[IE] Complaint on court report in news programme upheld in part

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Ingrid Cunningham
School of Law, National University of Ireland, Galway

In October 2018, the Compliance Committee of the Broadcasting Authority of Ireland (BAI), by majority, upheld a complaint in part regarding a report of court proceedings broadcast by public service broadcaster RTÉ One on their Six-One News, a news programme broadcast each evening at 6.01 p.m.

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 codes. The complainant referred to a report of court proceedings at a district court in which the complainant appeared as the defendant. The complainant was of the view that the manner in which the case was reported on the Six One News programme, with the inclusion of only some facts which were known at the time, meant that the programme was not presented with “due accuracy” and did not include “all available facts." The complainant asserted that “the exclusion of the acquittal in particular, rendered the report “misleading and unfair” and that the report was not “accurate, objective or impartial” thus violating Rules 4.1, 4.2, 4.17 and 4.19 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs 2013.

In response to the complaint, RTÉ submitted that the report was based on a court copy supplied by a freelance journalist, received at 1.51 p.m. that day, detailing the morning’s court proceedings, and the Six-One News was based on this copy. A further copy was received at 6.23 p.m., which “was too late for the report to be updated before being aired” however, full details were made available on the RTÉ website. The broadcaster maintained that the report was “accurate and fair having regard to the circumstances and facts known at the time of preparing and broadcasting the content.” With regard to the complainant’s objection to some facts being excluded from the report, RTÉ stated that it “cannot cover every detail pertaining to court proceedings” and was of the view that “the contents of the Six-One News and the later updated online report accurately and impartially reported on proceedings of the court and that there was no misrepresentation of the facts.”

The BAI’s Compliance Committee, in making its determination, was “mindful that the information contained in the short news broadcast was factually accurate at the time of preparation.” However, the Committee noted that the report was

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prepared several hours before the broadcast and “did not feel that sufficient steps were taken by the broadcaster to ensure that the accuracy of the report was adequate and appropriate with regard to the circumstances at the time of the broadcast.” The Committee further noted that the Code of Fairness, Objectivity and Impartiality in News and Current Affairs provides that “accuracy is a fundamental principle associated with the broadcast of news and current affairs content and should always take priority over the speed with which content can be delivered”. The Committee observed that RTÉ “did not include the updated information, nor did the report include reference to the fact that the trial was ongoing at the time of preparation.” It was the view of the Committee that RTÉ “did not take sufficient steps to ensure that it complied with the principle of accuracy which underpins the Code.”

The Committee further noted that the other main aspect of the complaint was the complainant’s belief that the omission of aspects of the defence case had led to an unfair and misleading broadcast. The Committee stated that “there is no requirement for fairness in news.” Moreover, the Committee stated that “there is no requirement for the broadcaster to cover every aspect of a story and, in this instance, the Committee did not agree that the report was misleading.”

In reaching its decision, the BAI’s Compliance Committee found that the programme had infringed some requirements as set out in Section 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs and, as such, decided to uphold the complaint in part under this section.

Broadcasting Authority of Ireland, Broadcasting Complaint Decisions, 30 October 2018, pp. 5-6.

http://www.bai.ie/en/media/sites/2/dlm_uploads/2018/10/20181016_ComplaintsPublicationDoc_AR.pdf

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