

The MEAA's new code of ethics and practical workplace reform

Kerri Elgar

Since its release on 30 August, 1995, the Media Entertainment and Arts Alliance's draft new code of ethics for journalists has been condemned by many critics as too long and too vague to be of practical use in the workplace. This article examines each of these charges individually to conclude that while the draft code appears to be successful in encouraging industry-wide reform at an external level, its aspirations do not provide clear guidelines for on-the-run application.

JOURNALISM has often been referred to as "history in a hurry" (Christians, Rotzoll & Fackler 1995, p.51). Constrained by competitive pressures and unyielding copy deadlines,

industry employees devote little time to moral philosophy. And when hot-selling scandals pay the bills, in-house ethics can strain the budget. In such an environment, it would seem only reasonable that any code of conduct be designed for on-the-run application. Indeed, it could be convincingly argued that the industry's favorite adage: "Keep It Simple, Stupid!" should begin with its code of ethics.

Defying this logic, the Media Entertainment and Arts Alliance (MEAA) Ethics Review Committee has doubled the number of clauses in its draft new code of ethics for journalists. Since its release on 30 August, 1995, it has been condemned by many me-

dia commentators as too long and too vague to be of practical use to journalists. To begin exploring these criticisms, it is useful to see the code in its historical context. The first national code of ethics for journalists was adopted by the Australian Journalists' Association in 1944 (Lloyd 1985, p.228). In just eight clauses, it embraced calls for a more socially responsible press with demands for accuracy, honesty, independence and protection of individual rights. The clauses themselves were presented as inviolable dictates. With their sing-song syntax and rhythm, it is not difficult to imagine cadet journalists reeling off the code's principles like school children reciting *The Lord's Prayer*.

In 1984, the code was revised (Lloyd 1985, p.236). One clause (an exhortation to observe the "fraternity" of the profession) was deleted and other sexist language was removed. New clauses were added to place greater emphasis on individual rights such as privacy and non-discrimination. However some phrasing became less certain — for example, the moral force of the second clause of the 1944 prototype was diminished in the 1984 code with the inclusion of the word "strive". The original code's position on independence was also stronger than that of the 1984 version. And the 1984 code's new clause encouraging journalists to "do their utmost" to correct "harmful" errors was hardly specific. Yet the most striking addition to the 1984 code was its introduction, sometimes referred to as an "out clause". This preamble effectively qualified all 10 clauses by stating that: "Respect for truth and the public's right to information are overriding principles for all journalists". Thus, while the 1984 code was longer and more detailed than its 1944 prototype, and while it generally strengthened the commitment to social responsibility (for an explanation of this concept, see Fink 1988, p.11), its principles became less certain. The draft code of 1995 continues the move toward social responsibility, particularly in its inclusion of new ethical standards to protect the rights of others. This trend appears to be stretching beyond national boundaries. Indeed, the American academic Fink (1988, pp.xix-xx) describes a "watershed era" where today's media operate in an "increasingly hos-

tile social, legal and economic environment". In such an era, he says, the call for better ethical standards has never been greater:

Clearly, the ethical-reactive disposition has two parents: external criticism and pressure, and internal turmoil and self-doubt among journalists themselves, who have a growing preoccupation with whether what they do is ethical, fair, balanced, or constructive – worthy even. (Fink 1988, pp.xxii)

This dichotomy is echoed in the MEAA *Issues Paper* (1993: 2) where the Ethics Review Committee explains the decision to review the code as a function of both internal and external factors. The former are represented by those within the industry who have become concerned at journalism's declining credibility and low opinion-poll ratings. In the *Bulletin's* latest annual survey of ethics and honesty ratings among occupations, newspaper journalists are ranked second-last – just above car salesmen – and their rating keeps declining steadily (*Bulletin* 1996). Concern about threats to freedom of speech and abuse of power through increased concentration of media ownership has also played a major part in calls for new standards of ethics (Chadwick 1994, p.173).

