

NUJ

NATIONAL UNION
OF
JOURNALISTS

Journalism

**Not Just
Busin€ss**



Professor Brian MacCraith
Cathaoirleach
Future of Media Commission
Birmingham Tower West
Dublin Castle
Dublin
D02 R866

8th January 2021

Dear Professor MacCraith,

I am pleased to submit the submission of the National Union of Journalists (UK and Ireland) for consideration by the Commission.

For your information I am including the details of the members of the Irish Executive Council.

In my role as Irish Secretary, I look forward to co-ordinating further engagement with the Commission when you have considered the submission.

Yours sincerely,

A handwritten signature in black ink that reads 'Séamus Dooley'.

Séamus Dooley
Assistant General Secretary/Irish Secretary

NUJ Irish Executive Council

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Joint Cathaoirligh:	Dara Bradley, Journalist, Connacht Tribune, Galway Siobhan Holliman, Deputy Editor, Tuam Herald
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Kathryn Johnston	Freelance Journalist/Author, Ballymena, Co Antrim
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Ciarán O Maoláin	Freelance Journalist, Armagh
Susan O'Shea	Journalist, Irish Examiner, Cork
Norma Prendiville	Journalist, Limerick Leader
Lorna Siggins	Freelance/Former Irish Times Western Correspondent, Galway

*Currently on secondment as Secretary, RTÉ Trade Union Group.

Introduction

- 1 The National Union of Journalists, UK and Ireland, (NUJ) welcomes the opportunity to make a submission to the Commission on the Future of Media.
- 2 We look forward to further engagement with the Commission and would welcome the opportunity to make a presentation to members of the Commission.
- 3 The Commission has been charged with charting the future at a time of unprecedented challenge for the media sector in Ireland.
- 4 Against the backdrop of a global pandemic the Commission must develop long term strategies to protect and nurture public interest journalism as economic, societal and governmental norms are shattered.
- 5 Throughout the pandemic Irish journalists have demonstrated their vital role in the spectrum of essential public services.
- 6 Media workers at local and national level are working around the clock to ensure the public has access to timely, reliable and accurate information.
- 7 On a daily basis public service broadcasting is informing, educating and entertaining a public hungry for authoritative information from trusted sources.
- 8 National and regional print journalists and broadcasters have reaffirmed the value of trusted news sources.
- 9 During uncertain times, the value of independent journalism, impartial news and trusted editorial content, is clearer than ever, standing as a bulwark against targeted misinformation and propaganda. Yet the media industry's fragility is laid bare at this time of greatest need.
- 10 The work of the Commission will help shape the future of the media in Ireland and will have profound implications for the engagement of the public with the democratic life of the State.

National Union of Journalists

- 11 We wish to thank the Commission members and secretariate for their co-operation and to wish the Commission well in its important endeavors.
- 12 The NUJ is the trade union for professional journalists in Ireland, employees and freelance, working across all platforms. The union is affiliated to the Irish Congress of Trade Unions and is a member of the International Federation of Journalists.
- 13 The NUJ Code of Conduct forms part of the rules of the NUJ and on joining the union journalists commit to adhering to the ethical framework set out in the code.
- 14 The NUJ is a founder member of the Press Council of Ireland. The NUJ is also a member of the RTÉ Trade Union Group (TUG) and is supportive of the submission of the TUG to the Commission in respect of RTÉ.
- 15 The NUJ is committed to protecting the terms and conditions of members engaged in journalism across all platforms, staff and freelance.
- 16 The union is a passionate defender of journalism as a public good. A vital component in the protection of democracy is an informed and engaged citizenry.
- 17 It is worth noting that on 26th September 2014 the NUJ called for the establishment of a government commission on the future of the media in a submission to a BAI seminar “Ensuring Plurality in the Digital Age” in which the union warned of the crisis then facing the industry.
- 18 The establishment of a broad-ranging commission has long been an objective of the NUJ, supported by the Irish Congress of Trade Unions.
- 19 We therefore view the establishment of The Future of Media Commission as a significant if belated response to the existential crisis in our industry.
- 20 The terms of reference are, in the view of the NUJ insufficient to deal with many of the urgent issues which confront the industry.
- 21 Interim measures are required from Government to ensure the survival of many media organisations now at risk of collapse due to the fallout of the Covid-19 pandemic.
- 22 The cornerstone of this submission is the union’s policy document, “From Health Crisis to Good News – A recovery plan for the news industry in Ireland”, published on World Press Freedom Day on 3rd May 2020.

- 23 Before tabling specific proposals drawn from the NUJ plan, it is useful to put the proposals in context. In doing so it is necessary to draw attention to issues which have contributed to the current crisis, but which are outside the explicit terms of reference of the Future of Media Commission, such as the issue of media dominance, ownership and control.

Having set out our proposals we attempt to address the questions posed by the Commission.

