



ÚDARÁS  
CRAOLACHÁIN  
NA hÉIREANN

BROADCASTING  
AUTHORITY  
OF IRELAND

**Broadcasting Authority of Ireland**

**Broadcasting Complaint Decisions**

**December 2013**

### Broadcasting Complaint Decisions

Under the Broadcasting Act 2009, viewers and listeners can complain about broadcasting content which they believe is not in keeping with the broadcasting codes and rules. In line with the complaint process, the viewer or listener should direct their complaint to the broadcaster in the first instance with regard to the broadcaster's *Code of Practice for Handling Complaints*, a policy which each broadcaster has available on its website. If a viewer or listener is not satisfied with the response from the broadcaster or if the broadcaster does not respond within the timeframe provided in their Code of Practice (usually 21 days), then the viewer or listener can refer the complaint to the BAI for consideration.

In assessing complaints, and having regard to the codes and rules, the BAI considers all written material submitted by the relevant parties together with the broadcast material. Complaints are assessed at Executive level and/or by the Compliance Committee of the Authority. The details of the broadcasting complaint decisions reached by the BAI are detailed in this document.

At its meeting held in November, the Compliance Committee upheld in part one complaint and rejected four. One complaint was resolved by the Executive Compliant Forum at its meeting in October.

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### Upheld in Part by BAI Compliance Committee

**Complaint made by:** Miss Anne Marie Stack

**Ref. No.** 81/13

**Station:**  
RTÉ One

**Programme:**  
Morning Edition

**Date:**  
12 June 2013

#### Complaint Summary:

Miss Stack's complaint is submitted under the Broadcasting Act 2009, Section 48(1)(a)(fairness, objectivity and impartiality in current affairs) and Section 48(1)(d) (Sections 2.2.1, 2.4, 3.5 BAI Code of Programme Standards). The complaint refers to what the complainant believes was a lack of balance in the discussion on this programme of the *Protection of Life during Pregnancy Bill*, following publication of an Irish Times Poll.

- The complainant claims that the presentation of the item gave the impression, through the language, tone and demeanour used that the presenter supported the *Protection of Life during Pregnancy Bill* and therefore did not meet the requirement to be impartial or objective. The complainant states that the presenter, in her opinion, endorsed, augmented and seconded comments and statements made by a selected panel of news analysts who both supported the Irish Times poll findings and the bill.
- The complainant further claims that critics of the poll and the bill were not represented in studio. In their absence, the complainant states that the presenter was duty bound to represent their arguments and to challenge the prevailing and uniform view that was emerging from the three contributors. The complainant states that the presenter briefly alluded to a statement challenging the poll from a pro-life representative. She states that this statement was dismissed by the Irish Times journalist as 'ridiculous'. The complainant states that the presenter made no further effort to challenge the prevailing viewpoint.
- The complainant is of the view that at a significant point in the discussion, the presenter stated "We must get this through" (referring to the bill) and then quickly amended her statement. However, the complainant states that by then the clear impression given was that this piece was not objectively treated.
- The complainant states that questions in relation to the Irish Times poll were not provided, analysed or discussed beyond informing the viewer that a legal representative of the Pro-Life Institute found certain questions posed as "leading".

#### Broadcaster's Response:

##### Initial response to complainant:

RTÉ acknowledged receipt of the complaint only.

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### **Response to BAI:**

RTÉ states that the item on the Irish Times Ipsos/MRBI poll consisted of an interview with Irish Times Political Correspondent Michael O' Regan. The result of the poll indicated that 75% of those questioned were in favour of the abortion legislation, with 14% not in favour and 11% undecided. The broadcaster states that the Political Correspondent contextualised the poll and the legislation publication by reference to the previous relationships between Taoisigh and the Catholic Church. They state that he offered the analysis that there was a 'middle ground' in Irish society and in Irish political parties which was in favour of the legislation. The broadcaster states that the presenter put to him a criticism of the poll structure by the Legal Advisor of the Pro-Life Campaign, which he refuted. RTÉ claim that the item was a fair, objective and impartial discussion of the political significance of the launch of a piece of legislation and a related poll by a reputable newspaper and polling organisation.

The second item cited was a review of the newspapers by a two-member panel; journalists Garrett Brennan and June Shannon. The broadcaster notes the significance of the previous day's speech by Taoiseach Enda Kenny was analysed as was the Irish Times poll. A reference was made to the poll's finding that 83% of its respondents would support abortion in the case of fatal foetal abnormalities, and the significance of the finding that public opinion apparently supported a measure not provided for in the legislation. The broadcaster states that the discussion was of the public and parliamentary significance of the legislation, the Taoiseach's stance in introducing it, and the related Irish Times Ipsos/MRBI poll, rather than the substantive issue of abortion.

