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PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

Federation Chamber

ADJOURNMENT

Australian Broadcasting Corporation

SPEECH

Thursday, 25 September 2014

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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Speaker Broadbent, Russell, MP	Question No.

Mr BROADBENT (McMillan) (12:41): I rise on a matter of public interest and concern in a bid to right a grave injustice done to one of Australia's pre-eminent medical researchers by Dr Norman Swan on the ABC's *Science Show* broadcast. I refer to Professor Bruce Hall, an internationally acclaimed Australian immunologist researcher based at the University of New South Wales, who, in a broadcast by Swan in April 2002, was grossly defamed in a malicious, untrue and biased report alleging professional misconduct and financial wrongdoing. Professor Hall and his wife, Suzanne, another researcher, have lived with the vilification and damage done to them professionally and financially over the years as a result of the allegations made in the ABC broadcast, until they applied to the New South Wales Supreme Court seeking redress against Dr Swan and the ABC in 2005.

The ABC sought to pre-empt the outcome of this court case by approaching the court seeking a judgement against it and Norman Swan, after learning Professor Hall intended to call a number of expert witnesses in his favour and following advice from its internal experts that the allegations could not be sustained. The court duly entered the judgement against the ABC and Dr Swan, which was the subject of an agreement statement on 4 March 2014.

However, instead of accepting the judgement of the court, the ABC, without reference to Professor Hall, released a further statement which claimed that the settlement did not amount to an admission by any party to the case. In fact, it said the settlement reached represented a compromise on the part of all the parties to avoid litigation. In other words, the ABC neither retracted nor apologised for the damage the broadcast by Swan did to both Professor Hall and his wife Suzanne. The damage and injury that Professor Hall and his wife sustained as a result of Swan's ill-informed, biased report remained real and continue to remain a smear on his professional reputation and a millstone preventing his ability to seek funds to further his groundbreaking research, which his professional colleagues regard as critical to medical research into immunological diseases.

Colleagues both here and overseas rallied to Professor Hall's defence following the ABC's statement. The *Medical Journal of Australia* published a letter signed by 49 internationally recognised immunologists, including current and past presidents of the Transplantation Society of Australia and New Zealand, in which they said:

Now that this judgement has been finalised, we believe it is timely, as his peers, to acknowledge the very significant contributions Hall has made to the field of transplantation over the past 30 years. In doing so we believe it is important to stress that all of these contributions have been validated by other research groups, a process which remains the best available test of scientific discovery—

and verifies the integrity of the original observations.

It is our sincere hope that the damage to Hall's reputation can now be repaired and that he be given the opportunity to re-establish his research career without further impediment.

But this damage will continue to dog Professor Hall as long as the ABC refuses to retract unreservedly the allegations made in Dr Swan's now discredited program.

Respected journalist Paul Sheehan published a story in Fairfax Media drawing attention to the woeful conduct of the ABC in this matter earlier this year. In it, he described the ABC as having:

... an institutional dark side, a self-protective, self-inflated, insular, profligate, tax-subsidised reflex that uses stone-walling and evasion whenever the ABC has been caught out.

Sheehan went on to say:

We have seen numerous examples of ABC evasions ... and I am following three separate legal matters in which the ABC has demonstrably made errors which it has chosen to fight in court, at the cost of millions, rather than concede. Sorry seems to be the hardest word for ABC management.

These are the words of a journalist who has trawled the history of this case, as well as others where the ABC has wasted millions of taxpayer dollars in shoring up its legal defences against similar claims by plaintiffs as a result of findings that the ABC had failed to comply with its own code of conduct.

Norman Swan has prevented Professor Hall and his wife, Suzanne, from accessing funds to pursue their vital work in researching the causes of immunological disease because of the stain his negligence, bias and lack of professionalism have caused. The ABC has failed both Professor Hall and the community it claims to serve as a trusted national broadcaster in allowing the damaging claims to remain unaddressed by way of unqualified apology. It is just and right that the ABC deal with this situation in the appropriate fashion and offer an immediate unqualified written apology. I shall be following this matter closely, as will Paul Sheehan and others among his journalistic colleagues. Injustice, wherever we find it in this place, cannot be tolerated at any time.