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MEAA CODE OF ETHICS FOR JOURNALISTS
AN HISTORICAL AND THEORETICAL OVERVIEW

The proposed Media Entertainment and Arts Alliance (MEAA) Code of Ethics for journalists appears, on face value, to be an improvement on earlier versions. For example, there are now explicit references to plagiarism and cheque book journalism and the clauses dealing with source confidentiality have been rewritten. The 1944 code had eight points, the 1984 revision took this to ten and added a Preamble, the 1995 proposed code shoots up to 20 points, with a revised Preamble and a short Postscript. A table listing the clauses of each version of the Australian Journalists' Association (AJA)/MEAA Code of Ethics is provided as Appendix L.

This paper is more concerned with the 'big picture' proposals to change the Code of Ethics, particularly regarding 'disclosure' of sources and the tension between 'news' and 'entertainment' articulated in the proposed new Preamble (MEAA 1995a).

However, it is worth noting some of the important concrete recommendations of the review committee. Clause 2 introduces a 'right of reply' for people subject to damaging reports. Clauses 4 and 5 make a direct reference to new technologies available to the media, from hidden cameras to digitally enhanced images. Clause 6 quite bluntly states: 'Plagiarism is cheating. Always attribute fairly' (MEAA 1995a). Clause 8 calls for full disclosure of cheque book journalism. Clauses 13 and 14 refine the arguments about privacy and improve the guidelines on grief intrusion, making the informed consent of the interviewee the central test.

Of special interest are Clauses 16 and 17 which refer to endangering people 'without informed consent' and dealing with stories about 'the welfare of children' (MEAA 1995a). These clauses appear to have been motivated, in part, by the controversial coverage of a 'siege' in a farmhouse near Cangai, NSW in March 1993 (Hirst 1994).

In the 1990s there has been a reaction against the 'greed is good' ethos of the 1980s and ethics have become an 'issue' beyond the behaviour of the media (Smith 1992, 27). Over the past five years there has been a constant discussion of media ethics around particular events, such as the Cangai siege (Turner 1994b); the Deborah Cornwall 'contempt of ICAC' case (Slee 1993); Who Weekly's conviction for contempt over the publication of a picture of accused murderer, Ivan Milat (Hirst 1994); and trial by media (Quinn 1991).

In May 1996 important questions were raised about the media's coverage of a massacre of 35 people at Port Arthur, Tasmania. Several media organisations face possible contempt charges for identifying the accused, Martin Bryant; journalists were alleged to have stolen photographs and pretended to be relatives of victims. One newspaper admitted tampering with a photograph of Bryant, but denied it was done to 'highlight' his alleged 'madness'.

A number of media organisations have introduced Codes of Practice; occasionally in response to new technology, such as digital editing of photographs (PANPA 1995). At Rural Press and the Herald & Weekly Times the management introduced company-wide Codes of Practice that state each employee's duty to serve clients, whether readers, or advertisers (PANPA 1993, 1994a). At the Fairfax papers in Sydney and Melbourne, a 'charter of editorial independence' was won through strong industrial action (Wilson 1992).
A scan of news columns reveals an almost continuous commentary about media ethics, and a number of reform proposals have been put forward. Journalists, academics, media institutions and governments are taking an active interest in the performance of news and current affairs providers. In October 1994 the Senate Standing Committee on Legal and Constitutional Affairs published a report of its investigations into the rights and obligations of the media (Off the Record, Shield Laws for Journalists' Confidential Sources). Recommendation 8 of the report says in part:

That clause 3 of the Code of Ethics be amended by the MEAA to remove the absolute character of the obligation it imposes on journalists to maintain confidentiality so that they can, with a clear conscience, comply with a court order made in the appropriate case to identify a source (Off the Record, xxv).

The report's conclusion indicates that the committee was cognisant of the MEAA review process and made its expectation clear:

Once the media has adopted a new Code of Ethics, and an effective disciplinary mechanism for enforcing it, it would be appropriate to enact the legislative reform of the kind recommended by the Committee (Off the Record, xxi).

The Senate Standing Committee's linkage of confidentiality privileges to better accountability and more responsibility from journalists also finds an echo in the Preamble to the proposed revised code, 'Accountability Engenders Trust' (MEAA, 1995a). The philosophical parallels between the Committee's report and the wording of the revised Code of Ethics is interesting. Both talk of the media's role in animating 'our democratic system' (Off the Record, xvii) and giving 'practical form to freedom of expression' (MEAA 1995a).

It is quite clear that the Standing Committee wants to legislate away any implied right of journalists to protect their sources from identification in legal proceedings, but first the MEAA code must be changed. The MEAA review has recommended amending this provision in the code (3/1984 to 19/1995). Given that the Senate Committee has clearly signalled the possibility of legislation to entrench the court's right to insist on disclosure it remains to be seen whether members of the Alliance will accept attempts to make disclosure more a legal rather than an ethical issue. As former editor of the Australian, Adrian Deamer pointed out recently, there is no guaranteed freedom of speech in Australia, it is very much at the mercy of the courts and their political masters (PANPA 1994b). A referendum to insert such a clause into the Constitution has been a project of Press Council chairman, David Flint for some time (PANPA 1992), but it is still not on the mainstream political agenda. It is fair to suggest that this background provided much of the impetus for the revised, proposed Code of Ethics released for public discussion in September 1995.