The "external" factors refer to the legal and political pressure to reform or face enforced regulation, brought on by widespread cynicism about the effectiveness of self-regulation within the industry. At one level, this has been characterised by proposals for privacy legislation to help prevent unethical intrusions. At another level, there have been calls for the reform of defamation laws and the creation of so-called "shield laws" to give journalists immunity from the legal consequences of protecting sources. However, promises of legal reforms to assist journalists are seen to be contingent on evidence of more effective self-regulation (MEAA *Issues Paper* 1993, p.3). In its first report on confidential sources, the Senate Legal and Constitutional Affairs Committee inquiring into the "rights and obligations of the media" found that the media should be made accountable and that no change in the law should proceed "unless the media establishes its credi-

bility as a responsible, competent and fair minded institution" (1994, pp.xvii -xviii).

So how has this new mood affected the length of the 1995 draft code? Perhaps the most telling indication of the increase in new clauses was the two years the committee took to formulate its proposed code. When the draft was finally released in 1995, the code had been restructured and the number of clauses had doubled. Among the 20 clauses are new injunctions to: expose chequebook journalism; prohibit plagiarism; condemn hidden cameras; promote accuracy in quotations, sound and pictures; respect the safety of others; take special care for the welfare of children; respect every person's right to a fair trial; and educate oneself about ethics and help to enforce the code.

Initial reactions to the increase in length were not favorable. Speaking in a debate about the new code on the television program *Lateline*, lawyer and *Media Watch* presenter Stuart Littlemore condemned both the increase in the number of clauses and the length of time the committee had taken to produce the document: "It's taken two years or more to produce this wimpy code that really does nothing the present code doesn't do" (*Lateline* 1995). Writing in the *Age* (1995, p.12), Littlemore's ideological rival on media reform matters, Padriac P. McGuinness, was similarly unimpressed: "It really adds very little to the old code, and improves it not at all. Indeed, some of its principles become less certain."

However, MEAA federal secretary Chris Warren has defended the additions on the grounds that they serve to clarify the code's existing principles:

Part of the expansion in the numbers (of clauses) is a process of making explicit what is implicit in the current code, for example the bar on plagiarism, the criticisms of chequebook journalism, they're implicit in the current code, but it is better for them to be explicit. (*The Media Report*, 1995)

Warren argues that the new clauses are necessary if the MEAA is to effectively tackle the spread of dubious practices like chequebook journalism, manipulation of photographic images

and the use of hidden cameras. Ethics Review Committee member Paul Chadwick (1995, p.11) points out that the draft code's introductory statement of principle signals a fundamental shift by declaring for the first time that journalists are accountable and that public trust is crucial to maintaining credibility. He argues (1996, p.259) that this approach places greater emphasis on journalism's social role and on the importance of educating journalists to fulfil their responsibilities. He is adamant that the current code is "too brief to serve that function well". As for the new clauses in the body of the code, he acknowledges (1995, p.11) that the additions are all based around key concepts which already exist in the 1984 code: honesty, fairness, independence and respect for the rights of others. But he justifies the new clauses on the grounds that they "fill deficiencies" in the existing code.

It is possible to challenge this claim that all new clauses fill existing gaps. Indeed, Turner (1995, p.1) questions the need for clause 18 ("Respect every person's right to a fair trial") at all. He argues that this right is already enshrined in law and should not be duplicated in a code of ethics. The same could be said of clause 6, which expressly forbids plagiarism. Yet, given the proliferation of recent abuses of both these areas, these additions do have a place. The committee's rationale here is consistent with an increasingly popular view that the failure of law will almost certainly result in a compensating re-emergence of ethics as the "ordering template of society" (Barlow 1993). However, whether such principles should be included within the core principles of the code, or be incorporated in some other way, is a matter for debate.

Journalist Errol Simper (1995, p.17) is one critic who has mixed feelings about the proposed code's extra length. While he feels the code has "probably been strengthened and made more specific", he suggests that those journalists who bother to wade through it will find few firm answers:

How many journalists, confronted with a difficult decision, will scan the new code, desperately seeking an answer to their dilemma? Is that lady too distressed to interview? Is he/she sufficient enough of a pub-

lic figure to warrant extra tough examination? Does this free ballpoint amount to a “gratuity”? (Simper 1995, p.17)

Simper’s exasperation with the draft code also highlights the second concern – whether it is too vague. On this question there is even greater dispute. As has already been noted, supporters justify its extra length on the grounds that some ethical standards in the old code warranted a more precise form. Yet other commentators believe the committee has succeeded only in further complicating existing standards and introducing new ambiguities.

