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I INTRODUCTION, DEFINITIONS AND COVERAGE

Respect for truth and the public's right to information are over-riding principles for all journalists and media practitioners. The maintaining of public trust, freedom of speech and the credibility of the news media are issues that drive journalists to pursue their professional practice. Journalists are committed to ethical and professional standards in the performance of their trade as outlined in this **Code of Ethical Practice and Behavior for Media and News Reporting**.

It is understood that undergirding any code of ethics is a social morality that is common in any society.

In this case, the Media Association of Tonga (MAT) Code of Ethics is underpinned by a Christian morality by which an overwhelming majority of Tongans subscribe to (Christianity). The main pillars of Tongan socio-cultural values are also added to the basis upon which this code of ethics for journalists and media practitioners are based: respect, humility, passionate commitment, and maintaining good relations.

All members of the union engaged in gathering, transmitting, disseminating and commenting on news and information shall observe the following code of ethics in their professional activities.

This Code of Ethical Practice and Behavior for Media and News Reporting applies to all those who regularly commission, collect, write, produce and edit content for public dissemination in Tonga. The Code relates not just to professional publishers, journalists and other media workers but also to nonprofessional publishers and individuals who create or aggregate news, information and commentary, as a significant element of their publishing activities. The Code applies to print publishers, radio and television broadcasters, digital content providers and advertisers.

II GENERAL PRINCIPLES

1 Accuracy, balance and fairness

- a) Report and interpret news stories with scrupulous honesty, striving for accuracy, fairness and disclosure of all essential facts. Do not suppress significant available facts or give distorting emphasis. Opinions and views must be stated clearly so as not to mislead consumers.
- b) Do your utmost to provide balanced coverage by providing a fair opportunity for any individual or organizations mentioned in a news story to respond to allegations or criticism before publication.

Failing that, you should provide a reasonable opportunity for response after the news item has been published.

- c) Do not allow personal interest, belief, commitment or perceived benefit to sway your accuracy, fairness or journalistic independence. Strive for objectivity.
- d) Distinguish clearly between fair comment, conjecture and fact.

2 Identifying what is news and what is commentary

- a) The news is the way society receives current information on events happening both locally and around the world. There are several ways people can get their daily news including online, television, print, or radio.
- b) News is considered to be whatever is relevant and happening to the public, especially that which causes special attention or coverage.
- c) Commentary is the discussion or explanation of events or situations that contributes to the audience's understanding of what is happening as

well as the writer's point of view. The most common type of commentary in journalism would be in sports, where a commentator will give a live play-by-play on the happenings of the sports event. Most commentaries outside of sports are considered to be the writer's personal opinions on whatever matter is being discussed. It provides several perspectives and gives the audience new ways of looking at the subject at hand.

3 Plagiarism

Plagiarism is a serious offense when a writer steals the work of another writer and portrays it as their own. Although it is not considered an actual crime, it is a severe strike against ethics and goes against copyright infringements.

4 Intended disinformation and unintended misinformation

- a) Anonymous bomb threats and other serious threats must be reported immediately to the police. Do not publish or broadcast any such threats unless requested to do so by the police or a civilian authority for reasons of public safety. If such a threat causes widespread inconvenience or other consequences affecting the public (with the exception of airline delays), it may be reported.
- b) Aim to always attribute information to its source and make sure that source has the authority to speak for the organization or individual they claim to represent. Check press releases from unfamiliar sources, individuals or groups to ensure they truly represent a statement from that individual, group or organization. This can be crucial in times of elections or national crisis when the generation of misinformation may be a tool used by elements trying to generate propaganda, disruption or instability. When press releases are unsigned, check to ensure they are authentic and endorsed by the issuing body.
- c) Material obtained from a single confidential source must be provable or

verified by at least one other source to avoid manipulation of the news or public opinion. Consider the possible motives of the initial source and find an alternative attributable source. This includes instances where the confidential source is someone in authority or well-known but who wishes their name withheld.

- d) Double-check reports of “probable or impending disruptions” to ensure something is happening. In times of political disruption or insurrection, even reports from authoritative and official bodies, such as the police and military, should be carefully checked.

5 Harassment and pursuit

Journalists and broadcasters must not seek interviews, information or pictures by intimidation, harassment or persistent pursuit. Nor should they invade individuals’ privacy by deception, eavesdropping or covert technological means (including the taking of pictures in private places by long lens photography). Information and picture-gathering by such methods can be justified only in very rare circumstances where the material sought ought to be published in the public interest and could not be obtained in any other way.