While much has been written about individual aspects of the code, such as death knocks (Apps 1986; Geraghty 1986; Powell 1990), or cheque book journalism (Avieson 1992), I feel it is preferable to tackle the problems at a more abstract level which attempts to place ethics in a dynamic social context. Journalism does not exist in an ideological vacuum and at the heart of the dilemma over media ethics is the notion of a 'free market' in ideas. Horne (1994), Windschuttle (1988) and many others have outlined an approach to understanding the broadcasting and newspaper industries that can be characterised as the political economy of the media. Their approach emphasises the importance of the relationship between media as capital and its attendant relations of production and news/entertainment as ideology.

This paper adopts this approach to argue that despite the changes proposed by the MEAA, the Code of Ethics still does not resolve the fundamental contradiction in journalism: the tension between the media as 'big business' and media as 'social critic' (Schultz 1994). This paper looks at the historical evidence of the three versions of the code and the specific clauses which attempt to deal with this problem. It is recognised in the Preamble to the 1995 revised proposed Code of Ethics that journalists 'search, disclose, record, question, entertain, suggest and remember'. It appears to be an admission, by those who drafted the revised code, that 'infotainment' and 'tabloid' journalism are a fact of life. At the heart of the problem is a newsroom culture based on relations of production that promote news as a commodity, profit over virtue.
Former *Sydney Morning Herald* editor David Bowman adopts both a philosophical and practical approach to addressing the dilemmas inherent in any discussion of ethics (Bowman 1983, 37). He gives a point-by-point critique of the 1944 AJA Code of Ethics, including its failure to deal with increasing public concerns about privacy or cheque book journalism and notes that ethics, like morals, depends on a person's social position and philosophical-political viewpoint (1983, 36). He suggests that the ethics of journalists are framed by the social relations of the society in which they operate – 'they have no choice but to abide, by and large, by ethics accepted by the public' (1983, 37). In passing, Bowman notes that the rigours of commercial competition can have a bearing on ethical (or, unethical) behaviour by journalists, especially in the (then) fierce afternoon tabloid market (1983, 40).

Apps suggests that interest in media ethics began to increase in the 1980s due to both the 'trickle down' effect of events in the United States and the development of tertiary journalism courses, in which ethics are taught as a discrete subject (Apps 1990, 69). A major problem with ethics codes, according to Apps, is the relativity of truth, within 'varying religious, cultural, political and ideological frames of reference that render the truth complex, confused and even contradictory' (1990, 70). A code is fairly rigid and prescriptive and cannot possibly deal with all situations in all contexts. Apps is also aware of the central contradiction between the commodity form of 'news' and its social aspects. He notes that there are 'practical examples every day' of how news values are subverted by the economics of the newspaper business. This is a situation in which journalistic ethics become the ideological supports for the value system of capitalism and the 'sacred cow of journalistic objectivity' becomes the fundamental acceptance of the dominant (free market) ideology (1990, 73). Apps goes on to recommend the work of Raymond Williams and Nicholas Garnham on the political economy of the media, as a fresh perspective on the processes and understanding of media ethics.

What this perspective offers in the terms of media ethics is a framework for describing the roles of individual and structure, based on criteria of economics, class and power (Apps 1990, 78).

Since the mid-1980s some attempts have been made to apply the beginnings of a political economy approach to the Australian media (Windschutte 1988; Wilson 1989; Schultz 1994), but a discussion of ethics is usually confined to one chapter, or a few pages.

It is significant, and perhaps embarrassing to Australian journalism, that the first book dedicated to ethics and the media in Australia did not appear until 50 years after the original Code of Ethics was adopted by the AJA. John Hurst and Sally White in *Ethics and the Australian News Media* (1994) treat ethical issues 'by identifying the values and principles and examining specific cases' (1994, xi). Throughout the book the authors acknowledge that commercial, competitive pressures impinge on ethical discussion and decision-making. This contradiction is expressed generally in the following terms:

'The legitimate defence of the public right to know is, to its detriment, sometimes called upon to justify those media actions dictated solely by competitive pressures. The quest for healthy circulation figures breeds a powerful desire to scoop the opposition or to publish a story with sensational impact that titillates readers' (Hurst & White 1994, 15).

This theme is considered in a chapter entitled 'The Pressure of Business', where the authors suggest that both journalists and editors are confronted with difficult choices 'whenever the business face of the news media confronts its indivisible twin, the publicly accountable social institution' (1994, 251). Hallin expresses the problem as both an economic and ideological contradiction, journalism's 'ambivalent identity' (Hallin 1994, 1); a struggle against the internal and external limits of the 'professionalisation' of journalism that threatens to upset the balance between 'the public-interest culture of journalism and the culture of commodity-production' (1994, 4).

