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Australian Communications and Media Authority

Preliminary Investigation report no. BI-753

Summary	
Broadcaster	Australian Broadcasting Corporation
Preliminary Findings	No breach of Accuracy Breach of Impartiality
Relevant Code	ABC Code of Practice 2024
Program	*Four Corners* 'Sacrifice' [current affairs]
Date of broadcast	10 March 2025
Type of service	National broadcasting service
Attachments	**A** – ABC Editorial Director's submissions dated 22 May 2026 **B** – ABC Ombudsman's submissions dated 22 May 2026 **C** – ABC Ombudsman's initial report published online on 16 April 2025

Background

In October 2025, the Australian Communications and Media Authority (the **ACMA**) commenced an investigation under the *Broadcasting Services Act 1992* (the **BSA**) into an episode of *Four Corners* titled 'Sacrifice' (the **Program**) broadcast on 10 March 2025 by the Australian Broadcasting Corporation (the **ABC**) on ABC TV.

The ACMA received a complaint from The Hon Kim Beazley AC, Council Chairman (Mr Beazley) on behalf of the Australian War Memorial (the **AWM**) (the **complainant**) alleging that the Program breached the ABC Code of Practice 2024 (the **Code**) in its reporting on the management, funding, and redevelopment project of the AWM (also known as the AWM Development Project) (the **Project**).

The complaint was broad and raised numerous allegations with respect to requirements under the Code.[1] The ACMA considered the allegations and determined that the majority of these issues would be best assessed under the impartiality provision. The ACMA has also assessed one of the allegations under the accuracy provision.

The ACMA has investigated the ABC's compliance with accuracy (**Issue 1**) and impartiality (**Issue 2**) under the Code.

The Program

Four Corners is a documentary-style television current affairs programs that examine or investigate issues of public importance. It is broadcast on Mondays at 8.30pm. The Program ran for approximately 45 minutes and was hosted by Mark Willacy (the **host**). The Program focused on the management, funding, and the redevelopment project of the AWM and referred 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**).[2]

The ACMA's approach to assessing content

When assessing content, the ACMA considers the meaning conveyed by the material, including the natural, ordinary meaning of the language, context, tenor, tone, images and any inferences that may be drawn. This is assessed according to the understanding of an 'ordinary reasonable' viewer.

Australian courts have considered an 'ordinary reasonable' viewer to be:

> A person of fair average intelligence, who is neither perverse, nor morbid or suspicious of mind, nor avid for scandal. That person does not live in an ivory tower, but can and does read between the lines in the light of that person's general knowledge and experience of worldly affairs.[3]

Once the ACMA has ascertained the meaning of the material that was broadcast, it then assesses compliance with the Code, with due consideration of the relevant principles outlined in the editorial policies.

ABC's submissions

[1] See also Letter to Mr Kim Williams AM, Chairman, Australian Broadcasting Corporation from The Hon Kim Beazley AC, Council Chairman, Australian War Memorial dated 20 March 2025 published on the AWM website.

[2] See: Australian National Audit Office (ANAO) report [The Auditor-General Report No.21 2023–24 Performance Audit] https://www.anao.gov.au/sites/default/files/2024-04/Auditor-General_Report_2023-24_21.pdf

[3] *Amalgamated Television Services Pty Limited v Marsden (1998) 43 NSWLR 158 at pp 164–167.*

This report has considered number of submissions from the ABC, including:

(i) **Attachment A** the ABC Editorial Director's submission dated 22 May 2026 (**ABC Editorial Director's submissions**)

(ii) **Attachment B** the ABC Ombudsman's submission dated 22 May 2026 (**ABC Ombudsman submissions**)

(iii) **Attachment C** the ABC Ombudsman's initial report published online on 16 April 2025 (**ABC Ombudsman's initial report**)

Issue 1: Accuracy

Relevant Code provision

Accuracy

'The ABC will make reasonable efforts to ensure that material facts are accurate and presented in context.'

Preliminary Finding

The ACMA's preliminary finding is that the ABC did not breach the accuracy provision of the Code.

Reasons

To assess accuracy under the Code, the ACMA considers the following:

- What did the material convey to the ordinary reasonable viewer?
- Was the particular content complained about factual in character?
- If so, did it convey a material fact or facts in the context of the relevant segment?
- If so, were those facts accurate?
- If a material fact was not accurate (or its accuracy cannot be determined), did the ABC make reasonable efforts to ensure that the material fact was accurate and presented in context?

Issue 1. Allegation that the broadcast inaccurately presented misleading and distorted representations by manipulating the audio during the bugle sounding of the Last Post Ceremony.

The complainant submitted:

> The Four Corners Program presented misleading and distorted representations about the AWM, including by manipulating the audio during the bugle sounding of the Last Post Ceremony [starting at 7:48 in the Program and finishing at 9.05]. The solemn bugle call was edited into scenes depicting construction and accompanied by construction noise, creating a false impression that construction works were ongoing during the Last Post Ceremony.
>
> In fact:
>
> - No construction work is permitted during these ceremonies as part of stop work contractual obligations.
> - The construction audio was gathered in March 2025.
> - The vision of the Last Post Ceremony was filmed on 11 November 2024 (Remembrance Day), when all works were ceased in accordance with a formal stop-work order.
>
> This Four Corners Program wrongly implied contractors breached their stop work contractual obligations and that the Memorial allowed this to happen.

The complainant also submitted:

> The manner in which the audio was edited has distorted the accuracy of the publication by causing viewers to fall into erroneous conclusions about the AWM's conduct in connection with the Last Post Ceremony.
>
> If the ABC did not intend to create an impression in the minds of its viewers that construction was allowed to take place during the Memorial's most solemn daily ceremony, the Last Post Ceremony, then it must justify its decision to utilise the Last Post Ceremony audio as the accompanying track to what it submits are individual segments edited together (see page 5 of the Ombudsman Report)

The ABC's letter of 21 March 2025 addressed to The Hon Kim Beazley AC, AWM, Council Chairman stated that:

> Given the seriousness of the allegation regarding misrepresentation of audio I have urgently reviewed this section of the story and am confident it is appropriate. This sequence is clearly three different moments in time, and the Four Corners audience is used to this style which is a standard style for documentary edit. I am confident viewers would not have drawn a conclusion otherwise. The Ombudsman's Office will of course investigate this separately itself.

The ABC Ombudsman's initial report (**Attachment X**) stated:

> The recording of the *Last Post* started towards the end of the first scene and then continued playing for the entirety of the second to fourth scenes, except for a brief fade out at the end. Although the second scene does depict a Last Post ceremony, *Four Corners* has advised that the recording of the *Last Post* used as musical soundtrack for these four scenes was captured at another time entirely.
>
> In addition to the *Last Post* recording, the third scene's soundtrack included voiceover narration, and the fourth scene's soundtrack included audio, ostensibly live from the development site, which the complaints rightly described as construction noise.
>
> In relation to this concern, *Four Corners* commented:
>
> > No reasonable viewer would interpret this series of scenes as a continuous sequence.
> >
> > The use of a single piece of music across multiple scenes as part of the soundtrack is a standard technique in documentary storytelling to provide thematic and aesthetic unity. Viewers are familiar with this technique and would not assume that the scenes are occurring simultaneously, concurrently, or even in the same location.
> >
> > There is a gap of almost 25 seconds between the ceremony scene and the development site scene, as well as other intervening audio material, like the reporter's voiceover narration.
> >
> > Importantly, at no time during the ceremony scene is any construction noise present, and the footage of the ceremony and the development site is never intercut.
>
> We think that *Four Corners* is correct that no reasonable viewer would interpret this series of scenes as a continuous sequence. Even a viewer who might have got the impression that the recording of the *Last Post* was live audio from the ceremony in the first or second scene would have understood that it was then "borrowed" as a unifying musical soundtrack for the following (related but separate) scenes.
>
> It follows that the episode did not suggest that construction noise from the development site had disrupted a Last Post ceremony.
>
> For these reasons, the Ombudsman has not found any breach of the Editorial Standards on accuracy in light of this concern.