6 Hijacking and other forms of kidnapping

- a) No information should be published which is likely to endanger the lives of hostages or which might prejudice attempts by law enforcement authorities to deal with a hijacking or kidnapping.
- b) Journalists should not become involved in ongoing kidnappings or hijackings in such a way as to become a publicity or safety factor in the incident.
- c) Journalists should not continue direct contact with hijackers, kidnappers, or others involved in any ongoing criminal action where lives are in immediate peril without permission from law enforcement authorities.

7 Public and personal standards

- a) Do not plagiarize.
- b) Do your utmost to provide swift and fair correction of errors. Small errors may be corrected with a story designated as a correction, however in cases of serious misreporting or false information, full retraction must firmly identify and retract the false statements of the previous, incorrect report.
- c) Journalists are morally obligated to protect their confidential sources and any confidences or agreements they willingly accepted.

8 Conflicts of interest and receipt of gifts

- a) When offered gifts at cultural, government or commercial events:
 - i) Under no circumstance shall journalists accept monetary or any other form of gift in the course of their work.
 - ii) At all times, journalists will seek to uphold the independence of journalism, avoiding any circumstance that could seem to be bribery.
- b) Journalists are required to exercise their judgment cautiously on the matter of what constitutes a “gift”. The definition of gift does not include, for example, light refreshments offered to all those attending a public event. But it does include items of particular value and anything offered specifically to journalists that may be intended to influence editorial coverage.
- c) Disclose any conflicts of interest that affect or could be perceived to affect the accuracy, fairness or independence of your report. This includes business reporting where the reporter may have

shares or an interest in the welfare of a company or investment mentioned. Never use your journalistic position for personal gain.

- d) Do not accept any benefit or gratuity that might be seen as personal gain in conflict with fair and unbiased news coverage at the time or in the future. When assistance is given in covering a news event, such as free accommodation or transportation, it should be revealed or added on at the end of the story.
- e) Cash allowances must never be directly accepted in any circumstances. It is common during political campaigns for politicians to offer cash allowances to reporters. If they or others seeking coverage wish to provide such assistance to the news media, it must be done openly through the parent media body and should be revealed in the news items produced.
- f) Do not allow the purchase or potential purchase of advertising or other commercial considerations undermine or influence your news selection, accuracy, fairness or independence.
- g) Advertising or advertiser sponsored material with news value should be clearly distinguishable from editorial material and, where necessary, labelled accordingly.
- h) Refrain from covering a story that might involve a relative or family member thus compromising the integrity of the story one way or another. In such a case get someone else who will not be in a conflict of interest do the coverage.

9 Purchase of information

- a) Payments or other benefits should not be provided to anyone allegedly involved in, or convicted of a crime. Payment should not be made to their relatives, friends, neighbors or associates for information about

the crime. Rewards for information may be justified in the rare exception where the information is of compelling public interest and can be obtained in no other way.

- b) Do your utmost to disclose any direct or indirect payment or benefit supplies for purchase of information, interviews, pictures or stories.

10 Privacy

- a) Publication of information about the private lives or concerns of individuals without their consent is acceptable only if the intrusion relates to legitimate public interest outweighing the normal right to privacy. But this does not deny the fact that the public individual concerned needs to be given an opportunity to tell his side of the story.
- b) Prominence in public life does not disqualify individuals from the right to privacy about their personal affairs unless these matters affect their performance or fitness for the public role or office they seek or hold.
- c) Avoid identifying innocent relations of persons convicted or accused of crime unless the connection is relevant to the story reported.

11 Subterfuge

- a) Try to always use fair, responsible and honest means in obtaining material. Identify yourself and your employer before obtaining any interview for publication or broadcast. Use of subterfuge (e.g. false identity or covert recordings) should be avoided. It can be justified only in rare circumstances when the material sought should be published because of compelling public interest and cannot be obtained in any other way.
- b) The invasion of privacy by use of long lens photography can only be justified when the photograph provides information of compelling public interest.

- c) Never exploit a person's vulnerability or ignorance of media practice.

12 Confidential sources

Journalists of all media have a moral obligation to protect confidential sources of information, and to respect confidences knowingly and willingly accepted in the course of their occupation. If you have accepted someone's request for "off the record" information, you should respect and honor what you've agreed to.