Media institutions attempt to contain this contradiction within the 'sphere of legitimate controversy' sanctioned by liberal-democratic elites, 'the region where [the ideology of] objective journalism reigns supreme: here neutrality and balance are the prime journalistic virtues' (Hallin 1994, 54). At the same time the news media play a containing role, 'excluding from the public agenda those who violate or challenge
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consensus values, and uphold the consensus distinction between legitimate and illegitimate political activity (1994, 54). This is in fact the central and recurring dilemma that confronts journalists in all media organisations. It is the problem that the framers of the AJA Code of Ethics first confronted in 1944 and it clearly troubled the code’s reformers in both 1983-84 and 1994-95.

A BRIEF HISTORY OF THE CODE OF ETHICS

Apart from a single short chapter in Clem Lloyd’s book, Profession: Journalist (1985), there is very little written about the history of the AJA (now MEAA) Code of Ethics. In Keith Windschuttle’s landmark work The Media (1988), discussion of the AJA code is confined to the last three pages (413-416). Geoff Sparrow’s official history of the AJA, Crusade for Journalism (1960), is an inspiring account of the early days of the union, but it does not fill out the details of discussions in the District Committees prior to moves towards a federal Code of Ethics in 1943-44. Sparrow’s chapter on the code’s early days is more concerned with legal challenges to its validity, rather than the philosophy behind its inception.

However, Sparrow does provide some interesting pointers that could be more fully explored in a more detailed study. The infant AJA’s constant and costly battles to secure Award conditions, training and job security perhaps precluded a more concentrated effort on defining ethical practices for journalists. The founding objectives of the AJA do not explicitly mention ethics, though they are arguably an early indication of the later aims of the Association (Sparrow 1960, 82). Another clue is provided by the internal debate about whether the Victorian journalists’ association should align itself with Trades Hall or maintain an objective and professional distance from the union movement (1960, 31). The keystone of the AJA’s first 20 years was the consolidation of the grading system at metropolitan and regional newspapers. While employers maintained the right of exemptions for senior editorial staff, by 1929 the Association claimed that 95% of working journalists were members (1960, 111). The depression years affected journalists as much as any other group and wage levels did not return to the 1929 highs until 1942 (1960, 114). While economic issues dominated early discussions, no doubt members of the AJA Districts took an interest in the development of the Code of Ethics and were happy to support its introduction towards the end of World War II.

After almost fifteen years of discussion and apparent prevarication between the Federal Executive and the District Committees (Lloyd 1985, 228), the original Code of Ethics was endorsed by the Australian Journalists’ Association in 1944. Melbourne King’s Counsel, J V Barry was mainly responsible for drafting the code. He was also a member of the Victorian District Committee and the ethics committee of the Victorian branch (Sparrow 1960, 132). According to Sparrow’s history, the Association drew up the Code of Ethics ‘to give journalists a sense of support’ and ‘a prescription for proper conduct in carrying out their duties’ (1960, 131). He notes that most journalists ‘would wish to see their craft prosper by integrity and fair play, rather than by devotion to profit or through political servitude’ (1960, 131).

In 1946 the editor of the Daily Telegraph, Brian Penton, was called before the AJA Sydney District Committee to answer a complaint from a source who was named in a story and claimed to have been given an assurance of confidentiality by a Telegraph journalist. Penton and his employers refused to recognise the authority of the Ethics Committee. After a protracted legal battle Judge Foster in the Arbitration upheld the rules of the Association, thereby validating the Code of Ethics. Australian Consolidated Press unsuccessfully appealed to the High Court and eventually paid Penton’s fine (1960, 134).

In the early years the Code of Ethics withstood several legal challenges, including one by the Waterside Workers’ Federation (Lloyd 1985, 232) and another by journalist David McNicoll and the proprietors of the Daily Telegraph in 1948 (Sparrow 1960, 134; Lloyd 1985, 233; Mayer 1964, 203). McNicoll was held to have breached the code and was fined £50 by the NSW branch of the AJA.

{By the mid 1970s John Avieson was among those who thought that the 1944 Code of Ethics had not been used effectively and ‘continues to languish’ (Avieson 1978, 1). He suggested that ‘there are potentially serious dilemmas for the journalist who seeks to obtain and publish the truth within
the prescribed ethical framework' (1978, 1).

Avieson highlighted two basic dilemmas that the code in its 1944 form could not adequately deal with. The first is Rule 3 which he said relied on imprecise definitions of the words 'confidence' and 'respect' (1978, 2). The protection of sources therefore relied on the following points being observed by a journalist:

a) only using the information in accordance with the wishes of the source (respect),
b) protecting the identity of the informant (confidence), and
c) how the journalist ultimately determines to use the information (Avieson 1978, 2).