The ABC Ombudsman's submission to the ACMA (**Attachment X**) stated:[4]

> For the following reasons, our view is that no reasonable viewer would have interpreted the series of scenes in the way Mr Beazley has contended:
>
> > 1. *Four Corners* is a documentary Program. Using a single piece of music as the soundtrack for consecutive distinct scenes is a standard and important technique in documentary storytelling. Viewers are familiar with this technique and can detect its use.
> >
> > 2. It was otherwise indicated to viewers that the piece of music was soundtrack, not soundscape from each of the four scenes. For example, it played during the first and second scenes, which were filmed at the same place decades apart, as the on-screen text, aspect ratio, and image quality indicated. Compare:
> >
> > […]
> >
> > Scene 1: On-screen text, shown shortly before the piece of music starts, indicates that the footage used in this scene, featuring Paul Keating as Prime Minister, was captured in 1993.
> >
> > […]
> >
> > Scene 2: This scene uses a different aspect ratio and higher quality footage, which would indicate to viewers that it was captured more recently. The location is identifiably the same.
> >
> > 3. The second scene depicts the ceremony of concern to Mr Beazley as decidedly *undisrupted* by construction noise. […] it shows attendees at the ceremony standing around the Pool of Reflection in quiet contemplation. No construction noise is heard.
> >
> > 4. The second scene depicting the ceremony and the fourth scene depicting the development site are separated by a third scene of nearly 25 seconds, strongly indicating that they did not coincide. At no time is footage of the ceremony intercut with footage of the development site.
> >
> > 5. Like the fourth scene, the intervening third scene also includes audio material other than the soundtrack (namely, narration) and yet it is not contended in the complaint that this narration was audible to attendees at the ceremony. Clearly the soundtrack is provided as background to the distinct scenes.
> >
> > 6. In the context of the whole episode, which presents critiques of the redevelopment's scale, viewers would understand that in the fourth scene the soundtrack (solemn) and the development site's soundscape (frenetic) were juxtaposed as a nonliteral narrative device.
>
> In summary, we believe it is entirely reasonable for documentary storytellers like *Four Corners* to creatively and engagingly tell important stories of public interest.

What did the material convey to the ordinary reasonable listener or viewer?

The Last Post audio started to play in the background from the 7 minute and 48 second mark of the Program as the image of the coffin of the Unknown Australian soldier was being lowered into its final resting place at the AWM. The audio of the Last Post continued to be heard during the Program for the next 1 minute and 17 seconds while the host narrated part of the scene while standing near the tomb of the Unknown Australian soldier and also during the construction scenes that also included construction sounds as well as the Last Post.

The ordinary reasonable viewer would have understood that the Last Post audio was being played in the background continuously throughout a number of different scenes, including the

[4] The stills from the broadcast contained in the ABC Ombudsman report have been removed for readability.

interment of the Unknown Australian soldier, veterans attending a Last Post ceremony in the AWM Commentative Courtyard, the host narrating as he stood near the tomb of the Unknown Australian soldier, and during the construction footage at the AWM.

The ordinary reasonable viewer would have understood that the audio and the images were not occurring concurrently as the visual scenes were distinctly separate from the audio of the Last Post soundtrack, the host's narration, and the construction noises that were being played during this segment. Rather, it was clear that the Program used the two highly contrasting audio sounds to symbolise the Project overall, and not to infer that an actual Last Post ceremony was continuously being featured in the scenes.

Was the particular content complained about factual in character?

The fact at issue is whether the construction was underway during the Last Post ceremony. As stated above, the ordinary reasonable viewer would not have interpreted that the two events were occurring concurrently.

Did it convey a material fact or facts in the context of the relevant segment?

No. While the construction noise was relevant in the context of this segment, the focus of the Program was the broader redevelopment of the AWM and not the Last Post ceremony. The select scenes and accompanying audio added to the solemn presentation of the issues but were not material in the broader discussion.

The ACMA notes the complainant's submissions that:

> '…the manner in which the audio was edited has distorted the accuracy of the publication by causing viewers to fall into erroneous conclusions about the AWM's conduct in connection with the Last Post Ceremony.'

However, in this context the ACMA considers that the ordinary reasonable viewer would have understood that the Program was not suggesting that the Last Post ceremony occurred while there was construction noise in the background.

Accordingly, the ACMA's preliminary view is that the ABC did not breach the accuracy provision of the Code.

Issue 2: Impartiality

Relevant Code provision

Impartiality

'The ABC will gather and present news and information with due impartiality.'

Preliminary Finding

The ACMA's preliminary finding is that the ABC breached the impartiality provision of the Code.

Reasons

The complainant alleged that the broadcast was not impartial in its reporting about the Project and the findings of the ANAO report and the way it was presented. The complainant submitted:

> Material positive facts were omitted entirely in respect of the Development Project despite them being publicly available, provided to the producer and/or occurring during the investigation period of filming and newsgathering.

The complainant alleged that the host's narrative favoured only negative outcomes of the Project while disregarding exculpatory evidence that was either publicly available or provided by the AWM to the Program prior to its airing. The complainant submitted that the Program heavily favoured critics of the Project which resulted in their credibility being given greater weight than the opponents of the Project. The complainant argued that the preferential treatment of the critics of the Project was further demonstrated by the host's interrogative interview style, whereby the combative and hostile treatment of known supporters of the Project was contrasted against the more subdued and measured treatment of known critics of the Project. The complainant also contended that the misrepresentation of the findings of the ANAO report had a direct impact on the general public's perception of the credibility of the Project and the AWM.

The ACMA has assessed the following instances of alleged partiality:

2.1 the negative framing of the ANAO report;

2.2 omission of the Project's accolades and awards for procurement;

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

2.4 misrepresentation of the conflict of interest process in relation to AWM's Executive Program Director, Mr Wayne Hitches;

2.5 the diversity of interviews; and

2.6 the interview style of the Program and how the interviews were conducted.

2.1 The negative framing of the ANAO report

The complainant alleged that the Program focused on the negative findings of the ANAO report and failed to include other relevant findings of the ANAO report despite it being publicly available and provided by the complainant. [5]

The complainant submitted:

> [T]he segment on the ANAO audit referred to only one of four of the overarching "largely effective" conclusions of the audit. Additionally, the Ombudsman Report also does not refer to the other "largely effective" overarching conclusions omitted by the Four Corners Program. It accordingly appears that the Ombudsman was unaware of the omitted overarching conclusions.
>
> […]
>
> The Four Corner Program's summary of the audit intentionally misled viewers by not presenting adequate information about the ANAO audit. By not presenting all the overarching conclusions, and only including specific examples from the ANAO audit, the Four Corners Program misled viewers as to the actual outcome of the ANAO audit.
>
> The Four Corners Program also does not mention that the ANAO audit made 5 recommendations to the AWM to improve policies, record keeping, probity, conflicts of interest and contract management, and that all 5 were accepted and actioned.

The complainant alleged that the Program only referred to one of the four overarching 'largely effective' conclusions of the audit and as a result did not convey enough detail, including about the size and scale of the 91-page ANAO report. The complainant submitted this omission resulted in a partial view of the Project.

The ABC Ombudsman's initial report (**Attachment X**) stated:

> The Australian National Audit Office (the ANAO) conducted a performance audit of the management of the Memorial's development project and, in April 2024, set out its findings in this report. One of the episode's chapters examined the report. The complaints contended that the ANAO's overarching finding (i.e. that management of the development project had been "largely effective") was essential context, which, because of its focus on the ANAO's negative findings, the chapter omitted.
>
> We acknowledge that the chapter did tend to focus on certain ANAO-identified deficiencies in the project's management. However, a "negative focus" like this is not a problem per se. In fact, subject to accuracy, impartiality and fairness, taking a negative focus is in keeping with the public interest and accountability functions of investigate journalism. That the Minister, among others, expressed concern about these deficiencies suggests that this was an appropriate approach for *Four Corners* to have taken in the circumstances.
>
> […]
>
> What the ANAO found was that, 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 $150m, and of the Memorial taking steps to vary one contract so that it came in $1 below the threshold that triggers Ministerial scrutiny.

In responding to the ACMA's preliminary findings, the ABC Editorial Director's submissions (**Attachment X**), stated:

[5] See link to the ANAO report: *Management of the Australian War Memorial's Development Project | Australian National Audit Office (ANAO)*

The program's presentation of the ANAO report and findings were absolutely faithful to the source material.

