

MODEL AERONAUTICAL ASSOCIATION OF AUSTRALIA



LEGAL ASSISTANCE TO CLUBS PROCEDURE

MOP016

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This Policy and/or Procedure forms part of the M.A.A.A. Manual of Procedures. This entire document is for the use of all classes of members of the M.A.A.A. in the conduct of activities associated with the M.A.A.A. and is not be used for any other purpose, in whole or in part, without the written approval of the M.A.A.A. Executive.

LEGAL ASSISTANCE TO CLUBS PROCEDURE

1. PURPOSE

This procedure provides the process to be followed for the M.A.A.A. legal assistance scheme.

2. INTRODUCTION

The M.A.A.A.[Inc] legal assistance scheme is intended to assist clubs in the event of their needing legal assistance on development and environmental issues, to either secure or retain a flying site. It is intended that the State provide support through a subcommittee of experienced members, and then through the State having an honorary solicitor. If these cannot solve the situation without resorting to paid professional assistance then this would be made available. This would initially be funded by the club concerned, then the club and the State and finally the club, the State and the M.A.A.A.[Inc]. It is required that the stakeholders have a financial commitment as the process continues and at every stage the likelihood of success is assessed by them.

3. SCOPE

This procedure applies to all Ordinary Members, Clubs and Affiliate Members of the M.A.A.A.

4. DEFINITIONS

Affiliate Member	A person properly affiliated with a Club that is properly affiliated to an M.A.A.A. Ordinary Member.
Club	A Club properly affiliated with an M.A.A.A. Ordinary Member.
Club Member	See Affiliate Member
M.A.A.A.	Model Aeronautical Association of Australia Inc.
M.A.A.A. Executive	The elected officials of the M.A.A.A. Inc.
M.A.A.A. Ordinary Member	A State Association properly affiliated with M.A.A.A. Inc.
Ordinary Member	See M.A.A.A. Ordinary Member
State Association	See M.A.A.A. Ordinary Member

5. FINANCIAL LIMITS

The financial limits for the various stages of funding are:

1. the cost of the initial legal opinion, about \$500.00, should be the responsibility of the club;
2. the cost of up to \$3,000.00 to process a Developmental Application through a Local Authority, is to be shared between the State Association and the club, as predetermined by the State Association.

3. up to \$10,000.00, shared 80% by the M.A.A.A.[Inc] and 20% from within the state, as predetermined by the State Association, for an appeal on the authorisation of the M.A.A.A.[Inc] Executive, subject to the guidelines being met.
4. over \$10,000.00, also shared 80% by the M.A.A.A.[Inc] and 20% from within the state, for a contested appeal, to be approved by teleconference

6. PROCESS

See the Flow Diagram on page 3

7. GUIDELINES.

These guidelines are provided for the guidance of participants. Some questions give a yes/no answer, and these should receive the appropriate response for funding to be considered. The other questions are subjective and should be used to assist the decision making process.

UP TO \$3,000.00 TOTAL

Questions requiring a No answer

Is it straight forward?

Has the club broken any statutory or local authority requirements?

Questions requiring a YES answer

If there is a noise issue, is the club strictly enforcing the M.A.A.A.[Inc] noise limits?

Is the club doing everything possible within their own resources?

Subjective questions.

Is it an existing site?

What other opportunities are there for an alternative site?

How enthusiastic are the club members to pursue the action?

What is the chance of success?

What is the long-term future of the site?

How many M.A.A.A.[Inc] members will benefit?

Are there environmental considerations?

ABOVE \$3,000.00

Questions requiring a YES answer

Does the State support continuing?

Subjective questions

How easy is it to assess the likely cost

Can both the State and the M.A.A.A.[Inc] afford it?

Is it an issue of principle?

Who are we taking on (how rich are they)?

What is the chance of success?

Review under \$3000.00 criteria more critically

Legal Assistance Flow Chart