While the 1944 version of the code mentioned 'bribes' it said nothing about cheque book journalism. Avieson's second point concerned Rule 6; the use of fair means versus the public benefit of exposing illegal, or immoral behaviour. Avieson wrote, 'it would be wrong to allow a rule to aid and abet a wrongdoer' (1978, 4). Nothing much seems to have changed in almost 20 years. It is the argument that Commissioner Temby put to then Sydney Morning Herald journalist Deborah Cornwall in attempting to induce her to reveal her police sources to the NSW Independent Commission Against Corruption (Patching, Hirst & Koomen 1994). The Senate Standing Committee's report makes it clear that there will be compulsion to disclose sources where the court considers the information is necessary to meet 'the requirements of the proper administration of justice' (Off The Record, ix).

The 1984 code altered the original 1944 version in a number of ways, importantly updating the language, making it more inclusive by removing the sexist (male) bias and acknowledging Australia's multiculturalism by removing 'gratuitous' references to the racial characteristics of 'subjects' in stories. Clauses covering 'objectivity' (4/1984) and 'death knocks' (9/1984) were included for the first time. The major structural change in the first revision was to add a Preamble, which appears to be based on clause 4 of the 1944 Code of Ethics:

4/1944: To observe at all times the fraternal obligations arising from his membership of the Association and not on any occasion to take unfair advantage or improper advantage of a fellow member of the Association.

This clause was slightly amended and included in the 1984 Preamble. However, at the same time, the Preamble contained more philosophical clauses about truth and the public's right to know:

All members of the AJA are pledged to stand by their fellow members in observing and enforcing the AJA Code of Ethics. Respect for truth and the public's right to information are overriding principles for all journalists. In pursuance of these principles journalists commit themselves to ethical and professional standards. All members of the AJA engaged in gathering, transmitting, disseminating and commenting on news and information shall observe the following Code of Ethics in their professional activities. They acknowledge the jurisdiction of their professional colleagues in AJA judiciary committees to adjudicate on issues connected with the Code.

As Apps (1990) and Bowman (1990) have argued, this passage did not solve the contradictions in the Code of Ethics. Like the code of 1944 it pushes the burden of proof onto a question of semantics. In an attempt to deal with this limitation, the Preamble to the proposed 1995 code has been further refined:

Journalists describe society to itself. They seek the truth.

They convey information, ideas and opinions, a privileged role.

They search, disclose, record, question, entertain, suggest and remember.

They inform citizens and animate democracy.

They give a practical form to freedom of expression.

Many journalists work in private enterprise, but all have these journalistic responsibilities.

They scrutinise power, but also exercise it, and should be accountable.

Accountability engenders trust. Without trust, journalists do not fulfil their public responsibilities.

MEAA members engaged in journalism commit themselves to:

- honesty
- fairness
- independence
- respect for the rights of others.

In consultation with colleagues they will apply the following standards.
For the first time in the history of the code the 1995 Preamble recognises the public 'duty' of journalists to inform, even if they work for profit-oriented media in the private sector. At the same time it notes that one function of journalism is to 'entertain' which is perhaps the most controversial point. It has been included in recognition of the increasing marker for so-called 'tabloid journalism' in magazines and 'infotainment' on television. Certainly, the rhetoric of the Preamble has been 'toughened up' and now talks about lofty principles such as 'freedom of expression' and animating democracy, but the question remains: How are these sentiments to be given concrete expression in the commercial reality of media organisations?

The buzz words for the 1995 revisions appear to be 'accountability' and 'disclosure', but there is very little on enforcement beyond moral persuasions (MEAA 1995a, 7-10). However, more on this point may be included in the final report of the MEAA committee which drafted the revised code (Thompson 1995, 6). As one architect of the new code suggests, the changes are an attempt to make 'explicit' the standards that were 'implicit' in the 1984 code (Chadwick 1995, 15). The federal secretary of the Media Alliance, Chris Warren, describes the revised code as 'workable' ethics for the 21st century (MEAA 1995a, 7; MEAA 1995b).

The Postscript to the 1995 draft, revised code, is also worth mentioning as it attempts to pin down the 'overriding' nature of the public's 'right to know', contained in the 1984 Preamble:

Basic values sometimes clash and ethics requires conscientious decision-making in context. Only substantial considerations of public interest or substantial harm to people allows any standard to be overridden.

This statement does not solve the problems of the 1984 Preamble: 'Respect for truth and the public's right to information are overriding principles for all journalists'. All the Postscript does is slightly shift the ground on which these issues will be debated. Any new interpretation of the code rests on the word 'substantial'. As Wendy Bacon has pointed out, the language in the revised code is just as vague (if not more so) than in the 1984 version:

We are now told to 'urge', 'guard against', 'disclose' but only where 'relevant' or 'improper'. (We are not told to whom the journalist should disclose or what is regarded as improper.) (1995, 13)

New forms of media technology - cable, satellite and CD-ROM - have the potential to blur the boundaries between ethical and unethical behaviour because of the way information and images can be processed, edited and reproduced. As production techniques and delivery systems develop, the ethics debate will have to keep pace. Catharine Lumby and John O’Neill (1994, 153) have pointed out that the rapid rise of tabloid TV has already begun to alter the boundaries in subtle but important ways by injecting 'entertainment' into 'current affairs'. In the following section I attempt to show how the relations of production (between journalists, their organisations, their sources and their audiences) influence news selection and ethical decision-making in newsrooms.

