Mount Gambier Cemetery Trust



Corner White & Grant Avenues, Mount Gambier, PO Box 56, Mount Gambier SA 5290 Telephone 08 8725 3099 Facsimile 08 8725 9042 Email carinyagardens@mountgambier.sa.gov.au

17th August 2015

MEMBERS,

NOTICE is hereby given that a Meeting of the Mount Gambier Cemetery Trust will be held at Carinya Gardens Cemetery Reception Area, Grant Avenue, Mount Gambier, on FRIDAY 21ST AUGUST 2015 at 12.15 P.M.

An agenda for the meeting is attached.

A light lunch will be provided.

Cheryl McCOMBE TRUST SECRETARY



MOUNT GAMBIER CEMETERY TRUST

Meeting to be held at Carinya Gardens Cemetery Reception Area, Grant Avenue, Mount Gambier, on Friday 21st August 2015 at 12.15 p.m.

AGENDA

PRESENT:

Cr B Collins (Presiding Member)

Crs. M Lovett, I Von Stanke Mr T Bolton and G Ware

APOLOGIES:

moved the apology/ies received from

be accepted.

seconded

COUNCIL MEMBERS

AS OBSERVERS:

Nil

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

MINUTES:

moved the minutes of the previous meeting held on 5th June 2015 be taken as read and confirmed.

seconded

QUESTIONS:

- (a) With Notice nil submitted.
- (b) Without Notice -
- FINANCIAL STATEMENT Income and Expenditure as at 30th June 2015 Ref. 1. AF11/1371

Goal:

Governance

Strategic Objective:

Demonstrate innovative and responsive organisational

governance.

moved the financial statement as at 30th June 2015 be received.

seconded

2. BURIALS AND CREMATIONS – Statistics for 2014/15 – Ref. AF11/1403

Goal:

Governance

Strategic Objective:

Demonstrate innovative and responsive organisational

governance.

The Secretary reported the following statistics for burials and cremations for 2014/2015:

BURIALS - CARINYA GARDENS CEMETERY

YEAR	TOTAL	CITY RESIDENT	DC GRANT RESIDENT	OTHER AREAS RESIDENT	USE OF CHAPEL
2014/2015	140	101	22	17	63
2013/2014	111	77	15	19	36
2012/2013	108	80	18	10	29
2011/2012	134	98	19	17	53
2010/2011	110	81	16	13	41
2009/2010	136	102	22	12	61
2008/2009	132	86	20	26	31
2007/2008	103	73	16	14	31
2006/2007	113	81	21	11	41
2005/2006	116	84	11	21	32
2004/2005	129	100	19	10	39
2003/2004	117	88	17	12	not recorded
2002/2003	115	90	16	9	not recorded
2001/2002	138	94	31	13	not recorded
2000/2001	133	90	33	10	not recorded
1999/2000	126	87	26	13	not recorded
1998/1999	139	91	35	13	not recorded

CREMATIONS - MOUNT GAMBIER CREMATORIUM

YEAR	TOTAL	City RESIDENT	DC GRANT RESIDENT	OTHER AREAS RESIDENT	USE OF CHAPEL
2014/2015	279	110	32	137	100
2013/2014	225	91	18	116	77
2012/2013	286	104	20	162	105
2011/2012	235	90	23	122	80
2010/2011	218	74	22	122	81
2009/2010	230	66	23	141	73
2008/2009	256	74	23	159	86
2007/2008	272	81	21	170	82
2006/2007	232	68	16	148	69
2005/2006	225	51	17	157	67
2004/2005	213	69	12	132	75
2003/2004	225	57	21	147	86
2002/2003	226	71	21	134	92
2001/2002	197	60	11	126	91
2000/2001	186	49	17	120	74
1999/2000	163	52	8	103	69
1998/1999	157	47	15	95	73

ASHES MEMORIALISED

YEAR	TOTAL	
2014/2015	55	
2013/2014	58	
2012/2013	39	
2011/2012	64	
2010/2011	49	
2009/2010	47	
2008/2009	45	

LAKE TERRACE CEMETERY - SECTION H - VAULT SECTION

YEAR	TOTAL	CITY RESIDENT	DC GRANT RESIDENT	OTHER AREAS RESIDENT
2014/2015	3	2		1
2013/2014	3	2	1	-
2012/2013	5	5	-	-
2011/2012	3	3	-	-
2010/2011	2	2	-	-
2009/2010	1	-	1	-
2008/2009	3	2	1	-
2007/2008	4	4	-	-
2006/2007	3	1	1	1
2005/2006	2	2	-	-

