

Journalistic self-regulation: Moving towards an alternative model

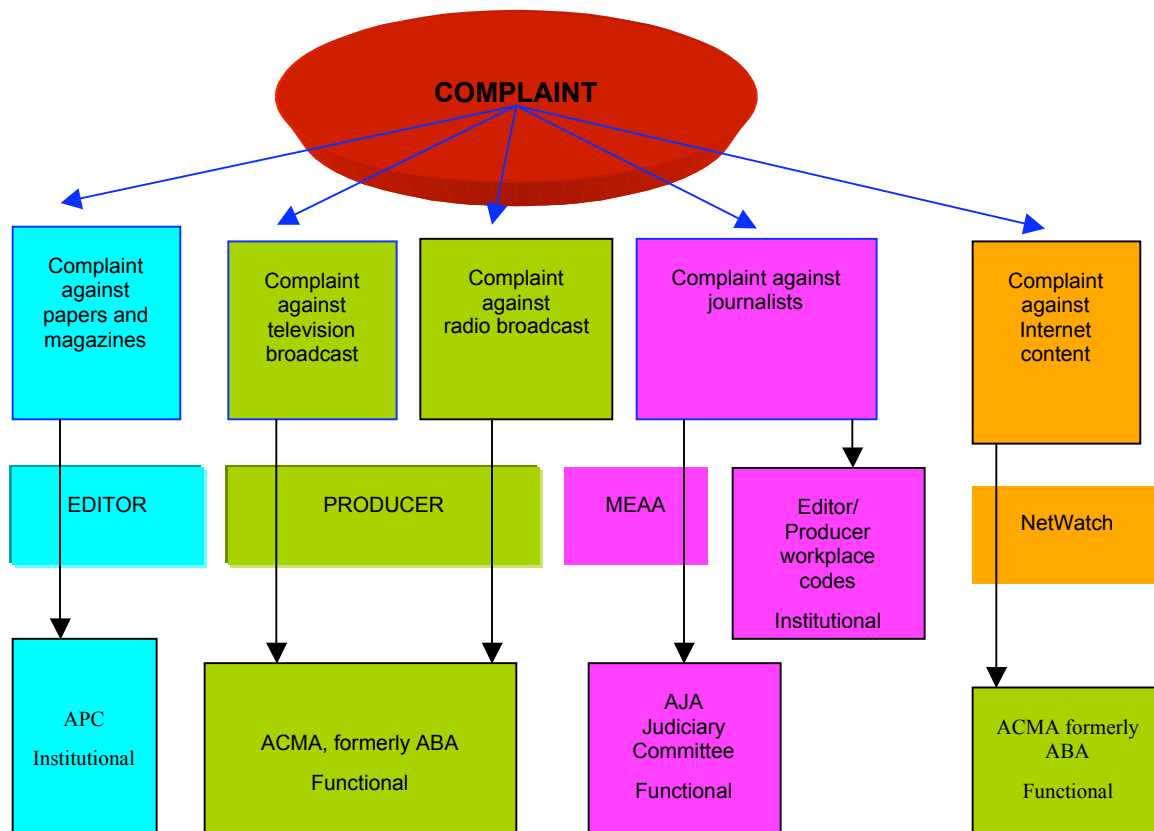
Abstract

The 1 July merger of the Australian Broadcasting Authority and the Australian Communications Authority has seen the Australian Communications and Media Authority (ACMA) assume responsibility for regulating broadcasting, radio-communications and telecommunications. Part of the ACMA's role is to oversee complaints and register codes of practice in relation to Internet and Broadcasting content in Australia. As such, it is part of Australia's system of journalistic self-regulation, which comprises a variety of codes (of ethics and practice) overseen by a range of organisations. Using a practice-institution schema derived from philosopher Alasdair MacIntyre, this paper critiques Australia's approach to journalistic self-regulation, arguing for substantial reform. It canvasses a representative sample of codes of ethics and codes of practice, categorising them according to the approach to self-regulation reflected in their guidelines and the procedures employed to enforce these guidelines.

Journalistic self-regulation: Mapping the current environment

Journalism and the media industry in Australia are 'regulated' by a variety of organisations. The business arrangements and corporate dealings of media organisations are scrutinised by the Australian Securities and Investments Commission, the Australian Competition and Consumers Commission and state Offices of Fair Trading, which wield extensive legislative powers. The conduct of journalists and publishers employed in media organisations are scrutinised by industry-based self-regulatory bodies, which oversee a range of codes of ethics and codes of practice. This paper focuses on this complaints driven self-regulatory environment of journalists and publishers (depicted in Figure 1). These organisations include the broadcasting regulator the newly formed Australian Communications and Media Authority (formerly the Australian Broadcasting Authority); the journalists union, the Media Entertainment Arts Alliance; and the voluntary print media regulator, the Australian Press Council.