THE FREE MARKET AND THE MYTH OF OBJECTIVITY

The free market model holds that news is an objective body of truth about the world and that 'the task of the journalist is to discover the events which occur and report on them in prose, or on film as faithfully as possible' (Windschutte 1988, 261).

However, because it is technically impossible to cover everything and because many things that happen are everyday and mundane, news production is a process of selection. In the free market model public interest is often equated with 'human interest', which is mainly 'trivia' stories (colour pieces) and the 'important events of the day'. As Windschutte has observed: 'market forces determine the selection of news and that news itself is [a] more or less objective portrayal of reality' (1988, 262).

Humphrey McQueen has provided a penetrating critique of the myth of 'market democracy' and clearly uncovers the dynamic of the 'business' of news production:

The privately owned media are not anti-working class on someone else's behalf. They take the stands they do because of their own interests as big businesses which happen to be newspaper companies. When the media presents unfavourable views of the working class and of socialism, they are
doing what comes naturally to capitalists (McQueen 1977, 40-41).

The central assumptions of the free market model are that the capitalist, free-market economic system is good and that the social/political status quo should be protected. It is clearly linked to the liberal-democratic myths of individuality/equal rights, and equal access to power through elections.

British philosopher John O'Neill argues that 'the market undermines the relation between journalism and democracy' or, in the terms of a debate about ethics, hinders the production of 'quality' news (O'Neill 1992, 15). As he points out, 'free speech' in the 'free market' immediately runs into the legal problems of ownership, control and access. Ownership, expressed through property rights, restricts the freedom of those without property and suggests the alternative of a 'socialised' media. In defence of the market system O'Neill suggests it encourages diversity and ensures the role of the media as the 'Fourth Estate' checking on the other three: the executive, legislature and judiciary (1992, 18). He also ties quality, ethical reporting to the virtues of a good journalist - honesty, perceptiveness, truthfulness, integrity and the contested virtue 'objectivity'. However, he does have an interesting and slightly different interpretation of 'objectivity'. O'Neill defines objective journalism as a style of reporting that 'best allows the audience to appreciate the complexities of a situation [and] may be better served by non-objective presentation of events' (1992, 20).

I have some disagreements with O'Neill's argument that media output is consumer-driven (1992, 22-24). I would argue that the idea that there is a 'sovereign' consumer is a free market myth. Real power is in the hands of those who own the means of journalistic production - that is the whole point of ownership and control. O'Neill is right to say that the market shapes news values, but this process is controlled by producers, not consumers.

ETHICS, QUALITY & DEMOCRACY

Far from solving ethical problems for journalists, the revised Code of Ethics is just one more element in what the MEAA rightly identifies as the 'continuing public debate about the power and accountability of journalists' (MEAA 1995a, 10). The other issues which the MEAA committee was asked to examine, such as the complaints procedures, the relationship between the Code of Ethics and media institutions, self-regulation and the relationship between the code and the law are not yet resolved.

An increasingly popular suggestion is for 'independent' watchdog bodies to oversee journalistic practice with 'appropriate powers to enforce sanctions' (Littlemore 1995, 11). The Senate Standing Committee concludes that 'if the media gets out of hand ... then the need for an independent and powerful review body based on statute increases' (Off The Record, xxiii). This sanction can be avoided if the media (collectively) develops effective self-regulation. In the Committee's view the media needs to satisfy the public at large that this can be done without external supervision or a legislatively imposed set of rules (Off The Record, xxiv).

Geoff Turner (1994a) has argued for an independent tribunal precisely because of the failure of self-regulation by both proprietors and journalists. His arguments can be summarised in the following points:

- that such a 'Media Commission' could promote ethical standards and enforce them; that it would 'professionalise' journalism and ensure greater 'quality'
- that a national approach is needed to law reform
- that the Commission would 'balance the dominance of major interests' (1994a, 1-12).

Unfortunately, Turner's model has the same shortcomings as that proposed by Littlemore. Its independence is, in fact, government controlled, given that it would be 'supervised at arm's length by an all-parties parliamentary committee' (Turner 1994a, 1). Arm's length means close enough for a knock-out punch, and a hand on the leash at all times. 'Independent' is one of those loosely-defined words that sounds democratic and principled, but in fact has no real meaning in this debate unless it means completely free of political interference. A second element of journalism's 'ambivalent identity' is that professional regulation brings with it a greater reliance on institutions of the State (Hallin 1994, 7). When this borrowed 'authority of the state' is combined with global media institutions, mainly in private hands, 'private power will
increasingly eclipse the democratic process' (1994, 8).

