve balance, if there is a legitimate complaint, then there is a complaints procedure which will establish that. We are reviewing that now. By and large, most of the documentaries we run are either self-balancing or in the broad scheme of things are representative of a particular view and a diverse range of views, which are later matched by another set of views.

**Mr CIOBO**—As to that latter criteria then, I take it that SBS would be comfortable broadcasting something that, by any objective measure, was known to be factually inaccurate and wrong but might be controversial or provide a different point of view on something and therefore deserving of possible airing and consideration.

**Mr Brown**—Controversial, yes. I was not quite sure about the beginning of your question. We would not broadcast something we know to be factually wrong.

**Mr CIOBO**—When debates take place on Iraq, for example, where you have a variety of world opinion with regard to, firstly, the legality of the war and, secondly, the points of view put forward by liberal democracies versus other democracies in some instances but also totalitarian regimes, is it SBS policy that you do not make a judgment about what might objectively be

correct and what might objectively be incorrect? It is just that there are two points of view on this, so we will broadcast programming that reflects both points of view?

**Mr Brown**—Our objective is to reflect as many points of view but I would suggest, with the greatest respect, that it is not quite as simple as both points of view.

**Mr CIOBO**—I understand.

**Mr Brown**—In these issues, they come from every direction with every nuance and very little agreement in the centre. The Middle East is classic for that.

**CHAIR**—I am sorry, I have to interrupt you. We have to go for yet another division but we will return and continue the hearing after the division.

**Proceedings suspended from 10.41 a.m. to 10.51 a.m.**

**Mr CIOBO**—Just on that point, whilst I appreciate it is important to get different points of view, I would put it to you that there needs to be some objective measure put in place to ensure that, in the same way that someone like Pilger's views are repugnant, I would not like to see SBS broadcasting a program by David Irving as a balancing point of view. It seems to me incredible that you could have such an open policy on the basis of controversy, because controversy can clearly be easily masked as being the excuse for what would be considered to be some of the most disgusting points of view that I think would offend any sensible person in the community.

**Mr Milan**—I do not think we can totally accept that. As my colleague has said, the Pilger documentary you are referring to was played everywhere in the English-speaking world. Part of living in an educated, well-informed democracy is to have a diversity of views available to you, and this is what we attempt to do as a public broadcaster. There is no process where you could guarantee up front that you would have absolute balance in time once you start censoring opinion because, by definition, Pilger is entitled to an opinion. It is a democracy.

**Mr CIOBO**—If I make the assumption that Pilger is extreme left of centre in his philosophy, what does SBS have on at the moment or in the recent past that you would consider to be extreme right of centre?

**Mr Brown**—I think you come back to the point I was making before that you select out a particular value of a documentary and then demand that that be balanced out. Pilger is extreme left, so now we need an extreme right. Let us take the Iraq war. Where this came into its own cutting edge was during the Iraq war. Prior to, during and post, a lot of the cutting edge slots dealt with different perspectives on the Iraq war, the background to it, the case against Saddam, the truth behind Saddam and what had really happened in some of the earlier dealings between France and Saddam. They were sourced from different countries where a different sort of attitude existed—from France, America and everywhere. So in the overall range of documentaries during that period they not only were rated significantly, which reflected an audience appetite for that diverse range of views, but also were widely critically acclaimed. I think SBS performed a very important function then.

**Mr Milan**—In educating the population.

**Mr Brown**—Was every sort of aspect of it balanced out? Probably not. But was there such a diverse range of views that an audience watching these series of programs had a good understanding of the different points of view? I would say yes.

**Mr CIOBO**—So would your position be that, on balance, a balanced perspective over time is achieved?

**Mr Brown**—It is the objective, and the evidence to date would suggest it is achieved. If occasionally it is not then that should be exposed through the complaints process. If it were exposed, then something would need to be done about it. Surely that is the consequence of the Hutton inquiry. It was not the fact that the broadcaster made a mistake; it was the fact that the broadcaster did not act to fix up something which was clearly wrong.