Granted, the proposed code is in some ways more specific than the current one and many of the new clauses refine or elaborate on existing standards. For example, the ban on plagiarism spells out the importance of honesty, and warnings against the use of hidden cameras promote respect for the rights of others. Fairness is also encouraged with the new “right-of-reply” clause, while another clause emphasises the importance of accurate quotations. Clause 3, on correction of errors, is to some extent a clarification of the current code which obliges journalists to correct only “harmful” errors.

Despite these efforts, Wendy Bacon (*Lateline* 1995) finds the new draft code “impossibly vague”. Like Littlemore, she takes issue with the committee’s retention, and even addition, of non-definitive terms. Both these commentators condemn the use of words such as “strive”, “urge”, “avoid”, “where relevant, disclose”, and “guard against”, arguing that the proposed code will take journalists and their editors even further away from common agreement on appropriate standards. Littlemore is particularly colorful in his condemnation of clause 3 which exhorts journalists to “urge the fair correction of errors”:

What does *urge* mean? Does it mean go to the editor, thump the table and insist, threaten to withdraw your labour if it is not corrected? Or does it mean coming forward in a wimpy way and saying – ‘Look, I’ve made a mistake and I’d be deeply grateful if you’d do something about it . . .’? (*Lateline* 1995)

Similar criticism has been directed at the new clause 13. Here journalists are told to “accept the right to privacy of every person”, but that “public figures’ privacy may be reduced by their public role”. The general dismay over this dichotomy is understandable, given that it does little to clarify the existing debate over the *extent* to which public figures are entitled to privacy, or the point at which their lives become private. For example, according to Turner’s definition (1994, p.4), invasion of privacy must have only one justification: “a genuine public interest in terms of the proper functioning of a democratic society”. Yet McGuinness (1995, p.12) disagrees. He argues that public interest can also be defined by what people are interested in, be it “curiosity, prurience, sympathy [or] human feeling”.

There are many other examples of non-specific language in the draft code and it is impossible to examine each one individually here. However, it is worth noting the implications of proposed changes to the existing clause on protecting confidential sources. While the general thrust of the clause is to encourage journalists to be more careful in using sources, the new requirement to “keep confidences given in good faith” is not a clear or helpful addition. As Muller (1995, p.11) laments: “Making a value judgement about good faith is not always an easy thing to do”. Bacon (1996, p.9) asks why the overriding clause at the end of the draft code – about waiving a clause on the grounds of public interest – is not sufficient. Finally, the committee’s curious decision to delete a clause in the original and current code (demanding that journalists identify themselves and their employers before interviewing subjects) should be questioned. While there may be the occasional case where subterfuge is justified, surely it would have been more consistent with the committee’s push for clarity to retain the clause, accounting for any exceptions with final paragraph qualification. The new clause 4, urging journalists to use “fair and honest means to obtain information”, is hardly an adequate substitute for what is a clear directive in the current code. In all, the omission sends an odd message to workers in the industry.

Those who denounce the proposed code for its ambiguities have a sound case. There is a fundamental problem in the draft code's failure to address flaws which already exist in the current code's use of non-specific language. This problem is compounded by the draft's concluding paragraph. Certainly, this rider is an improvement on the current "out clause" (the introductory statement that: "Respect for truth and the public's right to information are overriding principles for all journalists"). In stating that: "Only substantial considerations of public interest or substantial harm to people allows any standard to be overridden", the proposed code makes it clear that deviations should occur only in exceptional cases. Yet a clause that allows some exemptions will inevitably contribute to the uncertain nature of the codified standards themselves. Indeed, it is precision and clarity which has won praise for the code in the past (Lloyd 1985, p.237).

