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

ACMA staff 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] and [redacted], Content Investigations Section

Cleared by: GM: Autumn Field EM: Alana Fraser

Legal contact officer: [redacted] and [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, ACMA staff opened an investigation into an episode of *Four Corners* titled 'Sacrifice' broadcast on 10 March 2025 (the **Program**) in relation to alleged breaches of the Accuracy and Impartiality provisions of the ABC Code of Practice 2024 (the Code).
3. The Program 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 that the program breached the accuracy and impartiality 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 Program focused on the management, funding and redevelopment project of the AWM. ACMA staff determined that the majority of issues raised in the complaint would be best assessed under the impartiality provision. ACMA staff did assess one of the allegations under the accuracy provision of the Code.
7. 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, *Management of the Australian War Memorial's Development Project* (2014), (the **ANAO report**) (**Issue 2).**[1]

   In particular, the complainant provided the following examples of impartiality:

   - the negative framing of the ANAO report;
   - omission of the Project's accolades and awards for procurement;
   - Mr Matt Anderson's (Director, Australian War Memorial) interview on consultation processes;

[1] See: the 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.

- misrepresentation of the conflict of interest process in relation to AWM's Executive Program Director, Mr Wayne Hitches;
- the diversity of interviews; and
- the interview style of the host and how the interviews were conducted.

Issue 1 - Accuracy

8. In relation to accuracy, the Code provides that 'the ABC will make reasonable efforts to ensure that material facts are accurate and presented in context'.
9. The complainant alleged that 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 (see timestamp 07:48 – 09:05 minutes).
10. Staff assessed whether the Program conveyed to the ordinary reasonable viewer that construction works were ongoing during Last Post Ceremony or would the ordinary reasonable viewer have understood that the audio and the images were not occurring concurrently and that 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 the segment.
11. Staff found that the ordinary reasonable viewer would have understood that the Last Post soundtrack was used as background music during a number of scenes. These scenes included footage of the interment of the Unknown Australian soldier, veterans attending a Last Post ceremony in the AWM Commentative Courtyard, the host narrating as he stood near the tomb of the Unknown Australian soldier, and construction at the AWM. Staff found that the use of the Last Post soundtrack in these scenes was a symbolic technique and formed the view that the ordinary reasonable viewer would have understood that the actual Last Post ceremony was not occurring throughout these scenes.
12. 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

13. In relation to impartiality, the Code provides that 'the ABC will gather and present news and information with due impartiality'.
14. Staff considered the alleged partiality of the Program through some of the examples provided by the complainant in the investigation report, as follows:

Issue 2.1 The negative framing of the ANAO report

15. The complainant alleged that the Program focused on the negative findings of the ANAO report and failed to include other relevant findings of the ANAO report despite it being publicly available and provided by the complainant.
16. In the Program, the ANAO report was introduced as 'uncovering some troubling information involving contracts and possible conflicts of interest' (see timestamp 20:58 to 28:00 for ANAO report discussions). The Program referred to the ANAO Report's overall findings that the management of the Project was 'largely effective' by displaying the text: 'management …largely effective' while introducing the ANAO report (see timestamp 21:30 to 21:56 minutes).
17. Staff consider that the Program was entitled to examine in more detail the findings of concern in the ANAO report, noting that the Program had acknowledged the other overall findings that the management of the Project was 'largely effective' (see timestamp 21:30

minutes and also page 6 of the ANAO report, where it discusses the 'Audit Snapshot' and what the report found.[2]

18. 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 the impact of the lack of conflict of interest reporting and record keeping.
19. 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 that 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.
20. These concerns were responded to, in part, in the Program by the comments made by Major General (retired) Greg Melick, AO (Council Member of the AWM) (see timestamps at 22:23 to 22:30 minutes at 25:30 to 25:50 minutes) and Mr Matt Anderson (Director, AWM) on behalf of the AWM (see timestamps at 23:09 to 23:34 and 27:49 to 27:56 minutes).

Staff considered:

21. The Code does not prevent Four Corners from taking a stance and prosecuting an argument.
22. 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.
23. Impartiality does not require that every perspective receives equal time, or that every facet of every issue is presented.
24. Staff do not consider the Program's framing of the report breached the impartiality provision of the Code.

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

25. The complainant alleged that the Program omitted reference to the three national awards for the Project (the **awards**) which commended the AWM for aspects of procurement, as well as various positive reactions to the Project from persons including the current Prime Minister of Australia, the Hon Anthony Albanese, MP, (the **Prime Minister**) and the then Senator, the Hon Linda Reynolds CSC, former Minister for Defence of Australia (**Senator Reynolds).**
26. Staff do not agree with the ABC Ombudsman that the then Senator Reynolds' comments would not have 'added any significant or new context', as her comments as the former Minister for Defence would have been a relevant counterpoint to other politicians interviewed in the Program.
27. However, staff noted that the Program provided differing perspectives on the ANAO report and found that there was a sufficient diversity of perspectives provided in the Program on the ANAO report, such that the omission of the then Senator Reynolds comments did not render the Program partial.
28. Regarding the awards and other accolades that the complainant had provided to the ABC, staff considered that these awards would not have provided additional relevant context to the Program. These awards and how they are assessed are unrelated to the procurement concerns raised by the ANAO.
29. Staff consider that this would not have been relevant to the focus of the segment on ministerial oversight and declaring conflicts of interest.

