20th March 2017

Re: FOI request #0517

Dear [Redacted],

I refer to your request which was received by this office on 4th March 2017 which you have made under the Freedom of Information Act 2014 ("the FOI Act") for records held by this FOI body. Your request is as follows:

"Copies of any reports, briefing notes, memoranda, submissions, and so on discussing or explaining Broadcasting Authority plans to examine gender balance and diversity among broadcasters."

My name is Nuala Dormer and I am the decision maker handling your request. I have made multiple attempts to contact you via phone and email to clarify this FOI request. Further to the email to you dated 14th March, and absent any communication from you to further clarify the request, I am now making a decision under section 15(1)(d) of the FOI Act to refuse your request and provide you with information outside of the FOI process. This is because I believe the records falling under your request are those already in the public domain, or available upon request. This correspondence acts as both an acknowledgement of your initial FOI request and a final decision.

BAI Strategy Statement 2017-2019 and Hearing Women's Voices report

The BAI Strategy of Statement 2017-2010 ("the Strategy") was launched on 22nd February 2017. One of the objectives in the Strategy is "Promoting Diversity and Plurality". From this Strategy the BAI has issued a workplan which sets out the key deliverables deriving from the Strategy, one of which is to "develop, implement and review an action plan that supports increased representation of the diversity of Irish society in the broadcast media with particular focus on gender and the Irish language." As the Strategy and workplan are forward-themed documents they relate to work yet to be done and therefore no records yet exist that directly relate to your request. There are various elements that fed into the Strategy's objective and deliverable referenced above. These are all part of the overall public consultation and are available on request. Links are provided below.

The Strategy can be accessed via this link: http://www.bai.ie/en/about-us/our-strategic-goals/
The consultation documents can be accessed via this link: http://www.bai.ie/en/consultations/craftstrategystatement/
The Statement of Outcomes from this consultation can be accessed via this link: http://www.bai.ie/en/download/131810/
Submissions made to this consultation are available on request and are attached with this correspondence.

In addition, the BAI funded a report titled "Hearing Women’s Voices", via its Sectoral Learning & Development Policy. This was published May 2016. I believe this may of interest to you as it relates to the request. The report can be accessed via this link:

Rights of Appeal
In the event that you are unhappy with this decision, you may apply for an internal review of the decision by the Chief Executive by writing to the Freedom of Information Unit, Broadcasting Authority of Ireland (BAI), 2-5 Warrington Place, Dublin 2 or by email to foire@bai.ie. You should submit your request for review within four weeks of the date of this notification (where a day is defined as a working day excluding, the weekend and public holidays). However, the making of a late appeal may be permitted where the Chief Executive is of the opinion that there are reasonable grounds for extending the period. The internal review will involve a complete reconsideration of the decision on your request.

Please note that under the FOI Act 2014 the BAI must publish details of FOI requests on our website and your request will be included in the relevant publication at a later date.

Should you have any questions or concerns about the above please don’t hesitate to contact me at ndomer@bai.ie or on 01 6441200.

Yours sincerely,

Nuala Dormer
Freedom of Information Officer
Response to BAI Draft Strategy
Document 2017-2019
Simon Maher
November 29th 2016

Music Radio
About the Author:

Simon Maher is Managing Director and a shareholder in 8Radio Vision Limited which operates multi-format Alternative Music radio station 8Radio.com. The station operates from Camden Row in Dublin 8 and is distributed online via its Smartphone Applications, TuneIn Radio, Internet Radios and its own website at www.8Radio.com. The station also broadcasts on FM via Temporary Licence from the BAI for 30 days a year covering the cities of Dublin, Cork, Limerick and Galway.

Simon is a tutor in Media and Broadcasting at Ballyfermot College of Further Education which has been involved in the delivery of high quality Media courses for more than 25 years. He also contributes to Arts and Popular Culture programmes for RTE Radio 1 and RTE 2FM as well as providing training and consultancy services to broadcast and non-broadcast clients.

Prior to 2011, he was General Manager, Director and Presenter on Alternative Rock station, Phantom FM and has been involved in the Radio Industry since 1991. Simon previously made a submission to the BAI Broadcasting Services Strategy in 2011 which is referenced within this submission.

This submission is from Simon Maher in a personal capacity with the declaration of Interests as set out above.

Contact: Simon Maher
Introduction:

In order to put the brief BAI Consultation document into context it is important to set out where the Radio industry is at present and where trends would appear to be leading. This submission has a particular focus on *Music Radio*:

1. Radio listenership in general in Ireland is in decline. This decline was previously limited to the 15-24 age group looking at the JNLR statistics but more recent listenership figures have suggested that this decline is spreading to older age groups (15-34 in particular). While radio listenership remains reasonably high at 82%, the decline among Dublin audiences (down to 77%) and younger urban listeners (72% of 15-34) will soon make itself evident in the overall figure. A simple analysis of trends over a 7 year period shows this decline and the increasing rate of this decline. *The more that this decline is left unchecked, the harder it will be to slow it down once steps are taken, if indeed they are.*

![Radio Listenership Graph](Graph courtesy of iLevel.ie)
2. The availability of, and influence of, other Media (particularly digital) in recent times has altered the Radio environment forever. This is true from both a commercial and a consumption perspective. Radio stations will not in future survive on a one size fits all model in operational terms or in a world of 30 second ad spots and Sponsorship and promotions revenue. This effect is showing itself in more specialist areas initially but will inevitably make itself felt in all areas of Commercial music radio sooner rather than later.

Interestingly, there is still very significant revenue in the market but a lot of it is being sucked up by the digital players and away from Radio and linear television. The pressure from Digital outlets (both commercially and in terms of listener time) will continue and this is the new reality. Radio will be one of a basket of media selections for consumers and the key is to try and make sure that Radio maintains a viable share of consumer choices and most importantly, consumer time. Radio has the ability to make a unique connection between listener and broadcaster and that link should not be broken for the sake of regulation or administration.

3. Listeners are moving away from “traditional” radio, particularly those in younger demographics. Music radio faces serious challenges from streaming services such as Spotify, iTunes Music, Deezer, Youtube etc. and will struggle to adapt. Neither the radio industry, or in this case the Regulator can afford to sit back and deal reactively with this threat. Nor should radio (whether that is from the Regulatory or Industry side) resign itself to its fate. Music radio listenership may continue to decline but that decline can be slowed dramatically or even be stopped if services are made available to satisfy listener demands. Music radio can and should survive and indeed thrive in the new reality but it needs to be equipped and willing to do so.

4. Consolidation within the Industry (both in the area regulated by the BAI and in “new” media) will continue and will have an effect on employment, diversity, plurality and economic models for Radio. A small number of players now control much of the urban radio market as well as the National outlets and these players will inevitably argue against the facilitation of other competing outlets arguing catastrophic consequences. The only catastrophic consequences will come from allowing these players to set the agenda.
5. An opportunity now presents itself to the Broadcasting Authority of Ireland to change its regulatory and licensing model to fit this new reality and for the BAI to be a serious influencer in how the world of Music Radio in particular develops. The status quo will inevitably lead to a continuing decline in the fortunes of Music radio and the possible disappearance of niche music services on terrestrial radio.

Providing music services through Radio (on whatever platform) at a minimum provides an Irish outlet for talent both musical and broadcast but the model adopted in terms of regulation and business model must allow these services to operate in a viable manner and adapt to suit conditions as the landscape changes. This may well lead to significant changes in both the culture of Broadcast Regulation and in the manner of licencing services but realistically is the only way forward if we want to have a thriving Music radio sector in 2019.
Response to Section 2 – Draft Mission, Vision and Values

2.2. Draft BAI Mission

The Mission statement sets out what the BAI will do over the period of the Strategy to achieve its Vision. It is divided into three distinct elements as follows:

1. To regulate, foster and support broadcasting in the public interest

Generally agreed. Unsure that Regulation should be the first word in the BAI Mission Statement though. The elements of Fostering and Support of Broadcasting should surely rank above the need to regulate an industry.

2. To promote a plurality of voices, viewpoints, outlets and sources in Irish media.

This is crucial. At the moment, the plurality of voices and viewpoints is naturally shrinking due to the consolidation underway in the industry and also the number of BAI regulated Outlets and Sources would also seem to be shrinking. In the case of music radio, listeners are leaving Irish services regulated by the BAI and moving to International Media services free of such regulation (Listeners leaving Spin to go to Spotify for example).

3. To foster diverse and culturally relevant quality content for Irish audiences

Agreed. It is important to point out that this is not just a lofty cultural element of a mission statement but is also a Commercial consideration. Without workable economic models, the aspiration of fostering diverse and relevant cultural content is just that - aspirational.

BAI Values:

We are

- Fair – in our processes, procedures, and decisions.
- Independent – operating as an impartial regulator.
- Expert – by informing ourselves though engagement, research and a commitment to professional learning.
- Accountable – in our decisions, our governance, and our resources
A general comment on the above. In a submission in advance of this stage of the Strategy Document Draft and in the Strategy Statement submission in 2011, it was submitted by the author that while the Regulator is fair and Independent, it also appears to be unwieldy and burdensome in its approach to regulation and licencing. It appears to be set up to regulate rather than to facilitate and if that is its purpose then so be it, that should be made clear.

Processes are, in fairness, generally transparent but often lengthy and the licencing regime is still a mystery to most outside, and many inside observers. Areas such as how it is decided to launch an Expression of Interest process or what happens to a licence when a station closes (demonstrated recently in the case of TXFM) continues to be very unclear and does nothing to add to either the goals of Accountability or Expertise of the Regulator. The lack of clarity regarding having a policy regarding Digital Radio stretching back over a number of years is equally mystifying.
**Response to Section 3(b): Table of Strategic Themes, Objectives and Outcomes:**

**NOTE:** The Authors Comments are in RED below the relevant areas and a more general comment is written below this table.

<table>
<thead>
<tr>
<th>Strategic Themes</th>
<th>Strategic Objectives</th>
<th>Outcomes by 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Promoting Diversity and Plurality</strong></td>
<td>1. Facilitate a mix of voices, opinions and sources of news and current affairs in audio-visual media which enhances democratic debate and active citizenship in Ireland.</td>
<td>1. The mix of voices, opinions and sources of news and current affairs content available for audiences remains strong. What steps will be taken to ensure this? The closure of the INN news network and the subsequent consolidations seem to be shrinking the mix of voices and sources rather than maintaining them.</td>
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<td>2. Increase the production and availability of culturally relevant audio-visual content for Irish audiences.</td>
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<td>2. The range and sources of quality culturally relevant audio-visual content available to audiences has increased.</td>
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<td>3. Foster a media landscape that is representative of, and accessible to, the diversity of Irish society.</td>
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<td></td>
<td>3. Irish audio-visual media is more diverse in terms of its content and those involved in its production.</td>
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<td><strong>2. Achieving Excellence and Accountability</strong></td>
<td>1. Regulate to achieve a responsible and accountable broadcasting sector.</td>
<td>1. BAI is a trusted regulator by all stakeholders.</td>
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<td>2. Show leadership in sustainable development by modeling and fostering high standards of governance, environmental and social practice.</td>
<td>2. The BAI and the broadcasting sector are recognised as models of good governance and corporate responsibility.</td>
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<td></td>
<td>3. Promote an innovative working environment that motivates, challenges and develops the BAI.</td>
<td>3. The BAI is recognised as an innovative and dynamic organisation that has delivered</td>
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<tr>
<td>Strategic Themes</td>
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<td>its strategic plan.</td>
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<td>The BAI is not always perceived as a particularly innovative or dynamic organisation in many situations. It most likely is both innovative and dynamic in its own way but to observers it often appears as reactive and slow-moving.</td>
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<tr>
<td>3. Communicating and Influencing</td>
<td>1. Shape public debate and inform policy to facilitate a vibrant, dynamic media landscape.</td>
<td>1. BAI is viewed by stakeholders as an informative, authoritative and influential voice on media matters.</td>
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<td>The lack of public comment from the BAI on most media matters does not help in the perception of this view. Bar regulatory comment, there appears to be little in terms of debate stimulated by the BAI in any visible forum.</td>
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<tr>
<td>4. Empowering Audiences</td>
<td>1. Develop the understanding, engagement and participation of the public in an evolving media landscape.</td>
<td>1. Audiences in Ireland are more connected to, and engaged with, audio-visual content.</td>
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<td>Consumers of media generally understand the landscape that they choose to participate in. While media literacy is important and valuable to the overall understanding of the media it is difficult to see at present where it is seriously influencing listener choices.</td>
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<td>2. Audiences in Ireland are supported to develop a greater understanding of, and participation in, the production and dissemination of audio-</td>
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<td>Strategic Themes</td>
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<td>5. Enhancing Innovation and Sectoral Sustainability</td>
<td>1. Encourage creativity and innovation as distinctive features of the Irish audio-visual sector.</td>
<td>1. Creativity and innovation are recognised hallmarks of the Irish audio-visual sector.</td>
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<td></td>
<td>2. Work with stakeholders to support the achievement of greater sustainability for the Irish audio-visual sector.</td>
<td>2. Sustainable funding models are developed for the audio-visual sector.</td>
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**Note on Strategic Theme 5 – Enhancing Innovation and Sectoral Sustainability:**

Strategic objective 2 within theme 5 is probably the most important area in the view of the author of this submission. In the 2011 submission to the Strategic review, Simon wrote:

“The BAI more than anything needs to be constantly aware of broadcasting trends and ideas on an ongoing basis. The slowness of the BAI to have a policy on, for example, Digital Radio is quite worrying and the lack of ability to be flexible to stations and the markets needs is also something that needs to be examined. There is in my view no question over the intention of the BAI to see Broadcasting in Ireland develop and flourish but the current heavy regulatory burden and slow pace of adaptation is causing difficulty for existing and aspiring broadcasters alike.”

