

## **In the matter of a complaint to the Media Council of Bermuda**

**Complainant:** Bermuda Cricket Board

**Publisher:** The Royal Gazette Limited

### **The Complaint**

On 14<sup>th</sup> December the Media Council reviewed a complaint submitted by the Bermuda Cricket Board (BCB). The complaint concerned three articles published in the Sport section of The Royal Gazette (RG) on 10<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> November 2011. The BCB alleges that The Royal Gazette breached clauses 3A, 3B and 3C of the [Code of Practice](#) which concern accuracy:

Clause 3 of the Code states,

“3. Accuracy

A. The media shall take care not to publish/broadcast/post inaccurate, misleading or distorted information, including photographs, video and voice recordings.

B. A significant inaccuracy, misleading statement or distortion once recognized shall be corrected, promptly and with due prominence, and — where appropriate — the media outlet should make amends by printing/broadcasting/posting, promptly and with appropriate prominence, a retraction, correction or explanation and/or an apology.

C. The media, whilst free to be partisan, shall distinguish clearly between news, comment, conjecture and fact. Facts are not always clear-cut and often open to interpretation but the media shall present factual information fairly and with due regard to context and importance. Where a report is not based on facts or is founded on opinions, allegation, rumour or supposition, it shall be presented in such manner as to indicate this clearly.”

The 10<sup>th</sup> November article was entitled: "ICC Status Under Threat."

The article stated that Bermuda's ICC status could be under threat because the BCB fails to meet two aspects of the relevant ICC qualification criteria. The criteria require an Associate Member to have:

- a) a full-time development officer/manager or two part-time development managers/officers.
  
- b) 16 senior teams playing in a structured competition or competitions.

The article asserted that the first criterion was not met because the development officer position had been vacant for over a year.

It also asserted that because Bermuda only had 15 clubs that play premier and first division leagues, Bermuda did not satisfy the requirement for the number of "senior teams" needed to qualify for ICC membership. The article implied that because the commercial and evening leagues were not under the direct control of the BCB, this was a further reason why they would not qualify as "senior teams" under the ICC requirements.

The Council is of the opinion that the headline of the prominently positioned article, which was the lead article on the front page of the Sport section, was not correct and was misleading. Bermuda's ICC status was not under threat and was not even in question.

The RG assertion that the staffing criterion was not met was incorrect because there were in fact two full-time administrative officers, and that was sufficient to satisfy the criterion.

The purported failure to meet the requirement as to the number of senior teams was not clear. It depends on how the term "senior teams" is defined by the ICC. The article assumed that the

definition included only the premier and first division teams. The definition of “senior teams” was much debated in subsequent articles, but what actually did constitute a senior team was never properly clarified. The article simply assumed that the teams representing the premier and first division clubs were the only ones that would qualify, based on the fact that the Commercial Cricket and Evening Cricket leagues considered themselves to be autonomous.

In the view of the Council, the article was inaccurate and misleading and therefore in breach of article 3A of the Code.

### **The article of 16<sup>th</sup> November**

An article on 16<sup>th</sup> November, six days later, was published under the headline, “No concerns with Bermuda’s status, says ICC boss Vieira”. It set out the official position of the ICC, namely that there was no concern about Bermuda’s Associate status, but then went on to undermine it.

The article shifted the focus on to whether or not the senior team requirement was met. Mr Vieira of the ICC commented that Bermuda had registered 30 or 40 teams. The article quoted Mr Vieira as saying that only teams that play in the BCB sanctioned league or cup competitions count towards the criteria and where teams are not members of their national board they are not counted.

It then asserted that statements from the commercial and evening leagues that they were not “affiliated” with the BCB meant that they did not have senior team status.

The article then printed a substantial portion of a press statement which was released by the BCB and Stephen West, the Evening Cricket League organiser.

In the view of the Council this article did go some way towards correcting the inaccuracy and distortion created by the first article. However, the article continued to advance the position that Bermuda did not meet the team requirement, although it never offered clarification of what was meant by “sanctioned leagues” or “cup competitions” and what qualifies as “membership of the national board”.

The article quotes Stephen West stating that his league recognises the BCB as the sole governing body of the sport of cricket in Bermuda.

The article did not correct the error regarding the staffing criterion.

## **The Clarification**

The RG published a “clarification” on November 17<sup>th</sup> along with an article entitled “Questions Remain over BCB’s team claims”.

