

## LICENSING, REGULATION AND ALCOHOL STRATEGY

### Internal Disputes

#### *Associations Act 2003*

#### Background

In 2003, after much public consultation, the Government introduced the *Associations Act*. The legislation has more effective powers for the Commissioner, should it become necessary to investigate an incorporated association in the regulation of its affairs.

Licensing, Regulation and Alcohol Strategy uses lodged audited annual financial statements to actively monitor a range of issues including the solvency of associations, and other evidence to ensure associations observe basic compliance with the *Associations Act*.

#### When Licensing, Regulation and Alcohol Strategy may investigate

- Where it is established through:
  - i. either Licensing, Regulation and Alcohol Strategy monitoring; or
  - ii. an association member, or another concerned party, drawing a particular issue to the attention of Licensing, Regulation and Alcohol Strategy;

that there is a serious breach of the Act, the matter may be investigated by Business Affairs.

- Licensing, Regulation and Alcohol Strategy ONLY has jurisdiction to investigate / intervene in certain circumstances where there has been a breach of the *Associations Act 2003* ("the Act"). Incorporated associations are designed to be self regulating entities in relation to internal matters and disputes. Whilst Licensing, Regulation and Alcohol Strategy regulates associations in the Northern Territory, ensuring financial and legal accountability and good governance, it does not have the jurisdiction to intervene in internal matters or mediate disputes. E.g. a breach of the association's constitution that does not result in a breach of the Act.
- Licensing, Regulation and Alcohol Strategy do NOT investigate fraud issues.
- Licensing, Regulation and Alcohol Strategy do NOT automatically investigate based on a single complaint.

#### LICENSING, REGULATION AND ALCOHOL STRATEGY

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## **Internal Matters / Disputes - What rights does an aggrieved member have and what can they do?**

Aggrieved members should:

- a) Refer to their rights under the association's constitution, in particular:
  - right to raise a formal grievance and dispute;
  - right to call a Special General Meeting (usually a certain percentage of members may request a SGM be convened);
  - right to vote at general meetings;
  - right of the collective vote of members to remove Committee Members; and
  - right of the collective vote of members to amend the association's constitution etc.
- b) Where appropriate, always first afford the association / Management Committee the opportunity to address or remedy the internal matter / dispute (prior to exercising any other rights the aggrieved member may have) by forwarding their dispute, complaint or concerns in writing to the Management Committee.
- c) Be open to resolving the internal matter / dispute by way of mediation (by an independent mediator e.g. Community Justice Centre (Phone: 1800 000 473)).
- d) Refer to their rights under the Act, in particular to make an application to the Local or Supreme Court under section 109 of the Act (Oppressive or Unreasonable Acts). Note: Where an aggrieved member has been expelled from the association, the former member expelled from the association must file their application in court within 6 months after the expulsion.
- e) Seek legal, financial and / or other professional advice in the circumstances.