**Mr CIOBO**—I would like to turn then to your news policy. On editorial policy with respect to news, you made the comment earlier on that the goal is to provide a balanced point of view or is it to provide an objective point of view? I think there is a difference.

**Mr Brown**—The editorial function of news and current affairs for SBS is to be objective but, in being objective, it solicits and broadcasts a balanced range of opinions.

**CHAIR**—So where do you strike that balance between offending and informing?

**Mr Brown**—It is not an objective to offend; it is an objective to inform. The charter says ‘inform, educate and entertain all Australians’.

**Mr Milan**—Sometimes in the process of informing we offend but it is not an intention. So it is not a question of trying to strike a balance. We would like our programs not to offend anyone but the reality is that, to put controversial and thought-provoking programming to air, by definition you are bound to offend someone at some stage. Particularly with the subject that is being discussed, the Middle East, one only has to look at the history of the last 50 or 60 years to know it is not something that is going to be easily discussed in a non-controversial way.

**Mr Brown**—To give you an example of that: a current issue is what do we describe the fence/barrier/wall/security zone because whatever language we use offends one side or the other. If we call it a ‘fence’, the Palestinians say, ‘That’s offensive because this is far more than just a fence.’ If we call it a wall or a security barrier, the Israelis say, ‘No, it’s only a fence.’ So causing offence is a consequence but it is not an objective. And in some cases where, for instance, current affairs might expose wrongdoing, then offending wrongdoers is part and parcel of our obligation.

**Mr Milan**—Also you put a body of questions on where the evidence would suggest that the factual information is incorrect or much of the factual information is actually in dispute. The AIJAC report pointed to a number of factual errors that they perceived in some of our documentary programming. The Palestinian report, which in effect is a rebuttal of the AIJAC report, says, ‘No, these things are factual. In fact, you got this wrong and this wrong because you are so pro-Israeli.’ So often the actual factual base is in dispute. Jenin Jenin is probably a good example of that.

**Mr CIOBO**—Jenin Jenin is a good example. How do you deal with that issue? As a broadcaster, what is the more pressing concern—to be factually correct through objective measures or to get it to air as part of the news cycle?

**Mr Milan**—From a personal point of view I found that documentary quite uncomfortable. I would make two observations: one, we recognised that up front and this was a case where we did put it back to back with another documentary which preceded it, which was entitled ‘The battle for Jenin’, which we thought a much more straight doco putting both sides of the case. Whether you agreed with its content or not, it was much more of a straight treatment.

The reason Jenin Jenin went to air was purely because it was interviewing people that were there. So though their sense was that it took a prejudiced view, because it was live testimony, if you like, from eyewitnesses—people that were in that community; they felt that this had happened to them—we felt it had legitimacy from that point of view though we would make no claim to the fact that it was factual.

**Mr CIOBO**—What about with respect to your news programming? You had a situation where international media were claiming civilian casualties in the hundreds, if not thousands. Yet after the event you see actual UN evidence which indicate about 45 people or something like that. As part of that broader problem that exists for broadcasters—and I recognise it is a challenge—how do you achieve the direct balance between making sure you get timely reports out that reflect incidents as they occur but do not cast a value in terms of which is correct and which is wrong, because there may in fact be murky waters about what is the correct factual basis behind the incident that took place?

**Mr Brown**—The greatest protection obviously is to ensure that, as the story unfolds—quite often you are right that what appears on day one can later be contradicted by what happens on day two—those claims are sourced. And clearly an expression of opinion or a claim from an organisation, country state or whatever, is the greatest protection.

**Mr CIOBO**—With respect to the broader objectives that SBS has, do you see it as part of your role to promote and enhance Australian values and Australian culture? If there is a program or documentary news service from a foreign nation state that has perhaps different values from Australia, how do you balance those two competing demands, if indeed you also have as part of your objective the need to promote Australian values and culture?