As can be seen from the above quote, there was an opportunity for the BAI to make itself far more adaptable to both trends in Radio and across media generally as well as working to ensure that Radio was at the cutting edge of advancements both technologically and editorially. Since 2011, streaming services have taken off significantly, particularly since the 2012 launch of Spotify and Deezer. Digital Radio Listening in the UK has risen to more than 45% of all listening, with 89% of all adults still listening to linear Radio every week. The UK model is far from perfect but it is demonstrably succeeding in slowing the decline in linear radio listening far more effectively than here in Ireland.
The BAI system of regulation seems focused on a single sustainable model of large Commercial operators and very small Community operations with still no real attempt made to provide services in the “middle ground”. Everything from the still prohibitively expensive Section 71 contract fees for Digital carriage (still 300% more expensive than the UK) to the above mentioned lack of progress on Digital Radio meaning that we still have no permanent non-RTE DAB Mux operating in Ireland. The barriers to entry constructed by the FM licencing regime and the lack of engagement with either potential operators or indeed the general public will need some serious attention if sustainable models are to be found for Music Radio in 2019.

If the decision is made in the light of this review that there is no sustainable model for that “middle ground” and that these services are to be let go either Online or to services made available from abroad then that should be made clear at the earliest possible opportunity. As stated above, the opportunity exists to build a healthy and sustainable model (or indeed set of models) for Music radio services in Ireland. However, if we find ourselves in the same position, operating under the same structures in 2019 that we were in when the first submission was written in 2011 or this one in 2016 then niche music broadcasting services at the very least may find themselves consigned to non-broadcast platforms which is in nobody's interest.
Suggestions and Conclusions:

The majority of this submission is focused on the challenges facing Music radio, and specialist music radio services in particular. A number of brief suggestions are set out below:

1) Expression of Interest phase in early 2017 asking potential operators to submit proposals for any services whether they be on FM, digital or both. No restrictions, no cumbersome forms. Encourage potential operators to suggest their own business and operational models.

2) A forum of those seriously interested in providing services chaired by the BAI to come up with a licencing plan and set of business models to be presented to the Authority. Frequency co-ordination etc. to operate alongside this process.

3) New services to be advertised and preferably licenced under a low cost application and operational plan in 2017.

4) Swift licencing of a permanent DAB Mux Operator(s) in areas where demand exists. Aspire to have at least 50% of the MUX available for new services outside of the current ownership pool to encourage diversity of Ownership as well as plurality of services.

5) Dropping of fees for Section 71 licences – suggest free for first 3 years encouraging uptake followed by a nominal fee thereafter.

6) Promotion of platform with MUX operator/services with a view to encouraging take-up of Digital services (rather than promotion of individual stations). Co-promotion with RTE along similar lines to Love Radio or Irish Radio app.
Appendix One:

As part of the preparation of this submission, the Author asked a number of Media Students at Ballyfermot College the simple question of “How does traditional radio make itself relevant in the future”. Below are a small sample of the unedited answers to this survey which was conducted in a classroom environment:

- Integrate radio with Social Media/Phone technology
- Link successful podcasts/podcasters with linear radio
- Provide diversity of content/viewpoints
- Target younger audiences credibly
- Provide specialised services undiluted
- Have younger people participate in programming decisions
- More human interaction than Streaming services
- Professionalism of output
- Variety of content – linked with streaming services/YouTube
- More controversial debate
- Better content
- Non mainstream music content
- Less careful, less controlled
- Remove “traditional” from debate. Radio is just radio.
- Restructure ad breaks.
- Better social media interaction – not just calls to listen
- More inclusive – communicate with audience
- Public contact, removing wall between stations and listeners
- More use of “live rooms” and multimedia content
- Improved use of interaction channels.
Submission to the Broadcasting Authority of Ireland on its Strategy Statement 2017-2019

1 December 2016

Introduction
Amnesty International Ireland would like to take the opportunity of the Broadcasting Authority of Ireland’s (BAI) public consultation on its draft Strategy Statement 2017-2019 to submit observations related to the much-needed media discussion and debate on Ireland’s abortion laws during the period in question. Our observations relate to the operationalisation of the mission and values set out in the draft Strategy Statement, rather than the content.

Background
Amnesty International is a global human rights organisation. We campaign to ensure that states, like Ireland, respect, protect and fulfil people’s human rights as set out in the international human rights treaties they ratified. As one of its global priorities in recent years, Amnesty International has been campaigning to ensure women and girls have access to their sexual and reproductive rights, including the right to abortion in line with international human rights law. Ireland was chosen as a country of focus for this global ‘My Body, My Rights’ campaign because it has one of the most restrictive abortion legal frameworks in the world. Amnesty International seeks the decriminalisation of abortion in Ireland, as is required under international human rights law, and the introduction of human rights compliant abortion laws. These steps are not possible without a repeal of the Eighth Amendment to Ireland’s Constitution, Bunreacht na hÉireann, of the Protection of Life during Pregnancy Act 2013 and of the Regulation of Information Act 1995.

At present, the government has agreed to consider some form of review of the constitutional and legal position on abortion in Ireland, via a Citizens’ Assembly deliberative process which is to make recommendations to the Oireachtas, followed by the convening of an Oireachtas Committee to consider what reforms might be advanced.

BAI’s role
In the period covered by this new Strategy Statement, Ireland will be undergoing a substantial national public and political conversation around reforming Ireland’s laws and health provision framework on abortion and abortion-related information. This will lead to important political decisions and, hopefully, a referendum on repealing the Eighth Amendment to Ireland’s Constitution. Effective delivery of the BAI on its mission statement, as set out in this draft Strategy Statement, will therefore be of immense importance in ensuring that broadcasting in Ireland serves the public interest, including the people’s right to seek information. We have been concerned at the limited provision of information and analysis by
broadcast media in Ireland on the impact of Ireland’s abortion law and the Eighth Amendment. We found it troubling that independent polling undertaken for us in February 2016 by Red C Market Research found that only 14 per cent of those polled identified the media as a trusted source of information when deciding their position on abortion.

The BAI’s draft ‘mission statement’ proposes that, in order to achieve its ‘vision’, the BAI will: 1. regulate, foster and support broadcasting in the public interest; 2. promote a plurality of voices, viewpoints, outlets and sources in Irish media; and 3. foster diverse and culturally relevant quality content for Irish audiences. Delivering on each of these in the context of the abortion debate will be vital in this coming period, a time when people need information in order to form and communicate their views, including in the lead-up to any referendum. Independent polling we commissioned from Red C Market Research in February 2016 found that 52 per cent of the public feel they do not know enough about the Eighth Amendment to know how they would vote in a referendum and think the media should provide better information about it. It is important therefore that broadcast media play a role in helping fill this information gap, and that the BAI encourage such.

We also urge that the BAI, in delivering on this Strategy Statement, ensures that ‘balance’ in broadcast media coverage of abortion does not effectively mean a 50/50 ‘pro-choice/anti-choice’ split across programming. Our Red C February polling found a spectrum of views in Ireland, but 87 per cent of people want access to abortion expanded beyond the current constitutional and legislative position. Across all regions, demographics and social groups, the overwhelming majority in Ireland want change. This polling found that a mere five per cent are personally opposed to abortion in all circumstances; and of those, half would still vote to repeal the Eighth Amendment. (Just seven per cent are in favour of retaining the current legal position, where abortion is allowed only when a woman’s life is at risk.) So, for example, this polling would indicate that any airing of a ‘side’ objecting to the availability of abortion in all circumstances would reflect the views of just two-and-a-half per cent of the Irish public.

While it is an important principle of international human rights law that a State’s Constitution can never be an excuse for human rights violations, 80 per cent of those we polled in February said they would vote to repeal the Eighth Amendment (either outright, or if accompanied by legislation imposing “reasonable restrictions” on abortion access). Abortion is clearly no longer a divisive issue in Ireland, and it is important that the BAI help ensure that media broadcasting reflect this new context.

**BAI Compliance Committee’s role**

Relatedly, given that one of the draft ‘values’ to underpin the BAI’s operation is that it will be “[f]air – in our processes, procedures, and decisions”, we would like to draw your attention to the important of how the BAI’s Code of Fairness, Objectivity and Impartiality in News and Current Affairs might applied by the BAI’s Compliance Committee in the context of abortion-related content in the period covered by this Strategy Statement. A notable case of concern was the Compliance Committee’s ruling of 25 May 2016 finding that a Ray D’Arcy Show broadcast on RTÉ Radio 1 on 19 October 2015 breached the BAI’s Code.
The BAI Code’s stated purpose is to achieve fairness, impartiality and objectivity. However, when it relates to discussion of Ireland’s abortion laws, the Committee’s interpretation of what breaches the Code in decisions such as this one can have the effect of censoring the voices of those who have been most impacted by Ireland’s restrictive abortion laws.

This ruling concerned a 20-minute interview broadcast on 19 October 2015 during which Mr D’Arcy spoke to Helen and Graham Linehan about their first-hand experience of terminating a pregnancy that had received a diagnosis of fatal foetal impairment. After recounting their experience, the Linehans explained this was their motivation for supporting Amnesty International’s campaign advocating for the decriminalisation of abortion and the introduction of human rights compliant abortion laws.

The BAI Committee decided that the Linehans’ primary purpose was to encourage support for our campaign. It is our view that their primary purpose was to advocate for the changes to Ireland’s laws and Constitution necessary to respect women’s and girls’ human rights, rather than simply encourage support for our campaign. The decision correctly mentioned the relevant laws that Amnesty International is campaigning to have changed. However, it failed to mention that we are campaigning for these laws to be changed so they can be brought into line with international human rights law. We are concerned that in the future, any programme that includes a call for changes to Ireland’s laws to enable people to exercise their human rights could be deemed as being impartial and therefore need to be balanced by those who oppose human rights. We consider that the international human rights framework is in itself a benchmark of fairness, objectivity and impartiality, as it is removed from political, religious or other ideologies, and comprises treaties voluntarily ratified by States like Ireland; and that therefore it is perverse to demand that those promoting and defending human rights standards should be ‘balanced’ by those opposing them.

The BAI Compliance Committee in this case upheld the complaint that the Ray Darcy show did not demonstrate fairness in failing to fully represent the views of those who oppose abortion. During the segment, Mr Darcy read out lengthy and detailed statements from two organisations who held opposing views to the Linehans; yet the BAI Committee deemed this treatment a cursory exercise that did not interrogate the statements in any details. We disagree with the Committee’s assessment that the interviewer did not achieve fairness by not comprehensively representing the viewpoint of those who oppose abortion in Ireland.

If decisions like this are replicated in the future period, the BAI’s mission as set out in this draft Strategy Statement will not be realised, and its Code of Fairness, Objectivity and Impartiality in News and Current Affairs will not have its intended effect. Instead, such an approach could have a very damaging chilling effect on the debate.

Today, Irish women and girls who do not want to continue their pregnancy - even when their circumstances meet the minimum grounds where States are required under international human right law to provide access to safe and legal abortion access - must leave the country to get the health care they need. These women and girls are having their human rights violated. In the interest of sparing future
generations of women and girls similar violations, some bravely ‘go public’ and share their stories. The interpretation of the BAI Code that suggests that any woman or couple who shares their story and advocates for change to these laws must be ‘balanced’ by those who hold an opposing viewpoint, is unsupportable. Such an approach is not only striking ‘balance’, as we have explained above; it also risks these women or couples being judged or stigmatised by having to share space with those who claim what they did was ‘wrong’. Our February Red C polling found that one of the most trusted sources of information on abortion when people are deciding their views are women who had abortions (62 per cent, topped only by medical professionals at 69 per cent). They need to be free to share this information unshackled by those who oppose their decisions – decisions it was their right to make. People in Ireland need to be free to hear them.

ENDS/

For further information please contact Ms Sorcha Tunney at Amnesty International Ireland Ireland, Seán MacBride House, 48 Fleet Street, Dublin 2; Tel: 0 1 863 8300; Email: stunney@amnesty.ie.

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1 Our research conducted in Ireland and published in June 2015, She is not a criminal, found that Ireland violates the human rights of women and girls by denying them access to safe and legal abortion where the pregnancy is a result of rape or incest, where there is a severe or fatal foetal impairment or where the pregnancy poses a risk to their health. These are the very minimum grounds on which women and girls have a right to an abortion under international human rights law. In addition, even in purporting to provide access to abortion where there is a “real and substantial risk” to the life of pregnant women and girls, our research found that Ireland’s 2013 Protection of Life during Pregnancy Act and accompanying guidelines provide little clarity for medical professionals for determining when this threshold is reached and place burdensome procedural requirements for accessing abortion, particularly on the ‘self-destruction’ (suicide) ground.