Role of the Media

- 24 The NUJ is committed to the maintenance and development of public service media (PSM) in Ireland, the role of public service broadcasting is critical to a functioning democracy.
- 25 Public service broadcasting is based on a set of principles which recognise the need for properly funded news and current affairs underpinned by editorial independence and objectivity, the provision of a publicly owned and regulated platform for diverse opinions, and the development of publicly funded programmes of public value
- 26 The European Broadcasting Union (EBU) ¹ has affirmed core values which define Public Service Media in the document “Empowering Society.
- 27 The core values are;
Universality
Independence
Excellence
Diversity
Accountability
Innovation
- 28 The principle of Public Service Broadcasting is predicated on the concept of journalism as a public good.
- 29 Public Service Media (PSM) have a distinct role in ensuring that public interest journalism and, by extension, the public good is not subject to the vagaries of the market economy.
- 30 With the emergence of new platforms and what has been identified as “fake news” there is a growing appreciation of the value of professionally sourced verifiable and objectively presented news.

¹ [Empowering Society \(ebu.ch\)](http://ebu.ch)

- 31 Public interest journalism is not confined to public service media and we welcome acknowledgement of this reality by the Commission.
- 32 In this submission the NUJ has sought to highlight the vital role in democracy of both public service and commercial media.
- 33 The strong public service content provided by national and regional newspapers, niche or specialist publications, radio stations and commercial digital platforms complements the service provided by RTÉ and TG4 and ensures a range of sources of news and information in Ireland.

Funding Principles

- 34 The Future of Media Commission must consider how the State can continue to develop and support Public Service Media while also promoting and assisting public service content providers.
- 35 This will require a reimagining of the role of journalism in society on the part of the State, media organisations and journalism.
- 36 The current PSM funding model is not fit for purpose and we seek to address this issue separately.
- 37 It is important to stress that redistributing the current allocation thinly across a wider range of media organisations is not the solution and would merely serve to diminish RTÉ and TG4. Public interest journalism will only be strengthened through enhanced investment.
- 38 Public service content generated by commercial media should be supported but not in a manner which undermines RTÉ or TG4.
- 39 Public interest journalism is about providing basic news and information, about asking awkward questions, shining a light into dark corners, about holding power to account.
- 40 The maintenance of editorial independence is vital to the integrity of the media. There are fears in some quarters that any State subventions to private media has the potential to compromise editorial independence.
- 41 These fears can be allayed through the development of appropriate and transparent structures.
- 42 There is no evidence to suggest that State aid would be detrimental to a free press or that funding automatically compromises or influences editorial content.

- 43 In Ireland funding from the Simon Cumbers Media Fund and the Mary Raftery Fund have enhanced public interest journalism.
- 44 The BAI Sound and Vision Fund is financed through the State broadcasting licence and a levy system and has enabled independent broadcasting of the highly quality.
- 45 UK based Trusts such as the Joseph Rowntree Trust have funded and enabled journalistic investigations without seeking to influence the outcome. Community journalism has been funded on the same basis by the Carnegie Trust.
- 46 Alan Rusbridger, the former editor of the Guardian, in his book “The Remaking of Journalism and Why it Matters Now” (Edinburgh, Canongate, 2018) lists a range of philanthropic funding bodies from Rowntree, to Soros, to the Gates Foundation and the UN. He asked if ‘such funding cause us ethical dilemmas?’ With transparency and with clear rules he suggested that it was no less ethical to take funding from an NGO on transparency terms than from native advertising ‘or being funded by a billionaire who might well have a hidden agenda and unspoken influence on the papers he was funding.’
- 47 There is strong evidence that ownership by wealthy individuals or companies has influenced journalistic content and practices.
- 48 Developments at Independent News and Media Plc pointed to attempts by the now former majority shareholder at influencing editorial content while the surveillance of staff was carried out as a result of corporate decisions with no regard for the principle of source protection or the impact on journalism.
- 49 The NUJ is mindful of the potential influence, direct and indirect, of reliance on advertising and commercial sponsorship on editorial content.
- 50 The lines between editorial content and advertising are increasingly being blurred in the print and digital sectors, partly a desperate response to the challenge to traditional revenue streams by Tech Giants.
- 51 Sponsorship and broadcasting rights have an influence on editorial content, notably in sport. Conflicts of interest frequently arise when access is controlled by sponsors or by organisations in a manner which seeks to control or manage coverage.
- 52 The establishment of the Journalism Foundation of Ireland set out in this submission, featuring an independent board and transparent procedures, would act as a guarantee of independence and help instill public and industry confidence.

