



GIBRALTAR REGULATORY
AUTHORITY

PUBLIC CONSULTATION

Review of the Code on objectivity, impartiality,
accuracy and undue prominence.

Publication Date: 15th January 2018

Closing Date: 29th January 2018

BC 01/18

FOREWORD

This consultation seeks stakeholders' views on proposed amendments to the Code on objectivity, impartiality, accuracy and undue prominence.

The responses to this consultation will help the GRA complete its review of the Code and determine whether any amendments are required or the issues raised may be resolved by additional guidelines or by a GRA statement.

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EXECUTIVE SUMMARY

In accordance with the provisions of Sections 22 and 23, and Schedule 3 of the Broadcasting Act 2012 (the "Act"), the Gibraltar Regulatory Authority (the "GRA") is required to issue codes of practice for the content of programmes included in television and radio services in Gibraltar on matters concerning news, political broadcasts, elections and referendums.

On 13th April 2015, the GRA, after having consulted with all the relevant stakeholders, published the Code on objectivity, impartiality, accuracy and undue prominence (the "Code").

The GRA has received representations from Mr Keith Azopardi, the leader of the Gibraltar Social Democrats, "GSD", political party, requesting that the Code be amended to adequately cater for the situation that currently exists where the leader of the main opposition party is not the same person as the Parliamentary Leader.

In the interests of best practice, the GRA is consulting on reviewing the Code given that the GRA has a duty to do so from time to time, and to address the points raised by the leader of the GSD.

This consultation seeks stakeholders' views on proposed amendments to the Code, specifically Second Section, Political Broadcasts, Part 1 – "Political broadcasts NOT made in relation to any election or referendum", paragraphs 6 and 7.

The changes seek to amend the references to the "Leader of the Opposition" in the Code.

1. INTRODUCTION

SCOPE OF THIS REVIEW

The purpose of this consultation is to allow stakeholders, to put forward any recommendations or comments, to the amendments as proposed by the leader of the GSD in Section 2 of this document. All comments and personal information submitted to the GRA as part of a response to this public consultation will be processed in line with the Privacy Statement published on the consultation [webpage](#).

BACKGROUND

In 2012 following a consultation process with all relevant stakeholders the GRA published the Code on due impartiality, due accuracy and undue prominence which became effective, on 1st January 2013. The GRA received several representations in 2013, namely from GBC, requesting clarifications in order to minimise uncertainty and possible misinterpretations in the future.

An extensive redraft of the Code was carried out and the new version was published on the 13th April 2015. The document, with reference No. BC01/15, was retitled "Code on objectivity, impartiality, accuracy and undue prominence" and is available on the GRA [website](#). This document is the current valid Code of Practice (the "Code") and has been in effect since 20th April 2015.

On 9th January 2018 the GRA received a request from the leader of the GSD requesting amendments to the Code to "adequately reflect the current political situation". Mr Azopardi who had recently been elected as Leader of the GSD is currently not a Member of Parliament. He is the leader of the main opposition party but it is Mr Elliott Phillips who was identified and recognised as the "Leader of the Opposition" on the 5th January by Parliament. At present the Code only makes reference to the right of reply to Ministerial statements by the Leader of the Opposition and the leader of the GSD argues that in certain cases it would be in the public's interest that the leader of the main opposition party should have the opportunity to reply to Ministerial statements.

REVIEW OF THE CODE

The GRA has considered the representations made by Mr Azopardi and, in the interests of best practice, has decided to consult on the matter.

The GRA seeks stakeholders' views on the proposed amendments listed under Section 2 of this document.

2. GSD PROPOSED AMENDMENTS AND THE GRA'S COMMENTS

EXTRACT FROM THE CODE: SECOND SECTION, POLITICAL BROADCASTS NOT MADE IN RELATION TO ANY ELECTION OR REFERENDUM, PARAGRAPH 6.

Government Ministerial Statements

A Gibraltar public service broadcaster (for example, The Gibraltar Broadcasting Corporation) shall include Government Ministerial Statements in its radio and television broadcasting schedules. Government Ministerial Statements are statements that Government Ministers may make on television or radio for the purpose of communicating information, explaining legislation passed by Parliament or seeking the co-operation of the general public on a given matter. Government Ministerial Statements shall not exceed 15 minutes' duration per broadcast.

Should the Opposition seek to reply to such statements on the grounds that the matters raised are of public or political controversy, public debate or relate to current public policy (as those terms are defined in the Guidance Notes to Standard 1 of Part 2 of the First Section of the Code) the public service broadcaster that has broadcast the Government Ministerial Statement shall allocate time to the Leader of the Opposition to enable the opposition to respond. Such a broadcast shall not exceed the duration of the Government Ministerial Statement or 10 minutes, whichever is the lesser. The broadcaster should be straightforward and fair in its dealings with participants in programmes falling within the scope of this code.