The ANAO report did not have four overarching findings. It made one finding against its audit objective, "to assess whether the Australian War Memorial is effectively managing the development project" ("Audit objective and criteria", ANAO p. 7). This objective was also reflected in the title of the ANAO report itself: Management of the Australian War Memorial's Development Project.

The ANAO then explained that to "form a conclusion against the [audit] objective" it had adopted three high-level criteria, each covering a different aspect of that overall management (ANAO p. 7). Crucially, the criteria were subordinate to and wholly reflected in the ultimate conclusion.

The ANAO report sets out its findings as:

- Management of the Development Project has been largely effective.
- Procurement policies, governance and project management arrangements were largely effective.
- Procurement activities were largely conducted in compliance with the Commonwealth Procurement Rules through open and competitive processes.
- Contract management was largely effective.
- There were deficiencies in record keeping, management of conflicts of interest, documenting value for money assessments and in the quality of advice to the minister.[6]

The ANAO report sets out the rationale for undertaking the audit, the audit objective and criteria:

Rationale for undertaking the audit

4. The Memorial is a nationally significant cultural institution which manages assets valued at $1.5 billion. The funding of $548.7 million for the Development Project represents a significant increase in the Memorial's project management and procurement activity.

5. This audit provides assurance to the Parliament about the effectiveness of the Memorial's procurement and project management arrangements. This includes whether the Memorial complied with CPRs and established effective governance and contract management arrangements to deliver the project.

Audit objective and criteria

6. The audit objective was to assess whether the Australian War Memorial is effectively managing the development project.

7. To form a conclusion against the objective, the following high-level criteria were adopted.

- Has the Australian War Memorial (the Memorial) established effective procurement and project management frameworks?
- Were procurement activities conducted in accordance with Commonwealth Procurement Rules?
- Has the Memorial established effective contract management arrangements to support project delivery?[7]

[6] ANAO report, page 6.
[7] ANAO report, page 7.

Under the heading 'Conclusion', the ANAO report states that 'The Memorial's management of the Development Project was largely effective'. Under the heading 'Supporting findings' it sets out the 3 audit criteria referred to above and explains the findings for each criteria.[8] The ANAO report then makes 5 recommendations to the AWM relating to updating policies, management of conflict of interest, record keeping and contract management. All of these 5 recommendations are discussed under the headings of the 3 audit criteria. The report also makes one recommendation to the Department of Finance to update procurement guidance on AusTender reporting.[9]

In the Program, the ANAO report was introduced by the host as 'uncovering some troubling information involving contracts and possible conflicts of interest'. The host continued by saying:

> HOST: What the ANAO found was that 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.

During some of the discussion of the ANAO report and the audit findings, the following words appeared on the screen for 23 seconds:

> "…management… largely effective…"
>
> "…deficiencies in record keeping…"
>
> "…conflicts of interest were not adequately declared…"
>
> "…one dollar below the threshold for ministerial approval…"

The above information that was presented on screen was taken from the ANAO report, however, the Program has omitted 3 of the 5 bullet points listed under the heading 'What did we find?', namely, the criteria (which are also the supporting findings) which were used to form the overall objective of the audit report. By failing to include these 3 high level criteria, the Program has focused on the deficiencies of the audit and not fully explained the context of the overall findings, which included the supporting findings of the ANAO report. This has resulted in the ordinary reasonable viewer not being given all the relevant information to fully understand the extent of the overall findings of the audit. As a result, this made the Program unbalanced.

On review of the relevant ANAO report, the ACMA is of the view that the ordinary reasonable viewer would have benefited from the Program clearly explaining the supporting findings within the overall context and finding of the ANAO Report.. The ACMA appreciates that this type of Program is investigative in nature, however, it cannot omit crucial information when presenting complex issues or focus on negative findings without providing the full context on how the report was assessed.

Further, the ACMA notes that in both of the ABC's 22 May 2026 submissions, the ABC refers to the Program as providing/promoting? 'accountability and investigative journalism' and that the Program was 'the home of Australian investigative journalism'. Rather than recognising the ANAO's findings in its entirety, the Program instead focused on critical opinions not related to the ANAO report.

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[8] ANAO report, pages 8 and 9.
[9] ANAO report, pages 10 and 11.

The ACMA notes that this segment provided the independent views of the government auditor and the ANAO in relation to the project.

The Program did not explain that a 'largely effective' finding from the ANAO is considered a positive audit result.[10] The fact that the AWM received such a finding from the ANAO was important information for viewers to be aware of, particularly in the context of the criticisms that the Program went on to make about the AWM (as discussed below).

The Program introduced contractual concerns with the Project and focused on the findings about a lack of ministerial oversight of the contracts, undeclared conflicts of interest and poor record-keeping. Through interviews with Senator David Shoebridge of the Australian Greens, Geoffrey Watson, Director of the Centre for Public Integrity and the Hon Matt Keogh, Minister for Veterans' Affairs, the Program presented a narrative that there were ongoing concerns with the dollar value of the contract and whether there should have been more ministerial scrutiny.

In one of the 3 supporting findings drawn from the ANAO report, the Program focused on one under the heading, 'Were procurement activities conducted in accordance with Commonwealth Procurement Rules?'. On this the ANAO report stated:

> Conclusion
> Procurement activities were largely conducted in compliance with the CPRs [Commonwealth Procurement Rules]. Higher value procurements were conducted through open and competitive processes and assessments were appropriately documented in tender evaluation reports. Value for money assessments were not adequately documented for the variation in price between tender responses and executed contracts or for lower value procurements. Management of ethical and probity risks was partly effective. Engagement with the external probity advisor was insufficient for the scale and risk of the procurements. Conflicts of interest were not adequately documented and declared or known conflicts were not adequately managed. Incumbency risks related to the procurement for ongoing project management services were not adequately managed and steps were taken to avoid seeking ministerial approval for the entering into contracts on two occasions. Minister's briefs were insufficiently detailed to support the minister to meet their obligations under section 71 of the Public Governance, Performance and Accountability Act 2013.[11]

There were several different opinions on the contract amount presented in the Program, including Major General (retired) Greg Melick AO, council member, AWM who defended the increases to the contract amount as being designed to 'allow a bit of headroom'. Mr Anderson stated that there was 'no need' for the ANAO to red flag the contract since it came in below the required threshold for scrutiny at $820,000 and that the ANAO '…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'.

The ACMA considers that the ordinary reasonable viewer may not have fully appreciated (or understood) that the ANAO report found the AWM's overall management of the Project was 'largely effective' as indicated by the text on screen, and that the Project was also 'largely effective' in the 3 supporting findings – including 'contract management'.

The Program instead concentrated on the ongoing concerns shared by politicians and integrity experts about the negative outcome contained in the ANAO report which was described in the report (and as extracted earlier) as 'deficiencies in record keeping, management of conflicts of interest, documenting value for money assessments and in the

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[10] See page 13 of the 2024-25 Performance Audit Outcomes which discusses Audit conclusions at 1.21 and the four types of audit conclusions. See 2024–25 Performance Audit Outcomes and also the ANAO website at 2024–25 Performance Audit Outcomes | Australian National Audit Office (ANAO). Noting also it states on page 20 that 'In this report: 'positive' conclusions or findings consist of 'unqualified (fully effective)' and 'largely effective'; and 'negative' conclusions consist of 'partly effective' and 'adverse (not effective)' conclusions.

[11] ANAO report, pages 8 and 32.

quality of advice to the minister'. The ACMA notes that these concerns were responded to, in part, by the comments made by Major General Melick and Mr Anderson.

While the ACMA considers that the ordinary reasonable viewer may have understood that there were differing views presented about the ANAO report, the Program should have made reference to the fact that the 3 supporting findings of the audit were also 'largely effective' to avoid the impression that there was serious wrongdoing by the AWM.

Further, the omission of key information from the ANAO report would have also influenced the ordinary reasonable viewer's understanding of the findings of the audit. For example, the Program does not mention that the ANAO report made five recommendations to the AWM to improve policies, record keeping, probity, conflicts of interest and contract management and that all five were accepted and actioned by the AWM.