Ireland’s abortion law has also been repeatedly condemned by UN human rights treaty bodies. Most recently, the UN Human Rights Committee ruled that one woman, Amanda Mellet, was subjected to cruel and inhuman, and degrading treatment by the Irish State because she was forced to travel to the UK for an abortion. Ms Mellet had a diagnosis of a fatal foetal impairment. In its decision in Mellet v Ireland published on 9 June 2016, the UN committee also found that her rights to privacy and to be free from discrimination were violated. It decided that, as part of the redress to be afforded to Ms Mellet, the Irish state must change its laws on abortion, including its Constitution if necessary, to stop similar violations happening again. On 30 November 2016, the Irish government accepted this ruling, and offered Ms Mellet compensation for the violations inflicted on her.
BAI Strategy response.

Craol the Irish Community Radio Network would like to comment on the BAI Draft Strategy Plans for the period 2017-2019.

We don’t feel that any additional points need be added, however, we do feel that the strategic outcomes be more specific as a sub text of the general content.

We are pleased that the BAI has given such priority to ‘Sustainability’ as this issue looms large for the community media sector. We suggest that under this heading, a short paragraph should be devoted to each sector describing a strategic aim to strengthen the sustainability for that sector and by committing to identify appropriate funding models for each sector. While we appreciate the desirability of keeping such Objectives as general statements, we suggest that each sector will have different funding model needs, if the Strategic Outcomes are to be measurable, some targets should be identified.

The model of Community Radio devised by the BAI staff and previous Authorities, as democratic and not for profit, is a model much admired in other countries. We now need to find a funding model to sustain it. This to assist the general societal conversation around these issues.

For community media we ask that the BAI strategy be more proactive in encouraging state agencies to positively enable the stability and growth of community media. At a time when radio advertising has apparently fallen by €6 million in 2016, releasing community media from demands to be more commercial, would assist both community and local radio. Before we can consider growing the sector, we need to find a sustainability model. We ask that the BAI take a leading role in securing the stability of a sector it has created.

To this end, we note the Objective of working with stakeholders to support the achievement of greater sustainability. etc. We repeat our request that the BAI devise a structured means of ongoing dialogue with the various actors in the Irish audiovisual sector. Craol will respond positively to such a move.

The second feature that we welcome is the strong commitment to Promoting Diversity and Plurality. Community radio is a very cost effective way to involve citizens across the state in voicing their opinions and aspirations. We ask that the BAI, having found a sustainability model, set a target of doubling the existing 20 community radio stations during this strategic period.
To achieve the above points, we believe that the Authority need to Communicate and Influence other agencies on these matters of importance. The BAI should become a more authoritative and influential voice on media matters.

We believe that the community media sector, once its stability is assured, can become an active colleague in the aims of achieving excellence, accountability and in empowering audiences.

Over the past 20 years or so, the community media sector has always found the BAI to be a trusted partner in strategic development. We look forward to the next strategic period and in playing our part in fulfilling the important strategic targets set for the BAI.

Jack Byrne
Craol Chair.
29th November 2016.
A chara,

Deinim tagairt do Dréacht-Straitéis Údarás Craolacháin na hÉireann 2017-2019 atá foilsithe faoi láthair.

Tá Údarás Craolacháin na hÉireann le moladh as leagan Gaeilge den straitéis atá ar chomhchéim leis an leagan Béarla a fhoilsú.

É sin ráite, tá sé tugtha faoi dheara agaínn nach bhfuil *An Ghaeilge* luaite in aon áit sa Dréacht-Straitéis, sna Téamaí Straitéiseacha, sna Cuspóirí Straitéiseacha ná sna Torthaí faoi 2019.

Sa bhreis ar sin, níl aon tagairt déanta don ghá freastal ar shain-riachtanais na Gaeilge agus a lucht úsáidte.

Níl tagairt déanta ach an oiread don gá d’Údarás Craolacháin na hÉireann mar chuid den Dréacht-Straitéis beart a dhéanamh do chrh chun cinn na Gaeilge don phobal na Gaeltachta nó do phobal na Gaeilge mar chuid de Straitéis 20 Bliain don Ghaeilge an Rialtais.

Iarraimid oraibh a ghabháil a thabhairt ar na gceisteanna seo mar chuid lárnach de Straitéis agus sibh ag breathnú ar aghaidh go dtí 2019.

Go raibh maith agaibh.

Le gach dea-ghuí,

Éamonn Ó hArgáin
Stiúrthóir Seirbhísí Forbartha
Rúnaí an Fhorais

7 Cearnóg Mhuirfean
Baile Átha Cliath 2
тел: + 353 1 639 8402
моб: + 353 1 639 8401
эмаил: eohargain@forasnagaeilge.ie
www.gaeilge.ie
A chara,

Tagraím don Dréacht-Stráitéis BAI atá amuigh ar Chomhairliúchán Poiblí faoi láthair agus ba mhian liom cur leis an aighneacht a sheoil mé cheana.

- Ba mhian liom a nótáil gur ait liom nach bhfuil an focal "Gaeilge" luaite in aon áit sa Dréacht, sna Téamaí, sna Cuspóirí ná sna Tortháil.

- Ní fheicim sa Dréacht aon tagairt don gha freastal ar shain-riachtanais na Gaeilge agus a lucht úsáidte.

- Ní luaitear ach oiread an gá freisin ar chúnamh do chur cinn na Gaeilge don pobal i gcoitinne mar chuid de Straitéis BAI chuin mar chomhlíonadh ar Straitéis 20 Bliain an Rialtais.

Mar chomhlíonadh an rialtais a dhéanamh ar an dualgas anfána atá leagtha air in Alt 25 (2) (h) den Acht Craolacháin 2009, is gá go bhfuil an focal "Gaeilge" luaite in aon áit sa Dréacht, sna Téamaí, sna Cuspóirí ná sna Tortháil.

Mar sin, molaim gur aon duine go mbeadh oiread tagairt sa Straitéis ina mbeidh friotal ar an tÚdarás, mar sin, molaim gur aon duine go mbeadh oiread tagairt sa Straitéis ina mbeidh friotal ar an tÚdarás, mar sin, molaim gur aon duine go mbeadh oiread tagairt sa Straitéis ina mbeidh friotal ar an tÚdarás.

Maidir leis an Alt: ‘Ábhar ardchaighdeáin éagsúil agus a bhaineann leis an gcultúr a chothú do lucht féachana na hÉireann’, ní féicim brí ar bith leis an bhfocal ‘an cultúr’. Cuimsionn ‘cultúr’ gach a bhaineann le pobal- ceol, fisean, litríocht, spórt… Níl a leithéid de rud ann agus ‘an cultúr’; úsáid sheanchaite den bhfocal a chiallaíodh ábhair spéise na huas-aimse.

Le dea-ghuí,
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Hello,

I would like to submit this as part of the consultation on the new broadcasting strategy please. It's about the provision of alternative music on radio in Ireland.

Many people including myself were disappointed with the closure of TXFM recently. This has meant that there has been quite a gap in alternative music on radio in Ireland. Alternative music is hard to define and I'm not even sure that my taste in music and the music played by TXFM was considered that alternative. However it seems unlikely now that artists like Bowie, Prince, Grace Jones, Iggy Pop, Cathy Davey, Talking Heads, The Riptide Movement, Chic, The XX, Metronomy, Róisín Murphy, Colm Mac Con Iomaire, The Velvet Underground and so on will be heard on radio. It seems strange that we have such a vibrant music festival scene in Ireland yet we don't have any official channels in which we can hear a variety of music on Irish radio. Many of the acts you see on the line-up of our major music festivals can only be heard on the style of radio that TXFM offered. It seems a pity that to keep up with this kind of music now, we will have to pay for services on the likes of Spotify.

Both Phantom and TXFM didn't work commercially, although I hear very unofficially that TXFM listenership increased dramatically in the final three months. Many people I spoke to were just beginning to hear about the station, just months or days before it closed down and commented that they would have listened to it had they known about it.

I think this is a major blow for Irish artists. I go the Choice Music prize event every year in Vicar Street, which is Ireland's version of national music awards. I often knew who the nominated artists were, only because they had been given air time on TXFM or Phantom. It seems that the platform for Irish music now will have to lie in specialist music shows late at night on other mainstream/commercial radio stations. When TXFM closed it was given tributes by U2 and John Grant. I think if a station attracts attention by artists such as these then it must have had some value on the music scene.

Will there be some discussion in BAI about where alternative music can fit into the broadcasting strategy?

Kind regards,

Heidi
Thank you for your submission. Here is a summary of your response.

- **Form Title:**
  - Draft Strategy Statement 2017-2019

- **Appendix 3 Question 1:**
  - What is your view on the proposed Vision, Mission and/or Values?

- **Appendix 3 Answer 1:**
  - The proposed mission, vision and values are admirable, if they can be upheld in reality.

- **Appendix 3 Question 2:**
  - Are there any specific changes or additions that should be considered? If so, please explain you thinking in this regard.

- **Appendix 3 Answer 2:**
  - "To promote a plurality of voices, viewpoints, outlets and sources in Irish media": For some reason, media outlets in Ireland are behaving as though there is an impending referendum on the Eighth Amendment whenever the topic of abortion comes up. The strict rules about ‘balance’ are only supposed to apply during a referendum campaign, but there is no referendum happening (yet). This has resulted in an unnecessary shoehorning of extreme anti-choice views and opinions into every broadcast about every issue even tangentially related to abortion. In many cases, the anti-choice viewpoint is prioritised - in cases where a broadcaster is seeking a pro and anti choice opinion on the same topic, and only one is available, they will never broadcast the pro-choice voice alone, but frequently will broadcast an anti-choice pundit alone (usually spreading misinformation). This appears to be, at least partially, a result of the BAI frequently upholding frivolous complaints lodged by anti-choice listeners, and to the extreme litigiousness of several prominent anti-choice commentators. The BAI needs to take a robust stance against false equivalence and the silencing of free speech via vexatious lawsuits. Doing this does not mean it is not promoting a plurality of voices. In fact, the current kid-gloves treatment of aggressive anti-choice pundits lessens plurality, by unfairly prioritising and normalising the voices and viewpoints of an elite, entirely unrepresentative minority with easy access to institutional support and undeserved respectability.

- **Appendix 5 Question 1:**
  - What is your view on the proposed Strategic Themes, Strategic Objectives and/or Outcomes?

- **Appendix 5 Answer 1:**
  - Again, the Themes, Objectives and Outcomes are admirable and desirable, if they
can be properly upheld.

- **Appendix 5 Question 2:**
  - Are there any specific changes or additions that should be considered? If so, please explain your thinking in this regard.

- **Appendix 5 Answer 2:**
  - The BAI should review its complaints process and be more robust about dismissing frivolous complaints. It should actively encourage the public to report factual inaccuracies in broadcasts. It should uphold complaints against broadcasters who refuse to challenge factual inaccuracies uttered by guests, and not prioritise the complaints of those who demand a right to spread dangerous misinformation unchallenged. The focus needs to shift from a "stopwatch" approach, where each "side" gets a set amount of time in which to speak unchallenged, to an approach focused on actually informing the public. Therefore, pundits who repeatedly spread misinformation on air should not be given an equal half of airtime about a certain topic. Broadcasters are currently afraid to change their approach in part because of fear of BAI censure for not being "balanced". However, the working-out of issues in a democracy involves more than a mere "stopwatch" approach, and the new BAI strategy needs to reflect that. The focus should be on facts, not fear of litigation.

- **Full Name:**
  - Clare Lanigan
Response to
BAI Consultation Document
on
Draft Strategy Statement 2017 – 2019
By
Easy Media Broadcasting Ltd

December 2016
Foreward

Easy Media Broadcasting Ltd welcomes the opportunity to contribute to the consultation process of the Broadcasting Authority of Ireland’s Draft Strategy Statement 2017-19. The consortium has been engaged over the last 12 years in promoting the development of diversity of listener choice and the licensing of a genuine country music radio service in Ireland. In 2013 Easy Media were the unsuccessful applicants for the renewal of the Sunshine Radio Licence in Dublin. The company continues to encourage the Broadcasting Authority to examine the opportunity of licensing a Regional Country Music Service in the State and satisfying a demand which is not served by existing operators.

We recognise that traditional Irish Broadcast Media is undergoing an immense period of change; less and less adults under 25 years of age are listening to radio and watching television, which seriously threatens the future of the industry as we know it. We also acknowledge that the financial impact of digital and online media has clearly undermined the viability of the conventional broadcast industry model and has created dilemmas which lie at the heart of every commercial operator in determining how to evaluate the development and creativity of quality content against the backdrop of declining revenues. In this regard, we are delighted to support the Broadcasting Authority’s strategic aim to safeguard and support the achievement of greater sustainability.

