

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates February 2017

Communications Portfolio

Australian Broadcasting Corporation

Question No: 112

Australian Broadcasting Corporation

Hansard Ref: Written, 03/03/2017

Topic: ABC Radio National Program – Andrew Denton

Senator Abetz, Eric asked:

1. Please outline in detail the contractual and decision making process that took place prior to the ABC Radio National Program “Earshot” transmitting 5 of Andrew Denton’s 17 “Better Off Dead” ½ hour podcasts for the Wheeler Centre?
2. Did those responsible for the decision to broadcast those 5 x ½ hour programs determine:
 - (a) What the costs were, including those incurred and met by Andrew Denton, of researching, gathering material for and editing the complete 17 part series;
 - (b) Whether services, goods or facilities were provided to Andrew Denton (or the entity used for the serie’s production) free of charge or at discounted rates, and whether there was any association of the provider of any such free or discounted services, goods or facilities with the issues being traversed in the series; and
 - (c) Exactly what arrangements there were, if any, for Andrew Denton (or the entity used for the series production) to record and account for sources of financial or other assistance in the researching, gathering material for and editing the complete 17 part series?
3. What contractual arrangements existed between the ABC and any other party concerning the selection, broadcasting and editing of the 5 specific ½ hour episodes of the series broadcast by “Earshot” in late 2015?
4. Please advise the extent of Andrew Denton’s appearances on ABC in connection with assisted dying issues, the “Better Off Dead” podcast series, or the associated “The Damage Done” book, on national, state and regional ABC TV and Radio broadcast programs from the time he launched the “Better Off Dead” series in October 2015 to the present?
5. Leaving aside current active political party leaders and spokespersons, please advise any other single advocate for one side of an acknowledged contentious social issue who may have appeared as often, and received as much free editorial time for their advocacy on the ABC – as Andrew Denton has received on the ABC over the last 16 months?
6. Would the ABC offer an advocate of a different perspective on assisted dying and who offered the ABC completed programs such as Mr Denton’s, but outlining the benefits of staying with Australia’s current ‘assisted dying’ framework, the same offer of guaranteed and free editorial airtime?
7. When did discussions with Andrew Denton (or his associates or related production entity) commence concerning the broadcasting of 5 episodes of his “Better Off Dead” podcast series?

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates February 2017

Communications Portfolio

Australian Broadcasting Corporation

8. What contractual arrangements were entered into concerning the eventual decision to broadcast 5 of these episodes? What issues did that contract cover? Please provide this document/s?
9. What knowledge does the ABC have of the total cost of making the 17 episodes “Better Off Dead” podcast series and who contributed to meeting those costs, whether through the provision of funds, free or discounted goods, services and facilities or forms of sponsorship? Please list the total cost, the various contributors and the ‘value’ of those contributions?
10. If the above material cannot be produced (10 -12) please explain just how the ABC can demonstrate adherence to its Editorial Standards 13.1; 13.1c; 13.1h; 13.2; 13.2; 13.5a,b,c,d; and 13.7 in connection with the 5 x ½ hour ‘Earshot “Better Off Dead” programs?
11. Please list all appearances of Andrew Denton on ABC Radio and TV broadcast programs since the October 2015 launch of the “Better Off Dead” podcast series including the approximate duration of each appearance (i.e. the length of the segment in which he was appearing not the actual minutes and seconds where only he was talking). For avoidance of doubt all national, state and regional live hosted radio programs (eg ‘mornings with’; ‘afternoons with’; ‘drive’ and ‘evenings with’) – all pre-recorded magazine or specialist interest radio programs (eg Religion and Ethics Report and Life Matters) – and all live or pre-recorded TV programs (eg Lateline, Q&A, 7.30 Report and The Drum) should be included.
12. If the above material (14.) cannot be produced, please explain how the ABC can then demonstrate adherence to its Editorial Standard 4.2 in connection with the assisted dying issue and Andrew Denton’s ubiquitous advocacy for his perspective in respect of it on ABC programs over the last 16 months?

Answer:

1. The Earshot program broadcast a single program made by Andrew Denton on assisted dying on 15 November 2015. This initial program featured a woman with terminal cancer. Senior ABC Radio editorial staff assessed it as an important contribution to the community conversation around euthanasia. The ABC acquired it from the Wheeler Centre.

The four subsequent *Better Off Dead* programs were acquired by the ABC and broadcast from 26 to 29 September 2016. These four programs were selected by the Executive Producer of *Earshot* from a possible 16 episodes, and a contract was signed between the ABC and The Wheeler Centre.

2. The ABC did not commission or co-commission the *Better Off Dead* series and was not involved in the production of the *Better off Dead* series. Accordingly, these questions of costs are a matter for Mr Denton and The Wheeler Centre.
3. Radio National and the Wheeler Centre signed an agreement in September 2016 for the purchase of broadcast rights by the ABC for four episodes of the *Better Off Dead* series. Selection of the four episodes was made by the Executive Producer of *Earshot*.