13 Quoting sources

- a) When quoting or interviewing a source on the record, use the correct name and title of a person who provides information for a story with the expectation that the information may be published.
- b) When recording an interview or taking notes, inform the interviewee that you are doing so.
- c) When a news source speaks off the record:
 - i) Reach an explicit understanding that information may be used so long as the source is not identified.
 - ii) Consider the motive of the source in offering information on an anonymous/confidential basis (i.e. whether a particular self-interest lies behind the decision of the source to provide information).
 - iii) Try to verify or factcheck information provided by an anonymous source.
 - iv) Respect the confidential nature of information provided knowingly and willingly by the source.
 - v) Take reasonable steps to protect the identity of sources, including any documents, which should be stored in a secure place.

III FOR PROPRIETORS AND MANAGERS

14 Understand the law as it affects media in Tonga

All persons managing the output of news, entertainment and educational media in Tonga should read and be familiar with the Constitutional commitment to freedom of speech and freedom of the press, as well as relevant legislation such as the Communications Act 2015. They should take reasonable steps to ensure that awareness is communicated throughout their organizations.

15 Self-regulation and handling of complaints

- a) Training and awareness – the owner or responsible person in each media organization shall take all reasonable steps to ensure that editorial and production personnel are aware of their obligations under the Code. He or she will ensure that relevant provisions of the Code are applied in the course of normal business.
- b) When a mistake is identified – publish a correction and apology as soon as possible; offer an opportunity of reply to anyone significantly affected by an editorial error; and publish the findings of any legal action taken in relation to a matter unless, as a result of mediation, the parties agree not to publish.
- c) Complaints handling – each publisher and broadcaster is advised to establish an in-house process for receiving and responding to complaints relating to alleged breaches of the Code. This includes the identification of a responsible person to receive and respond to complaints, and guidelines for doing so. All reasonable effort shall be made to respond to the complaint within five working days from the date the complaint is received even though final resolution of the matter may take longer. Responses to a complaint will be offered honestly and in good faith.

16 Separation of editorial and commercial activities

If a news organization finds it necessary for editorial staff to help identify advertising or sponsorship prospects:

- a) Editorial staff must refer any interested advertiser or sponsor to their sales manager; editorial staff must not negotiate directly or finalize an agreement.
- b) Any spotter's commission or other reward must be issued by, and at the discretion of their employer, never by the advertiser or sponsor to editorial staff.

IV SOCIAL AND COMMUNITY STANDARDS

All persons and organizations subject to this Code of Practice should be aware of Part IX of the Communications Act 2015. This gives the relevant Minister power to make declarations on 'broadcasting and content standards', including what the Minister deems to be unsuitable content, and the representation of Tongan culture and national identity.

17 Ethical principles

Under this Code of Practice, media practitioners undertake to uphold ethical standards and to take account of social and community standards when exercising their Constitutional rights to freedom of speech and freedom of the press.

18 Respect for Tonga's tradition, culture and values

Take care to balance the Constitutional right to free speech and freedom of the press with respect for Tonga's tradition, culture and community values. Avoid causing unnecessary offence, harm or distress through the use of

inappropriate images, language or behavior (according to generally accepted community standards).

19 Religion

- a) While all public institutions are properly subject to scrutiny, inquiry and comment, journalists, newspaper and broadcasting organizations should approach and refer to religious bodies in a balanced, fair and seemly manner, recognizing the respect and reverence in which they, their representatives and their beliefs are likely to be held by adherents.
- b) Journalists and broadcasters should avoid giving offense to believers of all faiths by casual, gratuitous and expletive references to deities, which are unnecessary or unjustified by the context.
- c) Recognition of the need for sensitive and balanced treatment of religions and religious affairs is particularly necessary in a society of differing faiths.

20 Discrimination

- a) Care must be taken to avoid releasing material, statements or references which could adversely affect vulnerable groups or which could promote or encourage hatred, prejudice, discrimination or violence.
- b) Do not place unnecessary emphasis on personal characteristics including race, ethnicity, nationality, gender, age, sexual orientation, family relationships, and religious beliefs, physical or intellectual disability. However, where it is relevant to explaining the story or of compelling public interest, you may report information in these areas.

21 Taste and decency

- a) Care should be taken in presentation of content that might distress or offend a significant proportion of the public.
- b) Approach cases involving personal grief, shock or tragedy with care and discretion. Suicides should be respected as a private and personal tragedy and not reported unless they involve prominent figures or generated newsworthy consequences.
- c) Crimes should not be reported in such a way as might encourage or incite imitation by others.
- d) No one should be subjected to undue intimidation or harassment in the pursuit of information.