- 53 Alternative funding streams are powerful weapons in defence of ethical, public interest journalism. Dependence on advertising brings with its vulnerabilities and potential ethical compromises.
- 54 There are numerous schemes to aid the news industry across Europe, including in countries which feature prominently in press freedom indexes and these are worthy of examination by the Commission.
- 55 The NUJ News Recovery Plan arises from a deep crisis in the media industry; a crisis which is multi-faceted and requires a strategic approach to PSM and public service content providers.
- 56 There must be a clear focus on the crucial role of staff and freelance journalists in providing quality public service journalism.
- 57 Economic survival is the ultimate guarantee of independence, financial uncertainty inhibits editorial innovation.
- 58 The current economic crisis in RTÉ arises from many challenges not least of which is Government failure to provide adequate financial resources and the inadequacy of the licence collection system.
- 59 In many sectors, including but not exclusively the regional newspaper sector, the greatest threat to media diversity is posed by economic uncertainty.
- 60 The failure of the State to address the issue of ownership and control, the dominance of a small number of powerful companies and the lack of investment in editorial resources, have contributed to a crisis exacerbated by technological developments and changes in consumer preference in how news and information should be disseminated and received.

Context

- 61 As the trade union representing staff and freelance journalists the NUJ has been warning of the threat to employment and journalistic standards by lack of editorial investment for over two decades.
- 62 In an address to the conference of the Association of County and City Councils on 24th March 2011, the union's Irish Secretary outlined key factors undermining the media industry, especially regional newspapers.
- 63 Against the backdrop of newspaper closures, including the Athlone Voice, Roscommon Champion, Longford News, the Irish Star Sunday and the Sunday

Tribune he warned that lack of investment, redundancies and mergers were posing a threat to diversity and democracy.

- 64 He said: “The decline in local ownership has meant that editorial and commercial decisions are frequently taken in remote boardrooms. The gradual withdrawal of local owners and the disappearance of family-owned regional newspapers was a significant feature of the past five years. Owners do not necessarily dictate what is covered, but the allocation of resources has a direct impact on the ability of an editor or news editor to ensure adequate coverage of local affairs”.
- 65 He also said: “The reduction in (newsroom) headcount has meant that news editors have less staff and fewer resources. Where staff have been hired, they are less experienced – and the deterioration in pay and pensions has made journalism a less attractive profession. Some local newspapers are deciding not to cover local authority meetings or to be more selective in what is covered. They simply do not have the resources to do so. This is a worrying development and is bad for democracy.”
- 66 The situation has deteriorated since 2011 and the NUJ has consistently drawn attention to the impact on local democracy of diminishing editorial resources in regional print and broadcasting is a major concern.
- 67 The coverage of local government and courts was for long a core function of local media organisations. Many local newspapers no longer cover local authority meetings, with consequences for local democracy. Likewise, courts are selectively covered.
- 68 It can be argued that the Constitutional defence of a free press imposes an onus on government to nurture an environment which facilitates to the maximum extent possible a free press and the right to freedom of expression.
- 69 The trend of underinvestment is not confined to the regional press or broadcasting sector. The denuding of newsrooms in the commercial radio sector, both national and regional, is an ongoing cause for concern.
- 70 A feature of the national newspaper sector has been the reduction in overall staffing levels, non-replacement of specialists and a dramatic reduction in budgets for freelance contributors.
- 71 The amalgamation of editorial teams working across titles has had a negative impact in terms of editorial diversity. The decline in the magazine and periodical sector is a sad feature of the Irish media sector and specialist magazines and periodicals struggle to survive.

- 72 The NUJ is gravely concerned at the incessant reduction in staffing levels in the commercial radio sector. Many regional radio stations rely on part on presenters. In the area of sports coverage voluntary club PROs and office holders acting for sports organisations frequently act as commentators or presenters.
- 73 A consequences of staff reductions and technological developments has been increased pressure on newsrooms. Smaller staff numbers are required to take on additional duties without training to meet the demands of multiple platforms.

News Recovery Plan

- 74 The media crisis is not unique to the Republic of Ireland. The NUJ's response to the challenges posed by Covid-19 was the development of a News Recovery Plan predicated on the core principles outlined in the introduction to this submission.
- 75 The NUJ developed parallel plans for the media in England, Scotland, Wales, Northern Ireland, as well as the Republic of Ireland.
- 76 Covid-19 had a devastating impact on the Irish media industry, but the crisis was not caused by the fallout from the pandemic.
- 77 Covid-19 exposed the fragility of the industry: the consequences of underinvestment in editorial resources, the paucity of action by successive governments to protect public service broadcasting, public interest journalism and media diversity.
- 78 In particular, the Covid-19 pandemic and the media response has had devastating consequences for freelance journalists.
- 79 As the Commission considers a long-term plan for the media, public service and commercial broadcasting organisations, national newspapers, the regional press, specialist titles and on-line, digital publications are tethering on the brink of ruin at a time when the role of the media was never more important to citizens.
- 80 The Covid-19 emergency served to highlight the value both of public service media and commercial media across all platforms. There is a new public enthusiasm for trustworthy content provided by professional, accountable journalists.
- 81 The impact of the Covid-19 crisis is both macro and micro, national and local. The fundamental assumptions which have long underpinned Irish government policies have been subject to intense scrutiny.
- 82 There has been a welcome shift in public policy in health, in education and social protection. There is a new acceptance that the values of the market do not hold the

key to protecting the welfare of the nation and a recognition of the importance of social solidarity.