In the committee's defence, Chadwick retorts that the code is necessarily restricted by the extent to which it can be enforced. Because only MEAA members are bound by the code, and because non-member editors and proprietors often make the ultimate decisions on matters of ethical standards, the committee's aim was to establish a standard that journalists could be held to (*Lateline* 1995). Therefore, any new code should be a practical document whereby "every ordinary working journalist can be expected to meet the standards" (Chadwick 1995, p.11). Chadwick argues the code was never meant to give the definitive answer to every ethical dilemma. Rather, the purpose of the code is to provide a structure for debate. For example, he says the privacy clause is meant to show that every person has rights, but further discussion should determine the extent of these rights. Chadwick applies the same rationale in his response to critics of non-specific standards:

The reason that there aren't more details . . . is that the attempt has been made at the start to state, as a lot of codes of ethics do, the aspirations of the best of journalism in its public service role; secondly, to state the values on which the standards that follow ought to rest (and they are: honesty, fairness, independence and respect for the rights of others), then to explain the standards in clearer terms than they have

previously been; and lastly and crucially to give guidance. (*Lateline* 1995)

It is interesting that the *Australian* newspaper, in its editorial on the proposed code, agreed with the committee's decision to err on the side of vagueness.

[I]f the new code is too generalised in parts, its overall value comes from its insistence on keeping the guidelines flexible. To follow any other course would be to restrict the ability of journalists to obtain, publish and defend public interest disclosures in exceptional circumstances. (*Australian* 1995, p.14)

Commentators like Littlemore (1995, p.11) argue that such statements are motivated by newspaper proprietors' self-interest and have often been used to excuse unethical behaviour. However, the editorial makes an important point in raising one of the committee's most problematic questions: how is it possible to formulate a precise code of ethics which meets the new demands for respecting the rights of individuals while still allowing journalists to inform the public?

In its *Issues Paper*, the Ethics Review Committee (1993, p.4) indicated that it was well aware of the potential problems of a code that was too long and too vague. It outlined some of these questions and dilemmas in this way:

Is the general better than the particular? Should specificity be sacrificed to brevity? A code must be able to be easily communicated and absorbed. Flexibility is critical because particular circumstances cannot be foreseen. On the other hand, brevity can lead to doubt or confusion. Loose wording may permit transgressors to escape because it allows too many interpretations. Too much may be covered by too little. (*MEAA Issues Paper* 1993, p.4)

The committee's approach to this problem was to attempt to formulate some ethical guidelines, then ask journalists to make their own decisions. Writing in the *Australian*, Chadwick maintains that while punishment and exposure are necessary to enforce the code, education would also be a crucial part of the process:

A code of ethics for journalists has to do more than declare a list of commandments, expect unthinking compliance and punish deviance . . . education is important too. A code that works will find its way into the daily working lives of journalists, guide their behaviour and prevent the breaches that can cause so much harm. Is it not better to prevent than pelt? (Chadwick 1995, p.11)

Simper (1995, p.17) has even less time for rigid rules, declaring: "If doing the right thing relies on rules, then the right thing won't happen." He argues that because journalists are individuals who make their own choices, it would be impossible to force ethical standards on unwilling journalists. Similarly, Hulteng and Nelson (1971, p.239) contend that codes of ethics can benefit only those who understand the meaning behind them. They argue that, as a leverage for good in society, codes of ethics generally have a "moral rather than a tangible force". Thus, they conclude that those most likely to respond to a code are those who are interested in ethics in the first place.

Yet for Bacon (*Lateline* 1995) such arguments are of no practical use to the many Australian journalists facing a conflict between an unethical boss and the principles espoused in the proposed code. She is adamant that clearer and more specific directions from a code of ethics are the only way to implement reform. By contrast, she says, the draft code is "impossibly vague", giving journalists little ammunition in a conflict with an unethical employer. She despairs: "If we are a profession, we have to appeal to something beyond the immediate workplace. Journalists have to have something to fall back on." Bacon then raises another question: Where are the cases? If the new code of ethics is to represent a set of broad guidelines for journalists, then surely a handbook of examples is required to explain how the code's standards might be applied.

