



# Complaint Form Programming Content

## ***Making a Complaint***

You **must** complete this form **in full**.

If you would like further help or advice, please contact one of the Authority’s staff on the number provided on this form or by e-mail, [complaints@bai.ie](mailto:complaints@bai.ie)

Under Section 48(1) of the Broadcasting Act 2009, any viewer or listener may refer a complaint to the BAI if they are unhappy about programme content on an Irish licensed broadcasting service, both radio and television, under the following categories:

- 48(1)(a)** objectivity & impartiality in news;
- 48(1)(a)** fairness, objectivity & impartiality in current affairs;
- 48(1)(b)** harm & offence (Code of Programme Standards);
- 48(1)(b)** law & order;
- 48(1)(c)** privacy of an individual.

Your complaint must be made no later than **30 days** after the date of the broadcast. Please note that if your complaint relates to two or more related broadcasts, it must be sent within 30 days of the later or latest of these broadcasts.

When submitting a complaint under b) harm & offence, complainants can refer to ‘The Code of Programme Standards’. This Code details a range of factors that may be taken into account when determining whether programme material is harmful or offensive. The main headings in the Code are: -

Content Principles	Content Rules
<p><b>2.1</b> General Community Standards</p> <p><b>2.2</b> Due Care</p> <p>    2.2.1 audience information &amp; guidance</p> <p>    2.2.2 identification with characters, actions and personal circumstances</p> <p><b>2.3</b> Protection for Children</p> <p><b>2.4</b> Assessment - programme material shall be assessed in whole and in context</p>	<p><b>3.1</b> Violent Programme Material</p> <p><b>3.2</b> Sexual conduct</p> <p><b>3.3</b> Coarse &amp; Offensive Language</p> <p><b>3.4</b> Persons and Groups in Society</p> <p><b>3.5</b> Factual Programming – News, Current Affairs and Documentaries</p> <p><b>3.6.</b> Children’s Programming</p> <p><b>3.7</b> Drugs, Alcohol and Solvent Abuse</p> <p><b>3.8</b> Imitative Behaviour</p>

A copy of the Code is available on the bai website, [www.bai.ie](http://www.bai.ie) or on request from the BAI’s offices.



For office use only: Ref. No.

<b>Details of complaint</b>	<b>Please complete these details in full.</b>
Name of Station	RTE Radio 1
Programme Title / Broadcast Item	Today with Pat Kenny, section on Rossport Five / Shell to Sea
Programme date: dd/mm/yr	01/07/2010
Time of broadcast (if applicable)	Morning show

<b>Is the complaint an infringement of:</b>	<b>Please select relevant category</b>
48(1)(a) Objectivity & Impartiality in news	
48(1)(a) Fairness, Objectivity & Impartiality in current affairs	Yes
48(1)(b) Harm & Offence (Code of Programme Standards)	
48(1)(b) Law & Order	Yes
48(1)(c) Privacy of an individual	

Please complete this section **briefly**, summarising the main points of your complaint (alternatively, you may attach your complaint to this form).

Complaint relates to compliance with Section 42 (2) b and c of the 2009 Broadcasting Act. 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. From the attached decision of the Commissioner for Environmental Information and correspondence to EU investigation CHAP (2010) 00645, it is clear that RTE have no qualifications in reporting environmental matters and have 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 relevant broadcast clearly conveyed that the project should be built off-shore, did not meet current norms and standards for this type of industrial facility and was a threat to the drinking water supplies of the whole area. The legal circumstances are that:

- (a) 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.
- (b) 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 9 km 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, see attached details on Appeal to the Commissioner for Environmental Information CEI 10/0002.
- (c) The project has been granted an Integrated Pollution Prevention and Control (IPPC) licence by the EPA. The IPPC Directive is clear in that measures have to be implemented to “achieve a high level of protection of the environment as a whole”. This includes the risks of accidents.



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**Date (form completed):** 08/07/2010

<b>Complainant:</b>	<b>Please complete these details in full.</b>
Surname	Swords
First Name	Patrick
Mr. / Mrs. / Ms.	Mr
Address	10 Hillcourt Rd, Glenageary, Co. Dublin
Daytime Phone Number	01-4040786 (but not there much as working outside the country)
Email (if applicable)	pat.swords.chemeng@gmail.com
Fax Number (if applicable)	

**The personal contact details submitted are for use by the Authority only.**

**All complaints considered by the Authority are made publicly available, including the name of the complainant only.**

<b>Have you already complained to:</b>	<b>Yes</b>	<b>No</b>
The broadcaster or programme/advertising company?	Yes	

If you have answered yes, please give details: - RTE has been contacted in the past about the poor standard of reporting on environmental matters and in particular on the Corrib project. This led to the appeal to the Commissioner for Environmental Information (CEI/09/0015), as RTE refused to provide the necessary information relating to environmental benchmarks they use, the necessary training of their staff and their policy towards disseminating environmental information as required by the Aarhus Convention (Directive 2003/4/EC as implemented by S.I. No. 133 of 2007). Despite these matters being established in the appeal, RTE simply ignored the legal basis again in the above broadcast and therefore did not comply with the Broadcasting Act.

*Any correspondence relating to this complaint with the relevant broadcaster should be attached to this form.*

Is the matter complained of the subject of any proceedings in a court of law in the Republic of Ireland?

<b>Yes</b>	<b>No</b>
	X



## **The Broadcasting Authority of Ireland**

Any viewer or listener who is not happy about broadcasting content on an Irish broadcasting service, whether in programme or advertisement form, has a right to complain about it and have their complaint handled by the Broadcasting Authority of Ireland.

The Broadcasting Authority of Ireland has been given the responsibility by the government to deal with all broadcasting complaints, which means the Authority looks at, considers and decides upon the nature of these complaints.

### **How to make a complaint**

All complaints **must**

- be in writing, preferably by completing the relevant 'Complaint Form' for programmes or advertising/commercial communications.
- be made no later than 30 days after the date of the broadcast, or in the case of related broadcasts of which at least 2 are made on different dates, the later or latest of those dates
- relate to a broadcast by an Irish broadcasting service
- come within the relevant broadcasting codes and/or legislation
- include a short detailed summary of what concerned you

***All complaints considered by the Authority are made publicly available, including the name of the complainant. However, in the event that a complainant has valid concerns relating to privacy issues in making a complaint, in particular under Section 48(1)(c)(Privacy of an Individual), the Authority may consider requests from the complainant for anonymity.***

**To finish, please read through the above form to ensure all your details are correct.**

**You may post, e-mail or fax this complaint form to the BAI. The relevant contact details are: -**

Broadcasting Authority of Ireland  
2 – 5 Warrington Place,  
Dublin 2.

Telephone: 01 644 1280  
Fax: 01 644 1299  
Email: [complaints@bai.ie](mailto:complaints@bai.ie)  
Website: [www.bai.ie](http://www.bai.ie)