

# Members' rights

Legal information for Victorian incorporated associations

## This fact sheet covers:

- members' rights, and
- suspension of members' rights.

**Members of Victorian incorporated associations have certain rights. This fact sheet provides an overview of the main rights that members generally have.**

Some associations have different classes of members, and some classes may not be entitled to all of these rights (for example, associations can have non-voting members).

Some minimum rights are set out in the *Associations Incorporation Reform Act 2012* (Vic) (**the Act**) but you should also always check your association's rules – as these may give you extra rights or set out procedures that need to be followed in addition to your rights and the procedures under the Act.

### TIP

If you don't have a copy of the rules of your association, you can write to the Secretary of your association and request to inspect or be provided with a copy of the rules. You may be required to pay a fee if you have requested a copy of the rules. The Secretary must permit you to inspect the rules at a reasonable time and give you a copy of the rules within 14 days of your written request.



## Members' rights

Members' rights generally include the right to:

- inspect certain records and documents of the association, and get copies of these documents, including general meeting minutes and the rules of the association
- inspect the members register of the association
- attend general meetings
- vote on resolutions (for voting members)
- be given notice of the date, time and place of meetings and any proposed special resolutions (for voting members)
- vote to remove office holders by special resolution (which can only occur when at least 75% of members voting agree to the change and any extra requirements in the association's rules have been met)
- vote to change the association's rules by special resolution (which can only occur when at least 75% of members voting agree to the change and any extra requirements in the association's rules have been met)

- initiate a grievance procedure in relation to a dispute with another member, the committee, or with the association
- not be oppressed and be provided with natural justice in disciplinary and grievance procedures, including by being given the opportunity to be heard on the matter which is the subject of the disciplinary or grievance procedure and having the outcome of any dispute determined by an unbiased decision maker
- request that access to their personal information on the members register be restricted where there are special circumstances. Special circumstances could include where a member has had threats made against them, or if the fact that a member is a member of a certain group would reveal sensitive personal information (such as being a member of a support groups for people with a certain disease), and
- apply to the Court for an order to enforce the association's rules or stop the association from engaging in oppressive conduct.

Many associations also provide the following rights to their members, but you will need to check your rules:

- the right to submit items of business for consideration at general meetings and to be heard at general meetings
- the right to be given notice before disciplinary action is taken by the association
- the right to appeal against suspension or expulsion from the association
- the right to appoint proxies to vote and speak on the member's behalf
- the right to vote to elect office holders, and
- the right to call a general meeting of members (if a minimum number of other members agree).

If you are a member and consider that your rights have not been met, you can initiate a grievance procedure under your association's rules. If the grievance procedure does not resolve the issue, you can take the association to Court – but it is very important to remember that court action should be viewed as a last resort as it can be high risk, expensive, and time consuming. More information on both these options is provided in our fact sheets listed in the Resources section below.

## Suspension of rights

The rules of your association may provide circumstances when the rights of members are suspended or terminated, such as when a member has failed to pay the annual subscription fee.

This action is considered disciplinary action and associations need to follow legal procedures when disciplining members.

### RELATED RESOURCES

For more information on disciplinary procedures, go to the Information Hub page on internal disputes at [www.nfplaw.org.au/internalconflicts](http://www.nfplaw.org.au/internalconflicts)



# Resources

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## Related Not-for-profit Law resources

The Not-for-profit Law Information Hub ([www.nfplaw.org.au](http://www.nfplaw.org.au)) has information on the following related topics:

- ▶ For more information regarding disputes, go to [www.nfplaw.org.au/disputes](http://www.nfplaw.org.au/disputes)
- ▶ For more information on the different people involved in not-for-profit organisations, go to [www.nfplaw.org.au/peopleinvolved](http://www.nfplaw.org.au/peopleinvolved)

## Legislation

- ▶ [Associations Incorporation Reform Act 2012 \(Vic\)](#)
- ▶ [Associations Incorporation Reform Regulations 2012 \(Vic\)](#)

A Not-for-profit Law Information Hub resource. Access more resources at [www.nfplaw.org.au](http://www.nfplaw.org.au)

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