

# COMMS 201: MEDIA ETHICS AND LAW



- ▶ Journalists not only make news, at times they are the news.
- ▶ Woke up to hear senior journalists from Newsroom are in prison in Fiji. They were reporting on a big development that has apparently destroyed the natural shoreline of the island of Mololo. That they were arrested could suggest the police and government are too close to the developers and are keen to control the 'narrative' around the development.
- ▶ Also, pertinent to today's lecture, on media ethics and law, Heather du Plessis-Allan has been found in breach of standards by the Broadcast Standards Authority who upheld a complaint that she was offensive when she described the Pacific Islands as 'leeches'.

KIRSTY JOHNSTON – INVESTIGATIVE JOURNALIST  
AT THE HERALD



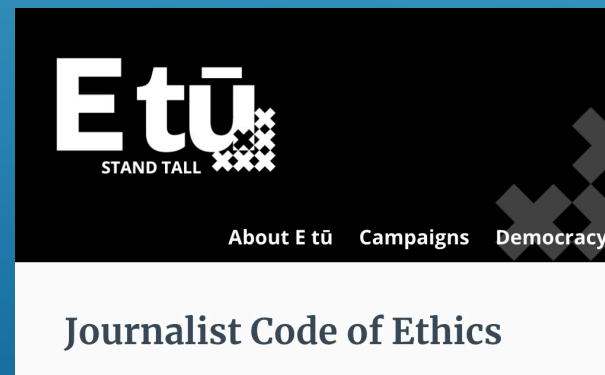
- ▶ Legal and ethical constraints (not identical)
- ▶ Law - legal and illegal
- ▶ Ethics – right and wrong

(for example, it might be legal to film a funeral, but maybe unethical to capture peoples' grief when vulnerable but sometime something unethical is also illegal)

# JOURNALISM, ETHICS AND THE LAW


- ▶ Codes that guide responsible journalism
- ▶ A bargain between media and society
- ▶ Freedom but also responsibility
- ▶ Lots of 'grey' areas
- ▶ <http://etu.nz/journalist-code-of-ethics/>

# CODES OF ETHICS

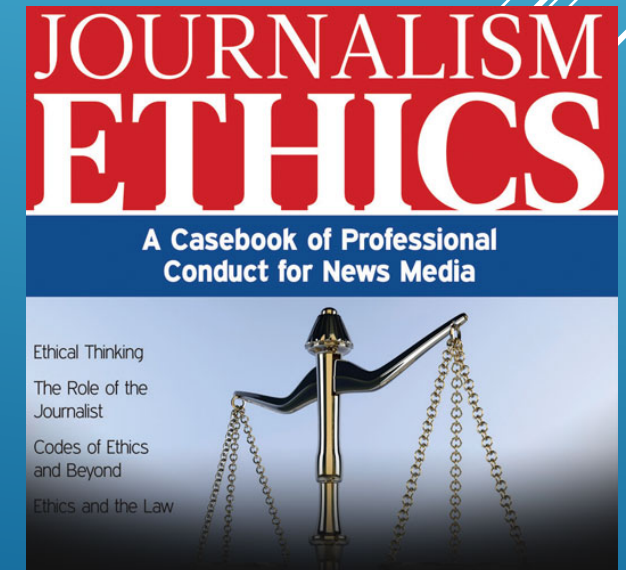


Society of Professional Journalists  
Code of Ethics

- Seek Truth and Report It
- Minimize Harm
- Act Independently
- Be Accountable

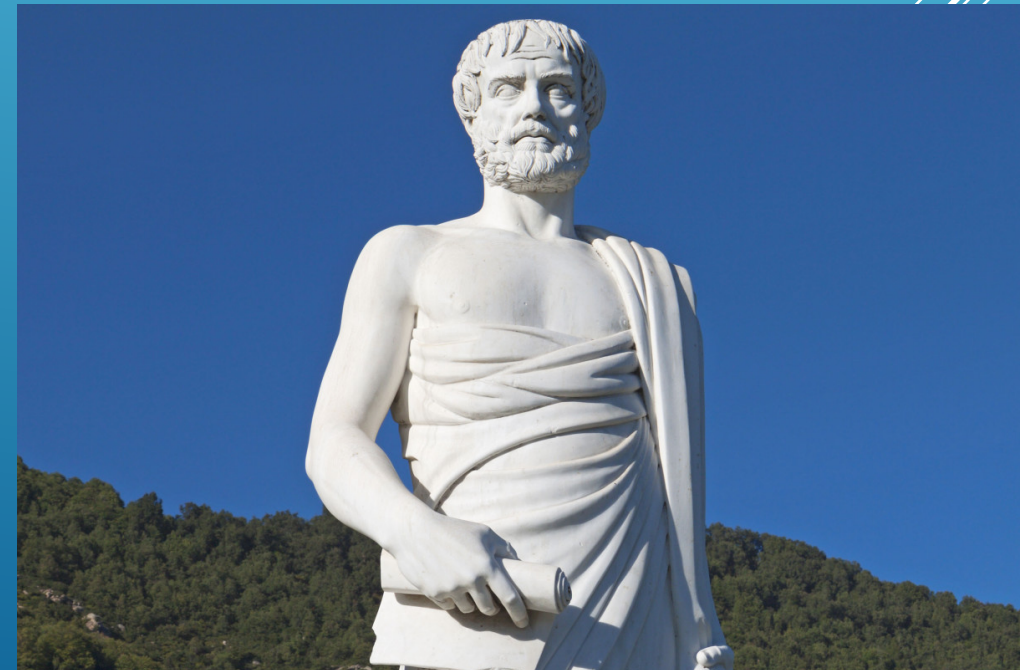


<http://www.spj.org/ethicscode.asp>



- ▶ Theories have shaped our understanding of ethics – from Aristotle through John Stuart Mill to Judeo-Christian religion
- ▶ Codes help journalists given the pressure of immediacy, competition that does not encourage reflection
- ▶ Social attitudes and hence ethical standards can shift – attitudes towards sexuality, language and violence.

