



**Code of Practice
For
Handling Complaints**

The Online Safety and Media Regulation Act 2022 requires a broadcaster and/or an on-demand audio-visual service provider to provide a Code of Practice for handling complaints under relevant provisions of the Act.

- The Act states that: A broadcaster or provider of an audiovisual on-demand media service shall give due and adequate consideration to a complaint made in writing to it, that it has failed to comply with one or more of the provisions of the Act (outlined below) where in the opinion of the broadcaster or provider, the complaint has been made in good faith and is not of a frivolous or vexatious nature.
- A complaint in respect of a television broadcast shall be made to the broadcaster not more than 30 days after the date of the broadcast.
- Where a complaint relates to 2 or more unrelated broadcasts, the date of the earlier broadcast shall apply.
- Where a complaint relates to 2 or more related broadcasts, of which at least 2 are made on different dates, the later or latest date shall apply.
- Where a complaint relates to programme material made available on an audiovisual on-demand media service, the date the programme material ceased to be available on that service, shall apply.

If a person does not wish to make a complaint, in accordance with the provisions of the Act, and only wishes to outline their views or opinions, this may be done via the following link: <https://tg4.ie/teagmhail>

Please see “Feedback” at the end of this notice for further information.

Grounds for making a formal complaint

The Act sets out several grounds under which a complaint may be made in respect of a television broadcast and an audiovisual on-demand media service:

Harm, offence, incitement, and authority of the State

46J (1) A broadcaster shall not broadcast, and a provider of an audiovisual on-demand media service shall not make available in a catalogue of the service -

- (a) anything which may reasonably be regarded as causing harm or undue offence
- (b) anything which may reasonably be regarded as likely to promote, or incite crime,
- (c) anything which may reasonably be regarded as promoting or inciting terrorism online within the terms of the EU Directive on combatting terrorism. (* See Note 1)
- (d) anything which may reasonably be regarded as likely to incite to violence or hatred directed against a group of persons,
- (e) anything which may reasonably be regarded as tending to undermine the authority of the State.

Privacy

46K

(1) A broadcaster shall ensure that, in programmes broadcast by the broadcaster, and in the means employed to make such programmes, the privacy of any individual is not unreasonably encroached upon.

(2) A provider of an audiovisual on-demand media service shall ensure that in programmes included in a catalogue of the service, and in the means employed to make such programmes, the privacy of any individual is not unreasonably encroached upon.

News and current affairs

46L (1) A broadcaster, in programmes which he or she broadcasts, and a relevant media service provider, in programmes which he or she makes available in a catalogue of the relevant service, shall ensure—

(a) that news is reported and presented in an objective and impartial manner and without any expression of the broadcaster's or provider's own views, and

(b) that the treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned, and that the matter broadcast or made available is presented in an objective and impartial manner and without any expression of the broadcaster's or provider's own views.

(2) Should it prove impracticable to apply subsection (1)(b) in relation to a single programme, 2 or more related programmes may be considered as a whole, if—

(a) where the programmes are broadcast, they are broadcast within a reasonable period of each other, or

(b) where the programmes are made available on a relevant service, they are made available in the same way on the relevant service within a reasonable period of each other.

(3) Nothing in subsection (1) prevents a broadcaster from broadcasting, or a relevant media service provider from making available, party political programmes (*See Note 2), provided that an unfair preference is not given to any political party—

(a) by a broadcaster, in the allocation of time for such programmes, or

(b) by a relevant media service provider, in the positioning of such programmes in a catalogue of the relevant service.

(4) Subsection (1), in so far as it requires a broadcaster or a relevant media service provider not to express his or her own views, does not apply to news or current affairs relating to a

proposal which— (a) concerns policy as regards broadcasting which is of public controversy or the subject of current public debate, and (b) is being considered by the Government or the Minister.

Advertising

46M. (1) A programme broadcast or made available in a catalogue of an audiovisual on-demand media service, may include advertisements inserted in it.

(2) A broadcaster shall not broadcast, and a relevant media service provider shall not make available in a catalogue of the relevant service, an advertisement which—

(a) is directed towards a political end or has any relation to an industrial dispute, or

(b) addresses the issue of the merits or otherwise of adhering to any religious faith or belief, or of becoming a member of any religion or religious organisation.

*** Members of the public who wish to complain about advertisements broadcast on TG4 may also complain to the Advertising Standards Authority of Ireland (ASAI) at the following link: <https://www.asai.ie/make-a-complaint/make-a-complaint/>

***NOTE 1**

This relates to conduct falling within Article 5 of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

***NOTE 2**

Section 46 (N) 3 of the Act provides for Media service Codes to determine that “party political programmes” may be broadcast or made available only at specified times. The Codes relating to this provision have not yet been drafted by Coimisiún na Meán and when Coimisiún na Meán does so, TG4 will provide further information on this matter.