I agree with the Press Council's expressed view that not many journalists would willingly submit themselves to a government-sponsored media tribunal. Should the tribunal also be 'independent' of the journalist's union, or of the employers? If we were to follow Littlemore's or Turner's suggestions there is no way that such a tribunal could be independent of legislators and bureaucrats, who themselves are accountable to virtually no one except their party hierarchy or the government of the day. Such a situation could easily lead to witch hunts, persecution of unpopular journalists, blackballing and, ultimately, a tamecat media. There is an argument for revamping and strengthening the judicial procedures of the MEAA, but I can see no justification for taking these matters 'out of house', or for journalists to cede such powers to any outside body.

The other question that Littlemore raises is: Should journalists be subject to the same regulation as medical practitioners and solicitors? On one hand it's easy to make an argument that journalists 'are capable of more harm than negligent chiropodists or dishonest solicitors' (Littlemore 1995, 11). Medical practitioners can kill with their mistakes and fraudulent solicitors can send people bankrupt. The journalistic equivalent is perhaps to be skewered on one of the commercially-oriented current affairs programs. The Senate Standing Committee concluded that doctors, lawyers and priests are entitled to greater privilege because 'they are subject to far more rigorous selection and training than most journalists' (Off The Record, xii). In light of proceedings before the Wood Royal Commission into the NSW Police Service this point is debatable. However, it is interesting to note that the Committee stops short of recommending licences for journalists and appears to endorse Paul Chadwick's opinion that:

licensing journalists is fraught with risk. Such a scheme may well justly punish the bad journalist for wilful breaches of a code. But it may equally be tuned against the ethical journalist when he or she does what a free society expects and unsettles the powerful with accurate disclosures (Chadwick 1995, 15).

On the other hand, Littlemore is right to point out that a code 'owned' by journalists has little power over (and holds little threat for) the likes of Alan Jones and other 'commentators' who are not technically journalists. However, Littlemore makes the mistake of lumping commentators and journalists together. The Australian Broadcasting Authority, the racial and sexual vilification laws, and other such avenues of appeal, can deal with consumer complaints against the Ron Caseys of the world through the station licensing process, but a 'free' media cannot be subject to licence or whim. A Code of Ethics (no matter how well enforced by peers) can only be applied to MEAA members. Media proprietors are free to use their power in any way they like to increase circulation, ratings and ultimately advertising revenues. As ABC journalist Mary Delahunty puts it so nicely: 'The generals must also submit to an ethical edifice that demands honesty, fairness, independence and respect for the rights of others' (Delahunty and Becon 1995, 13).

Peter Cronau and Wendy Bacon recently added their voices to the growing critique of the proposed Code of Ethics (Reportage 6, Winter 1996). Both argue that despite some improvements, the MEAA Code is 'disappointing' on the issue of strengthening the 'public's right to know' (Bacon 1996, 8). On the basis of the responses so far it is hard not to agree with Peter Cronau that 'the new draft code of ethics weakens the rights of ethical journalists to stand up for what is in the public interest' (Cronau 1996, 6).

**CHANGING NEWSROOM CULTURE**

This paper has argued that the proposed revisions to the Code of Ethics, while important incremental improvements, do not effectively deal with the central contradictions between the economic, informational and ideological 'roles' of the media. While a number of advances can be made through reform, the history of the debate among journalists and media proprietors suggests that such issues will not be dealt with quickly or painlessly (Lloyd 1985, 227-237). In part the answer is for journalists, the Media Alliance, editors and journalism educators to get together and discuss how the culture of newsrooms can be changed. In tertiary programs where
Ethics is taught as a discrete subject, there also has to be an emphasis on integrating the norms and principles of ethical journalism into the practical aspects of the course. The MEAA, working journalists and journalism educators have a lot more to do in this area.

American journalism educator Brian Richardson argues that in too many instances journalists are taught 'negative ethics' - that is a list of 'don'ts' (Richardson 1994, 109) - and he suggests that this practice be changed using a four point guide. The teaching of ethics should be 'affirmative', 'systematic', 'integrative' and 'definitive'. In short, ethics subjects should teach 'what we should do rather than what we should not do'; it should 'offer a workable, flexible and defensible way to proceed to make ethical decisions'; it should be 'inseparable from doing good journalism' and through the use of case studies it should 'show not only that ethics is a systematic process, but also that there are right and wrong answers' (1994, 110). There is no problem with the first three of Richardson's points, but the fourth - the concept of right and wrong answers - is debatable.

Australian journalism is perhaps more daring and more adversarial than that practiced in the US today and I'm not sure that there actually are 'definitive' solutions to complex situational and contextual problems. The Australian's resident media commentator, Errol Simper, is right to suggest that the culture of journalism needs to change, and that the pressures of newsroom deadlines means that rules are bent in the name of expediency (Simper 1995, 17). It's also relevant to ask if an alternative news culture is possible. This paper suggests that an important first step is to show how the news culture inside media organisations is ultimately dependent on the economic and social relations that govern newsgathering as a daily production process.