This is an important matter. The draft code's lack of examples is one of its greatest problems. And given that these examples were effectively promised to journalists early in the code review process, their absence is perplexing. According to the Chadwick (1994), more than 1100 cases have been analysed by the Communications Law Centre and were expected to be published in a

book called *Journalism Ethics and Practice*. Chadwick (1994, p.179) says the book is designed to complement the code and other self-regulatory mechanisms. He acknowledges that: "Lack of an ordered system of precedents, consistently applied, is one of the greatest failures of existing journalism self-regulation". However the book has not appeared, leaving the draft code open to a barrage of criticism which might otherwise have been avoided. Perhaps the committee might also explain why it did not choose the mooted annotated code as a "halfway measure" between brevity and detail (MEAA *Issues Paper* 1993, p.4).

The new draft code of ethics has many flaws. In sum, it is too long, too vague and, without examples and a comprehensive program of education, it fails to stand up to scrutiny as a practical workplace tool for encouraging better standards of conduct. In the months since it was released, there has been little in-depth discussion about the document in newsrooms and few attempts by the MEAA to stimulate workplace debate. This is despite the fact that collective discussion is decreed a fundamental aim in the code's statement of principles. In a recent commentary, Chadwick himself laments (1996, p.260) that press and television have paid scant attention to the review process and only the Fairfax media group has made a submission to the committee.

Yet the document should not be dismissed. At the time of its release the draft code was successful in achieving some of its aims outside the industry. Writing in the *Courier-Mail*, academic Julianne Schultz (1995, p.15) draws an interesting parallel between the release of the new draft code and the "surprising" legal decision not to instigate contempt charges against one Brisbane journalist who refused to reveal a confidential source. Schultz points to the Senate Committee's suggestion that if journalists can demonstrate a commitment to accountability and more effective self-regulation, shield laws may follow. Two weeks later, legal writer Janet Fife-Yeomans (*Weekend Australian* 1995, p.3) reported a new proposal for "a radical shake-up of the country's defamation laws" to promote greater freedom of speech. Thus, in some quarters, the draft code appears to be having the desired effect in achieving the committee's broader aims.

There is also some reassuring news from the MEAA's federal council in November 1996, where the Ethics Review Committee released a summary of their final report and recommendations for the code's enforcement. At this meeting, the council resolved to publicise the contents of the report as soon as possible and to begin an extensive educational campaign to foster debate in the workplace.

Ultimately the decision about whether the draft code is adopted, adapted or rejected rests with the journalists' section of the MEAA Federal Council. That the code needs reviewing is not in question. As Bowman (1983, p.44) points out, all codes of ethics — even their central principles — should be subject to regular review to accommodate changes in community values over time. After all, the underlying tenet of such codes is to provide guidelines for conduct based on general community values (Bowman 1983, p.73). But while the council might approve of the draft code's immediate impact on external aims, its members must heed the warnings of industry workers, journalism educators and media commentators on the document's poor potential to effect practical reform in the current workplace environment.

References

- Bacon, W. (1996), "The code of ethics: When aspirations are not enough", *Reportage*, (Winter): 8-9.
- Barlow, J.P. (1993), "The economy of ideas", *Wired*, 2.03: Wired Ventures (Internet).
- Bowman, D. (1983), "Ethics in journalism", *Australian Journalism Review*, 5 (2): 36-48.
- Chadwick, P. (1994), "Creating codes: journalism self-regulation", in J. Schultz (ed), *Not Just Another Business: Journalists, Citizens and the Media*, Leichhardt: Pluto Press. 167-188.
- Chadwick, P. (1995), "Licensing journalists is fraught with risk", *The Australian*, 6 September: 11.
- Chadwick, P. (1996), "Ethics and journalism", in M. Coady & S. Bloch (eds), *Codes of Ethics and the Professions*, Carlton South: Melbourne University Press: 244-265.

