



# Military Brotherhood MMC

SOP 8 –Rev 19 Feb 23

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## Standard Operating Procedure (SOP) 8 Complaints and Grievances Procedure

### General

1. Any member may raise a complaint or grievance about any other member of the Club, or a Club or Sub-Branch Executive member.
2. The complaint or grievance must be dealt with by the procedures set out below, depicted in Diagram 1 – Complaints and Grievances Procedure.

### Complaints and Grievance Procedures

3. This clause applies to disputes between:
  - a. A member and another member; or
  - b. A member and the NEC or Sub-Branch Executive; or
  - c. A member and another Sub-Branch.
4. Any member who believes they have been aggrieved, or has a conflict with another member, can elect to have the complaint/grievance resolved in one of the following manners:
  - a. VP administered mediation between the members to resolve the issue at the lowest level, with no further action required if resolution is achieved.
  - b. Requesting administrative action under SOP 18; or
  - c. Advising the National Executive Committee (NEC) or Sub-Branch Executive in writing (Annex A), and having the relevant Executive resolve the matter in accordance with paragraph 7 of this SOP.
5. The member(s) must, in good faith, attempt resolution under sub-paras 4a or 4b first.

6. Should resolution not be achieved under sub-paras 4a or 4b, and the member elects to have the dispute dealt with by the NEC or Sub-Branch Executive (para 4c), that member agrees to be bound by the resolution presented by the relevant Executive.

7. The NEC or Sub-Branch Executive must advise the parties in dispute, in writing, of the dispute. Within 14 days of receipt, the parties in dispute and NEC or Sub-Branch Executive must meet and discuss the matter in dispute and reach an agreed resolution. The following forms of resolution are available to the NEC or Sub-Branch Executive Members:

- a. Mediation to both parties, either separate or joint; or
- b. Ban from holding any Executive positions for a set period; or
- c. Loss of seniority within the Club for a set period; or
- d. Suspension from the Club for a set period; or
- e. One of the parties is asked to 'show cause' why a vote of the Sub-Branch Service Membership should not be taken to dissolve his or her membership, if supported by the NEC.

### **Mediation**

8. Where mediation has been requested and agreed to, the mediator must be:

- a. A person chosen by agreement between the parties; or
- b. In the absence of agreements for a dispute between a member and another member – a person appointed by the NEC or Sub-Branch Executive.

9. Any member of the Club can be a mediator.

10. The mediator cannot be a party to the dispute, in accordance with the conflict of interest statement, para *TBC* in the Club Constitution (*actual paragraph number to be confirmed should Constitutional Amendment be approved*).

11. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

12. The mediator, in conducting the mediation, must:

- a. Give the parties to the mediation process every opportunity to be heard;
- b. Allow due consideration by all parties of any written statement submitted by any party; and

- c. Ensure natural justice is accorded to the parties to the dispute throughout the mediation process.

13. The mediator must not determine the dispute.

14. If the mediation process does not result in the dispute being resolved, the mediator is to advise the NEC or Sub-Branch Executive in writing within three (3) days of the end of the mediation using the format in Annex B.

### **Executive Position Ban**

15. Should mediation not resolve the issue at hand, this option provides a mechanism to remove the member from any current Executive position, or ban the member from holding an executive position for a set length of time.

16. If a positional removal or ban does not result in the dispute being resolved, the NAT SGT MAJ or SSM is to advise the NEC or Sub-Branch Executive respectively, in writing, within three (3) days of the non-resolution.

### **Loss of Seniority**

17. Removal and / or ban from holding an Executive position may not be an option if the member is not currently holding one of those positions. The loss of seniority option also allows both members to remain in the Club, and continue to assist the wider veteran community.

18. If a loss of seniority does not result in the dispute being resolved, the NAT SGT MAJ or SSM is to advise the NEC or Sub-Branch Executive respectively, in writing, within three (3) days of the non-resolution.

19. The loss of seniority may have the second order effect of banning the member from holding certain Executive positions, i.e. STATE President, due to the minimum membership length and positions held requirement in accordance with Club Constitution, paragraph 22.

