

Senate Standing Committee on Environment and Communications
Answers to Senate Estimates Questions on Notice
Supplementary Budget Estimates Hearings November 2014
Communications Portfolio
Australian Broadcasting Corporation

Question No: 574

Program No. Australian Broadcasting Corporation

Hansard Ref: In Writing

Topic: Legal Expenses

Senator McGrath asked:

1. What steps does the ABC take when inaccuracies or defamatory statements are alleged in its reporting?
2. How many instances of alleged inaccurate or defamatory reporting were raised with the ABC?
 - a. In the 2013-14 financial year?
 - b. In the 2014-15 financial year to date?
3. How much did the ABC spend on legal action and related costs to defend itself against alleged inaccurate or defamatory reporting:
 - a. In the 2013-14 financial year?
 - b. In the 2014-15 financial year to date?
4. Are there any ongoing incidents?
 - a. If so, how many?
5. How much did the ABC end up spending on the legal dispute it had with Mr Chris Kenny?
6. In terms of cost, how does the dispute with Mr Chris Kenny compare to previous defamation actions the ABC may have had to defend against?
7. What other major legal actions has the ABC had to spend money on:
 - a. In the 2013-14 financial year?
 - b. In the 2014-15 financial year to date?

Answer:

1. Allegations of inaccurate reporting can potentially be either editorial in their nature, or legal (that is, there may be an allegation of defamation). The former will be dealt with by the ABC's Audience & Consumer Affairs (A&CA) department. The latter will be dealt with by the ABC's Legal division. Some allegations may fall into both areas and, if so, they will generally be managed by the Legal division.

Where Legal complaints are concerned, instructions are taken from the relevant program makers, and the veracity of the defamation allegation is assessed as a matter of urgency. This includes considering the context of the alleged defamation and the basis for any such allegations. Where a legal risk is identified, steps will be taken to attempt to informally resolve the matter with the complainant (via a legal representative or otherwise).

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The A&CA unit is independent of content making areas within the ABC. Following assessment, complaints that require response will either be investigated by A&CA or referred to the relevant content division for direct handling. A response will be sent to the complainant conveying the ABC's decision and any remedial action that the ABC has agreed to make. When an inaccuracy is identified, the likely remedial action is a correction or clarification.

2. In the 2013-14 financial year:

- Legal: 62;
- A&CA: 1,455

In the 2014-15 financial year to 30 November 2014:

- Legal: 28;
- A&CA: 500

3. In the 2013-14 financial year: \$2,029,626. Note that this figure is influenced by the settlement of two longstanding disputes that had been ongoing in excess of ten years.

In the 2014-15 financial year to 30 November 2014: \$243,224

4. There are currently ten unresolved defamation actions.

5. The ABC spent \$178,943.67 overall on its legal dispute with Chris Kenny.

6. The agreed costs and damages paid by way of settlement were at about the usual level for a lower level defamation. As far as external costs are concerned, these were higher than usual due to the engagement of external solicitors to act on behalf of the non-ABC producers to ensure against potential conflicts of interest.

7. In the 2013-14 financial year: Nil

In the 2014-15 financial year to 30 November 2014: Nil.