



# Radio 6EBA Perth

## Complaint

In February 1996 the ABA received a complaint concerning management practices at Perth ethnic community radio station 6EBA-FM. The complaint concerned the circumstances surrounding the dismissal of a volunteer announcer at 6EBA-FM in December 1995 as a result of on-air comments made by this announcer, as well as the lack of conflict resolution procedures at 6EBA-FM.

## Relevant Codes

Section 5 of the Community Broadcasting Code of Practice deals with the principles, rights and responsibilities of volunteers and states:

- 5.1 Community broadcasting licensees will have guidelines in place that outline:
- (a) the principles of volunteering;
  - (b) the rights and responsibilities of volunteers within the organisation.

Section 6 of the code deals with conflict resolution and states:

6.1 Community broadcasting licensees will have mechanisms which will facilitate conflict resolution within their organisation.

6.2 Community broadcasting licensees will make every reasonable effort to resolve disputes within their organisation conscientiously and as soon as practicable.

6.3 Community broadcasting licensees will negotiate for dispute resolution by managing discussion between disputants which is aimed to bring about agreement or a settlement of opposing demands or attitudes.

6.4 In the event of an unresolved dispute, community broadcasting licensees will seek appropriate alternative dispute resolution mechanisms (for example, mediation, conciliation or arbitration).

## Decision

The ABA determined that the issue of unfair dismissal was outside its jurisdic-


tion as the radio program standards were still in force when the dismissal occurred. The standards had no provisions relating to the rights of volunteers, dismissal procedures or conflict resolution.

In assessment the issue of conflict resolution procedures, the ABA examined 6EBA's constitution, access users' contract and station policy documents. The ABA determined that these documents did not adequately address the issues of dispute resolution, the right of appeal against management decisions and the rights of volunteers. The ABA found that the station policy document in particular allowed the station manager to wield considerable power in relation to management and programming, without equivalent accountability or right of review.

The ABA concluded that the licensee of 6EBA-FM, the Multicultural Radio and Television Association of Western Australia (Inc.), was in breach of sections 5 and 6 of the code. The licensee had not properly addressed the rights of volunteers within the organisation and had not prescribed appropriate or adequate methods of dealing with internal disputes and conflict resolution.

## Action taken

As a result of the ABA's findings the licensee formulated guidelines relating to the principles of volunteering and the rights and responsibilities of volunteers, which were put to the Council of the station for adoption. The licensee also reviewed its entire policy regarding the handling of internal disputes and complaints. The licensee provided the ABA with a new draft policy document and informed the ABA that this new policy would be in place within three to four months. The licensee also undertook to inform all members of the organisation of this policy.

The ABA was satisfied with the action taken. 

### The codes

Commercial television, commercial and community radio, the ABC and SBS all operate under codes of practice, while other broadcasting sectors are well advanced in the development of their respective codes. The ABA supervises the operation of the codes and performs an independent adjudicator role where complaints are not resolved between the complainant and the broadcaster concerned.

Primary responsibility for compliance with the codes and for resolving complaints rests with the broadcasters. If a station fails to answer a complaint within 60 days, or if the response is unsatisfactory, then the complaint can be referred to the ABA for investigation.

### Investigations

The ABA is required to investigate unresolved complaints and to inform complainants of the results of such investigations.

The ABA can also investigate complaints about the national broadcasters, the ABC and SBS.

The ABA also investigates complaints about matters relating to the standards for children's television or Australian content on television, the standards for subscription broadcasting, subscription narrowcasting and open narrowcasting, and complaints in relation to any type of broadcasting service where the complaint relates to a possible breach of the Act or conditions of licence.

The ABA has a range of sanctions available to it in the event of a breach of a code of practice, program standard or licence condition. Any action taken depends on the seriousness of the breach.