**Mr Milan**—To answer the question do we promote Australian values, in the board’s view we would say undoubtedly yes. But we would say the primary value is the value of multiculturalism, and that is the free and open expression of all cultures. We see our role in promoting Australian values of actually the prime directive as promoting the value of multiculturalism.

**Mr CIOBO**—Does the culture extend to the promotion of values that might exist under a totalitarian regime?

**Mr Milan**—No, it does not, because we do not promote such values but sometimes we put them to air.

**Mr CIOBO**—You do not see that as a promotion?

**Mr Milan**—No, we see it as entering into a process of education with the people of Australia to allow them to view cultures and views from around the world. If we were promoting solely that view, then there would be some efficacy in the point you are making. We clearly then would be promoting a totalitarian position. But that is not the case with SBS. We promote a vast diversity of views on SBS and, by and large, we believe we have a well-educated audience. We enable them just to see what is going around the world and make their own value judgments.

**Mr CIOBO**—When you provide World News service, you are providing a world news service in one particular language from one source, and that source might happen to be—take the Vietnamese news as an example—a totalitarian regime. How on earth are you providing any balance to that? Aren't you promoting the values of a totalitarian regime?

**Mr Milan**—No, we are not because we are not putting it with endorsement. What we are saying is: 'If you were living in this country now, this is what you'd be seeing still. If you have family still in that country that is what they are watching on television.' We are saying no more or no less on that. We are not putting it to air with any endorsement and, indeed, we put editorial disclaimers in between those bulletins.

**Mr CIOBO**—But aren't you giving it legitimacy by virtue of the fact that you are putting it to air?

**Mr Milan**—No, I do not think we are giving it legitimacy. We are certainly saying it exists. We are demonstrating there is a news service available in that country but we are not giving it any endorsement. We are simply offering it as a service for those people that are interested in what the news would be at home for the relatives they have left behind. It is a service to them. And obviously a lot of people still have an interest in what is happening in their homeland—or their country of origin, I should say, because hopefully most of them now consider Australia to be their homeland.

**Mr Brown**—It is interesting for me because these issues are new and ones that I am clearly giving a lot of thought to. It is quite important to distinguish between World News, the service that SBS creates and broadcasts and deals with all the issues of objectivity and balance that we have talked about, and WorldWatch, which is legitimised by a separate part of the codes of practice. What I found interesting was its origin because this very unusual situation has grown out of series of events over the years. My understanding of the origin of WorldWatch was that it started with the broadcast of Soviet Union news in the days when that was a totalitarian regime. So that Russian news over 10 years has progressively reflected the changing political landscape in that country.

Then progressively other services have been added—putting aside the Vietnamese one, because I think we all accept that as a special case. But if you apply that sort of yardstick that somehow what other countries broadcast has to be totally consistent Australian values or Australian judgments about what should or should not be included, the vast majority of them would simply disappear. That is the issue we are all faced with. Is WorldWatch on balance worth having because of the broad range of content but more specifically the way it services particular

ethnic groups; or is the danger of running a news service from Beijing or from Dubai or from Frankfurt, too dangerous to a point where that service should be suppressed?

**CHAIR**—So you would evaluate the news that you take from overseas.

**Mr CIOBO**—This is the issue. You might say, ‘We have admitted that we made a mistake with respect to Vietnamese news and we are very sorry about that. Now we’re going to move forward on a stronger platform.’ But, to me, Australian taxpayers fund the service and I think Australians quite legitimately would expect that there would be in place measures to ensure that that kind of situation does not arise. It would seem to me as part of management controls within SBS, there should be controls to ensure that you do not have a situation like that arise. It is simply is not good enough to then claim after the fact, ‘Look, we are very sorry about that. We will try to do better next time.’

**Mr Brown**—Aren’t there two separate issues here? I know your concerns and other members of the committee is that the Vietnamese news was propagandist. But the reason why the board removed it and why the Community Advisory Committee had a view on it was not that; the reason was that it was put to air without the proper process of consultation. That is the mistake that has been acknowledged. That is where the apology lies.