2004/2005	2	2		-
2003/2004	1	1	-	-
2002/2003	2	2	_	-
2001/2002	2	2	-	-
2000/2001	5	4	1	-
1999/2000	Nil	-	-	E
1998/1999	6	6	-	-

LAKE TERRACE CEMETERY - SECTION J - BURIAL SECTION

YEAR	TOTAL	CITY RESIDENT	DC GRANT RESIDENT	OTHER AREAS RESIDENT
2014/2015	1		1	
2013/2014	4	1	2	1
2012/2013	0	-	-	-
2011/2012	2	2	-	-
2010/2011	2	1	1	=
2009/2010	3	2		1
2008/2009	5	3	-	2
2007/2008	4	4	-	-
2006/2007	1	1	-	-
2005/2006	2	2	-	-
2004/2005	1	1	-	-
2003/2004	0	-	-	-
2002/2003	4	4	-	-
2001/2002	1	1	-	-
2000/2001	2	1	-	-

moved the report be received.

seconded

3. MOUNT GAMBIER CEMETERY TRUST – Terms of Reference – Ref. AF11/1371

Goal:

Governance

Strategic Objective:

Demonstrate innovative and responsive organisational

governance.

The Secretary reported Council, on 27th January 2015, resolved "Council or the relevant standing committee will review the Terms of Reference of all Committees and Sub-Committees by 31st August, 2015 to provide for the opportunity to alter or amend Terms of Reference to reflect Council's aims and objectives. This review does not preclude the winding up of any Committee or Sub-Committee".

moved the Trust recommend the following changes be made to the Terms of Reference of the Mount Gambier Cemetery Trust:

- (i) Page 3 Delete 2.1.17 as it duplicates 2.1.10;
- (ii) Page 3 Rename 2.1.18 to 2.1.17;
- (iii) Page 3 Rename 2.1.19 to 2.1.18;
- (iv) Page 4 3.3 Replace 'cremations' with 'crematoria';
- (v) Page 6 10. Rename 10.0;
- (vi) Page 7 13. Rename 13.0;
- (vii) Page 8 14. Rename 14.0;
- (viii) Page 12 18. Rename 18.0;

- (ix) Page 12 19. Rename 19.0;
- (x) Page 12 Remove extra line between 19.1 and 19.2.

seconded

4. ORGANISATIONS AND ASSOCIATIONS – Australasian Cemeteries and Crematoria Association (ACCA) 28th Annual Conference 2015 – Ref. AF11/1483

Goal:

Governance

Strategic Objective:

Engage with national, state, regional and local forums and partnerships to provide solutions and options to continually improve Council's service delivery and performance.

The Secretary reported the 2015 annual ACCA conference is to be held at Hobart from 18th to 21st October.

moved:

- (a) the report be received;
- (b) the Secretary be registered to attend the 28th Annual ACCA Conference at Hobart from 18th to 21st October 2015, with costs to be borne by the Trust.

seconded

5. <u>CARINYA GARDENS CEMETERY</u> – Application to place memorial seat – Ref. AF11/1376

Goal:

Building Communities

Strategic Objective:

(i) Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met.

The Secretary reported:

- (a) a request has been made for a memorial seat to be placed within a family allotment in the Cypress Garden;
- (b) the placement of the seat is not supported due to the precedent it may set, as well as aesthetics. There is a seat within twelve metres of the family allotment.



moved:

- (a) the report be received;
- (b) the Trust decline the request to place a memorial seat on the family allotment in the Cypress Garden;
- (c) a replacement tree/shrub be planted where the previous tree has been removed.

seconded

6. **NEXT MEETING**

moved the next meeting of the Trust be held on Friday $16^{\rm th}$ October 2015 at 12.15 p.m.

seconded

Carried

MOTIONS WITHOUT NOTICE -

The meeting closed at p.m. CAM

Carinya Gardens Cemetery Statement of Trading Activity (inc Capital) 30 June 2015

