[IE] Broadcasting Authority publishes updated guidelines in advance of upcoming referendum

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On 13 March 2018, the Broadcasting Authority of Ireland (BAI) published updated Guidelines in Respect of Coverage of Referenda (for previous Guidelines, see IRIS 2015-5/19, IRIS 2013-8/27 and IRIS 2011-9/24). The guidelines have been published in advance of the planned referendum on the 36th Amendment of the Irish Constitution and further referenda on constitutional amendments and reforms to local government over the next number of years. The Broadcasting Act 2009 details the legal requirements placed on broadcasters in respect of their coverage of news and current affairs issues, including referenda. The updated guidelines set out the requirements for broadcasters in respect of their coverage of referenda and apply in addition to the rules of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The guidelines provide direction and advice to television and radio broadcasters in the Republic of Ireland as to how fairness, objectivity and impartiality can be achieved in their coverage of forthcoming referenda campaigns. In this respect, the guidelines request broadcasters to have regard to 'Diversity of Views', 'Audience Participation' and 'Issues of Balance and Allocation of Airtime'. In addition, broadcasters are asked "in their approach to coverage" of referenda, to have regard to the 'Critical Examination of Views' and 'Conflicts of Interest' that may exist or arise. The guidelines state that "decisions in respect of editorial coverage of referenda rest solely with broadcasters." In this regard, the guidelines state that "broadcasters should develop mechanisms in respect to their approach to coverage that are open, transparent and fair to all interests and to the public." While the guidelines apply only to broadcasters within the jurisdiction of the Republic of Ireland, the BAI "encourages" broadcasters outside of the jurisdiction, whose services are receivable in the Republic and who cover Irish news and current affairs, "to be mindful of the Guidelines, where appropriate, when deciding on their approach to coverage of the referenda." Furthermore, the guidelines apply "only in the case of broadcast content that makes reference to a referendum or referenda, for example, news and current affairs content or other content such as a light entertainment programme covering the topic or an advertisement which makes reference to the topic." The guidelines do not apply to print, social media or online print/audiovisual content.

The updated guidelines do, however, contain sections on how social media, opinion polls and advertising (among other features), should be treated by broadcasters. The effective date for the guidelines will be announced by the BAI in

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advance of each referendum being held, and the guidelines provide for a moratorium on coverage which comes into effect from 2 p.m. on the day prior to voting and ends following the closure of polling stations on the day of the ballot.

Broadcasting Authority of Ireland, Guidelines in Respect of Coverage of Referenda, March 2018

http://www.bai.ie/en/download/132680/

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