
APPENDIX

CBSC Decision 05/06-0651 CKNW-AM re an episode of Bruce Allen's *Reality Check*

The Complaint

The following complaint was sent to the CRTC on November 4, 2005 and forwarded to the CBSC in due course:

CKNW AM Radio Vancouver BC

Sept 8 2005 (approx 12 pm) *Reality Check* commentary by Bruce Allen.

I am voicing a complaint because the comments by Bruce Allen promoted hatred towards a disadvantaged group in our society, people with substance abuse problems. He suggested that we should let them die. I believe this contravenes your act, as well as human rights legislation.

Both the CRTC and the CBSC informed the complainant that broadcasters are only required to keep tapes of their programming for 28 days following the broadcast and that generally complaints cannot be investigated if there are no tapes available. The complainant wrote back to the the CBSC on November 16:

We just received your email and I am responding for my wife who is at work. I wanted to point out that this offending tape is still available to be heard on the station's website. Did you know that? Whether they keep their logger tapes past 28 days should not then matter, you can listen to the comments by entering the date at their archives on their website. We just listened to them again three nights ago. They are quite repellent.

Given that information, the CBSC agreed to pursue the complaint.

The complainant wrote again to the CBSC on December 18:

I have not received a response from CKNW regarding my concern about Bruce Allen's comments. Twenty-one days has elapsed.

Broadcaster's Response

The broadcaster responded to the complainant on December 21 with a letter dated December 6:

I am writing in response to your email of November 4, 2005 where you raised concerns regarding a commentary that aired on CKNW on September 8th, 2005.

In particular, your email sets out your concerns that comments made by Bruce Allen on his *Reality Check* feature “promoted hatred towards a disadvantaged group in our society, people with substance abuse problems.”

Mr. Allen was referring to a program of volunteers who patrol the city, helping those who are drug addicted and incapacitated to inject themselves. Mr. Allen’s comment was a firmly stated opposition to this program. He also made no secret of the fact that he feels all people should bear the consequences of their own actions.

As you are probably aware, CKNW broadcasts news, sports and talk programming to an adult audience, primarily 35-64 years old. Our programming often includes open discussions and commentary in which controversial comments are expressed on different questions or topics.

Commentators and Program Hosts sometimes employ terms which may be controversial and not necessarily correspond to the tastes of everyone. You will appreciate that taste is an extremely subjective element relative to the point of view of different individuals. However, the Canadian Association of Broadcasters *Code of Ethics* (the “Code”), administered by the CBSC has clarified that “the broadcaster’s programming responsibility does not extend to questions of good taste.”¹ The CBSC applies current social norms in its interpretation of the Code. The CBSC has acknowledged that a program “will not be everyone’s ‘cup of tea’ and it assumes that some members of society would be offended ... That is not, however, the criterion by which the program must be judged.”² The Code also recognizes that “healthy controversy is essential to the maintenance of democratic institutions, and the broadcast publisher (should) endeavour to encourage presentation of news and opinion on any controversy which contains an element of the public interest.”³ The CBSC has noted that discussions on controversial subjects are an “acknowledged component of Canadian society.”⁴ The CBSC has also noted that host may present a point of view on topical, and controversial, issues.⁵ “It would be unreasonable to expect that the airwaves be pure, antiseptic and flawless. Society is not. Nor are individuals in their dealings with one another ... What may constitute the limits of acceptability in each challenged case will need to be appreciated in its context.”⁶

Notwithstanding the foregoing, we deeply regret that the commentary offended you. Please be assured that we take our responsibilities as a broadcaster seriously. Our producers and hosts are sensitive to the substance of the various topics presented on CKNW and we work to ensure all our programming complies with the *Broadcasting Act*, the *Radio Regulations* and the Code and standards required of us as a member of the CBSC.

We trust the foregoing responds to the concerns you raised in your email. At CKNW, we recognize the importance of listener feedback and appreciate all comments. We thank you for taking the time and initiative to share your concerns with us.

¹ Clause 1 – *CAB Code of Ethics* Commentary

² *CFJP-TV (TQS) re Quand l’amour est gai* (CBSC Decision 94/95-0204, December 6, 1995)

³ *CAB Code of Ethics* (“Codes”) – Clause 7 – administered by the CBSC

⁴ *CFJP-TV (TQS) re Quand l’amour est gai* (CBSC Decision 94/95-0204, December 6, 1995)

⁵ *CFTM-TV re Mongrain* (CBSC Decisions 93/94-0100, 93/94-0101 and 93/94-0102, December 6, 1995)

⁶ *CKTF-FM re Voix d’accès* (CBSC Decision 93/94-0213, December 6, 1995)

Additional Correspondence

On December 22, the complainant wrote to the CBSC:

I received an email from CKNW today, December 21, 2005. The email was forwarded to you by CKNW. I shall forward it to you as well. Please note that the attachment containing the letter in response to my complaint is dated December 6th 2005. I intend to formally proceed from here and would like this to be noted because I have 14 days in which to respond. I do not want to be disqualified or disadvantaged by the radio station dating their letter December 6th, and would like you to be aware that I did not receive any response before today, Dec 21, 2005.