Figure 1: The Self-Regulatory Environment



The Australian Communications and Media Authority, which was formed through the merger of the Australian Broadcasting Authority and the Australian Communications Authority on 1 July 2005, is a statutory body with wide powers. It deals with media issues other than journalism, including programming and licensing issues relating to the Australian broadcasting and Internet industries as well as telecommunication issues. Its powers are limited to sanctions against the licensee and not journalists. The ACMA oversees the Australian Subscription Television and Radio Association Codes of Practice (1997), the Commercial Radio Codes of Practice and Guidelines (2001), Commercial Television Code of Practice (1999), and the Community Broadcasting Code of Practice (Television 2003). The Media Entertainment Arts Alliance (MEAA) is a union representing workers in the media, entertainment and arts industries. It oversees the AJA code of ethics, which binds journalist members of the MEAA. The Australian Press Council (APC) deals with complaints about publishers of newspapers and magazines within Australia. The Council is a voluntary organization, funded by the newspaper and magazine industries. It consists of 22 members, representing the publishers, the journalists' union, independent journalists and members of the public, and is chaired by an independent Chairman. It oversees the APC Statement of Principles and Privacy Principles.

These bodies employ a range of processes and procedures. There are, of course, many informal means of self-regulation including programs such as *Media Watch* on ABC TV. The Media Section of *The Australian* newspaper also looks at ethical issues facing journalists and has feature articles on self-regulatory bodies such as the Australian Press Council and the Media Entertainment Arts Alliance (*The Australian* 2003, 31 July, 10 July, 29 March). Talkback radio, Short Message Service feedback, phone polls and letters to the editor provide opportunities for the public to voice concerns about the quality of journalism. This paper examines the industry based system of journalistic self-regulation that relies of a variety of codes of ethics and codes of practice. Using criteria distilled from the Commonwealth Government's Taskforce into Industry Self-Regulation, this paper attempts to identify the key characteristics of the current system of journalistic self-regulation in Australia.

Self-regulatory models?

There is no single model for industry self-regulation because each scheme needs to address industry-specific problems. However, the Taskforce on Industry Self-Regulation, (Commonwealth of Australia, 2000a, 4) noted that self-regulatory schemes should be designed to address the nature and risk of market failure and the consequences of no action. Thus self-regulation can take many forms, including information campaigns, service charters, internal complaints handling departments and procedures, accreditation, licensing and membership certification, quality assurance systems, standards, codes and dispute resolution schemes (Commonwealth of Australia, 2000c, 3-5). Codes can be either *institutional* (industry) or *functional* (products or services that span more than one industry) (Commonwealth of Australia, 2000c, 3-5).

The codes used across the media industry in Australia are institutional and functional, but in recent years there has been an increasing trend for workplaces to put in place their own codes. These *organisational* codes provide another layer to the self-regulatory environment as they aim to encourage socially responsible journalism and corporate behaviour. Organisational codes include those developed by the Australian Broadcasting Corporation (ABC), Special Broadcasting Service (SBS) as well as workplace codes used by *The Age* newspaper in Melbourne, the *Sydney Morning Herald*, and the *Herald and Weekly Times*, applying to all employees and contributors. The ABC and SBS codes set out in-house complaints procedures that are subject to review by the Australian Communications and Media Authority (formerly the ABA). Figure 1 reveals that the majority of organisations within the current system of journalistic self-regulation are not exclusively concerned with journalism. They oversee a range of related media industries. These organisations also oversee a range of industry-based codes. A review of the MEAA (AJA) Code of Ethics, the APC Statement of Principles, the Commercial Television Codes of Practice, the Commercial Radio Codes of Practice, the ABC charter and statement of independence and the Internet Industry Association Codes of Practice revealed the following characteristics (as set out in Table 1).

Table 1: Summary of characteristics of professional codes in journalism

Code	Definition of service ideal	Rules of conduct	Processes and procedures	Enforcement and review
MEAA (AJA) Code of Ethics Institutional	Yes	Yes	Yes (complaints procedure limited to application of rules)	Yes
APC Principles Institutional	Yes	Yes	Yes (negotiation and complaints) Internal review of rules	Yes
Free Television Codes of Practice (formerly FACTS) Functional	Yes (limited to legislative objectives)	Yes	Yes (two stages) Public consultation on code	Yes
Commercial Radio Codes of Practice (formerly FARB) Functional	Yes (Limited to legislative objectives)	Yes	Yes (two stages) Public consultation on codes	Yes
ABC Organisational	Yes (Charter & independence)	Yes	Yes (three stages) Public input on roles via many avenues	Yes
Workplace codes e.g. <i>The Age</i> Organisational	Yes	Yes	Not explicit (rules and ideology)	Not explicit
The Internet Industry Association Codes of Practice Functional	Yes. Meeting legal requirements and responsible content delivery over Internet. No specific mention of journalism or news/current affairs.	Yes	Yes	Yes, codes reviewed annually.

With the exception of workplace codes, all self regulatory organisations set out procedures by which the codes can be enforced and reviewed. Given the Internet Industry Association Codes of Practice make no specific mention of journalism or the products of journalism – news and current affairs – they will not be included in the remainder of this analysis, which now maps the key dispute resolution techniques utilised within the self-regulatory scheme.

