Australian Government | acma Australian Communications and Media Authority

Authority submission

Meeting date:	**(insert meeting date)**
Agenda item no:	**(Authority Secretariat to insert number)**
Title:	**Draft Investigation Report – BI-753** **Investigation into ABC Four Corners 'Sacrifice'**
Description:	**The Authority to consider the draft investigation findings and reasoning**.

RECOMMENDATION

That the Authority:

A) ***AGREE*** to the findings in the draft investigation report BI-753 (at **Attachment A)** that the ABC did not breach the accuracy and impartiality provisions of the ABC Code of Practice 2024 in the *Four Corners* program titled 'Sacrifice' broadcast on 10 March 2025.

B) ***APPROVE*** the draft investigation report at **Attachment A**

TIMING

The ACMA opened this investigation on 10 October 2025 under the *Broadcasting Services Act 1992* (the **BSA**) being an own motion investigation under section 170.

The benchmark timeframe for the completion of complex content investigations is 6 months (10 April 2026).

COMMITTEE OR PROJECT BOARD CONSIDERATION

☒ Content Committee	☐ Gambling Committee
☐ Spectrum Committee	☐ Telecommunications and Consumer Committee
☐ Compliance Priority (please specify)	☐ Project Board (please specify)

Paper by: [redacted], Content Investigations Section

Cleared by: GM: Autumn Field EM: Alana Fraser

Legal contact officer: [redacted]

File reference: BI-753

Draft Investigation Report – ABC *Four Corners* 'Sacrifice' 10 March 2025

PURPOSE

1. To provide the Authority with the draft investigation report for BI-753 and seek approval of the report and its findings.

KEY POINTS

2. On 10 October 2025, the Australian Communications and Media Authority (the **ACMA**) opened an investigation into *Four Corners* broadcast on 10 March 2025 (the **Broadcast**) regarding the program titled 'Sacrifice' (the **Program**) in relation to alleged breaches of Accuracy and Impartiality provisions of the ABC Code of Practice 2024 (the Code).
3. The Broadcast can be found here and runs for approximately 45 minutes. The ABC has confirmed that the version available on the ABC iView platform is identical to the version broadcast on 10 March 2025.
4. The complaint was made by the Hon Kim Beazley AC, Council Chairman on behalf of the Australian War Memorial (the **AWM**) (the **complainant**) alleging the program, breached the accuracy, impartiality and fair and honest dealing provisions of 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 is at **Attachment B**.
5. The draft investigation report (the **Report**) is at **Attachment A** and finds that there was no breach of the accuracy or impartiality provisions of the Code.

DISCUSSION

6. The Report considers the following allegations made by the complainant which were assessed as warranting further investigation (see more detail in 'Background' below):

   Accuracy:

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

   Impartiality:

   ii. Allegation that the broadcast was not impartial in its reporting about the Project and the Australian National Audit Office (the **ANAO**) Report (the **ANAO report**). (**Issue 2)**

Issue 1 - Accuracy

7. The Code provides in relation to accuracy that 'the ABC will make reasonable efforts to ensure the material facts are accurate and presented in context'.
8. The complainant alleged 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.
9. Staff considered whether the ordinary reasonable viewer would have understood the Program to have implied that the ceremony was being broadcast in the background of several different scenes, including an ANZAC Day ceremony, the Host's piece to camera and the construction site.
10. Staff found the ordinary reasonable viewer would have understood that the Last Post soundtrack was being used as background music in these scenes as a symbolic technique by the Program and the Program did not infer that the actual Last Post ceremony was occurring throughout these scenes.

11. Staff are of the view that the ABC did not breach the accuracy provision of the Code in relation to Issue 1.

Issue 2 - Impartiality

12. The Code provides in relation to impartiality that 'the ABC will gather and present news and information with due impartiality'.