- 83 Against this backdrop it is a good time to reassert the value of public interest journalism in all its manifestations.

Financial measures

- 84 The NUJ Recovery Plan sets out measures which should be considered by the Commission in examining how the Government develops and supports public service media and public service content.
- 85 In 2020 the UK government introduced a Digital Services Tax (DST) which provides a template for a new funding model aimed at funding an Irish News Recovery Plan.
- 86 The NUJ proposed a windfall tax of 6 per cent on tech giants based on the UK scheme. The DST is levied on UK digital services revenues – arising in connection with certain types of digital activity. Such activity benefits greatly from the use of media generated content and attracts users, clicks, views and advertising from and on the back of the traditional media who constructed it.
- 87 The in-scope digital services activities are:
Social media services
Internet search engines
Online marketplaces
- 88 The NUJ proposes the establishment of a government-funded Journalism Foundation of Ireland to invest in media and to promote public interest journalism. The existing Sound and Vision Fund administered by the Broadcasting Authority of Ireland provides grant assistance for the audio-visual sector only. The scheme has been highly successful.
- 89 There is no comparable scheme for public content providers in the print or online sectors.
- 90 The Simon Cumbers Media Fund established by Irish Aid is a model which could be developed. Reference has already been made to the existence of similar models of funding in other jurisdictions.
- 91 The fund could be part funded through the proposed Digital Services Tax and administered by an independent board to ensure editorial independence.

Freelance Journalism

- 92 Given the consequences of the Covid-19 pandemic on the freelance sector the ring-fencing of funding for freelance journalists under a special scheme should be considered.
- 93 In contrast to the position of freelance and casual workers in the arts and entertainment sectors there has been no acknowledgement of the devastating economic impact on freelance journalists of the pandemic.

Training and Access

- 94 There is a strong argument for a national training programme for all media platform.
- 95 The training and development role of the BAI could be incorporated into the remit of the proposed foundation, utilising the skill and expertise of BAI personnel who have a track record in the field.
- 96 In this regard the Foundation would have a role in developing a training programme aimed at improving access to journalism, including apprenticeships for school leavers, and in designing in-service training along with industry stakeholders.
- 97 Grants could be made available to new entrants from minority, underrepresented groups to attend journalism courses in third level institutions.
- 98 The foundation could also work with journalism schools and employers to develop training programmes in media for under-represented groups, including ethnic minorities.
- 99 It is worth noting that the shift to university degrees as the main form of entry to journalism has led to a homogeneity of the profession in Ireland.
- 100 This is reflected in the membership of the NUJ, where there is a marked absence of Travellers or other minority groups and is reflected in the staff profile of media organisations at local and national level.
- 101 There is a particular need for grant aid to enable journalists to transition from print to digital publications and to acquire new skills.
- 102 The opportunity to acquire new skills is of importance to freelance journalists in order to maximise earnings in an ever-changing market.
- 103 The underinvestment in training by the industry is a feature of the Irish media sector.

104 The absence of in-service training, mentoring or career development programmes is a striking feature of the newspaper industry. There are few opportunities for upskilling and new work practices and technology are frequently introduced without meaning training. Peer training and super users have a role but the “Sit by Nellie” approach which has characterised the industry is especially inadequate where staff levels are low.

Local Democracy

105 The Foundation would invest in local news and innovative journalistic projects.

106 It should be independently chaired and governed by a board which would include all stakeholders, including trade union representatives and public interest members, similar to the model use by the Press Council of Ireland. It should be free from political interference.

107 The democratic deficit arising from lack of coverage of certain areas, urban and rural should be addressed in a strategic manner.

108 One model worthy of consideration is the UK Local Democracy Reporting Scheme operated by the BBC.

109 The Local Democracy Reporting Service (LDRS) is a public service news agency: funded by the BBC, provided by the local news sector, and used by qualifying partners. The development of similar collaborative partnerships would have to be subject to strict condition to ensure they were not used to displace employment or to undermine terms and conditions of employment in the regional print, broadcasting and digital sectors. LDRS is not the preferred option of the NUJ but provides a possible starting point for a scheme to be adapted to meet the need to address the gaps in Irish journalism. Other models should also be considered.

110 Foundation funding or any other State assistance should be used for the development of journalism and ring fenced for that purpose.

111 All financial assistance should be transparent and accountable. Trust can only be developed where decision making processes are clear.

112 The NUJ welcomes the recent support of the Taoiseach for the ring fencing of funds for public interest journalism.

113 While An Taoiseach referred to “investigative journalism” the NUJ would advocate a broader definition of public interest journalism.