Dispute resolution options

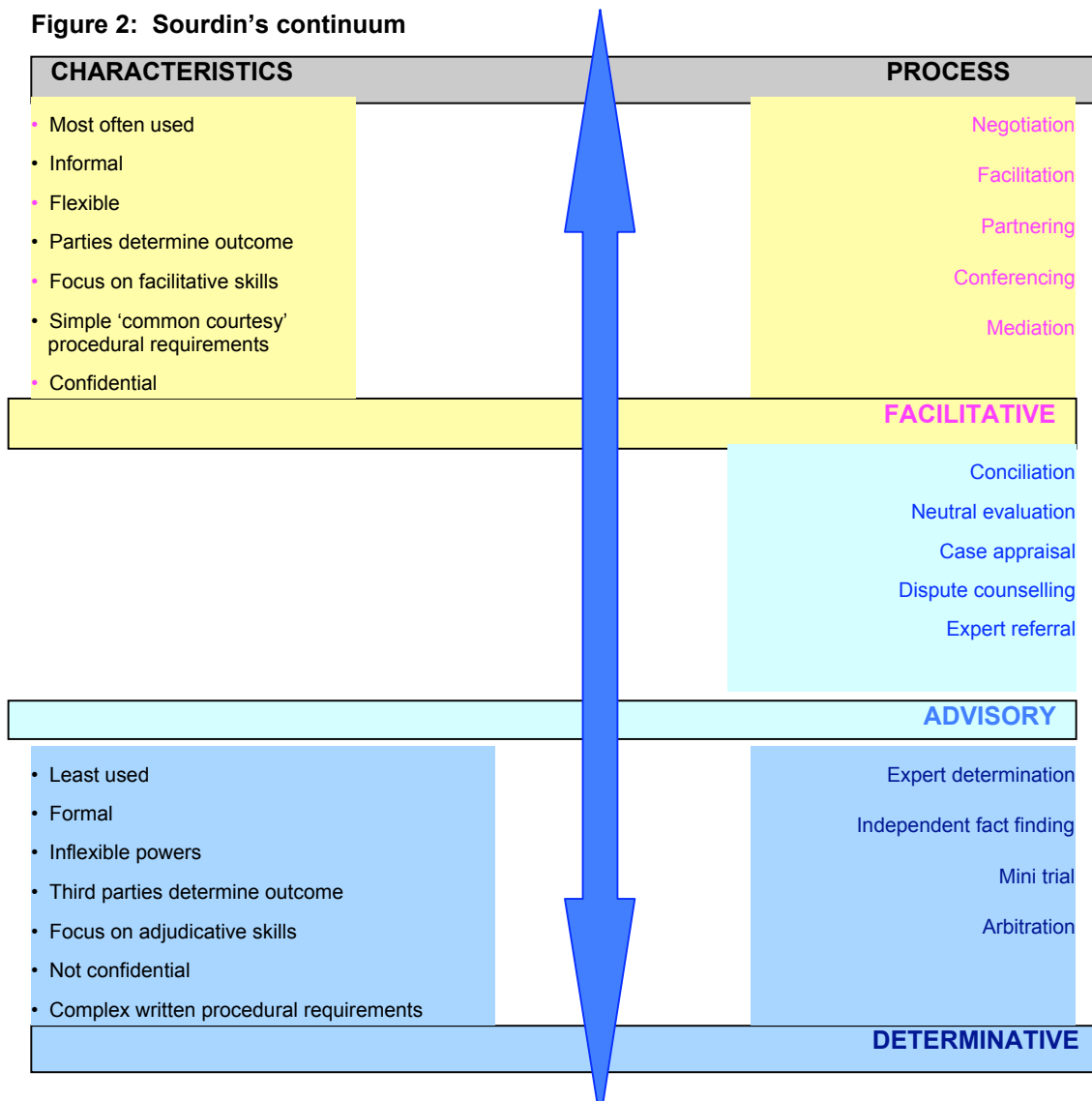
The National Alternative Dispute Resolution Advisory Council (NADRC) (AGPS 1997; Sourdin 2002, 16) classifies dispute resolution processes as facilitative, advisory or determinative. All three processes involve third parties but the type of involvement

differs as follows:

- Facilitative processes: the third party plays no advisory or determinative role. Instead, they assist in managing the process of dispute resolution. Examples include mediation, conciliation and facilitation (Sourdin 2002, 16);
- Advisory processes: third party investigates and provides advice on the facts and possible outcomes of the dispute. Examples include investigation, case appraisal and dispute counselling (Sourdin 2002, 16); and
- Determinative processes: Third party investigates and determines outcome of dispute. Examples include adjudication and arbitration (Sourdin 2002, 16).

Sourdin (2002, 34) concludes that these processes can be classified as either decisional or facilitative, but many alternative dispute resolution (ADR) schemes include characteristics of both. She views the dispute resolution processes as a continuum – at one end is negotiation (which is the most often used form of ADR) and at the other end is arbitration which is the least used option. Sourdin’s continuum (2002, 18) “maps” the processes as set out on the next page.

Figure 2: Sourdin’s continuum



The bodies overseeing journalism and news and current affairs in Australia employ a range of processes and procedures, which Table 2 (below) classifies in terms of Sourdin’s continuum.

