

MOOGERAH PASSION PLAY ASSOCIATION INC.

CONSTITUTION

Amended and re-written August 2025

(Registered in ___/___/____)

DIAGRAM SHOWING THE STRUCTURE OF THE ASSOCIATION

Moogerah Passion Play Association Inc

as a 'Corporate Body' under the Act,
a legal entity with defined powers.

THE CONSTITUTION

as a legal contract between
the Association and its members

ASSOCIATION MEMBERS

in (Ordinary / Annual / Special) General Meetings
make decisions. The Management Committee is elected at the AGM.

MANAGEMENT COMMITTEE

elected by Association members at a General Meeting:

(A) **The Executive:**

(1) President (2) Vice-President (3) Treasurer (4) Secretary.

(B) **Operation Managers:**

Each Manager leads their own Sub-committee

(1) Theatre Manager (2) Front of House Manager,
(3) Property Manager (4) Marketing & Media Manager
(5) Technical Manager.

ASSOCIATION MEMBERS *

join and participate in the Association through involvement in Sub-committees and as volunteers to assist with the activities identified by the subcommittees:

- (1) Theatre - To plan and organise theatrical performances by the Association
- (2) Front of House – To ensure the practical needs for audience access and experience at MPPA events are satisfactory and support Theatre productions
- (3) Property – To ensure the Lake Theatre site is maintained and developed in line with the Site Master Plan to provide a safe fit for purpose environment for performances.
- (4) Marketing & Media – To build the brand of MPPA and our events in a way that enhances our reputation for Scripture based performances ;
- (5) Technical – To provide a suite of technical services and solutions that support the delivery of performances and the effective operation of MPPA

* Honorary Membership or Life Membership are options decided as needed

Moogerah Passion Play Association Inc

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ASSOCIATION CONSTITUTION

Preamble for Association members

This version of The Moogerah Passion Play Association Constitution is drafted around the Model Rules provided through the Office of Fair-Trading, Version 8, effective 1 July 2024.

1. Interpretation

(1) In these rules—

Act means the Associations Incorporation Act 1981(as amended from time to time).

Aggrieved party means see rule 53

Dispute resolution centre means a dispute resolution centre established under the Dispute Resolution Centres Act 1990.

Present— (a) at a management committee meeting, see rule 24(6); or
(b) at a general meeting, see rule 38(2).

(2) A word or expression that is not defined in these rules, but is defined in the Act has, if the context permits, the meaning given by the Act.

(3) This Constitution forms the ‘Rules of the Association’, as defined under the Act; and it replaces all the previous Rules of the Association, which are repealed on registration of this Constitution.

2. Name of the Association

(1) The name of the incorporated association is **The Moogerah Passion Play Association Inc.**
In this Constitution, it is referred to as ‘the Association’.

3. Mission and Objects of the Association

(1) **The Mission** of the Association is to present a Bible based account of the Gospel of Jesus Christ through drama.

(2) **The Objects** of the Association are:

- (a) to produce an annual, true to Scripture, play at the Lake Theatre that will make known the love of God to all.
- (b) to develop theatrical knowledge and skills of the members by having theatre workshops and working with theatrical groups to expand the potential of the Lake Theatre;
- (c) to promote the Lake Theatre as a cultural venue, and the Passion Play as a community event, by engaging with community groups, churches, and other organisations;
- (d) to conserve and improve the Lake Theatre site, with its buildings and facilities, so that it can be used for a wide range of cultural productions and local community events;
- (e) to ensure the property leased by the Association is kept primarily for the Passion Play, and for cultural or community events permitted by the Management Committee;
- (f) to seek to obtain corporate sponsorship for the Association and national endorsements for the Passion Play, to assist the Association in achieving its Mission and its Objects.

4. Powers of the Association

(1) Subject to Rule 4(2), the Association has the powers of an individual and may, for example:

- (a) enter into contracts or agreements with individuals or organisations
- (b) acquire, hold, deal with or dispose of property, lease land, receive grants;
- (c) charge fees or accept donations for its services, make appeals, accept gifts;
- (d) provide and sell provisions and commodities to the public, raise funds at events;
- (e) do things necessary to achieve its Objects or convenient for carrying out its business.

(2) In respect to Rule 4(1), the Association and its Officials do NOT have the powers to:

- (a) permit, or enter into a contract or agreement with, an individual or an organisation to use the Lake Theatre site or its property for any purpose or event, or in a manner, that the Management Committee, or a General Meeting of Association members, considers:
 - (i) to be inconsistent with fulfilling the Association's Mission (see also Rule 22(2)); or
 - (ii) may be damaging to the interests or the reputation of the Association; or to
- (b) support, or enter into a contract or agreement with, an individual or an organisation to build on or develop the Lake Theatre site or land leased from the Scenic Rim Regional Council, for any purpose or objects that are inconsistent with any of the Objects of the Association; or
- (c) allow, or enter into a contract or agreement with, an individual or an organisation to take the overall control of the management of the Association, albeit for the same Objects; or
- (d) assign copyright for any part of the Passion Play to another person or organisation.

5. Classes of members

(1) The membership of the association consists of ordinary members.

(2) The number of ordinary members is unlimited.

(3) Honorary Members and Life Members may be added at the discretion of The Management Committee

6. Automatic membership – does not apply in these Rules.

7. Membership and Renewal of Membership

(1) An applicant for membership of the association must be proposed by 1 member of the association (the proposer) and seconded by another member (the seconder).

(2) An application for membership must be—

- (a) in writing; and
- (b) signed by the applicant and the applicant's proposer and seconder; and
- (c) in the form decided by the management committee.

(d) accompanied by a fee, if required, to the Association Treasurer or Secretary

(3) Membership is for a calendar year (January – December), except for Life Members.

(4) For a member to apply to renew a current membership the member must:

- (a) be a member in good standing
- and
- (b) complete a renewal membership form, in the format approved by the Management Committee and
- (c) pay a membership fee, if required, to the association Treasurer or Secretary

8. Membership fees

(1) The membership fee (if any) is the amount decided by the Management Committee, and is payable in the way the Management Committee decides.

(2) Honorary members and Life members do NOT pay membership fees; but Honorary members must renew their membership and Life members must update their contact details as necessary.

9. Admission or rejection of Membership or Renewal of Membership

(1) The Application for Membership or Renewal of Membership must be presented to the next Management Committee meeting to be held after the Secretary receives an applicant's completed 'Application for Membership' Form or completed 'Application for Renewal of Membership' Form and the Treasurer receives the appropriate membership fee, if this is required.

