



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

**Broadcasting Authority of Ireland
Broadcasting Complaints Decisions**

September 2019



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BAI Complaints Handling Process

Under the Broadcasting Act 2009, viewers and listeners to Irish radio and television services can complain about broadcasting content which they believe is not in keeping with broadcasting codes and rules. When making a complaint, the relevant programme or commercial communication should be identified, including the date of broadcast and time. The complainant should explain what it is about the broadcast that has led them to make a complaint. It is important to set out clearly the grounds of the complaint and why the programme material or commercial content does not comply with the BAI's Broadcasting Codes. A copy of the codes may be found on the BAI's website: www.bai.ie, by emailing info@bai.ie or by phoning the BAI on 01 644 1200.

In line with the complaint process, the viewer or listener should direct their complaint to the broadcaster in the first instance and in the manner detailed in the broadcaster's Code of Practice for Handling Complaints, a document 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 for in their Code of Practice (usually 21 days), then the viewer or listener can refer the complaint to the BAI for consideration.

In assessing complaint referrals, the BAI will have regard to the relevant codes and rules, the written material submitted by the relevant parties, together with the broadcast material. Complaints are assessed at Executive level by the Executive Complaints Forum and/or by the Compliance Committee of the Authority. Further information may be found on the complaints handling section of the BAI's website: www.bai.ie.

The details of the broadcasting complaints decisions reached by the BAI are set out in this document. The decisions deal with the issue of whether a programme or a commercial communication did or did not comply with the relevant legal requirements and the relevant broadcasting codes or rules. The decisions do not constitute endorsement or support for the views of either parties to the complaint nor will they address every aspect of a complaint submission. The BAI will not carry out a separate or independent assessment outside of the matters raised in the complaint.

In total, three complaints were considered and rejected by the Compliance Committee of the BAI. In addition, 12 complaints were considered and rejected by the Executive Complaints Forum. The decisions of the Compliance Committee were reached at its meeting held on 15th May 2019. The decisions of the Executive Complaints Forum were reached at meetings held on 15th and 29th April, 27th May, 24th June and 29th July 2019.



Rejected by Compliance Committee

Complaint made by: Ms. Roe McDermott

Ref. No. 10/19

Station:

RTÉ One

Programme:

Prime Time

Date:

22nd January 2019

1. Programme

Prime Time is a current affairs programme broadcast twice weekly at 9.35pm.

2. Complaint Category

Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1 and 4.2. Section 48(1)(b)(harm & offence); the BAI Code of Programme Standards – Principle 5.

3. Complaint Summary

The complaint concerns a programme regarding transgender people which, in the view of the complainant, was not objective based on the mix of contributors and how the discussion was framed. The complainant also maintains that the programme was harmful to transgender people.

The complainant considers that the discussion should have had a greater focus on human experiences. The complainant believes that the mix of contributors was such that there was an overall lack of balance in the way the subject matter was presented. The complainant argues, in particular, that some contributors did not have any relevant expertise or experience on the subject matter. The complainant believes that giving a platform to such contributors resulted in comments being made which were inaccurate, harmful and displayed prejudice against transgender people.

Further, the complainant is of the view that the report failed to be objective or fair as it allowed many contributors to make negative comments about transgender and non-binary persons without being challenged or without an opposing viewpoint being offered.

4. Broadcaster Response

The broadcaster states that the programme aimed to examine two issues; firstly, the implications of Ireland having passed the Gender Recognition Act 2015 and, secondly, the proposals to allow minors to change gender. The subject of transgender people, particularly with regard to healthcare, rights, free speech and feminism, is currently being debated globally and the broadcaster considers that it would be remiss not to explore the topic fully.

In response to the complainant's concerns regarding the choice of contributors, the broadcaster emphasises the important role commentators play in public debate and considers it wrong to limit



contributors to people with personal experience or expertise. The broadcaster states that contributors represented a range of views on the issues being examined in the programme.

The programme aimed to examine matters of public policy which are of legitimate public interest. The human-interest element was also explored in a manner which was fair and sensitive to the contributors. The broadcaster acknowledges that it is complex topic that affects some people personally, however, the broadcaster maintains that the programme was presented in a manner that was compliant with statutory requirements.

5. Decision of the Compliance Committee Rejected (Unanimous)

Having considered the broadcast and the submissions from the complainant and the broadcaster, and also having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings and reasons for the decision are set out below.

The Compliance Committee noted that the complaint was made under Sections 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. The complaint was also made under Principle 5 of the Code of Programme Standards, which requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity.

The Committee acknowledged the sensitive nature of the subject which was explored in the programme and noted the matters raised by the complainant. In considering the complaint, the Committee had regard for the programme in whole and in context and noted that the topic was explored through interviews with a variety of contributors and a range of views were presented. In this regard, the Committee considered that the subject matter was treated fairly. The complainant objected to the inclusion of some contributors and questioned the relevance of their experience and their expertise. The Committee noted that the broadcaster retains editorial independence and, as such, is entitled to choose the contributors who participate in a programme.

