COVER LETTER
To: Australian Communications and Media Authority
Date:12/08/2025

Subject: Follow-up Complaint Regarding the Australian Broadcasting Corporation (**ABC**)'s Four Corners Episode "Sacrifice," Aired 10 March 2025

Dear Australia Communications and Media Authority (**ACMA**) Investigations Team,

We are submitting a formal complaint to ACMA regarding the ABC's Code of Practice breaches in the Four Corners episode *"Sacrifice"* broadcast on 10 March 2025 (the **Four Corners Program**).

As per ACMA's complaint escalation process, we are eligible to submit this follow-up complaint because:

- We received a response from the broadcaster, ABC, and contend that the ABC failed to adequately address the substance of our concerns.

Background

- On 19 March 2025, the Australian War Memorial (**AWM**) Chairman, the Hon Kim Beazley AC, sent a letter to Mr Kim Williams, the Chairman of the ABC (**Letter to the ABC**). A copy of the Letter to the ABC is **Annexure A** to this letter.
- On 21 March 2025, Mr Beazley received a one-page response from Mr Gavin Fang, the ABC Editorial Director (**ABC Response**). A copy of the ABC Response is **Annexure B** to this letter.
- On 16 April 2025, the ABC Ombudsman published an Ombudsman Investigation Report (**Ombudsman Report**). A copy of the Ombudsman Report is **Annexure C** to this letter.

We wish to highlight our concern that the Four Corners Program breached the following requirements as set out in the ABC Code of Practice (**ABC Code**):

1. Standard 1 Accuracy;
2. Standard 2 Impartiality; and
3. Standard 3 Fair and honest dealing

AWM's concerns were considered by the ABC's internal Ombudsman. However, the Ombudsman did not adequately address the matters raised in our complaint and appears to have approached the investigation from the same position as the Four Corners Program. Accordingly, we are escalating the matter to the ACMA for review.

1. Standard 1 – Accuracy

The ABC Code mandates that **the ABC will make reasonable efforts to ensure that material facts are accurate and presented in context.**

For the reasons set out in this section, the ABC failed to do so.

Editorial Policy 2.1 Make reasonable efforts to ensure that material facts are accurate and presented in context.

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 Four Corners Program failed to refer to the various positive reactions to the Development Project, including:

- Comments by the **Prime Minister** praising the development at the official opening of the Southern Entrance.

National awards recognising the project's excellence and sustainability, of which details were provided to the ABC during the investigation period, being:

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.

We note that the above awards were all procurement and project control related. They were awarded by independent experts in the field and therefore are materially relevant in understanding the context of the Development Project regarding the procurement and project management relative to the ANAO audit.

Further, the 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 ANAO audit of the Development Project involved the review of 221 contracts for project management, design, engineering, construction and specialist advice. The scale of the ANAO audit was never mentioned in the program.

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 of 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 fact that the ABC's internal Ombudsman appears to be unaware that there were other overarching positive conclusions confirms that the program did not convey an accurate and unbiased view 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.

Editorial Policy 2.2 Do not present factual content in a way that will materially mislead the audience. In some cases, this may require appropriate labels or other explanatory information.

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 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.

A Daily Telegraph poll taken in respect of the program reveals that **95% of 881 poll respondents** believed construction was taking place during the Last Post Ceremony — establishing that the manner in which the Four Corners Program was edited had the actual effect of misleading viewers.

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)

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2. Standard 2 – Impartiality

The ABC Code requires the ABC to **gather and present news and information with due impartiality.**

The ABC's Code sets a high bar for impartiality standards. The Four Corners Program fell well short of that bar for the reasons set out below. It is plain that the ABC could and should have taken greater care in avoiding the perception of partiality.

Editorial Policy 4.2 Present a diversity of perspectives within a reasonable timeframe, aiming to reach a similar audience, so that no significant strand of thought or belief within the community is knowingly excluded or disproportionately represented.

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

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-1914 Gallery 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.

A basic desktop review of articles about the Development Project shows that the same critics used in the program have been actively campaigning against the AWM and the Development Project since 2019. This long-standing anti-AWM campaign presents the same arguments, by the same critics indicating a lack of momentum in both message and scale of support. Given Four Corners is presented as "investigative journalism", viewers might expect to see new content, arguments or voices. The lack of new content, arguments or voices demonstrates the clear bias in the production of the program.