The broadcaster states that, in her ad lib transition to the next story in the newspaper review, the presenter instantly corrected a verbal error as follows: "It is Day One, we have to get this through – or it has to be got through, we'll see how it goes from here." She was clearly referring to the lengthy public debate anticipated for the proposed legislation.

### **Decision of the Compliance Committee:**

The Committee considered the broadcast and the submissions from the broadcaster and the complainant. Following consideration of the material, the Committee has decided to uphold the complaint *in part*. In reaching this decision, the Committee had regard to the following:-

- While all current affairs programming must meet the statutory requirement for fairness, objectivity and impartiality, additional care is required on the part of broadcasters where the topic of discussion is a matter of current public debate and public controversy, including an issue such as abortion, which was the subject of the interview between the presenter and the Parliamentary Correspondent of the Irish Times.
- The Committee noted that during this interview, the journalist strongly criticised the views of a representative of the Pro-life campaign who had suggested that the questions in the survey commissioned by the Irish Times and discussed during the programme were "leading". The journalist described the criticism of the poll as 'nonsense', 'absurd' and 'regrettable'.

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It was the view of the Committee that, in the absence of an alternative voice, there was an onus on the presenter to challenge the comments of the journalist and that, in failing to so challenge these remarks, this segment of the programme lacked fairness, contrary to the requirements of the Act.

- The Committee did not agree with the complainant that the second segment involving a panel discussion of the newspapers lacked fairness, objectivity and impartiality. It noted that this element included a factual overview of newspaper headlines and a discussion with the panel that was driven predominantly by the content of the newspapers, including coverage of the *Protection of Life during Pregnancy Bill* and issues highlighted in the paper on this topic, such as the results of the Irish Times poll. The Committee found no evidence that the treatment of this item by the presenter or the contributions by the panel lacked fairness, objectivity and impartiality. Regarding the comment by the presenter highlighted by the complainant; it was the Committee's view that the presenter had misspoken and then corrected her comment and that this did not indicate bias.
- The Committee found no evidence in the programme to indicate that the requirements of the *Code of Programme Standards* had been infringed and this element of the complaint was rejected.

# Rejected by BAI Compliance Committee

**Complaint made by:** Mr. Rory Flynn

**Ref. No.** 76/13

**Station:**  
RTÉ One

**Programme:**  
Six One News

**Date:**  
17 July 2013

### Complaint Summary:

Mr. Flynn's complaint is submitted under the Broadcasting Act 2009, Section 48(1)(a)(fairness, objectivity and impartiality in current affairs- Code of Fairness, Objectivity and Impartiality, sections 4.9; 4.10; 4.17; 4.19 and 4.20). The complaint refers to a report on the acquittal of George Zimmerman of the murder of Trayvon Martin in the USA.

The complainant states that RTÉ broadcast a report entitled "*George Zimmerman cleared of Trayvon Martin murder in Florida*". During the report an audio clip from a call made to the emergency services by George Zimmerman was broadcast. The complainant states that he found the editing of this clip unacceptable. He states that RTÉ, as part of the report, broadcast an edited version of an audio clip from a 911 call made by Mr. Zimmerman to Sanford police on the night of the incident. The complainant claims that RTÉ:

- distorted the context of the audio clip by using quotes out of context;
- did not inform viewers that the clip was two completely separate parts of a conversation;
- used content which the original source acknowledged as incorrect and seriously compromised over a year ago;
- did not acknowledge or rectify the mistake but defended it.

The complainant claims that the context, in which the Dispatcher in the clip asked Mr. Zimmerman for a description of the reported suspect, was not established by the broadcaster. He states that the reason Mr. Zimmerman said Mr. Martin was "*a black male*" was to provide a description of the "*suspicious person*", which, the complainant claims, was not made clear by the RTÉ reporter. Instead, he states that it appears to imply that Mr. Zimmerman felt Mr. Martin was suspicious because he was "*a black male*".

The complainant states that the long pause in the extract from the call included in the programme between "*He's got his hand in his waistband...*" and "*...and he's a black male*" suggests to the complainant that the edit was intended to capture the latter part of this statement. The complainant claims that Mr. Zimmerman mentioned Mr. Martin's race because the police dispatcher asked him specifically for the race of the suspect earlier in the conversation when Mr. Zimmerman was uncertain.

