



3WRB Melbourne denial of access and conflict resolution

Complaint

In March 1998 the ABA received a complaint alleging that the Committee of Management of community radio station 3WRB Melbourne had illegally removed from the air a presenter (the complainant).

The complainant stated that the secretary of 3WRB had told him that he could remove a clause of the announcer's agreement before signing and submitting it to the station manager.

The complainant was subsequently informed by the licensee that he must sign the form in full or be suspended. The complainant refused to sign the agreement and was suspended from broadcasting. The Disputes Committee of 3WRB subsequently upheld the suspension.

Relevant code

Clause 9(2)(c), Part 5 of Schedule 2 of the Act states:

Each community broadcasting licence is also subject to the following conditions:

(c) the licensee will encourage members of the community that it serves to participate in:

(i) the operations of the licensee in providing the service;

and

(ii) the selection and provision of programs under the licence;

The ABA also assessed the complaint against the provisions of the Community Broadcasting Association of Australia Code of Practice No.6 which relates to conflict resolution:

Conflict resolution

The purpose of this code is to prescribe appropriate methods of dealing with internal disputes and conflict resolution in community broadcasting organisations.

Conflict is the situation where the goals, values, interests or opinions of one group or individual are incompatible with or perceived to be incompatible with, those of another individual or group.

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 found that the licensee breached clause 6.3 of the code by not negotiating for dispute resolution by managing discussion between the complainant and itself to bring about agreement or a settlement of opposing demands or attitudes. The ABA also found the licensee had breached clause 6.4 of the code by failing to seek appropriate alternative dispute resolution mechanisms.

The ABA found that the licensee did not breach clause 9(2), Part 5 of Schedule 2 of the Act or clauses 6.1 and 6.2 of the code.

Action taken

The licensee of 3WRB assured the ABA that it has taken steps to limit the likelihood of further similar breaches occurring. It has adopted the recently proclaimed *Association Incorporation Regulations of 1998* which contain conflict resolution procedures under the title 'Disputes and Mediation' and will endeavour to use these rules deal with all future conflict within the station. The ABA is satisfied with the action taken by 3WRB to ensure that future breaches of code 6, Conflict Resolution, will not occur in the future.