114 In his comments in the Irish Times interview Mr Martin also stated.

“Journalists needed to be better paid. Young people in college who aspired to be a journalist needed to have a clear, meaningful career pathway before them.”

- 115 In the regional press and in the commercial radio sector the issue of pay, wages and the right to trade union representations are significant issues of concern to the NUJ.
- 116 While these are issues outside the direct remit of the Future of Media Commission it is not possible to discuss the future of the media without reference to the barriers to recruitment and to the precarious nature of employment in the sector.

Vouchers

- 117 We propose a free voucher scheme for on-line or print subscriptions to all 18 and 19-year-old subscribers and tax credits for households with subscriptions as a means of encouraging younger people to subscribe to media outlets.
- 118 Free voucher for online or print subscriptions for all over-70-year olds, in line with the free TV licence scheme.
- 119 Incentives to encourage access to digital platforms should attract tax benefits and are an investment in developing an informed citizenry. The recent lessons from the consequences of unchallenged social media content and unregulated broadcasting in the US will not be lost on the Commission.

Preserving Local Media

- 120 As outlined above, the demise of local newspapers, through takeover, closures and amalgamations has been a feature of the news industry over the past two decades.
- 121 Against this backdrop the NUJ is calling for the introduction of measures to ensure the preservation of local newspapers through the conferring of a new “asset of community value” status ensuring that titles are preserved for potential community ownership.
- 122 The concept of community status is new in the Republic of Ireland but is common in other jurisdictions.
- 123 Consideration should also be given to allowing media organisations to apply for charitable status. This could be attractive for community initiatives and news co-operatives.
- 124 In looking at the role of regional newspapers in the provision of news and information it is also worth noting their role as providing a valuable nationwide archive for historians, a reliable source unlikely to be rivalled by Wikipedia. In her

seminal book “Stacking the Coffins, Influenza, War and Revolution in Ireland, 1918-19” (Manchester University Press, 2018) Dr Ida Milne drew extensively on reports in local newspapers. Dr Milne has made the point that the historical record is weakest in areas where there was no local newspaper. Contemporary newspaper records, national and local will provide a similar record for students of Covid-19. The loss of local media has long term consequences. The decline in investment in photojournalism, including the elimination of many staff photographer roles, also has implications for historical records.

State Role

- 125 A vibrant, independent media is vital in a healthy democracy. State assistance, direct or indirect, poses no automatic threat to media independence.
- 126 The only restriction which should be placed on the beneficiaries of State assistance is adherence to minimum norms.
- 127 No public money should be made available for firms imposing compulsory redundancies, pay cuts or denying the right to trade union organisation Criteria.
- 128 The NUJ is proposing the criteria already set out in competition legislation as a template for assessing applications for funding by the Media Foundation of Ireland.
- 129 These criteria are set out in the Media Merger Guidelines, May 2015 and set out factors to be considered in the public interest in determining approval of media mergers, having regard to media plurality and diversity.
- 130 They include editorial independence, regard for regulatory compliance and engagement with the industrial relations machinery of the State.

Limitations

- 131 The NUJ believes that companies receiving State funds should be prohibited for five years from engaging in mergers and acquisition activity or leveraged buyouts which result in job losses or the imposition of pay cuts.
- 132 In the context of the crisis in the industry there should be strategic investment in Government advertising, including the hyperlocal sector, by central and local government and public bodies.
- 133 The response of the media to the Covid-19 crisis and the increased engagement with readers reflects the relevance of the media as a reliable and authoritative medium of news and public information.

Irish Language

- 134 The status of the Irish language under the Irish Constitution places a special responsibility on PSM, both TG4 and RTÉ, to provide quality Irish language programmes.
- 135 The NUJ has long been concerned that RTÉ views Radio na Gaeltachta as a regional news service in that staff do not enjoy the same terms and condition of employment as RTÉ journalists engaged in the same work through the medium of English.
- 136 This difference is not just an industrial relations issue but is illustrative of a mentality which runs counter to the nurturing of Irish language services by RTÉ.
- 137 The proposed Journalism Foundation of Ireland would promote the development of Irish language journalism across all platforms.
- 138 The promotion of Irish language content should not be confined to PSB or viewed as a regulatory burden. These points are elaborated upon in response to questions from the Commission.

Media Literacy

- 139 The NUJ believes that education is the key to combatting so called fake news. A national media literacy programme in association with PSM would enhance democracy by empowering citizens.
- 140 Ethical journalism is the cornerstone of public service broadcasting and depends on resourced news and current affairs departments.

Commission Questions

While the submission seeks to address issues raised by the Commission the template questions provide a useful framework to sum up the position of the NUJ.

Question One: How should Government develop and support the concept and role of public service media and what should its role in relation to public service content in the media be?

The Government should provide increased funding for public service media and devise new structures, including a Media Foundation to promote public service journalism across all platforms and models of ownership.

