[IE] Broadcasting of Referendum Campaigns

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In April 2009, the Joint *Oireachtas* (Parliament) Committee on the Constitution, issued a report on the referendum procedure prescribed by Articles 46 and 47 of the Irish Constitution. In particular, the Committee examined the current arrangements whereby information is conveyed to the public by the broadcast media during referendum campaigns. The current arrangements followed a Supreme Court decision in Coughlan v. the Broadcasting Complaints Commission in 2000 (see IRIS 2000-2: 7). As a result of that decision, broadcasters believed they were required to allocate equal airtime to the “yes” and “no” sides in a campaign and adopted a “stopwatch” system. The system became an issue in the referendum on the Lisbon Treaty in 2008 (see IRIS 2009-3: 13). The Committee accepted that the current situation is unreal and impractical. It formed the view that the Coughlan decision primarily concerned party political broadcasts. It recommended, therefore, that broadcasting legislation be amended to qualify the use of party political broadcasts during a referendum campaign. Broadcasters would be obliged to treat all sides of the argument fairly, but would be entitled to have regard to a range of factors, in the same way as they already do in current affairs programming. These would include the relative strengths and standing of the political parties, various interest groups and individual contributors. The rules, practices and principles that apply during general election campaigns should apply during referendum campaigns also, the Committee said. During the course of its deliberations, the Committee consulted widely with interested parties and commissioned a study of the rules that apply in each of the other EU Member States, which is appended to its report.

Joint Committee on the Constitution, Second Report: Articles 46 and 47 - Amendment of the Constitution and the Referendum (First Interim Report, 2 April 2009)

http://www.oireachtas.ie/viewdoc.asp?DocID=11534

“New Broadcasting Legislation Needed to Ensure Media Coverage of Referenda Campaigns is Fairer and More Practical”, 2 April 2009

http://www.oireachtas.ie/viewdoc.asp?DocID=11515

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