Barry E Brill OBE, JP, LL.M, M.Com Law, OPM(Harv)

PO Box 399 Paihia 0247 NEW ZEALAND

To: The Broadcasting Authority

Referred Complaint - "New Normal"

The Authority is requested to review and investigate my complaint to TVNZ1, the details of which are set out below.

Complainant Details

Name:	Barry Brill			
Email:	barry.brill@gmail.com			
Phone:	021-486858			
Address:	PO Box 399, Paihia 0247			
Preferred conta	<i>ct:</i> Email			

Programme Details

Programme Title:	One News at Six		
Date of Broadcast:	12 January 2018		
Time of Broadcast:	6.00pm		
Channel:	TVNZ1		

Complaint Details

Date of my Complaint to TVNZ1:	18 January 2018
Broadcasting Code re Complaint:	Free-to-air television
Standards Identified in Complaint:	8. Balance and 9. Accuracy
Original Complaint:	A copy of the Complaint is attached

Broadcaster Decision Details

Date of TVNZ1 Decisions:	16 February 2018		
Decisions:	A copy of the Decision is attached		

SUBMISSIONS

I complained that the following statements in the One News at Six programme of 12.1.18 were neither accurate nor balanced:

- there are predictions that Climate Change¹ could mean that dramatic weather events *become the norm* for the West Coast;
- shock downpours and floods, and dramatic weather patterns, could be *the new normal* climate for the West Coast;
- the spread of floods are increasing so much that *relocating the towns* is an option;

In its formal Reply, the broadcaster accepts that the term "Climate Change" refers to AGW and stands behind all of the statements set out above. It says:

- "The [Complaints] Committee does not agree that the idea that climate change is happening in New Zealand is either controversial or "not true". (Page 10)
- The relevant statements were predictions, and the Ministry of Environment (sic) was given as the source. (Pages 11and 12)

The question whether "climate change is happening in New Zealand" is addressed in the referral of my earlier complaint regarding a One News at Six broadcast on 8.1.2018. I adopt those arguments but will not repeat them here.

Further, TVNZ1 has not cited any authority for its sweeping contention that recent weather extremes are caused or materially intensified by Climate Change. That canard is rebutted in my blog article <u>at this link</u>.

The Ministry for the Environment (MfE) has never made any one of the above statements, or offered any predictions that might justify them. Further, the broadcaster presented its statements as facts and news, and not as being contestable opinions expressed by the MfE.

Ministry projections

¹ Used in the sense of 'dangerous anthropogenic global warming' (AGW)

TVNZ1 cite a paragraph from a <u>page</u> on the MfE website that discusses various possibilities of long-term climate change effects on the West Coast. Several matters mentioned on this page are very relevant:

- the heading is "projections" and not "predictions". This is because MfE is no more capable of foretelling the future than Nostradamus or Yogi Berra², but it *can* and does report the forward projections of a computer model³ that is operated by NIWA.
- the second sentence points out that the projections are "uncertain", and are based on four scenarios – only **one** of which could be true. The most extreme (RCP8.5) is the *least* likely to occur⁴. The web page emphasises (in bold) that *"scenario estimates should not be taken as definitive"*.
- the change projections are reported for 2040 relative to 1995, and we are now at the mid-point of that 45-year period. However, One News chose to use 95-year projections to 2090 – which is still three generations away.
- the MfE web page projection for 2090 summers is "2 to 4 per cent more rainfall in Hokitika" compared to a century earlier⁵. The One News bulletin was all about summer storms, which tend to cause downpours/shock floods. A 4% increase is trivial and well within current inter-annual variations.
- even the all-season average 2090 projection is for only 5-11% more rainfall for the West Coast. One News cherry-picked the model outputs for the opposite season, the least relevant time period, and the most unlikely scenario, so as to derive the scariest possible projection – then labelled this as the Ministry's sole "prediction".

"Dramatic weather events"

The news report related to a torrential January downpour which broke a lengthy summer drought – causing both the Hokitika and Grey rivers to overflow their banks. This was a one-off 'dramatic weather event' that had **nothing** to do with either:

- (a) any progressive increase in precipitation levels on the West Coast; or
- (b) Climate Change

² Who reputedly said: "It's tough to make predictions, especially about the future".

³ The NIWA model has not yet been either validated or verified. It will require adjustments for its next run in light of the *Mackintosh et al* (2017) glacier paper.

⁴ www.sciencedirect.com/science/article/pii/S0360544217314597#!

⁵ Although this is higher than MfE's source document which projects **zero** rainfall increases for rcp8.5 in 2090. Extracts from the MfE publication are shown in a postscript, below.

