
Press Councils and Democracy

by Graham Addley, MLA and Maria Kurylo

Free and open expression of opinion is key to the full and proper operation of democracy. One important way people participate in the democratic process is through the media. This article looks at the creation of press councils and asks if they contribute to free and fair reporting essential to the democratic process.



The establishment of the first press councils in Canada arose in response to "proposals for greater government regulation of the press".¹ There had been a few cases where it was believed that news reporting had become sensationalized or biased, even to the point of prejudicing the court system against defendants. As a result, in Ontario, a provincial

commission investigating Human Rights suggested that a press council be established in order to control and discipline the press and other news media.

At the federal level, a Special Senate Committee on Mass Media was established to examine such matters. The Committee was in favour of establishing press councils to look into matters of concentration of media ownership, objective and ethical journalism and a forum for the public to air complaints against newspapers.

In order to encourage newspapers to voluntarily form press councils, the Committee issued a suggestion for a national press council. At the time, and even today, this was not an option *most* newspapers would consider.

Graham Addley is Deputy Speaker of the Saskatchewan Legislative Assembly. Maria Kurylo is an intern with the Saskatchewan Legislative Assembly Internship Program. This is a revised version of a paper presented at the 41st Canadian Regional Conference of the Commonwealth Parliamentary Association in New Brunswick in July 2002.

As well, many newspaper owners believed that a certain amount of cynicism was developing as to how newspapers were portraying information. Consequently, many thought that:

the establishment of a press council would help rehabilitate the press in the eyes of political parties and of public authorities, thereby warding off the possibility of intervention.²

As a result, the first press council established in Canada was a community council serving Windsor Ontario, in 1971. The Windsor press council was based on the British model, created in 1963. Following suit, the Ontario and Alberta press councils were established in 1972 and the Quebec press council in 1973.

The rest of the Canadian provinces followed suit in the 1980's once the federal government released the findings and recommendations of the Royal Commission on Newspapers in 1981. In the final report, the Commission stated that, "newspapers which do not become enthusiastically involved in the establishment and operation of press councils are exceedingly short-sighted". A *Newspaper Act* was also recommended by the Commission, which would have forced the creation of local press councils in communities "with chain-owned monopoly newspapers" and would have created a Press Rights Panel that would oversee and assess the performance of Canadian newspapers and would have the power to publish reviews of all of Canada's newspapers.

The last thing newspaper owners desired was for their businesses to become federally regulated and face the same kind of regulations that the Canadian Radio and Telecommunications Commission (CRTC) wields in the area of television and broadcasting. Therefore, in order to avoid such a possibility, all provinces, except Sas-

katchewan, established voluntary press councils. British Columbia and Manitoba established their own provincial councils and New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island joined together to form an Atlantic press council.

Roles and Duties of Press Councils

There are no specific guidelines as to how a press council operates, who sits on its panel or where the council's funding comes from. Each jurisdiction has established its own rules and procedures to follow.

It has often been noted that the Quebec press council (QPC) is one of most effective councils in Canada and perhaps the best representation in the world of how a press council should operate. The QPC is a voluntary organization composed of 19 members: six from management organizations, six from journalists' organizations and seven from the general public. Members are nominated for a two-year term, which can be renewed up to two more times. The President is nominated for a four-year term, which can be renewed once.

Unlike other press councils in Canada, the QPC is striving towards being independently funded. However, at the moment, 69% of its \$350,000 annual budget is financed by press organizations, two of which are publicly owned enterprises. The rest of the money is provided through a grant from the Department of Culture and Communications of Quebec and the Fondation du Conseil de presse du Quebec. Canada's other press councils vary in the number of members that sit on their respective councils and as to where and how they secure their funding.

Like all Canadian press councils, the QPC plays a dual role. It is responsible for hearing complaints from the public against newspapers (or news organizations) in Quebec and ensuring journalistic objectivity and for enhancing and upholding the freedom of the press. The Quebec press council also hears complaints voiced by journalists who "believe they have been hindered in the exercise of their work". In other words, the press council serves both the public and the journalist. However, the QPC differs from other press councils in that it will hear complaints made against any newspaper in Quebec, whether it is a member of the press council or not. In other jurisdictions, the press councils will usually only listen to complaints against their membership newspapers and only to non-membership papers if they so consent.

