



FACT SHEET: The MEAA Journalist Code of Ethics

What is MEAA?

The Media, Entertainment & Arts Alliance is the largest and most established union and industry advocate for Australia's creative professionals.

MEAA is divided into several sections representing several industries.

The MEAA Media section welcomes as members people who work in Australia's media and communications industry including those working on any platform (print, broadcast, digital); as reporters, editors, photographers, designers, producers, artists, cartoonists, sub-editors – including those working as full-time, part-time and casual employees or as freelance independent contractors, and in public affairs and communications. MEAA's Media section has about 5500 members.

The MEAA Media section was originally created as the Australian Journalists Association (AJA) in Melbourne on December 10, 1910.

HISTORY AND BACKGROUND OF THE CODE OF ETHICS

Who is bound by MEAA's *Journalist Code of Ethics*?

Under MEAA's rules, all members of MEAA Media are bound by MEAA's *Journalist Code of Ethics*.

Only MEAA Media members can be investigated for alleged breaches of the Code.

It is a requirement of the *Fair Work (Registered Organisations) Act 2009* that MEAA's rules are registered with the Fair Work Commission.

When was the *Journalist Code of Ethics* adopted?

In 1944, the AJA created the *Journalist Code of Ethics* – an initiative prompted by the creation of similar codes in the US and Britain. The move was seen as important to improving the status of journalists by “enforcing a code of honour”, free from “outside control”, by creating “strong internal systems for the enforcement of recognised standards of professional honour and decency”ⁱ.

Some media employers condemned the Code saying that it presupposed a necessity for its creation: “The maintenance of ethical standards is a matter between newspapers and their readers and it cannot be consider a function of an organisation such as yours [the AJA].”ⁱⁱ Despite this, there was broad community support for the code.

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Later, in 1947, a journalist complained that the Code was “tyrannical and oppressive” and launched a complaint against the AJA. However, the full bench of the Commonwealth Arbitration Court found the AJA’s rules including the code “bear the strongest evidence of careful draftsmanship and there was nothing in any of the challenged rules which was either tyrannical or oppressive.”ⁱⁱⁱ The Court’s decision ensured the status of the Code as a professional code of conduct for journalists.

The code was reviewed and updated in 1984 and subject to a major review between 1994 and 1999 leading to the current MEAA *Journalist Code of Ethics* being instituted in February 1999.

Why a code?

In reviewing the code, MEAA’s review Committee said: “A code helps a group define and redefine itself. Adoption is belonging. A profession’s code tells practitioners who and what they are.”^{iv}

It added: “A code declares to others what the group is about. It states purposes, values and standards that others may use to understand it, form expectations of it, debate with it, assess it, and consider any privileges conferred on it or duties imposed on it.”

MEAA believes that, to avoid the imposition of government regulation, it is necessary for a professional association to demonstrate it is self-regulating.

Journalism has always been a profession operating under considerable commercial pressures. The journalism funding model, whether through subscription and circulation, public or private funds, or advertising, is always at odds with the requirement that journalism be committed to honesty, fairness, independence and respect for rights of others. It is not easy to find a balance between the age-old functions and needs of “church” and “state”.

MEAA believes that by adopting the Code, MEAA members are equipped with a valuable tool to push-back against pressure to engage in unethical behaviour and, by observing the Code, they are encouraged to make the effort to produce journalism of high quality and integrity.

The Code and technological change

From time to time, particularly in recent years with digital technology transforming journalism, there have been questions about whether the Code reflects changes in technology.

MEAA believes that the Code is applicable to all types of journalism regardless of a particular technology or publishing platform. In essence, the requirements of ethical journalism do not alter from one platform to another or one technology to another.