The Committee acknowledged that some comments made by contributors were controversial, however, at the outset of the programme the presenter provided context for the topic and outlined the nature of the discussion. The presenter also issued a verbal warning, stating that some viewers may find the content difficult or distressing. Therefore, the Committee considered that audiences were likely to expect the inclusion of some contentious views. Further, the Committee noted that Prime Time is a current affairs programme which was legitimately exploring a topic which is of current public debate. The Committee did not find evidence to support the complainant's view that the programme incited hatred or supported discrimination against transgender people.

The Committee found that audiences were given access to a wide range of viewpoints and considered that the subject matter was treated fairly and was presented in an objective manner. The Committee did not find that the programme infringed the Codes and, as such, the complaint was rejected.



Complaint made by: Mr. Blake Maher

Ref. No. 11/19

Station:
RTÉ One

Programme:
Prime Time

Date:
22nd January 2019

1. Programme

Prime Time is a current affairs programme broadcast twice weekly at 9.35pm.

2. Complaint Category

Broadcasting Act 2009 - Section 48(1)(b)(harm & offence); the BAI Code of Programme Standards – Principle 5.

3. Complaint Summary

The complaint concerns a programme regarding transgender people which, in the view of the complainant, was one-sided. The complainant is of the view that the programme portrayed transgender people as having mental health problems or as being on the autism spectrum. The complainant found the programme unfair and offensive to transgender people, to people with mental health problems and to people on the autism spectrum.

Further, the complainant considers that the programme gave a platform to some contributors to promote hate speech which could be harmful to transgender people.

4. Broadcaster Response

The broadcaster rejects the complainant's view that the programme inferred that transgender people have mental health problems or are on the autism spectrum. The broadcaster believes this is the complainant's subjective viewpoint which is at variance with the programme content.

In relation to the complainant's objection to the inclusion of certain contributors, the broadcaster states that there was a wide range of contributors representing various views. The broadcaster emphasises the important role commentators play in public debate and considers it wrong to limit contributors to people with personal experience or expertise. The broadcaster states that no one expressed opinions which promoted hate against transgender people and noted that the complainant did not cite any specific comments made by contributors during the programme.

The broadcaster states that the programme was robust and challenged assumptions on all sides of the debate, as permitted in the Code of Programme Standards.

**5. Decision of the Compliance Committee
Rejected (Unanimous)**



Having considered the broadcast and the submissions from the complainant and the broadcaster, and also having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings and reasons for the decision are set out below.

The Compliance Committee noted that the complaint was made under Principle 5 of the Code of Programme Standards, which requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity.

The Committee acknowledged the sensitive nature of the subject which was explored in the programme and noted the matters raised by the complainant. However, in considering the complaint, the Committee had regard for the programme in whole and in context. The Committee noted that the complainant objected to the inclusion of some contributors. The Committee noted that the broadcaster retains editorial independence and, as such, is entitled to choose the contributors who participate in a programme.

The Committee acknowledged that some comments made by contributors were controversial, however, at the outset of the programme the presenter provided context for the topic and outlined the nature of the discussion. The presenter also issued a verbal warning that some viewers may find the content difficult or distressing. Therefore, the Committee considered that audiences were likely to expect the inclusion of some contentious opinions. Further, the Committee noted that Prime Time is a current affairs programme which was legitimately exploring a topic which is of current public debate. The Committee did not find evidence to support the complainant's view that the programme incited hatred or caused undue offence. Accordingly, the complaint was rejected.



Complaint made by: Louise Hannon

Ref. No. 12/19

Station:
RTÉ One

Programme:
Prime Time

Date:
22nd January 2019

1. Programme

Prime Time is a current affairs programme broadcast twice weekly at 9.35pm.

2. Complaint Category

Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1 and 4.2. Section 48(1)(b)(harm & offence); the BAI Code of Programme Standards – Principle 5.

3. Complaint Summary

The complaint concerns a programme regarding transgender people which, in the view of the complainant, misrepresented facts, failed to be fair and was harmful to transgender people.

The complainant maintains that the language used was divisive and denigrated transgender women. The complainant considers the inclusion of anti-transgender activists from the UK to be inappropriate. It is the view of the complainant that the programme was harmful, particularly to young transgender people. Further, the complaint does not believe that due care was shown by the broadcaster.

4. Broadcaster Response

The broadcaster states that the programme aimed to examine two issues; firstly, the implications of Ireland having passed the Gender Recognition Act 2015 and, secondly, the proposals to allow minors to change gender.

The broadcaster rejects the complainant's assertion that the programme encouraged hate, used divisive language or denigrated transgender women. The programme aimed to examine the matters of public policy which are of legitimate public interest. The broadcaster states that the programme covered many important issues, including transgender healthcare and "female-only spaces".