A press council will review a complaint and determine whether an infraction has occurred. Through a formal process (depending on the jurisdiction, the review process will either be based on precedence, on an established

code of ethics or a combination of both), the case will be reviewed and the press council will make a ruling that is published publicly.

As a member of a press council, a newspaper is required to publish any ruling the council may make. Each press council has a constitution, which members agree to abide by once they join. In Ontario, once a press council has made a ruling, the findings, through a press release, are sent to all of the papers in Canada and the paper involved in the complaint is bound, through the Ontario press council constitution, to print it. Credibility and respect are extremely important to most mainstream newspapers and this helps to ensure that newspapers will publish the council's findings, even if the information is unfavourable. Press councils publish regular or annual reports listing all of its cases and rulings. In most instances, hearings are held open to both the public and the media. A press council has no legal or coercive powers to enforce its rulings. It depends purely on the power of persuasion in order to uphold and enhance the ethical foundations of journalism.

Generally speaking, the nature of a press council is to act as an independent, moral authority. It is a non-judicial body that acts similarly to an ombudsman.

A press council acts as the conscience of journalism, which ensures that the newsprint media and journalists are acting in the best interest of the public. It is imperative that the body operates in an independent fashion and not be influenced by external interests.

By creating an independent body, the public is given a neutral forum in which to air its concerns. Similarly, journalists have an avenue of recourse to pursue if they believe that they have been treated unfairly by their editors or newsprint owners. As such, a press council, is a tool of accountability. It is another check and balance that protects the democratic role of newsprint media. By holding newsprint media responsible for what it does and does not print and the manner in which it reports information to the public, it ensures the continuation of open and free dialogue and access to information. This is important as the strengths of our federation and our democracy depend on a well-informed public.

Newsprint media is unique in that it is a private business and part of the public forum. Its success is often determined by readership and sales and its ability to turn a profit. From a private business perspective, an independent body or a government does not have a right to

dictate how a private business should operate or present its product. However, when a product conflicts with the concept of the public good, such as tobacco, alcohol and food safety, the government steps in to regulate the industry in question in order to protect the rights of the individual, and society in general. In the case of newsprint media, "...being in the business of news and opinion, plays a crucial role in the functioning of democracy." And ensuring our system of democracy is vital to the public good.

The very nature of newsprint media demands it to be involved in, and to participate in, the public arena. It engages the public and allows for the public to interact and be informed. Editors and journalists have a huge impact on the public consciousness by determining, in their opinion, what is and what is not news. "Not only do editors and reporters decide what will or will not reach their publics, they also decide the hierarchy in which to present the news stories and all the news items within each story." As a result, the relationship that is born from this interaction creates a need for trust and ethical conduct. Inasmuch, newspapers are a public trust and, thus, are responsible to the public.

The public has a right to ensure that their ability to participate and interact is protected. It also has the right to have access to unbiased and ethical journalism. On the same note, journalists have the right to ensure that their work is respected and that they do not have to fear censorship if they have an opinion that differs from the news conglomerate. Consequently, this is a private industry that must answer to the public and to the democratic process.

Press councils answer complaints made by the public regarding a variety of issues such as: the refusal to print an individual's opinion in the editorial section, the alteration of public opinion columns, and the printing of skewed, biased, negligent, inaccurate or defaming information. With respect to journalists and editors, they are able to lodge a complaint against a government for impeding access to public information. Press councils can "operate as powerful lobbies serving the needs of the information industry, defending it against any attempt at intervention by government. They will occasionally go on the attack and criticize the public administrations for too often resorting to closed door deliberations and official secrecy."

In some cases, journalists may even be able to seek recourse against their media conglomerate for censorship or for over editing of an article. Most journalists are eager to:

promote their professional interests and to resist the trend towards the commercialization and trivialization of news and commentaries. For this reason, they like the

idea of an independent referee capable of setting forth standards which would be morally binding on management and which in turn...would have to be imposed on its employees in the newsroom. Press councils constitute a valuable line of defence for journalists, both unionized and part of management, against the commercial requirements, which are persistently undermining professional values.³

This touches upon an even more important issue that is at the core of any discussion on the role of a press council in the democratic process: the concentration of ownership of newsprint media. This is of particular interest as, to date, Canada has one of the "most concentrated media ownerships of any Western industrialized country".