According to Google, no other news agency attempted to ascribe blame to either changes in regional rainfall or to greenhouse gas emissions. If any causation other than "weather" were to be specified, it would be the wholly natural La Nina conditions that have caused a "marine heatwave" in seas around New Zealand.

The flooding in January 2018 occurred because the ground was parched and hard after a long drought and a hot November-December. <u>NIWA's Annual Climate Summary</u> 2017 says: *"From October through the end of the year, below normal soil moisture levels occurred in the western South Island from the development of La Nina".* Further, the rain came in a single monster cloudburst (150mm+) rather than being almost daily, as occurs in the winter season.

It is a total non-sequitur to speculate that these same conditions might be re-created as "the new normal" if **winter** rainfall levels were to rise over the next 75 years.

More importantly, despite the bulletin's clear references to both "weather experts" and "climate experts", no authorship was attributed in the bulletin and none has been mentioned in the TVNZ1 Reply to this complaint. It seems clear that the alleged causal links were simply invented by the news team.

"The new normal"

This repeated phrase was intended to convey, and did convey, that the shock downpour and river flooding of 10 January would henceforth be a regular and repetitive event in West Coast towns. "Normal" suggests flooding to this extent would occur virtually every summer – and was going to be so regular and so bad that consideration might be given to abandoning the towns of Hokitika and Greymouth.

Neither the newsreader nor the reporter spelled out the exact basis for this apocalyptic prediction, but they clearly implied that it was a likely consequence of future Climate Change. The TVNZ1 Reply makes the misleading suggestion that **all** these predictions were made by MfE, but neither the bulletin nor the Reply attributes any source. It seems almost certain that the programme's alleged "new normal" was simply made up out of whole cloth.

"Increasing spread of floods"

This term clearly suggests that West Coast river floods are more frequent and/or more extensive than before, and that this increase is an ongoing trend.

I can find no authority for this contention and no source or statistical table is cited by TVNZ1 in reply. I believe it to be insupportable. It seems highly likely that this was

another invention by the news team to suit their pre-determined Climate Change narrative.

Standard 9

The TVNZ1 Reply asserts: "The requirement for Accuracy does not apply to statements which are clearly distinguishable as analysis, comment or opinion which these statements clearly are."

None of the statements set out on page 1-2 of the Reply (under the head "the programme") can be "clearly distinguished" as anything other than purported news and hard facts.

The programme states as firm facts that "*climate experts are warning*...", and "*there are warnings that* ...", and "*there are predictions*...". To the extent that any part of the programme was no more than the opinion/worldview/prejudice of the reporter, that fact was not disclosed to the watching audience.

The Reply also says: "... the comments are presented as possibilities and predictions and the source of these possible scenarios, the Ministry of Environment, is given in the item."

This is simply wrong. The entire programme was presented as being factual. The sole alleged "prediction" was the somewhat irrelevant sentence referring to the winter in 2090. The authors of the *"warnings"* remain incognito.

Standard 8

The TVNZ1 Reply says: It is an established principle of this standard that commentary from a particular perspective is permitted as long as the perspective is acknowledged. The Committee finds that this occurred in the broadcast. No breach of standard 8 has been identified.

I do not understand what "*commentary from a particular perspective*" means in the context of a news bulletin, when the newscaster is reporting alleged facts and events. This was not a "commentary" in the sense of an Op-Ed or advocacy programme. Although it was undoubtedly presented from the perspective of a climate-alarm activist, that bias was not admitted or acknowledged.

The programme masqueraded as an objective news item that was being presented in accord with the broadcaster's duty to inform and educate. In reality, it joined a long list

of One News programmes which set out to proselytise for a particular worldview, and to engage in shameless propaganda to promote Climate Change alarm.

In my opinion, this is a classic case of "noble cause corruption", with the news team so convinced of the righteousness of their mission that they habitually overlook their duty to present a balanced case to the viewing public.

There can be little doubt that the "new normal" angle was controversial, or that apocalyptic "warnings" (requiring possible relocation of towns) were issues of public importance. The Reply seems to accept that those pre-conditions are met. Accordingly, Standard 8 required TVNZ1 to allow the presentation of a contrary viewpoint. It did not do so at the time and remains wholly unapologetic regarding its over-the-top, fictional and seriously biased broadcast.

Unless the broadcaster is reminded of its legal obligations, its one-sided proselytising in this area will continue unbated.

Barry Brill 9 March 2018

Note:

The source document "<u>Climate Change Projections for New Zealand</u>" (at page 79) shows the West Coast Hokitika projected changes as follows:

	Summer	Autumn	Winter	Spring	Annual
rcp 8.5	0	-4	27	11	8
rcp 6.0					
rcp 4.5	2	1	16	7	6
rcp 2.6	3	-1	7	5	4