The human-interest element was also explored in a manner which was positive towards those who have transitioned. The broadcaster acknowledges that it is a complex topic that affects some people personally, however, it maintains that the programme was presented in a manner which was sensitive and fair to all interests.

In response to the complainant's concerns regarding the choice of contributors, the broadcaster emphasises the important role commentators play in public debate and considers it wrong to limit contributors to people with personal experience or expertise. The broadcaster states that contributors represented a range of views.



The broadcaster is of the view that the programme complied with all regulatory and legislative requirements.

5. Decision of the Compliance Committee Rejected (Unanimous)

Having considered the broadcast and the submissions from the complainant and the broadcaster, and also having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings and reasons for the decision are set out below.

The Compliance Committee noted that the complaint was made under Sections 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. The complaint was also made under Principle 5 of the Code of Programme Standards, which requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity.

The Committee acknowledged the sensitive nature of the subject which was explored in the programme and noted the matters raised by the complainant. However, in considering the complaint, the Committee had regard for the programme in whole and in context. The topic was explored through interviews with a variety of contributors and a range of views were presented. In this regard, the Committee considered that the subject matter was treated fairly. The complainant objected to the inclusion of some contributors and questioned the relevance of their experience and their expertise. The Committee noted that the broadcaster retains editorial independence and, as such, is entitled to choose the contributors who participate in a programme.

The Committee noted that the complainant objected to the language used and found some comments divisive and transphobic. The Committee acknowledged that some comments made by contributors were controversial, however, at the outset of the programme the presenter provided context for the topic and outlined the nature of the discussion. The presenter also issued a verbal warning that some viewers may find the content difficult or distressing. Therefore, the Committee considered that audiences were likely to expect the inclusion of some contentious opinions. Further, the Committee noted that Prime Time is a current affairs programme which was legitimately exploring a topic of current public debate. The Committee did not find evidence to support the complainant's view that the programme incited hatred or supported discrimination against transgender people.

The Committee found that audiences were given access to a wide range of viewpoints and considered that the subject matter was treated fairly and was presented in an objective manner. The Committee did not find that the programme infringed the Codes and, as such, the complaint was rejected.



Rejected by Executive Complaints Forum

Complaint made by: Mr. Gordon Bruic

Ref. No. C5044

Station:

RTÉ Radio 1

Programme:

Ryan Tubridy Show

Date:

25th February 2019

1. Programme

The Ryan Tubridy Show is a lifestyle/entertainment show broadcast each weekday morning from 9am to 10am.

2. Complaint Category

Broadcasting Act 2009 - Section 48(1)(b)(harm & offence); the BAI Code of Programme Standards – Principles 2 and 4.

3. Complaint Summary

The complaint relates to an interview with the founder of the Everyday Sexism Project, a collection of stories from women regarding their experiences of sexism and gender inequality. During the interview, the presenter and interviewee discussed inappropriate sexual behaviour by men and boys towards women. The complainant is of the view that the content was not suitable for younger viewers and states that there was no content warning for listeners. The complainant acknowledges that the topic is an important issue but maintains that the content was inappropriate for the time of broadcast.

4. Broadcaster Responses

The broadcaster states that listeners were made aware of the topic being discussed from the outset and it was clear from the introduction that the discussion would involve material of a sexual nature. This topic, and topics of similar nature, have been covered on the Tubridy Show before. Further, the programme has a primarily older audience and the broadcaster did not feel that a warning was required.

The Broadcaster states that the interviewee and presenter both spoke from personal experience and the discussion also covered the subject of education regarding consent and inappropriate sexual behaviour, particularly for young people and young boys. The broadcaster is of the view that they were fully compliant with the provisions in respect of harm & offence.



5. Decision of the Executive Complaints Forum Rejected (Unanimous)

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complaint was made under Principles 2 & 4 of the Code of Programme Standards. The Code requires that broadcasters show due care for audiences by considering a range of contextual factors which can influence the viewer or listener's perception of programme material. The Code also acknowledges the particular needs of children and seeks to protect children from programme material that is unsuitable for them.

The Forum noted that the complainant considered that the programme did not comply with the Code, given the time of broadcast and the lack of an appropriate warning. The Forum noted that during the introduction to the segment, listeners were informed that the interviewee was the founder of the Everyday Sexism Project and author of a book regarding online harassment. The Forum found that the introduction contained sufficient information regarding the interviewee and the subject matter to allow listeners to make an informed choice regarding the programme. The Forum was of the view that listeners were likely to expect the content included in the programme and found the inclusion of sexual references editorially justified and unlikely to cause widespread offence.

The Forum had regard to the type of programme, the broadcast channel and the likely audience expectation, and did not find that the programme infringed the Code of Programme Standards. As such, the complaint was rejected.



Complaint made by: Mr. Niall Fitzgerald

Ref. No. C5048

Station:
RTÉ One

Programme:
Six One News

Date:
11th February 2019

1. Programme

The Six One News is a news programme broadcast each evening.