In the 21 November 2019 Sydney Morning Herald article by Major General Gower, titled *War Memorial overreach: spending $500m and they'll demolish Anzac Hall*, the article refers to "a gem of its kind" and "not colossal in scale" in reference to the vision of Charles Bean for the Australian War Memorial; these same quotes were repeated in the program.

Sample of news articles found featuring the same critics in the Four Corners episode		
Date of article	**Source of article**	**Critics named in the article**
15 February 2023	The Guardian	Dr Wareham Senator Shoebridge
5 July 2021	The Australia Institute	Major General Gower Mr Mitchell Dr Wareham Ms Battisson
29 March 2021	Sydney Morning Herald	Mr Mitchell
26 October 2020 23 October 2020	Architecture AU editorial CBR City News Regarding the open letter opposing the Development	Major General Gower Mr Mitchell Professor Stanley Dr Wareham Dr Michael McKernan Mr Denton
9 July 2020	Region Canberra	Major General Gower Professor Stanley Mr Mitchell Dr Wareham
21 November 2019	Sydney Morning Herald	Major General Gower (author) Mr Denton

Editorial Policy 4.4 Do not misrepresent any perspective.

As referred to above, the manipulated use of construction noise over the Last Post Ceremony footage misled viewers and misrepresented the actual events. The edited sequence created a false and damaging narrative of the Development Project and the AWM.

Furthermore, during the program, following the depiction of criticism of previous Prime Minister, Scott Morrison, there is a break in the voice over. Footage is then shown (at 14.00 in the program) of an excavator jackhammering under the heritage building – part of the works being completed on the new Southern Entrance but not explained. The program then depicts a scene of Mr Willacy overlooking the new Anzac Hall site (14.06) where he says:

> "*This expansion will increase the war memorial's exhibition space by about 80 per cent, opening up new galleries and displays. But critics say it's simply too massive, that it's going to strangle Bean's simple, gem of a building.*"

The view changes to the renders (14.27) provided by the Memorial and at 14.41 while the renders continue, Mr Willacy voices over: "*This video released by the war memorial, set to Waltzing Matilda, shows how the expansion will look, with exhibits of a fighter jet and other large military equipment.*"

The renders and this statement of Mr Willacy is then followed by Michael McKernan (15.02), Former Deputy Director Australian War Memorial stating:

> *"I can't understand why it has to be so big. The new building will dominate the memorial, which is one of the most loved icons in Australia."* And Dr Sue Wareham Medical Association for Prevention of War "*the Redevelopment is, to put it bluntly in abomination. It should never have happened.*"

While the AWM provided renders are included in the program, they are used to demonstrate the size of the Development Project in a critical manner, and Mr Willacy overlaying comments, emphasises this. The context of the audio and video combined is important to how the viewer interprets their inclusion.

The presenter frames the segments in a negative light. The segments of interviews used for Memorial participants do not provide an adequate representation of their responses.

Mr Willacy introduces the 'approvals segment' with the following:

> "*<u>Normally</u>, for changes to such an important national monument to proceed, it has to clear multiple hurdles…"* [emphasis added].

The use of the word "*Normally*" implies that this did not happen in respect of the Development Project. However, AWM received all of the required approvals for the Development Project.

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. Mr Willacy then follows up with the following dialogue:

> "*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*." [emphasis added]

On the NCA website (https://www.nca.gov.au/planning/public-consultations/block-3-section-39-campbell-australian-war-memorial-early-works), the Early Works proposal is summarised, including the reference to tree removal:

> "*Following the close of public consultation on 30 April 2021, the NCA requested further information on the proposed tree removal and replacement planting from the AWM. The NCA received an Early Works Landscape Plan that indicated there are currently 595 existing trees within the AWM Precinct. A total of 455 trees are to be retained, while 140 trees are to be removed as part of the project. The NCA will require that the AWM plant a minimum of an additional 250 native trees as a condition of approval for these works. New trees will be required to be specified as advanced stock. The full landscape plan describing the species and location will form part of the Public Realm works application to be submitted to the NCA in 2022.*
>
> *With this change noted, the NCA has concluded the proposal is not inconsistent with the National Capital Plan and the works have been approved*."