22 Children and juveniles

- a) The names of persons under the age of 18 who are charged with crimes or involved in other offenses are not to be released. Care must be taken not to release details which might lead to the identification of persons under the age of 18.
- b) Discretion should be exercised when interviewing children under the age of 18 about subjects which might have legal or moral consequences, or where such interviews could place them in a detrimental position threatening their safety or well-being. Consent of parents must be sought.
- c) Generally, children should not be approached or photographed at school without the consent of school authorities and parents.

23 Victims of sexual offenses

- a) Information that either identifies or could reasonably lead to the

identification of victims of sexual offenses should not be published without their informed consent.

- b) Names of people convicted of sexual offenses be exposed, except if there is a court order to the contrary, but not vilified to act as deterrent.

24 Suicide, violence and other sensitive matters

- a) When reporting suicide:

- i) Verify with an appropriate authority, such as police, official health services or the Coroner, that suicide was the cause of death, and always cite the relevant authority in news coverage.
- ii) Do not report details of the event, including the means by which death occurred, and do not publish any explicit images of the event.
- iii) Use language with due consideration for the family and friends of the deceased person.
- iv) Do not glorify the act of suicide or the method used.
- v) Where possible, include in any editorial coverage the address of a medical or other suicide prevention service, which could offer help to other persons who may consider taking their own lives.

- b) When covering shocking, sensitive or emotionally painful situations:

- i) Report with integrity, exercising the fundamental right of free speech and expression but avoid the use of language or images that may cause unnecessary offence or worsen sensitive situations.
- ii) Respect the generally accepted tradition, culture and community values of Tonga.

- iii) When visiting hospitals or other medical facilities, always identify yourself as a journalist and seek official permission before approaching patients.
- iv) Respect people's privacy and dignity, especially vulnerable children.
- v) Take reasonable precautionary measures to protect your own safety in these situations and be mindful of the trauma you may experience. Refer to advice and resources available from the Dart Centre Asia Pacific to assist with preparation for and the coverage of stories of this nature.

V ADVERTISING GUIDELINES

25 Definitions and standards

- a) "Advertisement" means any programme or article, or part of a programme or article, which promotes to the public or segment thereof, a product or service for the commercial advantage of any person, or which promotes a behaviour or line of conduct for the benefit of any person, or which advocates an idea, belief, or political opportunity, and for which in each case payment is made whether in money or otherwise. The following media guidelines apply to advertisements.
- b) Broadcasters and publishers are responsible for maintaining standards which are consistent with:
 - i) The observance of good taste and decency taking into account community standards and the context of the advertisement;
 - ii) The maintenance of law and order;
 - iii) The privacy of the individual; and

- iv) The interests of child listeners and viewers.
- c) Broadcasters and publishers are also responsible for maintaining standards consistent with the principles of advertising which require that advertisements:
 - i) Comply with the guidelines stipulated in other parts of this Code;
 - ii) Are prepared with a due sense of social responsibility to consumers and society; and
 - iii) Respect the principles of free and fair competition.
- d) The definitions and standards given in paragraphs 25(b) and (c) should be used to interpret the guidelines listed in paragraphs 26 to 37.

26 Identification

Advertisements shall be clearly distinguishable as such whatever their form and whatever the medium used. When an advertisement appears in a medium which contains news or editorial matter, it must be presented so that it is readily recognized as an advertisement.

27 Truthful presentation

Advertisements shall not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false or misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).

28 Research, tests and surveys

Advertisements shall not use tests and surveys, research results or quotations from technical and scientific literature, in a manner which is misleading or deceptive.

29 Decency

Advertisements shall not contain anything which clearly offends against generally prevailing community standards of decency taking into account the context, medium, audience and product (including services).

30 Offensiveness

Advertisements shall not contain anything which in the light of generally prevailing community standards is likely to cause serious or widespread offense taking into account the context, medium, audience and product (including services).

31 Fear

Advertisements shall not exploit the superstitious, nor without justifiable reason, play on fear.

32 Violence

Advertisements shall not contain anything which lends support to unacceptable violent behavior.

33 Denigration

Advertisements shall not denigrate identifiable products or competitors.

34 Testimonials

Advertisements shall not contain or refer to any personal testimonial unless it is genuine, current, related to the experience of the person giving it and representative of typical and not exceptional cases. The claims in the testimonial shall be verifiable.

35 Privacy

Unless prior permission has been obtained an advertisement shall not portray or refer to any persons, whether in a private or a public capacity, or refer to any person's property, in a way likely to convey the impression of a genuine endorsement.