The complainant states that the Dispatcher said "*ok and this guy is he white, black or Hispanic*" to which Zimmerman replied "*he looks black*". Thus "*and he's a black male*" was confirmation to the dispatcher. Mr. Zimmerman continued saying "*he's got a button on his shirt*". This, the complainant claims, was purposefully excluded to remove context. The complainant believes RTÉ could have used several audio snippets from the recording as an introduction to the piece but instead chose to use the portion "*he's got his hand in his waistband...and he's a black male*" which was taken, in his opinion, completely out of context.

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The complainant states that this could easily be interpreted as Mr. Zimmerman spontaneously linking the race of Mr. Martin with suspicious behaviour. The complainant also states that Mr. Zimmerman's reply to the Dispatcher saying 'Ok' when the Dispatcher asked him not to follow Mr. Martin was purposefully excluded.

In relation to the editing of the call, the complainant states that although he appreciates the time constraints on behalf of the broadcaster, if editing is to be done then it is his view that it should be done fairly and not result in the piece being taken out of context. He believes that the editing made Zimmerman sound racist and that it was not made clear to the viewer that editing took place which in turn led to a misleading broadcast.

The complainant states that the use of edited versions of the call, including RTÉ's version by NBC in the US was condemned and NBC apologised for it. Mr. Zimmerman subsequently filed a defamation suit against NBC.

The complainant believes section 48(1)(a) and several sections under the Code as set out above, have been breached.

### **Broadcaster's Response:**

#### **Initial response to complainant:**

RTÉ state that their journalist responsible for the report was working with limited material from the 911 call. Much of the material would have come from CBS in the US. TV reports in the US are generally short and very tightly edited and this was no exception. However, the broadcaster states that the edit in itself did not change the meaning, context or chronology of the recording. Had it not been edited before being made available to RTÉ, then RTÉ would have had to shorten it. RTÉ respond to the complainants points as follows:-

- the context was clearly established in the script of the RTÉ reporter which read: *"Zimmerman had made a call to police reporting the teen as a suspicious person"*;
- The description was purposefully edited to save time. The edit was clearly displayed in the graphic with three full stops (...);
- Zimmerman's reply to the Dispatcher saying 'OK' when the Dispatcher asked him not to follow Mr. Martin, was not purposefully excluded but was the chosen point to end the segment used. The fact that Zimmerman said "OK" does not change the fact that he did get out of the car and ended up in an altercation with Mr. Martin.

#### **Response to BAI:**

RTÉ states that the excerpt from Mr. Zimmerman's phone conversation with a police dispatcher used on the Six One News report is not the excerpt broadcast by NBC in the United States and referred to by the complainant.

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The NBC excerpt is reliably reported to have abridged the following passage of the call (material excised in editing is indicated by strikethrough below):

Zimmerman: This guy looks like he's up to no good. ~~Or he's on drugs or something. It's raining and he's just walking around, looking about.~~

Dispatcher: OK, ~~and this guy — is he black, white or Hispanic?~~

Zimmerman: He looks black.

By removing the Dispatcher's question, the complainant alleged that the NBC report misrepresented Mr. Zimmerman as introducing, without prompting, the ethnicity of Mr. Martin. This editing was reported as resulting in disciplinary action within NBC and became the subject of a defamation suit by Mr. Zimmerman. The broadcaster states that the excerpt from Mr. Zimmerman's conversation with the Dispatcher which was used in the *Six One News* report was supplied in pre-edited form by USCBSN/GBAPTN/GBRTV, not by NBC, through the Eurovision News Exchange (EVN).

The broadcaster states that a review of the transcript of the call makes it clear that Mr. Zimmerman's comment '*And he's a black male*' was not, at this point in the conversation, prompted by an inquiry from the police dispatcher but was an unsolicited reiteration of the ethnicity of the person he was following. The broadcaster states that there was no editing of this section ('*He's got his hand in his waistband. And he's a black male*') and therefore no misrepresentation of Mr. Zimmerman.

In replying to Mr. Flynn's original complaint, the broadcaster states that this initial response referred in error to there being an edit between '*. . . in his waistband*' and '*And he's a black male*.' The broadcaster states that this arose from a misunderstanding when dealing with the complaint of the ellipsis included at that point on the graphic showing the audio transcript which was included with the EVN material.

The broadcaster states that this misunderstanding was due to the fact that an ellipsis can be used to indicate an edit in broadcast material; in this case however, it indicates a natural pause in the conversation, as can be heard in the recording of the call accompanying this response. The pause was retained.