Making a complaint and the response to a complaint

If members of the public are of the opinion that a programme or a segment of a programme or an advertisement broadcast on TG4 has:

- Breached a provision of Sections 46J (1) (a), (b), (c), (d) or (e); 46K (1), (2) and 46L (1) (a) and (b), 46 M (2) and (3) of the Online Safety and Media Regulation Act 2022

or

- Failed to comply with a provision of the BAI Codes. (See Note on Codes below)

they are entitled to make a formal complaint to TG4.

You should submit your formal complaint via the web form at the following link:

<https://www.tg4.ie/ga/eolas/gearain-fhoirmiula/>

The TG4 contact regarding formal complaints is:

Trevor O Clochartaigh

Director Operations & Human Resources & Access Liaison Officer.

TG4

Baile na hAbhann

Co Galway

Tel 091 505050

Fax: 091 505021

Email: gearan@tg4.ie

For the purposes of the Act, a complaint may be made about -

- A television broadcast(s)
- An audiovisual on demand service – in the case of TG4, the TG4 Player.

A valid complaint about a broadcast or on-demand audiovisual service must contain specific information about the nature of the complaint:

- Firstly, the complaint must specify the name of the programme broadcast and the time and date of the broadcast item that is the subject of the complaint; in the case of an on-demand audiovisual service (the TG4 Player) it must specify the name of the programme, the date it was viewed.
- Secondly, the complainant must state the grounds for complaint by reference to one or more of those listed above in 'Grounds for making a Complaint' and must indicate why they believe the programme or item was in breach of the Act and/or Code(s).

This information is required for the following reasons:

1. It allows the broadcaster/provider to identify the programme that is the subject of the complaint and the nature of the complaint, and this facilitates a meaningful response being prepared in respect of the relevant programme.
2. If the complainant is not satisfied with the response, it can be referred to Coimisiún na Meán where the above information will be sought as part of the referral process. In this way, providing the information at the outset ensures the entire process can function as intended.

If TG4 receives a complaint that does not contain the above information we will write back to the complainant requesting more precise information to allow us to process the complaint. If the information sought is not provided within 10 days of the request for more precise information the complaint will not proceed and will be deemed as Feedback. (See Feedback below).

TG4 will acknowledge the complaint within 5 working days from the date of the complaint and we will respond to complaints within 20 working days from the date of the complaint.

In accordance with the Act, complaints must be made in writing, by way of email or letter.

In responding to a complaint(s), where TG4 does not accept there was a breach of the Act or the regulatory Codes, we will set out our reasons for dismissing the complaint which may include –

- TG4's view that the complaint failed to demonstrate a breach of the provision(s) complained of.
- TG4's view that the complaint is frivolous or vexatious or not made in good faith.

Where a complaint is dismissed, the complainant will also be informed of the right to refer the TG4 decision to Coimisiún na Meán for independent adjudication.

Regulatory Codes

Coimisiún na Meán is only newly established. The Act therefore allows that the existing regulatory broadcasting codes remain in place until they are revised and updated by Coimisiún na Meán.

These Codes are as follows:

1. BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs
2. BAI Code of Programme Standards
3. BAI General Commercial Communications Code (Advertising)
4. BAI Children's Commercial Communications code (Children's Advertising)

Complaints to Coimisiún na Meán

Members of the public may complain to Coimisiún na Meán if they are not satisfied with the response TG4 has made to their complaint. Coimisiún na Meán will consider the complaint and the response the complainant has received from TG4.

A referral to Coimisiún na Meán can be made as follows -

Via the website: www.cnam.ie

Or E: complaints@cnam.ie

Or:

Coimisiún na Meán
2-5 Warrington Place
Dublin D02 XP29

***** It is important to note that while the Act commenced on 15 March 2023, there will be a transitional phase and in that period the BAI website will remain 'live' as a point of contact, as per www.bai.ie**

Also, as Coimisiún na Meán has yet to revise/update existing Codes and determine other matters under the Act, this Code of Practice For Handling Complaints may be subject to further change to reflect any decisions or directions made by Coimisiún na Meán.

Feedback

Any person who wishes to make a formal complaint about a programme is required to comply with certain conditions to facilitate the processing of the complaint.

There is a very clear distinction between embarking upon the formal statutory complaints process and having the opportunity to air your views to TG4.

TG4 has a facility to allow any person set out their views directly to TG4, if they do not wish to engage the statutory complaints process.

An audience member may wish to commend or criticise a programme or content or suggest ideas or changes.

TG4 welcomes feedback relating to our programming and shares this with the TG4 editorial team as valuable insight into the views of our audience.

If you wish to avail of this provider process to set out your views to TG4 please do so via the following link: <https://tg4.ie/teagmhail>