The recommendations should include a firm and unambiguous commitment to the maintenance, development and protection of a system of public service media characterised to the greatest possible extent by independence from commercial pressures on editorial freedom, by public - rather than narrowly political - accountability, by support from a device-based Media Charge to take into account, without delay, any changes in the media landscape, national or international, which threaten the independence and accessibility of public service media in Ireland. As noted, such a system should be technologically neutral, and should be structured to develop and enhance all public service journalism across the ever-widening spectrum of media.

The last decade has been marked by dramatic changes in the pattern of media consumption and a consequent change in advertising models.

Multi-national media giants are allowed continually to evade legal, moral and financial responsibility for their continuing pollution of the public media space and is evident in the continuing shrinkage of public service media internationally. To tackle this problem, and at the same time defend the fundamental principles of freedom of expression, is one of the key issues of our era, and can be adequately addressed only by Internationally devised and enforceable legislation.

It is in this context that the NUJ has proposed a digital tax based on the UK model. The advent of video-enabled, smart and mobile devices has been exploited by tech giants at the expense of PSB.

The shift in advertising has exposed the vulnerability, in particular, of RTÉ and brings into sharp focus the need for immediate reform of the licence fee collection system.

Faced with 13% licence fee evasion rate and the refusal of successive governments to provide adequate funding RTÉ is required to meet its public service obligations while addressing a decline in advertising revenue.

The recommendation of the BAI of increased funding of €30m to RTÉ was ignored in 2019 when the then Minister for Communications announced a new device-based licence fee system and a reformed collection system to be introduced in 2024.

The lesson of the current funding crisis is that failure to address funding has long-term consequences.

The explosion in targeted disinformation and misinformation enabled by social media underlines the need for properly funded PSB.

As a cornerstone of State policy, the Broadcasting Act, 2009, is not fit for purpose.

The training and development roles of the BAI should be transferred to a new body, the Journalism Foundation of Ireland, while regulation of editorial content could also be separated from the increasingly complex regulatory functions of the Authority.

While the focus of the NUJ is on content, infrastructural investment is an urgent requirement in order to address the imbalance in access to technology.

As noted by the RTÉ Trade Union Group, “access to high-speed fibre broadband is currently not of a sufficient standard for a significant number of households in Ireland. Such infrastructure is an essential prerequisite for the delivery of any digital platform content in a digital age.”

In relation to Irish language, sport and culture, PSB’s ability to be innovative is restricted by the current public service broadcasting funding model.

RTÉ's obligations regarding the use of Irish language are set out quite clearly in the Broadcasting Act (2009); that is that they are to broadcast a comprehensive range of programmes in the Irish language on their television and radio schedules.

The NUJ position in respect of Raidió na Gaeltachta has already been noted.

RTÉ Raidió na Gaeltachta is viewed as a national station with regards to fulfilling that remit. Employees in RTÉ Raidió na Gaeltachta should be afforded the same terms and conditions as their colleagues working for the same national organisation.

It should be noted that an investigation by an Coimisinéir Tenaga found that only 0.7% of programmes broadcast on RTÉ television are classified as Irish language programmes.

A substantial increase in Irish language programmes is needed to ensure not only statutory compliance but also a due recognition of our first official language and its cultural role in society.

TG4 occupies a significant role on the media landscape and is an important platform for innovation.

The partnership with RTÉ News and Current Affairs through the Nuacht service is a model of what can be achieved through strategic collaboration.

The severe reduction of Irish language programming output and the reduction of the Irish language department in RTÉ is a consequence of underfunding.

These changes must be reversed if RTÉ is to play an enhanced role in the promotion of the Irish language.

The vital role of culture in society has been affirmed during the Covid-19 pandemic.

Public service media have united communities and, through a variety of platforms, reflected the life of the nation at a time of national upheaval.

Covid-19 highlighted the essential need for communities and individuals to have access to arts and culture.

As with Irish language services, guaranteed and sustained funding of the arts, including choirs, the RTÉ Concert Orchestra and Archives must be recognised as a vital component of public service broadcasting.

The NUJ sees investment in education and children's' programmes as a core function of PSB and believes RTÉ should reverse the decision to outsource young people's Television programming.

PSM should continue to broadcast sporting events that are culturally important to the Irish people at home and abroad.

PSM should give coverage and support to all sports, including so-called "minority" sports that do not normally generate enough revenue for coverage by commercial media, for the purposes of the nation's entertainment, information, inspiration as well as physical and mental health through sports participation.

PSM should ensure that there is a geographical/regional balance in the coverage of all sports and resist the tendency to focus on big ticket or high-profile figures at the expense of less glamorous events.

PSM should continue to increase coverage of female sports and continue to redress the gender imbalances in our society for the purposes of inclusion, equilibrium, entertainment, information, inspiration as well as physical and mental health through sports participation.

