Australian Government | acma

Australian Communications and Media Authority

Investigation report no. BI-753

Summary	
Broadcaster	Australian Broadcasting Corporation
Relevant Code	The ABC Code 2024
Program	*Four Corners* 'Sacrifice'
Date of broadcast	10 March 2025
Type of service	National Broadcasting
Finding	No breach of Accuracy No breach of Impartiality
Attachments	**A** – relevant provisions and the ACMA's approach to assessing content
Date Finalised	<date of Authority signature>

Background

In October 2025, the Australian Communications and Media Authority (the **ACMA**) commenced an investigation under the *Broadcasting Services Act 1992* (the **BSA**) into a *Four Corners* report '*Sacrifice*', (the **Program**) broadcast by the Australian Broadcasting Corporation (the **ABC**) on 10 March 2025 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 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 across a range of issues and with respect to requirements under the editorial standards. The ACMA's jurisdiction only extends to considering the allegations under the ABC Code of Practice. The ACMA has assessed the complaint based on the general themes of the complaint and determined that the majority of the concerns raised would be better dealt with by impartiality provisions of the ABC Code. The ACMA has also examined one of the allegations under accuracy.

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 current affairs program broadcast on Mondays at 8.30pm. The Program ran for approximately 46 minutes. The relevant episode, titled '*Sacrifice'*, focused on the management, funding and redevelopment project of the AWM. The episode was framed around the findings of an Australian National Audit Office (**ANAO**) report[1] into the Project. The Program was hosted by Mark Willacy (the **host**).

DRAFT

[1] 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

Issue 1: Accuracy

Relevant Code provision

Accuracy

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

Finding

The ABC did not breach the accuracy standard in the Code.

Reasons

The considerations the ACMA uses in assessing whether or not broadcast material is factual are set out at **Attachment A**.

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?

While the complainant alleged the Program breached the accuracy provision of the Code in a number of respects, the ACMA has chosen to investigate the allegation that the Program presented misleading and distorted representations by manipulating the audio during the bugle sounding of the Last Post Ceremony.

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 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 report dated 16 April 2025 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 dated 22 October 2025 stated:

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. As pictured above, 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 entombment of the Unknown Australian soldier, veterans attending a Last Post ceremony in the AWM Commentative Courtyard, while the host was 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 Last Post soundtrack was being used as background music and was used as a technique by the Program to further build the reverence and sacredness of the scene and not to infer that an actual Last Post ceremony was continuously being featured in the scenes.

The ordinary reasonable viewer would have understood that the audio and the images were not actually 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, which the ordinary reasonable viewer would not have taken literally.

Was the particular content complained about factual in character?

The fact in issue is whether the construction was underway during ANZAC Day commemorations. 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 ANZAC Day ceremony. It was not a material fact.

While the program did not inaccurately represent the Last Post ceremony more care could have been taken in its use of imagery and sound to provide clarity to viewers.

Accordingly, the ABC did not breach the accuracy provision of the Code.

DRAFT

Issue 2: Impartiality

Relevant Code provision

Impartiality

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

Finding

The ABC did not breach the impartiality provision in the Code.

Reasons

While the complainant alleged the Program breached the impartiality provision of the Code in a number of respects the ACMA has chosen to investigate the allegation that the broadcast was not impartial in its reporting about the Project and the ANAO report.

Issue 2. Allegation that the broadcast was not impartial in its reporting about the Project and the ANAO report.

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 on the Program 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 creditability being given greater importance than their opponents of the Project. The complainant argued that the preferential treatment of the critics of the Project was further demonstrated in 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 credibility of the Project.

In particular, the complainant provided examples of impartiality as outlined below:

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 style and diversity of interviews; and

2.6 The interview style of the host 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[2] and failed to include other relevant findings of the ANAO report despite it being publicly available and provided by the complainant.

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 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 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 1 of 4 of the overarching 'largely effective' conclusions of the audit and as a result did not convey enough detail, including the size and scale of the 91-page ANAO report. The complainant submitted this omission resulted in an inaccurate and partial view of the Project.

The ABC Ombudsman's report dated 16 April 2025 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 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 that the management of the Project was 'largely effective' and

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

this displayed on screen in text: 'management …largely effective', during the part of the Program where the ANAO report is introduced.

The concerns raised in this segment were relevant to the focus of the Program as it provided the views of the government auditor. The Program introduced the contractual concerns and focused on the findings about ministerial oversight of the contracts combined with impact of the conflict of interest reporting and record-keeping. Through interviews with Senator 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 built a narrative that there were still ongoing concerns with the dollar value of the contract and whether there should have been more ministerial scrutiny.

Of the 4 conclusions drawn from the ANAO report, the Program focused on 1 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.*[3]

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 Matt Anderson director of the AWM 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 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, relating to ministerial oversight and conflicts of interest. These concerns were responded to, in part, by the comments made by Major General Melick and Mr Anderson.