	_	YTD Actual		YTD Budget	-	Annual Budg	et_
Burial Fees Chapel Fees Cremation Fees Plaques/Memorials Revenue Reservation/Lease Fees Sundry Income Vault/Monument Fees (Lake Terrace) Interest-Bank Account Interest-Reserve Account Appropriation from Reserve Account	2	342,443.23 37,263.63 238,788.12 133,887.31 29,206.45 - 1,554.55 60.82 12,051.37		242,000.00 26,300.00 176,900.00 129,700.00 44,400.00 3,900.00 5,600.00		242,000. 26,300. 176,900. 129,700. 44,400. 3,900. 5,600.	00 00 00 00 00 00 00
	\$	795,255.48 795,255.48 CR	- \$	640,700.00	CR	\$ 640,700.0	
Less Payments:				,		7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	
Wages Long Service Leave Superannuation W/Comp-Insurance Premium Administration-General Cemetery Operating/Maintenance Crematorium Operating/Maintenance Discount Allowed Grave Excavation Insurance-General Plaques/Memorials Expenditure Training Expenses Lake Terrace - Sundry Works Lake Terrace - Vaults Mowing Strips/Plaques New Area Development Loan Repayment (Office) - Council Internal Loan Appropriation to Reserve-Interest Appropriation to Reserve-Surplus Funds Cemetery Capital Works - AIM Control Capital - Entrance Gates/Associated Works Capital - Roadworks/Resurfacing		150,444.69 (5,588.00) 15,602.34 7,197.13 10,619.37 122,272.59 33,021.22 25,984.76 23,386.79 12,980.00 61,877.20 1,608.03 5,822.00 17,185.00 12,051.37 178,069.36		179,800.00 3,300.00 18,300.00 7,100.00 11,300.00 105,400.00 24,000.00 15,800.00 13,500.00 59,800.00 - - 6,200.00 4,600.00		179,800.0 3,300.0 18,300.0 7,100.0 11,300.0 24,000.0 22,100.0 15,800.0 13,500.0 2,300.0 	000000000000000000000000000000000000000
Capital - Rotunda Capital - Cremator Refurbishment Capital - Office Extension Capital - Chapel/Seating		25,000.00		25,000.00 3,500.00		25,000.00 3,500.00	
Capital - Waterfall Area 2 Capital - Waterfall Area 3 Machinery Shed Replacement	\$	0.00 0.00 697,533.85 97,721.63 CR		5,000.00 40,000.00 561,900.00	- -	5,000.0 40,000.0 564,200.00	0
=	φ.	91,121.03 CR	\$	78,800.00 C	K =	\$ 76,500.00	=CR

BANK RECONCILIATION

Balance as per Bank S	tatement	\$ 1,030.42	CR
Plus	Debtor - City of Mount Gambier (Deposit not yet Credited) Appropriation from Reserve Accrued Interest GST Surplus	275,730.17 - - -	
Less	Creditor - City of Mount Gambier Appropriation to Reserve - Surplus Debtors Accrued & Due GST Deficit	(52,545.00) (55,658.59)	
		\$ 168,557.00	CR
RESERVE FUND (Loca	al Government Finance Authority)		
Balance as at	01 July 2014	\$ 478,163.09	CR
Plus	Interest Appropriation from General Account	12,051.37 178,069.36	
Less	Appropriation to General Account		
	•	\$ 668,283.82	CR

Reserve Fund - Invested 'At Call' with Local Government Finance Authority Current 'At Call' rate is 2%

I, Cheryl Ann McCOMBE, Administration Officer of the Mount Gambier Cemetery Trust, hereby certifies that the with the Statement of Income and Expenditure for 2014/15 is, to the best of my knowledge, true and correct and is in accordance the books, vouchers and documents in connection therewith.

ADMINISTRATION OFFICER

DATE

I Gary Philip Button, Finance Manager of the City of Mount Gambier confirm that the books and accounts of the Mount Gambier Cemetery trust have been reviewed and all the information and explanations required have been obtained. In my opinion, the Statement of Comprehensive Income represents a true and fair view of the transactions for the year and state of affairs as at 30 June 2015.

FINANCE MANAGER

DATE

MOUNT GAMBIER CEMETERY TRUST

TERMS OF REFERENCE

A Committee of Council Established

pursuant to the provisions of Section 41

of the

Local Government Act 1999

Terms of Reference for the conduct of the business of the Committee were approved and adopted by the City of Mount Gambier at its meeting held on 17th December 2013.

MOUNT GAMBIER CEMETERY TRUST

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MOUNT GAMBIER CEMETERY TRUST TERMS OF REFERENCE

(ESTABLISHED PURSUANT TO SECTION 41 OF THE LOCAL GOVERNMENT ACT 1999)

1.0 Name

The name of the Committee shall be the MOUNT GAMBIER CEMETERY TRUST (in these Terms of Reference referred to as "the Trust").

2.0 Interpretation

For the purposes of these Terms of Reference, unless inconsistent with the subject matter or context:

2.1 Definition

- 2.1.1 "Act" means the Local Government Act 1999 and includes all Regulations and Schedules.
- 2.1.2 "Auditor" means the Auditor prescribed in the Local Government Act 1999 and the Auditor for the Council.