2. Complaint Category

Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1 and 4.2.

3. Complaint Summary

The complainant is of the view that Ingrid Miley, in discussing the nurses' strike, displayed bias through being empathetic towards inconvenienced patients, taxpayers, the government and the Minister. The complainant states that the report focused on how much the nurses' pay increase would cost but did not discuss any other element of the strike or display any empathy towards public servants or their families. The complainant is of the view that the reporter provided her own views and that the report failed to be objective or impartial.

4. Broadcaster Response

The broadcaster states that the report was five minutes in total, of which 1 minute 50 seconds consisted of an interview with Industry Correspondent Ingrid Miley, who was reporting from the Labour Court. The broadcaster refutes the complainant's view that the reporter displayed empathy and states that the reporter replied factually to the questions posed by the in-studio reporter. The broadcaster states that many of the comments attributed by the complainant did not feature in the report and is of the view that there is no evidence in the broadcast to support the complainant's claims. The broadcaster contends that the short piece was objective, impartial and fair to all parties.

**5. Decision of the Executive Complaints Forum
Rejected (Unanimous)**

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.



The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Forum noted that this report related to the nurses strike and to the impending Labour Court decision and discussed the impact of the strike action on patients. The Forum noted that the complainant viewed the report as biased, however, the broadcaster retains editorial independence regarding which stories are covered and the approach adopted when covering such a topic. The Forum find the report to be of a factual nature and considered that the reporter answered questions posed to her by the studio anchor in an impartial manner.

In view of the above, the Forum did not find that the programme infringed the Code in the manner specified by the complainant. On this basis, the complaint was rejected.



Complaint made by: Ms. Sally McFadden Carroll

Ref. No. C5063

Station:

TG4

Programme:

An Balla

Date:

30th January 2019

1. Programme

An Balla is a human-interest programme which explored four of the world's most iconic walls and borders and uncovered the human stories behind these walls. These programmes ran over four weeks.

2. Complaint Category

Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1, 4.2, 4.17, 4.19, 4.26. Section 48(1)(b)(harm & offence); the Code of Programme Standards – Principle 5: Persons and Groups in Society.

3. Complaint Summary

The complaint concerns the last in a series of programmes regarding four of the world's iconic walls and borders culminating in the Israel-Palestine Separation Barrier. The complainant is of the view that programme and the presenter portrayed anti-Semitic views against the Israeli people and the programme promoted these views in Ireland and abroad.

4. Broadcaster Responses

The broadcaster is of the view that this programme did not infringe the Codes referred to by the complainant and this was an international co-production in which extensive research was undertaken. The presenter explored the impact of the construction of the Israel-Palestine Separation Barrier and met the people directly affected by this.

**5. Decision of the Executive Complaints Forum
Rejected (Unanimous)**

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views.



The Forum had regard to the programme type and noted that this is a documentary series examining walls and borders of the world. The episode in question focused on the Israel-Palestine Separation Border. The documentary provided context by way of the history of the wall, however, the Forum was of the view that this was a human-interest documentary which focused on the impact of the wall on those living on both sides. The Forum was of the view that the content of this programme was such that it did not constitute current affairs and, as such, the requirements under this Code do not apply.

The complaint was also submitted under Principle 5 of the Code of Programme Standards as the complainant viewed the content as being anti-Semitic. The Forum did not find any evidence to support this view and, as such, this element of the complaint was rejected.



Complaint made by: Mr. Garreth McDaid

Ref. No. C5064

Station:

RTÉ Radio 1

Programme:

Morning Ireland

Date:

13th February 2019

1. Programme

Morning Ireland is a news and current affairs programme broadcast each weekday morning from 7am to 9am.

2. Complaint Category

Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1 and 4.2.

3. Complaint Summary

The complaint concerns an interview with RTÉ's Health Correspondent regarding CervicalCheck and the controversy of withholding results of audits of smear tests carried out on women who had cervical cancer. The complainant states that misinformation about the controversy led people to believe that women who had not been informed that they had cervical cancer, resulted in delayed treatment for them. The complainant is of the view that a comment made by the interviewee that "...it emerged that CervicalCheck has been conducting an audit of previous smear tests, and hadn't told women, some of whom might have benefitted from earlier treatment..." was incorrect and misleading.

The complainant states that the interviewee covered the topic extensively the previous year and would be aware of the hype and sensationalism around the Cervical Check screening programme and believe that that the complainant added to this hype with comments made by him to that effect.

4. Broadcaster Responses

The broadcaster is of the view that the reporter's remarks were accurate, fair and balanced and did not infringe the BAI's Code of Fairness, Objectivity and Impartiality in News and Current Affairs. RTÉ's correspondent has covered the CervicalCheck controversy extensively over the past year and the broadcaster confirms that the comment was factually correct, and the interviewee was careful to say that some of the women "might" have benefitted from earlier treatment.

