[IE] Radio Presenter Violated Broadcasting Code by Expressing View on Same-Sex Marriage Referendum

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The Broadcasting Authority of Ireland's compliance committee has held that the Newstalk 106-108 radio station breached the Authority's broadcasting code, when one of its presenters stated he would vote in favour of same-sex-marriage in any future referendum in Ireland. The decision arose when a complaint was made to the Authority over a 10-minute item on the Newstalk Breakfast Show programme concerning a forthcoming gay-pride parade in Dublin (for a similar complaint against the Irish public broadcaster recently upheld by the Authority, see IRIS 2014-8/27).

The programme item included a presenter and two guests discussing the Dublin Gay Pride celebrations, how celebrations of the gay community had changed in Ireland, the personal experiences of the guests and "potential changes to Irish law to permit same-sex marriage". At one point during the discussion, the presenter stated that he would vote in favour of any forthcoming referendum on marriage equality and expressed his impatience with not being able to vote immediately on this issue.

Under section 48 of the Broadcasting Act 2009, individuals may make a complaint to the Authority that a broadcaster failed to comply with the broadcasting code. The complainant argued that there had been a breach of rule 4.21 and 4.22 of the Authority's Code of Fairness, Impartiality and Objectivity in News and Current Affairs (see IRIS 2013-5/32). These rules provide that (a) news presenters in a news programme may not express their own view on matters of public controversy or current public debate and (b) presenters on a current affair programme shall not express their views on matters of public controversy or current public debate, "such that a partisan position is advocated".

The complainant argued that the presenter "stated that he would vote in a referendum in favour of changes to Irish law to permit same-sex marriage" and that "the presenter didn't even ask a question, merely stating his impatience with not being able to vote immediately". The broadcaster admitted that its presenter "did proffer his voting preference", but argued that "in the overall context of the piece and the fact that there were no expressions of opinion other than that", this did not constitute a breach of the code.

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The Authority's compliance committee first noted that some of the programme did not constitute "news and current affairs", but that the discussion on changes to the law on same-sex marriage was "news and current affairs", as it was a "matter of current public debate". In this regard, the committee noted that under rule 4.22 of the Authority's code, a presenter on a current affairs programme "shall not express his or her own views on matters that are either of public controversy or the subject of current public debate such that a partisan position is advocated".

The committee held that the presenter stating he would vote in favour of any forthcoming referendum on marriage equality and his stated impatience with not being able to vote immediately, constituted a "statement of a partisan position by a news and current affairs presenter on a matter of current public debate" and thus violated rule 4.22 of the Authority's code.

Broadcasting Authority of Ireland, Broadcast Complaint Decisions, November 2014, p. 4

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