In our view the fact that the Broadcast Authority has no control over digital and online operators, some who claim to be simply social media operators, but function in the broadcast media space, creates difficulties in terms of balanced and fair regulation.

We respectfully submit that the Authority has turned a ‘blind eye’ in recent years to the Programming Promise of Performance of services across the country in an effort to assist operators to remain financially viable. While this ‘lighter touch’ regulatory approach is very commendable, it has at the same time allowed radio services, in particular, to merge into the universal middle ground, abandoning the Authority’s doctrine of diversity and wider choice. It is our opinion, which is supported by recent research, that the majority of radio stations appear to sound the same to the general public. Unfortunately, real diversity appears to exist outside the remit of the Authority on the internet, on social media, on podcasts and mobile devices.

We are therefore of the opinion that in order for traditional media to compete for audience share and remain viable, the Authority needs to ensure that listener choice and variety is genuinely addressed in the forthcoming three-year strategy statement.
Draft BAI Vision

‘An Irish media landscape that reflects and shapes who we are’

Broadcasting is a vital feature of Ireland’s cultural life, having contributed significantly to the growth, development, integration and cultural identity of the nation. However, the Authority must take into account that broadcasting is no longer confined to just traditional, linear TV and radio services, with on-demand and subscription services competing for share of attention. In addition, a myriad of ‘broadcasting-like’ services are now available over mobile devices and on PCs, via subscription, pay-as-you-go and for free.

Draft BAI Mission

The mission statement sets out what the BAI will aim to accomplish over the period of the Strategy to achieve its Vision. It is divided into three distinct elements as follows:

- To regulate, foster and support broadcasting in the public interest;
- To promote a plurality of voices, viewpoints, outlets and sources in Irish media;
- To foster diverse and culturally relevant quality content for Irish audiences.

In principle, we agree with the above statements, however we regard the main focus of the Authority should be to deliver a dynamic broadcast media environment which balances the needs of broadcasters with the public interest.

Values

The proposed core values that underpin the BAI’s operation are as follows:

- **Fair** – in our processes, procedures, and decisions.
- **Independent** – operating as an impartial regulator.
- **Expert** – by informing ourselves though engagement, research and a commitment to professional learning.
- **Accountable** – in our decisions, our governance, and our resources

Fair

We agree with the above statement of fairness and believe that the BAI genuinely regulates in an effective manner that is fair and proportionate, directed towards its statutory objectives as is currently defined. Over the years, it has demonstrated fairness and balance in its processes, procedures and decisions.
Independent

It is essential that the BAI, as an independent regulatory body, regulates in an impartial manner. We are of the opinion that the BAI’s decision making criteria should be carefully balanced to deliver an Irish Media landscape that balances the needs of broadcasters with the public interest.

Expert

We believe that engagement with the existing licensed broadcasters and various media stakeholders is vital in order to gauge the pulse of the broadcast industry in the country. However, in light of the impact of digital and online technologies, we would like to recommend that the BAI extend its expertise and knowledge to more detailed involvement and consultation among Media Analysts from Ireland and Abroad, so as to further inform their judgment on the future of the industry.

Accountable

We respect that the BAI is committed to transparency and accountability in all its endeavours to the highest standards of corporate governance, which can withstand close scrutiny. We also recognise that the BAI’s decisions are fair, credible and communicated clearly to enhance understanding across the sector and society more broadly.

However, on the issue of holding broadcasters to account and in particular with respect to regulating ‘Programme Policy Statements’, on foot of which Services were awarded licences, we are of the view that the Authority has adopted a ‘laissez faire’ approach, which has subsequently allowed a lack of diversity to develop especially in the radio sector.
The proposed five Strategic Themes which the BAI has identified as the key objective areas for detailed specific action during 2017/19 is as follows;

Promoting diversity and plurality

We totally endorse the BAI’s endeavours to promote diversity and plurality. In order to compete with the online digital broadcast environment, we believe that it is essential to ensure that viewers and listeners in Ireland have access to a wide range of services and programmes that meets the needs of the public and reflects their diversity. However in our opinion, it must be noted that this goal cannot be achieved unless there is a parallel objective to maintain a sustainable media environment.

Achieving excellence and Accountability

We totally endorse the BAI’s aim and desire to demonstrate leadership in sustainable development by promoting and fostering high standards of governance, environmental and social practice. Again, we would like to draw the Authority’s attention to their obligation to hold all broadcasters licensed by it to account under statute and contract, ensuring that they operate to the terms and conditions of their contracts, licences and all relevant statutes, through monitoring and enforcement of contractors’ compliance.

Communicating and Influencing

We recognise and support that the BAI will engage with the public, broadcasters and other stakeholders in a variety of ways, to enable them to have an informed involvement in the discussion and debate on broadcasting regulation and their expectations of Irish broadcasters. We also contend that it will be extremely important that the Authority will build partnerships and relationships with new media interests, including those not under your statutory remit, as well as maintaining those valued collaborative relationships already established.

Empowering Audiences

We are delighted that the BAI will further develop the understanding, engagement and participation of the public in an evolving media landscape. Currently, Irish audiences are fragmenting over an increasing number of channels, platforms and competing media. In the last decade, the average home has expanded its range of entertainment choices from just TV and radio, to a much more varied environment that may include multiple TV sets, PCs with internet access, smart phones (with games, text communication and music downloads), MP3 players, gaming consoles, DVRs, and multichannel access through SKY, Cable or Saorview.
Enhancing Innovation and Sectorial Sustainability

We submit that sustainability of the broadcast industry must be the principal goal of the Authority. The impact of ‘broadcast like’ digital online and mobile services present new and significant threats to broadcasting’s traditional value chain. Growing consumer control, an increasingly global media market and new market entrants’ ability to go direct to consumers and by-pass sections of the broadcasting value chain, contribute to a riskier and more competitive environment. We believe that the growth in media choices, availability of global content and the rising cost of reaching mass audiences will create some critical risks to the creation and distribution of local content.

Conclusion

In a rapidly changing broadcast landscape, we respect the enormous responsibility and challenges that the BAI must overcome during the next three years and beyond. We believe that commercial broadcasting should be just that, commercial with no financial assistance from the licence fee or from the public; And because commercial operators must adapt to the marketplace, we would expect the regulator to provide an environment that is vibrant and sustainable. This may even require fresh thinking and perhaps a review of Broadcasting Legislation to adjust to a very different marketplace than when commercial broadcasting was established in 1989.

Diversity of choice now appears to be in the domain of the likes of Netflix and Spotify. We earnestly submit that the BAI address the balance and bring genuine diversity to the radio and television platforms with programmes and services that reflect the tastes of Irish society.
Hi Diarmaid/ Ciaran,

Eimer McGovern just emailed (below) in some comments regarding the draft strategy statement so passing them on.

I can acknowledge the email and let her know I passed on her comments

Thanks
Elizabeth

From: Eimer McGovern
Sent: 05 December 2016 16:01:42
To: Elizabeth Farrelly
Cc: Jill Caulfield
Subject: Draft Strategy Statement 2017-2019

Dear Elizabeth, I wanted to make one or two comments in relation to the draft Strategy Statement – I realise that the public consultation deadline date has expired, but I hope that members of the CAC may input subsequent to it.

In general I think the draft is an excellent one, fulfilling very well the stated targeted attributes of clarity, brevity and accessibility, while including the appropriate and important content that is consistent with the requirements of the Broadcasting Act 2009 (the ‘Act’).

The only area where I wonder if it really hits the spot is in relation to plurality of media ownership, a critical underlying aspect if the Mission Statement is to be effectively fulfilled. With the prominence given to matters relating to ownership and control in the Act I would have expected that the authority’s Strategy Statement would make an explicit reference to it, as opposed to an implied one. Perhaps something as simple as the insertion of the word in red below into part 11 of the Mission Statement:

To promote a plurality of voices, viewpoints, outlets, sources and influences in Irish media.

Otherwise I didn’t see anything that I felt needed to be changed or added or omitted.

Best regards,
Eimer

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Hey folks, just a quick note on views you are looking to hear, from the public. As a 32 year old male, I find radio in Ireland frustrating as it only plays chart, 80s music alllllllll dayyy. I would love to see smaller radio stations playing rock-electronic-alternative-world-house music that can build up rather than set up like now with vast quantities of money needed to start. I crave to hear my music on radio and hear about gigs and story's that interests me, rather than the daily generic stuff I hear for 10 hrs daily. Thank you in advance.

Sent from my iPhone
NCBI submission to the Broadcasting Authority or Ireland Draft Strategy Statement 2017–2019 Consultation document.

Date: 1 December 2016
Introduction
NCBI is the national sight loss organisation. We provide practical and emotional support, rehabilitation and customised training designed to help people with sight loss to live independently. We welcome the opportunity to comment on the Broadcasting Authority or Ireland Draft Strategy Statement 2017–2019 Consultation document. We have outlined our comments below under three headings.

Accessible
NCBI is happy to read that the BAI have considered accessibility of Broadcasting Authority of Ireland Draft Strategy Statement 2017–2019 through the following statement “a key objective for the BAI in developing this new Draft Statement was to provide a document that is concise, accessible and builds on the ambition of its predecessors”. We assume that “accessible” is defined as making the document available in accessible formats and on the BAI’s website (which should meet web accessibility standards).

Partnership with stakeholders
NCBI is also pleased to read the BAI’s new vision recognises that it must continue to work in partnership with an expanding range of stakeholders. NCBI expects to be consulted by the BAI on any issue which will affect people who are blind or who have impaired sight.

Commitments to diversity, accessibility, engagement and participation
The current targets for audio description are unacceptably low and considerably out of sync with international practice. NCBI expects the BAI to interpret the commitments below to include a significant increase in targets for audio description. An increase in the provision of the audio description services will demonstrate recognition of the diversity of need of Irish audiences. It will
make TV programmes accessible to people who are blind or have impaired sight. This will empower people with sight loss to engage and participate in society. TV is a central part of today's culture. Like everyone else, people who are blind or have impaired sight want to watch TV and be part of that culture.

BAI’s commitments

- The BAI’s mission statement is divided into three distinct elements. The third element is “to foster diverse and culturally relevant quality content for Irish audiences”.
- Under the strategic theme diversity and plurality, a strategic objective is to “foster a media landscape that is representative of, and accessible to, the diversity of Irish society. The strategic outcome by 2019 is “Irish audio-visual media is more diverse in terms of its content and those involved in its production”.
- Under the strategic theme empowering audiences, a strategic objective is to “develop the understanding, engagement and participation of the public in an evolving media landscape”. The strategic objective by 2019 is “audiences in Ireland are more connected to, and engaged with, audio-visual content”.

In a recent survey that NCBI carried out with people who are blind and vision impaired, audio description was identified as a priority in relation to people’s participation in social and leisure activities. NCBI would be more than happy to work with the BAI and to collaborate in relation to increasing audio description provision.

Please do not hesitate to contact me in order to progress this matter forward.

Elaine Howley,
Director of Policy and Advocacy,
NCBI, Whitworth Road, Drumcondra, Dublin 9.

Email: elaine.howley@ncbi.ie
www.ncbi.ie
Second City Radio

I am currently in the process of buying the necessary equipment to run a small online-station for local DJs to have another platform to share their skills and taste in music with the public.

I want my radio station to be a station that covers a vast genre of music not regularly heard on Irish radio. In short, I want to build a station that caters for the tastes of niche markets ie Electronic music, soul/funk, Rock and Hip Hop.
Many people in Cork feel that our main radio stations are a mirrir of one another and only cater for the 35+ market. It is my aim to create a station that will appeal to the youth market of today and the future.

I’m starting out small, it’s going to be a basic set-up with 2 turntables, a mixer, mic and a computer. From here I want to eventually build a studio that has the capability to record live bands and to host live streams.

Although it has been a secondary thought, I also aim to have chat shows produced by and for the young people of Cork so that they can engage in open discussion about their interests and things that are happening around the city that is affecting them.

I have been studying radio broadcasting in CSN for the past 2 years and by next year I hope to have a Bachelors degree in Radio & Production. I’ve also been producing my own radio show/podcast series on a local community station for the past two years. Being part of setting up a completely new and innovative radio station has been my goal for the past number of years, and so I turn to the BAI in the hope that you can appreciate my idea and see that I am trying to do something different with the best of intentions.

My mentor, Pete O’Neil, founder of Ireland’s fist super pirate, South Coast Radio has been mentoring me in what is needed to set up a station and I believe that his advice has been truly valuable as it has helped me gain a much deeper insight into running a station.

In terms of licensing, it has been suggest to me that I should be applying for a Low Special Interest License and have been working on forecasting a small, viable budget.

I hope you can appreciate that what I want to do is something I feel Cork needs and will be receptive to it as since the city’s pirate radios have been disbanded, there is no station producing special interest music shows, and I want to change that.

Looking forward to your response,

Olan Cahill.
Thank you for your submission. Here is a summary of your response.