The broadcaster states that the exchange at the end of the segment of the call included in the *Six One News* report, establishes the fact that Mr. Zimmerman was following Mr. Martin. The broadcaster states that the complainant is correct that Mr Zimmerman's reply to '*Ok, we don't need you to do that*' was '*OK*'. However, RTÉ believe that the non-inclusion of this response in the pre-edited excerpt supplied by EVN does not misrepresent the facts. They state that whether or not Mr. Zimmerman continued his pursuit of Mr. Martin has not been independently established; at his trial, the prosecution contended that Mr. Zimmerman continued to follow Mr. Martin while the defence claimed that Mr. Martin approached him.

RTÉ claim that viewers and listeners are accustomed to the editing of interview and other material without such editing being indicated. This editing is an accepted convention of news, current affairs and other journalism in broadcast and other media. What is essential for objective and impartial journalism is that editing does not misrepresent the speaker. RTÉ believe there is no misrepresentation in the editing of the excerpt above.

### **Decision of the Compliance Committee:**

The Compliance Committee considered the broadcast and the submissions from the broadcaster and the complainant. Following its review of the material the Committee has decided to reject the complaint. In reaching this decision, the Committee took into account the following:

- The report focused on the decision of a court in respect of the trial of George Zimmerman, accused of killing Trayvon Martin and the aftermath of the court decision. The report also provided the background to the court case and in this context included an extract from the 911 call made by Mr. Zimmerman.
- The Committee noted that the report was factual in nature and that the extract from the phone call was relevant to the report and that it was only one of a number of elements in the report. The Committee also noted that the broadcaster has the editorial freedom to include edited contents of material sourced from third parties and that in doing so it is also responsible for ensuring that the use of such material, including editing, does not distort the facts of the story.
- In terms of the call extract, it was the Committee's view that the on-screen representation of the natural pause in the Mr. Zimmerman's conversation, included as part of the extract, could have been more clearly represented on-screen. However, having reviewed the call in the context of the report as a whole, the Committee found that the extract was an edited segment of the call as a whole but was not edited in the manner suggested by the complainant and did not result in a lack of fairness, objectivity and impartiality. The Committee also concluded that there no evidence that the editing was intentional and undertaken so as to portray Mr. Zimmerman as a racist.

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**Complaint made by: Mr. Brendan O'Regan**

**Ref. No. 82/13, 83/13 & 84/13**

**Station:**  
RTÉ One

**Programme:**  
The Week in Politics

**Date:**  
7, 14 & 21 July 2013

### Complaint Summary:

Mr. O'Regan's complaints are submitted under the Broadcasting Act 2009, Section 48(1)(a)(fairness, objectivity and impartiality in current affairs). The complaint refers to what he believes is a lack of balance on the panels debating the *Protection of Life in Pregnancy Bill*.

The complainant states that on all three programmes broadcast on the above dates, the panels featured only pro-legislation speakers. He claims that over the three weeks, there were a total of nine of what he describes as 'pro-legislation' panellists and no 'anti-legislation' panellists. Therefore, the complainant contends that the programmes lacked fairness, objectivity and impartiality.

### Broadcaster's Response:

#### Initial response to complainant:

RTÉ acknowledged receipt of the complaint and then responded with the following:

- RTÉ states that the political panel each week is balanced fairly between party representation in the Dáil and the opposition parties and the Government, in general, nominate their spokespeople on the programme.
- The broadcaster states that this follows the usual format of the programme and is more than adequately compensated for in the taped reports and by the presenter in his questioning and in the time given for answers.
- The broadcaster states that on the programme of July 7<sup>th</sup> the three panellists in question, Minister Alex White T.D., Fianna Fáil T.D. Barry Cowen and Sinn Féin T.D. Mary Lou McDonald were each nominated to participate by their respective parties. The broadcaster states that the report that preceded the panel discussion commenced with footage showing the extent of the Pro-life rally that weekend and that it also included contributions from then Minister Lucinda Creighton T.D., her Fine Gael colleague Terence Flanagan T.D. and Sinn Féin T.D. Peadar Tóibín, all outlining their opposition to the legislation. The discussion in this part of the programme was followed by robust questioning by the presenter.
- The broadcaster states that, again, this was similar to the discussion of the legislation on the programme of 14<sup>th</sup> July. The preceding taped report to the political discussion by Brian Dowling reflected the differing opinions within Leinster House - from the legislators and from within their own parties - about the proposed legislation.
- The broadcaster states that the programme on July 21<sup>st</sup> was concerned mainly with employment and jobs opportunities although there was also a discussion, later in the programme, on the passing of the *Protection of Life during Pregnancy Bill* through the Dáil earlier that week.