(2) Before an application is considered in Rule 9(1), the Secretary must ensure that the applicant is informed that the Association has public liability insurance, and the amount of that insurance.

(3) When an Application for Membership is presented, the Management Committee must decide by a MAJORITY vote of the members present, whether to accept or to reject the application.

(4) As soon as possible after the Management Committee decides to accept or to reject an application, the Secretary must give the applicant a written notice of the decision; and if accepted, the applicant immediately becomes an Association member.

10 When membership ends

(1) A member may resign from the association by giving a written notice of resignation (by letter or email) to the Secretary or the President.

(2) The resignation takes effect at—

- (a) the time the notice is received by the Secretary or President; or
- (b) if a later time is stated in the notice—the later time.

(3) The management committee may terminate a member's membership if the member—

- (a) is convicted of an indictable offence; or
- (b) does not comply with any of the provisions of these rules; or
- (c) has membership fees in arrears for at least 2 months; or
- (d) conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the association.

(4) Before the management committee terminates a member's membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated.

(5) If, after considering all representations made by the member, the management committee decides to terminate the membership, the secretary of the committee must give the member a written notice of the Decision. Such notice shall include advice regarding the available appeal process.

11 Appeal against rejection or termination of membership

(1) A person whose application for membership has been rejected, or whose membership has been terminated, may give the secretary written notice of the person's intention to appeal against the decision.

(2) A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.

(3) If the secretary receives a notice of intention to appeal, the secretary must, within 1 month after receiving the notice, call a general meeting of the Association to decide the appeal.

12 General meeting to decide appeal

(1) The general meeting of the Association to decide an appeal must be held within 3 months after the secretary receives the notice of intention to appeal.

(2) At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated. The applicant may choose to be represented by an advocate.

(3) Also, the management committee who rejected the application or terminated the membership must be given a full and fair opportunity to show why the application should be rejected or the membership should be terminated.

(4) An appeal must be decided by a majority vote through secret ballot of the members present and eligible to vote at the meeting. Proxy votes are ineligible to be used to decide an appeal.

(5) If a person whose application for membership has been rejected does not appeal against the decision within 1 month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the secretary must, as soon as practicable, refund the membership fee paid by the person.

13 Register of members

(1) The management committee, via the Association Secretary, must keep a confidential register of members of the association.

(2) The register must include the following particulars for each member—

- (a) the full name of the member;
- (b) the postal or residential address of the member;
- (c) the date of admission as a member;
- (d) the date of death or time of resignation of the member;
- (e) details about the termination or reinstatement of membership;
- (f) whether a member has a Blue Card (expiry date), or equivalent endorsement;
- (g) whether a member has a current First Aid qualification;
- (h) any other particulars the management committee or the members at a general meeting decide.

(3) The register must be open for inspection by members of the association at all reasonable times.

(4) A member must contact the Secretary to arrange an inspection of the register.

(5) The management committee may, on the application of a member of the association, withhold information about the member (other than the member's full name) from the register available for inspection if the management committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm.

14 Prohibition on use of information on register of members

(1) A member of the Association must not—

- (a) use information obtained from the register of members of the association to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable or commercial purposes; or
- (b) disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable or commercial purposes.

(2) Sub-rule **(1)** does not apply if the use or disclosure of the information is approved by the association.

15 Appointment or election of Secretary

(1) The Secretary must be an adult residing in Queensland, or in another State but not more than 65km from the Queensland border, who is—

- (a) a member of the association elected by the association as secretary; or
- (b) any of the following persons appointed by the management committee as secretary—
 - (i) a member of the association's management committee;
 - (ii) another member of the association;
 - (iii) another person.

(2) If a vacancy happens in the office of secretary, the members of the management committee must ensure a secretary is appointed or elected for the association within 1 month after the vacancy happens.

(3) If the management committee appoints a person mentioned in sub-rule (1)(b)(ii) as secretary, other than to fill a casual vacancy on the management committee, the person does not become a member of the management committee.

(4) However, if the management committee appoints a person mentioned in sub-rule (1)(b)(ii) as secretary to fill a casual vacancy on the management committee, the person becomes a member of the management committee.

(5) If the management committee appoints a person mentioned in sub-rule (1)(b)(iii) as secretary, the person does not become a member of the management committee.

(6) In this rule— ***casual vacancy***, on a management committee, means a vacancy that happens when an elected member of the management committee resigns, dies or otherwise stops holding office.

16. Removal of the Secretary

(1) The Management Committee may at any time remove as Secretary a person who was NOT elected, but appointed by the Committee to be the Secretary under Rule 15(1)(b).

(2) The person removed as Secretary remains a member of the Committee if the person:

- (a) was already a member of the Management Committee, as in Rule 15(1)(b)(i); or
- (b) was also appointed to fill a casual vacancy on the Committee, as in Rule 15(2)

17 Functions of Secretary

(1) The Secretary's functions include, but are not limited to—

- (a) calling meetings of the association, including preparing notices of a meeting and of the business to be conducted at the meeting, in consultation with the President of the Association;
- (b) keeping minutes of each meeting, including General, Special and Annual General Meetings;
- (c) keeping copies of all correspondence and other documents relating to the association; and
- (d) maintaining the register of members of the association.
- (e) ensuring every member elected or appointed to serve on the Management Committee has a complete copy of the Constitution of the Association and the Code of Conduct, and access to documents about the Association.
- (f) arranging for newly-elected Management Committee members to have their first Committee meeting within ONE month after the Annual General Meeting.
- (g) provide copies of any General meeting minutes via electronic media to Association members in a timely manner, or through a printed copy as per Rule 43 (3).

18 Membership of the Management Committee

(1) The management committee of the association consists of;

- (a) **the Executive** - President, Vice-President, Treasurer and Secretary, plus any other members the association members elect at a general meeting designated as Executive roles.
- (b) **Operation Managers** – chairpersons of their respective sub-committees
- (c) **Additional Members** - with specific expertise relevant to the strategic and operational needs of the Association in non Executive capacities (Note: example could include Fassifern Christian Ministers Fellowship Liaison, Major Project Lead,)

(2) The defined roles and responsibilities of each Executive position are set by the Committee and are approved by Association members.

(3) A member of the management committee, other than a Secretary appointed by the management committee under rule 15(1)(b)(iii), must be a member of the Association.

(4) At each Annual General Meeting of the Association, the members of the management committee must retire from office, but are eligible, on nomination, for re-election.

(5) A member of the Association may be appointed to a casual vacancy on the management committee under rule 21.

