

From: [REDACTED]
Sent: Thursday, 10 August 2017 11:34 AM
To: Mark Maley <Maley.Mark@abc.net.au>
Cc: Alan Sunderland <Sunderland.Alan@abc.net.au>; [REDACTED]
Subject: RE: Covering the same-sex marriage debate

Yes, that's all what I would have assumed, so thanks for confirming... was just wondering if that thorny issue had been tackled explicitly in Ed Pols. Maybe it's best it isn't, because it just creates more fodder for critics, but I do hope that's conveyed or clear to particularly younger staff.

I'm not sure I'd agree that our impact as private citizens is necessarily less than being part of an ABC collective, but that's a whole other debate! Believe me, I'm on board with the caution required.

I don't envy your task on this -- The range of what intelligent and thoughtful employees, across a range of very different roles, will consider reasonable behaviour is large indeed.

Good luck to us all...

From: Mark Maley
Sent: Thursday, 10 August 2017 11:23 AM
To: [REDACTED]
Cc: Alan Sunderland <Sunderland.Alan@abc.net.au>; [REDACTED]
Subject: RE: Covering the same-sex marriage debate

Hi [REDACTED]

This is always a very difficult area where views will differ. The short answer imo is that low-key participation is OK. i.e. if you're just an anonymous face in the crowd it does no harm.

In my view you don't completely lose your rights as a citizen when you join the ABC and that includes the right to express your views on political issues and to be politically active. However, you definitely give up some rights when you sign that employment agreement. By joining the ABC – and particularly if your role is journalistic or high profile – you have to consider the impact of any external activity on the ABC and on your own effectiveness as a journalist..

There's no doubt that public activism affects journalists' ability to do their job since the perception of impartiality and objectivity is central to our effectiveness and is imbedded in the charter and the ed pols. Likewise staff publicly expressing views on contentious issues affects the image of the ABC as a whole. It is an unfortunate fact of life that we are under constant attack for bias mostly from the right but also from the left and we need to manage that.

So for us it's a matter of risk management – balancing the legitimate desire of people to express their rights as private citizens with the potential for harm to the ABC and their personal reputations.

My advice is always to be cautious and conservative. Our collective role as part of the ABC is much more important than any impact we have as private citizens. And don't identify yourself as an ABC employee if you are taking part in contentious public debates.

M

From: [REDACTED]
Sent: Thursday, 10 August 2017 10:59 AM
To: Mark Maley <Maley.Mark@abc.net.au>
Cc: [REDACTED] Alan Sunderland <Sunderland.Alan@abc.net.au>
Subject: RE: Covering the same-sex marriage debate

Mark –

Thank you for this.

A question.. do any of the policies cover the right of ABC employees to, say, attend rallies etc? I note the External Work and Editorial Conflicts Guidance Note says, "Commenting directly on a public debate through writing comment articles, participating in debates, **speaking at rallies or forums** is high risk." But there'll be many staff members who at least want to attend in their own time. Where will they stand? And what consequences would they face?

You are right and timely to put this alert out. I would note that I don't necessarily think the main problem lies with the high-profile employees, who are big enough and ugly enough to know the consequences and wear them. My worst fear is that in particular the younger staff are drawn into a political bunfight. ([REDACTED] – hello! That's where you are coming in I assume)

[REDACTED]

[REDACTED]

From: Mark Maley
Sent: Thursday, 10 August 2017 10:41 AM
To: DG-News All Staff <DG-NewsAllStaff@abc.net.au>; Alan Sunderland <Sunderland.Alan@abc.net.au>; [REDACTED]
[REDACTED]

Subject: Covering the same-sex marriage debate

Hi All,

Now that the government has announced the postal plebiscite, the focus has returned well and truly to the rights and wrongs of same sex marriage and the changing of the Marriage Act.

Please remember that approximately 40% of the population opposes the change and more importantly that the ABC does not have a position on the issue.

It is very important that we are impartial and that all perspectives are given a fair hearing and treated with respect by the ABC.

In this charged environment I would also urge everyone to be circumspect on social media – advocating for one side or the other will make it more difficult for the ABC to be seen as impartial. The more high-profile you are the more important discretion is.

Language is also important. The preferred terminology is same-sex marriage, rather than 'marriage equality' or 'gay marriage'. See the full guidance [here](#).

Some people will inevitably be offended by arguments and statements made by both sides. That cannot be avoided and we should not censor any debate conducted in good faith.

However, the editorial policies also state that we should not offend our audiences without editorial justification and we should not be seen to condone or encourage prejudice and discrimination. To the greatest extent possible we should be facilitating a vigorous but also civil debate. If you think any content may cross the line don't hesitate to seek advice from your manager or from me.