If the issue becomes propaganda, then clearly the Beijing originated news should no longer be on air either, questionable about the Arabic news and really we could look at some of the others. It then becomes an issue about whether our expansion plan currently would include news like Turkish news. If we are going to put the Turkish news to air, but is that then going to be objected to by Kurdish and Armenian groups who say, ‘No that is not completely in accordance with how we see events’? So it becomes very fraught. I am not saying it is not an issue; I am saying it is a lot more significant than just the Vietnamese specific issue about consultation.

**Mr Milan**—It is official government policy to engage with Asia. Given the politics of most of the Asian regions and the broadcasting ownership structures, there would be very little that we would get from the region that would not be a state controlled service. You have to say to yourself, ‘Is it important to offer this as a service within a democracy or not?’ The view that the board clearly takes and I personally take is that it does. It makes a substantial contribution. It is very helpful to these people, and it enables them to also participate in the public debate.

**Mr CIOBO**—When you say it is very helpful to these people, which people are you referring to?

**Mr Milan**—The people who actually receive the service. It is helpful to them. Where the services are coming from non-democratic backgrounds, it enables those Australians that have a heritage of those countries to be interactive through the Internet and other services back to their country of origin and hopefully take place in a debate for the democratisation of those countries. I do not think you ever benefit a society by closing out information. I cannot see how suspending these broadcasts—which I guess at the end of the day is where we would be leading, if we followed that line, because we certainly would not have the facility to editorially control and in a timely way those sorts of programs.

**Mr CIOBO**—I am not suggesting that is the outcome. What I am simply querying is that, in what are vexed issues, surely there must be some degree of importance placed on the fact there are different points of view that exist in the world. In the same way that we extend a relaxed attitude now with regard to state sponsored TV programs et cetera from other countries, if we saw a situation develop over time—I am loath to use hypotheticals—where there were countries that were advocating an openly hostile position towards Australians and they were running that as part of a state sponsored TV program, I take it then that SBS's attitude to it would be, 'We will continue broadcasting this because it is an important service to our viewers in that language category.' Is that correct?

**Mr Milan**—Well, we have done it. During the conflict in Timor, we continued to put the Indonesian news service to air, and I understand it got top ratings in Canberra because it was very interesting to government officials here. We were certainly encouraged to keep it up and not take it down. I would say to you though, in those sorts of circumstances, people even from within that discrete language community would still be receiving its own bulletins from World News on SBS that would be expressing a completely different point of view.

**Mr CIOBO**—Thanks, Mr Chairman.

**Mr HATTON**—It concerns me that still after the long discussion we have had and the change in policy your almost immediate reaction is that it is a question of educating and re-educating. I have a lot of people in my electorate who have been through re-education camps in Vietnam. The idea that you are providing a television program to re-educate people in terms of what is happening in their country—

**Mr Milan**—I did not say 're-educate'—

**Mr HATTON**—You actually did say 're-educate', I wrote it down.

**Mr Milan**—It was probably just a slip of the tongue.

**Mr HATTON**—Yes, it was but an informative one, I think. I want to finish up on a couple of the things that Mr Ciobo was saying and then come back to the Vietnamese situation. I personally think probably the only way you could balance Pilger is not to buy him. Pilger is a potent documentary maker who is extremely narrowly focused and who has had a really narrow anti-Western agenda in almost everything he has done throughout his career.

You can take a decision: do we want to effectively endorse that or do we want to continue to impose that? There is no-one else that I know of who presents his product in the way that he does—except for a few others I could think of, such as the S11 group and al-Qaeda—that are as rancid, dogmatic and anti-Western. I could also think of the criticism that al-Jazeera has had because it has allowed groups that are very anti-Western to continue to broadcast. I think we actually have a problem in that we allow our democracy to work against itself—to allow those people who would want to rip the very fabric of it apart to tell us that we should be guilty for most of the things we do, to give them the voice that the vast majority of people do not have and to keep endorsing him.

