



Access to the Media and Right of Reply

An information paper

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If expression is to be free and debate diverse, ready access to the media seems a prerequisite. The notion that a person attacked be given an opportunity to reply recurs throughout media law and ethics. But there have been few concentrated analyses of precisely how such a 'right to access' or 'right of reply' might operate in principle and in practice. This information paper gives the background to the debate about mandatory rights of access, in particular the Australian Broadcasting Tribunal's inquiry into a right of reply and the history of the Fairness Doctrine in the United States.

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*Access to the Media and
Right of Reply.*

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New ethics code draws fire

The recommended revised code of ethics for journalists was released this month and straight away were heard the divergent cries of: 'Ethics, schmethics - leave it to the market' and 'Ethics be damned - regulate by law, and regulate hard.'

Perhaps, in time, there will be a fruitful debate about wider reform of media self-regulation.

The Australian Journalists' Association section of the Media Entertainment and Arts Alliance has asked the first committee of journalists and non-journalists in 50 years to review: the code; its enforcement; its relationship with other media self-regulatory systems; and its relationship with the law.

Ethics review committee members are: Fr Frank Brennan, the Jesuit and lawyer; Justice Deidre O'Connor of the Federal Court; Melbourne University philosophy professor Tony Coady; ABC TV journalist Mary Delahunty; and myself.

The revised code has a new structure. It declares:

- **aspirations** of journalism as a public service, not just another business, which confers power and demands accountability;
- **values** which underpin journalism: honesty, fairness, independence and respect for the rights of others;
- **standards** which ought routinely to be enforced;
- **guidance** for when values compete and a choice must be made between them.

The revision makes explicit much that is implicit in the current code. The purpose is in part to improve the code's educative role. A code should try to prevent breaches, not merely

prosecute them. We have tried to focus on what can be expected of ordinary MEAA members. Extracting accountability from more powerful media professionals such as editors, executive producers and managers is a matter for other self-regulatory schemes such as the Press Council and the codes administered by FACTS, FARB, ABC, SBS and the new pay operators.

Doubtless there will be criticisms from those who believe different words should be used. That debate is healthy, and only to be expected from professional wordsmiths.

Enforcement and other issues will be dealt with in the committee's final report later this year.

Here, *CU* reproduces both the current and the recommended codes to promote debate. □

Paul Chadwick

Current code of ethics (adopted 1944; revised 1984)

Respect for truth and the public's right to know are overriding principles for all journalists. In pursuance of these principles journalists commit themselves to ethical and professional standards. All members of the AJA section 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 the AJA judiciary committees to adjudicate on issues connected with the code.

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 by distorting by wrong or improper emphasis.



2. They shall not place unnecessary emphasis on gender, race, sexual preference, religious belief, marital status or physical or mental disability.
3. In all circumstances they shall respect all confidences received in the course of their calling.
4. They shall not allow personal interests to influence them in the course of 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.
7. They shall use fair and honest means to obtain news, films, tapes and documents.
8. They shall identify themselves and their employers before obtaining any interview for publication or broadcast.
9. They shall respect private grief and personal privacy and shall have the right to resist compulsion to intrude on them.
10. They shall do their utmost to correct any published or broadcast information found to be harmfully inaccurate.

Recommended revised code of ethics

Journalists describe society to itself. They seek 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 public 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.

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.
2. Make efforts to give the subject of any damaging report an opportunity to comment, preferably in that same report.
3. Urge the fair correction of errors.
4. Use fair and honest means to obtain material. Avoid misrepresentation and use of concealed equipment or surveillance devices.
5. Pictures and sound should be true and accurate. Any manipulation likely to mislead should be disclosed.
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.
8. Disclose any direct or indirect payment made for interviews, pictures or information.
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 ac-

curacy, fairness and independence. Where relevant, disclose.

11. Do not improperly use a journalistic position for personal gain.
 12. Guard against advertising or commercial considerations improperly influencing journalism. Where it occurs, disclose.
 13. Accept the right to privacy of every person. Public figures' privacy may be reduced by their public role. Relatives and friends of those in the public eye retain their own right to privacy.
 14. At times of grief or trauma, always act with sensitivity and discretion. Never harass. Never exploit a person's vulnerability or ignorance of media practice. Interview only with informed consent.
 15. Do not place unnecessary emphasis on personal characteristics including race, ethnicity, nationality, gender, age, sexual orientation, family relationships, religious belief or physical or mental disability.
 16. Never knowingly endanger the life or safety of a person without informed consent.
 17. Exercise particular care for the welfare of children in reports involving them.
 18. Respect every person's right to a fair trial.
 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.
 20. Educate yourself about ethics and help to enforce this code.
- 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.