

Resolving disputes

Incorporated associations

Who handles disputes within an association?

The management committee of an association is responsible for the administration of the association, including the handling of internal disputes between members, as well as disputes between members and the association. This is done in accordance with the *Associations Incorporation Act 2009* (the Act) and the association's constitution.

The association must provide a procedure in its constitution for the handling of disputes.

What should I do if I have a dispute?

The first step is to try to resolve the dispute directly with the parties involved. If appropriate, you can use the dispute resolution procedure outlined in the constitution.

If the constitution does not include a dispute resolution procedure, then the procedure outlined in the Model constitution should be used.

If the matter remains unresolved, you may wish to seek appropriate legal advice or use an alternate dispute resolution (ADR) service.

For more information on ADR services, contact:

- The Law Society of NSW on 02 9926 0333 or visit www.lawsociety.com.au
- NSW Department of Justice on 02 8688 7777 or visit www.courts.justice.nsw.gov.au

Can NSW Fair Trading intervene in a dispute?

Fair Trading's role is to administer the Act. Fair Trading can only intervene in matters as set out in the Act and the Associations Incorporation Regulation 2016 and generally cannot intervene in any dispute.

Specifically Fair Trading cannot:

- provide legal advice

- act for particular parties to a dispute
- provide an interpretation of the constitution or rules of an association
- intervene in matters relating to the internal administration of an association, including the conduct of meetings and elections
- intervene in internal disputes
- determine the facts of any internal dispute.

Where can I get legal advice?

You can get legal assistance from the following sources:

- a legal practitioner of your choice
- Justice Connect on 02 8599 2100 or visit www.justiceconnect.org.au
- Law Access NSW on 1300 888 529 or visit www.lawaccess.nsw.gov.au
- Community Justice Centres on 1800 990 777 or visit www.cjc.justice.nsw.gov.au
- your local Community Legal Centre, visit www.clcnsw.org.au for a list of centres
- The Law Society of NSW on 02 9926 0333 or visit www.lawsociety.com.au.

Need more information?

Contact Registry Services

PO Box 22

Bathurst NSW 2795

Tel: 02 6333 1400

FreeCall: 1800 502 042

Email: registryinquiries@finance.nsw.gov.au

www.fairtrading.nsw.gov.au
Fair Trading enquiries 13 32 20
TTY 1300 723 404
Language assistance 13 14 50

This fact sheet must not be relied on as legal advice. For more information about this topic, refer to the appropriate legislation.

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