### **Suspension from Club**

20. The NEC or Sub-Branch Executive may suspend or decline to suspend the member from the Sub-Branch and must give written notice to the member of the decision, the reason for it, and the right to appeal against the decision.

21. Appeals against Suspension. A member who is suspended may appeal against that suspension by giving notice to the NEC or Sub-Branch Executive within 14 days after receipt of the decision.

22. The appeal must be considered at a Special General Meeting of the NEC or Sub-Branch. The NEC Special General meeting must have in attendance a minimum of 75% of the current NEC membership (or 7 members). The Sub-Branch Special General meeting must have in attendance a minimum of 75% of the current Sub-Branch Service membership.

23. The member must be afforded a reasonable opportunity to be heard at the meeting or to make representations in writing prior to the meeting for circulation at the meeting.

24. The Service Members present at the Special General Meeting must, by resolution, either confirm or set aside the decision to suspend the member. The member is not suspended until the decision of the Sub-Branch membership to suspend him or her is confirmed by a resolution of the members.

25. At a special general meeting convened for the purpose of this clause:

- a. no business other than the question of the suspension shall be transacted;
- b. the relevant Executive may place before the meeting details of the grounds of the suspension and the reasons for the suspension;
- c. the Service members present shall determine by secret ballot whether the suspension should be confirmed or dismissed;
- d. a member may not vote by proxy at the meeting, unless relevant State Incorporation Laws specifically allow it;
- e. to convene a Special General Meeting for the purposes of an appeal.

26. If a suspension does not result in the dispute being resolved, the NAT SGT MAJ or SSM is to advise the NEC or Sub-Branch Executive respectively, in writing, within three (3) days of the non-resolution.

27. If at the Special General Meeting the vote is in favour of setting aside the suspension, the suspension shall be deemed to have been set aside and the member is entitled to continue his or her membership of the Club.

#### **Notice to "Show Cause"**

28. Where a suspension of membership has failed to resolve the issue, or the member has refused to accept suspension, a notice to "Show Cause" as to why the member should remain a member of the Club may be issued. A 'Show Cause' notice by the NEC or Sub-Branch Executive is provided when:

- a. The actions of a member are such that the NEC or Sub-Branch membership is brought into internal conflict over the members actions and disruption within the Club or Sub-Branch occurs; and
- b. The actions of a member are such that the NEC or Sub-Branch is brought into disrepute.

29. If a member is directed by the NEC or Sub-Branch Executive, in writing to 'Show Cause' (Annex A), then that member has 14 days from receipt to reply, in writing, to the 'Show Cause' provisions. The NEC or Sub-Branch Executive **must** provide the member with the "Show Cause" provisions, including all evidence submitted to support the grievance and the NEC or Sub-Branch Executive's expected resolution.

30. If the member responds in writing to the 'Show Cause' notice, then the NEC or Sub-Branch Executive will review the member's response and either:

- a. Make an immediate determination in writing to the member; or
- b. Convene a meeting between the parties in dispute and conduct a review for resolution.

31. If that member has not replied to the 'Show Cause' notice within 14 days of receipt, or replies in writing disagreeing with the notice, then the NEC or Sub-Branch Executive will meet with all NEC or Sub-Branch members at the next scheduled Monthly Meeting and resolve the issue in whatever form as agreed to by that membership, including the possible dismissal of the member from the Club.

### **Expulsion**

32. Where a "Show Cause" outcome has determined that the member is to be expelled from the Club, the expulsion can only take effect following a 14 day "cooling off period". The member may appeal against that expulsion by giving notice, in writing, to the NEC or Sub-Branch Executive within 14 days following receipt of the decision.