Table 2: ADR characteristics of journalism self-regulation

Code	Process Stage one	Stage two	Stage three	ADR ¹ classification
MEAA	Mini trial			Determinative
APC	Mediation with APC appointed mediator Facilitative	Adjudication, with some flexibility of process		Facilitative & determinative
The Age	No procedure set out. No third party nominated to deal with complaints			Nil outlined
ACMA (CTVA & CRA)	Negotiation with broadcaster. Broadcaster decides outcome (not third party) Facilitative Expert determination	Arbitration by ABA, with some flexibility in procedures (determinative)		Facilitative and determinative (more determinative)
ABC	Negotiation with ABC executive (not third party) Facilitative Expert determination Determinative	Independent Complaints panel Expert determination Determinative	ABA hearing Arbitration with some flexibility of procedures	Determinative & Facilitative

Table 2 reveals that although journalism is self-regulated by a variety of institutional, organisational and functional codes, the complaints processes adopted are essentially determinative. A limited range of facilitative methods are utilized in conjunction with determinative processes but advisory methods are not utilized. Thus the dispute resolution processes sit at the extremes of Sourdin’s continuum, suggesting there is a need to incorporate advisory methods into these processes to help manage the dispute process and redress power imbalances between the self-regulatory bodies and the complainants.

¹ Alternative Dispute Resolution

Best practice in self regulation

Good practice in self-regulation is built on two principles. The first has been identified earlier in this paper. A self-regulatory scheme must address the industry-specific problems and objectives. Secondly it must offer an effective “minimum solution” (Commonwealth of Australia 2000f, 1). The minimum solution referred to by the taskforce is couched in terms of market needs - “good practice in self-regulation can be understood as significantly improving market outcomes for consumers at the lowest cost to business” (Commonwealth of Australia 2000f, 1). Table 3 identifies the strengths and weaknesses in the current system of journalistic self-regulation based on the Taskforce on Industry Self-Regulation’s criteria (see Commonwealth of Australia 2000f, pp1-24). This table was developed from public documentation provided by the self-regulatory bodies and the Senate Select Committee’s recommendations. Therefore it reflects how the public would view the system of self-regulation.

Table 3: Best practice characteristic of codes and MCC

Taskforce	MEAA	ACMA	APC	Workplace codes
Consultation	Formal review with public, media business, media owners, journalists and government	Formal & informal. Journalists, public, media business, media owners, government.	Formal & informal Journalists, public, media business, media owners, government & complainants	Informal with journalists, audience, media business and owners & complainants
Coverage & publicity	Not well publicised except in relation to journalists	Well publicised to broadcast audience	Well publicised to print audience	Not well publicised, even to audience
Awareness of scheme	Scheme not well publicised in media	Industry schemes required to publicise	Advertises to public Sanctions involve publicity	Not well publicised
Clarity of documentation	Journalists' obligations clear. Consumer obligations not stated	Document very long & complicated. Legalistic language	Publishers' obligations clear. Consumer obligations not stated	Journalists' & managers' obligations clear. Consumer obligations not stated
Complaint scheme	Well publicised on website.	Well publicised on TV, radio and Web sites	Well publicised in newspapers & website	Not well publicised but available on web search
Education schemes	Poor	A focus of the new scheme	Attempts to educate public and future journalists	Very poor
Administration	No data collection that is available to public Lack of transparency	Data maintained and reported to public via annual reports Limited transparency	Data maintained and reported to public in annual reports Limited transparency	No formal data maintained. No real transparency
Complaint handling procedures	Closed hearing Reports unavailable.	Public hearings Reports available	Closed hearings Public report	Closed process Possibility for report (but at publishers' discretion)
Range of sanctions	Limited sanctions	Range of sanctions	Very limited sanctions	Sanctions not specified
Monitoring & review	Formal reviews available	Formal & informal	Formal & informal	Informal

This analysis suggests that the *current* system of journalistic self-regulation in Australia does not meet the common elements of good practice identified by the self-regulatory taskforce. There are a number of deficiencies. First, journalism and the media are compartmentalised, with individual organisations overseeing different aspects of the industry, such as print and broadcast. No one organisation can deal with every facet of journalism. Instead, organisations are structured in terms of the people they regulate and the product they oversee. Some organisations, such as the APC and to a lesser extent the ACMA, are highly transparent. Other organisations, such as the MEAA and workplace codes, are far less transparent. There are limited sanctions and penalties that can be

imposed for breaches of code (across the broad spectrum of the scheme) and, as has already been noted, the full range of dispute resolution techniques has not been adopted. With the exception of the ACMA, the scheme has limited capacity to manage the risk of anti-competitive practices within journalism. The functional nature of the ACMA codes means the focus is on the wider media industry and not journalism.

This failure to acknowledge the specific nature and risk of market failure in relation to journalism indicates systemic problems within the current system of journalistic self-regulation. The following section attempts to map that risk by conceptualising journalism, media business and self-regulation as social practices (Breit 2004, MacIntyre 1985, 2000).

Why is change needed from a practice perspective?

The schema

Breit (2004) posits journalism within Alasdair MacIntyre's practice institution schema, offering a normative framework by which to evaluate the current system of journalistic self-regulation. Practices display four central elements:

- a co-operative human activity (background account of the practice);
- intrinsic goods, or outcomes, related to the performance of the activity, that go beyond profit;
- participants must strive towards excellence, both in product and performance;
- a sense of ongoing transformation of the goals (Breit 2004, 65; Liedtke, 1998, p. 4; Arjoon, 2000, p. 4).

Breit (2004) argues that journalism, media business and advertising are social practices, hosted by media corporations which she conceptualises as institutions.

