

While the suggested mediation process by referral to a community justice centre has merit in that such a centre is free, prompt and travels to most locations the arbitration process which is under the Commercial Arbitration Act 2010 could be the exact opposite.. A better approach may be to provide only for referral to a community justice centre or (perhaps) another independent mediator agreed upon by the parties to the dispute or failing agreement nominated by the President.

And be aware that although it's a requirement to include provision for resolving disputes in a constitution Fair Trading doesn't review constitutions lodged with it but puts the onus on U3As to ensure their constitutions comply with the Act so that if your constitution is lacking in this regard then under the Act the relevant provisions of the Model Constitution apply so an unwitting U3A may find itself bound by the arbitration provisions at a time when it's too late to do anything about it.

For further information, go to **[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)** and click onto 'Associations'. See also "What is a Not-for-Profit Association" at p. 37.

The above comments relate specifically to NSW U3As. Interstate members should refer to their state or territory's legislation relating to incorporation of associations.