This publicly available information supports the statement made by Mr Anderson, in that design changes were made as a result of public consultation, not that the

Development Project was approved despite the submissions. This information, supplied by Mr Anderson during his interview, and publicly available on the NCA website, was not utilised in the program. Accordingly, the misleading edit of the program in respect of Mr Anderson's interview typifies the treatment of the AWM participants and the biased reporting evidenced by the program.

Editorial Policy 4.5 Do not unduly favour one perspective over another.

The program presented a singular, heavily critical narrative. It ignored the views of key stakeholders, such as veterans, contractors, and government representatives.

The Four Corners Program could have broken news and prosecuted new topics about the new galleries about to open. There was no mention of what is going to be displayed in the galleries aside from the large military equipment, which would have prompted various other avenues of enquiry into stakeholder groups, diaspora experiences and treatments of war crime allegations.

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 presenter regularly undermined or challenged Memorial participants views, while supporting, emphasising or leaving detractor views unchallenged.

The segment on the destruction of Anzac Hall runs from 19.12 to 20.57 i.e. 1 minute and 45 seconds. In that time, Mr Willacy states that the previous Anzac Hall:

> "*was only 20 years old; and whose elegant lines won Australia's top public architecture prize, the Sir Zelman Cowan award*."

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. For example, in respect of the Detailed Business Case, Mr Willacy asked Mr Anderson:

"What about a hundred percent confidence? Wouldn't that have been better?"

By way of context, the confidence levels in costs for detailed business cases are a technical industry term, probably unknown to most viewers. "*A hundred percent confidence*" sounds ideal but is not realistic and certainly not industry standard. Accordingly, Mr Willacy's statement undermines those of Mr Anderson and confirms the criticism of Senator Shoebridge's unchallenged comment from the introduction: "No one should be entitled to allocate half-a-billion dollars of public money to a project without a business case". This statement misleads viewers to believe that the allocation of funding for the Development Project was made without sufficient information. In fact, prior to the announcement of funding in November 2018, the government of the day had all of the information they required, including the Initial Business Case with costings at 50% surety (P50) and a summary of the Detailed Business Case to P75 (75% surety) costings. In December 2018, the final detailed business case was also supplied with costings refined to P80 (80% surety).

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:

Mr Mitchell :

"*...and the majority of those submissions were against the development*."

Mr Willacy:

"*But it ticked off anyway*."

Mr Mitchell:

"S*ame. Yeah, exactly. So, so many red flags*".

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.

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3. Standard 3 - Fair and Honest Dealing

Participants in ABC content will normally be informed of the general nature of their participation. Where allegations are made about a person or organisation, the ABC will make reasonable efforts in the circumstances to provide a fair opportunity to respond.

Editorial Policy 5.1 Participants in ABC content should normally be informed of the general nature of their participation.

In the approach to the AWM to participate in the Four Corners Program, Mr Willacy frames the content as:

"Four Corners is producing a story on the Australian War Memorial. Broadly, the story will focus on the Memorial's place in Australian society, how it is run, and how it reflects and represents war. Among the topics we will explore is the redevelopment of the Memorial, including how it will physically alter the Memorial and what it will add to it. Other issues we are looking at is how the Memorial is funded, how the Memorial balances its various functions or missions, and how the redeveloped galleries will reflect or deal with the issue of the Frontier Wars and allegations of Australian Special Forces war crimes in Afghanistan."

This presentation of the concept for the program does not provide any information into the allegations that were made, and therefore did not allow the AWM a fair opportunity to respond.

Editorial Policy 5.3 Where allegations are made about a person or organisation, make reasonable efforts in the circumstances to provide a fair opportunity to respond.

The Four Corners Program failed to provide individuals a fair opportunity to respond to serious allegations, including Mr Wayne Hitches.

The Ombudsman Report concludes that there was no breach of impartiality on the basis that Mr Hitches was sent questions to respond to. That misses the point. 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 segment on the Australian National Audit Office (ANAO) findings refers to Mr Matt Anderson Australian War Memorial Director, and concludes with the professional opinion of Mr Geoffrey Watson, Director Centre for Public Integrity, that:

> "*He mustn't have read the report or the same report as I read. The report that I read had problems from the start to the finish*".

