

Complaint Form

You **must** complete this form **in full**.

A comprehensive guide to the complaints process is at <https://www.phoenixfm.ie/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 or radio 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.

You may submit a complaint to Phoenix FM if you are unhappy about programme content on our licensed radio broadcasting service or on demand service, under the following categories:

- ***News and current affairs;***
- ***Harm, offence, incitement, and authority of the State***
- ***Privacy***
- ***Advertising***

Grounds for making a complaint.

The Act sets out several grounds under which a complaint may be made in respect of a television and/or radio 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.
- (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, 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.

Making 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 Phoenix FM 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 CnaM Codes.

Copies of the Broadcasting Codes are available from the following website,

<https://www.bai.ie/en/codes-standards/>

<i>Details of complaint</i>	<i>Please complete these details in full.</i>
Radio Frequency / Online Location	
Programme/Advert Title	
Programme date: dd/mm/yr	
Time of broadcast	

<i>Is the complaint an infringement of:</i>	<i>Please select relevant category</i>
News & Current Affairs	
Harm, offence, incitement, and authority of the State	

Privacy	
Advertising	

Please complete this section, summarising the main points of your complaint (alternatively, you may attach your complaint to this form).

<i>Complainant:</i>	<i>Please complete these details in full.</i>
Surname	
First Name	
Mr. / Mrs. / Ms.	
Address	
Daytime Phone Number	
Email (if applicable)	
Fax Number (if applicable)	

Date (form completed):

To finish, please read through the above form to ensure all your details are correct.

You may post or e-mail this complaint form to The Station Manager, Phoenix FM. The relevant contact details for complaints are:

Dublin 15 Community Broadcasting Cooperative Society Ltd. t/a Phoenix FM
The Blanchardstown Centre
Dublin 15

Email: manager@phoenixfm.ie