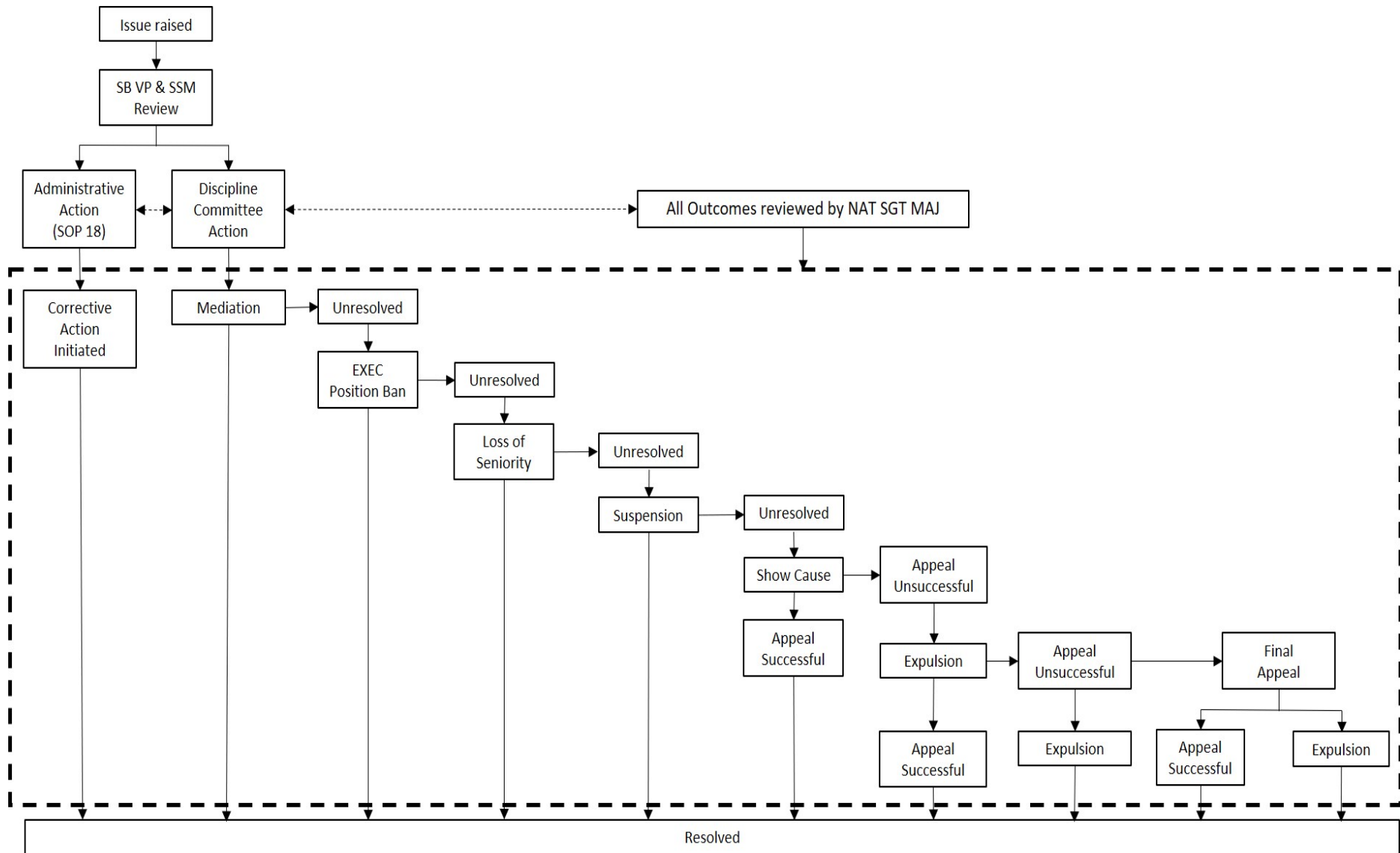
33. The appeal **must** be considered at a Special General Meeting of the NAT Disciplinary Committee or Sub-Branch. The NAT Disciplinary Committee Special General Meeting will be chaired by the NAT SGT MAJ, with the five incumbent STATE Presidents. The Sub-Branch Special General Meeting must have in attendance a **minimum of 75%** of the current Sub-Branch Service membership.

34. The member must be afforded a reasonable opportunity to be heard at the meeting, or to make representations in writing prior to the meeting for circulation at the meeting.

35. The Service Members present at the Special General Meeting must, by resolution, either confirm, or set aside, the decision to expel the member.