THE DESIGN OF THE CODE OF ETHICS

The MEAA Code consists of:

- a preamble that looks at *aspirations*: what journalism is for,
- the *values* on which the standards are based, both as an educative tool and to help resolving dilemmas,
- the *standards* normally to be followed, and
- *guidance* for decision-making, acknowledging that basic values sometimes clash.^v

The preamble expresses “the elements of journalism that matter most. This is what distinguishes [journalism] from propaganda and advertising... Journalism as a public service, a lubricant of democracy, a friend of freedom of expression... The preamble connects power with accountability, accountability with trust, and trust with the fulfilment of the public service role of journalism.”^{vi}

MEAA Journalist Code of Ethics

[Aspirations] Respect for truth and the public’s right to information are fundamental principles of journalism. Journalists search, disclose, record, question, entertain, comment and remember. They inform citizens and animate democracy. They scrutinise power, but also exercise it, and should be responsible and accountable.

[Values] MEAA members engaged in journalism commit themselves to:

Honesty

Fairness

Independence

Respect for the rights of others

[Standards] Journalists will educate themselves about ethics and apply the following standards:

1. Report and interpret honestly, striving for accuracy, fairness and disclosure of all essential facts. Do not suppress relevant available facts, or give distorting emphasis. Do your utmost to give a fair opportunity for reply.
2. Do not place unnecessary emphasis on personal characteristics, including race, ethnicity, nationality, gender, age, sexual orientation, family relationships, religious belief, or physical or intellectual disability.
3. Aim to attribute information to its source. Where a source seeks anonymity, do not agree without first considering the source’s motives and any alternative attributable source. Where confidences are accepted, respect them in all circumstances.
4. Do not allow personal interest, or any belief, commitment, payment, gift or benefit, to undermine your accuracy, fairness or independence.

5. Disclose conflicts of interest that affect, or could be seen to affect, the accuracy, fairness or independence of your journalism. Do not improperly use a journalistic position for personal gain.
6. Do not allow advertising or other commercial considerations to undermine accuracy, fairness or independence.
7. Do your utmost to ensure disclosure of any direct or indirect payment made for interviews, pictures, information or stories.
8. Use fair, responsible and honest means to obtain material. Identify yourself and your employer before obtaining any interview for publication or broadcast. Never exploit a person's vulnerability or ignorance of media practice.
9. Present pictures and sound which are true and accurate. Any manipulation likely to mislead should be disclosed.
10. Do not plagiarise.
11. Respect private grief and personal privacy. Journalists have the right to resist compulsion to intrude.
12. Do your utmost to achieve fair correction of errors.

[*Guidance*] Guidance Clause: Basic values often need interpretation and sometimes come into conflict. Ethical journalism requires conscientious decision-making in context. Only substantial advancement of the public interest or risk of substantial harm to people allows any standard to be overridden.

The Code and MEAA Media members

Upon joining MEAA, every new MEAA Media member is supplied with a wallet-sized card containing a copy of the Code and a brief explanation of how the complaints procedure works. This ensures that every member can readily access the Code should they need to consider their response to an ethical concern. Many newsrooms also display posters of the Code.

The Code is also easily accessible on the MEAA web site at <https://www.meaa.org/meaa-media/code-of-ethics/> and includes an explanation of the ethics complaints process.

The Code and the law

Increasingly, Australia legislators are making laws that have an adverse effect on journalism – by pursuing journalists' sources and by criminalising legitimate public interest journalism. Recently, several national security laws have begun using the phrase "working in a professional capacity as a journalist" in relation to the powers granted to government authorities to infringe on the public's right to know.

The Attorney-General's Department has stated that it believes indicators that a person is working in a professional capacity as a journalist would include "regular employment, adherence to enforceable ethical standards and membership of a professional body".^{vii}

This response, used in an explanation of section 119.2 of the *Criminal Code*, has also been used in the amendments to the *Telecommunications (Interception and Access) Act 1979* that introduced Journalist Information Warrants – allowing 21 Government agencies to secretly access journalists’ telecommunication data for the purpose of discovering (and presumably prosecuting) a journalist’s confidential source.

This definition would presumably leave non-MEAA members, particularly those working as freelancers and/or bloggers engaged in legitimate journalism, “out in the cold”.