18 A. Governance and Operations

(1) The **Executive** – President, Vice-President, Treasurer and Secretary – have primary responsibility for the Governance of the Association, all financial and legal matters, maintaining relations with the community, developing and overseeing a strategic plan and aligned Site Master Plan, keeping records and correspondence. For good governance clarity this includes policy development to inform standards and procedures for Operations.

(2) The **Operations Managers**, in their various specific roles, have primary responsibility for the Operations of the Association, especially maintaining the Lake Theatre site and its equipment, and managing all the various tasks that are necessary to produce the Passion Play, and other MPPA events, each year.

(3) The **Management Committee** is responsible for OVERALL management of the Association, and it does this by combining the two aspects of **Governance** and **Operations** into ONE body.

18B. Executive Team

The Executive Team carry a broader suite of responsibilities than the Operational Managers. While they share responsibility within the Management Committee for effective Annual Operations, they must also ensure that the long term strategic objectives and overarching governance processes are properly attended to and considered.

Each member of the Executive has a specific role with clearly defined responsibilities:

18B (i) President – Provide leadership to MPPA including the Management Committee to uphold the best demonstration as a Christ Centred organisation.

Priorities:

- Develop the agenda for Committee, Special and Annual General Meetings of MPPA.
- Chair Management Committee meetings, Workshops and General Meetings to achieve good order and process
- Provide a Presidents Report to the Association members at the Annual General Meeting and other communications as necessary to guide Committee and Subcommittees and keep members suitably informed.

- Determine appropriate delegation of emerging needs or issues to appropriate Executive Member/Operations Manager or subcommittees for action.
- Provide relevant support and guidance for Executive Members/Operations Managers to fulfil their roles and responsibilities.

18B (ii)Treasurer – Ensure that the financial practices and finances of MPPA are managed with efficiency and integrity, in keeping with both legislative requirements and the proper reputation of a Christ Centred organisation.

Priorities:

- Manage and record payments and receipts.
- Ensure proper financial management practices are followed for receipt of funds and the procurement and invoicing of expenses.
- Ensure proper financial records are maintained to establish a reliable basis for good stewardship and reliable financial information to support Management Committee decision making.
- Provide financial statements for Committee and AGM visibility.
- Prepare an Annual Budget identifying categories of expense/income to support good planning and deployment of resources.
- Ensure timely compliance with ATO requirements including BAS .
- Organise the financial audit in a timely manner after Close of Financial Year to ensure availability for AGM. (Note: The whole Committee must ensure the financial statements are audited)

18B (iii) Secretary (if elected or appointed to the Committee) – Ensure MPPA is supported by proper and appropriate Administrative processes to satisfy legislative obligations and uphold the reputation as Christ Centred organisation.

Priorities:

- Coordinate with President to call and arrange Committee and Annual General meetings, prepare and collate Agendas, and record minutes.
- Maintain a Register of members including relevant status such as Blue Card, First Aid and relevant certifications where necessary for roles/activities of MPPA.
- Receive and send correspondence on behalf of MPPA.
- Maintain a library of relevant records and documentation of the organisation as a reliable and secure resource of MPPA.
- Support specified processes for receiving applications and nominations for specified roles according to the Constitution and Good Governance.
- Ensure all members have access to public documents about the Association and administer appropriate access to other records and documentation in keeping with modern privacy standards and data security.

18B (iv) Vice-President – Ensure proper consideration of Legislative Requirements and Community Relations, and support Strategic Planning and Governance of MPPA, appropriate for a Christ Centred Organisation.

Priorities:

- Development and oversight of Strategic Plan for MPPA
- Development and oversight of a Site Master Plan consistent with the Strategic Plan
- Maintaining relevant Fit for Purpose Policy documents for MPPA

- Support and Assist Executive and Operations Managers in the deployment of Policy and Processes
- Manage process to control and monitor legal requirements including, but not limited to, insurance, contracts, leases, Workplace Health and Safety, Child Safety practices and blue card compliance.
- Oversee and manage grievance processes, including record keeping, with proper attention to defined processes of the Constitution, confidentiality, well-being and risk assessment.
- Deputise for the President during periods of unavailability or as requested.
- Undertake other activities as agreed by the Management Committee or directed by the President in urgent circumstance.

18C Operation Managers

18C (i)Theatre Manager : To plan and organise theatrical performances by the Association:

Portfolio Scope:

- Development and coordination of a Theatre Subcommittee to deliver the key goal, including appointment of an Associate to represent during Theatre Manager absence.
- Preparation of a comprehensive workplan for scope of activity and maintaining reporting to Management Committee
- Script development to maintain authenticity to Scripture
- Development and implementation of music, stage settings, costumes and props.
- Oversee Casting, rehearsals, and theatre workshops to prepare for performances.
- Ensure Safety of cast and crew is maintained during rehearsals and performances
- Contribute to Risk Assessment and register of controls and implement allocated actions

18C (ii)Technical Manager: To provide a suite of technical services and solutions that support the delivery of performances and the effective operation of MPPA.

Portfolio Scope:

- Development and coordination of Subcommittee to deliver the goal.
- Preparation of a comprehensive workplan for scope of activity and maintaining reporting to Management Committee
- Plan and organise appropriate storage, maintenance, use of technical equipment including sound, lighting, communications equipment.
- Collaborate with Theatre Manager for the delivery of coordinated audio, sound and lighting inputs aligned to script.
- Oversee and control recordings in accordance with MPPA controls and/or community standards.
- Provide System Administrator oversight for MPPA digital services and devices.
- Ensure secure internet access is available at the Lake Theatre or other venue, if agreed by Management Committee, to support event delivery.
- Support MPPA events with suitable approved digital solutions including Ticketing System and Digital payment system.
- Maintain the technical website platform for MPPA.
- Ensure compliance with Equipment Safety requirements (eg including Test and Tag program)
- Contribute to Risk Assessment and register of controls and implement allocated actions

18C (iii) Front of House Manager - To ensure the practical needs for audience access and experience at MPPA events are satisfactory and support Theatre productions:

Portfolio Scope:

- Development and coordination of Front of House Subcommittee to deliver the goal, including appointment of an Associate to represent during Front of House Manager absence.
- Preparation of a comprehensive workplan for scope of activity and maintaining reporting to Management Committee
- Manage catering through the designated MPPA outlets including the designated canteen.
- Manage liaison and engagement with other catering vendors to compliment the MPPA offering and service forecast audience mix.
- Manage punch in/out and location mapping with all vendors including non catering.
- Manage front of house processes including entry control and registration, donation facilitation at the event venue,
- Manage a system and process for control of parking for events.
- Design and implement relevant signage to support direction for audience/attendees from arrival till departure.
- Liaise with Property Manager to ensure adequacy of lighting and infrastructure to provide confident environment for attendees.
- Arrange a suitable service program for toilets and waste management during events.
- Ensure Safety of attendees, vendors and support members (excluding Stage area under Theatre Manager) is maintained during setup and performances.
- Contribute to Risk Assessment and register of controls and implement allocated actions

18C (iv) Property Manager –To ensure the Lake Theatre site is maintained and developed in line with the Site Master Plan to provide a safe fit for purpose environment for performances.

Portfolio Scope

- Development and coordination of a Property Subcommittee to deliver the goal, including appointment of an Associate to represent during Property Manager absence.
- Preparation of a comprehensive workplan for scope of activity and maintaining reporting to Management Committee
- Develop and coordinate the maintenance program for buildings, facilities, utilities, site equipment, fences and gates
- Support other Operations Managers with advice/design for modifications etc including installation of signage etc.
- Manage construction projects in compliance with approvals, budgets and standards.
- Conduct a Safety Assessment for all fixed facilities, equipment and infrastructure prior to any event series.
- Provide input to the development and review of Site Master Plan
- Implement appropriate controls and systems to ensure security of MPPA assets at Lake Theatre
- Ensure Safety of contractors, volunteers and approved attendees at the Lake Theatre is properly managed.
- Contribute to Risk Assessment and register of controls and implement allocated actions.

18C (v) Marketing and Media Manager - To build the brand of MPPA and our events in a way that enhances our reputation for Scripture based performances, maintains wide community interest, attracts continued attendance growth, and builds stronger volunteer and contributor support base.

Portfolio Scope:

- Development and coordination of Subcommittee to deliver the goal.
- Preparation of a comprehensive workplan for scope of activity and maintaining reporting to Management Committee

- Develop a Marketing Plan, with input from Mgmt. Committee members, including collateral and channel plan, for endorsement by Management Committee.
- Develop and implement promotion plans for specific events and/or programs of events – eg Passion Play Series.
- Develop, manage and implement publicity and communication plan across relevant platforms and channels to serve diverse audiences.
- Develop and Implement Merchandise Program, as an adjunct to Marketing and Promoting MPPA
- Ensure all appropriate licensing, authorities and protections are maintained to support scope of activities.
- Develop sponsorship frameworks and relationships to secure additional funding for MPPA activities.

19 Electing the Management Committee

(1) Following relevant reporting by outgoing committee members at the AGM, all Management committee positions are declared to be vacant and open for the election process to proceed.

(2) A member of the Management Committee may only be elected as follows—

- (a) any 2 members of the Association may nominate another member (the candidate) to serve as a specific role forming part of the Management Committee;
- (b) the nomination must be—
 - (i) in writing; and
 - (ii) signed by the candidate and the members who nominated him or her; and
 - (iii) given to the secretary at least 14 days before the annual general meeting at which the election is to be held;
- (c) each member of the Association present and eligible to vote at the annual general meeting may vote for 1 candidate for each vacant position on the Management Committee;
- (d) if, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.

(3) A person may be a candidate only if the person—

- (a) is an adult; and
- (b) is not ineligible to be elected as a member under section 61A of the Act.

(4) A list of the candidates 'names in alphabetical order, with the names of the members who nominated each candidate, must be posted in a conspicuous place in the office or usual place of meeting of the association for at least 7 days immediately preceding the annual general meeting.

(5) If required by the Management Committee, balloting lists must be prepared containing the names of the candidates in alphabetical order.

(6) The Management Committee must ensure that, before a candidate is elected as a member of the Management Committee, the candidate is reminded of Section 9 (2) regarding public liability insurance.

(7) If no candidate is nominated for a specific role, the Association members must try to find a suitable candidate, whether present or not at the AGM, who agrees to be nominated to serve on the Management Committee in the specific role. If no candidate can be found for a specific role, this role becomes a 'casual vacancy', and the Committee must appoint a suitable member to fill the casual vacancy after the AGM.

20. Resignation, removal or vacation of Management Committee members

(1) A member of the Management Committee may resign from the committee by giving written notice of resignation to the Secretary.

(2) The resignation takes effect at—

- (a) the time the notice is received by the secretary; or
- (b) if a later time is stated in the notice—the later time.

(3) A member may be removed from office at a general meeting of the Association if a majority of the members present and eligible to vote at the meeting vote in favour of removing the member.

(4) Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.

(5) A member has no right of appeal against the member's removal from office under this rule.

(6) A member immediately vacates the office of member in the circumstances mentioned in section 64(2) of the Act.

21. Vacancies on the Management Committee

(1) If there is a casual vacancy on the Management Committee, the Committee may appoint a suitable Association member to fill the vacancy until the next Annual General Meeting.

(2) If the President resigns (as in Rule 20 (1)), the Vice-President automatically fills the role of President until the next Annual General Meeting, and so the vacancy is for Vice-President.

(3) If there are one or more casual vacancies on the Management Committee, the remaining members may continue to act as a Management Committee, as long as there is a quorum.

(4) If the number of remaining Management Committee members is LESS than the quorum given under Rule 24 (1), the remaining Management Committee members may act only to:

- (a) appoint new members to the Committee to reach the number required for a quorum; or
- (b) call a General Meeting of Association members to elect new members to the Committee

22. Functions of the Management Committee

(1) Subject to these Rules, or to a resolution by Association members at a General Meeting, the whole Management Committee is entrusted by the Association members with the overall control and the management of the business affairs, operations, property and funds of the Association.

(2) The Management Committee has authority to interpret the meaning of these Rules, and any matter relating to the Association on which the Rules are silent, but any interpretation must have regard to the Act, including any regulations made under the Act, and including that:

- (a) the provisions of Section 47(1) of the Act do not apply to the Rules in this Constitution; and
- (b) if a Rule in this Constitution of the Association is found to be inconsistent with the Act, the Act must prevail to the extent of the inconsistency (see Section 1D of the Act).

(3) The Management Committee in a Special Meeting of the Management Committee has authority to maintain concord within the Association, and to arbitrate in resolving a grievance brought by an Association member against another member if the parties are unable to find an acceptable resolution by Private Mediation.

(4) The Management Committee, by acting on behalf of the Association, may exercise the powers of the Association (see Rule 4), which may include any financial transactions:

- (a) to borrow, raise or secure the payment of amounts, as the Association decides; and
- (b) to issue debentures or other securities, for any debt or liability of the Association; and
- (c) to provide and to pay off any debentures or securities that have been issued; and
- (d) to invest in a way the members of the Association decide at a General Meeting.

(5) The Management Committee shall be responsible for

- (a) the appointment of the Script Committee should one be required to assist the Theatre Manager and the appointed Liaison with Fassifern Christian Ministers Fellowship.
- (b) the approval of the final Script of any Play, noting input and acceptance of the Script from the Fassifern Christian Ministers Fellowship
- (c) the Association keeping a record of all Scripts and performances of the Passion Play produced by its members, and
- (e) retaining the copyright of all Scripts and Recordings.

23. Meetings of the Management Committee

(1) Subject to this Rule, the Management Committee may meet and conduct its proceedings as it considers appropriate; however, the Committee must meet at least once in TWO months, and must decide how a meeting is to be called and how notice is given to the Committee members.

(2) The President is Chair of Management Committee meetings, and if absent, the Vice-President is Chair; if the President and Vice-President are not present within 15 minutes after the time for the meeting, the Committee must choose one of their members as the Chairperson.

(3) A nominated Assistant is permitted to attend Committee meetings, but is not entitled to vote.

(4) An agenda with the business to be conducted at the meeting, with any proposed resolutions, must be made available to all Committee members at least 2 days before the meeting.

(5) The Management Committee may hold meetings, or permit a Committee member to take part in meetings, by using any technology (phone, tablet, computer) that can reasonably allow all the members present to hear and to take part in the discussions as they happen.

(6) Management Committee members who participate in a Management Committee meeting as described in Rule 23(5) are taken to be, and recorded as being present at the meeting.

(7) Any question or motion arising at a Management Committee meeting is to be decided by a MAJORITY vote of the Committee members at the meeting; and if the votes are equal, the question or motion is decided in the negative.

(8) A member of the Management Committee must NOT vote on a question about a contract or proposed contract with the Association, if that Committee member has a declared or an undeclared financial interest in the contract or proposed contract; and if it is found that the member has a financial interest and has voted, that member's vote must not be counted.

Note— *See also sections 70B and 70C of the Act about requirements relating to the proceedings of the management committee if a member of the committee has a material personal interest in a matter being considered at a meeting of the committee.*

24. Quorum for and adjournment of Management Committee meetings

(1) Subject to Rule 24(2), a quorum for a Management Committee meeting shall be:

- (a) at least 2/3 of the number of members elected or appointed to serve on the Management Committee at the last Annual General Meeting; AND also,
- (b) at least 2 of the Committee members present must be members of the Executive.

(2) The Management Committee must NOT make decisions on any questions about matters that are the main responsibility of an Executive member or an Operation Manager who is absent.

(3) For an ordinary meeting of the Management Committee, if there is no quorum within THIRTY minutes after the time for the meeting, the meeting is adjourned, and the Secretary must consult the Committee members and arrange a suitable time for the next Committee meeting.

(4) For a Special Meeting called at the request of the Committee members under Rule 25(1)(a), if there is no quorum within THIRTY minutes after the time for the meeting, the meeting lapses.

(5) For a Special Meeting of the Management Committee to arbitrate an unresolved grievance, or to hear a grievance against the Committee, if there is no quorum within THIRTY minutes after the time for the meeting, the meeting is adjourned, and the Secretary must consult all parties and must call a Special Meeting to be held within 15 days after the adjourned meeting.

25. Special Meeting of the Management Committee

(1) The Secretary must call a Special Meeting of the Management Committee if the Secretary:

- (a) receives a written request signed by at least 1/3 of the Committee members; or
- (b) receives a grievance from an Association member about a committee or Sub-Committee; or
- (c) is informed by the mediator in a grievance that a resolution has not been found by Private Mediation, and the grievance must now go to arbitration by the Management Committee.

(2) The Secretary must, within 14 days after receiving the request, or grievance, or notice in Rule 25 (1), give written notice of a Special Meeting to all Management Committee members; the Special Meeting must be held within 14 days after giving this notice to members.

(3) The President or Vice-president must call the Special Meeting if the Secretary does not do so.

(4) In Rule 25(1)(a), the request by Committee members for a Special Meeting must state why the Special Meeting is being called, and give details of the business to be conducted at the meeting.

(5) The notice given to Management Committee members about a Special Meeting must state the day, time and place of the meeting, and the business to be conducted at the meeting.

26. Minutes of Management Committee meetings

(1) The Secretary must ensure there is a full and accurate written and electronic record of all the questions, matters, resolutions and proceedings at each Management Committee meeting; and this record must be signed by the Chair at the next Committee meeting to verify their accuracy.

(2) The Secretary must also ensure that Management Committee Members have a copy of the minutes at least one week before the Management Committee Meeting.

(3) Committee meeting minutes must be available to all Association members.

27. Appointment of Sub-Committees

(1) The Management Committee may appoint any Sub-Committees it considers necessary, to contribute and assist the Committee in conducting some part of the Association's operations

(2) At the first Management Committee meeting after an Annual General Meeting, the Committee must appoint the number of Sub-Committees needed to manage all the operational functions of the Association by having a Sub-Committee for each Operation Manager.

(3) A Sub-Committee member who is not a Management Committee member may be invited by the Operation Manager to attend a Management Committee meeting, but with no voting rights.

(4) If the Operation Manager is not present to chair a Sub-Committee meeting, a member nominated to be an Assistant must chair the Sub-Committee meeting; and if the Operation Manager and the Assistant are absent, the Sub-Committee meeting lapses.

(5) A quorum for a Sub-Committee meeting is at least 3 members, including the Operation Manager or Assistant, who may conduct business using technology as required.

(6) A question or resolution arising at a Sub-Committee meeting is decided by a MAJORITY vote of Sub-Committee members present; and if the votes are equal, the question is decided in the negative.

28. Acts not affected by defects or disqualifications

(1) An act performed by the Management Committee, or a Sub-Committee, or a person acting as a member of the Committee or Sub-Committee, is taken to be validly performed.

(2) Rule 28(1) applies, even if the act was performed when:

- (a) there was a defect in the election or appointment of the Management Committee or the Sub-Committee or the person acting as a member of the Committee or Sub-Committee; or
- (b) the Management Committee member, or Sub-Committee member, or the person acting as a member of the Committee or Sub-Committee, was disqualified from being a member.

29. Resolution of the Management Committee without a meeting

(1) A written resolution, which may include several documents, signed by every member of the Management Committee is as valid as if passed at a proper Management Committee meeting.

30. First Annual General Meeting – does not apply in these Rules.

31. Subsequent Annual General Meetings

(1) An Annual General Meeting of the Association must be held ONCE in each year:

- (a) if possible, within SIX weeks after the performance of the Passion Play that year; and
- (b) within SIX months after the end date of the Association's reportable Financial Year.

32. Business to be conducted at the Annual General Meeting

(1) This Rule applies to the Association, while being a Level 1 incorporated association.

(2) A quorum is recognised where Rule 36 (1) applies, or the meeting is to be re-scheduled.

(3) At each Annual General Meeting (AGM), the following business must be conducted:

- (a) the delivery of, and voting of members for acceptance of, annual reports from
 - (i) the President;
 - (ii) the Treasurer – this report includes the Association's financial statement and an audit report for the last reportable financial year.
- (b) appointment of an auditor for the current financial year;
- (c) the tabling of updated Association documents, including
 - (i) a budget for the next financial year, including projected fund-raising and expenses
 - (ii) the Asset Register
 - (iii) current insurance policies, including their premiums
 - (iv) the current Strategic Plan
 - (v) the current Risk Management Plan which is to incorporate;
 - a Health & Safety Policy for members and volunteers
 - the Induction Procedure for new members and volunteers
- (d) the election of members for the positions on the Management Committee.

33. Business to be conducted...other level 2 incorporated associations – does not apply.

34. Business to be conducted...other level 3 incorporated associations – does not apply.

35. Notice of a General Meeting

- (1) The Secretary may call a General Meeting of the association and must give at least 14 days 'notice of the meeting to each member of the Association.
- (2) If the Secretary is unable or unwilling to call the meeting, the President or Vice-President must call the meeting.
- (3) The management committee may decide the way in which the notice must be given.
- (4) A notice of a general meeting must state the business to be conducted at the meeting.
- (5) Notice of a Special General Meeting must be given in writing where a meeting is called—
 - (a) to hear and decide the appeal of a person against the management committee's decision—
 - (i) to reject the person's application for membership of the association; or
 - (ii) to terminate the person's membership of the association;
 - (b) to hear and decide a proposed special resolution of the Association.
 - (c) to arbitrate and / or propose resolution of any grievance proceedings between Association members.

36. Quorum for and adjournment of a General Meeting

- (1) The quorum for a General Meeting or an Annual General Meeting or a Special General Meeting is twice the NUMBER of members elected or appointed to the Management Committee at the close of the last Annual General Meeting, noting that Management Committee members are NOT to be a majority of the members present; if Committee members are a majority, the meeting does NOT have a quorum.
- (2) No business may be conducted at a General Meeting unless a quorum of members is present.
- (3) For ANY General Meeting, if there is no quorum within 30 minutes after the time for the meeting, the meeting lapses and the Secretary must call a new meeting to be held within 7 days after the lapsed meeting.
- (4) The Chairperson may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- (5) If a meeting is adjourned under sub-rule (4), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the re-scheduled meeting.
- (6) The Secretary is not required to give the members notice of an adjournment or of the business to be conducted at a re-scheduled meeting unless a meeting is postponed for at least 30 days.
- (7) If a meeting is postponed for at least 30 days, notice of the re-scheduled meeting must be given in the same way notice is given for an original meeting.

37. Procedure at a General Meeting

- (1) A member may participate and vote in a General Meeting in person, or by proxy, or remotely by using technology that reasonably allows the member to hear and to take part in discussions.
- (2) An Association member who participates or votes in a General Meeting as stated in Rule 38 (1) is taken to be, and must be accepted and recorded as being present at that General Meeting.
- (3) The President is Chair of all General Meetings, or if absent, the Vice-President; if the President and Vice-President are not present within 20 minutes after the time for the meeting, the members present must elect a Management Committee member to be Chair of the meeting.

38. Voting at General Meeting of Association

- (1) At a General Meeting, each question, matter or resolution, other than a special resolution (Rule 39 (1)), must be decided by a majority of votes of the members present.
- (2) Each member present and eligible to vote is entitled to 1 vote only and, if the votes are equal, the Chairperson, who must be a Management Committee member, has a casting vote.

(3) A member is not entitled to vote at a General Meeting if the member's annual subscription is in arrears at the date of the meeting; membership renewal is an option at a General Meeting.

(4) The method of voting is to be decided by the management committee, however, if at least 20% of the members present demand a secret ballot, voting must be by secret ballot.

(5) Where a secret ballot is held, the Chairperson must appoint 2 members to conduct the secret ballot in the way the Chairperson decides.

(6) The result of a secret ballot as declared by the Chairperson is taken to be a resolution of the meeting at which the ballot was held.

39. Special General Meeting of Association

(1) The Secretary must call a SPECIAL General Meeting of Association members, by giving written notice of the meeting to all members of the Association, within 14 days after:

- (a) being directed by the Management Committee to call a Special General Meeting; or
- (b) receiving a written request to call a Special General Meeting that is signed by:
 - (i) at least 1/3 of the number of current Management Committee members; or
 - (ii) a number of Association members, who are not Management Committee members, that is at least EQUAL to the number of current Management Committee members; or
- (c) receiving written notice of intention to appeal against a Management Committee decision:
 - (i) to reject the person's application, or terminate or suspend a member's membership; or
 - (ii) in the arbitration or proposed resolution of a member's grievance

(2) The Special General Meeting must be held within 2 months after the Association Secretary has received the direction, or the request, or the written notice, as mentioned in Rule 39 (1).

(3) The President or Vice-President must give a written notice if the Secretary does not do so.

(4) A direction given in Rule 39 (1)(a) or Rule 39 (1)(b) must state why the Special General Meeting is being called, and details of the business to be conducted at that meeting.

(5) An Association member who is entitled to vote but cannot attend the meeting, may participate and vote in a Special General Meeting in the ways given in Rule 39(1); except a member may NOT vote by Proxy if the meeting is held to hear and decide an appeal, as in Rule 39 (1)(c).

39A. Special Resolution

(1) A Special Resolution is any proposed resolution, which, if passed, may have a significant impact on the governance, operations, status, or direction of the Association, such as:

- (a) any proposed changes to the Constitution or Rules of the Association; or
- (b) a proposed financial contract or agreement with an individual or organization; or
- (c) a proposal to wind up the Association and its operations under Part 10 of the Act; or
- (d) any other proposed resolution considered significant by the Management Committee.

(2) A Special Resolution must be passed by at least 3/4 of the members present at a General Meeting where the quorum must be the quorum for a Special General Meeting provided in Rule 36 (1).

(3) The Secretary must give written notice of the General Meeting to hear and decide a proposed Special Resolution, to all members of the Association at least 14 days before the date of the intended General Meeting, and by informing all the Association members of:

- (a) the precise words or terms of the proposed Special Resolution to be decided; and
- (b) the date, time and place of the General Meeting to decide the Special Resolution; and
- (c) any other resolutions or matters to be discussed or decided at this General Meeting.

(4) If the written notice is not given as directed in Rule 39A (3), the Special Resolution has no effect and only the resolutions or matters provided under Rule 39A (3)(a) and Rule 39A (3)(c) may be heard and decided.

40. Appointing a Proxy

(1) An Association member may appoint a Proxy to vote for the member at an Association meeting or to represent the member who is a candidate for election to the Management Committee; and to appoint a Proxy, the member must submit a 'Form 'containing the following or similar words:

To the Moogerah Passion Play Association:

*I of being a current member of the Moogerah Passion Play Association, appoint of as my Proxy to *vote for/*represent me at the (Annual/Special/General/Committee) meeting of the Association to be held on /..../20.... and at any adjournment of that meeting. Signed Date /...../ 20.....*

(2) If the member wants the Proxy to vote for or against a resolution, or for a particular candidate, or to confirm the election of the member, the Form must add the following or similar wording:

*This Form is to be used *in favour of /*against the following resolutions [List resolutions]; or for the following candidates [List candidates]; or to confirm my election as [Put specific role].*

(3) The Proxy must be an Association member entitled to attend the meeting for which the Proxy is appointed; the same Proxy may be appointed for no more than TWO members at a meeting; therefore, a Proxy may have up to three votes: as (1) a member, (2) Proxy 1, and (3) Proxy 2.

(4) Unless instructed otherwise, the Proxy may vote or reply as the Proxy considers appropriate for the appointing member; or the Proxy may phone the member to ask for further instructions; and the Form appointing a Proxy is taken to confer the authority to request for a secret ballot.

(5) For a 'Form 'by an Association member appointing a Proxy to be valid, the 'Form 'must be:

- (a) on an approved Form or by letter, or by email, using words as in Rules 42(1) and 42(2); and
- (b) signed on the Form or letter by the member and the Proxy, or confirmed by another email from the Proxy; AND both must be verified by the Secretary as being current members; and
- (c) received by the Secretary before the start of the meeting for which the Proxy is appointed

41. Minutes of a General Meeting

(1) The Association Secretary must ensure there is a full and accurate written and electronic record of all questions, matters, resolutions and other proceedings at each General Meeting.

(2) The written record or minutes of each General Meeting must:

- (a) be signed by the Chair of that General Meeting as being an accurate record; and
- (b) be presented to the next Management Committee meeting for verification; and
- (c) be validated by the members of the Association at the next General Meeting; and
- (d) for an Annual General Meeting, be validated at the next Annual General Meeting.

(3) The Association Secretary is to make available a copy of the minutes of any General Meeting, Special General Meeting or Annual General Meeting by electronic medium to all Association members as soon as practical after the said meeting.

(4) Should an Association member be unable to receive meeting minutes via electronic media they may request to see the minutes of any Association meeting, by contacting the Association Secretary, who, within 14 days of the request, shall make a printed copy of the minutes of the meeting requested, available to the member.

42. By-laws and variations

(1) The Management Committee may make, amend or repeal any By-laws for the internal management of the Association, provided they are not inconsistent with any of these Rules; and a By-law may be removed by a vote of the Association members at a General Meeting.

(2) The Committee may vary the specific roles and responsibilities of the Executive positions, or the number and the specific roles of Operation Managers; any variations must be proposed at a General Meeting for approval by the Association members.

43. Alteration of these Rules

(1) Subject to the Act, this Constitution (or Rules) may be amended, repealed, or added to by a Special Resolution passed at a General Meeting of Association members, having a quorum as given under Rule 36 (1), by 3/4 of the members present and entitled to vote.

(2) Any amendment, repeal or addition is valid only after it has been submitted and registered by the Chief Executive at the Government's Office of Fair Trading.

44. The Common Seal

(1) If the Association maintains a Common Seal, the Management Committee must ensure the Common Seal is kept securely in a known place by a designated member of the Executive; and the Common Seal may be used only with the approval and under authority of the Committee.

(2) Legal documents may be executed with or without a Common Seal, provided the document is signed by a member of the Executive and countersigned by the Association Secretary.

45. Funds and accounts

(1) The funds of the Association must be kept in one or more accounts in the name of the Association in a reputable financial institution decided by the Management Committee.

(2) The Association is registered as a Not-For-Profit organisation and as a Deductible Gift Recipient in an account administered by the Management Committee, subject to Rule 48 (3) and Rule 51.

(3) All records and accounts must be kept in the English language in a book or electronically, showing full and accurate particulars of the current financial affairs of the Association.

(4) All payments from Association accounts must be made by cheque or electronic transfer, except for approved cash amounts for a float or petty cash at Association plays or events, which must be deposited back into the Association's bank account as soon as possible.

(5) All cheques must be crossed 'Not negotiable'; and payments by cheque must be signed, and all electronic transfers must be confirmed by two nominated members of the Executive.

(6) The Management Committee must determine and approve appropriate instructions for:

- (a) the amount of petty cash or cash float withdrawn from the bank for certain events; and
- (b) how the cash received during performances is stored and transported to the bank; and
- (c) any expenditure over \$50 made by individual members for any items for the Association.

(7) Each member of the Management Committee must exercise due diligence in making decisions affecting the financial activities and interests of the Association; the Committee must ensure the Association does NOT trade while it is insolvent, or incur debts that it will be unable to repay.

46. General financial matters

(1) On behalf of the Management Committee, the Treasurer must, as soon as practicable after the end date of each financial year, ensure an audited financial statement for its last reportable financial year is prepared for the AGM.

(2) The income and property of the association must be used solely in promoting the Association's objects and exercising the Association's powers.

(3) Members of the Management Committee must declare any personal interest or benefit to be gained from a potential contract or arrangement by the Association with another organisation.

(4) No part of the Association's income or property is to be distributed, paid or transferred by way of a bonus, dividend or other similar payment to the Association's members.

(5) Sub-rule (4) does not apply to—

- (a) reasonable remuneration paid to a member of the association for work done by the member for or on behalf of the association; or
- (b) any payments or dispositions of property that are incidental to activities of the Association in accordance or consistent with the Association's objectives.

(6) Association members may not claim personal expenses from the Association, including travel, food, provisions or purchases, unless the Management Committee has given prior approval.