## MAKING ETHICAL DECISIONS





- ▶ To seek truth and to report the truth as fully as possible
- ▶ To act independently
- ▶ To minimize harm

Public would expect: fairness, honesty, impartiality, independence, diversity, cultural sensitivity, compassion.

Ethical journalism can also be good journalism (the polar bear story).

## THREE GUIDING PRINCIPLES



- ▶ Written codes since the 1970s
- ▶ Competition and technology has caused new ethical dilemmas
- ▶ Use of watchdogs of the media (who watches the watchers?) – the NZ Media Council (newspapers and online) and the Broadcasting Standards Authority (broadcasters)
- ▶ Complication of monitoring the Googles and Facebooks.

## CODE OF ETHICS





# ETHICS IN THE WORKPLACE

- ▶ Accuracy: more than ensuring facts are correct.
- ▶ Fairness: treat others as you want to be treated.
- ▶ Balance: all sides of the story.

## GEORGIA HARRISON AGAINST THE WEEKEND HERALD

|                    |   |
|--------------------|---|
| CASE NUMBER:       | 2258  |
| COUNCIL MEETING:   | MAY 2012  |
| VERDICT:           | UPHELD  |
| PUBLICATION:       | THE WEEKEND HERALD  |
| RULING CATEGORIES: | COMMENT AND FACT<br>DISCRIMINATION<br>BALANCE, LACK OF<br>OFFENSIVE LANGUAGE<br>ACCURACY<br>UNFAIR COVERAGE |

### Introduction

1. The New Zealand Press Council has received seven complaints against a Paul Holmes column in The Weekend Herald of 11 February 2012 headed "Waitangi Day a complete waste". The standfirst was: "It's time to cancel our repugnant national holiday". While some of the complaints refer to other principles, the complaints in the main are based on the Council's Principle 1 (accuracy, fairness and balance) and Principle 6 (discrimination and diversity).
2. The complaints are upheld.

### OPINION

## Leighton Smith: Climate change alarmists push their barrow over fires

16 Feb, 2019 5:00am

4 minutes to read



The hand of human stupidity played a major part in the damage to Townsville during this year's floods. Photo / Queensland Police

NZ Herald

# Deception

- ▶ The way information is gathered
- ▶ When deception can be justified? Investigative reporters, public interest argument?
- ▶ Fabrication and plagiarism never justifiable.
- ▶ Must be in public interest and you need to be fair and balanced

## ETHICS IN THE WORKPLACE

### Der Spiegel reporter who faked stories returns awards

Claas Relotius apologises, as far right says exposure calls all German news into question



▲ At least 14 articles by Claas Relotius for the German news magazine Der Spiegel were falsified, according to its editor. Photograph: Golejewski/Eventpress/EPA

- ▶ <https://www.aljazeera.com/investigations/howtosellamassacre/>
- ▶ Filming undercover, using a plant
- ▶ Do the Public interest issues outweigh the ethical issues?
- ▶ <https://www.smh.com.au/national/al-jazeera-s-one-nation-sting-was-dramatic-but-was-it-ethical-20190327-p5180a.html>

## ETHICAL BREACHES AND THE PUBLIC INTEREST

# Public figures

- ▶ Higher level of public scrutiny – power, influence and privilege
- ▶ Test: whether info is relevant to public duties
- ▶ Idea of 'limited-purpose public figure' – lose right to privacy in area related to their fame, some measure of protection.
- ▶ <https://www.newshub.co.nz/home/politics/2018/10/the-jami-lee-ross-and-expenses-leak-mega-scandal-a-timeline.html>

<https://www.noted.co.nz/currently/politics/jami-lee-ross-saga-questions-over-media-cover-up/>



## ETHICS IN THE WORKPLACE

## Ordinary people

- ▶ Thrust into media spotlight (crime, grief, disaster)
- ▶ Inexperienced, vulnerable or disabled.
- ▶ Journalists must balance sensitivity with seeking information.
- ▶ Can re-victimize, saying things in heat of moment, intrusiveness.

## ETHICS IN THE WORKPLACE



# Children

- ▶ Not competent to give informed consent until they are 16
- ▶ If details included about them in news stories, must not be identifiers.
- ▶ Who represents the children's interests? If the parents are culpable, then it is complex.
- ▶ Journalists must consider the best interests of a child.

## ETHICS IN THE WORKPLACE

## Conflicts of interest

- ▶ Journalists most often do not join political parties.
- ▶ Perception of bias may be as important as the reality.
- ▶ The commercial interests of a media organization might also compromise a journalist.
- ▶ Difficulty because journalist is also a citizen/consumer.

## ETHICS IN THE WORKPLACE

## Conflicts of interest

- ▶ Friendships and sources – ‘captured by politicians’ or organisations.
- ▶ Disclosures allow readers to make a decision.
- ▶ Gifts, freebies and junkets.
- ▶ Payments and cheque-book journalism.
- ▶ Freelancing and ‘moonlighting’

# ETHICS IN THE WORKPLACE

## Matters of taste

- ▶ Use of swearwords now acceptable
- ▶ Tests are *context* and *relevance* – if an expletive is included in a quote or report.
- ▶ Outlets – 95 bfm vs. Morning Report
- ▶ Graphic material – BSA ruling on the Tunisia terrorist attack.
- ▶ Instance seen on Al Jazeera showing dead Marines.

## ETHICS IN THE WORKPLACE