- **Form Title**: Dréacht – Ráiteas Straitéise 2017 – 2019
- **Appendix 3 Question 1**: Cén tuairim atá agat ar an bhFís, Misean agus/nó Luachanna a bheartaítear?
- **Appendix 3 Answer 1**: Molann TG4 iad den chuid is mó.
- **Appendix 3 Question 2**: An ann d’aon athruithe nó breisiúchán ar leith ar cheart machnamh a dhéanamh orthu, más ann, mínígh do smaointeoireacht maidir leis seo, le do thoil.
- **Appendix 3 Answer 2**: Tá dearadh TG4 tugtha i bhfreagra eile, thios.
- **Appendix 5 Question 1**: Cén tuairim atá agat ar na Téamaí Straitéiseacha, na Cuspóirí Straitéiseacha agus/nó na Torthaí a bheartaítear?
- **Appendix 5 Answer 1**: Measann TG4 go bhfuil siad leagtha amach go beacht, soiléir, stuama.
- **Appendix 5 Question 2**: An ann d’aon athruithe nó breisiúchán ar leith ar cheart machnamh a dhéanamh orthu, más ann, mínígh do smaointeoireacht maidir leis seo, le do thoil?
- **Appendix 5 Answer 2**: Is maith ann iad agus tá an tÚdarás le moladh as a iarracht cáipéis a chur le chéile atá beacht, soiléir, cuimsitheach agus uas dátaithé. Tagann a bhfuil sa Dréacht leis an aeráid rialúcháin san Eoraip fré chéile faoi láthair. Is maith sin. Ach measann TG4 go bhfuil an Dréacht easnamhach sa mhéid is go bhféadfaí, le beagán leasuithe ar fhocail anseo is anstúd, an dréacht seo a chóirid d’aon tír Eorpaich. Feictear do TG4 nach rud maith sin mar go bhfuil an baol ann go bhfuil gnéithe áirithe tábhachta de shain-chás na hÉireann ar cheart iad a bheith luaite go sonrach agus ard-tosaíocht tugtha dóibh. Is gá, dar linn, go sonróidh an Dréacht ról láracha agus tábhacht uathúil an chultúir dúchais agus an teanga Ghaelge mar thosaíocht do anEarnáil chrholacháin sna blianta amach romhainn. Tá seo curtha in iúl againn cheana faoi chaitipéist Straitéise a d'fhoilsigh an tÚdarás Is gá agus is ceart go mbeadh sé ráite sa leagan críochnúil dá Straitéise a aontóidh an Bord agus a fhoilseoidh an tÚdarás go dtagann sé tosaíocht agus go bhfuil sé tiomanta do chur...

- Full Name :
  - Pádhraic Ó Ciardha

- Email :
  - padhraic.o.ciardha@tg4.ie

- Phone Number :
  - 01-4763030
Dear Ciaran.

Further to our conversation please see TV3’s response to the Draft Strategy Statement.

In general TV3 welcomes the new Strategy Statement and we appreciate the opportunity to comment on the BAI’s draft Vision, Mission and Values as well as on the Strategic Themes, Objectives and Outcomes.

It is evident from the Strategy Statement and from the Report that much work and consideration has gone into this strategic review and that the BAI is generally viewed by most stakeholders as a trusted and effective regulator. This is also TV3’s view. We also recognise the challenge for all concerned to stay relevant in a rapidly evolving media landscape. To this extent we support the proposed Vision, Mission and Values articulated in the Draft Statement.

Equally TV3 supports the Draft Strategic Themes, Objectives and Outcomes for 2019.

TV3 would also ask that the BAI should pay particular attention to the potential impact of Brexit upon the Irish Communications and Broadcast sectors. This matter has the potential to act as an accelerator to an already quickly evolving media landscape.

With kind regards,

Niall Cogley
Director of Broadcasting

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TECH.DEPARTMENT@TV3.IE

**************************************************

Many thanks for allowing us the opportunity to respond to your plans for improving Irish broadcasting in the years ahead. Given the present state of play (or lack of) for Irish musicians and composers on Irish radio, please take into consideration our reservations about the achievability of your aims.

Your “Vision” would appear blurred to the fact that more than 90% of the songs played on primetime Irish radio in 2016 are not Irish and have little or nothing to do with Ireland’s greatest cultural asset, our folk/trad music tradition. In fact a mere three or four Irish acts made it into the top 50 songs played on Irish radio in the past few years, all of them pop acts airlifted to prominence by multinational companies. Unless this anomaly is addressed there can be no positive outlook for Irish music in the years ahead.

The aspirations of your “Mission” cannot be achieved without introducing an amendment to the Broadcasting Act – a bill similar to the one Willie Penrose steered through the first stage of the Dáil last Christmas with the support of Francis Fitzgerald – which will establish a 40% Irish music quota on Irish radio, similar to what they’ve had in France for over thirty years. We needn’t remind you that you yourself tried to introduce such a legislative quota back in the 90s but were blocked from implementing it by the Irish radio sector. Hopefully the Irish radio sector will have realised by now the damage they have caused to Irish music and to the Irish economy in the past, and will get behind Willie Penrose’s fresh initiative to bring back Irish music from night-time to primetime.

Finally, your “Values”, we fear, certainly are not “fair” to the Irish music community; neither are they “independent”, as multinational record company interests and the Independent Irish radio sector would appear to have undue influence over the direction you’ve taken up until now; and finally your “expert” advisors would need to be instructed on the penury that a sizeable proportion of the Irish musical community have been reduced to due in no small measure to their skewed expertise analysis of Irish broadcasting in the past. Why not take your cue from France and Canada, who fought off the vested interests of multinational music companies and the commercial radio sector over thirty years ago and established healthy broadcasting environments in both countries for their indigenous musicians and composers to thrive in, which, in turn, helped their national economies?

On behalf of the We Live on Air campaign,

Johnny Duhan
Johnnyduhan.com
Response to Request for Submission on Draft Strategy Statement 2017-2019
from Christmas FM
INTRODUCTION

This document was produced by Christmas Radio Ltd (Christmas FM) in response to the request for submission relating to the Draft Strategy Statement 2017-2019.

Acknowledging the BAI’s desire to promote a plurality of voices, viewpoints, outlets and sources in the Irish Media; the outcome being greater diversity of content within a sustainable business model.

In doing so, Christmas FM recognises the efforts of the relevant regulatory bodies in laying the groundwork for making change in this area possible.

We are fully supportive of the BAI’s Vision, Mission and Values and feel that they represent an excellent guide for the future.

With regard to specific changes or additions that should be considered our submission is based around our thoughts on Section 3(a): Draft Strategic Themes, Objectives and Outcomes. Our specific interest lies within Radio Broadcasting and how the landscape can be moved forward to extend the range of demographics, tastes and cultures that can be served.

The submission outlines how we believe radio stations can be established, operated and financed in a way that ensures viability and growth, while promoting quality, diversity and listener choice. These stations should adhere to, respect and promote their chosen formats within the community.

Looking to world markets it is evident that choice and quality can be successfully supported through the medium of niche and specialist radio.

The Christmas FM team has the expertise, enthusiasm, and experience in the running of a very successful specialist format, low cost station and thus feel that we can speak with some authority on this. We believe that there are a number of formats, not widely available in Ireland, that would generate sufficient revenue to be truly financially viable if based on a low cost model.
A VIEW ON THE STRATEGIC THEMES, OBJECTIVES AND OUTCOMES.

THE DESIRABILITY OF DIVERSITY

Broadcasters, using the current business models, can claim significant and wide market penetration based on serving a stable core audience. Because of this, a need exists to open the market to a new, low cost radio model where non-traditional revenue streams and alternative business models allow for a diversity of demographics being served, and giving differing cultural voices a chance to be heard.

These new radio stations will help promote music and culture in Ireland in all its forms through providing airplay to the many artists and voices that currently find it difficult to be heard. Examples of niche stations:

- Oldies and Nostalgia music formats
- World music formats
- Community of Interest radio formats
- Urban music formats
- Jazz and Classical music formats
- College, student formats
- Other formats (children’s, ethnic etc.)

The expertise, knowledge and commitment of these stations to their market will allow these diverse communities to promote themselves and generate increased energy and a greater exchange of ideas.

Christmas FM envisages a vibrant radio business in Ireland with niche stations that thrive and survive in an open market while delivering a wide and diverse mix of programming. This will lead to wider consumer choice and minority interests being taken care of while creating jobs and fostering new talent in the sector.
MARKET, CHOICE ON THE AIRWAVES

Christmas FM feels that there are sufficient mass market stations falling into some form of Adult Contemporary or Pop format. More diversity and choice is desirable. Christmas FM believes that by licensing additional stations, the BAI will meet the demand of a diverse listening public.

Ireland, and Dublin in particular, is unusual as a mature market with few Specialist / Niche radio services. We believe there is room in the market for a number of extra radio stations in Dublin alone. Adding the possibility of multi-city operation adds extra listeners, improving viability at comparatively low additional cost.

A share of even 3% would equate to about 30-40,000 listeners in Dublin. Stations do not need large market share to survive if they are run cleverly with small overheads, and a focused product. Many magazines and newspapers have a circulations of less than 20,000 and survive on advertising alone.

In this digital age, for FM Radio to thrive as a medium we need to be vigilant that we are not overtaken by the ever increasing popularity of digital media. By opening up the airwaves to more diverse content both in speech and music, and serving niche markets FM Radio remains the powerful, relevant medium it is today. If we don’t serve wider demographics, cultures and tastes, our relevance in the face of a largely unregulated online media has the potential to be eroded.
COSTS AND INCOME

Costs
Proposed stations by their nature will be smaller than existing commercial stations, revenue and investment figures will reflect this. In other markets it is possible for set up costs to be as low as €100K with yearly operating costs of approx. €600K. Run as small businesses with a small full time staff they will differ in operation from community or commercial stations.

Christmas FM suggests a derogation of news to help reduce costs. With the nationwide coverage of Newstalk and the high level of current affairs content on RTE we feel that there is sufficient high quality news available in the market to meet needs. Christmas FM acknowledges that some news output may be desirable and that networked news is the best solution for this.

Advertising
Sponsorship
On-Line Revenue
NTR (non traditional revenue)

Advertising Revenue
Each specialist / niche station will generate most of their income through the sale of radio spots. The nature of the stations would allow much of this to be taken from outside existing sources.

Sponsorship
Sponsorship will generate income through sponsored shows, weather, time, traffic and a variety of competitions and promotions

On-Line Revenue.
The growth of specialist / niche radio in the on-line space has created many additional channels for generation of revenue, though similar in nature to the broadcast revenue these are very much in addition to that traditional revenue.

Non-Traditional Revenue (NTR)
One source of revenue that specialist / niche stations can gain over large commercial stations is from non-traditional revenue (NTR). Because these stations are niche stations and geared to communities, specialist stations can reach out to their very loyal fan base running concerts, events and offering promotional products.

Contact Details:
Christmas FM
9 Willow Business Pk.
Knockmitten Lane
Dublin 12
Response to

BAI Consultation Document

on

Draft Strategy Statement 2017 – 2019

1st December 2016
Executive Summary

The BAI in its various incarnations has been in existence since the 1980’s. While listenership to Irish radio has remained remarkably robust throughout this period, the business environment for all broadcasters has changed beyond all recognition.

At no time has the pace of change in the media landscape or the threats to the future viability of indigenous Irish media presented such a clear and present danger.

The operational environment for Irish broadcasters is incredibly challenging with no signs of improvement in the medium term. This change to the business environment on which all broadcasters rely will have profound impacts on programming and broadcast output.

Since the introduction of regulated broadcasting in Ireland, change has been incremental. This is no longer the case. Revolutionary changes as a result of digital disruption, alteration of business models and media consumption, while initially gradual have gained momentum and these changes are accelerating.

In 2008 media spend on Irish radio accounted for in the region of 17% of all media spend. Digital media comprised approximately 7%. In 2016 radio’s share is expected to be in the region of 6% of the overall media spend. Digital has increased to approximately 34%.

The impact on individual broadcasters has been variable to date but there is an unmistakeable trend and the trend is negative. Indications are that this trend will continue and the prognosis for the short and medium term is bleak. The consequences for this profound shift in spending and the knock on effect for broadcasters will be intense and acute.

In parallel with the structural changes being experienced in the commercial environment, changes to “broadcasting” have created a transformation in the media landscape.

Where formerly licensed radio stations were virtually the only producers of audio content, the market is becoming increasingly crowded with newspapers and websites, brands and individuals now vying for the attention of the listener through programming distributed through numerous channels. Radio broadcasters face regulation and restriction, podcasts and broadcasts by everyone from the Irish Times to Joe.ie operate without accountability or regulation.

The vision of the BAI is for “An Irish media landscape that reflects and shapes who we are.” It is hard to argue against this. The BAI needs to assume responsibility for assisting the industry to address the existential issues that are looming for “traditional” broadcasters who contribute so much to Irish life, otherwise the vision will become a meaningless slogan. The BAI cannot divorce content from economics.

Aspirations set out in the mission of the BAI for plurality, culturally relevant content and diversity of ownership are unrealistic unless the critical factors which allow businesses to remain operational – viability and sustainability – are addressed by the body with the single most powerful position in Irish Broadcasting - the Broadcasting Authority of Ireland.