There is a solution that could help solve ethical dilemmas in the newsroom, but which in the current political climate some critics would argue is immensely impractical. I am suggesting that there is no reason why journalists' House Committees in each workplace cannot act as a place of review and discussion on ethical questions. The Alliance might consider developing a short-course for in-house training. A similar package has been developed as a module of a Graduate Certificate in Communication through Charles Sturt University (Patching, Hirst & Koomen 1994).

The proposal is radical because it consciously involves creating a greater level of workers' control in newsrooms. I argue this case here briefly based on two things: first, my belief in humanist socialism; second, my experience at the Australian Broadcasting Corporation and the Special Broadcasting Service where ethical behaviour is reinforced by peer pressure and where commercial considerations are more likely to surface as ethical problems (Hirst 1994). Wendy Bacon alludes to this dilemma and a possible solution in her critique of the proposed code:

Journals can only make claim to a professional code of ethics if they can also demonstrate the ability to collectively enforce these ethics... For if all the journalism union can say at the end of the day is that they cannot enforce the code, then others will ask: If journalists can't take responsibility for delivering ethical journalism to the community, well who will? (Bacon 1996, 9).

In order to achieve such changes, the culture of the newsroom would be altered by a fundamental shift in the power relationships that are central to the production process. However, such a shift will not be easy as it involves an attack on the business interests of the media owners. It is more likely to happen in a situation of social crisis affecting all relations of production.

While we can argue eternally about the definition, meaning and desirability of 'democracy', O'Neill argues against a simple 'bi-polar' vision of a choice between state-control along what we might call 'Stalinist' lines and state-control combined with competing blocks of capital in the 'free market' model. He suggests that there are more democratic alternatives: 'Non-market, socialised and decentralised media serving the goals of both journalism and democracy as a forum are not a political impossibility' (O'Neill 1992, 27).

My own preference is for popularly elected editors (perhaps elected by the journalists themselves)! This may seem a utopian suggestion, but the only certain thing in this uncertain world is that 'things' are changing, including how we view the media, journalism and ethics.

Martin Hirst

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APPENDIX 1: A COMPARISON OF CLAUSES IN THE JOURNALIST’S CODE OF ETHICS FROM 1944 – 1995, AND NEW CLAUSES ADDED TO THE REVISED CODE.

The following table illustrates the changes over the past fifty years. The numbers in bold correspond to the number in each code. Some comments have been included in brackets to indicate changes.

<table>
<thead>
<tr>
<th>1944</th>
<th>1984</th>
<th>1995</th>
</tr>
</thead>
<tbody>
<tr>
<td>1: To report and interpret news with scrupulous accuracy;</td>
<td>1: They shall report and interpret the news with scrupulous honesty by striving to disclose all essential facts and by not suppressing relevant, available facts, or distorting by wrong or improper emphasis; (Combines 1 &amp; 2 from 1944.)</td>
<td>1: Report and interpret honestly, striving for accuracy, fairness and disclosure of all essential facts. Do not suppress relevant available facts, nor give distorting emphasis.</td>
</tr>
<tr>
<td>2: Not to suppress essential facts nor distort the truth by omissions or wrong and improper emphasis;</td>
<td>2: They shall not place unnecessary emphasis on gender, race, sexual preference, religious belief, marital status or physical or mental disability; (Not in 1944 code. There is no real doubt that this clause is in direct response to the social pressures created by movements for women’s liberation, gay rights and against racism, during the 1960s and 1970s.)</td>
<td>15: Do not place unnecessary emphasis on personal characteristics including: race, ethnicity, nationality, gender, age, sexual orientation, family relationships, religious belief, disability.</td>
</tr>
<tr>
<td>3: To respect all confidences received by him in the course of his calling;</td>
<td>3: In all circumstances they shall respect confidences received in the course of their calling. (Note: the major change in the revised code which makes explicit the need to get attributable sources and removes the automatic respect of confidences clause.)</td>
<td>19: Aim to attribute as precisely as possible all information to its source. When a source seeks anonymity, do not agree without first considering the source’s motive and any alternative attributable sources. Keep confidences given in good faith. (This might be labelled the ‘Cornwall clause’ as it appears to cover the circumstances of her appearance before the ICAC in 1994.)</td>
</tr>
</tbody>
</table>
4: To observe at all times fraternal obligations and not on any occasion take unfair advantage or improper advantage of fellow members of the Association;

(1984 version omits, fraternal obligation; moves it to Preamble.)

5: Not to allow his personal interests to influence him in discharge of his duties, nor to accept or offer any present, gift, or any other consideration, or benefit or advantage of whatsoever kind that may have the effect of so benefiting him;

(5/1944 split in 1984. The gendered language of the first Code here and in 8/1944 was removed in the first revision.)

6: To use only fair and honest means to obtain news, pictures and documents;

(1995 direct reference to technology.)

9: Do not allow personal beliefs or commitments to undermine accuracy, fairness and independence. Where relevant, disclose.

10: Do not allow any payment, gift or other advantage to undermine accuracy, fairness and independence. Where relevant, disclose.

12: Guard against advertising or commercial considerations improperly influencing journalism. Where it occurs disclose.

