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09 August 2010

Mr. Pat Swords,
10 Hillcourt Road,
Glenageary,
Co. Dublin.

Re: Complaint No. 316/10

Dear Mr. Swords,

I write with reference to your complaint against a broadcast of the programme *Today with Pat Kenny* on 01 July 2010 on RTÉ under the category of Fairness, objectivity & impartiality.

Your complaint was considered by the Executive Complaint Forum. In assessing your complaint, the Forum considered the written material on file together with the relevant footage. I now enclose a copy of the decision reached. You will note that the Forum has deemed the matter resolved and accordingly, the complaint process closed.

I trust you find this in order.

Yours sincerely,

Anne O'Brien,
Head, Compliance.



Complaint made by: Mr. Pat Swords

Ref. No. 316/10

Station:

RTÉ Radio 1

Programme:

Today with Pat Kenny

Date:

1 July 2010

Complaint Summary:

Mr. Swords' complaint is submitted under the Broadcasting Act 2009, section 48(1)(a)(fairness, objectivity and impartiality in current affairs and 48(1)(b) law & order). The complainant states that compliance with environmental legislation is not a matter for public debate in order to generate audiences and advertising revenue. It is a quasi-legal process and has to be reported correctly with the correct information disseminated to the public. Mr. Swords believes it is clear that RTÉ has no qualifications in reporting environmental matters and has already compromised the legal process of regulatory approval by inflaming the situation at the Corrib project, inciting protests and violence against those delivering the project. The broadcast clearly conveyed that the project should be built off-shore, did not meet current norms and standards for this type of industry facility and was a threat to the drinking water supplies of the whole area. The legal circumstances are that:

- It is illegal to consider an offshore option; indeed the Directors of SEPIL would be liable for a jail sentence if an accident were to occur related to off-shore rather than on-shore production, such as a helicopter transfer.
- The project has met and exceeded all relevant norms and standards. This has been confirmed by the independent safety report completed by Advantica. Furthermore, in refusing to grant permission for the rerouted 9km length of pipeline in October 2009, An Bord Pleanála used no technical standard or report to justify this decision, it was based solely on political requirements.

It is illegal to consider an offshore option; indeed the Directors of SEPIL would be liable for a jail sentence if an accident were to occur related to off-shore rather than on-shore production, such as a helicopter transfer.

Station's Response:

It is RTÉ's view that Mr. Swords produces no evidence to substantiate his complaint. RTÉ has reported responsibly on the Corrib Gas Field controversy since the issue first emerged as a matter of public controversy. RTÉ's journalistic staff has competence to report on all matters of current controversy. Reporters, producers, researchers and editors in a range of programmes for more than five years have made reports on various aspects of the controversy. At all times RTÉ has fulfilled its statutory obligations in regard to impartiality and objectivity.



Mr. Swords claims that the gas field project *has met and exceeded all relevant norms and standards*. RTÉ does not question this. RTÉ is simply interviewing a spokesperson representing a lobby group opposed to the development. RTÉ asked Mr. Monaghan all the relevant questions and allowed listeners to hear his answers. RTÉ expressed no views on whether or not the developers of the gas field have *met or exceeded all relevant norms and standards*. RTÉ cannot understand how Mr. Swords can characterise the interview as having *inflamed* the situation.

RTÉ has no idea on what Mr Swords bases his claim that the programme has breached law and order requirements. Section 39 (1) (d) of the Broadcasting Act 2009 states that

Every broadcaster shall ensure that ...anything which may reasonably be regarded as causing harm or offence, or as being likely to promote, or incite to, crime or as tending to undermine the authority of the State, is not broadcast.

The interview with Mr. Monaghan did not promote, or incite to crime. On the contrary, the interviewer challenged Mr. Monaghan on any suggestion of militant activity by those opposed to the gas pipe line. Mr. Monaghan himself did not suggest any illegal activity. His group is exercising its democratic right to engage in a planning process. It is as simple as this. RTÉ expressed no views on the outcome of the process.

Decision of Executive Complaint Forum:

The Forum has considered the broadcast, the submissions of the complainant and the broadcaster. The complaint concerns an interview with a representative of a lobby group opposed to the Shell refinery being developed in Ballinaboy. The interview was with Mr. John Monaghan, spokesperson for the lobby group Pobal Cill Coman.

The Forum noted the introduction to the interview in which the presenter informed the listener that Shell had lodged a plan regarding a re-routing of the pipeline to An Bord Pleanála and he would discuss the reaction of Shell-to-Sea campaigners to this new plan. He introduced Mr. John Monaghan and the subsequent interview lasted for approximately ten minutes. On hearing the interview, the Forum was of the view that the presenter facilitated a fair and impartial discussion. The interviewee was permitted ample time to respond to the questions asked by the presenter and to express the opinions of the group he represents. The presenter's line of questioning was based on fact and editorially justified. The lobby group had participated in the planning process to-date and the presenter posed questions to elicit information on the group's activities to-date and its views on the new plan drafted by Shell.

The Forum was of the opinion that the complainant's submission did not take cognisance of the context of the discussion. The context of the views of a particular lobby group to the new plans submitted by



Shell for re-routing the pipeline for on-shore refinery by Shell in Ballinaboy was a main news story that week. Therefore, the assertion of the complainant that it should have been stated that the project has met and exceeded all relevant norms and standards and the issue of the illegality of off-shore development as raised by him, are not relevant in the context of the actual broadcast content. Further, the Forum noted that the tone of the interview was at all times moderate with no evidence of content which could be reasonably considered to incite a listener to break the law. The Forum was of the opinion that there was insufficient substance to the issues as raised by the complainant evident in the broadcast. The complaint did not raise potential issues that warranted further investigation and accordingly, the Forum deemed the matter resolved.

Signed: Anne O'Brien Date: 9. Aug. 10
Chairperson