Another example of critical relevant material being omitted from the Program is Appendix 2 of the ANAO Report, under the heading 'Improvements observed by the ANAO'.[12] This section sets out a number of actions observed by the ANAO during the course of the audit. For example, on page 74, it states:

- On 17 April 2023, the Australian War Memorial (the Memorial) implemented changes to conflict of interest declaration arrangements requiring all Development Project personnel to sign a confidentiality and conflict of interest declaration, with guidance on matters for disclosure.

  Employment within past 5 years with construction, design or project management companies;

  Familial relationship(s) with senior executive(s) of a major supplier that may profit from involvement in the Project;

  Familial relationships with government decision makers (Minister, Departmental Secretary); Holding of shares or other financial interest in an entity that may profit from involvement in the Project; Membership of a board, council or other oversight body for an industry advocacy body, major supplier or a sub-contractor to same.

- These declarations were placed into a new Integrated Management Team (IMT) Conflict of Interest Register where risk was assessed and strategies for management proposed.

Within the time constraints of the Program, the ACMA considers that there should have been a more thorough and balanced discussion of the ANAO report so that the ordinary reasonable viewer was provided with the context of all of the relevant information pertaining to the ANAO report.

The ACMA considers that the Program's framing of the ANAO report breached the impartiality provision of the Code.

2.2 Omission of the Project's accolades and awards for procurement

The complainant alleged that the Program omitted reference to the three national awards for the Project (the **awards**) which commended the AWM for aspects of procurement, as well as various positive reactions to the Project from persons including the current Prime Minister of

[12] ANAO report, pages 74 and 75

Australia, the Hon Anthony Albanese, MP, (the **Prime Minister**) and the then Senator, the Hon Linda Reynolds CSC, former Minister for Defence of Australia (**Senator Reynolds**).[13]

In its submission, the complainant stated:

> The Four Corners Program failed to refer to the various positive reactions to the Development Project, including:
>
> - The report did not refer to the fact that ANAO report found no actual wrong doing or malfeasance, or the Hansard of the Joint Committee of Public Accounts and Audit – Inquiry into the contract frameworks operated by Commonwealth entities, which included among other things a quote from Senator Reynolds "I was very impressed to see how you're managing such a large project. It's important to note that, with all of the contracts that we're looking at today, I think that you've done an outstanding job".
>
> The soundness of the Memorial's management of the Project was also demonstrated through the receipt of two major awards in 2024 (and another in 2023) that the ABC was aware of but did not acknowledge:
>
> 1. 2024 Commonwealth Procurement and Contract Management Awards for Excellence |Department of Finance's Gold Award for Encouraging Environmental Sustainability through Procurement.
> 2. 2024 Asia-Pacific Project Controls Expo | Transformation Project of the Year for outstanding organisational and cultural transformation changes.
> 3. 2023 Commonwealth Procurement and Contract Management Awards for Excellence | Department of Finance Gold Award for generating broader benefits to the Australian economy above and beyond the value of goods and services being procured.

The complainant also wrote to the ABC Chairman, Mr Kim Williams AM, on 20 March 2025 and submitted the following about the program:

> Finally, I close with a view that should have appeared in the Four Corners piece, as the contrary view to the detractors presented. At the official opening of the new main entrance on 3 February 2025, to which the news media were in attendance, Prime Minister Albanese said the extension was "magnificent" and "an addition that is both true to the spirit of the Memorial, and an enhancement of it".

The ABC Ombudsman's initial report (**Attachment X**) further stated:

> The complaints also contended that, by failing to refer to three awards (1,2,3) and certain praise (see Senator Reynolds at p.3) recently received by the Memorial, the chapter lacked other essential context and was not duly impartial. We think that these accolades, though not wholly irrelevant, are too remote from the chapter's examination of the ANAO's findings to have been essential context, and their omission therefore does not suggest to us a lack of impartiality.
>
> Moreover, we do not think that including a reference to them would have added any significant or new context. The episode already included footage of the Memorial's representatives, including its Director and Chair, responding to the negative findings and defending the Memorial's sound management of the project. For example:
>
> > Matt Anderson (Director, Australian War Memorial): *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.*

[13] See the *Opening of new main entrance of the Australian War Memorial | Prime Minister of Australia* dated 3 February 2025. See also the AWM article at *Prime Minister opens new Main Entrance 'for all' | Australian War Memorial*

The relevant provision of the Code requires the ABC to 'gather and present news and information with due impartiality'. Inclusion of the word 'due' indicates an element of flexibility depending on the context of the matter.

The ACMA notes that the Program provided some differing perspectives on the Project but also notes that the Program would have benefitted from the inclusion of comments in support of the AWM from an interviewee who was not part of the AWM, such as Senator Reynolds. The ACMA does not agree with the ABC Ombudsman that Senator Reynolds' comments would not have 'added any significant or new context'. The ACMA does, however, find that the omission of Senator Reynolds' comments did not in and of itself make the Program partial.

The ABC Ombudsman report did not consider the Prime Minister's comments on 3 February 2025. On balance, the ACMA considers the omission of the Prime Minister's comments did not result in the Program being partial.

Regarding the awards that the complainant had provided to the ABC, the ACMA considers that these Awards would not have provided any additional relevant context without requiring a detailed analysis of what the Awards were for. For example, the Department of Finance website states that the award for 'Encouraging Environmental Sustainability through Procurement' relates to the use of 'recycled content and embedding environmental sustainability into procurement design and delivery. This includes the management of ongoing arrangements.' The ACMA considers this would not have been relevant to the focus of the segment which was on ministerial oversight and declaring conflicts of interest.

The ACMA finds that the omission of the Awards and the comments from the Prime Minister and Senator Reynolds did not render the Program partial in this context.

2.3 Mr Anderson's interview on consultation processes

The complainant also alleged that some of Mr Anderson's comments about the Project and consultation processes were omitted from the Program and created a misleading impression for the viewer:

> The Four Corners Program questions Mr Anderson about the National Capital Authority (NCA). In the transcript of his interview, possessed by the AWM, we know that Mr Anderson described how changes were made to the design of the Development Project based on the consultation process, including the NCA and Public Work Committee submissions. This statement was not included in the Four Corners Program. Instead, the Four Corners Program included an exchange between Mr Anderson and journalist, Mr Mark Willacy where Mr Anderson transposes the responses of two separate consultation processes run by the NCA: the Early Work submissions and the Major Works submissions. In the second stage (Major Works consultation) the overwhelming majority were in favour of the Development.

The ABC Ombudsman report dated 16 April 2025 made the following statement about Mr Anderson:

> […]
>
> The episode already included footage of the Memorial's representatives, including its Director and Chair, responding to the negative findings and defending the Memorial's sound management of the project. For example:
>
> > Matt Anderson (Director, Australian War Memorial): 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.

Regarding the consultation processes, the Program included the following exchange:

HOST: The expansion encountered its first opposition, when the Australian Heritage Council warned it would have serious impacts on the memorial.

STEWART MITCHELL, FORMER BUILDINGS MANAGER, AUSTRALIAN WAR MEMORIAL: Well, they wrote two letters. They wrote one to the war memorial and one to the department. Both of those said that they couldn't support the proposal in its current form.

HOST: This is the government's own heritage advisor?

STEWART MITCHELL, FORMER BUILDINGS MANAGER, AUSTRALIAN WAR MEMORIAL: Exactly. Independent Heritage advisor. I thought that, okay, they can't go any further.

HOST: Despite these concerns, the government signed off on the redevelopment.

SHANNON BATTISSON, FORMER PRESIDENT, AUSTRALIAN INSTITUTE OF ARCHITECTS: I think that by ignoring its own Heritage Advisory Council, it shows how little genuine connection there was to the consultation.

HOST: The redevelopment was also scrutinised by parliament's powerful Public Works Committee.

STEWART MITCHELL, FORMER BUILDINGS MANAGER, AUSTRALIAN WAR MEMORIAL: The Public Works Committee got more submissions than they'd ever received on any project since I think 1913 when it was instigated. Right. And the majority of those submissions were against the development.

HOST: But it ticked off anyway.

STEWART MITCHELL, FORMER BUILDINGS MANAGER, AUSTRALIAN WAR MEMORIAL: Same. Yeah, exactly. So, so many red flags.

HOST: That left one last hurdle — the National Capital Authority…the federal agency that oversees planning and development in Canberra.