4: They shall not allow personal interests to influence them in their professional duties;

5: They shall not allow their professional duties to be influenced by any consideration, gift or advantage offered and, where appropriate, shall disclose any such offer;

6: They shall not allow advertising or commercial considerations to influence them in their professional duties;

(New in 1984.)

7: They shall use fair and honest means of obtaining news, films, tapes and documents;

4: Use fair and honest means to obtain material. Avoid misrepresentation and use of concealed equipment or surveillance devices.
7: Always reveal identity as a representative of the press before obtaining personal interview for the purpose of using it for publication, and

8: They shall identify themselves and employers before obtaining any interview for publication or broadcast; (7/1944)


8: To do his utmost to maintain full confidence in the integrity and dignity of the calling of a journalist. (Note: this clause was deleted in the 1984 code, but appears to have been reintroduced in 11/1995.)

9: They shall respect private grief and personal privacy and shall have the right to resist compulsion to intrude upon them; (New in 1984.)

10: They shall do their utmost to correct any published or broadcast information found to be harmfully inaccurate. (New in 1984.)

11: Accept the right to privacy of every person. Public figure's privacy may be reduced by their public role. Relatives and friends of those in the public eye retain their own rights. (New in 1984.)

12: At times of grief and trauma act with sensitivity and discretion. Never harass. Never exploit vulnerability or ignorance of media practice. Interview only with informed consent. (Note: major change in 1995 raises the question of informed consent and reduced privacy of public figures.)

13: Accept the right to privacy of every person. Public figure's privacy may be reduced by their public role. Relatives and friends of those in the public eye retain their own rights. (New in 1984.)

14: At times of grief and trauma act with sensitivity and discretion. Never harass. Never exploit vulnerability or ignorance of media practice. Interview only with informed consent. (Note: major change in 1995 raises the question of informed consent and reduced privacy of public figures.)

3: Urge the fair correction of errors. (Much shorter than 10/1984.)
THE NEW CLAUSES

The following new clauses have been added to the recommended, revised code. The right hand column indicates some of the possible reasoning for these changes. At the time of writing, the lengthy paper promised by the MEAA to background the changes has not been made public.

NEW CLAUSE

2: Make efforts to give the subject of any damaging report an opportunity to comment, preferably in that same report. **Institutes the 'right of reply' and the concept of 'balance' to the code.**

5: Pictures and sound should be true and accurate. Any manipulation likely to mislead should be disclosed. **New technology makes possible the digital manipulation of audio and video tape and photographs.**

6: Plagiarism is stealing. Always attribute fairly.

7: Only quote directly what is actually said or written. Otherwise paraphrase. Meaning and context should be accurately reflected. **Stuart Littlemore was exposing too many senior journalists on his weekly program Media Watch (ABC TV) for the MEAA to ignore this problem any longer.**

8: Disclose any direct or indirect payment made for interviews, pictures or information. There is some discomfort in the industry that cheque book journalism is fast becoming the norm (especially in tabloid television and the women's/gossip magazine market). **Another problem identified by Littlemore is the use of 'fake quotes' in headlines, bracketed by single quote marks ("), but not an accurate account of what was 'said' by the 'source'.**

11: Do not improperly use a journalistic position *for personal gain.*

16: Never knowingly endanger the life or safety of a person without informed consent. **This is the first of two new clauses (16 & 17/1995) that appears to have been included in response to the Cangai siege of March 1993. It can be read to seemingly justify putting people in danger if you get consent.**

POSSIBLE JUSTIFICATION/REASON

**Institutes the 'right of reply' and the concept of 'balance' to the code.**

**Stuart Littlemore was exposing too many senior journalists on his weekly program Media Watch (ABC TV) for the MEAA to ignore this problem any longer.**

**Another problem identified by Littlemore is the use of 'fake quotes' in headlines, bracketed by single quote marks ("), but not an accurate account of what was 'said' by the 'source'.**

**There is some discomfort in the industry that cheque book journalism is fast becoming the norm (especially in tabloid television and the women's/gossip magazine market). The incident of a reporter on the Nine network's A Current Affair (ACA) forging a bail application was widely publicised in 1994 and 1995.**

**The inclusion of this clause appears to reprise 8/1944, which was removed in 1984. (8/1944: To do his utmost to maintain full confidence in the integrity and dignity of the calling of a journalist.)**

**This is the first of two new clauses (16 & 17/1995) that appears to have been included in response to the Cangai siege of March 1993. It can be read to seemingly justify putting people in danger if you get consent.**
17: Exercise particular care for the welfare of children in reports involving them.

18: Respect every person's right to a fair trial.

20: Educate yourself about ethics and help enforce this code.

Children were at the centre of the Cangai siege story. This clause appears to be a direct response to the furore surrounding Mike Willessee's interview (ACA, TCN 9) with the children.

The possible catalyst for this change might be the Wbo Weekly contempt case surrounding the trial of the alleged 'backpacker killer', Ivan Milat, in 1994

This point was incorporated in the 1984 Preamble.

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