Journalism as practice

Journalism displays all the elements of a social practice. Co-operation exists between journalists – individually and collectively – and the community in which they operate. As the various codes canvassed in this paper reveal, there are a set of values – relating to both outcome and performance – seen as defining journalism and defining excellence in journalism. These values go beyond profit and the institutional interests of corporations and shareholders. The service ideal postulated in the codes such as the MEAA (AJA) code of ethics and the Australian Press Council reflect a journalistic ideal and a commitment to excellence. Journalism has attempted to preserve the values seen as the hallmarks of excellence through this complex process of self-regulation which relates to both journalistic conduct and the product of that conduct – news and current affairs. Finally, journalism is a dynamic practice with an ongoing sense of transformation of goals. Individual journalists reinterpret and modify their co-operative activities in light of their own experience resulting in an ongoing transformation of the social goals of journalism (see Breit 2004). This can be seen in the various conceptualisations of the

social aims of journalism which have dominated debate within academic circles. It is also revealed through the various interpretations of public interest that manifest themselves throughout industry debate. In light of these characteristics, journalism is a social practice.

Advertising as practice

Breit (2004, pp 75, 76) argues that advertising is a co-operative human activity because the technical skills required in advertising are performed by a collective of people, who have a common aim – producing a product that satisfies the brief provided by the client. There are a set of intrinsic goods identified as being definitive of excellence in advertising. Breit (2004, 76) also observes that the ways of doing (professional habits) within advertising are constantly being refined in light of professional excellence (in terms of production and outcome). Ethical values (albeit those prescribed in codes) are being re-evaluated in light of the profession's relationship with clients and audiences. Therefore, the common goals of the profession are being extended and transformed.

Media business as practice

Breit (2004, pp76, 77) sees the aims of media business as developing audiences and integrating the internal goods of media practices with the external goods of the media corporation. Media business has common goals: production of audiences and the integration of internal and external goods into the individual and communal lives. The manner in which audiences are created or developed involves a co-operative human activity encompassing a range of technical skills. There are intrinsic goods that go beyond profit and fame in that business must accord with best practice (despite effect on profit). The notion of business best practice requires pursuit of a set of internal procedures that ensure excellence in production and pursuit of excellence in terms of product (efficient and transparent business). Best practice ensures procedures are reviewed and revised according to changing relationships between clients, governments and the organisation, suggesting there is a sense of ongoing transformation of the goals of practice. The increasing trends towards infotainment, celebrity journalism and sensational reporting are examples of where the internal goods of media business are dominating the internal goods of journalistic practice.

Self-regulation as practice

MacIntyre (1994, p. 288) acknowledges that the work of “integrating” internal and external goods has the structure of practice. Media business performs this work in terms of integrating the internal goods of the practices of journalism and advertising (and other media practices) as well as the external goods of the corporation. Journalism also relies on the practice of self-regulation to reconcile conflicts emerging between practitioners and the public. A review of journalistic self-regulation and the findings of the Commonwealth Government's Taskforce on Industry Self-Regulation illustrates that self-regulation is a co-operative activity, with specific goods, or outcomes, that go beyond profit. Given the specific objectives of these self-regulatory bodies, it can be concluded that there is an attempt to strive towards excellence in terms of the product – dealing

with complaints and performance – review of the various codes and complaints processes, which also ensures self-regulation is a dynamic practice with an ongoing transformation of its social aims.

Media institutions

MacIntyre concedes that practices cannot survive without institutional support. Breit argues (2004) that media organisations and self-regulatory bodies are institutions because they are involved in acquiring money and other material goods (such as memberships and government or industry funding) and they are structured in terms of power and status. They distribute money, power and status as rewards. This is obvious in terms of media corporations, but it is equally applicable to self-regulatory organisations whose adjudications and determinations will ultimately affect the credibility of journalists and media organisations. In addition, the ACMA can impose large fines and attach conditions to licences which can substantially affect the status, power and profitability of media corporations.

MacIntyre (1985, 2002) argues that where a practice is evaluated from institutional values such as profit and fame, its internal goods are weakened. In a journalistic context, this means the practice of journalism will be weakened if its quality is determined by the extent to which it produces audiences or attracts advertising. Procedural reinforcement of these values to define excellence can ultimately lead to the destruction of the practice. Therefore, continuous reinforcement of bottom-line pressures could ultimately result in the destruction of journalism. This is not to say the external goods of institutions (in the journalistic context media corporations) and the wider society are not influential in identifying a practice's internal goods. They are factors that are taken into account in reflective decision-making and the formation of a moral tradition within a practice. The institutional goods are influential in shaping internal goods but MacIntyre argues the agreements reached by individuals should always be made in light of the overall social aims of the practice. This enters a highly debated area of journalism studies – the social aim of journalism. This paper is not attempting to proffer a preferred view of these aims. Suffice to say, the practice-institution schema accommodates the fact that there could be various social aims of journalism, depending on the context in which the practice is operating and the tradition that has emerged through the process of harmonization of internal and external goods. This process of harmonization reflects the nature and risks associated with market failures; thereby revealing the industry-specific problem that self-regulation needs to address. Therefore, the system of journalistic self-regulation needs to be developed from both practice and institutional perspectives, taking account of the roles of business and self-regulation within the self-regulatory process.

