



## 3ZZZ – Victoria

### Dispute resolution

#### The complaint

Four complainants jointly complained about the Sinhalese language program. One signatory withdrew from the complaint during the course of the investigation. Disputed issues centred on the management of the program, in particular the presenter of the Saturday program. The licensee convened a meeting, however the complainants were dissatisfied with the outcome of the meeting and believed that disputed issues remained unresolved.

#### Relevant code of practice

Code No 6 of the Community Broadcasting Code of Practice (the code) states:

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).

Code No.7.7 states:

A record of complaints in a permanent form will be maintained by a responsible officer of the licensee.

#### The decision

The ABA considered whether, in handling the dispute, 3ZZZ complied with the conflict resolution requirements of the code. The ABA

determined that Ethnic Public Broadcasting Association of Victoria Ltd, the licensee of 3ZZZ:

- breached clause 6.1 of the code by not having mechanisms in place to facilitate conflict resolution within its organisation;
- breached clause 6.4 of the code by not seeking alternative dispute resolution mechanisms; and
- did not breach clauses 6.2, 6.3 and 7.7 of the code.

#### Action taken

3ZZZ advised the ABA that in response to the ABA's findings it accepted that 'it has unintentionally breached the code as found by the ABA on this occasion'. It advised that it has endeavoured to rectify the situation as soon as possible and has redrafted and implemented new policy procedures. Office procedures have also been tightened so as to keep track of the progress of disputes. Specifically, the licensee has undertaken the following action:

- it has reviewed its policy regarding on-air complaints and other disputes;
- the new policy was adopted at the EPBAV council meeting of 26 February 2002 and is now in place;
- the licensee is embarking on an education program to advise all groups about the new policy and a meeting is scheduled for 19 March 2002 to explain the new policy to group convenors;
- alternative methods of dispute resolution, such as mediation, have now been formally included in the policy; and
- the constitutional subcommittee will review relevant provisions in the constitution.

According to the licensee, the new policy will enable the station management to more closely monitor the progress of the dispute to ensure it is correctly and efficiently handled.

In view of the action taken and proposed to be taken by the licensee, the ABA intends to take no further action in this matter. However the ABA may take these breaches into account if it finds similar future breaches of the code.