Pilger's probably best equivalent—this may sound harsh, but I do not think so having suffered a number of his programs over time—is the *Chariots of the Gods* type of documentary. This is something that is pushed very strongly into the community. I think we can all remember what effect *Chariots of the Gods* had—complete spurious rubbish with no scientific foundation whatsoever but Channel 7 pushed that, pursued it and followed it up. It is a significant problem. If you are looking at the community as a whole and the information that they have, if what is being commercially pushed is very strong and very emotive, it is a bit hard to get the head space to think logically about the alternative, if the people who have a different point of view do not get much of an 'in' because they are not controversial or they are not confrontational. That is just a bit of propaganda from me.

It is the one chance I probably have to publicly say something—I may have more in the future—but I think it is a fundamental problem in terms of the whole question of balance. We are very unbalanced because confrontationalism, subjectivism, emotionalism and anti-Western attacks are what attract the media. It is a significant problem. It may not just be a propaganda piece. Do you want to comment on that at all?

**Mr Milan**—I will take your comment on education or re-education. I think there is a significant difference between the experience here in Australia and the experience that many of the people that Mr Doan represents experienced. Here, of course, it is optional because you can turn it off. We are just presenting a range of views that you choose to take or not to take.

To add to my colleague's comments about why the program was taken off, the reason was not exclusively—though it was the main reason—the fact that we had given an undertaking that we had not honoured. It was also the fact that we were somewhat dissuaded to the amount of community hurt that was being caused by a section within the Vietnamese community. That was something that clearly the board took into consideration as well.

I would not deny an Australian audience the viewing of a program that had been seen in America and seen in the UK. I cannot see that that is helpful. I watched the Pilger documentary and I thought it was rubbish, frankly. There have been other programs that I have seen on other channels that I would say traverse at least some of the territory.

**Mr HATTON**—But some significant BBC work has been done over time such as *Horizon* and *Panorama* and there are other journalists who have spent 20 years or more in the Middle East reporting on the Middle East—it is a very difficult area to deal with—who have a balanced, perceptive approach to the complexities of the situation and how difficult that is to live through as well as report.

**Mr Milan**—And you will see many of those documentaries on SBS as well.

**Mr HATTON**—Let me finish by going to this: today the Vietnamese foreign minister, together with a very large cohort of his advisers, is in this Parliament House meeting with the foreign affairs minister and also with the committee. We have a situation where we have government-to-government links, we have trade links and there are more people-to-people links. However, the fundamental situation is still that it is our values that we think should be most apparent in this, that we think are fundamentally right in terms of living in a democratic country,

protecting the values of our citizens and being open to trade with the Socialist Republic of Vietnam—to deal with them and so on—but not to have their values imposed on us.

Given the steps forward that SBS has made in regard to VTV4, the Thoi Su program, and the fact that has been put on the shelf, moving forward in the future either in the context of WorldWatch or in another magazine type section, I do not know whether you have had the approach that we have had from the Vietnamese Television Association based in Melbourne, who produce and have produced for a number of years now for Channel 31, about whether there could not be an Australian-grown substitute to provide for Vietnamese news within Australia either within that context, if it is appropriate—it may not be—or with another channel where the community's news about itself and about those aspects of the world can be looked at. Have you had an approach and would you be willing to have a look at this in consultation with their management?

**Mr Milan**—I have just been talking to Mr Doan about it. Of course we would be interested to see any proposal. I would make two observations. One is that currently there is no cost, by and large, to the WorldWatch service, as you may have seen in our answers to questions on notice to the Senate. The whole WorldWatch service, plus the digital service that backs it up, costs just over \$1 million. So the chances of our being able to fund a domestically growing Vietnamese news bulletin would be quite slight. We would also say we actually do that in radio, so we would not want to duplicate a service within the organisation.

The other consideration is that it would not qualify for one of the major criterion for WorldWatch, which was to show the bulletin as: if you were still living in that country, this is what you would be seeing. Though the source material of VM4 that is on the international satellite, which Mr Downer has assured me is a sanitised version, is the same material that is, by and large, going to air in Vietnam. So part of the intention is to show the people the news they would be seeing if they still lived in the country. Any bulletin that was constructed somewhere else would not fulfil that criterion.