A reminder you can find the editorial policies [here](#)

Impartiality guidance [here](#)

And Harm and Offence guidance [here](#)



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NEWS



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-----Original Message-----

From: [REDACTED]
Sent: Thursday, 10 August 2017 12:36 PM
To: Alan Sunderland <Sunderland.Alan@abc.net.au>
Subject: Question re SSM

Hi Alan

Given the ABC has taken a position on Constitutional Recognition for Indigenous Australians, I'm wondering why the organisation can't take a strong position on same sex marriage. We would be on the right side of history to publicly support our many gay and lesbian staff members to be treated equally to the rest of us. I feel very strongly about this. Other organisations allow their journalists to express a view ... I'd like to freely express mine [REDACTED]

[REDACTED] ... I have not heard a single argument in favour of the status quo that is not bigoted in nature. The religious argument holds absolutely no sway because it is not a religious institution .. it is a legislative right. Those who use the religious line are hiding behind that to in some way disguise their bigotry.

When we have Lib backbenchers arguing that cab drivers should be allowed to deny a ride to "gays" on religious grounds, it is hard to see where the impartiality line holds there. Tony Abbott and his cohort are engaged in gay exceptionalism given no other social issue has been decided via plebiscite. We should be collectively outraged.

Isn't the alternative giving undue weight to the opinions of bigots? Let's not forget that Bill Shorten and Malcolm Turnbull will both be campaigning for the YES vote which hardly makes this a political issue. Being gay is not against the law in any state. Gay people are normal. They should be treated equally. It's simple.

Thanks

Regards

[REDACTED]

From: Michele Fonseca
Sent: Thursday, 10 August 2017 9:31 PM
To: Alan Sunderland <Sunderland.Alan@abc.net.au>
Cc: Mark Maley <Maley.Mark@abc.net.au>
Subject: Re: Same Sex marriage matter

Thanks for this Alan, I understand the points you make. I'm on a day off tomorrow but I think it would make sense if you could meet with Phillipa and possibly [REDACTED] to explain where the Ed Pols team is coming from and what your considerations are. If it's ok with you I'll suggest to Phillipa that you are happy to talk tomorrow afternoon, and I'll leave it with her to set up a meeting if required.

Thanks again,

Michele

On 10 Aug. 2017, at 9:07 pm, Alan Sunderland <Sunderland.Alan@abc.net.au> wrote:

Michele

The first point to make is that if the ABC Pride group have questions about our editorial policies and advice we stand ready to engage with them any time they like, and talk this stuff through.

It is really important that they feel able to have a direct line to the Ed Pols team at any point. I am around tomorrow afternoon once I am back from Wagga, and I am happy to talk to a delegation from the group if that would help.

On the statistics referenced in Mark's email and my email last year, that simply refers to the best and most reliable recent data we have from reputable opinion polls, which put the level of public support for same sex marriage at around 60%.

The preference for same sex marriage as a term (over marriage equality) is nothing new - it has been long standing advice going back quite some time - we simply reminded people of the existing advice. I am happy to talk through the thinking of it in more detail, but it was preferred because marriage equality is a more contested notion that involves value judgements that not everyone shares. Opponents of same sex marriage would argue that the proposed change is not about establishing equality, but what is not contested by anyone is that, on a purely factual basis, the proposed change will allow people of the same sex to marry. I think it is an interesting point about not confusing sex and gender and whether, perhaps a totally new and different term might better capture the proposed change, but I am not sure marriage equality is the term that will solve that particular issue.

And finally, no one would ever suggest that ABC News is exempt from the laws of the land in any way. But we have a job to do in covering this debate and we need to do that without fear or favour.

As ever, these things are much better handled if staff who have concerns and issues talk to us rather than about us, and so I would encourage communication at the earliest opportunity.

A

Sent from my iPad

On 10 Aug 2017, at 7:43 pm, Michele Fonseca <Fonseca.Michele@abc.net.au> wrote:

Hi - can I get your thoughts on the issues raised below please?

Thanks, Michele

Begin forwarded message:

From: Phillipa McDermott <McDermott.Phillipa@abc.net.au>

Date: 10 August 2017 at 4:30:13 pm AEST

To: Michele Fonseca <Fonseca.Michele@abc.net.au>

Cc: [REDACTED]

Subject: Same Sex marriage matter

Hi Michele,

Just want to bring the second point below to your attention and see if we should run it by Alan Sunderland. The conversation is heating up here internally and there are some staff wellbeing issues that [REDACTED] and I are working on with the Pride group but below was part of the email chain and it caught my eye from a diversity perspective I think it's important.