The broadcaster is of the view that the reporter fulfilled his role and the programme was fair, balanced and impartial.



5. Decision of the Executive Complaints Forum Rejected (Unanimous)

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complaint was made under Sections 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Forum noted that the complaint relates to a comment made by the Health Correspondent for RTÉ which the complainant found to be inaccurate and misleading. The Forum noted that the comment may have lacked clarity which may have been confusing to some listeners, however, the Forum did not consider that the comment rendered the piece impartial or unfair. Further, the Forum did not find evidence to support the complainant's assertion that the comment displayed political impartiality on the part of the broadcaster.

The Forum did not find the programme infringed the Code of Fairness, Objectivity and Impartiality in News and Current Affairs and, as such, the complaint was rejected.



Complaint made by: Mr. Robert Navan

Ref. No. C5067

Station:

RTÉ One

Programme:

Nine O'clock News

Date:

9th March 2019

1. Programme

The Nine O'clock News is a news programme broadcast each weekday evening.

2. Complaint Category

Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1, 4.2 and 4.19.

3. Complaint Summary

The complaint relates to a report regarding the electricity crisis in Venezuela, which described Juan Guaidó as “the man most Western nations recognise as head of state of Venezuela”. The complainant is of the view that use of the term “Western nations” constitutes a partisan description of the stature of Mr. Guaidó and ignores the position of other nations.

4. Broadcaster Responses

The broadcaster states that the term “Western nations” is an established term used to refer to a group of nations including Europe, US and Canada. The broadcaster considers the term to be widely understood by audiences and states that use of the term is not misleading, instead it reflects a factual position.

The broadcaster states that the report was accurate and that it complied with all relevant legislative and regulatory Codes.

**5. Decision of the Executive Complaints Forum
Rejected (Unanimous)**

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, sections 4.1, 4.2 and 4.19. The Code requires that broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Code also states that views and facts shall not be misrepresented or presented in such a way as to render them misleading.



The Forum noted that the complainant was of the view that the use of the term "Western nations" constitutes a partisan description of the status of Mr. Guaidó and ignores the position of other nations. The Forum noted that there is no requirement for fairness in news. The use of the term "Western nations" was not considered as rendering the report subjective or partial. Further, the Forum did not find use of the term in the context of the report was misleading, factually inaccurate or represented a partisan view.

Taken as a whole and in context, the Forum was of the view that the report complied with the requirements of the Code. Accordingly, the Forum decided to reject the complaint.



Complaint made by: Mr. Robert Navan

Ref. No. C5068

Station:

RTÉ One

Programme:

One O'clock News

Date:

22nd February 2019

1. Programme

The One O'clock News is a news programme broadcast each afternoon.

2. Complaint Category

Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1, 4.2, and 4.21.

3. Complaint Summary

The complaint concerns an interview with a professor at the Central European University in Budapest regarding the political crisis in Venezuela. The complainant takes issue with the use of the term “Maduro regime” by the RTÉ presenter. The complainant is of the view that by using this term RTÉ was expressing its own opinion on the status of the Venezuelan government.

4. Broadcaster Responses

The broadcaster refutes the claim that the use of the words “Maduro regime” amounted to RTÉ expressing its own view on the Venezuela government. The term was used in the context of questioning how aid was being used as a political weapon between the opposition and the Maduro regime. The broadcaster states that the presenter used both “government” and “regime” in posing this question, which reflects the fact that some regard the government as legitimate while others do not. The broadcaster considers the interview to be fully compliant with all relevant legislative and regulatory codes.

**5. Decision of the Executive Complaints Forum
Rejected (Unanimous)**

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, sections 4.1, 4.2, and 4.21. The Code requires that broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Code also states that a news presenter and/or a reporter in a news programme may not express his or her own view on matters that are either of public controversy or the subject of current public debate.



The Forum noted that the complainant takes issue with the use of the term "Maduro regime" in a report regarding the political crisis in Venezuela. The complainant is of the view that by using this term the broadcaster was expressing its own views regarding the status of the Venezuelan government.

The Forum noted that use of the term "Maduro regime" was editorially justified in the context of the report and did not constitute an expression of the presenter's own views. The broadcast was considered in whole and in context and it was found to be reported and presented in an objective and impartial manner, further, the Forum did not find that it constituted an expression of the broadcaster's own views.

In view of the above, the Forum did not find that the report infringed the Code in the manner specified by the complainant. On this basis, the complaint was rejected.



Complaint made by: Mr. Declan McKenna

Ref. No. C5069

Station:

RTÉ Radio 1

Programme:

Liveline

Date:

1st February 2019

1. Programme

Liveline is an interview and phone-in chat show broadcast each weekday afternoon from 1.45pm to 3pm.

2. Complaint Category

Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1 and 4.2.