THE CODE OF ETHICS IN PRACTICE

Making a complaint under the MEAA Code

From the MEAA web site:

If you believe a journalist has breached MEAA’s *Journalist Code of Ethics*, you should lodge a written complaint stating the:

- name of the journalist;
- action that you believe is unethical;
- clause or clauses of the Code that you believe have been breached.

The letter should be addressed to: the CEO, MEAA, PO Box 723, Strawberry Hills, NSW 2012 or via email ceo@meaa.org Once the MEAA CEO receives your letter, the CEO will refer it to the National Ethics Panel (see below).

MEAA’s *Journalist Code of Ethics* applies to members of MEAA’s Media section. MEAA can undertake no action or investigation if allegations are made against individuals who are not MEAA members.

How MEAA’s National Ethic Panel process works

Complaints brought against MEAA members for Code violations are investigated by MEAA’s National Ethics Panel. The Panel consists of nine MEAA financial members and four members of the general public. The Panel members are appointed by MEAA’s biennially-elected National Media Section Committee. The current chair is Terry O’Connor.

A MEAA member commits an offence if found guilty of any violation and/or refusal to observe the Code, or failure to obey a summons to attend a meeting of the Panel and failing to supply the Committee with a reasonable explanation for non-attendance.

If guilty, the member may be liable to any of these penalties: warning, reprimand, fine (maximum \$1000), membership suspension (for up to one year) or expulsion from membership.

Complaints

Anyone may write to MEAA alleging a MEAA journalist member has acted contrary to the Code. The complaint is submitted as soon as possible to the chair of the National Ethics Panel to consider.

The Panel does not accept anonymous or oral complaints. It has the right to refuse to receive, investigate or make a decision upon any complaint which, in the opinion of the majority of Panel members, does not come within the provisions of the *Journalist Code of Ethics*, or which is vexatious, frivolous or trivial.

The Panel can investigate any report on any matter concerning MEAA's *Journalist Code of Ethics* which may be referred to it by MEAA's Federal Council, the MEAA Board, MEAA's National Media Section Committee or a MEAA Branch Council.

If a complaint requires investigation, the National Ethics Panel chair has eight days to convene a Complaints Panel of three members of the National Ethics Panel – at least one must be a general public member. The chair will advise the complainant that the complaint has been received and advise the member of the nature of the complaint.

The Complaints Panel will consider the complaint and can dismiss the complaint without further action; attempt to mediate; or seek further information. It can also have the parties appear personally before it. The parties can call witnesses who can be examined or cross-examined.

Although the formalities of legal proceedings are followed where necessary to protect the member, the Complaints Panel is not bound by formal rules of evidence. The Complaints Panel hearing is to ascertain the truth and substance of the matter. The rules of natural justice are observed but neither party has the right to legal representation.

Upon completing its investigation, the Complaints Panel decides by a majority vote whether the complaint is upheld or dismissed. If upheld, it will also decide by majority vote on the penalty to be imposed. The chair of the Ethics Panel will advise the complainant and the MEAA member of the Complaints Panel's decision within 28 days.

Appeals

Each party has the right to appeal. If no appeal is lodged within a further 28 days, the decision is confirmed and any action required is taken.

If an appeal is lodged, the National Ethics Panel chair has eight days to convene an Appeal Panel of five members of the National Ethics Panel – at least two must be general public members of the Panel. No member of the Complaints Panel that heard the original matter can sit on the Appeal Panel.

The National Ethics Panel chair will advise the appellant that the appeal has been received and advise the other party of the nature of the appeal; and provide the Appeals Panel with all material connected with the decision.

The Appeal Panel is restricted to correcting error in the Complaints Panel's decision. The parties can provide further evidence to the Appeal Panel.

The Appeal Panel will consider the complaint and can dismiss or uphold the appeal; vary the original decision of the Complaints Panel; direct that a new Complaints Panel be convened to reconsider the complaint; or seek further information from either party. It can have the parties appear personally before it, and can allow them to call witnesses who can be examined or cross-examined.