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates February 2017

Communications Portfolio

Australian Broadcasting Corporation

4. From October 2015 to March 2017, Andrew Denton made the following appearances on ABC platforms.

ABC Television:

- *Q&A*, 19 November 2015. This episode was devoted to the assisted dying debate and featured Mr Denton on a panel of 5 speakers with a range of views on assisted dying.
- *Compass*, 8 May 2016. This program included a number of interviewees with a range of views, including Father Frank Brennan.
- *The Weekly*, 24 February 2016.
- National Press Club Address, 10 August 2016 (note- this is a public event, broadcast by the ABC).
- *Australian Story*, 7 March 2016. Andrew Denton appears very briefly in a program about the life of Dr Rodney Syme.
- *Lateline*, 10 August 2016.
- Mr Denton appeared briefly in three news items broadcast on ABC News in South Australia during a period when the South Australian parliament was debating the legalisation of voluntary euthanasia.

ABC Radio:

Radio has identified 17 appearances by Andrew Denton on ABC Local Radio (capital city and regional stations) between September 2015 and March 2017.

Mr Denton also appeared on RN Breakfast twice, on 29 October 2015 and 4 April 2016, and on RN Big Ideas on 2 December 2015.

5. The ABC disagrees with the assertion that Mr Denton was provided with ‘free editorial time’ on the ABC for his views of this issue. The ABC’s editorial standards regarding broadcast of material on matters of contention are that over time, all principle relevant perspectives on the matter are expressed. Whether these views come from one individual or from more than one person is irrelevant. The ABC has broadcast a range of views on the issue of assisted dying, including from those opposing voluntary euthanasia.
6. The ABC provides air time to a range of views on this matter, including those who oppose any changes to the current assisted dying framework in Australia. ABC programs have included the views of various anti-euthanasia proponents, including Professor Margaret Somerville and Dr Charles Camosy.
7. The editorial manager who initiated the discussions has subsequently left the ABC, however the ABC believes the discussions were first initiated in August or September 2015.
8. See attached contract, which is commercial in confidence and not for publication.
9. See responses to questions 2 (a) and 2 (c) above.

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates February 2017

Communications Portfolio

Australian Broadcasting Corporation

10. As set out in response to question 2 (above), the ABC did not commission or co-commission the *Better Off Dead* series and was not involved in the production of the series. Section 13 of the ABC's Editorial Standards are in regard to co-productions and not relevant to the ABC's acquisition of the *Better Off Dead* series.
11. See response to question 4 (above).
12. Not applicable.

September 12th 2016

Director Wheeler Centre

Michael Williams

Williams.Michael@abc.net.au



ABC Ultimo Centre
700 Harris Street
Ultimo NSW 2007
GPO Box 994
Sydney NSW 2001
Tel. +61 2 8333 1500
abc.net.au

Dear Michael,

1. This is a form of agreement between you and Earshot of ABC Radio for the purchase of broadcast rights for your features **BETTER OFF DEAD x 4**.
2. The ABC offers you a fee of \$4, 000 for the programs, payable upon receipt of this signed agreement and an invoice.
3. Our offer will purchase rights for three Radio National broadcasts (with same week automatic repeats) and associated online rights including scheduled audio on demand and live streaming plus mp3/podcasting rights. We'll pay 40% of the initial fee (\$4, 000) per subsequent repeat broadcast.
4. The work is understood to involve the following:
 - i. Provision of a wav file or equivalent broadcast master.
 - ii. Provision of program notes and/or photographs (cleared of copyright) for publicity and scripting purposes.
 - iii. Provision of full details of any material in the work that requires copyright clearance, including music and/or quoted text. You warrant to the ABC that the work is an original work; that you are the sole proprietor, and that the work does not infringe any existing copyright; that you have not entered into any agreements that would prevent or limit the ABC's rights under this agreement; that the work does not contain anything which to your knowledge is defamatory; and that you will indemnify the ABC against loss, injury or damage (including any legal costs) occasioned to the ABC in consequence against any breach of this warranty.
 - iv. Secure clearances from participants for broadcast and online communication of the program.
5. The ABC retains the following rights in relation to the broadcast master and its use:
 - i. The ABC will retain a broadcast master of the program for archival purposes only.
 - ii. Whenever the program is broadcast on an ABC radio service, it will be provided as an audio stream on the ABC's internet website, and as audio on demand and podcasting if and when music rights are clear to do so.
 - iii. Extracts of the program can be used in radio or television programs of an historic or reminiscent nature, and/or as trailers.
6. Please sign, date and return the original of this agreement, signifying your concurrence. We're looking forward to sharing your work with our listeners.

Yours,
Claudia Taranto
Executive Producer
Features & Documentary Unit
ABC RN
Date:

Michael Williams
Signed:
Date: