



submit a written request to have the decision revoked; this request and any written submission dealing with the matter must be read to the meeting

- no later than 24 hours before the meeting, notify the Secretary of a desire to submit the matter to Appeal at a General Meeting
- If the matter is not submitted to the appeal process, the Board must consider any further information laid before it, and decide whether or not to confirm the original motion.
- The matter is then finalised. There is no further appeal.
- If the member decides to appeal, the General Meeting must be held within 21 days of the Secretary receiving the notice. The usual rules concerning notice of meeting date, quorum (10) and eligibility to vote apply. Votes may be in person or by proxy.
- At this General Meeting, only the matter of disciplining the member may be discussed. Submissions by the Board and the Member may be heard, and the members vote by secret ballot on whether the Resolution is to be confirmed. Two thirds of the members need to agree with the Resolution for it to be confirmed.
- If the Resolution is confirmed, the matter is finalised, there is no further appeal, and there can be no refund of membership dues.
- If the Resolution to Expel the member is revoked, the member remains within the organisation, and a lesser sanction such as suspension or fine can be considered. As long as any fine levied is not paid, the member cannot exercise the rights of membership, so is effectively under suspension.

**History:**

Adopted February 2000.

Reviewed and rewritten November 2007.

**Documents Relating to this Policy:**

Community Broadcasting Codes of Practice

West Gippsland Community Radio Inc. Rules

West Gippsland Community Radio Inc. Standing Orders

West Gippsland Community Radio Inc. Guidelines for Sounds of West Gippsland

West Gippsland Community Radio Inc. Volunteer Policy

West Gippsland Community Radio Inc. Programming Policy

West Gippsland Community Radio Inc. Privacy and Confidentiality Policy

West Gippsland Community Radio Inc. Sponsorship Policy

West Gippsland Community Radio Inc. Production Standards Policy

West Gippsland Community Radio Inc. Giveaways and Competitions Policy

West Gippsland Community Radio Inc. Complaints and Dispute Policy

West Gippsland Community Radio Inc. Duty Statement – Executive

West Gippsland Community Radio Inc. Duty Statements – Convenors

West Gippsland Community Radio Training Manual.

**Compliance:**

West Gippsland Community Radio Inc. affirms the right of presenters to participate in discussions of programming policy, and the responsibility of presenters to accept and implement policy decisions.

Presenters who believe that their rights as defined by this policy have been infringed, have recourse by Complaint to the Board, and access to the Grievance Policy as specified in the Rules (Clause 7B; 1-6)

Presenters who do not comply with the responsibilities defined by this policy are subject to disciplinary action as defined in the Rules (Clause 7A; 1-10).

**SUPPLEMENT:**

The relevant section of the Constitution provides as follows.

"6. 1. A Member of the Association who has paid all moneys due and payable by him to the Association may resign from the Association by first giving one month's notice in writing to the Secretary of his intention to resign and upon the expiration of that period of notice, the Member shall cease to be a Member.

2. Upon the expiration of notice given under Sub-clause 1, the Secretary shall make in the Register of Members an entry recording the date on which the Member by whom the notice was given ceased to be a Member.

3. Upon resignation or expulsion from the Association, no refund, pro-rata or otherwise, shall be redeemable.

7.A. 1. Subject to these Rules, the Committee may, by Resolution:  
(a) expel a Member from the Association.

(b) suspend a Member from membership of the Association for a specified period; or

(c) fine a Member in accordance with the Regulations - if the Committee is of the opinion that the Member -

(i) has refused or neglected to comply with these Rules; or

(ii) has been guilty of conduct unbecoming a Member or prejudicial to the interest of the Association.

2. A Resolution of the Committee under sub-clause 1:

(a) does not take effect unless the Committee, at a meeting held not earlier than 14 and not later than 28 days after the service on the Member of a Notice under sub-clause 3 confirms the Resolution in accordance with this clause; and

(b) where the Member exercises a right to appeal to the Association under this clause does not take effect unless the Association confirms the Resolution in accordance with this clause.

3. Where the Committee passes a Resolution under Sub-clause 1, the Secretary shall, as soon as practicable, cause to be served on the Member a Notice in writing:

(a) setting out the Resolution of the Committee and the grounds on which it is based.

(b) stating that the Member may address the Committee at a meeting to be held not earlier than 14 and not more than 28 days after the service of the Notice.

(c) stating the date, place and time of that meeting.

(d) informing the Member that he may do one or more of the following:

(i) attend the meeting.

(ii) give to the meeting before the date of the meeting a written statement seeking the revocation of the Resolution.

(iii) not later than 24 hours before the date of the meeting, lodge with the Secretary a Notice to the effect that he wishes to appeal to the Association in General Meeting against the Resolution.

7. At a meeting of the Committee held in accordance with Sub-clause 2 the Committee:

(a) shall give to the Member an opportunity to be heard.

(b) shall give due consideration to any written statements entered by the Member.

(c) shall by Resolution determine whether to confirm or revoke the Resolution.

8. Where the Secretary received a Notice under Sub-clause 3, the Secretary shall notify the Committee, and the Committee shall convene a General Meeting of the Association, to be held within 21 days after the date on which the Secretary received the Notice.

9. At a General Meeting of the Association convened under Sub-clause 5:

(a) no business other than the question of the appeal may be transacted.

(b) the Committee may place before the meeting details of the grounds for the Resolution and the reasons for the passing of the Resolution.

(c) the Member shall be given to opportunity to be heard; and

(d) the members present may vote by secret ballot on the question whether the Resolution shall be confirmed or revoked.

10. If at a General Meeting:

(a) two thirds of the members vote in person or by proxy in favour of the confirmation of the Resolution, the Resolution is confirmed

(b) in any other case, the Resolution is revoked."

If, as a result of irregularities in the process, or a frivolous or malicious complaint, the member has a Grievance, the following provisions apply:

- 7.B. 1. The Grievance Procedure set out in this rule applies to disputes under these Rules between -
- (a) a member and another member; or
  - (b) a member and the Association.
2. The parties to the dispute must meet and discuss the matters in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of both parties.
3. If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
4. The mediator must be -
- (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement -
    - (i) in the case of a dispute between a member and another Member, the committee of the Association; or
    - (ii) in the case of a dispute between a member and the Association, a person who is a member of the Dispute Settlement Centre of Victoria (Department of Justice).
5. A member of the Association can be a mediator.
6. The mediator cannot be a member who is a party to the dispute.

The Member may lodge a Grievance in writing with the Public Officer, and the matter will be referred to the following meeting of Committee of Management for the process to be set in place, or, if time does not permit this, by agreement of at least three members of the Executive.