

# Members' rights

Legal information for NSW incorporated associations

## This fact sheet covers:

- members rights, and
- suspension of members rights.

**Members of associations incorporated under the *Associations Incorporation Act 2009* (NSW) may have certain rights under their association's constitution. This fact sheet provides an overview of the main rights that members generally have.**

Your association's constitution sets out your rights as a member of the association, including your right (if any):

- to vote at general meetings
- to be given notices of general meetings and any proposed motions
- in relation to any disciplinary proceedings against you and your right to appeal against them
- in relation to disputes with other members and with the association, and
- to inspect the association's books and documents.

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).

### TIP

If you don't have a copy of the constitution of your association, you can write to the Secretary of association and request to inspect or be provided with a copy of the constitution.



## Members' rights

Members' rights depend on the constitution of the association, but may include a right to:

- inspect certain records and documents of the association, and get copies of these documents, including general meeting minutes and the constitution of the association
- inspect the members register of the association
- attend meetings
- vote on resolutions (which will only be passed if supported by half of the members entitled to vote (in the case of an ordinary resolution) or if supported by three quarters of the members entitled to vote (in the case of a special resolution))

- be given notice of the date, time and place of meetings and the nature of the business proposed to be transacted at the meeting
- vote to appoint or remove committee members
- vote to change the association's constitution
- make a complaint about another member
- be given the opportunity to make submissions about a matter which is the subject of the disciplinary procedure in relation to that member, and
- request that access to their personal information on the members register be restricted.

If you are a member and consider that your rights have not been met, you may be entitled to initiate a grievance procedure under your association's constitution. If the grievance procedure does not resolve the issue, you may be entitled to 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

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The constitution 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 fee.

### RELATED RESOURCES

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



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

## Legislation

- *Associations Incorporation Act 2009* (NSW)
- *Associations Incorporation Regulation 2009* (NSW)

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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