
**CANADIAN BROADCAST STANDARDS COUNCIL
BRITISH COLUMBIA REGIONAL COUNCIL**

CHEK-TV re Evening News

(CBSC Decision 94/95-0137)

Decided December 18, 1996

E. Petrie (Chair), M. Becott (Vice-Chair), S. Brinton, R. Cohen (*ad hoc*),
C. Murray, G. Vizzutti

THE FACTS

On March 6, 1995, during an evening newscast, the announcer read the following lead to a story relating to the non-renewal of the NOW Communications contract by the Provincial Government:

NOW Communications will lose its \$550 per day retainer with the Harcourt Government as of the end of this month. The Premier says that contract has been reviewed and will not be renewed but he denies it's because of Opposition charges that NOW is too closely linked with the NDP. The latest revelation from the Liberals is that NOW was paid \$3500 to write and print a letter for the Premier.

The news item then cut to an announcement by a Liberal member.

The Complaint

In a letter of March 10, a viewer wrote the CBSC, complaining of the station's "extremely biased reporting" of the issue. He specifically alleged:

While condemning the B.C. Provincial Government for awarding 15% of their advertising budget to a party member they made no mention of the previous Government's practice of having awarded 100% of such contracts to party supporters, as well as the practice of Liberal Governments in other provinces. They should be required to do so.

The Broadcaster's Response

The CBSC forwarded a copy of the letter to the station for response; it was received by their office on April 4. On April 10, the station's News Director responded in the following terms:

Your principal complaint as stated in your letter is that there was *"no mention of the previous government's practice of having awarded 100% of such contracts to party supporters, as well as the practice of provincial liberal governments in other provinces."*

There is no practical way to determine what percentage of communications contracts from the previous government were awarded to companies which may have been owned or operated by supports of the governing political party. I am highly skeptical that it could have been 100%. The practices of 'provincial liberal governments in other provinces' would be limited to the Maritimes and would not be considered a relevant factor in reporting on this incident.

The specific news items you complain about have been reviewed by me and I can find no evidence of bias in the coverage. The item March 6 [*sic*] was copy about the fact the Premier had canceled his government's contract with NOW Communications and denied the action had anything to do with complaints by the Official Opposition about possible political links. That was followed by a short interview clip of Liberal M-L-A Gary Farrell-Collins outlining the amount of money that had been paid by the present government to NOW Communications and expressing a concern that it was inappropriate. The news item broadcast March 7 was a report that the provincial Auditor General had decided to investigate the contracts placed with NOW Communications, and included information on what some of those contracts contained. The copies of the contracts were obtained through the provincial Freedom of Information Act. You fail to outline any specific complaints about the content to [*sic*] those two reports.

On April 21, the complainant filed a written request for an adjudication by the B.C. Regional Council.

THE DECISION

The Regional Council considered the complaints under Article 6 of the *CAB Code of Ethics*. The text of that article reads as follows:

CAB Code of Ethics, Article 6 (News)

It shall be the responsibility of member stations to ensure that news shall be represented with accuracy and without bias. The member station shall satisfy itself that the arrangements made for obtaining news ensure this result. It shall also ensure that news broadcasts are not editorial. News shall not be selected for the purpose of furthering or hindering either side of any controversial public issue, nor shall it be designed by the beliefs or opinions or desires of the station management, the editor or others engaged in its preparation or delivery. The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions.

Therefore, nothing in the foregoing shall be understood as preventing news broadcasters from analyzing and elucidating news so long as such analysis or comment is clearly labelled as such and kept distinct from regular news presentations. Member stations will, insofar as practical, endeavour to provide editorial opinion which shall be clearly labelled as such and kept entirely distinct from regular broadcasts of news or analysis and opinion.

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of the broadcast publisher.

The Regional Council reviewed the correspondence and viewed a tape of the newscast in question. The Regional Council does not consider that the broadcast breached the Code.

In the view of the Regional Council, the news item itself was straightforward. There was no reflection of bias in the telling of the story, which was based on a "revelation" or announcement by a Liberal Member of a payment made by the NDP Government to NOW Communications. The lead or "top" to the story related to the cancellation of NOW's contract with the Government by the NDP itself and included the report of the Premier's attitude regarding this issue.