13. Staff considered the alleged partiality of the Program through the examples provided by the complainant in the investigation report, as follows:

Issue 2.1 The negative framing of the ANAO report

14. In the Program, the ANAO report was introduced as 'uncovering some troubling information involving contracts and possible conflicts of interest'. The Program referred to the overall findings of the ANAO report as 'largely effective' and this displayed on screen in text: 'management …largely effective' during the part of the Program where the ANAO report is introduced.

15. The Program is entitled to examine the more concerning outcome of the report in more detail, noting that it had framed the other findings as being 'largely effective'.

16. The concerns raised about the ANAO report were relevant to the focus of the Program as it provided the views of the government auditor on management of the Project. The Program introduced the contractual concerns and focused on the findings about inadequate ministerial oversight of the contracts combined with impact of the lack of conflict of interest reporting and record keeping.

17. The ordinary reasonable viewer would have understood that the ANAO report found the AWM's management of the Project was 'largely effective' from the text on screen but there were ongoing concerns shared by politicians, and integrity experts about the outcomes of the ANAO report related to ministerial oversight and conflicts of interest.

18. These concerns were responded to, in part, by the comments made by Major General (retired) Greg Melick, AO (Council Member of the AWM) and Mr Matt Anderson's (Director, AWM) on behalf of the AWM.

Staff considered:

19. The Code does not prevent Four Corners from taking a stance and prosecuting an argument.

20. The Program provided relevant context around the ANAO report. A Program that presents a perspective that is opposed by a particular person or group is not inherently partial.

21. Impartiality does not require that every perspective receives equal time, or that every facet of every issue is presented.

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

Staff considered:

22. The complainant alleged that the omission of the three national awards for the Project (the awards) which commended the AWM for aspects of procurement also demonstrated the Program's lack of impartiality.

23. The ACMA does not wholly agree with the ABC Ombudsman that Senator Reynolds' comments would not have 'added any significant or new context', as her comments as former Minister for Defence would have been a relevant counterpoint to other politicians interviewed in the Program.

24. However, the ACMA notes that the Program provided differing perspectives on the ANAO report, and finds that there was a sufficient diversity of perspectives provided in the Program on the ANAO report that the omission of Senator Reynolds comments has not made the Program partial.

25. Regarding the awards and other accolades that the complainant had provided to the ABC, the ACMA considers that these awards would not have provided any additional relevant context to the Program. These awards and how they are assessed are unrelated to the procurement concerns raised by the ANAO.
26. The ACMA considers this would not have been relevant to the focus of the segment on ministerial oversight and declaring conflicts of interest.
27. The ACMA finds that the Program provided relevant context around the ANAO report, without including the awards, and their omission did not render the Program partial.

Issue 2.3 Mr Matt Anderson's interview on consultation processes

Staff considered:

28. The ordinary reasonable viewer would have understood from the discussion about the consultation process for the Project that Mr Anderson and the host disagreed about the outcomes.
29. Mr Anderson was given a reasonable opportunity to refute the assertions put to him by the host.

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

[redacted]

30. The complainant alleged 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 ACMA considered it appropriate to examine this under impartiality rather than accuracy.
31. The ACMA notes that the ABC has taken steps to address the issues raised by the complainant regarding 'fair and honest dealing' under the Code 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.

Staff considered:

32. The ordinary reasonable viewer would have understood that Mr Hitches' employment was several years prior to the relevant Lendlease contract, as evidenced by Mr Beazley's comment about it being resolved 'years before' and the Host's comment that a conflict of interest form that was eventually submitted 3 years after Mr Hitches commenced employment.
33. The ordinary reasonable viewer would have understood that there were contested viewpoints on the matter of the conflicts of interest declaration in relation to Mr Hitches' prior employment at Lendlease, particularly regarding whether the employment relationship passed the 'pub test' as it was described by Senator Shoebridge.
34. Viewers would have been able to draw their own conclusions about the prior employment relationship without hearing directly from Mr Hitches, but instead from more senior representatives from the AWM who defended his approach.