2.1.3 "Cemeteries" mean:

(a) the public cemetery known as Carinya Gardens Cemetery and Mount Gambier Crematorium and established on that piece of land situated in the Hundred of Blanche, County of Grey, being portion of Section 855, containing 4.25 hectares or thereabouts and Section 856, containing 7.3 hectares or thereabouts and being the whole of the land comprised in Certificate of Title Register Book Volume 2512 Folio 5 which said piece of land is the property of Council;

AND

- (b) Section J and portion of Section H <u>only</u> of the public cemetery known as the Lake Terrace Cemetery and established on that piece of land situated in the Hundred of Blanche, County of Grey, being:
 - Section 78, containing 3.2 hectares or thereabouts and being the whole of the land comprised in Certificate of Title, Register Book Volume 320, Folio 15;

- (2) Section 405, containing 2.88 hectares or thereabouts, being the land situate the present Cemetery Reserve, east of Section 78 and contained in Certificate of Title, Register Book Volume 625, Folio 191;
- (3) Section 413, containing 2.03 hectares or thereabouts and contained in Certificate of Title, Register Book Volume 116, Folio 79; and
- (4) Section 412, containing 2.04 hectares or thereabouts contained in Reserve

of which the said pieces of land are the property of Council.

- 2.1.4 "Chief Executive Officer" means the Chief Executive Officer for the time being of the Council.
- 2.1.5 "Commencement Date" means the date on which the Trust was established and became operative pursuant to Clause 3.2.
- 2.1.6 "Committee" means the Committee of Management established pursuant to Clause 6.0.
- 2.1.7 "Committee Member" means a member of the Trust and includes the Presiding Member.
- 2.1.8 "Trust" means the Mount Gambier Cemetery Trust.
- 2.1.9 "Council" means the City of Mount Gambier.
- 2.1.10 "Presiding Member" means the person appointed to that position pursuant to Clause 10.
- 2.1.11 "Acting Presiding Member" means Acting Presiding Member of the Trust and appointed pursuant to Clause 10.
- 2.1.12 "District Council" means the District Council of Grant.
- 2.1.13 "Extraordinary Vacancy" means a vacancy in an office arising otherwise than by effluxion of time.
- 2.1.14 "Financial Year" means a twelve month period between and including 1st July and 30th June.
- 2.1.15 "Management Committee" means the Committee established pursuant to Clause 6.0.

- 2.1.16 "Observers" means those persons attending any meeting of the Trust, but do not have a vote on any matter to be determined by the Trust.
- 2.1.17 "Presiding Member" means the Presiding Member of the Trust and appointed pursuant to Clause 10.
- 2.1.48 "Secretary" means the person appointed by Council to carry out those duties in accordance with the Terms of Reference of the Trust and any other administrative discretion associated with the administration of the Trust.
- 2.1.19—"Singular" includes a reference to the "plural".

2.2 <u>Defined Terms</u>

Any words, phrases or terms used in these Terms of Reference which are defined in the Act shall have the same meaning as are given to them in the Act.

2.3 Local Government Act

These Terms of Reference shall be interpreted in every report to be subject to the provisions of the Act.

2.4 Notices

All notices to be given to the Trust shall be addressed to:

The Secretary

Mount Gambier Cemetery Trust

and addressed to the usual and current business office or address of the Trust and the notice may, unless specified otherwise and without prejudice to any other means of service, be deemed to be delivered by ordinary post in which case the same shall be said to have been given two (2) clear business days after the same was posted.

3.0 Establishment

- 3.1 "The Trust" is established under Section 41 of the Local Government Act 1999.
- 3.2 "The Trust" was established by Council and became operative on the 17th December, 1998.

Crematoria

3.3 "The Trust" was established to undertake the care, control and management, preservation, public access and public appreciation of cemeteries, cremations, cemetery grounds, etc. within the Council area being and including, Carinya Gardens Cemetery and the portion of the Lake Terrace Cemetery, as referred to herein at Clause 2.1.4.

4.0 Delegation

The Council has delegated to the Trust, the power to receive and expend revenue reasonably required to enable it to carry out the objectives for which it is established.

5.0 Objectives

- 5.1 The Trust is created for the express purpose of undertaking the care, control and management of the Carinya Garden Cemetery and including Section J and portion of Section H only of the Lake Terrace Cemetery:
- 5.2 To establish an income stream to the Trust that is reasonable, fair, understandable and acceptable.
- 5.3 To establish an expenditure strategy of the Trust which is reasonable, fair, understandable and accountable.
- 5.4 To develop an organisational and operational framework which is creative, effective and accountable.
- 5.5 To develop a strategy to attract extra income to the Trust from other sources.
- 5.6 The Trust may engage and/or liaise with other bodies of similar aspirations to join with the Trust to enable the Trust to achieve its Objectives.
- 5.7 To ensure the affairs of the Trust are operated in a proper and business like manner and on accepted business and/or commercial terms.