It sought to clarify the position with respect to the staffing criterion. However, it did not address the misleading headline and stated that the RG’s effort to obtain clarification on staffing was ignored prior to the earlier article.

In the view of the Council, the “clarification” ought to have been a correction because the November 10<sup>th</sup> article was clearly incorrect in asserting that the staffing criterion was not met when in fact it was. The RG says that the BCB did not comment on the staffing issue. The Council is not satisfied that sufficient time was given to the BCB to respond to the staffing question . The Council understands that an email was sent to the BCB the afternoon of the 9<sup>th</sup> November. The Council is of the view that the BCB was not afforded a sufficient amount of time to respond and that at least 24 hours would have been appropriate where the subject matter of the article is of such a serious nature for the organisation involved.

### **The Article of 17<sup>th</sup> November, “Questions Remain over BCB’s team claims”**

The article published alongside the clarification addressed the question of the number of senior teams and whether the Commercial Cricket and Evening Cricket teams could be counted as “senior teams”. The article reported Mr Vieira as saying that only teams that come under the BCB’s umbrella count towards the ICC Associate Membership criteria meaning [according to the reporter] that the Commercial and Evening league clubs were excluded. Mr Vieira is directly quoted as saying: “Teams must play on leagues that come under the auspices of the national board.”

The article goes on to state that “the commercial and evening league teams are not required to pay annual membership fees to local cricket’s guardians, nor are their cricketers eligible for national team selection”. This implies that those teams should not be counted as senior teams and are therefore not “under the auspices of the national board”. However, each of the leagues recognise the BCB as the national authority for cricket.

The BCB asserts that this article was also misleading and inaccurate. In the Council’s view the position regarding what qualified as a “senior team” was never made clear. The article does not clarify whether the Commercial Cricket League and the Evening Cricket League “fall under the auspices of the BCB” for ICC Associate Membership purposes or whether it was put to Mr Vieira directly whether these leagues would qualify. On the one hand Mr Vieira says Bermuda meets the standards but on the other the reporter suggests that this cannot be right because of the fact that the Commercial and Evening leagues are not “affiliated” with the BCB. There therefore remains a degree of confusion over what was meant by “senior teams”.

The “Clarification” when read next to the article of 17<sup>th</sup> November served to raise further doubts about Bermuda’s ICC status when Bermuda’s ICC status was not in issue. The Council wish to be clear that the potential lack of clarity surrounding the team requirement could obviously form the basis of a story. However, the manner in which that issue was portrayed in the overall context of the articles was misleading.

On December 9<sup>th</sup>, the RG published a correction, titled “Correction: Bermuda’s ICC status”.

While the correction appeared to correct the position as to Bermuda's ICC status, the staffing issue and the issue of senior teams it did so in a manner that was unduly critical of the BCB/ICC by asserting that an email statement released by the ICC was contradictory—the ICC said that a team will only not be counted for registration purposes when the governing body has “de-recognised them.” The reporting of the ICC's position on 17 November did not clarify precisely how the ICC defined a senior team, the wording attributed to the ICC representative was sufficiently broad so as not to directly contradict the statement published in the correction of the 9<sup>th</sup> of December.

The Council is therefore of the view that the correction did not sufficiently make amends (in accordance with section 3 B of the Code of Practice) for the significantly misleading nature of the original article and the confusion created by the subsequent articles which

a) did not properly correct the inaccurate statement regarding staffing, and

b) suggested that there was a continuing issue with the ICC over whether Bermuda met the criteria regarding the number of teams.

## **Conclusion and Remedy**

In the circumstances, the complaint is upheld, and the Media Council requires The Royal Gazette to publish an apology to the Bermuda Cricket Board.

The apology should be published within seven days of receipt of this document, on any day other than a Saturday. It should be positioned prominently on The Royal Gazette website and in the top half of the front page of the Sport section in the newspaper, under the heading of “Apology to the Bermuda Cricket Board”.

The apology should read: “To the extent that the articles published in The Royal Gazette on

November 10, 16 and 17, 2011 created the impression that Bermuda's ICC Associate Membership status was under threat, The Royal Gazette apologises to the Bermuda Cricket Board (BCB). The Royal Gazette accepts that those articles contained incorrect assumptions and acknowledges that Bermuda's ICC status is not in jeopardy. We regret any offence, misunderstanding or embarrassment caused to the BCB."

*Dated 22 December 2011*