STEWART MITCHELL, FORMER BUILDINGS MANAGER, AUSTRALIAN WAR MEMORIAL: Everything was just falling into place. It was not, it was not gonna be able to stop. I didn't have much faith in the NCA stopping it.

MATT ANDERSON, DIRECTOR, AUSTRALIAN WAR MEMORIAL: So by the time all the information was on the table, and the National Capital Authority considered this project, and they doubled the time that was normally available for public consultations. The majority of submissions, I think you'll find were in favour of it.

HOST: Well, I believe what the National Capital Authority got 601 submissions only three in favour.

MATT ANDERSON, DIRECTOR, AUSTRALIAN WAR MEMORIAL: No, that's not right.

HOST: That's not as…

MATT ANDERSON, DIRECTOR, AUSTRALIAN WAR MEMORIAL: So what my understanding is the majority of submissions to the National Capital Authority, were in favour of it. Happy to fact check on that one.

HOST: Four Corners did fact check that and the National Capital Authority's first-stage approvals, involving demolition work for the redevelopment, did receive a record 601 submissions, with only three explicitly in favour of the expansion plans. Despite this, the NCA approved the work, which included knocking down the memorial's award-winning Anzac Hall and felling 140 trees. By the time the second stage of the process had been reached, the majority of submissions were in favour of the redevelopment.

In this segment, the host was referring to the number of submissions from the Early Works consultation stage, whereas Mr Anderson was referring to the submissions from Main Works consultation stage. Immediately following this interaction, the host confirmed he was correct when he said that the NCA's 'first-stage consultation, involving demolition work for the redevelopment, did receive a record 601 submissions'. However, he did not go on to clarify that Mr Anderson was referring to the second stage of the process.

In the ACMA's view, the ordinary reasonable viewer may not have understood that they were speaking about different stages in the consultation process and would have thought Mr Anderson was not providing accurate information about the consultation process.

Based on publicly available information, it is apparent that the majority of responses received for the stage 1 consultation were negative and that the majority of responses to the stage 2 consultation were positive.[14],[15] The Program did not properly explain the different stages of the consultation process and so confused the viewer's understanding of the outcome of the audit.

The NCA report on first-stage consultation stated:

> *Community commentary and concern regarding this application revealed key issues. These were:*
>
> - *Need for, and purpose of, the AWM expansion;*
> - *Extent of tree removal;*
> - *Impacts on heritage values;*
> - *Demolition of Anzac Hall;*
> - *Cost of works;*
> - *Concern that early works are being considered separately from the Major Redevelopment Works application; and*
> - *The NCA's consultation process*[16]

In its submissions, the complainant alleged that the NCA sought additional information from the AWM as evidence of impartiality:

> The Four Corners Program questions Mr Anderson about the National Capital Authority (NCA). In the transcript of his interview, possessed by the AWM, we know that Mr Anderson described how changes were made to the design of the Development Project based on the consultation process, including the NCA and Public Work Committee submissions. This statement was not included in the Four Corners Program.

The ACMA considers that the way in which the consultation process (and the AWM's response to it) was presented materially misled the audience and rendered the Program partial.

The ABC Ombudsman states in their submissions on the ACMA's preliminary findings (**Attachment X**) that:

[14] *Consultation Report - Block 3 Section 39 Campbell - Australian War Memorial Early Works.pdf*
[15] *NCA Consultation Report - AWM Main Works - Final.pdf*
[16] *Consultation Report - Block 3 Section 39 Campbell - Australian War Memorial Early Works.pdf*

> I disagree with this finding and aspects of ACMA's reasoning.
>
> The focus of this exchange was the National Capital Authority consultation process, which took place in two stages. According to the NCA's published consultation reports, the first stage received more negative submissions than positive, the second stage received more positive submissions than negative, and the stages together received more negative submissions than positive by some margin.
>
> The program initially asked Mr Anderson about the majority-negative NCA consultation in general terms, without referring to either stage. Mr Anderson responded that the majority of submissions had been positive. When the program contested this statement by referencing 601 submissions received, only three in favour, Mr Anderson advised that his understanding was that the majority of submissions had been in favour. At this stage it would appear that Mr Anderson was referencing the second stage (the more favourable stage for the Memorial) while the 601 submissions related to the first stage.
>
> A voiceover clarified that there was a first and second stage consultation process with the majority of submissions favouring the redevelopment by the time the second stage had been reached.
>
> ACMA seems to suggest that the voiceover should have specified that Mr Anderson was limiting his remarks to the second stage consultation process and that not doing so confused the viewers' understanding of the process. However, the program presented a fair edit of the exchange and then set out the results of each consultation stage. It was not up to the program to speculate on how Mr Anderson framed the consultation process in order to achieve impartiality.

The ACMA disagrees with the ABC's Ombudsman's submissions above on the ACMA's preliminary findings. While the ordinary reasonable viewer may have understood from the discussion about the consultation process for the Project that Mr Anderson and the host disagreed about the outcomes of the consultation, Mr Anderson was not given a reasonable opportunity to address the assertions put to him. The Program's presentation of the discussion would have likely conveyed to the viewer that the majority of the submissions received on the consultation were negative. Accordingly, the ACMA considers that the Program failed to properly explain that there were two stages of the consultation in relation to which different submissions were received. As a result, the ordinary reasonable viewer would not have understood this difference and would not have been able to draw their own conclusions.

The ACMA considers the Program's interview with Mr Anderson on the consultation processes was not presented with due impartiality.

2.4 Misrepresentation of the conflict of interest process in relation to Mr Wayne Hitches

The complainant alleged that the Program misrepresented or omitted crucial pieces of information in its reporting on Mr Hitches. The complainant alleged that the Program insinuated that Mr Hitches' prior employment at Lendlease had assisted Lendlease in securing a contract and also implied that Mr Hitches 'did not answer' why he had not filled in a conflict of interest declaration. The complainant further asserts that these omissions misrepresented Mr Hitches' involvement in the Project and should have been explained in more detail.

The complainant stated:

> Mr Hitches provided the ABC with responses in a timely and material manner, but the majority of Mr Hitches' responses were excluded from the Four Corners Program. No request was made for a formal interview with Mr Hitches, despite the producer, reporter and editor of the Program coming into contact with him on site. Mr Hitches was willing and prepared to participate in an interview. Instead, the ABC elected to cherry pick very small sections of Mr Hitches' responses, which gave a misleading impression to the ABC audience.

The ABC Ombudsman report dated 16 April 2025 (**Attachment X**) stated:

Four Corners advised that, though it did not invite Mr Hitches to be interviewed, it did put questions to him for response, including the question why he had not completed a conflict of interest declaration with respect to his former employment at Lendlease when required. It also advised that it put questions about Mr Hitches and his potential conflict to other Memorial representatives at interview, as shown in the episode.

[…]

In the episode, Mr Hitches' 21 November 2024 response was described in this way:

> *Reporter: In a statement to Four Corners, Mr Hitches did not answer our question as to why he did not fill in the declaration but said his former role at Lendlease was known by the War Memorial executive and by the then-Minister.*

Because the episode included this description of his response to the "conflict of interest issue", we do not accept the complaints' contention that the episode asserted that Mr Hitches had not provided one.

[…]

We note that, in recognition of this concern [about fair and honest dealing], *Four Corners* has uploaded Mr Hitches' whole 21 November 2024 response to the *Four Corners* webpage of the ABC website, in close proximity to the digital version of the episode, so that it can "speak for itself'. We welcome this action[17].

The Program introduced Mr Hitches' role at the AWM in relation to the ANAO report, as follows:

HOST: The audit office wasn't just concerned about apparent attempts to avoid ministerial scrutiny…it also found that possible conflicts of interest in the awarding of contracts were not adequately documented and declared.

BRENDAN NELSON, FORMER DIRECTOR, AUSTRALIAN WAR MEMORIAL [at a press conference]: And I'd also say at the risk of embarrassing him, the project manager for this, the managing director is a man called Wayne Hitches.

HOST: One of those possible conflicts of interest involved Wayne Hitches, who's in charge of the redevelopment project. He'd worked in a high-level position at Lendlease months before the developer was awarded a multi-million-dollar redevelopment contracts. The audit office found Mr Hitches failed to complete a conflict of interest declaration. In a statement to Four Corners, Mr Hitches did not answer our question as to why he did not fill in the declaration but said his former role with Lendlease was known by the war memorial executive and by the then-minister. Just over three years after awarding that initial contract to Lendlease, Mr Hitches finally signed a conflict of interest declaration. By that time Lendlease had won another contract, this time worth $130 million.