The ACMA has previously considered that a program which presents a perspective that is opposed by a particular person or group is not necessarily inherently partial. Impartiality does not require that every perspective receives equal time, or that every facet of every issue is presented.

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

The complainant alleged that the Program omitted reference to the 3 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

[3] ANAO report, pages 8 and 32.

Australia, the Hon Anthony Albanese, MP,[4] (the **Prime Minister**) and Senator the Hon Linda Reynolds, former Minister for Defence of Australia (**Senator Reynolds**).

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 report dated 16 April 2025 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.

[4] 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*

> 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.*

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 particular context.

The ACMA notes that the Program provided differing perspectives on the ANAO report, but that the Program would have benefitted from providing comments in support of the AWM from an interviewee who was not part of the AWM, such as Senator Reynolds, former Minister of Defence. The ACMA does not wholly agree with the ABC Ombudsman that Senator Reynolds' comments would not have 'added any significant or new context'. The ACMA however finds that there are sufficient perspectives provided in the Program on the ANAO report that the omission of Senator Reynolds comments has not made the Program partial.

The ABC Ombudsman report did not consider the Prime Minister's comments on 3 February 2025. The ACMA considers there were sufficient perspectives provided in the program and that 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 deep analysis of what the Awards are 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 Program provided relevant context around the ANAO report, without including the awards or the comments from the Prime Minister and Senator Reynolds, and that their omission did not render the Program partial.

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 did not refer directly to the complainant's allegation regarding the NCA, but it made the following statement about Mr Andseron:

> […]

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 stated:

> MARK WILLACY: 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.
>
> MARK WILLACY: 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.
>
> MARK WILLACY: 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.
>
> MARK WILLACY: 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.
>
> MARK WILLACY: But it ticked off anyway.
>
> STEWART MITCHELL, FORMER BUILDINGS MANAGER, AUSTRALIAN WAR MEMORIAL: Same. Yeah, exactly. So, so many red flags.
>
> MARK WILLACY: 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.
>
> MARK WILLACY: 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.
>
> MARK WILLACY: 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.
>
> MARK WILLACY: 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. However, the program clarified immediately following this interaction was correct when he said that the NCA's first-stage consultation, involving demolition work for the redevelopment, 'did receive a record 601 submissions'. The host also stated that 'by the time the second stage of the process had been reached, the majority of submissions were in favour of the development'. Based on publicly available information it is apparent that the majority of the stage 1 consultation was negative and that the majority of the stage 2 consultation was positive.

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 of consultation. Mr Anderson was given a reasonable opportunity to address the assertions put to him by the host during the Program that the majority of submissions were negative and the program later clarified this difference. As a result, the ordinary reasonable viewer would have been able to draw their own conclusions about the outcomes of the consultation processes.

2.4 Misrepresentation of the conflict of interests 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 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[5].

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

MARK WILLACY: 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.

MARK WILLACY: 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.

MARK WILLACY: 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.

MARK WILLACY: 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.

---

[5] 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.

> 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.
>
> MARK WILLACY: 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.
>
> MARK WILLACY: 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.
>
> MARK WILLACY: 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.
>
> MARK WILLACY: 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.

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 ordinary reasonable viewer would have understood that the employment was several years prior to the relevant failure of the conflict of interest declaration process, as evidenced by Mr Beazley's comment about it being resolved 'years before'. This was also informed by the host's comments that a conflict of interest form that was eventually submitted 3 years after Mr Hitches commenced employment and the statement that 'the memorial's chairman defends Mr Hitches' role in the project and in considering contracts'.

While the program did not explicitly state that Mr Hitches was involved in the briefing of Lendlease which resulted in them being awarded a significant contract, the program did omit the context surrounding Lendlease's briefing, including the fact that Mr Hitches was not even involved in the Lendlease briefing.

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', and 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.

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 complainant sought for the ABC to acknowledge 'that Mr Hitches provided a response to the conflict-of-interest question, which was omitted from the program'.

2.5 The style and 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.
>
> 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 report dated 16 April 2025 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*.
>
> [...]

> 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
>
> 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
>
> [...]
>
> 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 complainant has alleged that 15 interviewees appear in the Program and 11 of them are critics of the AWM or Project. While impartiality does not provide that every view must be given equal time, it should be noted that the following supporters of the Project and the AWM were referenced in the ABC transcript of the Program:

- Mr Anderson spoke 21 times;
- Mr Beazley spoke 16 times;
- Mr Melick spoke 9 times; and
- Mr Brendon Nelson spoke (via pre-taped footage) 4 times.

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. Although a 45-minute Program allows for a fair degree of depth in the consideration of a matter, the ABC noted that there are constraints on the amount of information that can be included. The ACMA notes the concerns of the complainant that there was an opportunity for a broader range of stakeholders to be interviewed for the program.

However, 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 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.

Having carefully considered the information provided, there is no evidence to suggest that the ABC had failed to provide opportunities for principal relevant perspectives to be expressed.