3. Complaint Summary

The complaint concerns a phone-in discussion with a caller, a Venezuelan national living in Ireland and his mother's difficulty with censorship in Venezuela. The complainant believes the discussions on Liveline regarding Venezuela were unbalanced and did not have a balance of pro-government speakers and was in breach of the relevant requirements of the Broadcasting Act, 2009. In this regard, the complainant submits that the broadcast contained numerous false and defamatory statements and allegations relating to the Venezuela Government which were not the subject of appropriate fact checking by the presenter. The balance of contributors was not fair, objective or impartial and the presenter only asked probing questions to pro-Government contributors.

Overall, the complainant is of the view that the programme was not fair, objective or impartial.

4. Broadcaster Responses

The broadcaster states that it was satisfied the topic was of legitimate public interest, having been contacted by a listener whose relative had an issue at Dublin Airport when returning from Venezuela. The broadcaster notes that the presenter did not articulate a partisan position. The broadcaster observed that Liveline is driven by callers to the programme and that the principle of fairness does not necessarily require that all possible opinions on a subject are addressed or that they should receive equal airtime.

The broadcaster is of the view that the presenter fulfilled his role and the programme was fair, balanced and impartial.



5. Decision of the Executive Complaints Forum Reject (Unanimous)

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complaint was made under Sections 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views.

In considering this complaint, the Forum had regard for the context and format of the programme. Liveline is a phone-in show which is predominately led by audience participation. The Forum was of the view that the topic was explored in the context of people's personal views and experiences and the programme was presented in this manner. The Forum noted that listeners would be familiar with the type of programme and would expect to hear a range of views from callers to the show. The Forum acknowledged that some information and views provided by contributors may have been inaccurate, however, the presenter took steps to provide clarity regarding such views.

The presenter challenged some contributors' views and played devil's advocate on occasion, however, Liveline is synonymous with Joe Duffy's personality and his interview style is likely to be familiar to contributors and audience members. The Forum noted that the presenter was robust at times, but they did not consider that this rendered the piece unfair, unobjective or partial.

The Forum did not find the programme infringed the Code of Fairness, Objectivity and Impartiality in News and Current Affairs and, as such, the complaint was rejected.



Complaint made by: Mr. Frank Cullinane

Ref. No.C5085

Station:

RTÉ Radio 1

Advertisement:

Advert – Learning to Drive

Date:

25th March 2019

1. Programme

The advertisement from the Road Safety Authority (RSA) relates to completing the Essential Driver Training (EDT) programme.

2. Complaint Category

Broadcasting Act 2009 - Section 48(1)(d)(commercial communications); the BAI General Commercial Communications Code - Principle 1.

3. Complaint Summary

The complainant is of the view that the advertisement is misleading as it allows young people to believe that they can learn to drive in 12 hours. The advertisement states “essential driver training is your path to becoming a safe and socially responsible driver”. The complainant believes this infringes Principle 1 of the Code.

4. Advertiser Response

The advertiser states that the commercial is used to highlight aspects of the EDT programme that the learner driver should be aware of in order to maximise the value of the time they spend with their driving instructor. The advertiser does not believe that the advertisement suggests or implies that the learner can learn to drive in 12 hours; the role of the advertisement is to ensure the listener understands that EDT is only part of the learning to drive process and is a mandatory driver training programme that teaches fundamental driving skills to learner drivers. The advertisement encourages listeners to seek further information from RSA.ie.

5. Broadcaster Responses

The broadcaster states that this is a 30 second radio advert run by the RSA covering Essential Driver Training (EDT). The commercial outlines the learner driver process, what the instructor needs to do and where more information may be found. The broadcaster states that their copy clearance committee approved the commercial and concluded that the text is legal, honest, decent, truthful and does not infringe any codes.



6. Decision of the Executive Complaints Forum Rejected (Unanimous)

Having considered the broadcast and the submissions from the complainant, the advertiser and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the General Commercial Communications Code. The Code requires that commercial content is legal, honest, decent and truthful.

The Forum noted that this complaint related to a Road Safety Authority advertisement for EDT lessons for learner drivers which, in the complainant's view, is misleading as it states young people can learn to drive during 12 hours of training.

The Forum noted that the radio advertisement is a key part of the RSA's strategy to educate road users about Essential Driving Training (EDT) for learner drivers. The advertisement in question directs learner drivers with regard to completing and logging EDT sessions and the Forum was of the view that it provides information for learner drivers and directs viewers to the RSA website for further information.

The Forum did not find any evidence to support the complainant's assertion that Principle 1 of the Code was infringed and, as such, the complaint was rejected.



Complaint made by: Mr. Kevin O'Hara

Ref. No. C5089

Station:

TG4

Programme:

Nuacht TG4

Date:

21st April 2019

1. Programme

Nuacht is a news programme broadcast at 7pm each evening.

2. Complaint Category

Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1, 4.2, and 4.19.