36 Advocacy advertising

Expression of opinion in advocacy advertising is an essential and desirable part of the functioning of a democratic society. Therefore such opinions may be robust. However, opinion shall be clearly distinguishable from factual information. The identity of an advertiser in matters of public interest or political issue shall be clear.

37 Safety

Advertisements shall not, unless justifiable on educational or social ground, contain any visual presentation or any description of dangerous or illegal practices or situations which encourage a disregard for safety.

VI FOR BROADCASTERS AND DIGITAL CONTENT PROVIDERS

All persons and organizations subject to this Code of Practice should be aware of Section 2(1) of the Communications Act 2015, which deems broadcasting to be a 'content applications service', along with subscription content, and online information, information, entertainment and educational services.

The ethical principles and standards outlined below apply to radio and television broadcasters as well to digital content providers that regularly commission, write, produce and edit content for public dissemination in Tonga.

VII ADDITIONAL CODE SPECIFIC TO BROADCASTING

38 Taste and decency

Recognize currently accepted general standards of decency in language with consideration of the context in which the language and behavior occur (including humor, satire and drama), and the timing of transmission and likely audience of the program.

39 Impartiality and balance

Show fairness, impartiality and balance in any programme, series of programmes, or in broadly released programmes when dealing with political matters, current affairs and public controversy.

40 Deceptive practices

Abstain for using any deceptive programme, practice or technique (including transmission of “reconstruction” or library film or recordings) which are not clearly identified as such.

41 Interviews

a) Interviews for radio and television must be arranged, conducted and edited fairly and honestly. Potential participants are entitled to know in advance the format, subject and purpose of their interview and whether it will be live or recorded.

- b) The presentation and editing of an interview must not distort or misrepresent the views of the person interviewed or give a false impression of dialogue. Pre-recorded interviews must not be presented as live interviews.

42 Violent or distressing content

- a) Violence shown graphically or realistically indicated by sound must be justifiable in its context and intensity as being necessary to the programme. Violence combined with sexuality should not be transmitted in a manner designed to titillate its audience. Explicit detail and prolonged focus on sexuality violent contact must be avoided.
- b) Editors, producers and broadcasters of news, current affairs and documentaries should take care in deciding whether the inclusion of graphic detail and intense violent or distressing material is warranted by its relevance and aid to public understanding of the subject.
- c) Special consideration must be given to possible transmission of particularly disturbing images including:
 - i) Torture or ill-treatment of people or animals;
 - ii) Close ups of dead or mutilated bodies;
 - iii) Images of people in extreme pain or on the point of death;
 - iv) Violent or ill-treatment of children; and
 - v) Warning of disturbing or offensive content.
- d) Warnings should be broadcast before or at the beginning of any programme containing language or pictures which are likely to be

disturbing or offensive to normal viewers or listeners considering the time of transmission and the likely audience.

43 Crime and disorder

Programmes likely to promote civil insurrection or encourage crime or public disorder, must not be broadcast.

44 Cartoons

- a) Cartoons depicting human characters should not include excessive violence or scenes of gore or torture.
- b) Fantasy cartoons featuring fantasy characters or comic story lines should not depict torture or excessive suffering.

45 Supplied material

When a strong editorial reason warrants the inclusion in any programme of recorded or prepared material supplied by, on behalf of, official bodies, companies or campaigning organizations, its source should be revealed.

46 Product reference and placement

Undue prominence should not be given in news, factual or entertainment programmes, to commercial products or services. Their appearance or reference to them should be given no more prominence than editorial consideration warrants.

47 Competition fair dealing

Ensure that in programmes and promotions providing prizes or rewards there is no collusion between broadcasters and contestants which result in unfair advantage for one contestant over another.

VIII ELECTION REPORTING

48 Election reporting guidelines

When reporting elections:

- a) Ensure that news reports do not favor one political candidate or party over others.
- b) Do not permit a political candidate to dictate or influence improperly the journalists' work.
- c) Grant equal coverage – including opportunities to present arguments on-air or in print – to the principal political parties; and grant a level of coverage to smaller parties and independent candidates appropriate to their status in the electorate.
- d) If political candidates make critical comments about their rivals or the policies of their rivals, the candidates concerned should be offered the opportunity to respond.
- e) If political candidates are invited to speak about general policies (e.g. the economy, foreign affairs), they should not also make comments about their individual electoral districts, unless their rivals are also offered similar opportunities.
- f) Ensure that any complaints relating to the accuracy or impartiality of news coverage are referred immediately to your supervisor or manager.