Mr Watson's statement is opinion only. As a senior public official, Mr Anderson would be in breach of his Commonwealth obligations if he had not read the report. Mr Anderson was not provided an opportunity to respond to the serious and specific allegation of Mr Watson that he had not read the report.

Mr Watson's statement, left unanswered at the end of the segment, reinforced the program's bias of being critical of the Development Project.

Despite outlining the above concerns to the ABC, their response did not adequately recognise and address:

- the demonstrably false claim regarding Mr Hitches' silence;
- the misleading use of audio and its ethical implications; or
- the omission of relevant material or newsgathering that would have offered a balanced perspective.

Enclosed documentation:

- Original complaint submitted to the ABC.
- ABC's written response.
- ABC Ombudsman's response.

Given the public interest considerations, ethical stakes, and reputational impact of this broadcast, we respectfully request the ACMA conduct a formal investigation into the matter and assess whether the ABC breached its Code of Practice.

We are willing to provide further documentation or clarification as required and appreciate your attention to this serious matter.

Yours sincerely,



OFFICIAL: Sensitive

The Hon Kim Beazley AC
Council Chairman

AUSTRALIAN WAR MEMORIAL

20 March 2025

Mr Kim Williams, AM
Chairman
Australian Broadcasting Corporation
GPO Box 9994
Sydney NSW 2001

Dear Chairman

RE: Editorial Breach

I am writing to lodge a formal complaint regarding the Four Corners program “Sacrifice”, which aired initially 10 March 2025 on the ABC, and concerns the Australian War Memorial.

The program breached the ABC’s Editorial Guidelines through misrepresentation, bias, and lack of impartiality, leading to a misleading and inaccurate portrayal of the Australian War Memorial’s Development.

Beyond breaches of editorial policy, the ABC’s failure to fairly report may constitute defamation.

Australian defamation law protects individuals from false statements that harm their reputation.

1. Misrepresentation of audio – falsely suggesting construction noise during the Last Post Ceremony

The program misled viewers by inserting construction noise into the Last Post ceremony, creating the impression that ongoing works disrupted a solemn commemorative event. In reality, the Australian War Memorial enforces a contractual obligation prohibiting any disruptive or noisy works during commemorations, meaning no such construction noise could have occurred at that time.

This deliberate audio manipulation violates:

- Standard 2 (Accuracy, ABC Code of Practice) – Content must not be misleading or distort reality.
- Standard 4.4 (Editorial Policies) – Audio must be used responsibly and not alter the true nature of events.

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2. Failure to provide Right of Reply

The ABC Editorial Policies explicitly state that subjects of serious allegations must be given an opportunity to respond. The Four Corners report asserted that Wayne Hitches “did not answer” why he had not filled in a conflict of interest declaration.

This claim is demonstrably false. The AWM provided a response from Mr Hitches by e-mail to Jonathan Miller at the ABC at 9:50am on Thursday, 21 November 2024, which was omitted from the program. His response was both relevant and material, directly addressing implications of the issue raised. This omission constitutes a failure to adhere to

- Standard 4.1, which mandates the gathering and presentation of news with due impartiality.

Furthermore, the ABC’s own editorial guidelines emphasise fairness and transparency. Mr Hitches was never formally approached for an interview, nor given a meaningful right of reply before the allegations were aired. The segment misled audiences into believing he had refused to answer when, in fact, his response was available but deliberately excluded. He was never asked to be interviewed even though he had met the Reporter, Producer and the Director on site when they were filming a piece to camera.

3. Misrepresentation and bias

The report’s narrative unduly favoured an incriminating perspective while disregarding exculpatory evidence.

The ABC Editorial Policies demand that perspectives

- must not be misrepresented (Standard 4.4) and
- that coverage should not unduly favour one perspective (Standard 4.5). The Four Corners report failed on both counts.

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 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.

4. Lack of impartiality – One-sided narrative

The segment heavily favoured overused critics of the Memorial’s expansion while excluding or diminishing opposing perspectives. Three of the known critics were former staff members who had

direct involvement in the curation, development or building the former Anzac Hall. Their bias in opposition to it being demolished was not mentioned during the program.

The only pro-development voices used were minimised, reinforcing a singular viewpoint rather than allowing balanced discussion.

