

10 September 2019

Jean Crampton  
Broadcasting Authority of Ireland  
2 - 5 Warrington Place  
Dublin D02 XP29

Dear Jean

**RTÉ and AA Roadwatch - Complaint Ref. C5094**

Thank you for your letter of 26 August last.

I note your request for me to clarify the sections of the BAI codes that are relevant for each of the grounds 2 - 5 of my complaint. I will set this out below.

I note also that your letter says that you have now dramatically further narrowed the scope of the complaint two three broadcasts on RTÉ Radio 1 just after 8am on 19, 20 and 21 March 2019. The restriction to RTÉ Radio 1, and the restriction to the c8:05am slot is not mentioned in any previous correspondence.

I reject this attempt to further narrow the scope of the complaint.

Despite committing to do so in our telephone conversation on 23 July, you have not clarified how the BAI handles complaints of systematic unfairness and failure of impartiality, presuming the BAI has not decided to make broadcasters immune from such complaints.

You have also not addressed the fact in that the schedule of correspondence you supplied in your email of 3 July, the idea of disregarding the bulk of the complaint and the phrasing that the BAI '*accepted the complaint under sections 9.1 and 9.4 of the General Communications Code*' first appears in RTÉ's letter to you on 18 June 2019.

Assuming your schedule of documents is complete, it is wholly unsatisfactory that BAI would, in effect, take instruction from RTÉ.

I am calling on you to confirm that you will not maintain your position stated in our telephone conversation on 23 July, that you propose to allow RTÉ introduce a novel defence - that AA Roadwatch enjoys the exemption from sponsorship rules given to independent radio producers - but refuse to accept my rebuttal of that defence. To do so would be a clear and blatant breach of fair procedures and natural justice.

I reserve all my rights in all these matters.

For clarity, my complaint is against RTÉ's **systemic unfairness**, and a **failure of RTÉ to offer impartial treatment** to the AA's competitors and rival campaigners over an **extended period**. I am happy for the BAI to examine sample broadcasts of AA Roadwatch to evaluate that complaint as long as they are, and are viewed as, samples representing RTÉ's wider practice. The BAI has long recognised that fairness and impartiality may be achieved over time, across a number of

broadcasts, rather than requiring the broadcaster to operate a stopwatch policy within each programme.

It therefore follows that the broadcaster can display unfairness and a failure of impartiality across a long series of programmes by paying grossly disproportionate attention to the signature complaint of one campaign group, compared to another. I absolutely reject any contention that the BAI may use procedural tricks to shield a broadcaster from such a complaint.

#### **Ground 2 - RTÉ is unfair to other insurers**

Section 1.3i of the BAI's Guide for Complainants says:

*All broadcast news must be presented and reported in an objective and impartial manner...*

The AA is an insurance reseller which competes with insurance companies and other insurance resellers. AA Roadwatch is itself presented as news, and many of its broadcasts are inserted in broader news programmes.

Allowing the AA to promote its brand, and direct listeners to its sales channels within a news programme is transparently unfair to competitors who do not receive this advantage. Also, RTÉ's imprimatur of the AA as an apparently 'official' source of information, inserted into news programmes, unfairly advantages the AA's brand over its competitors.

#### **Ground 3 - RTÉ is unfair to rival campaign groups**

Section 1.3i of the BAI's Guide for Complainants says:

*Current affairs broadcasts, including matters of public controversy or debate, must be treated in a manner which is fair to all interests concerned and the broadcast must be presented in an objective and impartial manner...*

RTÉ are charged with reporting on the topic of transport in Ireland. This is highly contentious, with lobby groups promoting different interests. The AA is a significant participant in that debate. Records published on the SIPO website show that they regularly lobby politicians and government officials on the matter.

By placing the AA brand so prominently within RTÉ current affairs programmes, and by presenting the AA as the unbiased purveyor of neutral information, RTÉ is grossly unfair to rival campaigners, whether they appear on those current affairs programmes or elsewhere. Placing AA Roadwatch in current affairs programmes gives the AA's campaigning undue credibility, over and above competing interest groups

#### **Ground 4 - RTÉ is skewing public debate on transport**

Broadly, campaign groups on this topic fall into two camps; one advocates fiscal and infrastructure changes to reduce car dependency, and a second, including the AA, advocates increased roadbuilding and reduced taxation on motor transport.

The public campaigning of the AA often focuses on opposition to specific public transport projects such as bus lanes and the Luas, or to speed limits - because, the AA claim, they cause traffic congestion. The AA also frequently promote specific road building projects, claiming these will ease congestion.

It is in the in the interest of the AA's campaigning to keep the topic of traffic congestion high on the public agenda, and to communicate that this topic is more urgent than others competing for political attention and public funds.

Regardless of their origin, RTÉ broadcasting over 8,000 'traffic news' segments per year highlighting traffic congestion, with no balancing coverage of the difficulties of people using public transport, or people for whom public transport is unavailable, is a breach of RTÉ's S1.3i

requirement to treat “*matters of public controversy or debate ... in a manner which is fair to all interests concerned*”.

**Ground 5 -**

RTÉ have claimed that ‘*there is no evidence whatsoever to show that our editorial independence and integrity has ever been compromised by*’ AA Roadwatch, without providing any support for that claim.

RTÉ have confirmed in correspondence to me that AA employees read their scripts live on air, and also research, select and edit the content and write those scripts, without reference to RTÉ.

In addition, online CVs on the LinkedIn website of AA Roadwatch presenters Marc O'Driscoll, Sarah Nolan, Rebecca Horan, Yvette Poufong, Anna Cullen, Lisa O' Donnell, Glen Murphy, Lauren Beehan, Sharron Lynskey, Ruth Jephson, Laura Donnelly, Sarah Nolan, Kieran Hanley, Niamh O'Reilly, Elaine O'Sullivan, Adrian Harmon, Jonathan Byrne and Gemma Ryan all confirm they are the ‘researcher’ or ‘editor’ of the content that they read on air.

I contend that where the content of thousands of broadcasts per year is researched, written, edited and read by employees of a registered political lobby group, it is bizarre and perverse of RTÉ to claim that their editorial independence has not been compromised.

I also contend that giving editorial control of those segments to a registered political lobby group is in itself a breach of the requirement in section 1.3i to present and report broadcast news in an objective and impartial manner.

Yours sincerely



**William Campbell**