However, given the importance and size of the Vietnamese community, we would certainly be happy to enter into discussion and review any material that was available. Mr Doan has pointed out that there is probably an American service that we cannot access by satellite but we might be able to download from over the Internet. But there are some quality issues from an engineering point of view.

**Mr HATTON**—Thank you. I would just like to offer my services and availability to be part of that process, if you choose, to assist the dialogue between SBS and the community.

**Mr Milan**—Thank you.

**CHAIR**—I would like now to bring your attention to your complaints handling process. I understand that you have a review and submissions close on 14 February. One of the views put forward is that perhaps the complaints review procedure or the panel should be somewhat separate from the SBS board. Have you given any consideration to the members of the complaints panel being independently appointed by the minister so that they are totally independent to that of SBS?

**Mr Milan**—We have not got that far. Most of our focus at the moment is actually on improving our internal systems—to improve the transparency and, if you like, the independence of the internal process. One of the flaws of the current system is that the program maker of the program that is being complained about or the person that purchased the program and made the decision to publish gets involved far too early in the process. So one of the things we are looking at primarily is to improve the transparency and the independence of the internal process.

We are yet to get any feedback from the minister in terms of his view. But we have put forward, and it seems to have been forgotten in all of this discussion, that there is already independent review. The ABA is empowered to review both public broadcasting and commercial broadcasting. The difference is that they have no direct penalty in the sense that they cannot take our licence away in the way they can in the commercial centre. But they can report us to parliament, which we would consider to be a very serious matter if a complaint got upheld and we were not seen to handle it properly.

I note from the comments that Professor Flint made over the Christmas break and at times when this issue came up that he believes that the ABA is not well-equipped enough—I think would be the gist of what he was saying—and that some other form of independent review may be desirable. We are happy to cooperate with parliament to see that be effected. We believe it is important that there is a transparent process and that the final review is an independent one, if someone is unhappy with the response they get from the organisation.

**CHAIR**—Given that today largely the discussions have centred around two groups, the Vietnamese group and the Israeli point of view, yet there are many communities into which you broadcast, I would assume—we do not have any figures of number of complaints in front of us—that, given the nature of what you broadcast, at times programs might be controversial or offensive to some sectors of the community. Do you think it would be wise then to have a separate complaints process, not at the level of the ABA but of SBS, for people to be able to put these complaints, knowing that they are a totally independent unit—observing the spirit of the SBS but being able to report independently of the SBS?

**Mr Milan**—I am sort of reluctant to try to pre-empt the outcome because not only do we have our own internal policy people working on this but also we have a really good, strong subcommittee of the board. We are still in the early stages. We are only just getting to the end of public submissions. So I would like to have the benefit of that before making further comment.

The only other thing I would add is that we have made submissions to the department that we think that, for the reasons you have just articulated, we would rather see a separate process for ourselves and the ABC. There is quite a lot of difference in the run of complaints at the SBS because, by and large, we do not get criticisms of political bias in domestic issues, most of ours is Vietnamese or it is the Middle East or it is how we refer to Macedonia on air—it is those sorts of things. It would strike me as a different sort of panel that you might need from the one that you might want for the ABC.

**CHAIR**—I would like to go to page 23 of your report where you mention the Insight program. The report states that *Insight* ‘reached 3.9 million over the year, a 12 per cent increase over 2001’. If it has achieved such an increase and has obviously been so popular, then why axe it and change the format when it comes back on in March?

**Mr Milan**—I will ask the head of television to answer that. We have not axed it. That is the first answer.

**Mr Brown**—It is clearly not axed, although I did see that in a newspaper once.

**CHAIR**—Sorry, the format is being axed. You are keeping the program—it comes back on on 9 March—but under a totally different format where it is, as I understand, a single issue studio based program rather than being a broader event type program.

