

RTÉ and the Dublin Bay South by-election

The Broadcasting Authority of Ireland requires that current affairs coverage is “fair to all interests.”

In the context of elections, one of the key considerations for RTÉ in achieving fairness is the past electoral performance of parties, groups and candidates. This is an objective and impartial metric and the use of past electoral performance to guide coverage has been endorsed on several occasions by the High Court and by the Broadcasting Authority of Ireland.

For the purposes of the Dublin Bay South by election, the RTÉ Election Steering Group will have due regard to the results of the 2020 General Election in guiding our overall coverage as this is the most recent impartial measure of actual electoral support.

Debates

The arrangements for debates have been the subject of past High Court challenges and complaints to the BAI. With each election the RTÉ Election Steering Group assesses proposals for debates, and while the format may vary between programmes and between elections, the fact that past electoral performance has been consistently acknowledged as a fair metric in selecting debate participants, is a key consideration.

In 2019 in the High Court, Mr Justice Senan Allen when dismissing an application by one candidate, who sought to challenge his non-inclusion in a television debate in the European elections, noted:

“It seems to me that the selection of participants in the debate by reference to performance in previous elections is sensible and is likely to be some measure of audience interest in the participants.”

RTÉ notes that the BAI Compliance Committee has also considered complaints in relation to studio debates during the 2019 European elections that involved some but not all candidates on RTÉ’s *Prime Time* and *The Week in Politics*. It was claimed the inclusion of some candidates in ‘live’ studio discussions was unfair to others who were not included in studio, but who were featured by way of pre-recorded clips or in-studio graphic presentations.

Having considered the complaints and RTÉ’s submissions, the BAI Compliance Committee rejected the complaints. In its decision, the Committee stated –

“The Committee noted that the complaints are about two related broadcasts regarding the European Election for the Midlands North West constituency. The Committee was cognisant of the complainant’s view that the approach adopted by RTE in choosing participants for these programmes was unfair as it led to some candidates, including the complainant, being omitted from the live debates.

However, the Committee noted that the broadcaster has editorial freedom to choose who participates on a programme. There is no requirement for broadcasters to include all candidates in a broadcast, further,

equal allocation of airtime is not necessary to achieve fairness. The Committee did not consider that the exclusion of particular candidates rendered the broadcasts unfair or partial.

The principle of fairness requires that the approach adopted by broadcasters should be transparent. The Committee noted that the broadcaster clearly outlined the mechanisms it developed to ensure that the programmes in question were fair, objective and impartial. The criteria drawn up by the broadcaster was based on past electoral performance and the Committee noted that the broadcaster provided clear rationale for the approach. The Committee was of the view that the criteria adopted when choosing participants in the programmes was carefully considered and applied in a manner which was equitable and fair.” [BAI decisions (C5192 /C5253) Delivered February 19th 2020]

Dublin Bay South Debates

The RTÉ Election Steering Group has approved two Dublin Bay South constituency debates. With 15 candidates contesting the election, RTÉ will follow past practice and limit the number of candidates ‘live’ in studio to a number that allows for a meaningful debate, within the amount of time to be allocated by each programme.

In respect of these debates our approach will be guided by:

- Past electoral performance, specifically the 2020 General Election result in that constituency
- The fact this is a by-election and not a national contest
- The genre of the hosting programme
- Past decisions of the courts
- The 2019 decisions of the BAI Compliance Committee in respect of studio debates in the European elections

RTÉ One - The Week in Politics

The Week In Politics is RTÉ’s dedicated political programme and, as such, will host a television debate on Sunday, July 4th 2021, comprising 7 candidates. In addition to the points outlined above, the following criteria have been approved for inclusion in the debate –

- The top 7 placed parties/candidates in 2020 General election in Dublin Bay South in respect of their share of the First Preference Vote. On this basis, candidates from the following parties will be invited to participate – Fianna Fáil, Fine Gael, Sinn Féin, Green Party, Labour Party, Social Democrats and Solidarity/People Before Profit.
- Other candidates will be represented by way of pre-recorded clips or in-studio graphic presentation to achieve fairness.

RTÉ Radio 1 - Today With Claire Byrne

Today With Claire Byrne is a daily, mid-morning current affairs show with a broad mix of content ranging from current news issues, sports, lifestyle, consumer, entertainment and human interest stories. It will host a debate on July 5th 2021.

In keeping with its current affairs remit, but also recognising this is not a dedicated political programme and that this is a by-election with participation limited to electors in that constituency, the debate time will be of a shorter duration than *The Week in Politics*. To provide for a meaningful debate, within the shorter time allocated, participation in this debate will be limited to 5 candidates. The following selection criteria, based on past electoral performance have been approved for inclusion in the debate -

- The top 5 placed parties/candidates in the 2020 General Election in Dublin Bay South in respect of their share of the First Preference Vote. On this basis, candidates from the following parties will be invited to participate – Fianna Fáil, Fine Gael, Sinn Féin, Green Party and Labour Party.
- Other candidates will be represented by way of pre-recorded clips or a voice-over listing of candidates to achieve fairness.

There is no requirement for equal time between candidates, but our coverage will be fair, taking account of past electoral performance. The BAI acknowledges and advises broadcasters that elections are dynamic events and that coverage plans may require variation. RTÉ reserves the right to take account of developments during an election in guiding our coverage.

RTÉ Election Steering Group
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