The segment used selective imagery to sensationalise the development, showing extensive footage of destruction without contextualising the reasons for change. The lack of images highlighting new spaces for veterans, families, and education further skewed audience perception, and the program did not advise that the bulk of imagery was from October 2024. The Southern Entrance and the Bean Building and Research Centre are now all open to the public and have been received most favourably.

This violates:

- Standard 4.1 (Impartiality, Editorial Policies) – The ABC must present issues fairly and without bias.
- Standard 4.5 – Coverage must not unduly favour one perspective.

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:

- The Asia-Pacific Project Controls Expo 2024 award for Transformation Project of the Year;
- 2024 Department of Finance Commonwealth Procurement and Contract Management Awards for Excellence 'Gold Award' for Encouraging Environmental Sustainability through Procurement; and
- 2023 Department of Finance Commonwealth Procurement and Contract Management Gold Award for Generating Broader Benefits to the Australian Economy through Procurement with the Memorial's Veterans Employment and Opportunity Plan.

Given these breaches, I formally request the ABC take the following corrective actions:

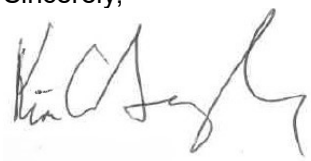
1. **Issue an immediate on-air and written correction** acknowledging that Mr Hitches provided a response to the conflict-of-interest question, which was omitted from the program. This correction must be given the same prominence as the original false statement.
2. **Issue a formal apology** for failing to uphold the principles of accuracy, fairness, and impartiality, and for misrepresenting both Mr Hitches and the circumstances of the development.
3. **Correct the misrepresentation of audio** by publicly clarifying that the program falsely suggested construction noise occurred during a Last Post ceremony when, in reality, a stop-work order was in place.
4. **Conduct an internal editorial review** into the journalistic failings of this program, including its failure to adhere to ABC's own Editorial Policies on accuracy, impartiality, and right of reply.
5. **Ensure future coverage complies with ABC's Editorial Policies** by mandating a more rigorous adherence to impartiality, balance, and factual accuracy in reporting on the Australian War Memorial.

The Memorial has, to this point, not raised these concerns publicly, but we reserve the right to do so, including posting this letter on our ‘on the record’ page of the Memorial’s website.

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”.

I look forward to your response.

Sincerely,



Kim Beazley

21 March 2025

The Hon Kim Beazley AC
Australian War Memorial, Council Chairman

Dear Mr Beazley,

Thank you for getting in touch with the ABC about the recent *Four Corners* episode 'Sacrifice'.

We take complaints about our journalism very seriously. Your letter has been referred to the independent Ombudsman's Office for assessment, in line with our complaints handling process. I expect they will be in direct contact with you very soon.

The ABC has a publicly available and transparent complaints handling process, which you can find here: https://www.abc.net.au/about/ombudsman/complaint-handling-process/103718522

The ABC's Editorial Policies set out very high standards for impartiality and accuracy according to the recognised standards of objective journalism. We are committed to the swift correction of errors where they occur.

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.

Noting your reference to potentially releasing the letter publicly, it's preferable all parties follow the independent complaints process to ensure allegations can be thoroughly and fairly examined and responded to. The ABC is concerned about these allegations being publicised before due process has occurred as they may unfairly cause reputational damage as well as impact the safety of our staff.

The Ombudsman routinely publishes the findings and recommendations made with any complaint investigation.

If you have any questions don't hesitate to contact me.

Regards,

Gavin Fang

Gavin Fang
ABC Editorial Director

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Ombudsman Investigation Report

Fiona Cameron, ABC Ombudsman

Posted Wed 16 Apr 2025 at 5:37pm

ABC NEWS | Four Corners | 'Sacrifice' | 10 March 2025 | No Breach

Summary

The Ombudsman received seven content complaints about the *Four Corners* episode "Sacrifice", broadcast on 10 March 2025, which investigated the Australian War Memorial's development project and related matters.