One example in Canada arose when complaints were made against CanWest Global Corporation for censoring local columnists whose viewpoints they (the owners of the corporation) disagreed with. The owners were accused of changing articles to match their point of view and for disallowing articles that were not to their liking. As owners of a newspaper conglomerate, they have the right to express their views or political opinions, but what is criticized and deemed to be an undemocratic practice is disallowing other points of view to be printed. This hinders public dialogue. It has been argued that, newspapers—and especially editorial pages—should serve their readership rather than a centralized, corporate entity.

The 1981 Royal Commission on Newspapers stated that, "Freedom of the press is not a property right of owners...It is a right of the people." And diversity of opinion is the cornerstone of a healthy, vibrant democracy." If a corporate entity denies the freedom of a journalist to reflect the diverse views of society, the result is an affront to our democratic process.

Recently, it was reported that Russell Mills, publisher of the *Ottawa Citizen* was removed from his post with the CanWest Global owned newspaper after he featured two different editorials criticizing Prime Minister Jean Chrétien. He had also recently delivered a convocation address that was "critical of CanWest's editorial policy". He stated in the address that the "newspapers are not permitted to disagree with what are described as 'core positions'". The editorial controversy revealed that there was a disagreement in editorial policy. CanWest wanted to approve the editorial before it was published, but this was not made known to Mr. Mills. As a result, CanWest, widely known for its support of the Federal Liberal party and Mr. Chrétien, asked Mr. Mills to step down from his position.

This episode was widely criticized by the Federal Opposition parties. Conservative Leader Joe Clark observed that, "this is quite an alarming pattern, which I

think needs to be investigated...these are questions that go to the root of the freedom of the press and the root of democracy". The concern arises most recently out of the firing of Russell Mills, but also out of the fact that *CanWest Global* has been widely and aggressively accused of "limiting diversity of opinion by requiring its 14 biggest Canadian newspapers to publish editorials written from headquarters in Winnipeg about once a week". As a result, local editorials are no longer available to the communities served by these newspapers.

When members of their press corps opposed to this move, they were punished. Several columnists quit or were replaced as a result of the controversy.

Such actions taken by a super-conglomerate owner is quite disturbing. One method of recourse for those affected by the limitations initiated by newsprint media owners is to deliver their complaint to a press council. If a ruling were made against *CanWest Global*, by virtue of their membership in the Ontario Press Council, they would have to publicly print the findings. Public and peer pressure can be a great incentive for an industry to mind its method of operation.

Limitation of Press Councils

It must be noted that not all press councils will intervene if a journalist presents a grievance against the ownership of the paper he or she works for. In Ontario, it is not a practice to hear such cases. Many believe that this is an

employer-employee issue that must be resolved accordingly. As a result, press councils are limited in their scope of intervention. Consequently, even though a press council is a useful tool to publicly express ones concerns, their success and utility have, at times, been called into question.

Criticisms made against press councils include that they are watch-dogs with no teeth and they are biased because a majority of the members on the press council are members of the media industry and, therefore, hold a stake in the rulings. As well, many press councils receive most of their funding by the newspapers they are asked to criticize. Consequently, it is argued that they are not truly independent, nor impartial. As well, some believe that the public is not very informed as to the role and even to the existence of press councils. Enhancing the public's knowledge of press councils costs money, money that they do not necessarily have at their disposal.

Notes

1. Pritchard, David. "The Role of Press Councils in a System of Media Accountability: The Case of Quebec", *Canadian Journal of Communication*.
http://www.cjc-online.ca/title.php3?page=6&journal_id=5&document=1.
2. Clift, Dominique. "Press Councils and Ombudsmen", *The Journalist; Royal Commission on Newspapers*, Volume 2 Research Publications, p. 146.
3. *Ibid.*, p.140.