3. Complaint Summary

The complaint concerns a broadcast regarding an Easter Rising commemorative event held in Rosmuc, Galway. The complainant believes the broadcast infringed the Code as there was no mention that Sinn Féin organised the event, nor did it include the name of the keynote speaker.

4. Broadcaster Responses

The broadcaster states the intention of this section of the news report was to highlight the importance of the Easter Rising to the community of Rosmuc and to that end, the broadcaster explored the event with the community connected to Pearse Cultural Centre. The emphasis therefore was on the public and not politics or politicians.

**5. Decision of the Executive Complaints Forum
Reject (Unanimous)**

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, sections 4.1, 4.2 and 4.19. The Code requires that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Code also states that views and facts shall not be misrepresented or presented in such a way as to render them misleading.

The Forum noted the complaint refers to a report about an Easter Rising commemorative event. The complainant believes that the exclusion of the name of the keynote speaker and the fact that Sinn Féin organised the event rendered the piece impartial and unfair.



The Forum noted that the item was presented as a report highlighting several Easter Rising commemorative events which took place around the country. The broadcaster has the editorial freedom to make choices in relation to what issues to cover in news and current affairs context. The exclusion of the name of the keynote speaker and the event organiser did not render the piece partial or unobjective. The Forum considered the report in whole and in context and found that it was presented in a manner which was objective and impartial. Further, the facts were not presented in a manner which rendered them misleading. The Forum noted that there is no requirement for fairness in news.

In view of the above, the Forum did not determine that the programme infringed the requirements of the legislation and Code in the manner specified by the complainant. Accordingly, the complaint was rejected.



Complaint made by: Dr. Michael Foley

Ref. No. C5110

Station:

RTÉ One

Programme:

Six One News

Date:

16th May 2019

1. Programme

The Six One News is a news programme broadcast each weekday evening.

2. Complaint Category

Broadcasting Act 2009 - Section 48(1)(b)(harm & offence); the BAI Code of Programme Standards – Principle 3.

3. Complaint Summary

The complaint relates to a news report regarding an ongoing murder trial. The complainant is of the view that the report contained too much forensic detail regarding the murder. The complainant found that this was unsuitable for broadcast at a time when children are likely to be in the room.

4. Broadcaster Responses

The broadcaster acknowledges that details of the trial may be upsetting for some viewers and states that an advisory is aired when content is believed to be distressing. Further, reporting on the trial is in keeping with restrictions as set down by the trial Judge regarding what the media can and cannot report. The broadcaster states that the reports are intended for an audience that listens to news and current affairs and has an expectation that significant events, such as this trial, will be covered. While the broadcaster does not intend to cause upset to the audience, it states that there is a wider public interest in reporting significant trials. The broadcaster also states that audience members may defer viewing or listening, particularly when children are present.

**5. Decision of the Executive Complaints Forum
Rejected (Unanimous)**

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Principle 3 of the Code of Programme Standards. The Code requires broadcasters to take due care to ensure audiences are not exposed to harmful content and must provide adequate information to allow audiences to make informed choices.



The Forum noted the complaint referred to the inclusion of forensic details in a report regarding a criminal trial which, in the view of the complainant, was inappropriate for broadcast at a time when children may be watching.

The Forum noted that the report did not carry an explicit content warning, however, the introduction clearly provided information regarding the nature of the news story. The responsibility of the broadcaster to protect children from exposure to inappropriate and harmful programme material is shared with parents or guardians and the Forum was of the view that audiences are likely to expect the news to carry some content which may not be suitable for children. The Forum acknowledged that some programme material may be distressing due to the subject of the report, however, the Forum noted that the information was factual and was appropriate in the context of the news report.

In view of the above, the Forum did not agree that the programme infringed the requirements of the legislation and Code in the manner specified by the complainant. Accordingly, the complaint was rejected.



Complaint made by: Mr. Alan Whelan

Ref. No. C5128

Station:

RTÉ One

Programme:

Nine O'clock News

Date:

15th May 2019

1. Programme

The Nine O'clock News is a news programme broadcast each weekday evening.

2. Complaint Category

Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 17 and 19.

3. Complaint Summary

The complainant believes that a statement made by the reporter referring to the preparation of children for the sacraments was incorrect. The reporter stated that "Ireland is unique internationally, nowhere else are Catholic children prepared for the sacraments by state-salaried teachers in state funded schools". The complainant maintains that in many Catholic schools in Northern Ireland, Scotland, Wales and England, Catholic children in Catholic state-funded schools are prepared for the sacraments by state-salaried teachers. The complainant states that the broadcaster is unwilling to correct this statement and, as such, believes this constitutes an expression of the broadcaster's own view. The complainant believes that this may influence the views of people who are opposed to the ethos of Catholic schools and does not believe that the report was objective nor impartial.

4. Broadcaster Response

The broadcaster states that the report was about a survey carried out by the Catholic Archdiocese of Dublin. The Archdiocese issued a press release which stated that "Ireland is unique in its dependence on schools in preparing for and celebrating the sacraments". The broadcaster states that this supports the comment made in the report.