In his history of RTÉ television broadcaster Dr John Bowman referred to RTÉ as "window and mirror."²

In order to be reflective of Irish society public service media must provide greater opportunities for under-represented groups, minorities, specialist interest groups and multi-generational communities from diverse backgrounds.

² Window and Mirror, RTÉ television, 1961-2011 Author Dr John Bowman, (The Collins Press, 2011).

It is the function of public service media in particular to ensure that news and current affairs coverage provide a platform for a diverse range of views and avoid group think, the representation of any ideological consensus or the tendency towards “usual voices” on discussion panels.

The lack of ethnic diversity, gender imbalance and class barriers in accessing employment opportunities must be addressed if PSM are to be more representative.

In an era of targeted misinformation there is a palpable desire for verifiable, objective news and current affairs.

This can best be achieved by the provision of objective news and public service information.

Reference has been made already to the PSM principle set out by the European Broadcasting Union.

In terms of lessons from other jurisdictions the European Broadcasting Union (EBU) provides a significant framework for the promotion and development of public service broadcasting within Europe.

RTÉ and TG4 are both members of the EBU.

The EBU has called on policymakers in the EU to promote the role that public service media plays in protecting democracy.

The European approach to PSM stands in contrast to the United States of America where the gradual erosion of public service broadcasting and the contempt for public interest journalism has had consequences for civic engagement and the democratic process.

The NUJ has strongly defended the position of the BBC and strongly opposed proposals to decriminalise licence fee evasion.

Question Two: How should public service media be financed sustainably?

As noted, the current financial crisis in RTÉ is related to the failure of successive governments to make adequate financial provision for public service broadcasting.

There is a need for a new PSB media charge, an efficient collection system and a transparent method of setting the annual fee which is not based on ministerial discretion.

While the NUJ supports a Public Service Media charge, at this time the union has no set policy on how the charge should be collected.

There is considerable merit in the proposal for a charge linked to inflation, reviewed every five years with an obligatory at source payment system.

There are many examples from other jurisdictions based on payments through utility bills, household charges or directly from income tax.

The NUJ believes that non-payment should be subject to prosecution.

Editorial oversight of PSB must remain free from political or commercial influence.

The BAI, as regulator, currently oversees the public complaints process relating to any claims of bias, impartiality or offensive items or content broadcast by broadcasters, and has an overarching role in ensuring adherence to PSM objectives.

The NUJ favours reform of the BAI and notes the absence of trade union representation or worker participation in the structures of the board.

The board of RTÉ and TG4 are appointed by the and answerable to the Government.

Transparency exists through the publication of an annual report and as publicly funded bodies PSM are answerable to Government for efficient use of public funds.

While committed to the concept of value for money the NUJ would warn against the potential for departmental or ministerial interference in editorial matters if changes were to be introduced which sought to link efficiency or performance targets to the delivery of news and current affairs.

As a trade union and a constituent of the RTÉ Trade Union Group the NUJ is committed to the protection of workers' rights, the maintenance of quality employment based on negotiated agreement and appropriate remuneration for freelance and casual workers.

Organisational change is an ongoing feature of RTÉ and TG4.

The NUJ has a long record of co-operating with negotiated change, changes without which RTÉ could not continue to evolve.

Under current RTÉ agreements organisational change is facilitated.

There is a strong Industrial relations framework which included an internal disputes resolution process, the IRT, which is recognised as a model of best practice.

The NUJ rejects the concept that on screen or high-profile personnel should be denied security or employment.

The desire to maintain diversity and the exercise of editorial prerogative must be balanced against the principles of fairness, equality and decent work.

Reference has already been made to the possibility of co-operation with local media in the development of partnerships similar to the BBC's Democracy Reporters Scheme.

In relation to the Sound and Vision scheme, reference has been made to the potential of developing the Scheme through a new Foundation and broadening the scope beyond broadcasting.

The Sound and Vision scheme is a good initiative. Among NUJ members there is a perception that it is restrictive. The exclusion of News and Current Affairs should be reviewed. A vibrant independent sector is desirable. The NUJ shares the concern of the RTÉ Trade Union Group that further dilution of RTÉ's revenue stream through funding public service content in the commercial sector would pit RTÉ unequally against media companies with considerably greater budgets.

As part of the tendering process the NUJ believes that independent production companies should commit to fair employment practices, including the right to trade union representation and adherence to industrial relations norms and mechanisms.

As noted by the RTÉ TUG consideration could be given to the establishment of a public service content fund and/or tax relief mechanisms open to non-PSM production companies on a not-for-profit basis.

This would ensure the provision of quality public service content and the protection of employment in the commercial sector. It would also protect against the use of such funds by private broadcasters driven solely by providing profit to shareholders and provide opportunities for freelance creative workers.

As already noted, the shift in advertising revenue towards big tech firms has had a devastating impact on print, online and broadcast media.