The National Ethics Panel chair will advise the parties of the Appeals Panel's decision within 28 days.

Details of complaints

The requirements of the *Privacy Act* prevent MEAA from disclosing the names of parties to an ethics complaint so details about complaints made against MEAA members cannot be made public.

On average, MEAA receives a complaint from a member of the public about alleged unethical behaviour every fortnight.

However, the vast majority of these cannot be investigated because (a) the individual media worker concerned is not a MEAA member and therefore is not bound by the MEAA Code and so cannot be investigated by the MEAA National Ethics Panel or (b) the complaint is made against a media outlet not an individual.

In these cases, MEAA does its best to direct the complainant to a body that may be able to investigate the complaint – this includes industry bodies such as the Australian Press Council, Free TV Australia and the Australian Communications and Media Authority.

Over the past four years, only between four and eight complaints a year have been sent to the chair of the National Ethics Panel for consideration.

Between July 2015 and July 2016 only two cases led to a Complaints Panel being formally established by the chair of the National Ethics Panel to investigate complaints against MEAA members. In both instances, there were no findings of unethical behaviour and there have been no subsequent appeals against those findings.

OTHER BODIES

The Australian Press Council

The AJA lobbied for the creation of a press council from 1953 and the Australian Press Council was finally established in 1975 (with the AJA and publishers as constituent members), largely in response to the Whitlam Government's proposals for greater media regulation^{viii}.

The Council has issued a set of guidelines and standards for media outlets to adhere to and also operates a complaints mechanism. Whereas the MEAA's National Ethics Panel can hear complaints against individual MEAA journalist members, the Council is the principal body with responsibility for responding to complaints about Australian newspapers, magazines and associated digital outlets, such as websites (i.e. publishers not an individual journalist). The Council's jurisdiction extends to all the print publications and related digital outlets of its constituent bodies, which collectively account for about 90 per cent of all print media sales in Australia.

The Council currently receives more than 700 complaints each year. About 75 per cent of those which are fully pursued by the complainant result in a correction, apology or some other form of action being taken. Where the complaint cannot be resolved without a formal adjudication, the publisher is required to publish the Council's adjudication promptly and with due prominence.^{ix}

Broadcasting regulation

Other industry groups and broadcasters, including television and radio lobby groups, operate a complaints process, including Free TV Australia (for commercial television); Commercial Radio Australia; the ABC and SBS; and the Community Broadcasting Association of Australia (CBA) and Australian Community Television Alliance (ACTA).

The government regulator, the Australian Communications and Media Authority, also offers a mechanism for complaints about broadcasting. Any individual or organisation can make a complaint to the ACMA about an Australian broadcaster's compliance with a code, licence condition or standard. Individuals can complain to the ACMA about a matter covered by an industry code of practice, if they have first complained to the broadcaster and have not received a response within 60 days of making the complaint or are not satisfied with the response received. Complaints can be made to the ACMA about a matter relating to a standard or licence condition without first taking the matter to the broadcaster.

Codes of practice

Several media employers also operate in-house codes of practice/conduct for their employees; some of which acknowledge MEAA's *Journalist Code of Ethics*. However, the MEAA Code only applies to MEAA Media members and only MEAA Media members can be investigated for breaches of the MEAA Code.

ⁱ *Profession: Journalist – a history of the Australian Journalists' Association*, Clem Lloyd, Hale & Ironmonger, 1985

ⁱⁱ *ibid*

ⁱⁱⁱ *ibid*

^{iv} *Ethics in Journalism – Report of the Ethics Review Committee*, Media, Entertainment & Arts Alliance, Melbourne University Press, 1997

^v *ibid*

^{vi} *ibid*

^{vii} Acting Independent National Security Legislation Monitor Inquiry into section 35P of the ASIO Act - Attorney-General's Department response to request for information

^{viii} *Ethics in Journalism – Report of the Ethics Review Committee*, Media, Entertainment & Arts Alliance, Melbourne University Press, 1997

^{ix} <http://www.presscouncil.org.au/complaints/>