DAVID SHOEBRIDGE, SENATOR, AUSTRALIAN GREENS: Does that pass any kind of scrutiny pub test? I think everybody would reject it. And the ANAO rejected it. This is an obvious conflict of interest that should never have been permitted.

MAJ GEN (RET'D) GREG MELICK, COUNCIL MEMBER, AUSTRALIAN WAR MEMORIAL: All I can say is that we were satisfied that all conflicts were either expressly noted or were well known.

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[17] The ACMA notes that the ABC has taken steps to address the issues regarding fair and honest dealings raised by the complainant by including a link to Mr Hitches' full statement in the episode description on the iView website (which still remains on the iView website). The ACMA has not considered the publication of this statement relevant to its assessment of impartiality in this broadcast of 10 March 2025.

> HOST: But it wasn't documented.
>
> MAJ GEN (RET'D) GREG MELICK, COUNCIL MEMBER, AUSTRALIAN WAR MEMORIAL: It's a concern that it wasn't documented, although everybody knew everybody in the industry, everybody at the war memorial, it was common knowledge that he'd come from Lendlease.
>
> HOST: But, according to the audit office, one person who didn't know that Mr Hitches had come from Lendlease was the war memorial's own probity adviser. The memorial's chairman defends Mr Hitches' role in the project and in considering contracts.
>
> KIM BEAZLEY, CHAIR AUSTRALIAN WAR MEMORIAL: When he was appointed, the Minister of the day announced it and announced the fact that he had worked for Lendlease.
>
> HOST: So it's not a conflict of interest, it's sloppy paperwork.
>
> KIM BEAZLEY, CHAIR AUSTRALIAN WAR MEMORIAL: It's not a conflict of interest.
>
> HOST: So why not just fill in a conflict of interest declaration?
>
> KIM BEAZLEY, CHAIR AUSTRALIAN WAR MEMORIAL: Well, because we'd all thought that that was all done and dusted years before.
>
> HOST: But you can understand the minister said, you know, it probably should have been done.
>
> KIM BEAZLEY, CHAIR AUSTRALIAN WAR MEMORIAL: Whatever the minister says is obviously what must be done.
>
> MATT KEOGH, MINISTER FOR VETERANS' AFFAIRS: The process was deficient. And when those processes are deficient, you can find yourself that there were conflicts of interest that no one knew about.
>
> HOST: But it went beyond deficient processes — the audit office also found that Lendlease was briefed about a failed contract bid that may have allowed it to improve its tender for the biggest contract of them all, ultimately worth $130 million. The auditors were also critical of the war memorial for not providing the minister with sufficient detail in its briefs about the redevelopment and contracts.
>
> MATT KEOGH, MINISTER FOR VETERANS' AFFAIRS: Well, frankly, I wasn't happy. There was clear deficiencies that were brought up in the report, things that hadn't been done properly, and processes that needed to be improved.

On the issue of the conflict of interest declaration, during the Program, the host asked Mr Beazley why Mr Hitches had not completed a conflict of interest declaration until 3 years after he commenced employment at the AWM. Mr Beazley said ‘well, because we'd all thought that that was all done and dusted years before’.

The ACMA acknowledges the complainant’s submission that it sought to have the ABC acknowledge ‘that Mr Hitches provided a response to the conflict-of-interest question, which was omitted from the Program’. We note that the host stated:

> In a statement to Four Corners, Mr Hitches did not answer our question as to why he did not fill in the declaration, but said his former role with Lendlease was known by the war memorial executive, and then-minister.’

It is unclear from the statement provided by Mr Hitches, and now published on the ABC website, why Mr Hitches did not follow the processes required by employees of AWM to lodge a conflict of interest declaration.

While Mr Hitches was not interviewed or quoted, the ACMA considers that the ordinary reasonable viewer would have understood that there were contested viewpoints on the issue

regarding the completion of the conflicts of interest declaration by Mr Hitches in relation to his prior employment at Lendlease, and how significant an issue it was for the integrity of the Project. Viewers would have been able to draw their own conclusions without hearing directly from Mr Hitches, but instead from more senior representatives from the AWM.

There is also the separate issue about whether Mr Hitches had assisted Lendlease to win the contract. The statement provided by Mr Hitches does outline some steps that he had taken in relation to management of perceived conflict of interest issues, including recusing himself from a Lendlease tender assessment panel within his first 12 months of employment.

The complainant's letter to the ABC Chairman on 20 March 2025 submitted the following about the Program:

> The report further insinuated that Mr Hitches gave feedback information to Lendlease that assisted them in securing a contract. I can confirm that debriefing sessions are afforded to our unsuccessful tenderers as required by the Commonwealth Procurement Guidelines paragraph 7.17 relating to why they were unsuccessful. This does not extend to pricing and was falsely represented as a unique benefit afforded to Lendlease.

The ACMA acknowledges the complainant's view that the Program insinuated Mr Hitches was involved in the Lendlease briefing. While this was not explicitly stated, the ACMA agrees that some viewers may have understood he was so involved. On balance, this does not render the segment partial, however, the ABC could have taken more care to detail how such debriefings work for the layperson who may not understand the operation of such industry protocols. This would also have resulted in a fairer treatment of Mr Hitches.

The broadcast reflects the ANAO report, which stated:

> 3.23 The Memorial used the same evaluation criteria for the procurement for MWP1, 2 and 3. Each package had a different closing date. The Memorial provided a tender debrief to Lendlease for MWP2, before the closing dates for tender submissions for MWP1 and MWP3. The other tenderers for MWPs1 and 3 did not make a submission for MWP2 and therefore were not debriefed at the conclusion of the process for MWP2. This may have afforded Lendlease the opportunity to improve its tender submissions. Lendlease was the successful tenderer for MWP3.

In this context the ACMA considers that the audience's understanding of the issues being considered would have been enhanced if the Program had explained that the AWM (not Mr Hitches) was involved in the debriefing process with Lendlease and that the debriefing is a required? feature of the Commonwealth procurement rules.[18]

On balance, the ACMA finds that the Program's representation of the AWM's failure to follow the conflict of interest declaration process in relation to Mr Wayne Hitches, and the Program's reference to the Lendlease briefing did not amount to a breach of the impartiality provision in the Code.

2.5 The diversity of interviews

The complainant submits that:

> The narrative heavily favoured known critics of the AWM, whose views have been repeatedly featured by the ABC over multiple outlets since 2020.

[18] See Commonwealth Procurement Rules 20 April 2019 at 7.17 which states that 'Following the rejection of a submission or the award of a contract, officials must promptly inform affected tenderers of the decision. Debriefings must be made available, on request, to unsuccessful tenderers outlining the reasons the submission was unsuccessful. Debriefings must also be made available, on request, to the successful supplier(s).

Professor Peter Stanley makes 11 appearances in the program. For context, Professor Stanley left employment at the AWM in 2007, 18 years ago.

Professor Stanley is a known detractor of the AWM since ceasing to work at AWM. He has published a book titled Beyond the Broken Years, criticising the AWM, that included various factual inaccuracies.

We note that these factual inaccuracies in Beyond the Broken Years have been corrected by the publisher in the online edition of Beyond the Broken Years.

The publication of factual inaccuracies demonstrates that Professor Stanley is not a reliable source of information about the current functioning of the AWM.

In his appearances in the program, Professor Stanley, consistent with his publication of Beyond the Broken Years, makes the following inaccurate statement:

> "It's planning to depict frontier conflict in the so-called Pre-1914 gallery, and that's one per cent of the Memorial's floor space."

In accordance with the Memorial's publicly available Gallery Master Plan, the Pre-1914Gallery is currently planned to be approximately 3% of the total new gallery floor space; the division of this space between conflicts (including Frontier Wars) has not yet been determined. Professor Stanley's statement was conveyed as fact and with authority. However, he has no role in the development planning or project management at the AWM. The AWM was not provided the opportunity to respond to the inaccurate statement of Professor Stanley.

