



# How MEAA's *Journalist Code of Ethics* complaints process works

More information at: <https://www.meaa.org/meaa-media/code-of-ethics/>

Under MEAA's rules, as registered with Fair Work Australia, all members of MEAA's Media section are bound by MEAA's [\*Journalist Code of Ethics\*](#). Under these rules, complaints involving MEAA members must be considered and the process outlined below must be followed.

## **MEAA's National Ethics Committee**

Complaints brought against MEAA members alleging Code violations are investigated by MEAA's National Ethics Committee. The committee consists of nine MEAA financial members and four members of the general public. The committee members are appointed by the MEAA's biennially-elected National Media Section Committee.

## **Complaints**

Anyone may write to MEAA alleging a MEAA journalist member has acted contrary to the Code. The complaint is submitted as soon as possible to the Chair of the National Ethics Committee to consider. The complaint must be in writing, setting out the allegations fully and clearly, specifying which clause or clauses of the Code of Ethics have been breached, and how. Neither anonymous nor oral complaints will be accepted.

If the complaint meets these criteria the Ethics Committee Chair will convene a Complaints Panel to hear it. If the Ethics Committee Chair decides that a complaint does not meet the criteria he or she will reject it and will give the complainant reasons in writing.

The committee can investigate and report on any matter concerning MEAA's *Journalist Code of Ethics* which may be referred to it by MEAA's Federal Council, the MEAA Board, MEAA's National Media Section Committee or a MEAA Branch Council. However any actual complaint against a member must meet the criteria specified above.

As soon as possible after a complaint is received, but no more than eight days later, the Committee Chair will convene a Complaints Panel comprising three members of the committee – at least one of whom must be a general public member.

Importantly, the Complaints Panel also has the right to refuse to receive, investigate or make a decision upon any complaint which, in the opinion of the majority of Panel members, does not come within the provisions of the MEAA *Journalist Code of Ethics*, or is vexatious, frivolous or trivial. If the Panel rejects a complaint it will inform the National Ethics Committee Chair, who will inform the complainant as soon as possible, giving reasons in writing.

### **The complaints process – investigating a complaint**

The National Ethics Committee Chair will

- advise the complainant that the complaint has been received;
- appoint a MEAA ‘support person’ to provide the MEAA member with guidance and information of a procedural nature;
- send the MEAA Media member a copy of the complaint and any supporting documentation; and
- send the Complaints Panel a copy of the complaint and any supporting documentation.

The Complaints Panel will consider the complaint and can:

- dismiss the complaint without further action;
- attempt to mediate; or
- seek further information.

It can also have the parties appear personally before it. The parties can call witnesses who can be examined or cross-examined.

### **The complaints process – No legal representation**

Although the formalities of legal proceedings are followed where necessary to protect the rights of all parties, the Complaints Panel is not bound by formal rules of evidence. The Complaints Panel hearing is to ascertain the truth and substance of the matter. The rules of natural justice are observed but no party has the right to legal representation.

### **The complaints process – Decision**

Upon completing its investigation, the Complaints Panel decides by a majority vote whether the complaint is upheld or dismissed. If upheld, it will also decide by majority vote on the penalty to be imposed. The Chair of the Ethics Panel will advise the Chair of the National Ethics Committee, who will advise the complainant and the member of the decision as soon as possible, but no more than 28 days later.

### **The complaints process – If a complaint is upheld**

A MEAA member commits an offence if found to have violated or refused to observe the Code, or failure to obey a summons to attend a meeting of a Complaints Panel and failing to supply the committee with a reasonable explanation for non-attendance.

If a complaint is upheld, the member may be liable to any of these penalties: warning, reprimand, fine (maximum \$1000), membership suspension (for up to one year) and expulsion from membership.

### **The complaints process – Appealing the decision**

Any party to a matter considered by a Complaints Panel shall have the right to appeal against any decision of the Panel – with the exception of a decision to dismiss the complaint or parts of the complaint. This accords with the general legal system preventing double jeopardy, in that a person found not guilty of an offence cannot be retried.

The Appeals Panel is restricted to correcting error in the decision of the Complaints Panel. Aspects of the case that have not been appealed against cannot be considered under any circumstances.

If no appeal is lodged within 28 days of a Complaints Panel decision being sent to the parties, the decision is confirmed and any action required is taken.

If an appeal is lodged, the National Ethics Committee Chair has eight days to

convene an Appeals Panel of five members of the National Ethics Committee – of whom at least two must be general public members. No member of the Complaints Panel that heard the original matter can sit on the Appeals Panel.

The National Ethics Committee Chair will:

- advise the appellant that the appeal has been received;
- send the other party a copy of the appeal and any supporting documentation;
- provide the Appeals Panel with all material connected with the decision; and
- advise the Appeals Panel of its powers and obligations while hearing the appeal.

The parties can provide further evidence to the Appeals Panel, which can seek further information from any of them, can have the parties appear personally before it, and can allow them to call witnesses who can be examined or cross-examined.

The Appeals Panel can then:

- dismiss or uphold the appeal;
- vary the original decision of the Complaints Panel; or
- direct that a new Complaints Panel be convened to reconsider the complaint.

The National Ethics Committee Chair will advise the parties of the Appeals Panel's decision in writing as soon as possible, but no more than 28 days later.

The decision of the Appeals Panel is final.

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