

FACTSHEET 7.

Disputes within an Association

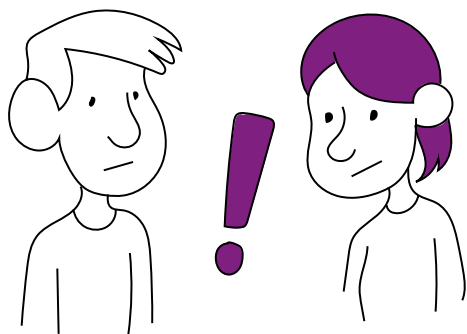


RIGHTS AND OBLIGATIONS OF MEMBERS



It is normal for some level of conflict between people and an association is no different. Often when groups of people come together for a common cause there can be different ideas and expectations.

In any association, members have the right to participate in a safe environment. Sometimes there is a personality conflict between people or the values of the person do not align with the association. This can cause unrest within the association and in some cases, contribute to the association not being able to achieve its objects and purposes.



If there is conflict between members, there is a clause in the constitution which defines how this can be dealt with.

The association should seek to have conflicts resolved as soon as possible to ensure all members feel safe and valued.

The sooner conflict is managed, the less likely the matter will escalate into a complaint.

CONFLICT OF INTEREST

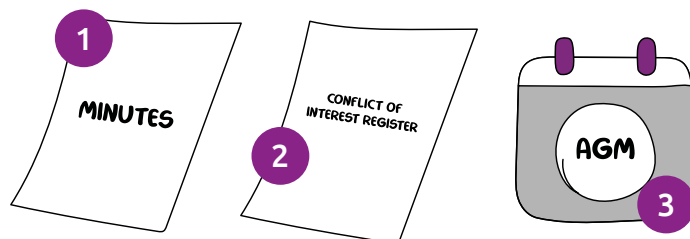
Should there be a conflict of interest, the association must abide by section 31 of the *Associations Act 2003*. A conflict of interest can be actual or perceived, pecuniary (financial) or something else.

For example, if a member was the owner of a business who put in a tender for work at the association, they would need to declare a conflict of interest. Also, if a member was a friend of someone who had an interest in working for the association in some capacity, that should also be declared.

In the event of a conflict of interest not relating to a dispute, once declared, it does not stop the person being involved in discussions concerning the matter, however when it comes time for a vote, the person should abstain and leave the room to avoid any perception of bias or attempting to influence others.

Conflicts of interest should be;

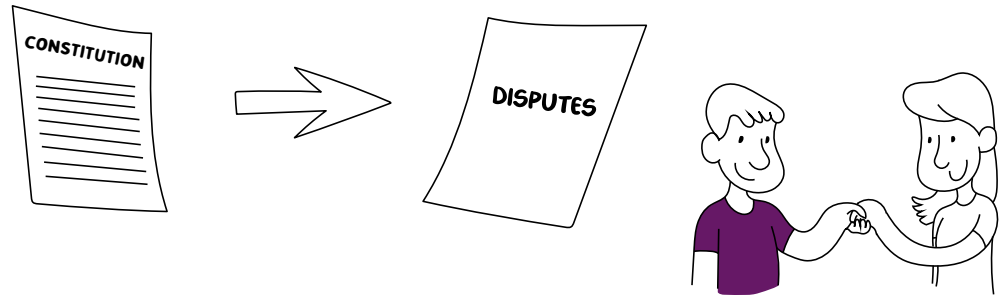
1. recorded in the minutes of the meeting at which they were declared
2. kept in a register solely for that purpose
3. presented to the members at the AGM.





What should you do if a member lodges a complaint?

If the conflict escalates into a complaint, the complaint must be made to the committee in writing. A member can lodge a complaint against another member or the committee. The committee is then required to follow their dispute and grievance clause in the constitution. If a meeting with the aggrieved party and the committee does not resolve the complaint, the next step is to have a person independent from the association mediate to avoid allegations of bias.



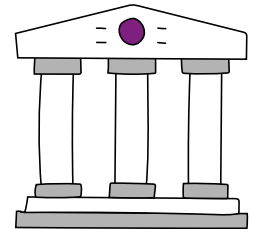
Sometimes, the committee may feel the need to suspend or terminate a member's membership due to conflict or behaviour issues. The constitution will provide the method for suspending, cancelling or expelling a member and their rights of appeal.



Legal avenues for disputes

If the member at the centre of a complaint is not satisfied with the outcome, they may apply to the Local Court to have the matter dealt with.

This is usually a last resort and not a common action to take.



Quick Summary

Rights and obligations of members:

- members have a right to feel safe and heard
- conflict of interest must be recorded in a register and the interested party not included in the vote or decision making
- conflict can lead to complaints/ disputes
- disputes and grievances should be handled in the manner recorded in the constitution
- mediation is a final attempt to resolve the issue
- the process for expulsion/ cancellation/ suspension of a membership is recorded in the constitution.

