

2022 Media blues



Pessimism prevails about Freedom of Information, Future of Media Commission and Media Commission

By Gerard Cunningham

Looking to the year ahead, it is hard to feel optimistic about the multiple current reviews of the media landscape in Ireland though certain reports that the Minister for Justice is finally to bring the 2022 review of defamation law to Cabinet and that she will recommend abolition of juries in High Court defamation actions and safeguards against SLAPP orders, though hardly radical, did warm the journalistic cockles a little in February.

Freedom of information (FOI) law is being reviewed again, and the signals are not good. There is a tendency for new FOI laws to be less about opening up public information, and more about giving civil servants new excuses to refuse FOI requests. The last freedom of information review grudgingly rolled back the requirement that citizens should have to pay to obtain public information, but not without an intense and sustained campaign for a more open government.

During the review, one government minister was prompted to complain about freedom of information being abused by “two guys with a website”. This was a reaction to a case which went to the Supreme Court after the Information Commissioner found that NAMA, the State’s ‘bad bank’, was indeed subject to access to environmental information regulations, an EU law similar to freedom of information legislation but covering environmental issues.

On another front, the government continues to drag its heels in publishing the report of the Future of Media Commission. The report was delivered to the desk of minister Catherine Martin

last autumn, and there it has sat ever since, gathering dust. News media in Ireland have been in crisis for over a decade, ever since the perfect storm of a property advertising prolapse at the same time that Apple launched the iPhone and Facebook/Google (Meta/Alphabet?) achieved critical mass, leading to the crumbling of both circulation and advertising revenues.

The government seems much more excited about the similarly named but distinct Media Commission, which will replace the Broadcasting Authority of Ireland and regulate not only traditional broadcasting but streaming media, and potentially every internet company headquartered in Ireland. That is: the new Media Commission may also be a New Media Commission.

Despite what some may fear, this is unlikely to lead to overreach by an Irish regulator possessed of powers to rival the Great Firewall of China. This government has no interest in upsetting the large tech companies whose accounting practices boost the Irish tax take. A government which went to European courts to prove it did not have to tax Apple is not going to interfere with their business models.

However, both backbenchers and ministers will seize on the opportunity to make antagonistic noises about cyberbullying and online trolls, while doing little in practice beyond setting up a Commission with a commissioner whose major power will probably be the right to nag people to be civil online.

The new Media Commission may end up doing old media a favour if that is the case. Given a likely mandate to promote civil behaviour online and discourage trolling, the media will need an advertising budget.

Some of that will inevitably go on Facebook ads, and on glossy online videos and audio inserts to podcasts, but some of it will also go to muchneeded newspaper, television and radio advertising.

Such campaigns could end up being at least as significant as any aid made available as a result of the recommendations of the Commission on the Future of Media.

The funding problems the Future of Media Commission must address are obvious. In addition to plummeting newspaper audiences, RTÉ has not had an increase in its licence fee since 2008, despite increased competition from satellite and streaming services.

Realistically RTÉ needs a significant funding increase, and to break the link between television sets and the licence fee. This was attempted before, with a proposed move to a “screen tax”, but the idea was long-fingered and eventually dropped after water-tax protests made introducing another household tax unpalatable.

The other issue for RTÉ is reliance on advertising revenue.

A look across Europe shows many different variations in public service broadcasting, from the BBC’s licence only to a household and business fee in Germany, an electricity surcharge in Greece and Serbia, and grants paid directly from central government in other countries.

One novel suggestion, put forward by solicitor and writer Simon McGarr, is to allocate a share of central funds to RTÉ. Not only that but the proportion would be fixed as a percentage of government revenues, and locked in for a significant term, say a decade.

This would release RTÉ from dependence on commercial advertising (and so help commercial television, which could then attract more advertising revenue), while allowing RTÉ to plan over the medium- to long-term without having to worry about near-bankruptcy every year. In addition to securing its future as a news source, the station would also be able to invest in developing indigenous drama distinct from the latest American or other imported programming, some of which it might even sell on to streaming services and other broadcasters internationally. **■**



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