### **Response to BAI:**

RTÉ states that *The Week in Politics* reviews political developments in Ireland in the preceding week.

### ***The Week in Politics, 07.07.13***

The broadcaster states that the topics in this review of the previous week's political developments included abortion legislation, the banking enquiry and the use of the guillotine in Dáil debates.

They state that the item on abortion legislation opened with a pre-recorded report which included coverage of the Pro-life rally against the abortion legislation of that week-end, with extensive reporting of the views of Deputies Terence Flanagan, Lucinda Creighton and Peadar Tóibín, who opposed the legislation.

The broadcaster states that the panel discussion dealt first with dissenting views on abortion legislation in Fine Gael, Sinn Féin and Fianna Fáil and the different ways in which those parties were handling such internal differences. There was then discussion of changes made to the bill in its legislative progress and of the possibility of the State facing in later years court action by individuals who might have acquired disabilities because of premature delivery under this legislation. On all subjects of discussion, the broadcaster states that the questioning by the presenter was searchingly robust, impartial and objective and there was no expression of the broadcaster's views.

### ***The Week in Politics, 14.07.13***

The broadcaster states that this edition took place in the aftermath of the Dáil vote in favour of the report stage of the *Protection of Life during Pregnancy Bill* and before the Seanad second stage vote which, they state, by any and all calculations appeared certain to pass the legislation.

While the legislation was still to go through the second house of the Oireachtas and was therefore a matter of public debate, the broadcaster states that there appeared to be negligible doubt that the legislation would be passed.

In that context, the political discussion panel consisted of Minister Pat Rabbitte, Deputy Timmy Dooley (Fianna Fáil) and Senator Jillian Van Tournhout (Independent). The broadcaster states that the discussion of the legislation was, in keeping with the format of this programme, of the political significance of its passing rather than the substantive issue of abortion, ranging from topics such as the influence of Labour within the coalition, the decision of Fianna Fáil to allow a free vote, and the consequences of dissent for certain Fine Gael T.D.s. Questioning by the presenter was impartial and robust in the interests of furthering debate.

Report and panel discussion comprised an impartial and objective political view of the likely progress of the legislation to enactment, reflecting fairly and accurately the balance of opinion on the bill within the Seanad.

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### ***The Week in Politics, 21.07.13***

The broadcaster states that the political discussion panel on this programme consisted of Minister Frances Fitzgerald (FG), Senator Averil Power (FF) and Senator David Cullinane (SF), nominated by their respective parties. They state that the discussion looked back at the major issues of the Dáil term, including employment and job opportunities. It also discussed the Seanad debate that week on the *Protection of Life during Pregnancy Bill* from a political perspective, referring to the differing approaches of Fine Gael and Fianna Fáil to free vote and whipped voting, the absence of amendments in the Seanad, and the use of language in speeches by senators.

The broadcaster states that a pre-recorded report on the Seanad debate on the legislation by Political Reporter Brian Dowling included opinions on both sides of the debate from Senators against the legislation, including Brian Ó Domhnaill, Jim Walsh, Paschal Mooney and Rónán Mullen and senators in favour of the legislation, including Ned O'Sullivan and Marie Moloney.

The broadcaster states that the totality of this item – report and panel discussion – gave a fair, objective and impartial account of political events in the preceding week in relation to this legislation.

### **Decision of the Compliance Committee**

The Committee considered the broadcasts and the submissions from the broadcaster and the complainants. Following its review of the material, the Committee has decided to reject the complaint.

In reaching this decision, the Committee took into account the following:

- The Committee noted that the programmes were broadcast over three weeks that the *Protection of Life during Pregnancy Bill* was proceeding through the Houses of the Oireachtas.

The first programme was aired before the passage of the bill through the Dáil and focused on the political consequences for individual T.D.s that vote against their party whip in respect of the bill.

The second programme was broadcast following the successful passage of the bill through the Dáil and focused on the impact on political parties, including the removal of the whip from a number of T.D.s as well as the next step in the passage of the bill, namely consideration of the bill in Seanad Éireann. In addition, the programme focused on the views of the panellists as to whether the bill was adequate to address the concerns of the members of their respect parties and constituents and whether further changes in legislation might be forthcoming in the next few years. The third and final programme discussed the passage of the bill through the Seanad and considered in particular the tone and suitability of the debate, the value of the Seanad, the ongoing management of political party leaders of the party whip in the case of the votes undertaken on the bill as well as what further changes might be made in the future in respect of abortion legislation.