The broadcaster acknowledges that schools in other countries have some involvement in preparing children for the sacraments, the evidence is that in the main they do not have anything like the level of involvement that is current across the primary education system in Ireland. The broadcaster asserts that it is not possible to ascertain practices in every Catholic school in other countries and acknowledges that there may be exceptions, however, the broadcaster is of the view that the statement is substantially true. Further, the broadcaster maintains that the report is objective and impartial.



5. Decision of the Executive Complaints Forum Reject (Unanimous)

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, sections 4.17 and 4.19. The Code requires that broadcast matter is presented with due accuracy and that views and facts shall not be misrepresented or presented in such a way as to render them misleading.

The Forum noted that the complainant took issue with a news story in which the reporter stated, "Ireland is unique internationally – nowhere else are Catholic children prepared for the sacraments by state-salaried teachers in state funded schools". The complainant maintains that in Catholic schools in Northern Ireland, Scotland, Wales and England, children in state-funded schools are prepared for the sacraments by state-salaried teachers.

The Forum noted the broadcaster's admission that schools in other countries may have some involvement in preparing children for the sacraments but the broadcaster states that it is not to the same extent as schools in Ireland. The Forum was of the view that it was necessary to consider the report in full, rather than considering one sentence in isolation. The report was prepared in the context of findings of a survey undertaken by the Catholic Archdiocese of Dublin regarding the role of schools in preparing children for sacraments. The Forum noted that the report included a range of views and found that the subject matter, that of the results of the survey, was presented with due accuracy. Further, the Forum did not find that views or facts were misrepresented or presented in such a way as to render the report misleading. The Forum did not find evidence to support the complainant's assertion that the report would support viewers who oppose the ethos of Catholic schools.

Overall, the Forum found that the report, when considered as a whole and in context, complied with the requirements of the Code. Accordingly, the Forum rejected the complaint.



Complaint made by: Mr. Eoin McMahon

Ref. No. C5142

Station:
RTÉ One

Programme:
Weather Live

Date:
2nd May 2019

1. Programme

Weather Live was a three-part series about weather. The programme was broadcast over three evenings from 30th April to 2nd May; the complaint relates to the final episode.

2. Complaint Category

Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1 and 4.2.

3. Complaint Summary

The complainant believes that the broadcast failed to be fair, objective and impartial as it repeatedly indicated that the emitting of anthropogenic carbon emissions is responsible for “unprecedented” changes in the planet’s climate and weather. The complainant maintains that the programme was inaccurate and misleading in relation to which historical records regarding Irish and international climate data are available. Further, the complainant was of the view that claims and viewpoints included in the programme regarding historical climate data, climate change and carbon emissions, were inaccurate and misleading. These claims were not challenged, nor was there any inclusion of opposing viewpoints. The complainant believes that the programme represented carbon emissions and other greenhouse gases as harmful and indicated that humans are responsible for changes to weather. In this regard, the programme was biased and failed to be impartial or objective.

4. Broadcaster Response

The broadcaster states that the broadcast is not news or current affairs. The genre was family/entertainment and looked at peoples’ interest in weather. The broadcast was transmitted in a slot which is typically family viewing/entertainment and the broadcaster states that the audience for that transmission time would have expected this broadcast to be a family entertainment programme with scientific insights. The type of programme was set out by the presenter during the opening and the format, which included a live audience of adults and children, and segments featuring children in classroom settings, clearly was not that of a news or current affairs programme.

The programme content was varied and aimed to reflect the way weather is a talking point for adults and for younger people. However, the information was presented in a manner which reflected the general interest and entertainment theme of the show. Therefore, the broadcaster is of the view that the provisions set out in the Code of Fairness, Objectivity and Impartiality in News and Current Affairs do not apply to this programme.



The broadcaster states that any facts included in the show were delivered by a professionally qualified member of the Met Office.

**5. Decision of the Executive Complaints Forum
Reject (Unanimous)**

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, sections 4.1, 4.2, and 4.21. The Code requires that broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Code also states that a news presenter and/or a reporter in a news programme may not express his or her own view on matters that are either of public controversy or the subject of current public debate.

The Forum noted the complainant's view that the programme indicated that the releasing of anthropogenic carbon emissions is responsible for "unprecedented" changes in the planet's climate and weather. The Forum found that this was an entertainment and educational type programme with an element of current affairs included. The Forum noted that the broadcaster has editorial control and, as such, has the right to choose both the topic and the format. In this instance, the approach taken by the broadcaster was to explore the topic in a light-hearted manner and was not a scientific debate on climate change per se.

The BAI does not have a role in requiring broadcasters to cover a particular subject matter. Further, the broadcaster is not required to include every possible viewpoint or aspect of an item. The Forum was of the view that the broadcaster adopted a legitimate editorial approach and did not consider that the programme infringed the BAI Codes or Rules.

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