This analysis reveals that commercial media organisations host three-and-a-half practices – journalism, advertising, business and self-regulation. But there are intersections between the practices of business and self-regulation. Media business is concerned with conflicts emerging from competing practices hosted by the media corporation (at institutional and practice levels) whereas self-regulation is concerned with external conflicts emerging from the relationship between a particular practice – journalism, advertising or business – and the wider public. Breit (2004, p. 79) depicts the relationship

between these practices and the institution that support them in this way:

Figure 3: Public sphere, journalism & self-regulation

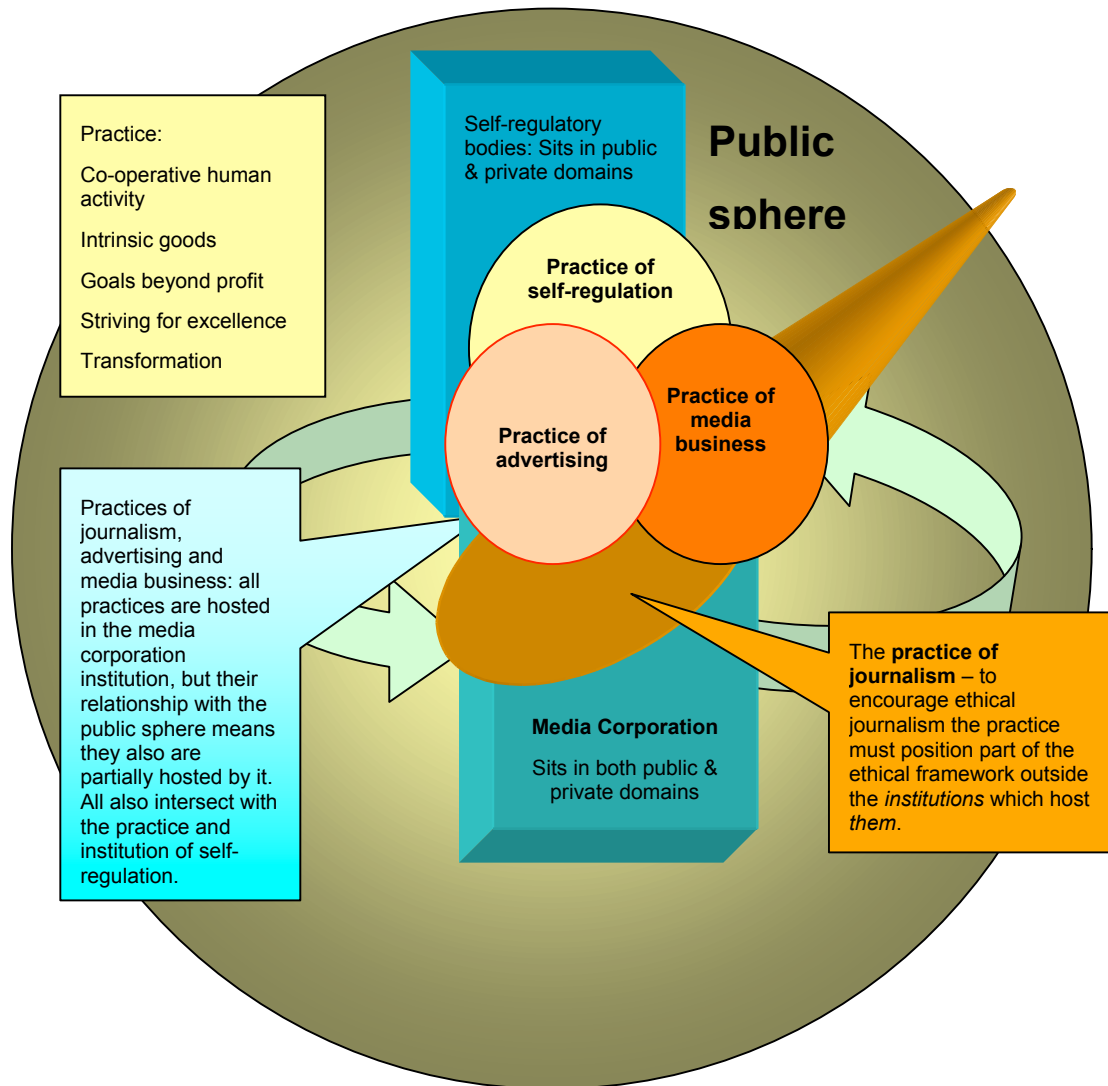


Figure 3 highlights the inter-relationship between media practices of business, journalism, advertising and journalistic self-regulation. There are areas where all three internal practices intersect, but institutional self-regulation rarely embraces the complete range of internal conflicts because it does not embrace the practice of advertising. Thus professional self-regulation usually can only embrace an ethical problem within media organisations from a partial perspective because it does not take account of all of the internal conflicts. However, the business of journalism can embrace internal ethical issues completely as it intersects with all practices hosted by the institution. The ellipses are the areas of conflict (MacIntyre, 1985; Moore, 2002; and Sayers, 1999). The conflicts

that emerge – internally within practice and externally with other practices and institutional goods – are integral to the formation of common goods. As Figure 3 suggests, journalism, advertising and media business are practices hosted by the media corporation. The integration of the internal goods of practices and the external goods in this entity is both a part of the practice of media business (specific to journalism and other media practices) and a practice in its own right (generic self-regulation). Therefore media business and the practice of journalism are partially hosted by the self-regulatory institutions. The practice of self-regulation intersects with the practice of journalism and the practice of media business. These are partially hosted by the media corporation and the self-regulatory institution. Therefore, they are vulnerable to the external goods of two institutions – the media corporation and the self-regulatory institution. Thus when designing a system of journalistic self-regulation, attention must be paid to both levels of self-regulation. The following model attempts to address these issues, while also incorporating a wider range of dispute resolution techniques.

