



## 2CBD community radio

### Conflict resolution

#### **The complaint**

On 14 March 2000 the ABA received a written complaint from former members of community radio station 2 CBD at Deepwater NSW regarding a dispute between the members and the station. The licensee of 2 CBD is Deepwater & Districts Community FM Radio (Deepwater).

The complainants alleged that the Management Committee 'was autocratic, abusive, intransigent and oftentimes capricious', that the complainants had a number of unresolved disputes with members of the Management Committee and they were not abiding by the Association's constitution.

The complainants made a number of written complaints to the station about these matters but were dissatisfied with the various responses they received from the station. The ABA advised the complainants that elements of their complaint were not relevant to the Broadcasting Services Act, and that complainants should refer these matters to the NSW Department of Fair Trading. Rather the issue before the ABA is the manner in which the Deepwater Management Committee has handled the disputes with the complainants.

#### **Relevant code of practice**

The relevant code of practice is Community Broadcasting Code of Practice, Code 6 – Conflict resolution (see box on page 13).

#### **Decision**

The Deepwater Constitution states (paragraph 11) that disputes between members and the association upon failure of a mutually agreed arbiter, are to be referred to the community justice centre for mediation in accordance with the *Community Justice Centres Act 1983*. The ABA was satisfied that the Deepwater Constitu-

tion has mechanisms to facilitate conflict resolution with the organisation, as required by clause 6.1 of the code.

Three unsuccessful attempts to resolve this dispute were complicated by the use of intermediaries who, rather than resolving the issues, became embroiled in the dispute. The ABA found no evidence that the licensee, unable to resolve the issues, sought other means such as the Community Justice Centre. The ABA therefore found that Deepwater breached clause 6.2 of the code.

The ABA could find only one occasion when an attempt was made to manage the discussion between the two sides in the conflict and this was unsuccessful. The dispute continued for a further 15 months. With each side blaming each other, the code provides clear guidance — to move to independent mediation and leave the matter to independent professionals to attempt to resolve. As a result, the ABA found that Deepwater breached clause 6.3 of the code.

The ABA found no evidence that the Committee sought to resolve the dispute by means of mediation by the Community Justice Centre, as required by the Deepwater Constitution. As a result, the ABA found that Deepwater breached clause 6.4 of the code.

#### **Action taken**

Deepwater has indicated to the ABA that they are organising a meeting with the complainants using the Community Justice Centre as a mediator to assist in resolving the dispute. The ABA has also received assurances from Deepwater that future internal disputes will be handled in accordance with the code and that, should the need arise, mediation will be sought at a much earlier stage in the process than has currently been the case. The ABA is satisfied that mediation has commenced and intends to take no further action in this matter. 