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

The complainant alleged that the host 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 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. For example, the host 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:

> MARK WILLACY: 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.
>
> MARK WILLACY: 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.
>
> MARK WILLACY: 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.
>
> MARK WILLACY: That does look a little strange.
>
> KIM BEAZLEY, CHAIR AUSTRALIAN WAR MEMORIAL: It was not clever.
>
> MARK WILLACY: It's not clever?
>
> KIM BEAZLEY, CHAIR AUSTRALIAN WAR MEMORIAL: Not clever.
>
> MARK WILLACY: 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 ACMA considers that given the seriousness of the issues raised, and the public interest of the information raised in the ANAO report, the directness of the questioning was reasonable in the circumstances. Given the nature of the interviews, the ACMA is of the view that the language and tone used in the Program was measured and proportionate.

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.

Further, the ACMA has previously noted that programs are entitled to take specific lines of enquiry and there is no requirement in the Code for all facts that are potentially relevant to a program to be presented.

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. 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 and given the gravity of the public money (more than $500m) being spent on the Project, it was appropriate to ask probing questions.

Further, the Program made it clear in its introduction that there were questions to be asked about the Project, given government grants were being used for the construction. The Program had a responsibility to the Australian public to investigate how the Project was conducted and to raise questions with the relevant AWM employees, particularly in light of the findings of the ANAO report.

Conclusion

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

- The host maintained a relatively neutral tone throughout the broadcast and did not use sustained emotive or colourful language. The ACMA considers that the language and tone did not convey any prejudgment, nor did it appear to give effect to any affections or enmities of the host.
- The Program made it very clear that there were opposing views. As stated above, impartiality does not require that every perspective receives equal time, nor that every facet of every argument is presented.
- While the majority of those interviewed in the Program opposed the Project, the host did interview supporters of the Project and referred to the ANAO report and quoted directly from its findings.
- The fact that equal time was not allocated to each perspective does not indicate that the broadcast was biased. The ACMA considers that viewers would have been aware that there were conflicting views.

Having regard to the factors outlined above, the ACMA considers that the Program met the obligations for impartiality referred to in the Code.

Accordingly, the ABC did not breach the impartiality provision of the Code.

Decision

The Australian Communications and Media Authority determines for the above reasons that the Australian Broadcasting Corporation, in relation to the broadcast of *Four Corners* on 10 March 2025:

- did not breach Accuracy
- did not breach Impartiality

of the ABC Code of Practice 2024.

Signed for and on behalf of the Australian Communications and Media Authority by:

Signature of Member:

Name (please print):

Signature of Member/General Manager:

Name (please print):

Dated:

DRAFT

Attachment A

Relevant provisions

The ABC Code of Practice (1 January 2024)

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

Impartiality: The ABC will gather and present news and information with due impartiality

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' listener or viewer.

Australian courts have considered an 'ordinary reasonable' listener or 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.[6]

Once the ACMA has ascertained the meaning of the material that was broadcast, it then assesses compliance with the Code.

ACMA considerations for determining factual content:

- In practice, distinguishing between factual material and other material, such as opinion, can be a matter of fine judgement.
- The ACMA will have regard to all contextual indications (including subject, language, tenor and tone and inferences that may be drawn) in making its assessment.
- The ACMA will first look to the natural and ordinary meaning of the language used.
- Factual material will usually be specific, unequivocal and capable of independent verification.
- The use of language such as 'it seems to me' or 'we consider/think/believe' will tend to indicate that the content is contestable and presented as an expression of opinion or personal judgement. However, a commonsense judgement is required and the form of words introducing the relevant content is not conclusive.
- Statements in the nature of predictions as to future events will rarely be characterised as factual material.
- Statements containing argumentative and exaggerated language or hyperbole will usually indicate a subjective opinion and will rarely be characterised as factual material.

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

- The identity of the person making a statement (whether as interviewer or interviewee) will often be relevant but not determinative of whether a statement is factual material.

- Where it is clear in the broadcast that an interviewee's account is subjective and contestable, and it is not endorsed or corroborated, their allegations will not be considered as factual assertions.

- Where an interviewee's stance is separately asserted or reinforced by the host or presenter, or proof of an allegation is offered so that it becomes the foundation on which a program or a critical element of the program is built, it may be considered a factual assertion.[7]

- Sources with expertise may be relied on more heavily than those without, in determining whether material is factual, but this will depend on:

  - whether the statements are merely corroborative of 'lay' accounts given by other interviewees

  - the qualifications of the expert

  - whether their statements are described as opinion

  - whether their statements concern past or future events[8]

  - whether they are simply comments made on another person's account of events or a separate assertion about matters within their expertise.

DRAFT

[7] See Investigation 2712 (*Today Tonight* broadcast on Seven on 25 July 2011); Channel Seven Adelaide Pty Limited v Australian Communications and Media Authority [2014] *FCA* 667.

[8] See Investigation 3066 (*Four Corners* broadcast on ABC on 23 July 2012) and Investigation 2961 (*The Alan Jones Breakfast Show* broadcast on 2GB on 19 October 2012).