**Mr Brown**—All programs are subject to review, reformatting, renewal, improvement as time goes by, and that is not solely dependent on how they rate. It is also dependent on the professional judgment about they are doing and what more they could do. Our feeling, after discussing it with the management of news and current affairs, was that *Insight* could be a more potent, compelling and informative program if it took a distinct position in the sort of broadcast and current affairs landscape of Australia where there is a notable lack of political discourse or public discourse on major issues over sustained length.

Tape based journalism in current affairs is very evident across all networks; big debate is not. So we saw an opportunity to move *Insight* into that territory. We already did some of it last year. It is not really correct to say that it has had a completely new format because the format fundamentally—and we are still to finetune it—is what you saw last year on *Insight* on those periodic occasions where it moved into a debate format with wide participation but specifically addressing a single issue.

**CHAIR**—But you are removing the detail investigation aspect of it and moving to a panel discussion, as I am informed.

**Mr Brown**—Investigative video journalism was one element of it. Studio interview and debate were the other issues. So, yes, that is a fair comment. The single interview and the video journalism has gone. But I would say that that type of journalism is pretty evident elsewhere across the other networks, particularly the ABC.

**CHAIR**—There has been criticism levelled that you are broadcasting fewer foreign language drama programs and making that up with foreign language numbers through the broadcast of foreign news programs. One of the complaints raised is that there has been a drop-off in the drama in foreign languages and that is being replaced by news in foreign language.

**Mr Brown**—I am not sure where you got that information from, but that is absolutely not the case.

**Mr Milan**—Mr Chairman, we have received no such complaint, as far as I am aware.

**Mr Brown**—Look at Sunday night with *Les Miserables*—we have introduced foreign language drama on a significant scale in our schedule. Yes, some English drama as well but I am not sure where that particular claim—

**Mr Milan**—*Robinson Crusoe*—

**Mr Brown**—*Robinson Crusoe*, and we have others in the pipeline. We have expanded our drama output this year on both fronts, English language and in languages other than English.

**CHAIR**—So there has been no reduction in the broadcast of drama in foreign languages?

**Mr Brown**—No.

**Mr Milan**—Not in recent history. I cannot speak to before I was managing director. But my sense is that we are doing at least the same as the last year or two and Shaun's strategy is to increase the amount of foreign language dramas.

**Mr Brown**—There has only been one foreign language drama on our schedule in recent history, and that is *Inspector Rex*. That remains year round. We have added new dramas.

**CHAIR**—You state on page 11 of your report:

SBS has access to more international news sources than any other Australian network.

That is to be commended. But how do you evaluate the content and sources of those external news programs before you broadcast them?

**Mr Brown**—In regard to WorldWatch or World News, because you can see the distinction between them, and I think we dealt with WorldWatch. In regard to World News, all of that input from agencies such as the BBC, ABC and the various sources are subjected to the internal scrutiny of our experienced editorial news and current affairs team in much the same way as any other broadcaster. I think we are pretty much industry standard there on how we approach it with referral-up systems in place if there are any questions that arise concerning a particular story.

**Mr CIOBO**—I have just one tangential to all of this: what would SBS's attitude be with regard to possible collocation and/or actual merger of the back-office functions between SBS and ABC?

**Mr Milan**—I would be struggling to see an advantage for SBS, I think.

**Mr CIOBO**—You might get swallowed up by ABC?

**Mr Milan**—Basic physics always says that, when small entity hits big entity, small entity comes off worse. I think that we have developed an enviable reputation for efficiency within our organisation. We have learnt to do an awful lot with very little. And that is not to say anything disparaging of the ABC. It is a different organisation. It is much bigger. It has a different set of objectives and a different charter from us. It is hard to see, given the way that we run our operation, whether there would be any real taxpayer benefit.

**Mr CIOBO**—In terms of the back-office functions, it might leave more money upfront for programming et cetera.

**Mr Berryman**—SBS is quite highly tailored in back room services. In terms of some of the technology that I look after, the difference in trying to marry them together is very difficult. If

you look at the scale of a business like ABC Regional Radio and the importance of that, trying to marry that up with the types of services that Quang efficiently manages out of two centres and seeks to roll out more and to get more of that localisation in the country would not meld too well. I think the economies of scale that we have are ideally tailored to our type of business and the ABC's to theirs.