The Ombudsman retained three complaints for investigation, including one submitted on behalf of the Australian War Memorial (the Memorial). Across the three retained complaints, the following key concerns were expressed:

- The episode presented negative findings from the Australian National Audit Office's report about the development project out of context.
- The episode misleadingly suggested that construction noise from the development site had disrupted a Last Post ceremony.
- The episode highlighted the development site's destruction rather than its eventual rejuvenation.
- The episode unduly favoured perspectives against the development project over perspectives for it.
- The episode made the following allegations about Memorial employee Wayne Hitches without giving him a fair opportunity to respond:
  - he did not complete a conflict of interest declaration when required; and

- he helped his former employer Lendlease improve its Anzac Hall tender by debriefing it after an earlier unsuccessful tender.

The Ombudsman considered the complaints against the following Editorial Standards:

- 2.1 Make reasonable efforts to ensure that material facts are accurate and presented in context.
- 2.2 Do not present factual content in a way that will materially mislead the audience. In some cases, this may require appropriate labels or other explanatory information.
- 4.1 Gather and present news and information with due impartiality.
- 4.5 Do not unduly favour one perspective over another.
- 5.3 Where allegations are made about a person or organisation, make reasonable efforts in the circumstances to provide a fair opportunity to respond.

Analysis

The episode presented negative findings from the Australian National Audit Office's report about the development project out of context

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.

Because of the chapter's focus, the ANAO's negative findings were material facts. Under Standard 2.1 (accuracy), *Four Corners* therefore needed to make reasonable efforts to present them in context. We accept the complaints' contention that the ANAO's overarching finding was essential context, necessitating its inclusion in the chapter.

Upon introducing the ANAO's negative findings, the reporter said (our emphasis):

> *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.*

The on-screen graphic initially highlighted the overarching finding by prominently showing it as a quote attributed to the ANAO's report.



This quote remained on screen for the duration of the scene, during which further quotes, capturing the negative findings, appeared.



This allowed the audience to consider first the overarching finding in isolation and then all of the relevant findings together. Based on the above, we consider that *Four Corners* made at least reasonable efforts to present the ANAO's negative findings in the context of its overarching one.

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.*

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

The episode misleadingly suggested that construction noise from the development site had disrupted a Last Post ceremony

In the episode, a recording of the *Last Post* was played under a series of four scenes.

Scene	*Last Post* recording timestamps	*Last Post* recording duration	Our scene description
1	20:41:09– 20:41:16 Part of scene	00:00:07	Interment of the unknown Australian soldier (archival footage) Note: This scene started at 20:40:23
2	20:41:16– 20:41:34 Whole of scene	00:00:18	Veterans attend a Last Post ceremony in the Memorial's Commemorative Courtyard
3	20:41:34– 20:41:58 Whole of scene	00:00:24	The reporter observes the Tomb of the Unknown Australian Soldier
4	20:41:58– 20:42:27 Whole of scene, except for a brief fade out	00:00:29	Construction occurs on the Memorial's development site

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 episode highlighted the development site's destruction rather than its eventual rejuvenation

The complaints contended that the episode highlighted the development site's destruction by relying too extensively on October 2024 footage.

We understand that most of *Four Corners*' footage from within the Memorial precinct, including the development site, was captured in October 2024, by arrangement with the Memorial. In February 2025, *Four Corners* managed, after multiple requests, to obtain the Memorial's further permission to briefly return to the precinct to film some supplementary footage.

Four Corners has demonstrated to us that it included not only primary October 2024 footage but also some supplementary February 2025 footage in the episode. It also incorporated Memorial-supplied "future state" renderings of the new spaces. In our view, the site's eventual rejuvenation was therefore a clear feature of the episode. In any case, most of the footage of the development site included in the episode appears to us to show *construction* rather than *destruction*.

The limited amount of footage that showed *destruction* instead was mainly confined to the chapter on Anzac Hall and, in that context, we consider that its use was editorially relevant because of the dispute between the participants about whether so new and lauded a structure should have been demolished and replaced.

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

The episode unduly favoured perspectives against the development project over perspectives for it

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.

The episode made the following allegations about Memorial employee Wayne Hitches without giving him a fair opportunity to respond:

- ***he did not complete a conflict of interest declaration when required; and***
- ***he helped his former employer Lendlease improve its Anzac Hall tender by debriefing it after an earlier unsuccessful tender.***

During the chapter about the ANAO's report, the reporter said:

> *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.*

Then, to particularise this, the reporter said:

> Reporter: *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 multi-million dollar redevelopment contracts. The Audit Office found Mr Hitches failed to complete a conflict of interest declaration.*
>
> ...
>
> *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 $130m.*

We consider that, through these particulars, the episode did make the first allegation about Mr Hitches. *Four Corners* was therefore required by Standard 5.3 (fair and honest dealing) to make reasonable efforts in the circumstances to provide Mr Hitches with a fair opportunity to respond to that allegation (discussed further below).

