

Orange Community Broadcasters Ltd – Registered Charity

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Disputes & Complaints Policy & Procedures

Policy Statement

Orange Community Broadcasters Board (hereafter referred to as OCB Board) recognises that legitimate complaints and disputes between its members will arise. OCB Board will:

- act in a timely manner, using a transparent and impartial process;
- provide access to an independent mediation process and where resolution is not easily achieved and where practicable;
- provide access to an appeals process; and
- will respect the right to privacy.

Background

Internal conflict encompasses the goals, values, interests or opinions of one group or one person which are, or are perceived to be, incompatible with another group or people.

The Board of Directors (hereafter referred to as The Board) will deal with internal disputes where the complaint relates to one the criteria established in the definition of a complaint as listed below except where conflict between members does not result in a formal complaint, or where the Board deems it necessary to intervene in the interests of the station.

Definition of a Complaint

A complaint is an assertion, made in writing, and relating to the station's activities, the terms of its licence and its responsibilities under the Code, to a licensee or to a person at the station acting with the apparent authority of the licensee by a member of the station who provides his/her name and address. (The station is under no obligation to respond to, or to record comments provided anonymously to the licensee.)

Internal Complaints Investigative & Resolution Process

- The Board will delegate responsibility for investigating and referring complaints to a nominated member of the Committee.
- All complaints will be acknowledged in writing within thirty (30) days of receipt, along with a copy of this Policy Statement and its Procedures.
- The Board will begin resolution of the conflict in a conscientious and impartial manner within sixty (60) days of receipt of a complaint.

- The Board will make all reasonable efforts to resolve the conflict within ninety (90) days, except where a complaint is clearly frivolous, vexatious, or not made in good faith.

The investigation of the complaint will:

- establish if there has been a breach of the station's policy, broadcasting law, or other legal requirement;
- recommend appropriate action if a breach has occurred;
- negotiate toward a resolution of the dispute by encouraging and facilitating discussion between disputants, even where a breach has not occurred and the dispute arises from a personal conflict between members;
- consider any legal dimensions regarding serious disputes and advise the Board accordingly;
- recommend appropriate action/s necessary to avoid future breaches;
- write to all parties involved in the investigation and outline the outcomes of the investigation. The same correspondence will also inform the complainant that they have the right to lodge a written appeal to the Board of Directors for their next meeting.

Mediation

Where the complaints are not resolved through this process the Board will:

- consider independent mediation and/or impartial expert advice;
- inform the complainant of their options regarding referring the complaint to the Australian Communications and Media Authority (ACMA) where the subject of the complaint is covered by Code 7.1 of the *Community Broadcasting Codes of Practice*.

Reporting & Record-keeping

The Board will maintain a record of material relating to complaints, logging audio copies of broadcast material and including written documentation such as:

- the date and time of the complaint received;
- the name and address of the complainant;
- the substance of the complaint; and
- the substance and date of the licensee's response.

External Disputes & Other Matters

Complaints from the public (that is, non-members of OCB Board,) will be handled in accordance with *Code 7* (copy attached, Appendix One) of the *Community Broadcasting Codes of Practice, 2008*.

The members and CoM of the station are volunteers and will usually have no particular legal or dispute resolution skills. Therefore, their responsibilities are made in good faith, in avoiding conflicts of interest, and in respecting the station's limited resources.

Members whose complaints may be regarded as frivolous, vexatious or not made in good faith, or whose disputes with other members are not resolved in a timely

manner by mutual agreement may be subject to the disciplinary processes of the station's Constitution.

Accessibility

This policy and its procedures will be readily available to the station's members, including being posted on the station's notice-board.

Policy revised October, 2017