- Where is this 40% coming from? And why is it not referenced in this email?
- "Marriage Equality" was incorporated as a term to include gender diverse especially non-binary and intersex people in to this conversation. Confusing the terms gender and sex as implied by the term "same-sex marriage" .
- "Some people will inevitably be offended by arguments and statements made by both sides. That cannot be avoided and we should not censor any debate conducted in good faith." I think this would be a good moment to remember that the ABC is not exempt from the Anti-Discrimination Act.

Regards



Phillipa McDermott
Head of Indigenous Employment and Diversity

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A 700 Harris St Ultimo



I acknowledge and respect the traditional owners of the land that I work on –that of the Gadigal people of the Eora nation.

From: [REDACTED]
Sent: Friday, 11 August 2017 7:15 AM
To: Mark Maley <Maley.Mark@abc.net.au>
Subject: Re: Covering the same-sex marriage debate

Hi Mark,

Thank you for drawing attention to our editorial standards in relation to the controversial subject of same sex marriage.

While I find your email appropriate, I am concerned about the impact the debate will have on LGBTIQ staff within the ABC over the next 6 months or so.

As an openly gay employee, I wonder if management has come up with a strategy in line with our editorial guidelines to protect or help LGBTIQ staff members during what I expect will be a very traumatic time for us.

I also can't imagine what it's like for any staff members struggling with their sexuality. Can you advise me on this?

This is a human rights issue as I'm sure you can appreciate, but often when there are difficult stories to grapple with, emails are sent out advising staff where they can seek help or counseling.

I wonder if this is a consideration with the same sex marriage coverage.

I know we have an Employee Assistance Program but I think it's worth both departments collaborating to ensure a safe and comfortable working environment.

I'm happy to meet you to discuss this further as I'd like to be part of any future strategy on the issue.

Please let me know.

Regards,

[REDACTED]
Sent from my iPhone

On 10 Aug 2017, at 10:41 am, Mark Maley <Maley.Mark@abc.net.au> wrote:

Hi All,

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And Harm and Offence guidance [here](#)

Mark Maley

Editorial Policy Manager, News

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From: [REDACTED]
Sent: Friday, 11 August 2017 10:16 AM
To: Mark Maley <Maley.Mark@abc.net.au>
Subject: RE: Same sex marriage

Indeed.

From: Mark Maley
Sent: Friday, 11 August 2017 10:15 AM
To: [REDACTED]
Subject: RE: Same sex marriage

Hi [REDACTED]

If there's one thing I regret about the email, it's the use of that number. I agree it's out of date. Mind you it was only an internal email and the point was merely to remember that there's a significant proportion of people opposing ssm.

Cheers

Mark

From: [REDACTED]
Sent: Friday, 11 August 2017 10:04 AM
To: Mark Maley <Maley.Mark@abc.net.au>
Subject: Same sex marriage

Hi Mark,

It goes without saying that I support your timely reminder to adhere to ABC editorial policies on coverage of the contentious same sex marriage vote.

I just quibble with the 40% figure for opposition to same sex marriage you cited. I think the figure is significantly lower, based on a wide range of surveys; we can't extrapolate that roughly 60% in favour means 40% opposed because of the share of people undecided.

The essential poll had 61% in favour of same sex marriage being legalised, 26% against and 13% undecided.

Total		Vote Labor	Vote Lib/Nat	Vote Greens	Vote Other	Oct 2015	Mar 2016	Jul 2016	Aug 2016	Jun 2017	Jul 2017	
Should be allowed to marry	61%		72%	55%	74%	42%	59%	64%	58%	62%	60%	63%
Should not be allowed to marry	26%		17%	32%	18%	46%	30%	26%	28%	27%	26%	25%
Don't know	13%		11%	13%	9%	12%	11%	10%	14%	12%	14%	12%

<http://www.essentialvision.com.au/same-sex-marriage-17>

The IPSOS poll for Fairfax similarly found about 26% opposed in 2015, and the share opposed has never been as high as 40% this decade.

<http://www.afr.com/news/politics/fairfaxipsos-poll-gay-marriage-support-at-record-20150614-ghnjhi>

While the ABC's vote compass had about one third opposed.

<http://www.abc.net.au/news/2016-06-22/election-2016-vote-compass-same-sex-marriage/7520478>

Another issue in terms of our coverage is that we shouldn't default to Lyle Shelton from the ACL as the voice of Christian views because a number of surveys have shown strong support among Christians and concern that voices such as his are being seen as representative of the Christian view.

Cheers Mark.