36. At a special general meeting convened for the purpose of the “expulsion” clause:
- a. no business other than the question of the expulsion shall be transacted;
  - b. the NAT Disciplinary Committee or Sub- Branch Executive may place before the meeting details of the grounds of the expulsion and the reasons for the expulsion;
  - c. the person whose membership has been expelled must be given an opportunity to be heard;
  - d. the Service members present shall determine by secret ballot whether the expulsion should be confirmed or dismissed;
  - e. A member may not vote by proxy at the meeting, unless relevant State Incorporation Laws specifically allow it;;
  - f. To convene an NAT Disciplinary Committee or Sub-Branch Special General Meeting for the purposes of an appeal.
37. Where the Special General meeting appeal has been unsuccessful, the member can request one further appeal be made to the NRC. This appeal review will be conducted by the NAT President, NAT Secretary and NAT Treasurer as reviewing members. The NRC are to provide a final outcome within seven days after receipt of the appeal.
38. Where the decision of the NAT Disciplinary Committee does not support the expulsion of the member in dispute, the aggrieved member may also appeal this decision by giving notice to the NAT Discipline Committee within 14 days after receipt of the decision in accordance with this SOP. This appeal will then be passed to the NRC for review. The NRC are to provide a final outcome within seven days after receipt of the appeal
39. The member does not cease to be a member until the decision to expel him or her is confirmed by a resolution of the members at a Special General meeting, **and** NAT EXEC have reviewed and accepted the decision, ensuring the complete appeals process has been exhausted.
40. Further, the NAT EXEC reserves the right to set aside the expulsion of the member, and transfer the member to NAT EXEC administration in accordance with paragraph 122 of the Club Constitution.
41. The form ‘Outcomes of Discipline Hearing’ (Annex B) is to be forwarded to the member in dispute at the conclusion of any determination found by the Executive and Service members in committee.

**DIAGRAM 1 – COMPLAINTS AND GRIEVANCES PROCEDURE**



**Grievance Against A Member  
Official Submission Form**  
(form expands)

**Grievance Details**

Date of Submission	
Member making Submission	
Member in Dispute	
Date of Issue to Grievance	
Location of Issue to Grievance	
Nature of Grievance, including a description of the alleged action/s and the specific paragraph in the Club Constitution or SOP that has been allegedly contravened.	
Resolution Expected	
How do you want this grievance dealt with? (refer to para 4 of SOP)	
Administrative Action Attempted?	
Self-Generated Mediation Attempted?	

**Secretary Use Only**

Date of Receipt	
Received by	
Executive informed?	



Comments	

### **Actions Completed by Executive**

Date Member in Dispute Informed?	
Date Member in Dispute Replied	
Executive Response	

### **Declaration by Executive**

This submission – Grievance Against A Member – has been completed as per the Club Constitution and all members have been advised of its outcome.

Signed:	Signed:
Name:	Name:
Position:	Position:
Date:	Date:

**Outcomes of Discipline Hearing**

<b>Date of Hearing</b>	
<b>Location of Hearing</b>	
<b>Member Preferring Grievance</b>	
<b>Member in Dispute</b>	
<b>Presiding Member</b>	
<b>Service Members Present</b>	
<b>Grievances laid</b>	Grievance 1 -
	Grievance 2 -
	Grievance 3 -
<b>Attachments from Committee</b>	
<b>Attachments from Member in Dispute</b>	
<b>Outcome of Grievance (s)</b>	Grievance 1 -
	Grievance 2 -
	Grievance 3 -
<b>Resolution provided by Executive and Service Members in Committee</b>	
<b>Provisions for 'Appeal Against Resolution'</b>	<p>Member has fourteen (14) days of date of receipt to appeal the above resolution. This appeal must be received by _____ and must be in writing. It must be addressed to the Secretary.</p> <p>Once the appeal has been received, the Executive and</p>

	Service Members in Committee will consider the appeal and reply within fourteen (14) days of date of receipt to the member in dispute.
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Completed By:

Authorised by:

Signed:	Signed:
Name:	Name:
Position:	Position:
Date:	Date: