[IE] Broadcasting Authority finds that media group's ban on Irish Times journalists raises no compliance issues

IRIS 2018-6:1/25

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On 28 March 2018, the Broadcasting Authority of Ireland (BAI) concluded its consideration of a ban imposed by an Irish media group on journalists from the Irish Times newspaper from appearing on any of its stations. It follows a complicated controversy arising from a programme broadcast in September 2017, and has resulted in four decisions from media regulators. The issue arose on 6 October 2017, when Communicorp Group Ltd., an Irish media group which holds five broadcasting licences with the BAI (including the broadcasters Newstalk FM and Today FM) published a statement confirming that "no Irish Times journalist will be accepted as a contributor on any of its stations until further notice." Communicorp stated that an Irish Times article in September 2017 concerning Newstalk FM had constituted a "deliberate and damaging attack on both the station and its staff" and that as the Irish Times had refused to apologise, the station "has no choice but to make this decision".

The Irish Times article on 12 September 2017 concerned a controversy over a Newstalk FM programme broadcast four days earlier on 8 September 2017. The programme presenter had made comments concerning the sexual assault of a woman in the UK and issues of responsibility. Indeed, on 6 February 2018, the BAI upheld a complaint over the programme under the Broadcasting Act 2009, finding that the "manner and context of raising the issue of personal responsibility in the context of a specific case of alleged rape caused undue offence and there was a strong possibility of causing distress to audience members who might personally identify with this issue" (see IRIS 2018-4/28).

Following publication of The Irish Times article, Communicorp also made a complaint to the Press Council of Ireland. In December 2017, the sub-committee of the Press Council of Ireland rejected the complaint, finding that The Irish Times had taken sufficient remedial action to resolve the complaint. The Managing Editor of Newstalk sought and was granted a right of reply on behalf of Newstalk's management team and its employees, and the right of reply was published by the Irish Times four days after the original article and was of a similar length to the original article. The article was held to be an opinion piece which therefore had enjoyed a wide measure of protection under the Preamble to the Code of Practice. On 9 March 2018, following an appeal by Communicorp, the Press Council of

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Ireland upheld the Press Council sub-committee's decision in full.

After Communicorp's statement that it would be banning contributors from The Irish Times, the BAI requested that its Compliance Committee consider whether any issues arose in respect of compliance by the contractor stations with the statutory provisions and the terms of the individual contracts held with the BAI. Following this process, the Committee concluded that, while the prohibition put in place by Communicorp was regrettable, no compliance issues arose from the prohibition in the context of the provisions of the five contracts held by Communicorp, the provisions of the 2009 Broadcasting Act and the principles and rules set out in the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. In particular, it was the opinion of the Committee that there was no evidence to support the view that the prohibition constituted an impediment to the ability of the contractors for the five services in question to meet their programming commitments or the warranties set out in each contract. However, the Committee also stated that the ban was contrary to the spirit of one of the key components of the BAI Mission to "promote a plurality of voices, viewpoints, outlets and sources in Irish media" and expressed its unease and regret at this outcome. The BAI considered the Committee's views, and agreed with its findings. However, it also shared "unease" at the situation, and has decided that it will seek to address the question of the operation of prohibitions of this nature in general policy terms through the proposed introduction of the BAI Plurality Policy and revision of the current Ownership and Control Policy.

Broadcasting Authority of Ireland, "BAI Statement re. Communicorp Group", 28 March 2018

http://www.bai.ie/en/bai-statement-re-communicorp-group-2/

Press Council of Ireland, "Communicorp and The Irish Times", 9 March 2018

http://www.presscouncil.ie/about-us/recent-decisions-and-news/communicorp-and-the-irish-times-

Broadcasting Authority of Ireland, Broadcasting Complaint Decisions, 6 February 2018, p. 30

http://www.bai.ie/en/download/132617/

Communicorp Group Ltd., "Statement from Communicorp", 6 October 2017

http://www.bai.ie/en/bai-statement-re-communicorp-group/

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