[IE] New Broadcasting Guidelines on referenda coverage

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On 25 March 2015, the Broadcasting Authority of Ireland published its new Guidelines in Respect of Coverage of Referenda. The Guidelines set out rules and advice for broadcasters in their coverage of two referenda set to take place in May 2015 (the first proposing allowing same-sex marriage and the second proposing a reduction in the age of eligibly for presidential candidates). The new Guidelines replace the previous Guidelines in Respect of Coverage of Referenda, issued in 2013 and 2011 (see IRIS 2013-8/27 and IRIS 2011-9/24).

Rule 27 of the Authority's Code of Fairness, Objectivity and Impartiality in News and Current Affairs provides that broadcasters must comply with Guidelines and codes of practice on election and referenda coverage (see IRIS 2013-5/32). The new Guidelines broadly reflect the previous Guidelines, but with some additions.

First, there is an expanded section on how broadcasters may achieve "fairness, objectivity and impartiality" in covering the referenda. Among other things, the section clarifies that, while this may be achieved during programming by including referenda interests from both sides of the debate, it may not always be necessary if the discussion of the issues is fair, objective and impartial. For example, this can be achieved by the programme presenter playing the role of "devil's advocate". Moreover, the Guidelines stress that there is no obligation to automatically "balance" each contribution on an individual programme with an opposing view nor is there a requirement to allocate an absolute equality of airtime to referenda interests during coverage of the referenda.

Notably, the Guidelines set out new advice on "social media", including that there must be policies and procedures for handling on-air contributions via social media and ensuring that on-air references to social media are accurate, fair, objective and impartial.

The Guidelines also detail how broadcasters must avoid "conflicts of interest", including that it is not appropriate for persons "involved with referenda interests" to present programmes during the referenda campaign period. The Guidelines also state that the "inherent qualities or personal circumstances of an individual", e.g. a person's marital status, beliefs or sexual orientation, will not, of themselves, constitute a conflict of interests.

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Further, the Guidelines also reflect the ban on advertisements "directed towards a political end" under section 41(3) of the Broadcasting Act 2009, which includes "advertising for events, notices regarding meetings or other events being organised by referenda interests as part of their campaign". Party Political Broadcasts are permitted, however, and broadcasters must ensure that the total time allocated for such broadcasts amounts to equal airtime being afforded to both sides of the debate.

Finally, the moratorium period on coverage by broadcasters of a referendum remains unchanged and runs from 2:00 p.m. on the day before the referendum poll takes place and throughout the day of the poll itself until polling stations close. The Guidelines confirm that the moratorium is not intended to preclude coverage during this period of legitimate news and current affairs, but relates to content that may influence or manipulate voters during the moratorium period.

The Guidelines came into effect on 25 March 2015 and will remain in effect until the closing of polling stations on the day of the referenda. The Guidelines apply to broadcasters within the jurisdiction of Ireland, but do not apply to services received in Ireland but licenced in other jurisdictions (although the Authority encourages such broadcasters to be mindful of the Guidelines).

Broadcasting Authority of Ireland, Guidelines in Respect of Coverage of Referenda, 25 March 2015

http://www.bai.ie/index.php/codes-standards-2/

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