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ABC response to ACMA investigation report BI-753

Introduction

The ABC acknowledges and respects the important role the Australian Communications and Media Authority plays in guiding and regulating the broadcast media industry. The ABC has always engaged constructively with ACMA and overwhelmingly the ABC has accepted ACMA's rulings and acted on them. However, the ABC does not accept this finding.

While we note and welcome the finding the Four Corners program 'Sacrifice' was accurate, we reject that the program lacked impartiality and unduly favoured one perspective. In our view, the program was wholly consistent with the standards outlined in the ABC Editorial Policies and the Code of Practice for accurate, objective and impartial journalism.

This finding misinterprets the policies governing ABC content, misrepresents the tone and tenor of the program and creates a standard and interpretation of impartiality that is unprecedented and unworkable.

It unfairly impugns the integrity of reporter Mark Willacy, one of Australia's most experienced and highly regarded journalists, and fails to acknowledge the efforts made by the program team to ensure impartiality. The program underwent careful scrutiny within ABC News, Legal and Editorial Policies. The ABC stands behind the team, the processes that were followed and the program as broadcast.

If this ruling is to become the benchmark for impartiality it will have a chilling effect on investigative and accountability journalism because it effectively rules out long accepted practices of investigative and accountability journalism. It could restrain journalists in questioning public officials, seeking explanations and clarifying points of public importance. It could also impose false balance on investigative reporting. Such an outcome would be contrary to the public interest in general and public interest journalism in particular.

The story

The multi-million-dollar renovation and extension of the Australian War Memorial had already been subject to significant criticisms on the basis of heritage, environmental, aesthetic and probity concerns. However, nowhere had the issues raised been fully examined in a single piece of journalism or other forum.

Four Corners set out to examine and assess those concerns and, where it found a reasonable basis for them, to seek responses from the people responsible and accountable for the project.

This is the essence of public interest and accountability journalism. Criticisms have been made and it is the job of the journalist to accurately report the facts, fairly present the relevant perspectives and hold accountable those responsible.

From the outset, and prior to any filming, Four Corners engaged with the AWM in good faith face-to-face meetings. All issues that featured in the final story were put on the agenda at those meetings.

There is no dispute that the program was accurate, nor is there a suggestion in ACMA's finding that the coverage of the heritage and architectural issues lacked impartiality. The concerns and the finding focussed on the coverage of *'the management, funding, and the redevelopment project of the AWM and ... to findings of an Australian National Audit Office (ANAO) report, Management of the Australian War Memorial's Development Project (2024) into the Project (the ANAO report).'*

Robust investigation of these issues was undoubtedly in the public interest, which ACMA did not dispute. ACMA summarised its partiality finding in a number of points in the following areas, which we address below:

- *The negative framing of the ANAO report*

Response: The program framed the ANAO report by clearly stating it found that the management of the redevelopment was largely effective. It accurately reflected the concerns of the ANAO and, subsequently through the program, concerns raised by the relevant Minister about the handling of contracts for the project. AWM Director Matt Anderson was given full opportunity to respond and the program included his view that it was a positive audit. This was reinforced in the reporter's voiceover, which said: ***"While the management of the project was largely effective, there was evidence of poor record keeping, of undeclared conflicts of interest involving contracts worth more than \$150 million, and of the memorial taking steps to vary one contract so that it came in one dollar below the threshold that triggers ministerial scrutiny."***

Mr Anderson was quoted saying: *"They [the ANAO] went through and they found that the project represents value for money for the taxpayer. So, by that score, yes, of course, **I think it's a positive audit.**"*

It is hard to see how, realistically, the report could have been framed differently – the report found it was overall a positive audit but there were significant shortcomings, which is what was reported.

ACMA also found the ABC should have included that the AWM accepted all five ANAO recommendations in its report and that this was an omission of context that "made the Program unbalanced". The ABC disagrees with this. The issue explored in the story in relation to the ANAO report was the management of the project, not what happened subsequently. Realistically, given the criticism they had received the fact that they accepted recommendations for improvement is unremarkable and not material to the primary subject of the story.

- *The diversity of interviews*

Response: ACMA's finding that the ABC should have included other stakeholders in the story for "balance" including *"for example, veterans"* demonstrates a profound misunderstanding of a fundamental aspect of the Impartiality standards. The Code requires that *"no significant strand of thought or belief within the community is knowingly excluded or disproportionately represented"*. The Code does not require all stakeholders to be represented, only that significant perspectives are presented. That was demonstrably and amply achieved by interviews with senior executive and board members of the AWM as well the former head of the RSL and former head of the NSW ICAC.

- *The interview style of the Program and how the interviews were conducted.*

Response: ACMA's finding that the interviews with AWM figures – people in authority – were more combative than those of critics fails to understand the methods and purpose of accountability journalism and the obligation on public officials to be subjected to appropriate scrutiny. All the interviews were conducted respectfully, fairly and were evidence-based. None of the participants complained about the conduct of interviews at the time. Follow-up questions were asked in the interest of seeking clarification for the audience. Furthermore, this finding fails to appreciate the difference between an explanatory interview and an accountability interview. Explanatory interviews seek information and perspectives, while accountability interviews properly question officials and others responsible for controversial decisions – in this case spending significant sums of public money. ACMA is making an editorial judgement on interview tone not a judgement on compliance with the Code. It potentially establishes an unrealistic precedent about accountability interviewing of public officials.

- *Mr Matt Anderson's (Director, Australian War Memorial) interview on consultation processes*

Response: ACMA has determined that a back-and-forth interview exchange between the reporter and the AWM director about a consultation process with multiple stages was materially misleading to the audience. The reporter's question was about the feedback to the first stage of consultation – which was overwhelmingly negative – and Mr Anderson responded referring to the second stage – which was mostly positive. The relevant section of the interview was broadcast in full and further information was provided in the voiceover to clarify the confusion. Four Corners went to great lengths to understand Mr Anderson's answer and to be factually accurate.

Summary

The ABC rejects these findings. The ANAO report was accurately described; the interviews were all conducted in a civil and respectful manner, giving respondents ample time to respond; the views of all relevant people were included and no view was inaccurately reported. None of the individual findings outlined above stands up and ACMA's final conclusion that they cumulatively amount to partiality misrepresents the story and the ABC's impartiality commitments under the Code of Practice.