IBI welcomed the recent opportunity to meet with the BAI Authority to present our view of the challenges faced by the sector. As one of the Authority members pointed out, unless the BAI plays its
part in responding to the challenges faced by Irish broadcasters, the future of the BAI as a regulatory body and the future of the broadcasting sector it regulates are in danger of extinction.

The broad aspiration to work with broadcasters to ensure that Ireland has a healthy and sustainable broadcasting landscape lacks specificity and is too vague for a broadcasting regulator to employ, especially one operating in such challenging financial time with the speed of technological developments advancing as rapidly as it currently is. The BAI needs to take an active role in the broadcasting environment within which it operates. It needs to interact more regularly with all broadcasters to gain a clearer understanding of the issues facing broadcasters. This needs to be reflected in its definition of purpose.

The purpose of the BAI needs to be grounded in:

- A thorough in-depth understanding of the current state of the broadcasting environment;
- Knowledge of the impact of the environment on broadcasters; and
- A genuine commitment to improving the position of broadcasters for the benefit of the audiences served.

Without this the BAI is not in a position to set out its strategic position for the next three years.

The IBI strongly believes that, as a first step, the BAI should have concentrated its efforts on engaging with all sectors of the broadcasting industry to conduct a needs analysis of the sector. The results of this should have then formed the basis for the values and more importantly the strategic themes and objectives of the BAI for the coming three years.

Irish Broadcasting has had a tremendously positive impact on Irish life but it is at a critical juncture. The BAI Strategy review is an immensely important process. The responsibility on the BAI is enormous. It must get it right.
Values

The BAI outlines four values for itself – fair, independent, expert and accountable.

1. Fair – in process, procedures and decisions.

The 2009 Broadcasting Act was a seismic change in broadcasting in Ireland. For the first time both state funded and independent broadcasters would be subject to the same regulatory framework. This has resulted in huge change for the operations of the BAI.

The expectation of fairness in process, procedures and decisions should be an automatic action but this has not always been the case. A stated intention to act fairly is not the same as fairness in the application of regulation. Fairness means the BAI needs to actively listen to all sides of a discussion, give due consideration to the impact of decisions and processes on the broadcasters, make a decision based on fact and implement change which will improve the broadcasting environment.

Fairness is ensuring that regulations, codes and guidelines are appropriate and are updated in a timely fashion to take account of changes in the broadcasting landscape both in Ireland and in other neighbouring jurisdictions. One example of this is the General Commercial Communications Code. For the past four years the IBI has shared its belief that particular aspects of the code heavily restrict independent radio stations from competing effectively in the commercial sphere and are out of line with commercial practices elsewhere across the media landscape. Yet despite the acknowledged negative impact of the Commercial Communications Code on the day to day operations of broadcasters the BAI has still not implemented a new Code or a new set of Guidelines. This lack of activity, the slow pace of procedure and the lack of engagement and action on decisions has impacted on independent radio stations in particular in an unfair manner. This however, has not been addressed in the Draft Strategy Statement and therefore this unfair manner of treating broadcasters will continue.

2. Independent – operating as an impartial regulator;

For regulation to work effectively and efficiently, it needs to be fair and proportionate. The relationship between the BAI and the broadcasters needs to be based on trust, on an understanding that both are striving towards the same goals. Decisions taken by the BAI must keep the broadcasters at the centre of the decision making process. No branch of media in Ireland operates in a vacuum, the broader Irish media sector must be used as a reference point for the regulation of independent radio broadcasters.

3. Expert – informed through engagement, research and a commitment to professional learning;

Within the broadcasters it regulates, the BAI has access to the greatest experts in the broadcasting industry and this resource should be better utilised by the BAI. The full and frank exchange of opinions and discussion with broadcasters with the aim of obtaining advice and ascertaining opinions to reach an agreement would greatly benefit the decision making process within the BAI. It
would improve BAI relationships with the key stakeholders and afford the broadcasters a greater sense of ownership over regulation which would result in an increased level of compliance.

The BAI needs to be more involved in the broadcasting sector that it regulates. In the current environment all broadcasters are struggling with staffing shortages, financial cutback and declining commercial revenues. At the same time there is continuing pressure to revamp and update processes such as:

- Joint National Listenership Results (JNLR);
  The JNLR is a key industry metric which the regulator has played an intrinsic part in since the beginning. The BAI should commit itself to providing real support to the changes necessary to ensure that it remains a useful and viable currency.

- The provision of more detailed information on the benefits of radio advertising to brand managers and advertising agencies;
  The BAI should concentrate resources to assisting the radio sector in addressing key issues affecting the future viability of the sector. For example it is apparent that there are negative perceptions among the marketing community regarding the innovation and adaptability of the sector in a changing media environment. The BAI should commit itself to supporting the sector seeking to meet these challenges.

- Future proof the medium of radio against competitors as diverse as Spotify and Joe.ie.
  The BAI should be working with broadcasters to fund research projects which will help develop and strengthen the broadcasting sector in Ireland.

Such a move would strengthen the levels of expertise both within the broadcasting sector and also within the regulatory body.

4. Accountable – in decisions, governance and resources.

Accountability and transparency are indeed vital to any regulator and for a broadcasting sector that is levied to fund the BAI, cost effectiveness and financial accountability is vital. The levy to fund the BAI has had direct and very visible implications in radio stations throughout the country. Jobs, technology updates and investment in programming have all suffered to fund the levy for the regulator. Each decision which the BAI takes impacts on the cost base of operators. Given the sacrifices made by radio stations it is imperative that cost effectiveness is more than a stated value, it needs to be an achieved aim.

The IBI has long been of the belief that the BAI should be funded from monies raised by the Television License Fee. Not only would this give the BAI additional certainty in its operations it would also reduce the administration burden on the regulator reducing its running costs. We are well aware that such a move requires legislative change and we have been quite active on this front for some time now. The removal of the burden of the levy on independent radio stations would be a tremendous assistance to IBI members. This fact alone should be sufficient for the BAI, perhaps not to actively support the IBI’s position on the broadcasting levy but at least to remain non-committal on its future. Adopting a neutral viewpoint and allowing the legislative process to proceed would be a preferable stance for the regulator to assume.
Any additions that should be considered?

The BAI should include “Reasonable, Practical and Flexible” as one of the organisation’s values. Given how fast the pace of change is in the media it is vital that the broadcasting regulator is ready and able to adapt and change to match this pace. In all areas of its operations, independent radio stations need to keep up to speed with changes in technology whether its new smart phone apps, websites, product launches, broadcasters need to be aware of their impact and more importantly the potential implications on the day to day operations within the radio station. This can be hampered by the regulator if it is not in a position to be practical and flexible in its activities and its actions. Were the BAI to focus its attentions on being reasonable, practical and flexible it would without doubt ensure that its dealings with the broadcasters were conducted quickly, more efficiently and more effectively. This would in turn reduce the amount of time and resources that both regulator and regulated devoted to dealing with regulatory issues and such a move could only be viewed as a positive step.
Strategic Themes, Goals and Related Objectives

The statement that sectoral sustainability will be at the core of the BAI activities for the next three years must be more than words. It must be underpinned by positive communication with the sector, an understanding of the issues faced and a commitment to broad view of Irish broadcasting. It must not rely on simplistic definitions of State versus private broadcasters.

Equally radio broadcasting should not be viewed in isolation to the broader media landscape. The aspiration for diversity cannot be pursued in isolation from economic factors and the links must be acknowledged. Quality cannot be viewed in isolation from economics.

In order for Irish broadcasting to thrive, first of all it must survive.

Media consumption patterns must be acknowledged. The fact is that nearly 70% of Market Share in Irish radio is held by independent station. The trend is that younger listeners require greater engagement with the medium. This has obvious consequences for the long term viability of Irish broadcasters but it also has social, cultural and political consequences to enable the future generations engage fully in a broader discourse for Irish society.

Equally broadcasting must not foster elites through proper provision made for some sectors while leaving other sectors purely at the mercy of failing markets. If this is a course to be adopted by the BAI then one must question the need for regulation at all.

It is extremely baffling and worrying that a draft Strategy Statement complete with vision and values, themes and objectives was published without meaningful and worthwhile engagement with the broadcasters. Yes, a survey of stakeholders was conducted but this was retrospective and did not focus on the issues of today not to mention the future issues facing broadcasters. Omitting to include issues facing the broadcasting sector both now and in the coming years would seem like an omission that is as blatant as it is naive.

Without a doubt the key strategic theme in the draft Strategy Statement is funnily enough, the last theme – Enhancing Innovation & Sectoral Sustainability. All of the strategic themes and strategic objectives are reliant on a viable and sustainable broadcasting sector. The further mentions given to the objective by both BAI Chairman Pauric Travers and BAI CEO Michael O’Keeffe at the launch of the Draft Strategy Statement gave the IBI an additional reason to be positive about the inclusion of sector sustainability as one of the BAI’s key themes and optimistic about the impact of this on the future direction of the regulator.

Initially the inclusion of this strategic objective was viewed as extremely positive and when coupled with the BAI’s own stated aim to put sector sustainability as one of the BAI’s key themes and objectives for the next three years it appeared as if all of the IBI’s messages, reports, press releases and discussions were finally being listened to. Since the earliest days of the BAI, the IBI has been saying that a media landscape strong in diversity and plurality cannot be achieved without a corresponding goal to create a sustainable and viable media.

The IBI’s relief in the inclusion of sectoral sustainability in the draft Strategy Statement was short-lived however, when despite being told by the BAI of its intention to work with broadcasters for the creation of a sustainable broadcasting sector the truth was very different. The BAI’s actual intention
and planned action, as stated at a meeting of the Joint Oireachtas Committee on Communications in early November 2016, is to ensure the future sustainability of the state funded broadcasters while allowing the independent broadcasters greater access to a commercial revenue pot that is not only diminishing at an alarming rate but is also explicitly included in legislation as something that the state broadcaster must aggressively pursue and maximise. And just in case this was not enough to undermine the sustainability of the independent broadcasting sector the lack of certainty surrounding commercial revenue would result in constant changes to the amount of financial resources that independent radio stations could invest in programme content which would ultimately have a negative impact on the audience.

The absolute lack of understanding, the distinct absence of engagement with independent broadcasters and the determined effort to protect the state funded broadcasters at the expense of the independent radio sector flies in the face of the objectives and themes of the strategy statement. There is nothing fair, impartial or accountable in the publically made statements of the BAI that independent broadcasters would be allowed more commercial revenue from a near non-existent pot of commercial revenue while state funded broadcasters could not be expected to survive or expand operations without a substantial injection of public funds. Putting state funded broadcasters on such a sustainable footing while at the same time placing the independent radio sector in a pool of quicksand shows the complete lack of understanding within the BAI for the requirements to create an overall sustainable sector.

The BAI could not have missed the constant calls from the independent radio sector over the past five years for a more sustainable financial footing specifically to enhance and increase the production and availability of Irish content on its airwaves. Such content was primarily focused on speech based and news and current affairs programming in radio stations that provide material for their listeners that is largely locally based and sourced and is content that cannot and will not be provided by any other broadcaster. The IBI’s position mirrors the strategic objectives in the BAI’s draft strategy statement but the actions and statements of the BAI contradict their stated objectives.

It will remain extremely difficult for the BAI to provide a media landscape for Irish society that:

i) Is accessible and represents Irish society;

ii) Encourages audiences to understand, engage and participate in the media;

iii) Shapes public debate and provides a vibrant, dynamic media landscape;

iv) Facilitates a rage of voices, opinions and sources of news and current affairs;

when it cannot ensure that the Irish audiences will have a sufficient number of broadcasters still broadcasting to fulfil the BAI’s stated objectives.

It is even more difficult for IBI members to take this draft Strategy Statement at face value when at the first opportunity the BAI has reneged on what it called its most important strategic theme for the next three years.
Conclusion

The BAI Strategy Statement will form the basis for the regulators work-plan for the next three years. The changing media environment within which we operate must form the basis for the direction of the regulator. Yes, the BAI’s strategy must ensure that Irish audiences are well catered for by broadcasters but equally important is regulatory assistance which enables broadcasters to continue to provide the services that that audience require.

The independent broadcasting sector in Ireland is energetic, vibrant and fulfilling an important public service to the audiences its serves. The BAI must provide a regulatory environment which regulates broadcasters but doesn’t stifle them, which governs but doesn’t restrict and most importantly which allows broadcasters to operate in the commercial reality they are faced with to ultimately ensure the sustainability and viability of the independent radio stations.

The BAI must ensure that all broadcasters are treated equally by the regulator, that one sector of the broadcasting landscape is not allowed to flourish to the detriment of other broadcasters, that one broadcaster cannot be enabled to yield additional control over any aspect of broadcasting operations. The BAI’s Strategy Statement can enable the regulator to facilitate, promote, foster and develop but these are aspirational and not clearly defined or measurable. It is the actions that come from the Strategy Statement that will be the most interesting aspect of this document.