The chapter later included:

> Minister: *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.*
>
> Reporter: *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 $130m.*

Based on the context in which the Minister's remarks were presented, we understand that his first sentence ("The process was deficient") referred to the process in Mr Hitches' specific case and his second ("And when those processes are deficient…") to processes for managing conflicts of interest in general. The reporter then segued, through his first sentence ("But it went beyond deficient processes") and the start of his second ("The Audit Office also found") to a separate topic also involving Lendlease.

Importantly, the reporter did not mention Mr Hitches in this section.

In light of these elements of the section, we consider that the episode did not state or insinuate that Mr Hitches debriefed Lendlease. As such, we are satisfied that the episode did not make the second allegation about Mr Hitches.

In expressing this concern, the Memorial confirmed that it (not Mr Hitches) had debriefed Lendlease but said that it had done so properly, pursuant to a requirement in para 7.17 of the Commonwealth Procurement Rules. For completeness, we briefly respond to this.

We agree with the Memorial on the effect of para 7.17 of the Rules. It appears to us that, on request from Lendlease, the Memorial would have become dutybound to provide a debriefing.

However, on our reading of the ANAO's report (at para 3.23), the ANAO was not concerned with the Memorial having debriefed Lendlease per se. Rather, it was concerned that, by debriefing Lendlease for MWP2 *before the closing date for MWP3*, to which the same evaluation criteria applied, the Memorial may have given Lendlease a competitive advantage over the other MWP3 tenderers, who had not participated in MWP2 and were therefore not entitled to be debriefed.

We think that the reporter's second sentence above adequately captured this concern of the ANAO.

In relation to fairness, the complaints contended that *Four Corners* unfairly denied Mr Hitches the opportunity for an interview and falsely asserted that he had not responded on the "conflict of interest issue".

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 an email dated 8 November 2024, *Four Corners* wrote to Mr Hitches in care of the Memorial:

> *I'd like to request a response from the [Memorial's] Executive Program Director, Wayne Hitches, to the audit office's assertion (as documented in its report on the "Management of the Australian War Memorial's Development Project") that he did not complete a conflict of interest declaration, noting his prior working relationship with Lendlease, which was awarded the contract for MWP3. [Ref ANAO report, Paras 3.36 and 3.41].*
>
> *I'd be grateful if Mr Hitches could get back to me with a response by 15th November 2024.*

On 15 November 2024, *Four Corners* wrote again:

> *On 8th November, I wrote requesting a response from the [Memorial's] Executive Program Director, Wayne Hitches, to the audit office's assertion (as documented in its report on the "Management of the Australian War Memorial's Development Project") that he did not complete a conflict of interest declaration, noting his prior working relationship with Lendlease, which was awarded the contract for MWP3. [Ref ANAO report, Paras 3.36 and 3.41].*
>
> *I had asked that we obtain a response from Mr Hitches / the [Memorial] by 15th November, but I understand how busy you've been. If you could ensure that we have a response by close of play on Thursday 21 st November, I'd be grateful.*

On 21 November 2024, *Four Corners* received Mr Hitches' attributable response from the Memorial. That same day, *Four Corners* wrote again:

> *However, I still do not understand why Mr Hitches did not complete a Conflict of Interest declaration and, for clarity, I would request his response to this question.*

That is, in *Four Corners*' view, Mr Hitches had not answered its question why he had not completed a declaration and so followed up Mr Hitches' response, with a deadline of close of business that day. *Four Corners* has advised us that it received no further response from either the Memorial or Mr Hitches.

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.

In light of the above, we consider that, even without being invited to participate in an interview, Mr Hitches received a fair opportunity to respond to the allegation made against him in the episode.

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

We note that, in recognition of this concern, *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.

> **Ombudsman's Finding**
>
> The episode did not breach the Editorial Standards on accuracy, impartiality, or fair and honest dealing.

Posted Wed 16 Apr 2025 at 5:37pm