**Mr CIOBO**—Thank you very much.

**Mr HATTON**—In a submission I have had from the Vietnamese Community in Australia, we have already dealt with two parts of it—the consultation process and the complaints handling process. But there is another part: organisational culture. Throughout the issue that we have all been dealing with, they have been very balanced, very sensible but also very sensitive to the position that SBS management and the board are in—I think more sensitive than what the board and management were to the position that they were putting.

You have indicated that in terms of consultation processes, and also complaints handling, you are looking internally at your procedures and the changes that need to be made. I would link the question of organisational culture to this. How multicultural is the management and the board of SBS? The Vietnamese community is not putting this position because they have been careful not to. But how reflective and how sensitive to community concerns are the management and board of SBS? I know that, as far as Quang Luu running SBS Radio is concerned and with his experiences previously, he has been extremely sensitive not just to the Vietnamese community but across the board because of his experiences and the fact that the perspective is different. Is part of the problem, in terms of what we saw, the fact that there is not enough openness or not enough sensitivity to how people will be impacted upon by decisions that are made or by disjunctions between the board and management?

**Mr Milan**—There is quite a lot within that question, Mr Hatton. Let me say first of all that senior management promotion is merit based. When you are responsible for \$150 million-odd of taxpayers' money, by definition it has to be, though there has been a tacet understanding that, if someone from a multicultural background or a non-English-speaking background applies for a job, if the candidates were equal, the propensity would be to take the person from the non-English-speaking background.

But I would also say for those people that come from a more Anglo background that work at SBS, by and large we have a team of people at SBS that passionately believe in multiculturalism regardless of their background. There is a broad sensitivity within the staff. However, I think our learning experience from this and certainly what I have taken away as managing director is to encourage more dialogue between the television division and radio division, where the radio division is almost exclusively people from a non-English-speaking background because by definition they are broadcasting in the language of their country of origin. Quang and I have had some conversations and indeed Shaun and I have talked about how we could use our internal resources more effectively.

I think I mentioned in answer to a previous question from you that we are looking at maybe having a television community liaison person through the communities to try to bring community knowledge further and deeper into television. I would not accept that there is not

sensitivity to multiculturalism simply because someone comes from an English-speaking rather than a non-English-speaking background—but we can improve.

**Mr HATTON**—I share that. Coming from an Anglo-Celtic background, I think I still have sensitivities. Are you willing as part of looking at your internal processes—at what went wrong and improving the complaints handling and the consultation—to specifically look at what the Vietnamese Community in Australia has put forward in terms of changes that they see might be made internally that could improve the effectiveness of the organisation and allow for a much greater responsiveness? So it might actually work both ways: not just SBS initiating but to have a process where both sides could initiate discussions and where, when major decisions like this were being made, they could be put out in draft form for the community to comment on because of that impact.

**Mr Milan**—I am yet to see Mr Doan's submission, which I think he is putting in at the end of the week. What I can say to you is that we will certainly take it into consideration and it will be looked at. The kinds of things that you are suggesting, I am not adverse to. Clearly, we do need to have stronger and deeper consultative processes, particularly when something is bound to be as controversial as the Vietnamese news service was.

**Mr HATTON**—Thanks, Mr Milan.

**CHAIR**—Thank you, committee members, and I thank Mr Milan and his colleagues for coming today to provide evidence. If the committee has any further questions for you, the secretariat will be in contact with you. Thank you for giving your time. I know we have gone a little overboard today in time but, unfortunately, divisions are the nature of the beast in parliament.

**Mr Milan**—Thank you for the opportunity.

Resolved (on motion by **Mr Hatton**):

That this committee authorises publication of the proof transcript of the evidence given before it at public hearing this day.

**Committee adjourned at 11.36 a.m.**