Finally, the Strategy Statement of the BAI should reflect the reality of the broadcasting environment within which it operates. Without actually establishing what this reality is, as a direct result of the lack of meaningful engagement with broadcasters the BAI has produced a draft strategy statement that will not allow it to best serve the Irish audience, the various broadcasters it regulates or indeed the many organisations that engage with it on a regular basis. The draft strategy has failed to set the BAI on a path to success. The IBI urges the BAI to set aside this document and go back to the drawing board with an open mind, with a willingness and an eagerness to establish the realities of life as a broadcaster in Ireland whether state-funded, independent or community, radio or television. Based on the information gathered the BAI would then be in a position to redraft a Strategy Statement that is fit for purpose, meaningful and will ultimately result in a stronger, viable and sustainable broadcasting sector.

The IBI remains, as always, available to discuss the contents of this submission in further detail
About the IBI

IBI represents the national, regional, multi-city and local commercial radio stations throughout Ireland. Within our membership there exists a diverse collection of radio stations – diversity in ownership, target audience, location, franchise area to name but a few.

Listenership to independent broadcasting in Ireland has never been as strong as it is today. 68% of the population tune into independent radio on a daily basis. This translates into weekday figures of 2.47 million listeners, which clearly shows the value which listeners place on the programming of independent radio stations. Independent radio provides a valuable public service to Irish radio listeners. Since it was first introduced to the Irish airwaves in excess of 25 years ago, independent radio has become a huge success and this success has been achieved through the talent, expertise and commitment of the operators.

Despite the dependency on advertising and sponsorship, the main focus of independent radio stations is the listener. Independent radio stations are fully aware that there is a fine balance to be struck between the financial and commercial side of the business and the programming side. Indeed the two are intrinsically linked as high quality programming results in increased and retained listeners which in turn entices advertisers to the radio station. The sustained success of independent radio stations over the past twenty four years is a direct result of radio station management being mindful of the fact that the listener is the most important element in the whole equation.

Independent broadcasters make a significant contribution to the Irish economy not only in economic terms but also to the social and cultural aspect of the economy. There are currently 2 national radio stations, 4 regional radio stations, 1 multi-city station and 27 local stations in operation.

The IBI is focused on the future and keeps an eye on sectoral developments with a view to representing the interests of independent radio sector on issues which will determine the future of broadcasting, and to engage fully with the Regulator and other stakeholders in all matters. The IBI aims to ensure that independent broadcasters are to the fore in shaping the future of Irish broadcasting.

Ultimately it would appear that the vision, mission and objectives of the BAI all hinge on one specific objective – sectoral sustainability. Without a sustainable broadcasting sector to regulate there is no requirement for strategies, no necessity for visions and no place for themes, objectives and outcomes. An unsustainable broadcasting sector will not be able to provide Irish audiences with plurality of voices, of opinions and of sources. A weakened independent radio sector with less local, regional and national radio stations, with reduced financial and human resources and with potential consolidation across franchise areas will not shape public debate and inform policy nor can it add to to a vibrant and dynamic media landscape.
The key to the future of broadcasting in Ireland is sustainability and this should be the cornerstone of the BAI’s strategy statement and every decision that flows from it. Without a sustainable and viable broadcasting sector Irish society would be poorer.
STRÁITÉIS ÚDARÁS CRAOLTÓIREACHTA NA HÉIREANN

NOLLAIG 2016

INTREOIR:

Is é Conradh na Gaeilge fórmar daonlathach phobal na Gaeilge agus saothraíonn an eagraíocht ar son na teanga ar fud na hÉireann agus agus timpeall na cruinne.

Is i príomhaidhm na heagraíochta an Ghaeilge a athrúimhmí mar ghnáth-theanga na hÉireann.

Ó bhunaodh é ar 31 láthair 1893 tá baill an Chonartha gníomhach ag cur chun cinn na Gaeilge i ngach gné de shaol na tire, ó chúrsaí dí agus oideachais go forbairt meán cumarsáide agus seirbhísí Gaeilge.

Tá Conradh na Gaeilge roghnaithe ag Foras na Gaeilge, an foras uile oileánach a leabharlann mhír ar son an dá Rialtas thuaidh agus theas leis an nGaeilge a chur chuainn, mar cheann de na sé chean-neagraíochta atá maoinithe acu leis an nGaeilge a fhorbairt ar oileán na hÉireann. Go príomh, tá Conradh na Gaeilge roghnaithe le tabhairt faoi chosaint teanga, ionadachtaí agus ar dhuine feasaíochta ar an Ghaeilge.

Tá 180 craobh agus ionaí baill aonair ag Conradh na Gaeilge, agus biónn baill uile an Chonartha ag saothrú go díon do dhíograis each chun úsáid na Gaeilge a chur chuainn ina gceantair féin. Tá breis eolaíocht a thabhairt an Chonartha le fáil ag www.cnag.ie.

INTREOIR

Cuireann Conradh na Gaeilge fáilte roimh an deis seo aighneacht a dhéanamh ar dréacht-Ráiteas Stráítéise Údarás Craoltóireachta na Héireann. Is códh ionsamh agus buairimh é nach bhfuil aon rud luaite in san dréacht seo máidir leis na dualgais atá ar an Údarás maith leis na pobraí na Gaeilge nó Gaeltachta agus nach bhfuil aon spriocanna leagtha sios sa cháipéis maithíse le soláthar seirbhísí trí mheán na Gaeilge.

I mí Mheithimh 2016 rinne an Údarás comhairliúchán ar Scéim Teanga nua, a bhí ag tógáil ar an Scéim Teanga a bhí á cur i bhfeidhmiú ó 2013. Sa chéad Scéim bhí spriocanna maithíse ann agus bheadh sé iomcháin dearfach spriocanna uairimhachtach a fhéiceáil in san chéad Scéim eile agus é curtha i gcóirith. Sin ráite, ní oibríonn Scéimeanna mar seo i bhfoláis. Más rud go mbeadh an Údarás in ann a gcuaidh dualgas maithir leis na pobraí na Gaeilge agus Gaeltachta a chomhliónadh, mar atá leagtha amach in Alt 25 (2) (h) den Acht Craolacháin 2009, ba chóir go bhfuil na riachtanais seo príomhshruithe i ngach príosúnaíde pleanála atá ar bun ag an Údarás.
Moltar go gcuirtear téama breise leis na téamaí breise atá luaithe cheánna fein dár teideal “Forbairt ar Sheirbhísí Gaeilge.” Mar chuid den téama seo, leagfar amach na tosaiochtai atá ag an Údarás maidir le cur chun cinn na Gaeilge i gcúrsaí craoltóireachta agus ar cad é mar a bheas an tÚdarás ag combhionadh na dualgais éagsúla atá air mar ranapháirtí i bhfeidhmí Stráitéis 20 Blain don Ghaeilge 2010-2030. Seo thús na moltai a rinneadh don Scéim Teanga, agus moltar arís iad don Ráiteas Straitéiseach seo:

1. Conarthai Úr

Agus an Údarás ag bronadh conradh úr ar eagraiochtai craoltóireachta amach anseo, ba chóir go mbeadh céatadán áirithe den am atá acu dírithe ar an Ghaeilge agus an céatadán leagtha amach go soiléir sa chonradh. Is deis iad conarthai úra le cur leis an ábhar Ghaeilge atá ar fáil faoi láthair, agus bheadh sé ar leas na stáisiúin úra bheith ag combhionadh a gcuid dualgais i dtaca leis seo ón tús. Nuaí a thagann stáisiúin úra ar an fhóid ba chóir go mbeadh siad ag freastal ar an phobal iomlán a oiread agus is féidir, agus is bealach éifeachtaí e seo leis sin a dheanamh.

2. Tráchtaireacht trí Ghaeilge

Ba chóir go mbeadh tráchtaireacht ar fáil as Gaeilge mar rogha ag daoine. Le linn Chráoiobhacha Eorpacha Sacair, chuig RTÉ rogha teanga ar fáil don lucht féachana trí úsáid a bhaint as an teicneolaíocht ‘cnaipé dearg.’ Ba chóir go mbeadh sé de choimnioll ag craoltóirí go mbeidh tráchtaireacht Gaeilge curtha ar fáil leis an mbéarla in aon chonradh nua bronnta ar chraoltóirí neamhspleách.

3. Craoltóirí agus Pobal na Gaeilge

Tá sé rithabhachtach go n-aithnithear go forleathan gur phobal beo briomhar i pobal na Gaeilge agus nach féidir le aon tráchtair nó craoltóir beag a dheanamh de sin nó neamhaird a dheanamh ar an phobal sin tríd na tuairimí atá léirithe ar chláracha dá gcuid. Le déanáin, bhí roinnt samplaí ann de chraoltóirí a léiriú mítheas ar phobal na Gaeilge agus Gaeltachta trí gcuid focal agus trí nódúr an chlár a bhí acu. In Aibreán 2015, rinneadh gearán leis an Údarás mar gheall ar chaitheachas phobal na Gaeilge ar chúl raidió. Cé gur ghlacadh leis an ghearrán go pointe ag an Údarás, tá sé tábharachtach go dtugann craoltóirí gur gá cothromas a léiriú do phobal na Gaeilge agus Gaeltachta mar a léireofar ag pobal mionlach ar bith eile. Tríd an tuiscint seo a chothú is féidir deacrachtai mar seo a sheachaint sa todhchaí. Chuige seo ba chóir d’UCÉ clár feasachta a leagadh amach leis na craoltóirí éagsúla a chur ar an eolas faoi na dualgaí seo.
Submission to BAI from the CTA (Community Television Association)

What is your view on the proposed Strategic Themes, Strategic Objectives and/or Outcomes?

Our view is that it is a good document with themes, outcomes and objectives that are for the most part clear. There are a few areas where we would appreciate more clarity. With regard to using phrases like ‘culturally relevant’ and ‘accessible’ it isn’t clear what is meant by these.

In stating the that ‘the mix of voices, opinions and sources of news and current affairs content available for audiences remains strong.’, it implies that the BAI view this as already strong. We wonder what research is being used to back that up, and it would be helpful if that was included.

Are there any specific changes or additions that should be considered? If so, please explain you thinking in this regard

With regard to the shaping of public policy we would be interested to have included what areas of policy the BAI are referring to here.

We very much endorse the supporting of audiences in understanding and participating in the production process, and we would like to see this part supported with funding.

We welcome the encouragement of creativity and innovation and we believe that this is an area where, with some support, community television can really excel.

Finally we very much welcome the recognition that greater sustainability is needed. And we believe that this needs to be especially stressed with community television, and the timeframe needs to be changed to ‘immediately’.

As agreed when we met with the BAI we would like a meeting to follow up on this, where we can explore the potential to begin a sustainable model. And as stated at the meeting we propose that Ancillary Measures be used as a starting point in 2017. There is an opportunity here to unlock some potential and create something genuinely diverse and participatory.
Element Pictures is one of Ireland’s leading production and distribution companies, that also operates Ireland’s only transaction Video on Demand platform focussed on Irish and international titles, and Ireland’s leading art house cinema, the Light House Cinema. A more detailed company profile is attached.

The draft strategy statement strikes us as a carefully considered and comprehensive document and bodes well for the future direction and activities of BAI, in particular in relation to its operation of the Sound and Vision Fund.

We particularly welcome the focus on Enhancing Innovation and Sectoral Sustainability as a key strategic theme and wish to focus our main feedback in this area.

We have successfully received funding from the Sound and Vision Fund in the past both for television drama and feature films. Our impression is that for television drama the scheme is effective and achieves what it sets out to do, and its continued operation in the current form would be consistent with the themes, mission and values together with the strategic objectives contained in this document.

In relation to feature film however, there are two key points we would like to make.

The first is short, and it is that the manner in which feature films are financed mean that producers need to have a degree of flexibility around the timing of their BAI application. Unlike television drama, where typically one broadcaster is the sole or main financier, feature films tend to have a multi-party finance structure and so by nature are subject to more change, both in term of how they are financed and the point that they are ready to start production. Consequently, we believe the decision to have just two rounds per year for the next two calendar years will disproportionately adversely affect feature films, and we would suggest there is an argument to consider a mechanism for treating feature films differently, perhaps by building in capacity in the system to enable feature films previously awarded funding, to come back to the Sound and Vision fund without having to go through the entire application process all over again. We do not have a detailed proposal to make at this stage, but would be happy to consider one if invited to do so by you.

The second point relates to the relationship between feature films and broadcasters.

Irish feature film is enjoying a well-documented golden period at the moment, and that includes films supported by the Sound and Vision Fund. There is a real opportunity on the back of this success to encourage the emergence of a dynamic distribution sector in Ireland that can directly contribute to a more sustainable funding environment for the sector. In most territories, film distributors oversee all aspects of a films distribution, from theatrical release, DVD release, On demand release (digital) through to its sale to a television broadcaster. Typically, a producer will secure an advance from a distributor which helps them finance their film, and the distributor will in turn sell the film at the end of its commercial cycle to a broadcaster. From a distributors perspective, the ability to sell to a television broadcaster enables them fund an advance to a producer, and to take the financial risk of spending considerable time and resources releasing the film, to everyone’s benefit.
The rules of the Sound and Vision require a broadcaster to be attached at either application stage, or within four months of receipt of a funding commitment. Ironically this is subverting the normal dynamic between producers, distributors and broadcasters that prevails internationally.

