



## LESSONS LEARNT

### LL Number 14

### MBMMC

Date Submitted: 24/10/16

#### **Situation**

A Service Member (with service in Defence and Emergency Service positions) was subjected to a personal attack on his character via an email message sent on 16 Sept 16 by two Sub Branch members of the MBMMC to all Sub Branch Presidents of the MBMMC about an issue which occurred twelve (12) months previously.

At the time the email was sent out, the aggrieved Service Member in question was not a member of the above Sub Branch that the other two members belonged to. The aggrieved member had transferred to NATHQ some 12 months previously and had been fulfilling the requirements of the Club Constitution as a Club/Sub Branch member.

The aggrieved member, in September 2016, in his position as an Executive member sent a positive email to all Club members advising of his views for the progress of the Club.

Upon receiving this email the members of the other Sub Branch then colluded to send an email to all Sub Branch Presidents (Australia wide) which denigrating the aggrieved member, his character, questioning his ability to be an Executive member, thereby affecting his well being, and hence his reputation within the Club.

The only members of the Sub Branch in issue were the two Executive members while other Sub Branch Executive members and members in general were not aware nor involved in the construction of and sending of the offending email.

#### **Constitutional References to Support Grievances**

##### **Club Constitution, Offences by Members against the Club, Sect 64, CAT A Offence**

- Disrespecting another member in front of other members or persons either verbally, in written form, or indirectly where that member has deemed this action unjust and has felt embarrassment or a loss of dignity.

##### **Club Constitution, Credo of the Club, Sect 27**

- Non observance of the Club Credo.

##### **Club Constitution, Members Rights, Sect 126**

- Non observance of a Club Members Rights

##### **Club Constitution, Members' Code of Conduct, Sect 127**

- Breach of Member Code of Conduct

## Results of Grievance Hearings

The aggrieved member's argument was that the issue presented by the two Executive members should have been dealt with between Sub Branches – meaning internal to two Sub Branches - and should never have been sent out to the Club as a whole, which in affect, brought the whole Club into a Sub Branch issue.

The aggrieved member used the Club Constitution to raise two (2) grievances, to be dealt with as per the Constitution and SOPs.

Both grievances were presented to the two Sub Branch Executive members in issue (as per *SOP 8, Club Grievance Procedure*) and two (2) hearings were held to satisfy both sides, with representation for all parties provided by other Service Members, within the two Sub Branches.

The aggrieved member – using the Constitution – advised that the two (2) Executive members were culpable and colluded in raising the email, for personal reasons only, to highlight an issue which occurred over twelve (12) months previously when the aggrieved member was a member of that Sub Branch.

### Two (2 ) Hearings Chaired by the NATHQ

Two (2) hearings were held to elicit the facts pertinent to the aggrieved member's grievances.

The two (2) Sub Branch Executive members (responsible for sending degrading allegations in an email) admitted to displaying poor judgement in that they should not have released the email Club-wide, but should have dealt with it with the aggrieved member (admissions on file).

For the above breaches the aggrieved member expected a final personal resolution being:

- The members be stood down from any Executive position for 12 months;
- The members to apologise to him – face to face.
- The members to provide an email stating they would no longer disparage and deride him over an issue which was over 12 months old at the time of the grievances being place.

## Final Resolution

The two (2) hearings were completed satisfactorily with the NATHQ Executive (re Club Constitution, General, Sect 49) in attendance.

The two (2) Sub Branch Executive members provided mitigation, length of service, their progress for the Club in general and admitted that – in hind site – the email should not have gone out to all Club members, but only to the member in question (noted, on file).

The aggrieved member advised that information supplied in the original email was not factual and should have been investigated further by the hearing representatives, in that some items mentioned in the original email by the two (2) Executive members were in fact incorrect.

The NATHQ Executive members judged that any further investigation would raise a 'he said, she said' type outcome, as no other Club member was present when discussions were held twelve (12) months ago.

This is a 'hearsay' scenario, and not admissible in Australian common law. The NATHQ dismissed going 'down that road'.

Further to the above, the NATHQ Executive declared that raising an issue that happened over twelve (12) months ago with any member was akin to holding a member liable for past issues, and hence not within the spirit of our Club. A Service Members conduct and state of mind does change over time, especially when they are diagnosed with PTSD, Anxiety Disorder and Depression and are on medication.

### **Final Outcome**

The NATHQ Executive took all arguments into account and as information from either party could not be checked and verified by an independent party since the issue arose over twelve (12) months ago, the NATHQ Executive resolved the issue, taking into account mitigation and reasonable arguments and ruled:

- 1. That a face to face apology will be provided to the aggrieved member by each of the two (2) Sub Branch Executive members; and**
- 2. That a email apology and confirmation that neither of the two (2) Sub Branch Executive members will ever bring up the original issue.**

The NATHQ Executive also advised that an apology as above should be presented within the fourteen day (14) review period as provided by the Constitution, end date being **26 October 2016**.

As of **03 November 2016**, both Sub Branch Executive members have complied with an apology both verbal and in writing to the aggrieved member.

#### AUTHORITY FOR RELEASE

Club SM	WRECKA (signed, on file)
Club Secretary	MUCHO (signed on file)