[…]

Aside from Mr Willacy, 15 people appear in the episode, 11 of the participants are critics of the AWM or Development Project. There was no representation of modern veterans (whose stories will be told in the new galleries of the Development Project), nor did the Program interview a single AWM supporter who is not employed by the AWM. This bias conveys to viewers that the only people defending the Development Project are those with a current active role at the AWM.

The ABC Ombudsman's initial report dated 16 April 2025 (**Attachment X**) stated:

> The episode included perspectives both for and against the development project. However, the complaints contended that, in various ways, the episode tended to favour the perspectives against it over those for it.
>
> First, the complaints contended that the episode "diminished" and "minimised" the voices of participants who spoke in favour of the project, especially the current representatives of the Memorial.
>
> On the participation of these representatives, *Four Corners* commented:
>
> > Early in production, we travelled to Canberra to meet with Memorial officials and explain to them our lines of inquiry. We also explained the episode's topics in our subsequent correspondence. We were open with the Memorial's representatives, taking time to brief each of them before interview. Like many other aspects of the episode, this reflected our respect for the Memorial and its function.
>
> We consider that, by informing the Memorial as it did, *Four Corners* made at least reasonable efforts to enable the Memorial's representatives to speak effectually in favour of the project at interview. We also consider that the episode included extensive footage from these interviews across its chapters. It follows that we do not accept this contention.
>
> Secondly, the complaints contended that those who spoke against the project (or certain aspects of it) were inappropriately selected for participation in the episode. In support of this contention, the complaints made two key claims:

a. Those who spoke against the project were "overused[,] known critics" of the project

In relation to this claim, *Four Corners* commented:

> *As for the "critics" who appeared in the program, four of them had held very senior roles at the Memorial.*
>
> *Steve Gower was, for a long while, the Memorial's Director. He is also a Vietnam War veteran, a retired Major General in the Australian Army, and, according to the Memorial's own website, a "first-rate administrator".*
>
> *Michael McKernan was the Memorial's Deputy Director, Peter Stanley was its Principal Historian, and Stewart Mitchell was its Buildings Manager. These three participants have written books about the Memorial and are also featured on the Memorial's website.*
>
> *Together, these four participants have a combined 77 years of service at the Memorial. Their expertise is beyond question.*

Because of their credentials, as outlined above by *Four Corners*, and their knowledge of the issues in dispute, as demonstrated in the episode, we consider that these participants were well qualified to provide their perspectives. In any case, the fact that they might have previously spoken in other fora about the same or similar matters, and were therefore "known", does not disqualify them under the Standards from participating.

b. Those who spoke against the demolition and replacement of Anzac Hall had an undisclosed bias, arising from their relationships with (and so attachment to) the original structure

In relation to this claim, *Four Corners* commented:

> *Those who spoke against the demolition and replacement of Anzac Hall presented their reasons and were interrogated about them.*
>
> As above, these participants were well qualified to provide their perspectives. Shannon Battisson was formerly the President of the Australian Institute of Architects, John Denton was the original Anzac Hall's architect, and Steve Gower (also mentioned above) was the Memorial's Director when the original Anzac Hall was built and opened. In our view, the episode was transparent about, and even made a feature of, their relationships with the original Anzac Hall, and this enabled viewers to decide for themselves whether these participants' perspectives were reliable.

Thirdly, the complaints contended that the episode's production treatment of the competing perspectives differed, favouring those against the development project. Our close review of the episode did not lead us to this conclusion.

For these reasons, the Ombudsman has not found any breach of the Editorial Standards on impartiality in light of this concern.

Further, the ACMA notes that the focus of the Program, was broader than the ANAO audit of the Project and discussed broader elements of the redevelopment and the role of the AWM. Consequently, the Program would have benefited from including views from people who were not 'known critics' which would have resulted in a more balanced program.

While the Program made it clear that there were views for and against the redevelopment of AWM, the ACMA considers that there was a bias conveyed by the fact that the only supporters of the Project were also current employees or current office-holders of the AWM. While the ABC is entitled to make editorial decisions about who appears on the Program, there was a disproportionate selection of known critics chosen to be presented, including former employees and contractors of the AWM and John Denton, the 'award winning creator' of the Anzac Hall that was scheduled to be demolished as part of the Project. This selection of opinions that was presented would have likely

resulted in the ordinary reasonable viewer coming away from the Program with a negative view of the Project.

The ACMA appreciates the ABC's position that there are constraints on the amount of information that can be included in a program of this length. The ACMA does consider, however, that a 45-minute Program allows for a fair degree of depth in the consideration of a matter, and agrees with the concerns of the complainant that there was an opportunity for a broader range of stakeholders to be interviewed for the Program, including for example, veterans of more recent wars.

As noted above, impartiality does not require that every perspective receives equal time, nor that every facet of every argument is presented. Assessing the impartiality due in given circumstances, requires consideration of all relevant factors including the type, subject and nature of the content; the likely audience expectations of the content, and the degree to which the content is contentious.

Having carefully considered the information provided, the ACMA considers that there is evidence that the ABC failed to provide opportunities for a more a more diverse range of viewpoints to be expressed.

2.6 The interview style of the Program and how the interviews were conducted

The complainant alleged that the Program regularly undermined or challenged AWM interviewees' views, while supporting, emphasising or leaving the Project's detractors views unchallenged. The complainant also submitted that the editing of the different interviewees and the time they were given to speak or make their point was not balanced.

The complainant submitted:

> Three critics of AWM participate in this segment. They each speak once, stating their opinions. At no point during the segment are they interrogated, asked to provide evidence or challenged. It should be noted, that according to MAJGEN Gower's own book, *The Australian War Memorial: A century on from the vision* (pages 106-107), the original Anzac Hall experienced similar criticism during the approvals process. This point was not raised with him during his interview or used to challenge his perspective *of the new Anzac Hall.*
>
> Mr Anderson appears making a total 21 statements in the Four Corners Program. Five times these are interactions with Mr Willacy, making up 11 of his 21 statements. These exchanges are characterised by Mr Willacy questioning the statements of Mr Anderson or introducing doubt for the viewer in the veracity of Mr Anderson's statements.
>
> […]
>
> This bias is also demonstrated in Mr Willacy's exchange with Mr Beazley regarding conflicts of interest.
>
> Mr Beazley stated:
>
> "*When he [Mr Hitches] was appointed, the Minister of the day announced it and announced the fact he had worked for Lendlease*."
>
> Mr Willacy replied:
>
> "so it's not a conflict of interest, it's sloppy paperwork."
>
> Mr Beazley stated:
>
> "*it's not a conflict of interest*".
>
> Mr Willacy asked:

"*So why not just fill in a conflict of interest*".

The ANAO audit found there were no actual conflicts of interest but "*deficiencies in management of conflicts of interest*". As such Mr Willacy is correct in his first statement when he refers to the issues found in the ANAO audit as '*sloppy paperwork',* being deficiencies in record keeping and documenting the management of conflicts of interest. However, the continued questioning of Mr Beazley implies to viewers that the *opposite is true and that Mr Beazley is avoiding the question.*

When compared to the style of questioning to detractors of AWM and the Development Project, such as Stewart Mitchell, Former Buildings Manager AWM, see below, it is clear that the Program does not challenge them in the same way it does to the AWM interviewees.

[…]

In the rare exchanges with detractors, Mr Willacy offers them support for their opinions, confirming their thinking rather than questioning the veracity of their statements.

The ABC Ombudsman's report dated 16 April 2025 stated:

Four Corners commented:

> Early in production, we travelled to Canberra to meet with Memorial officials and explain to them our lines of inquiry. We also explained the episode's topics in our subsequent correspondence. We were open with the Memorial's representatives, taking time to brief each of them before interview. Like many other aspects of the episode, this reflected our respect for the Memorial and its function.
>
> We consider that, by informing the Memorial as it did, Four Corners made at least reasonable efforts to enable the Memorial's representatives to speak effectually in favour of the project at interview. We also consider that the episode included extensive footage from these interviews across its chapters. It follows that we do not accept this contention.