Towards an alternative model of self-regulation

By using the practice-institution schema to evaluate the current system of journalistic self-regulation, I have identified the specific social policy and market issues that should be addressed by a system of journalistic self-regulation. That is the vulnerability of journalism to external institutions and practices. This inability of the current system of journalistic self-regulation to address this dilemma manifests itself in numerous ways, giving rise to structural and procedural flaws.

Australia's system of journalistic self-regulation relies heavily on institutional regulation. The practice-institution schema reveals that self-regulation should take a two-pronged approach. First, it should acknowledge the role of media business in regulating journalistic practice. Secondly, it should offer a system of independent review. Whilst workplace codes exist, they tend to focus on journalism per se, without focussing on the relationships between journalism, other practices and institutions. Several self-regulatory institutions have been formed to oversee journalism and other media activities, all of which have different aims and objectives.

The Taskforce into Industry Self-Regulation (2002) has identified the measure of accountability efficacy is the balance between business viability and consumer needs, which has resulted in a conflating of the practices of journalism and media business with the institutional aims of media corporations. Market values are embedded in the language of self-regulation and are seen as the measure of best practice in self-regulation. The ability of journalism to resist the erosion of journalistic values becomes less likely as market considerations are given further institutional recognition through the system of self-regulation. If external factors (deriving from competing practices or the institutions that host journalism) take priority over journalistic values, the practice of journalism is increasingly marginalised and weakened. Some would argue this is already occurring. Therefore an alternative scheme must balance the institutional aims of media corporations with the social aims of journalism. Therefore, journalistic self-regulation should aim to:

- enhance the public sphere (civic transformation);
- preserve the virtues of journalism: both internally and externally;
- ensure these ideals are embraced by the competing practices and the institutions that host them; and
- provide a framework that facilitates ethical decision-making at all levels, including promoting a market that encourages the character traits seen as the hallmarks of journalistic excellence.

The current system of journalistic self-regulation fails to take account of the difference between the practice of journalism and the institutional values of media corporations. The changing nature of contemporary society and increasing importance of the mass media in mediating and facilitating public connectedness means media corporations can no longer be viewed as private economic organisations. Because these corporations control much of the information flow that can influence individual and social identities, they have public responsibilities in terms of promoting a diversity of views and encouraging multi-dimensional participation in journalism *and in self regulation*. Thus the current licensing system being overseen by the ACMA needs to actively promote diversity. The Commonwealth Government has announced plans to change Australia's media concentration and foreign ownership laws. However, announcements by Communications Minister Helen Coonan, to date, reveal little evidence of a strong stand on promoting real diversity within the Australian mainstream media. The proposed scheme (Coonan, 2005) acknowledges media convergence. Instead of relying on a product market model to define media concentration, the proposed scheme has moved to a geographical market model. This ignores the real issue threatening media diversity within Australia and globally, which is the political and cultural market. Given the shift to a more convergent media regulatory framework, it is crucial that media ownership rules are reformed from an informed basis. Therefore a comprehensive analysis of political/cultural media market is needed before changes are implemented.

Thompson (1995, 240-243) sees the solution to this problem in terms of regulated pluralism, where an institutional framework is established that accommodates and secures the existence of a plurality of independent media organisations. This involves the "deconcentration of resources in the media industry" (Thompson 1995, 241). He calls for legislative intervention not just to curtail excessive power of media conglomerates but to promote "new centres of symbolic power" outside the traditional media. Therefore, part of the state and media corporations' responsibility is the maintenance of the independent media such as the Australian Broadcasting Corporation, Special Broadcasting Service and community-based media in Australia. It also means funding them at a level that they can resist having to commercialise. Based on the practice/institution distinction there are moral arguments to justify a media tax on commercial corporations depending on the concentration of media resources to encourage and fund this diversity. However, this is another project in its own right. It also justifies corporations bearing much of the cost of public accountability and self-regulation.

Returning to the practice/institution distinction, it becomes apparent that when looking at the area of journalistic ethics the process of self-regulation needs to be broadened to

take account of corporate and business actions², not just the conduct of journalists and publishers. Media business practices are not obliged to comply with industry codes of ethics and practice. Their obligations are set out in the corporations and securities legislation as well as Trade Practice and Fair Trading provisions. One way in which media business can help reconcile the tension between the internal goods of journalism and the external goods of institutions is to introduce a system of corporate governance that commits to providing a diversity of views, multi-dimensional approaches to participation and upholding the values seen as hallmarks of journalistic excellence.

Based on this analysis, reform of journalistic self-regulation starts with the corporate governance programs of all media corporations. However, the state also has responsibilities. I agree with Thompson (1995, 245) that legislative reform is required to ensure media resources are not concentrated too heavily within one corporate structure and there is a state responsibility to support alternative media that ensures a diversity of views and a range participatory options. Reforms to content and concentration of ownership rules foreshadowed by the Minister for Communications Helen Coonan seem to have missed a perfect opportunity to move to a more diversity-oriented policy.