As the broadcaster is essentially the gatekeeper for the Sound and Vision fund, and that funding is one of the few sources of funding available to producers in Ireland, the television rights are sold at financing stage, so that by the time a distributor gets involved, there are no broadcast rights available to leverage a distributors investment in a film.

If the BAI were to consider a commitment from a distributor as sufficient to enable the BAI to invest in a project, that would enable Irish producers deal with distributors, and access Sound and Vision funding, and in turn distributors could then guarantee they will sell the film to a broadcaster as a finished film to ultimately satisfy the criteria of the scheme (the film is broadcast on a qualifying broadcaster).

This proposal would also have the merit of ensuring that distributors achieve a market value for the broadcast rights – as they have a finished film and are not tied to any one broadcaster – something that producers cannot do at present as they often have to accept very low license fees, in ordere to access the Sound and Vision fund.

If invited to, we would be very happy to elaborate on this proposal and tease out some of the complexities it may throw up. We are satisfied that if you did adopt this measure, it would go a long way to helping create a more sustainable funding environment for feature film in Ireland.

Ends
Response to BAI Consultation Document on Draft Strategy Statement 2017-2019
by
Classic Rock Broadcasting T/A Radio Nova

1st December, 2016
Executive Summary

Radio NOVA welcomes the opportunity to contribute to the BAI’s Draft Strategy Statement 2017-2019.

Radio NOVA is one of two special-interest radio services licenced by the BAI. We are licenced to broadcast a specialist music, classic rock, format to the franchise area of Dublin Commuter Belt, comprising Dublin city and county, and parts of Wicklow, Kildare and Meath. We launched in 2010 and currently have 137,000 listeners in the franchise area.

It is widely acknowledged that broadcasting is in a state of great flux. The arrival and increasing dominance of digital media and international media on the Irish broadcasting landscape is pervasive and is leading to dramatic changes in the way that Irish people consume media. Not only does Irish radio compete with other media for their time and interest, it now appears that we are competing with audio output from digital media companies. It is surely only a matter of time before a tipping point is reached that a national media brand will be able to launch a lifestyle-based radio service without needing a terrestrial radio licence and can garner a significant audience. Not only will this take listeners from existing terrestrial services, it will also take significant amounts of advertising spend away from terrestrial radio. Digital media companies are already taking spend away from radio services in alarming amounts and it is only a matter of time (perhaps a year or two at best) before digital audio/audio services (without traditional broadcast means), propelled by strong national media brands becomes a reality.

In this environment, terrestrial radio as a regulated medium faces new, urgent challenges.

We believe that the BAI has done an excellent job in licencing new services to date and that the key challenges for the regulator must be now be to ensure the sustainability of the sector and to ensure that the range, quality and diversity of radio services remains such that the most viable forms of radio services are provided for the Irish public. It is increasingly clear that alternative formats to those licenced by the BAI can be provided by means not involving terrestrial broadcasting. While this has been the case for a number of years, never before have we seen the strength and ambition of digital media providers to become ‘broadcasters’.

In many places in this document we concur with the submission made by Independent Broadcasters of Ireland. In these cases, we have noted that this is the case.

Vision

An Irish media landscape that reflects and shapes who we are.

We agree with the view of the IBI as expressed in their document.

In addition, we believe that terrestrial broadcasting should reflect the range and scope of opinions of the Irish people and that this should be facilitated within the scope of the sustainability of the sector by encouraging the production of news and current affairs programming on appropriate services,
lifestyle-based content and open access radio through the ongoing development of the community radio sector. We believe that specialised radio services have added a new dimension to the Irish broadcasting sector and have provided new media choices for hundreds of thousands of Irish people. We note that Dublin is the only area of the country where specialised services are currently licenced and we submit that such services should be made available to other parts of the country, if a case can be made for viability and the sustainability of the broadcasting sector.

Mission

The mission statement is divided into three separate sections

1. To regulate, foster and support broadcasting in the public interest
2. To promote a plurality of voices, viewpoints and sources in Irish media
3. To foster a diverse and culturally relevant quality content for Irish audiences.

We believe that the BAI has done a very good job of regulating, fostering and supporting broadcasting in the public interest, given that the range and diversity of services and those employed in the sector are at an all-time high.

We acknowledge the importance of promoting plurality of voices, viewpoints and sources in Irish media and we point out the certainly that comment, viewpoint and editorial control has reached a tipping point, where social media and, now, strong national digital media companies, operating in an unregulated environment, now have more control over the national agenda that traditional radio broadcasters. The public control the agenda. In this context, it is essential that radio can satisfy as many listeners, tastes, viewpoints as possible. In the context of music radio, listeners should be able to choose from as large a range of services as is sustainable in every part of Ireland.

Values

The proposed values of the BAI’s Strategy Statement are outlined as follows;

1. Fair
2. Independent
3. Expert
4. Accountable

We agree with the IBI’s submission on these points.

Strategic Themes, Goals and related objectives

The BAI has identified five key themes as key objectives and we outline our response to each of these below

Promoting diversity and plurality

We agree with the BAI’s goals in regard of these to items. We believe diversity in radio choice is essential and should be developed within the guidelines of sector sustainability and spectrum
availability. We note that the BAI has increased the number of radio services available on several occasions in the past, to stiff opposition from the sector itself. However, there is no doubt that the BAI was successful in increasing diversity within the scope of the sustainability of existing services. We strongly feel that the BAI should canvas option from those interested in providing more diversity and that there should be an open book when it comes to suggesting ways that more diversity can be achieved. We have previously made an argument that Radio NOVA, providing a special-interest radio service to Dublin city, county and commuter belt, could provide an extended service that would make a classic rock music and lifestyle radio service to large parts of the rest of the country. We would welcome the opportunity to make the case that the provision of the additional diversity would provide to Irish people and explain how we feel it could be achieved within sustainability guidelines.

Empowering audiences

We agree with the BAI’s goals in this regards and encourage the development of the community radio sector, as well as specified temporary services such as Walk In My Shoes Radio.

Enhancing Innovation and Sectoral Sustainability

We believe that sustainability of the sector must be the primary goal of the BAI. However, we also feel the BAI must interrogate the assumptions under this sustainability to make decisions that made more diversity available. If radio choices do not develop around the country, those Irish people seeking out more specialised choices will find satisfaction elsewhere – either through online services or, more worryingly, from digital media brands that will fill gaps in current needs. Radio could become increasingly marginalised as a result. We are already seeing listenership levels falling off and this could continue if radio does not compete with the availability of digital choices.

Conclusion

We believe that Irish broadcasting is at a crossroads. The influence of digital media in Ireland is increasing exponentially. We have already seen at least one major Irish publisher, Joe.ie, announce their positioning as a ‘broadcaster’ as opposed to a website brand and this is a trend that will continue.


We submit that the BAI must make decisions to make sure that Irish consumers continue to be satisfied with the range and diversity of Irish radio services and that this, along with sustainability, should be a key goal for the Authority.

Kevin Branigan
Radio NOVA
1st December, 2016
RTÉ contribution to the BAI consultation on its Draft Statement of Strategy for 2016-2019

RTÉ welcomes the opportunity to contribute to this consultation on the BAI’s Draft Statement of Strategy.

Background

RTÉ is regulated by the BAI, as defined and outlined in the Broadcasting Act 2009 (‘The Act’).

The Act sets out a range of BAI governance and oversight responsibilities towards the public service broadcasters in Ireland. The most significant among these for RTÉ are:

- Oversight of RTÉ’s annual statement of performance commitments
- Annual review of RTÉ’s adequacy of funding
- A multi-annual review (5 yearly) of its strategy
- Adjudication of content complaints
- Compliance with Content, Advertising and Fair Trading Codes

This regulatory framework has been in place for over 7 years. The model of BAI Governance and RTÉ’s accountability (on its performance, value of output and funding) was designed to meet international best practice.

The presence of a strong, effective, independent regulator is an important one. It can deliver insights, inform decision-making and policy-making, in addition to overseeing compliance and is best placed to ensure regulatory interventions are appropriate, proportionate and relevant to their context. It therefore plays a valuable role within the broader national media environment.

As a general comment RTÉ believes it is right and appropriate that the media sector in Ireland is overseen by an effective and independent regulatory authority. It is also right that public service broadcasting falls within and is protected by this regulatory framework.

Views on the Consultation

The Draft Statement outlines its vision and mission statement as well as 5 Strategic Themes, Strategic Objectives and Outcomes for 2019 against which it will develop a detailed work plan.

1 Note: RTÉ objects and regulatory obligations are set out in the Act. It is not solely accountable to the BAI, it must report to and seek approval for certain activities from the Minister, public funding decisions are taken by the Minister and is also accountable to the Oireachtas. In addition it must adhere to a broad list of national and EU regulatory obligations including Competition Law.
At the launch of this Consultation in November the BAI Chairman Pauric Travers talked about the BAI “exercising its regulatory functions in a rapidly evolving media sphere. The space in which traditional forms of broadcasting operate and compete for audiences has fundamentally changed. Over the coming years, the challenge for the Authority will be to continue and extend its influence, as other forms of media become more prominent.”

RTÉ fully agrees that this is a substantial challenge not only for the traditional players in this rapidly evolving media landscape but a challenge also for Policy Making and Regulatory Frameworks that were designed to facilitate a thriving sector and more importantly protect audiences in the space. The question for all national authorities is how to create an appropriate framework that is fit for purpose in this fast changing sector.

RTÉ agrees with the view of BAI Michael O’Keeffe that the ‘opportunities for the broadcast sector in a growing online media context need to be sought out’.

It important that this crucial question of addressing the audio-visual sector in this evolving online media context be factored into the BAI’s work plan so that a common goal can be achieved, that is, that we will still have ‘an Irish media landscape that reflects and shapes who we are’.

**BAI Vision and Mission Statement:**

RTÉ believes that the draft Vision and Mission statements capture the essential principles of the BAI’s function and role.

The Values that the BAI highlights as key – fair, independent, expert, accountable seem to be sensible ones, to comment just on 2 of them:

1. **Independent**: The need for a regulator and governance function to be independent, free of capture from any persons or entities political or otherwise is becoming more critical. The European Commission is currently reviewing the Audio-visual Media Service Directive (AVMSD) has brought this issue to the forefront.
2. **Expert**: An essential factor in a regulator’s effectiveness is that it is informed, has insight and understanding of the market dynamics as well as the performance of the specific broadcasters it regulates. With the anticipated adoption of the revised AVMSD in 2017 there will be greater expectations on national content regulators to be tuned into market developments, use their insights and skills to help interpret the EU principles in a way that’s appropriate to the national context.

**BAI Draft Strategic Themes**

The first theme which concerns ‘Achieving Plurality and Diversity’ with a particular focus on ‘culturally relevant’ content is an important priority. There are significant challenges as the choice and range of services available to Irish audiences increases at an enormous pace, year on year, there is a risk that the Irish voices, and Irish editorial, the telling a story about
ourselves will be lost in the vast and easily accessible content that is directly targeting Irish audiences.

For the strategic outcomes on Theme 1 to be positive and achievable and indeed for the second strategic Theme 2: ‘Achieving excellence and accountability – BAI being a Trusted Regulator’ it would seem more important than ever that the BAI has the means to conduct regular Market Research, produce insightful studies and market trends on the changing dynamics of this sector. A regulator that has insight and knowledge of the market and can present evidenced based proposals or regulatory solutions will mean that it is a credible and trusted authority.

This in turn would enable and facilitate the BAI having an informed and influential voice on media matters and can help shape and inform the policy debate as set out in Theme 3.

The strategic objective of Theme 4 ‘Empowering Audiences’ is to develop the understanding, engagement and participation of the public in an evolving media landscape. The crucial words here are evolving media landscape. One might argue that large segments of Irish audiences are already actively engaged and participating in media, but primarily facilitated by online platforms and video-sharing services that have emerged from a wholly unregulated media space. Growing proportions of Irish broadcast content is also now accessible to audiences in bite size formats and audiences are actively choosing to access traditional AV content and user generated content in this way. This has the effect of:

1. Reducing content protection mechanisms- those which are core to the traditional broadcast regulatory framework
2. Disrupting traditional business models for broadcasters.

On point 1 perhaps the goal or outcomes for Theme 4 could be tailored to ensuring audiences continue to have minimum content protection rules and standards as they increasingly access content in new ways.

The second point above is relevant to Theme 5: Enhancing Innovation and Sectoral Sustainability where the strategic objective is to work with stakeholders in achieving “Sustainable funding models for the audio-visual sector”. RTÉ believes this will be a substantial and important consideration over the next 3 years. RTÉ might suggest that further consideration is given to viability the Irish audio-visual sector within the wider content sector that has emerged when tailoring its work plan and priorities.

RTÉ is committed to actively and constructively engaging with the BAI and to engaging collaboratively with fellow stakeholders to address the many common challenges.