It would be difficult to overstate the scale of the impact of advertising driven modes such as Google and Facebook on the sector.

The NUJ's digital tax proposal is an attempt to address that imbalance.

The case for lessening the dependence of PSM on advertising revenue is re-enforced by the powerful influence of social media platforms with no public service mandate, the ability to distort information and the capacity to influence the outcome of elections.

Indigenous media at local and national level should not be left exposed to the vagaries of the market without support in the face of such unequal competition.

The NUJ's News Recovery Plan recognises that PSM content could be provided through a variety of media outlets. That is why we have proposed the concept of community assets. Trusts. Co-operatives and joint initiatives are potential models for small community or interest-based publications and would be eligible for funding under the NUJ's proposed foundation.

Question 3. How should media be governed and regulated?

The question of regulation and governance is complex and in the context of the short time frame available it is not possible to provide a comprehensive answer at this stage.

The reform of the current Act and a re-organisation of the already overburdened Broadcasting Authority of Ireland have been previously referenced in this submission.

The NUJ has proposed that the training development and funding role of the BAI should be transferred to a new platform neutral body –, as proposed in this submission. It should be noted that the NUJ has had ongoing, positive engagement with the BAI, notably through valued support of the Freelance Forum hosted by Dublin freelance branch.

The regulatory functions of the BAI are complex and there is also an argument for separating the specific issues of editorial standards (code) complaints from other areas of supervision and compliance.

The co-regulatory system, established by the newspaper industry but granted recognition in legislation, is underfunded due to the crisis in that sector. The Press Council of Ireland has proven successful, but debate is needed on how digital content is regulated and whether a common regulatory framework is possible.

International and EU action to tackle tech giants would be the most effective transnational measure to protect PSM and public interest journalism.

Big tech giants should be made legally responsible for anything they publish on their platforms in the same way that all other media are.

Given the impact of their activities on the democratic process a transnational response would be welcome, not just in terms of competition but in addressing issues of democracy. The Defamation Act regulates media content and is a significant impediment to freedom of expression in Ireland. While law reform rests with the Department of Justice and review of the Defamation Act is outside the remit of the Commission any consideration of the viability of the media in Ireland or on the nurturing of public interest journalism which fails to acknowledge the chilling effect of the current defamation regime is by definition incomplete.

The NUJ has long highlighted the impact of media consolidation in the Irish market on media plurality.

Current legislation in relation to cross-ownership is weak and competition law has failed to prevent concentration of ownership in the print and commercial broadcasting sector.

The Media Merger Guidelines provide a comprehensive checklist and form a useful framework. However, the ministerial discretion not to investigate proposed acquisition has had disastrous consequences for the regional newspaper sector.

A diverse, vibrant regional press is vital. The recent merging of newspapers in adjoining counties, Limerick, Tipperary, Offaly, Laois and Kildare under a common owner has reduced editorial diversity and undermined the unique character of titles. This is just one example of loss of diversity at regional level.

Merger of editorial posts, common pages and a centralised management structure have had an impact on employment and on editorial diversity in a number of groups.

The NUJ is willing to engage further with the Commission on this subject.

Confidence in the regulatory system has been undermined by the failure of the Broadcasting Authority of Ireland compliance committee to adequately address complaints regarding bans imposed on certain journalists and media organisations by Communicorp Media. The ban imposed for commercial considerations on interviews with representatives of the Currency.ie and The Irish Times by Newstalk and Today FM runs contrary to public interest journalism and the decisions by the BAI not to act on those decisions raise fundamental questions about the efficacy of the regime.

A BAI determination that the majority shareholder in INM did not control the company and its subsequent refusal to reinvestigate the matter in the light of new evidence further damaged confidence in the regulatory system.

There is an evident and profound internal contradiction in the idea that competition and consolidation of the media market favors high quality, independent journalism. In fact, the opposite can more logically be argued, insofar as consolidation inevitably reduces competition and, in some cases, can eliminate it entirely.

Vibrant competition is the lifeblood of any system that purports or attempts to offer the public a wide variety of viewpoints, editorial attitudes, and a media that reflects social, political and economic diversity not totally dominated by the economic pressures that skew both the range of media choices available and the spectrum of political choice generally.

In this context, and as a bulwark against raw economic power, media policy should always favor diversity over consolidation.

The Commission should therefore review and evaluate different international models of public support for public service media in this regard, with the aim of establishing the framework for a "system" which combines public support for editorial diversity and freedom of speech with a taxation system that militates against media monopolies or quasi-monopolies, and against those commercial media enterprises which have flourished by discovering and exploiting the profitability, and its handmaiden the lack of public accountability, in the no-man's-land between legislation and regulation.

It is impossible to see this problem being resolved otherwise than by international legislation and enforcement, ideally by the EU, but individual, country-specific measures, particularly aimed at the support of independent sub-national media of all kinds and particularly of stand-alone media both print and electronic.