

INTERNAL GRIEVANCE POLICY

Samford & Districts Progress & Protection Association (Samford Progress)

Version	1.0	Date approved by Management Committee	10 September 2024
Responsible person	Leah Hudson (President)	Scheduled review date	10 September 2027

1. INTRODUCTION

From 1 July 2024 the Queensland Government changed how incorporated associations need to resolve internal membership grievances. The changes provide associations with a formal process to handle internal conflicts and help parties resolve them before they incur legal costs. All incorporated associations are required to have a compliant procedure adopted within the rules of their constitution. The Queensland Government's Office of Fair Trading (OFT) has developed a "Model rules grievance procedure for incorporated associations" (Model Rules Grievance Procedure) to assist associations.

The purpose of this policy document is to outline Samford Progress' position and requirements specifically for handling internal grievances.

Note: *Grievances received from non-members, or not presented in writing (by members or non-members), will be managed through other appropriate Samford Progress complaint-handling policies and/or procedures, depending on the nature and circumstances of the complaint.*

2. POLICY POSITION

To help resolve a grievance raised by a member, Samford Progress has adopted in full, the OFT's 'Model Rules Grievance Procedure'.

3. DEFINITIONS

Internal grievance means that a Samford Progress member (the **aggrieved party**) has initiated the grievance procedure in relation to a dispute by giving a notice in writing of the dispute to the other party and the management committee.

Member means a financial ordinary member, an honorary member, or a lifetime member of the SDPPA.

4. APPLICATION

This policy applies to the Samford Progress (as an entity), its Management Committee, and its members.

5. POLICY REQUIREMENTS

In the event of a dispute under the rules between a member and (i) another member; or (ii) the management committee; or (iii) the Samford Progress; the grievance procedure outlined herein is to be followed. A direct copy of the Model Rules grievance procedure is provided in **Appendix 1** of this policy.

Note *The OFT has advised that it **cannot** settle disputes between associations and their members—only the Supreme Court can interfere with the running of an incorporated association. In cases where grievances are unable to be resolved, either party may apply to the Supreme Court to make a decision.*

6. KEY RELATED DOCUMENTS

- Associations Incorporation Act 1981 (Qld)
- Constitution of the Samford and Districts Progress and Protection Association Inc.
- Human Resources Policy
- External Complaints Handling Policy

7. Appendix

Appendix 1 Grievance Procedure for the Samford & Districts Progress and Protection Association

APPENDIX 1

Grievance Procedure for the Samford & Districts Progress and Protection Association

Grievance procedure

- (1) This rule sets out a grievance procedure for dealing with a dispute under the rules between parties as mentioned in section 47A(1) of the Act.
- (2) To remove any doubt, it is declared that the grievance procedure cannot be used by a person whose membership has been terminated if the rules provide for an appeal process against termination.
- (3) A member (the **aggrieved party**) initiates the grievance procedure in relation to the dispute by giving a notice in writing of the dispute:
 - (a) to the other party; and
 - (b) if the other party is not the management committee, to the management committee.
- (4) If 2 or more members initiate a grievance procedure in relation to the same subject matter, the management committee may deal with the disputes in a single process and the members must choose 1 of the members (also the **aggrieved party**) to represent the members in the grievance procedure.
- (5) Subject to rule 12B, the parties to the dispute must, in good faith, attempt to resolve the dispute.
- (6) If the parties to the dispute cannot resolve the dispute within 14 days after the aggrieved party initiates the grievance procedure, the aggrieved party may, within a further 21 days, ask the association's secretary to refer the dispute to mediation.
- (7) Subject to rule 12B, if the aggrieved party asks the association's secretary to refer the dispute to mediation under subrule (6), the management committee must refer the dispute within 14 days after the request.

Grievance procedure not continued in particular circumstances

- (1) This rule applies if—
 - (a) a member initiates a grievance procedure in relation to a dispute and the association or association's management committee is the other party to the dispute; or
 - (b) the aggrieved party asks the association's secretary to refer the dispute to mediation under rule 12A(6).
- (2) The management committee does not have to act under rule 12A(5) or (7) if—
 - (a) the aggrieved party has, within 21 days before initiating the grievance procedure, behaved in a way that would give the management committee grounds for taking disciplinary action under the rules against the aggrieved party in relation to the matter the subject of the grievance procedure; or
 - (b) before the grievance procedure was initiated, a process had started to take action under the rules against the aggrieved party or terminate the aggrieved party's membership, as provided for under the rules, and the dispute relates to that process or to a matter relevant to that process; or
 - (c) the dispute relates to an obligation under the *Liquor Act 1992* or any other State law to prevent the entry of the aggrieved party to, or to remove the aggrieved party from, premises used by the association, or to refuse to serve liquor to the aggrieved party at the premises; or
 - (d) the dispute could reasonably be considered frivolous, vexatious, misconceived, or lacking in substance or the dispute relates to a matter that has already been subject of the grievance procedure.

Appointment of mediator

- (1) If a dispute under rule 12A is referred to mediation-
 - (a) the parties to the dispute must choose a mediator to conduct the mediation; or
 - (b) if the parties are unable to agree on the appointment of a mediator within 14 days after the dispute is referred to mediation, the mediator must be-
 - (i) for a dispute between a member and another member—a person appointed by the management committee; or
 - (ii) for a dispute between a member and the management committee or the association—an accredited mediator or a mediator appointed by the director of the dispute resolution centre.
- (2) An accredited mediator may refuse to be the mediator, or the director of a dispute resolution centre may refuse to appoint a mediator, to mediate the dispute.
- (3) If subrule (2) applies, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

Conduct of mediation

- (1) If a mediator is appointed under rule 12A, the mediator must start the mediation as soon as possible after the appointment and try to finish the mediation within 28 days after the appointment.
- (2) Subrule (1) does not apply if the mediator is the director of a dispute resolution centre.
- (3) The mediator—
 - (a) must give each party to the dispute an opportunity to be heard on the matter the subject of the dispute; and
 - (b) must comply with natural justice; and
 - (c) must not act as an adjudicator or arbitrator; and
 - (d) during the mediation, may see the parties, with or without their representatives, together or separately.
- (4) The parties to the dispute must act reasonably and genuinely in the mediation and help the mediator to start and finish the mediation within the time required under subrule (1)
- (5) The costs of the mediation, if any, are to be shared equally between the parties unless otherwise agreed.
- (6) If the mediator cannot resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

Representation for grievance procedure

- (1) A party to a dispute may appoint any person to act on behalf of the party in the grievance procedure.
- (2) If a party appoints a person under subrule (1) to be the party's representative, the party must give written notice of the appointment to each of the following entities—
 - (a) the other party to the dispute;
 - (b) the management committee;
 - (c) if a mediator has been appointed before the party appoints the representative—the mediator.
- (3) A representative who acts for a party at a mediation must—
 - (a) have sufficient knowledge of the matter the subject of the dispute to be able to represent the party effectively; and
 - (b) be authorised to negotiate an agreement for the party.

Electronic communication for grievance procedure

Any meeting or mediation session required under the grievance procedure may be conducted by electronic means if the parties to the dispute and, for a mediation, the mediator agrees.

END