The ABC's Ombudsman's submissions on the ACMA's preliminary findings (**Attachment X**) stated:

> The Memorial representatives whose interviews ACMA referred to and worked with in this section of its report (Mr Anderson and Mr Beazley) were no mere supporters of the redevelopment — they were the Memorial's Director and Chair respectively and therefore had a public duty to manage the redevelopment soundly. In my view, the reasonable viewer would have appreciated that these interviews formed part of an accountability investigation probing deficiencies previously identified by the ANAO and that the style and tenor of questioning was referable to this. They would have suspended their judgment and made up their mind based on the quality of the answers Mr Anderson and Mr Beazley were able to provide rather than the program's questions.

The Program did speak to a variety of interviewees and asked probing and, at times, quite pointed questions about the Project and ANAO report. However, this type of questioning was predominantly directed at supporters of the Project and AWM. For example, the Program asked Mr Matt Keogh, Minister for Veterans' Affairs, Mr Anderson and Mr Beazley very direct questions about the handling of a particular contract referred to in the ANAO report:

> HOST: What the ANAO found was that 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.
>
> […]

> MATT KEOGH, MINISTER FOR VETERANS' AFFAIRS: Well, it didn't look good and the audit, that's why the Auditor General called it out. Those sorts of things, as they should do, raise red flags. And you wanna make sure that there is actually no problem.
>
> HOST: It would appear though, coming in $1 under a million dollars that they want to keep the minister out of the loop here.
>
> MATT KEOGH, MINISTER FOR VETERANS' AFFAIRS: Well, it certainly would appear that way. And if you're an auditor and you look at that and think that's ridiculous, and if you're a minister and you see that in an auditor's report, you think that is ridiculous. What are you doing.
>
> MATT ANDERSON, DIRECTOR, AUSTRALIAN WAR MEMORIAL: The auditor told us that sent a red flag. Now, the disappointing element of that is, you know, the contract came in about $820,000, so well below that anyway, so there was no need to do that. So I can't understand why they did it, but they did it.
>
> HOST: It does look like, you know, an attempt to dodge ministerial scrutiny to the untrained or the trained eye even.
>
> MATT ANDERSON, DIRECTOR, AUSTRALIAN WAR MEMORIAL: Well, that was- the auditor's sense was it was a red flag. And, and that's a fair enough assessment. And it certainly could have been executed better.
>
> HOST: That does look a little strange.
>
> KIM BEAZLEY, CHAIR AUSTRALIAN WAR MEMORIAL: It was not clever.
>
> HOST: It's not clever?
>
> KIM BEAZLEY, CHAIR AUSTRALIAN WAR MEMORIAL: Not clever.
>
> HOST: The audit office wasn't just concerned about apparent attempts to avoid ministerial scrutiny…it also found that possible conflicts of interest in the awarding of contracts were not adequately documented and declared.

The opening scene sets the theme, tone and narrative of the Program. The first two minutes and twenty seconds of the Program are clips of some of the interviewees speaking about their views on the AWM and the Project. The ACMA is of the view that the Program used overtly emotive language and appeared to unfairly favour critics of the Project in its opening statements. For example, the Program refers to the AWM as a 'battleground' and states:

> The Australian War Memorial itself has become a battleground, fought over by those who want it to expand and evolve, and by those who warn that it's being turned into a half-a-billion-dollar military theme park that celebrates, rather than commemorates war.

And two critics of the Project immediately followed up the host's comments with the phrases 'I'm appalled by it. It's a kind of Disneyland of war' and 'Redevelopment is, to put it bluntly, an abomination.'

The Program continues to set the tone and position when it states:

> Not only is there outrage over the expansion… but serious questions have been raised about government funding processes, conflicts of interest and the awarding of lucrative contracts.

The ordinary reasonable viewer would have understood what the Program's position was on the AWM with the closing remarks of the introductory segment by Peter Stanley, a known critic of the AWM:

> Now, I think that's dirty money. It should not be accepting money from merchants of death.

Further, the ordinary reasonable viewer would have been aware that there were 'serious questions' raised about the government funding process. The supporters of the AWM and Project were not given an opportunity to respond to these claims until much later in the Program and by then, the ordinary reasonable viewer may not have understood that there was an alternate position to the claims that were made.

The opening montage of the Program implies that the AWM did not comply with government processes and sets the tone of the broadcast by using provocative and emotive language from the host and critics of the Project and AWM. For example, when speaking about the Project and the AWM, the following phrases were used, 'battleground', 'half-a-billion dollar military theme park', 'Disneyland of war' and 'abomination'.

The ABC Ombudsman's submissions on the ACMA's preliminary findings (**Attachment X**) stated:

> Likewise, the reasonable viewer would have recognised the opening "tease" for what it was. Any emotive language or negative commentary it contained might have stimulated their interest in the remainder of the program, but, considering their "fair average intelligence", it would not have closed their mind. None of these program elements, alone or cumulatively, had the effect of rendering the program partial.

The treatment of interviewees was varied and dependant on their views. The Program treated known critics of the AWM and the Project more favourably than the supporters of the Project, like Mr Beazley and Mr Anderson. The Program's interview style when interviewing AWM's employees was more combative in nature when compared to critics of the Project. The ordinary reasonable viewer would have been aware of the different questioning style and could have influenced them to form a negative view about the interviewees and the Project by the way the questions were framed. Further, some of the questions were partial, namely, they showed a negative and preconceived position on the Project and about the people associated with the AWM. For example, when the host was speaking with Mr Anderson about the Project there was the following discussion:

> HOST: It was done without a detailed business case having been completed or considered. Do we know why that happened?
>
> MATT ANDERSON, DIRECTOR, AUSTRALIAN WAR MEMORIAL: The government had everything it needed at the time that it took the decision to, to take that decision with 75 per cent confidence. And that was all then backed in by the detailed business case.
>
> HOST: What about a hundred percent confidence? Wouldn't that have been better?
>
> MATT ANDERSON, DIRECTOR, AUSTRALIAN WAR MEMORIAL: Oh, well, I think that's, that's the ideal world.

The ACMA notes the interview time also varied depending on who was being interviewed. The host gave known critics more time to respond to questions and asked them follow up questions. In contrast, the host cut off supporters of the Project or gave them less opportunity to explain or clarify their position. The ordinary reasonable viewer is likely to have understood that the critics of the Project and AWM were treated differently in that they appeared to be given more freedom to speak and also that the editing seemed to favour the critics of the Project and AWM.

The nature of current affairs reporting requires reporters and presenters to be probing and, at times, sceptical in their analysis of important issues. It is appropriate for a current affairs program to explore controversial issues. However, the canvassing of these issues must be fair in the context of the program and care must be taken not to unfairly favour a particular viewpoint.

The ACMA has concluded that the Program was unduly partial to critics of the Project because of the cumulative effect of the negative commentary from interviewees, evocative language used throughout the Program and the host's interview style when posing questions.

The ACMA considers that more care should have been taken in dealing with contentious matters by providing a more thorough explanation of complex issues (particularly the ANAO report) as well as having a more balanced approach to all the people interviewed on the Program.

The ACMA notes the seriousness of the issues raised, and the public interest of the information raised in the ANAO report. However, the leading nature of the questioning, the nature of the interviews, the variation in the treatment of the interviewees, and the language and tone used in the Program would have likely led an ordinary reasonable viewer to conclude that this was not an impartial program.

Conclusion

In terms of the overall presentation of the Program, the ACMA makes the following observations:

- The Program omitted critical information about the ANAO report which resulted in the Program being partial.
- The interview with Mr Anderson about the consultation processes created a misleading impression for the viewer.
- The Program was preferential in its treatment of critics of the Project and the AWM and unfairly treated supporters of the Project and AWM, like Mr Anderson and Mr Beazley.
- The Program did not maintain a neutral tone throughout the broadcast and relied on sustained emotive language. The ACMA considers that the style, language and tone did convey prejudgment and resulted in an unbalanced presentation of the AWM Project.
- The Program's overall theme and stance influenced the treatment of interviewees and provided a partial depiction of the ANAO report and AWM.

The cumulative effect of some of the issues referenced above, including the negative framing in the opening scene of the Program, the omission of critical findings in the ANAO report, the interview style of the Program and the preferential treatment of critics of the AWM and the Project, resulted in the Program being partial.

Having regard to the factors outlined above, the ACMA considers that the Program did not meet the obligations for impartiality referred to in the Code.

Accordingly, the ACMA's preliminary finding is that the ABC breached the impartiality provision of the Code.