47. Storage of documents

(1) The Executive of the Association must ensure the safe, secure and accessible storage of all the books, documents, electronic files, instruments of title, and securities of the Association.

48. Financial Year

(1) The END date of the Association's Financial Year is the 31st of December in each year.

49. Distribution of surplus assets to another entity

(1) This Rule applies to the Association, if the Association:

- (a) goes into administration, or is winding up under Part 10 of the Act; and
- (b) has surplus assets – where 'surplus assets' means the assets after payment of:
 - (i) the debts and liabilities remaining on a winding up of the Association; and
 - (ii) the costs, charges and expenses of the winding up (see Section 92(3) of the Act).

(2) The surplus assets must NOT be distributed among any of the members of the Association.

(3) The surplus assets must be given to another association or organisation having:

- (a) its Objects similar to the Objects of the Association; and
- (b) Rules which prohibit the distribution of the entity's income and assets to its members.

(4) As a deductible gift recipient under that Act, the Association must transfer the Association's relevant assets to another entity that has been endorsed as a deductible gift recipient under that Act.

(5) Any surplus assets that are not relevant assets must be distributed under sub-rule (1);

In this rule— relevant assets of an Association, means the Association's surplus assets that are—

- (a) gifts of money or property given to the association for use for its principal purpose; or
- (b) contributions made in relation to a fund-raising event within the meaning of the Income Tax Assessment Act 1997 (Cwlth) held for the principal purpose of the Association; or
- (c) money received by the Association because of the gifts or contributions mentioned in paragraph (a) or (b).

50 Grievance Procedure

This grievance procedure provides a transparent process for dealing with matters between members and the association in a way that aims to preserve dignity and respect in the process.

50A Primary Grievance Procedure

(1) This rule sets out a grievance procedure for dealing with a dispute under the rules between parties as mentioned in section 47A (1) of the Act.

(2) To remove any doubt, it is declared that the grievance procedure can not be used by a person whose membership has been terminated if the rules provide for an appeal process against the termination.

(3) A member (the aggrieved party) initiates the grievance procedure in relation to the dispute by giving a notice in writing of the dispute to—

 (a) the other party; and

 (b) if the other party is not the management committee—the management committee.

(4) If 2 or more members initiate a grievance procedure in relation to the same subject matter, the management committee may deal with the disputes in a single process and the members must choose 1 of the members (also the aggrieved party) to represent the members in the grievance procedure.

(5) Subject to rule 50B, the parties to the dispute must, in good faith, attempt to resolve the dispute.

(6) If the parties to the dispute cannot resolve the dispute within 14 days after the aggrieved party initiates the grievance procedure, the aggrieved party may, within a further 21 days, ask the association's secretary to refer the dispute to mediation.

(7) Subject to rule 50B, if the aggrieved party asks the association's secretary to refer the dispute to mediation under sub-rule (6), the management committee must refer the dispute within 14 days after the request.

(8) If the aggrieved party does not ask the association's secretary to refer the dispute to mediation under sub-rule (6), the grievance procedure in relation to the dispute ends.

50 B Grievance procedure not continued in particular circumstances

(1) This rule applies if—

 (a) a member initiates a grievance procedure in relation to a dispute and the association or association's management committee is the other party to the dispute; or

 (b) the aggrieved party asks the association's secretary to refer the dispute to mediation under rule 50A (6).

(2) The management committee does not have to act under rule 50A (5) or (7) if—

 (a) the aggrieved party has, within 21 days before initiating the grievance procedure, behaved in a way that would give the management committee grounds for taking disciplinary action under the rules against the aggrieved party in relation to the matter the subject of the grievance procedure; or

 (b) before the grievance procedure was initiated, a process had started to take action under the rules against the aggrieved party or terminate the aggrieved party's membership, as provided for under the rules, and the dispute relates to that process or to a matter relevant to that process; or

 (c) the dispute relates to an obligation under the Liquor Act 1992 or any other State law to prevent the entry of the aggrieved party to, or to remove the aggrieved party from, premises used by the association, or to refuse to serve liquor to the aggrieved party at the premises; or

 (d) the dispute could reasonably be considered frivolous, vexatious, misconceived or lacking in substance, or relates to a matter that has already been the subject of the grievance procedure.

50 C Appointment of mediator

(1) If a dispute under rule 50A is referred to mediation—

- (a) the parties to the dispute must choose a mediator to conduct the mediation; or
- (b) if the parties are unable to agree on the appointment of a mediator within 14 days after the dispute is referred to mediation, the mediator must be—
 - (i) for a dispute between a member and another member—a person appointed by the management committee; or
 - (ii) for a dispute between a member and the management committee or the association—an accredited mediator or a mediator appointed by the director of a dispute resolution centre.

(2) An accredited mediator may refuse to be the mediator, or the director of a dispute resolution centre may refuse to appoint a mediator, to mediate the dispute.

(3) If sub-rule (2) applies, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

50 D Conduct of mediation

(1) If a mediator is appointed under rule 50C, the mediator must start the mediation as soon as possible after the appointment and try to finish the mediation within 28 days after the appointment.

(2) Sub-rule (1) does not apply if the mediator is a mediator appointed by the director of a dispute resolution centre.

(3) The mediator—

- (a) must give each party to the dispute an opportunity to be heard on the matter the subject of the dispute; and
- (b) must comply with natural justice; and
- (c) must not act as an adjudicator or arbitrator; and
- (d) during the mediation—may see the parties with or without their representatives, together or separately.

(4) The parties to the dispute must act reasonably and genuinely in the mediation and help the mediator to start and finish the mediation within the period mentioned in sub-rule (1).

(5) The costs of the mediation, if any, are to be shared equally between the parties unless otherwise agreed.

(6) If the mediator cannot resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

50 E Representation for grievance procedure

(1) A party to a dispute may appoint any qualified person to act on behalf of the party in the grievance procedure.

(2) For sub-rule (1), a person is qualified to act on behalf of a party if the person—

- (a) has sufficient knowledge of the matter the subject of the dispute to be able to represent the party effectively; and
- (b) is authorised to negotiate an agreement for the party.

(3) If a party appoints a person under sub-rule (1) to act on the party's behalf, the party must give written notice of the appointment to each of the following entities—

- (a) the other party to the dispute;
- (b) the management committee;
- (c) if a mediator has been appointed before the party appoints the person—the mediator.

50 F Electronic communication for grievance procedure

Any meeting or mediation session required under the grievance procedure may be conducted by electronic means if the parties to the dispute and, for a mediation, the mediator agree.