



08 July 2010

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

Complaint Ref: 316/10

Dear Mr. Swords,

In accordance with the Authority's rules of procedure, I enclose a copy of RTÉ's formal reply to your complaint.

If you are not satisfied with the station's answer, you can have your complaint considered by the Authority. In order to do so, you must instruct us within fourteen days of receipt of this letter. This instruction can be made in writing, by phone or by e-mail. It should be noted that if you submit a written reply, it is forwarded to the broadcaster.

If we do not hear from you within the fourteen day period, we will assume that you were satisfied with the response from the broadcaster and the complaint process will be closed.

For your information, initial consideration of your complaint will be undertaken by the BAI's Executive Complaint Forum. If this Forum finds that the complaint requires further consideration, the complaint will be listed for the next meeting of the Compliance Committee. If the Forum finds that the matters of complaint have been sufficiently dealt with by the broadcaster and/or are not substantiated by the relevant broadcast content, the complaint will be deemed to be resolved and the complaint process closed. In either case, all relevant correspondence and a copy of the broadcast are considered in the assessment and detailed reasoning for the determination reached will be clearly communicated to you.

Please note, all complaints considered by the Broadcasting Authority of Ireland, whether upheld or rejected, including the complainant's name only, are made publicly available unless the Authority considers it inappropriate to do so. If you have any objections to this complaint being aired or printed, please submit in detail the grounds of your objections for consideration by the Authority.

I trust you find this in order.

Yours sincerely,


Jean Crampton,
Clerical Officer.

RTÉ Reference: BAI 2010/1921
BAI Reference: 316/10

Anne O'Brien
Head of Compliance
Broadcasting Authority of Ireland
2/5, Warrington Place
Dublin 2

7 July 2010

Re: Complaint by Mr Pat Swords concerning the *Today with Pat Kenny* programme broadcast on RTÉ Radio 1 on 1 July 2010

Dear Ms O'Brien,

I refer to the above complaint. Mr Swords in his email to the BAI makes reference to a request by him in 2009 under the EU Environmental Information Directive for information about RTÉ's reporting of environmental issues. Mr Swords' request was refused largely on the grounds that the information he was requesting was not environmental information as defined by the Directive. He sought internal review of this decision. The internal reviewer upheld the original decision. Mr Swords then exercised his right of appeal to the Information Commissioner. The Information Commission having examined the request and RTÉ's response found that RTÉ had acted correctly and dismissed Mr Swords' appeal.

RTÉ is supplying this background as it might appear from Mr Swords' email that the Commission had found against RTÉ, whereas in fact it found in favour of RTÉ. The decision is a public document and is available from the Information Commission. The reference number is CEI/09/0015

The Programme

Mr Swords' complaint refers to an interview with John Monaghan, spokesperson for the Shell-to-Sea campaign. *Today with Pat Kenny* interviewed John Monaghan on his lobby group's continuing campaign to stop the proposed on shore gas line at Ballinaboy being built as part of the Corrib Gas Field infrastructure. A new plan had been drawn up by Shell after Bord Pleanála had found that part of the route for the pipe line was unacceptable.

The Complaint

Mr Swords' complaint is that the broadcast breached requirements in regard to fairness, objectivity and impartiality in current affairs and in addition breached law and order requirements.

RTÉ's Submission

Mr Swords produces no evidence to substantiate his complaints. He claims erroneously that *RTÉ has no qualifications in reporting environmental matters and have already compromised the legal process of regulatory approval by inflaming the situation at the Corrib project.* These claims are without foundation. RTÉ has reported responsibly on the Corrib Gas Field controversy since the issue first emerged as a matter of public controversy. Its 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. In this instance 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. If members of the Compliance Committee of the BAI listen to a recording of the interview they will find no evidence whatsoever to substantiate Mr Swords' allegations.

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.

RTÉ asks the Compliance Committee to reject Mr Swords' complaint.

Yours sincerely



Peter Feeney
Head of Broadcast Compliance