Proposed amendments to paragraph 6

Option 1: Replace "Leader of the Opposition", in the second paragraph, with the text "leader of the Opposition Party" or;

Option 2: Replace "Leader of the Opposition" with the text "the Leader of the largest Opposition Party".

Question 1: Do you object to the Code being changed to reflect either of the proposed amendments? Please provide reasons for your reply.

Question 2: In the case that you disagree with either of these proposed amendments, would you instead propose that the term "Leader of the Opposition" be replaced with an alternative term, if so, which term?

EXTRACT FROM THE CODE: SECOND SECTION, POLITICAL BROADCASTS NOT MADE IN RELATION TO ANY ELECTION OR REFERENDUM, PARAGRAPH 7.

National interest

In exceptional circumstances, on matters of serious national interest, a public service broadcaster (for example, The Gibraltar Broadcasting Corporation) shall, at the request of the Chief Minister, make available to the Chief Minister a programme time slot of a maximum of 30 minutes' duration.

Within a reasonable period of time after that broadcast, and exercising its editorial judgment, the public service broadcaster that has made available the programme time slot to the Chief Minister shall grant the Leader of the Opposition an equivalent programme time slot to enable him or her to express his/her view on the matter.

Proposed amendments to paragraph 7

Option 1: Replace "Leader of the Opposition" with the text "leader of the Opposition Party"

Option 2: Replace "Leader of the Opposition" with the text "the Leader of the largest Opposition Party".

Question 3: Do you object to the Code being changed to reflect either of the proposed amendments? Please provide reasons for your reply.

Question 4: In the case that you disagree with either of these proposed amendments, would you instead propose that the term "Leader of the Opposition" be replaced with an alternative term, if so, which term?

GRA's comments:

The Code does not just set the standards on objectivity, impartiality, accuracy and undue prominence, but it is also intended to provide the necessary guidelines on best practice to assist the broadcasters within the jurisdiction of Gibraltar.

The GRA recognises that the GSD is the political party with the largest number of members of Parliament on the Opposition bench, and that the party leader's comments seek to clarify who the broadcasters need to contact to offer a right of reply.

3. RESPONDING TO THIS CONSULTATION

The GRA welcomes comments from stakeholders on the questions posed in this public consultation (full list of questions are available in Annex A).

The GRA would like to receive views and comments on the issues raised in this document, by **3pm on Monday 29th January 2018**.

All submissions should include a contact person, full name, address and email, in case we need to contact the respondent to clarify any issues with the submission. If the comments are submitted on behalf of an organisation then this must be clearly stated and the contact person's details will not be disclosed. If parts of a submission are to be treated in confidence then this must be clearly stated or labelled.

Comments and responses to this consultation should be submitted in writing to the following email address:

broadcasting@gra.gi

Responses may alternatively be posted to the address below, marked with the title of the consultation:

Broadcasting Division
Gibraltar Regulatory Authority
2nd floor, Eurotowers 4, 1 Europort Road,
Gibraltar.

4. OTHER SUGGESTIONS FROM STAKEHOLDERS

OUTSIDE SCOPE OF REVIEW

Although the purpose of this consultation is to allow all relevant stakeholders the opportunity to make representations to the proposed amendments contained in section 2 of this document, it also provides the opportunity for stakeholders to contact the GRA if they have any additional concerns with the Code.

The GRA will take the utmost regard of all stakeholder's comments and will make every effort to try to clarify and address any issues.

5. COMPLETION OF THE PUBLIC CONSULTATION

On completion of the consultation, a summary of the comments received will be published on the GRA's website two weeks after the closing date.

On the basis of the responses, the GRA will complete its review of the Code and determine whether any amendments are required or the issues raised may be resolved by additional guidelines or by a GRA statement. Subsequently, in order to promote further openness and transparency, the GRA will publish the names of the respondents and their responses on its website.

Please read the Privacy Statement available on the public consultation [webpage](#) to clearly understand how any personal information and comments submitted to the GRA will be processed.

ANNEX A: CONSULTATION QUESTIONS

Question 1

Do you object to the Code being changed to reflect either of the proposed amendments? Please provide reasons for your reply.

Question 2

In the case that you disagree with either of these proposed amendments, would you instead propose that the term "Leader of the Opposition" be replaced with an alternative term, if so, which term?

Question 3

Do you object to the Code being changed to reflect either of the proposed amendments? Please provide reasons for your reply.

Question 4

In the case that you disagree with either of these proposed amendments, would you instead propose that the term "Leader of the Opposition" be replaced with an alternative term, if so, which term?

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