



Example internal grievance procedure

Disputes happen, but how easy or difficult they are to resolve can depend on how your association manages them.

A good dispute resolution procedure can help maintain a harmonious association and prevent costly litigation.

We have put together some guidance on how you might manage disputes in your association.

“The majority of management committee members are volunteers who are already giving significant time to the association. A good grievance procedure will reflect the realistic time needed to address a grievance.”

A sample association grievance procedure

When can you use the grievance procedure?

The grievance procedure can help you resolve disputes with other members, the committee or the association itself. For simplicity we'll refer to either of those as 'the other party' from here on.

You can use the grievance procedure if you are a member or former member.

How to start the formal grievance procedure

To start the grievance procedure, you must advise the other party in writing.

It is important to note that you cannot start a formal grievance regarding a matter for which you have been subject to disciplinary action or for which a disciplinary procedure or investigation is ongoing.

What happens next?

You and the other party have 15 business days from when the other party becomes aware of the formal grievance to try to resolve the issue between yourselves. If you cannot resolve it within that time (including if one of you refuses to participate), the matter will proceed to mediation. You will have 10 business days to advise the association's secretary that you wish to take the matter to mediation.

Mediation

To commence mediation, you must advise the secretary in writing within 10 business days that you have been unable to resolve the dispute with the other party.

If your dispute is with another member, you must also advise management committee of:

- the parties to the dispute (that is, you and the other party)
- what the dispute is about
- the attempts made by you and the other party to resolve the dispute.

The management committee must ensure the matter is referred to mediation.

“The requirement to advise the other party in writing is needed as evidence.”

When will mediation take place?

Mediation must occur within 30 business days of the appointment of the mediator. However, if the mediator is appointed by a Queensland Government Dispute Resolution Centre, mediation must occur on the date set by the Dispute Resolution Centre.

Can I choose the mediator?

The mediator must be a person chosen by agreement between you and the other party. If you cannot agree on a mediator, your mediator will be chosen depending on who you are in dispute with.

If the dispute is between you and another member, a mediator will be appointed by the management committee.

If the dispute is between you and the management committee or the association, the mediator will be a person appointed or employed by a Queensland Government Resolution Centre.

A mediator appointed by the agreement of the parties or by the committee may be (but does not have to be) a member or former member of the association. In no circumstances will the mediator be someone who:

- has a personal interest in the dispute
- is biased in favour of or against any party.

The mediator's role

It is important to note the mediator cannot and must not determine how the dispute is to be resolved. Their role is to:

- give each party every opportunity to be heard
- allow due consideration by all parties of any written statement submitted by any party
- ensure that natural justice is accorded to the parties throughout the mediation process.

“The purpose of mediation is to guide disputing parties to a mutually acceptable outcome.”

Do I have to attend mediation in person?

Any meeting or mediation session required by these rules may be conducted remotely by electronic means if agreed to by the parties.

What happens if there is still no resolution?

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law i.e., can be taken to the Supreme Court.

Can someone else represent me?

A party to a dispute may choose another person (with their consent) to represent them at any time during the grievance process. The nomination and consent must be provided in writing to the other party, the management committee and, if relevant at the time the person consents to be the representative, the mediator.