



Australian Native Plants Society Canberra Region Inc.

Guideline for Dealing with Inappropriate Behaviour by Members

The leading purposes (1) of the Australian Native Plants Society Canberra (ANPSC) support discussion and improvement in the horticulture of Australian native plants, conservation and preservation of these plants and their habitats.

This guideline reminds office-bearers and members of these primary purposes, while also setting forth principles and procedures to deal with inappropriate behaviour that may detract from such purposes.

Background

The best reason for joining ANPSC is a passion for the native flora. Australia has in excess of 20,000 vascular species, many of which are endemics. Over 1,000 species are rated as threatened or endangered, their habitats ever more fragmented by over-development and land clearing.

For decades, the Society's walks have observed and documented the shifting occurrences of the ACT and surrounding NSW flora. Our horticultural publications, plants sales and talks have become part of Canberra's fabric.

In some measure, at least, the Society may serve to counter wider disregard or official neglect of the native flora. It does so with limited financial resources and generous contributions of unpaid labour.

It would be surprising if such a Society did not generate animated discussion and from time-to-time healthy disagreement.

Members may have primarily "horticultural" or "conservation" bents. With prudent leadership and good participation, many Society activities can be rewarding for many members. There are bound to be limitations and disappointments, when specific member needs or interests cannot be met.

Besides which, the increasing environmental and climate rigours may of themselves circumscribe what is possible or practicable for ANPSC.

The point is, we seek to keep discussion and disagreement in proportion, having regard for societal norms and applicable regulations. Especially when the Society's activities are in public view and may attract public comment.

What is inappropriate behaviour?

As distinct from a for-profit company, also as distinct from a non-profit (2) unincorporated association or company, ANPSC is a non-profit “incorporated association” under the ACT Associations Incorporation Act (3).

Not directly applicable to us are federal or state laws that regulate behaviour in workplaces. However, federal human-rights law could be applied to our Society, or to its individual members.

The Australian Human Rights Commission is empowered to investigate (4) any “discrimination, harassment or bullying” complaints, provided that these link to the complainant’s sex, disability, race or age.

In a similar spirit, ANPSC Council reconfirms that it supports robust discussion, but there must be a reasonable bound, and we will not allow egregious misbehaviour towards Society members or other persons.

The Society reserves the right to take note and intervene, in persistent cases of discrimination, harassment, bullying, or personal attack. This is whether or not a complaint has been lodged, and whether or not the misbehaviour is one-on-one or more widely distributed.

Dealing with inappropriate behaviour

This guideline is posted on our website, and may be revised from time to time.

That in itself signals our intention to resolve misbehaviours informally where possible, though more formal procedures may come into play as a fallback.

The Society and Council will make their best efforts to handle misbehaviour case by case, with sensitivity, as we may be dealing with complex issues and personalities.

The first step may be a Council delegate’s behavioural chat with the offender. This is an informal, but a measured, step. It will be intended as a clear signal, for the offender to step back and the misbehaviour to cease.

If the chat doesn’t suffice, we may escalate to a behavioural correction.

Here, we may ask the offending member to discuss the complaint informally with the victim, with or without an agreed third-party present, and to tender an acceptable atonement or apology if that is what is appropriate.

We may ask the offender to commit to a meaningful course of action for non re-offence. Within that, we may suggest counselling, time out, or different modes of engagement with the Society.

At this stage, it will be made clear to the offender, that any fresh misbehaviour at any time could invoke fresh measures, which could include formal process as per the Associations Act.

In rare cases, if all else fails, and persistent misbehaviour is undermining core Society purposes, we may need to resort to formal disciplinary action.

That means in effect an action that seriously considers, and may result in, the (time limited) *suspension* or (permanent) *exclusion* of a member. However, such an action may also result in a lesser (or no) penalty, as may be determined by the process below.

In formal disciplinary cases, we are obliged to follow the rules set out in the Associations Act (s. 65B) and reflected in the ANPSC Constitution (s. 9).

The gist of this section 9 is that we must:

- * apply the rules of natural justice;
- * explain the grounds for the action to the member;
- * give the member a fair hearing;
- * decide the matter via an “unbiased” decision maker;
- * advise the outcome and its reasoning in writing;
- * allow for appeal, via a Society general meeting; and
- * complete the process as soon as is reasonably practicable.

Note that similar procedures (s.10) also apply to the resolution of “disputes” between members, or disputes between a member and the Society.

Summary

In summary, the ANPSC (the Society):

- * reminds members of core Society purposes, and seeks to minimise any harassment or bullying of members, or towards non-members;
- * notes/advises that Council may intervene as it sees fit in instances of misbehaviour, whether or not the matter has been formally raised by a member;
- * notes/advises that the first step may be for a Council delegate to undertake a behavioural chat with the offender;
- * notes/advises that if necessary, that intervention can be elevated to a behavioural correction, aiming for reparation, and a commitment not to reoffend; and
- * notes/advises that only in severe, persistent cases would Council look to formal disciplinary action under the Act, which could result in a member’s suspension or exclusion.

This Guideline was endorsed by Council on 6 September 2021.

(1) nativeplantscbr.com.au > Our Policies > Constitution

(2) ato.gov.au > Not-for-profit > Overview of legal structures

(3) ACT Associations Incorporation Act 1991

(4) Information for people making complaints, at hrc.act.gov.au