The issue for the Regional Council is not whether or not the allegation by the Liberal member was accurate but whether the *reporting* of the allegation was objective and fair. By this statement, Council is neither saying that a broadcaster should *carelessly* report every statement made as gospel nor suggesting that a broadcaster will have neither interest nor entitlement in the verification of the accuracy of a political statement. Generally, though, neither hypothesis seems to apply here. In the circumstances of this matter, if the allegation had, in fact, been inaccurate, it would have been up to the Harcourt Government to refute the claim and up to CHEK-TV to carry that story in the interest of balanced reporting. Neither the correspondence nor the newscast tape reveals any indication that the report of MLA Farrell-Collins's statement was biased in its presentation or that any Government refutation of the claim, if any there was, was *not* carried by CHEK-TV.

The Analogous Matter of CFTO-TV re Newscast (Pollution)

In an analogous matter, namely, *CFTO-TV re Newscast (Pollution)* (CBSC Decision 92/93-0178, October 26, 1993), the Ontario Regional Council considered a viewer's complaint that, in a newscast, the broadcaster "took a reasonable if for various reasons insignificant news item and turned it into a sensationalized philippic against the pettiest and least meaningful target available, while totally ignoring the significant sources of the problem. ..."

The station had done a news report based on the findings of a U.S. air pollution study. While it did not alter or distort the study's findings, the newscast cited only certain results of the study, namely, those which found that long-term exposure to

levels of air pollution, even falling within existing standards, could worsen cases of heart and lung disease and result in thousands of additional deaths annually. The News Director had apparently chosen to link those findings with matters more relevant to the members of CFTO-TV's audience. The on-air host led into the report with the statement that "Minute particles of air pollution can raise the risk of death even when the pollution falls within acceptable levels." The reporter began his analysis by referring to the American study in the following terms:

The fine particles come mostly from the burning of fossil fuels which, among other things, power our cars. According to the author of a U.S. study, tens of thousands of people are dying each year as a result of air pollution that is within existing standards.

The report then referred to efforts of the Canadian federal and provincial governments to issue smog warnings and encourage Canadians to help reduce levels of air pollution. The reporter interviewed a representative from each of the Ontario Ministry of the Environment and Pollution Probe. The emphasis in both cases was on the relationship between the motor vehicle and pollution. The complainant, apparently a pollution expert, believed that the story, as told by the station, was shallow and ought to have dealt at greater length with the American study itself. In that case, however, the Ontario Regional Council did not agree. The story was not inaccurate or false, as told. It may have been susceptible of a more meaningful orientation, from the point of view of some viewers, but it was not wrong. The Council concluded that there was no breach of the Code, in the following terms:

It is here that the complainant and the station parted company, for CFTO-TV used the American report only as a "top" to its story, which dealt with a local perspective, oriented more particularly toward the automobile. It did not *represent* that this was the essence of the study, or even a part of it. The complainant was obviously dissatisfied that the report did not adequately explain the American study; *this was not the story which CFTO-TV chose to tell*. In that, it was not inaccurate or biased. At worst, it simplified the more complex issues raised by the study. This does not, however, constitute a breach of the *CAB Code of Ethics*.

The Story at Hand

The Victoria station had covered the Liberal Member's statement as a news item and not as a lead to a broader feature story based on a general issue arising out of the news. The station may in the past have done a broader story on patronage issues. It might choose in the future to do such a story. Its decision not to extend this particular Opposition political statement is, in the Council's view, an entirely defensible position in the coverage of day-to-day political events. The complainant's issue seems to be that the station did not go far enough in providing the balance to the political allegation at hand by providing an historical context for any issue of pork barrel politics. That, though, is a part of the political cut-and-thrust and is thus the job of the political opponents, *not* the news reporting bodies, electronic or print. A news-gathering body may legitimately *choose* to research and

tell such a tale but it is not *obliged* to do so every time. The absence of such context to a report does not imply an absence of balance in it.

The Broadcaster's Response

In addition to its primary responsibility of measuring the complaint against the Code in question, the CBSC Regional Council always evaluates the *responsiveness* of the broadcaster to the complainant. This requirement to be responsive to audience complaints is a responsibility of membership in the CBSC. In this case, the Regional Council considers that the News Director of CHEK-TV sent a thorough and appropriate reply to the complainant. Nothing more is required.

This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.