Issue 2.5 The style and diversity of interviews;

Staff considered:

35. The Program made it clear that there were opposing views on the redevelopment of AWM. Within the specific context and line of enquiry of the Program, the material was prepared and presented in such a way that a range of alternative perspectives were included.

36. As previously stated, 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 in context 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.

2.6 The interview style of the host and how the interviews were conducted.

Staff considered:

37. The host did speak to a variety of interviewees on the Program and asked probing and, at times, quite pointed questions about the Project and ANAO report.
38. 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. The canvassing of these issues must be fair in the context of the Program and not deliberately attempt to portray the subject in a negative light.
39. Although the ordinary reasonable viewer may consider the Program was critical about how the Project was conducted, there is no evidence that the Program was partial to critics of the Project.
40. The treatment of these issues did not evince prejudgment, but rather provided sufficient material, in terms of information and viewpoints, for viewers to understand that the Project was a matter of contention.
41. Staff are of the view that the Program did not breach the impartiality provision of the Code with respect to this allegation.

NEXT STEPS AND TIMING

42. Once the Authority has reviewed the draft Report, any required changes will be actioned by the Content Investigation Section. If required, these changes may be provided to LSD for review.
43. Once the Authority is satisfied with the Investigation Report then it can be signed by either: 2 Authority Members, or 1 Authority Member and the General Manager (see **Attachment A**, page 23).
44. Once signed, we will publish the report on the ACMA website in line with our usual processes.
45. We will communicate the outcome of this investigation to the complainant and the broadcaster.

BACKGROUND

46. On 20 March 2025, the complainant sent a letter to Mr Kim Williams, the Chairman of the ABC raising their concerns about the program and subsequently received a response from Mr Gavin Fang, the ABC Editorial Director. (see page 17 of **Attachment B**)
47. On 16 April 2025, the ABC Ombudsman published its Investigation Report and determined that the Broadcast did not breach the ABC's editorial standards for accuracy, impartiality and fair and honest dealing. (see **Attachment C**)

[redacted]

[redacted]

50. On 13 August 2025, the complainant lodged their complaint with the ACMA.
51. On 10 October 2025, the ACMA commenced an investigation into the matter. It determined that with the exception of Issue 1 (see paragraph 7 above) the majority of the concerns would be best dealt with by the impartiality provisions of the ABC Code. Further information about the assessed scope of the investigation is in the CIA at **Attachment F.**
52. The ABC has provided two submission to the ACMA dated 15 October 2025 and 22 October 2025 (see **Attachment G** and **Attachment H**)

RISKS/SENSITIVITIES

53. The timing of the publication of the Report is a relevant consideration given the sensitivity surrounding Anzac Day on 25 April. Staff recommend finalising the report well in advance of this date, if possible, or alternatively delay the report, to limit or any potential impact it may have on Anzac Day.
54. Staff also recommend that due to the public profile of the Chairman of the AWM, it may be prudent to brief the Department and Minister's office of the upcoming publication of the Report. (see further discussion below at Communications below)

CONSULTATION

55. Legal Services Division (LSD) has reviewed this paper. The recommendations in the paper are consistent with the advice provided by LSD.

COMMUNICATIONS

56. Communications strategy required? No. Staff will update the ACMA website and contact the complainant with the outcome of the investigation (as above).
57. Ministerial briefing required? No. While our usual practice is only to notify the Department and Minister's Office before publication of breach reports – given the public profile of the complainant we may wish to provide advance notice on this occasion.

ATTACHMENTS

A) **Draft investigation report for BI-753**

B) **AWM complaint to the ACMA dated 13 August 2025.**

C) **ABC Ombudsman Report – also available online Ombudsman Investigation Report – dated 16 April 2025**

[redacted]

F) **Complaint and Investigation Assessment (CIA) - ABC Four Corners Sacrifice dated 10 March 2025**

G) **Attachment G - ABC 1st response to the ACMA dated 15 October 2025**

H) **Attachment H - ABC 2nd response to the ACMA dated 22 October 2025**

[redacted]