The imbalance between the goals of corporations and journalism also may be redressed to some extent by reconceptualising the measures of corporate success to include performance indicators that go beyond profit. In journalistic terms, this means including performance measures that look at the contribution to social participation not only audience needs and demands. When evaluating the quality of journalism, it is not enough to ask whether it complies with the code of ethics. The bodies overseeing journalistic ethics must ask the harder questions of whether the mediation processes (journalism and mass media) are fostering debate rather than controlling public opinion. Thus findings should be publicised and debated.

One aim of self-regulation should be to look at ways of using the market to inculcate the values seen as hallmarks of journalistic excellence. A bar to the current system of self-regulation giving effect to this relates to the way in which the industry has opted to operationalise its system of self-regulation. The determinative focus of the processes and procedures put in place to oversee journalistic conduct and the formal nature of the review processes suggests the existing ethical framework is flawed because it effectively limits public participation in ethical discussion-making by restricting information. The first part of this paper canvassed the processes and procedures employed to resolve disputes. These processes rely heavily on *consumers* or members of the public complaining about the conduct of a journalist (MEAA or workplace code), publisher (APC) or licensee (ACMA). Thus the scheme tends to be polarised into producers and consumers, without taking account of the range of potentially problematic relationships within the journalistic process.

² The ACCC does regulate the conduct of media corporations but its actions are not linked to the ethical quality of their journalism.

Self-regulation needs to take account of the consumption and interpretive functions of the public. Journalistic self-regulation in Australia has tended to treat the public as passive recipients of information, rather than integral parties to the process. The system has relied heavily on complaint-driven processes rather than considering the ethical obligations of audiences and the public in terms of consuming and interpreting information provided by journalists.

The limited use made of facilitative and advisory ensures that the self-regulatory institutions maintain the greatest power within the scheme and complainants are invested with limited control. Therefore, in addition to structural reforms, effective self-regulation requires *education* and special training to ensure its effectiveness. Sourdin identifies (2002, 39) the foundation skills essential to people involved in effective dispute resolution. These include advanced listening skills and neutrality and impartiality (Sourdin 2002, 39, 44). She identifies broader dilemmas in relation to neutrality and impartiality which go to the integrity of the process, stating mediators must maintain the integrity of the process without violating the interests of the community and unrepresented parties. The legalistic and secretive processes and procedures adopted by the MEAA (AJA) Judiciary Committee do not engage with these issues. Despite recommendations by the Brennan Committee, the MEAA has opted to protect its own interests (legal safety) rather than reform its processes and procedures to reflect greater public transparency. Adjudications and findings need to be publicised, but in addition specialised training needs to be developed for media regulators. A review of the people involved in self-regulation of Australian journalism reveals the overwhelming majority come from management. Special attention needs to be given to balanced representation of journalism, the public, business and corporation/institutional concerns.

This discussion also has implications for education in journalism. Both theoretical and practical skills must be incorporated within the journalism curriculum. But, more importantly, the collocation of practices within the corporate institutions suggests that ethics educators need to look more broadly than journalism. Aspects of business and corporate ethics should be incorporated into university curricula and practical ethics training. The public and consumers of journalism also need to be *educated* in ethics. This means involving the general public more in the self-regulatory and journalistic process. Discussions need to be held on what constitutes an ethical consumer of news. In addition, however, dispute resolution techniques should be canvassed in journalism ethics or media business management courses. Postgraduate courses in media mediation and dispute resolution should be developed.

Such training needs to be holistic, engaging with ethical issues from the perspective of other practices and the institutions that host these practices as well as the general public. Any internal practice/institution-based education must be complemented by external education within universities and the general public. A multi-dimensional approach to media participation means educating members of the public about their responsibilities in an information society. The World Summit on the Information Society (2003, 1) has declared a commitment to building “a people-centred, inclusive and development-oriented Information Society, where everyone can create, access, utilise and share information and knowledge, enabling individuals, communities and peoples to achieve

their full potential in promoting their sustainable development and improving their quality of life". To achieve this, members of the public must become more aware of the ethics of information consumption: not just in relation to accessing information via new technologies but accessing information generally. This does not mean a code of ethics for members of the public, where sanctions can be imposed on consumers. It means engaging in debate, offering advice and reinforcing the view that consumption of news is not a passive activity. It is a dynamic process of reflective engagement, where individuals must convert information to knowledge to aid formation of a reflective public opinion. Universities play a major role in this and journalism education needs to maintain the trend of embedding skills training into a reflective context.

In addition, a self-regulatory scheme must ensure a level of transparency. Data relating to the conduct of journalism needs to be maintained and reported to the public. In the current scheme, the ACMA performs these functions. The APC publicises details of complaints within the print media, but no similar data are available in relation to workplace complaints and those dealt with by the MEAA. These data will offer people interested in journalism and business ethics rich sources of raw data that can be used to identify the specific ethical issues facing individual workplaces, media corporations as well as the industry. I see the introduction of a comprehensive reporting scheme, traversing all phases of the journalistic process, as an important step towards real ethical reform.

This discussion reveals a range of factors that need to be taken into account to ensure journalistic accountability. In conclusion, the practice-institution schema offers a framework for reform which requires a multi-dimensional approach to journalistic self-regulation.

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