- Christians, C.G., M. Fackler & K.B. Rotzoll (1995), *Media Ethics: Cases and Moral Reasoning*, 4th ed. New York: Longman.
- Fife-Yeomans, J. (1995), "Defamation shake-up plan to end payouts", *The Weekend Australian*, 28-29 October: 3.
- Fink, C.C. (1988), *Media Ethics: In the Newsroom and Beyond*, New York: McGraw-Hill .
- Hulteng, J., and R.P. Nelson (1971), *The Fourth Estate: An Informal Appraisal of the News and Opinion Media*, New York, London: Harper and Row.
- "Journalists' Code of Ethics" (1944), Australian Journalists' Association. Australia.
- "Journalists' Code of Ethics" (1984), Australian Journalists' Association. Australia.
- Media Entertainment and Arts Alliance, *Issues Paper*, December 1993. Ethics Review Committee: Sydney.
- Lateline* (1995), Australian Broadcasting Corporation, 30 August.
- Littlemore, S. (1995), "Wrong solution for media code-breakers", *The Australian*, 4 September: 11
- Lloyd, C. (1985), *Profession: Journalist*, Sydney: Hale and Iremonger.
- McGuinness, P.P. (1995), "Beware those who seek media control", *The Age*, 5 September: 12.
- Muller, D. (1995), "Accountability still the hurdle in draft code for journalists", *The Age*, 7 September: 11.
- "Nurses rate highest for ethics and honesty" (1996), *The Bulletin*, 30 April: 38.
- Senate Standing Committee on Legal and Constitutional Affairs (1994), "Off the record – shield laws for journalists' confidential sources", *Inquiry into the Rights and Obligations of the Media*. First Report. October 1994. Parliament of the Commonwealth of Australia.
- "Recommended revised journalist code of ethics" (1995), Media and Entertainment Alliance (journalists' section). Australia.
- Schultz, J. (1995), "A proud tradition ends in triumph", *The Courier-Mail*, 18 October: 15.
- Simper, E. (1995), "Culture of integrity sets media ethics", *The Australian*, 8 September: 17.
- The Media Report* (1995), Radio National (Australian Broadcasting Corporation) 31 August.
- The Australian* (1995), "Journalists revise their ethical code", Editorial 12 September: 14.
- Turner, G. (1994), "Journalistic ethics in Australia: raising the standards", *Australian Journalism Review*, 16 (1).
- Turner, G. (1995), "AJA Code of Ethics commentary", unpublished paper, August.

Ms Elgar is a Brisbane journalist, part-time journalism tutor and was a guest of the Media, Entertainment and Arts Alliance at its Federal Council in November 1996.

The revised and restructured Code of Ethics will come into effect in June 2019; the IFAC SMP Committee has actively monitored and engaged on each aspect of the project to provide input and suggestions with a focus on matters that impact SME and SMPs constituents. It packages all substantive advancements in ethics and independence over the last four years into a single document and includes the new provisions relating to non-compliance with law and regulations ("NOCLAR"), which are already effective since July 2017, and the revised independence provisions relating to long association which comes into effect in December 2018. In keeping with the IESBA Code, this Code adopts a principles-based approach. It does not attempt to cover every situation where a member may encounter professional ethical issues, prescribing the way in which he or she should respond. Instead, it adopts a value system, focusing on fundamental professional and ethical principles which are at the heart of proper professional behaviour and which members must therefore follow. To supplement this, the Code also provides detailed guidance of specific relevance to AAT members to help ensure that they follow the fundamental principles both in word and deed. Under MEAA's rules, MEAA's Journalist Code of Ethics only applies to MEAA Media's journalist members. The Code first adopted in 1944, reviewed and updated in 1984 and subject to a major review between late 1993 and 1998 resulting in a new code of ethics being instituted in February 1999. Complaints brought against MEAA members for Code violations are investigated by MEAA's National Ethics Committee. 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. Start studying MEAA codes of ethics. Learn vocabulary, terms and more with flashcards, games and other study tools. -DON'T place unnecessary emphasis on personal characteristics -including: -race -ethnicity -age -gender -nationality -family relationships -religious beliefs -physical/intellectual disabilities. attribution/sources. -aim to attribute info to its source -anonymity= don't agree to this without first considering the source's motives and any alt attributable sources -confidences accepted= respect in all circumstances. no bias. -don't allow any personal interest or belief -commitment, payment, gifts or benefits= don't allow these to undermine your accuracy, fairness and ind Ethical codes are adopted by organizations to assist members in understanding the difference between right and wrong and in applying that understanding to their decisions. An ethical code generally implies documents at three levels: codes of business ethics, codes of conduct for employees, and codes of professional practice. Many companies use the phrases ethical code and code of conduct interchangeably but it may be useful to make a distinction. A code of ethics will start by setting out the values