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[2] See: page 6 of the 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.

30. Staff found 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 (Director, Australian War Memorial) interview on consultation processes

31. The complainant 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.

Staff considered:

32. 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.

33. Staff consider that Mr Anderson was given a reasonable opportunity to refute the assertions put to him by the host and that the omission of the Awards and the comments from the Prime Minister and Senator Reynolds did not render the Program partial in this context.

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

[redacted]

34. 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. Staff considered it appropriate to examine this under impartiality rather than the fair and honest dealing provisions of the Code as the Program did not explicitly allege that Mr Hitches did not provide a statement to the ABC or that he briefed Lendlease.

Commented [redacted] Can we say why?

35. Staff note 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). Staff have not considered the publication of this statement relevant to the ACMA's assessment of impartiality in this broadcast.

Staff considered:

36. The host caveated Mr Hitches position in relation to the ANAO report on conflicts of interest through the statement '*one of those possible conflicts of interest involved Wayne Hitches … The audit office found Mr Hitches failed to complete a conflict of interest declaration.'* The use of 'one of those' and 'possible' goes to the ordinary reasonable viewer's understanding that there was likely more than one possible conflict of interest, one of which involved Mr Hitches.

37. 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.

38. The ordinary reasonable viewer would have been able to draw their own conclusions about the prior employment relationship without hearing directly from Mr Hitches, and in any event, more senior AWM representatives defended his appointment/position at the AWM. In this context the ACMA considers that the audience's understanding of the issues being considered would have been enhanced if the broadcast had noted that the AWM (not Mr

Hitches) was involved in the debriefing process with Lendlease and that the debriefing is a necessary feature of the Commonwealth procurement.[3]

39. Staff consider that the Program's representation of the conflict of interest process in relation to Mr Wayne Hitches did not render the Program partial in this context.

Issue 2.5 The diversity of interviews

40. The complainant has alleged that 15 interviewees appear in the Program and 11 of them are critics of the AWM or Project.

Staff considered:

41. 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.

42. 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 the 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.

43. Staff consider that there is no evidence to suggest that the ABC failed to provide opportunities for principal relevant perspectives to be expressed and the program was not partial.

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

44. 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.

Staff considered:

45. 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.

46. 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 must not deliberately attempt to portray the subject in a negative light.

47. 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.

48. While the Program did not amount to a breach of the impartiality provision of the Code, more care could have been taken in dealing with contentious matters and providing a more thorough explanation of complex issues, for example the ANAO Report and Mr Hitches' written statement on steps undertaken to avoid possible or perceived conflicts of interest.

49. Staff are of the view that the Program did not breach the impartiality provision of the Code with respect to this allegation.

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

NEXT STEPS AND TIMING

50. 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.
51. 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).
52. In line with our usual processes, we will seek comments from the ABC, the AWM, Mr Hitches, and other relevant parties under section 180 of the BSA before publication.
53. If appropriate, we will publish the report on the ACMA website in line with our usual processes.

Commented [AF2]: See my covering email re: section 180 consultation

BACKGROUND

54. 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**).
55. 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]

57. The Ombudsman Investigation Report noted that the Ombudsman received seven content complaints about the Program and retained three complaints for investigations, including one submitted on behalf of the AWM. [redacted]

60. On 13 August 2025, the complainant lodged their complaint with the ACMA.
61. On 10 October 2025, the ACMA staff commenced an investigation into the matter. It determined that with the exception of Issue 1 (see paragraph 7 above) the majority of the issues 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.**

[redacted]

62. On 13 October 2025, staff advised the ABC and AWM of the commencement of the investigation.
63. The ABC has provided two submissions to the ACMA dated 15 October 2025 and 22 October 2025 (see **Attachment G** and **Attachment H**)

RISKS/SENSITIVITIES

64. Subject to the Authority's consideration of the draft investigation report and section 180 consultation, it is possible the report could be published in proximity to ANZAC Day on 25 April.
65. 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**)

CONSULTATION

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

COMMUNICATIONS

67. Communications strategy required? No. Staff will update the ACMA website and contact the complainant with the outcome of the investigation (as above).
68. Ministerial briefing required? Yes. As set out above in paragraphs 61 and 62, 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.

REGULATORY IMPACT ANALYSIS PROCESS

69. We have considered whether a regulatory impact analysis process is required and formed the view that the recommendation in this submission would not give rise to a regulatory change as defined by the Office of Impact Analysis (OIA). Therefore, a regulatory impact analysis process has not been applied.

STATEMENTS OF COMPATIBILITY (SOC) WITH HUMAN RIGHTS

70. N/A

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

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