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- The Committee found that in each case, the programmes included both a pre-recorded report and a panel debate moderated by the programme presenter. The Committee noted that the focus of the discussion was predominantly on party political issues arising from the passage of the bill through the Houses of the Oireachtas. The statutory requirement for fairness, objectivity and impartiality clearly applies to programme content such as this and in this regard, the Committee noted that the different approaches taken to this issue by the different political parties was questioned and challenged by the contributors themselves and also by the programme presenter and that the debate was fair, objective and impartial in terms of the handling of this topic.
- Having had regard to the handling of the debates during the programmes and the range of views evident in the pre-recorded items broadcast, the Committee was of the view that the broadcasts were not contrary to the requirements for fairness, objectivity and impartiality in news and current affairs.

### Resolved at Executive Complaints Forum

**Complaint made by: Mr. Declan Woods**

**Ref. No. 80/13**

**Station:**  
RTÉ Radio 1

**Programme:**  
Today with Pat Kenny

**Date:**  
18 July 2013

#### **Complaint Summary:**

Mr. Woods' complaint is submitted under the Broadcasting Act 2009, Section 48(1)(a)(fairness, objectivity and impartiality in current affairs) and 48(1)(b) *Code of Programme Standards*: section 3.5(factual programming). The complaint refers to an interview with the Minister for Communications, Energy and Natural Resources, Pat Rabbitte T. D., in relation to the new public service broadcasting charge.

The complainant states that the presenter allowed the Minister to state, without challenge, that 20% of the population "evade" the licence fee. The complainant believes this is not a true statement and that the presenter should have challenged the Minister when he made this statement. By not doing so, the complainant believes the interview infringed section 48(1)(a) of the Act.

#### **Broadcaster's Response:**

##### **Initial response to complainant:**

RTÉ acknowledged receipt of the complaint only.

##### **Response to BAI:**

RTÉ states that the interview with Minister Rabbitte was in order to allow an opportunity to explore the reasoning behind a change from television license fee to broadcasting charge, for the information of the listener. Fairness, impartiality and objectivity do not necessarily dictate an adversarial approach.

On a topic which will continue to be debated on RTÉ and elsewhere before the change is effected at the beginning of 2015, this was an opportunity to elaborate on the motives for the proposal published the previous day, in the context of Irish, European and international broadcasting. The editorial approach did not prevent putting to the Minister alternative views expressed by listeners, for example, on the validity of the approach to funding public broadcasting in the USA and on the quality of broadband delivery in Ireland.

#### **Decision of the Executive Complaint Forum:**

When considering the complaint the Forum had regard to Section 48(1)(a)(fairness, objectivity and impartiality in current affairs) and 48(1)(b) *Code of Programme Standards*: section 3.5 (factual programming) under which the complaint was submitted.

The Forum noted the complaint centred on a reference by the Minister for Communications Energy and Natural Resources, Pat Rabbitte T. D. to 20% of the population evading the television license fee. The complainant believes this is an untrue statement and that the presenter should have challenged the Minister on this.

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The Forum found that the new broadcasting charge and the reasons for its introductions were the principal areas under discussion. The Minister outlined the current challenges in relation to collection of the license fee due changes in technology today as people use their iPhones and iPads to access various broadcast media. Also under discussion was the adverse affect on broadcasters in Ireland due to advertisements being *“sucked out of this economy by broadcasters beaming in from other jurisdictions”*.

The Forum found that the Minister did refer to “20%” of the population evading payment of the license fee. What is of importance to the Forum is the overall achievement of fairness, objectivity and impartiality in the context of the broadcast as a whole and to establish whether, in the overall discussion, this reference would amount to a lack of fairness, objectivity and impartiality. The Forum was of the view that the general discussion centred on the changing landscape of broadcasting in Ireland, the different methods of accessing television and radio output and the need to ensure everyone pays their share of the license fee no matter what platform they used. The reference to “20%” not paying their license fee did not form a significant part of the interview and had little impact on the overall subject under discussion. Accordingly, the Forum did not agree with the complainant that the reference by the Minister was an infringement of section 48(1)(a) of the Broadcasting Act 2009.

The Forum was of the view that the complaint did not raise issues that required further consideration and, accordingly, the complaint did not require further investigation and was deemed resolved.

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