6.0 Membership of the Committee

- 6.1 Membership of the Trust shall be:
 - 6.1.1 Two members nominated by the Council.
 - 6.1.2 One member nominated by the District Council.
 - 6.1.3 One representative appointed by the Mount Gambier and Districts Ministers' Association.

- 6.1.4 One representative appointed by the membership of the Trust, as defined in 6.1.1; 6.1.2 and 6.1.3 as community representatives.
- 6.2 The term of office of each of the members appointed, shall be for a period of four years expiring on the 31st October in the year that Council holds its General Elections.
- 6.3 The Council reserves the right from time to time to remove any member of the Committee and appoint another member in their stead. All members hold office at the pleasure of Council.
- 6.4 Members of the Trust and other persons willing or agreeing to assist the Trust to achieve its Objectives are deemed to be volunteers of Council, as their role is an activity clearly defined by Council and for which the Council approves.

7.0 Casual Vacancies and Replacement of Representatives

- 7.1 The Council may replace any representative on the Committee or fill any casual vacancy, by notifying the Trust the identity of the person proposed to replace the representative or fill the casual vacancy.
- 7.2 A member appointed to fill an extraordinary vacancy, shall hold office only for the unexpired term of the member in whose place they are appointed.
- 7.3 The office of a member of the Trust becomes vacant if the member:
 - 7.3.1 dies;
 - 7.3.2 resigns by notice in writing to the Secretary;
 - 7.3.3 is removed from office on the ground of mental or physical incapacity to carry out official duties satisfactorily;
 - 7.3.4 becomes an officer or employee of the Trust;
 - 7.3.5 is declared bankrupt;
 - 7.3.6 is absent from three consecutive ordinary meetings of the Trust;
 - 7.3.7 ceases to be an elected member of Council or the District Council.

8.0 No Proxy

The appointment of a person as a proxy for any Member on the Committee or the Trust is not permissible.

9.0 Resignation of Representatives

Any Committee Member may resign from the Committee, but such resignation shall not be effective until the Secretary has received written notice to that effect.

10. Presiding Member and Acting Presiding Member

- 10.1 The appointment of the Presiding Member of the Trust be by resolution of the Trust from amongst the Members who comprise the Trust, such appointment to be for a period not exceeding one year.
- 10.2 The Presiding Member, when present, shall preside at all meetings of the Trust.
- 10.3 In the absence of the Presiding Member at any meetings of the Trust, the Members when present at that meeting of the Trust, shall appoint an Acting Presiding Member, who shall preside at that meeting.

11.0 Quorum

At all meetings of the Trust, three representatives shall constitute a quorum.

12.0 Meetings of the Trust

- 12.1 The Trust shall meet as and when determined by the Trust, but must meet at least three times every financial year.
- 12.2 The Secretary shall give notice to each Committee Member, at least three clear days prior to any meeting.
- 12.3 The notice of meeting must:
 - be in writing;
 - · set out the date, time and place of the meeting;
 - contain or be accompanied by the agenda for the meeting.
- 12.4 The Secretary shall forward a copy of the notice of a meeting of the Trust to the Council.

- 12.5 Notice must be given to the public of the times and places of meetings of the Trust, by causing a copy of the notice and agenda for a meeting to be placed on public display at the principal office of the Council, the Council's website, and the cemetery office as soon as practicable after the time that notice of the meeting is given to the Members of the Trust.
- 12.6 The notice and agenda must be kept on public display until the completion of the relevant meeting.
- 12.7 The Secretary must, at the request of the Presiding Member or at least two Members of the Trust, call a special meeting of the Trust.
- 12.8 All notices of meetings shall be issued under the hand of the Secretary of the Trust.
- 12.9 No business shall be transacted at any meeting of the Trust unless a quorum of representatives is present at the time when the meeting proceeds to business.
- 12.10 Each Member, including the Presiding Member, present at any meeting of the Trust, must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.
- 12.11 Each Member present at any meeting of the Trust, shall have one deliberative vote only, including the Presiding Member, (or person acting as Presiding Member).
- 12.12 The Presiding Member has a deliberative vote at any meeting of the Trust, but does not, in the event of an equality of votes, have a casting vote.

13. Procedure at Meetings

- 13.1 The procedure to be observed in relation to the conduct of meetings of the Trust will be as determined by the Council.
- 13.2 If Council has not determined any procedures, the procedures shall be determined by the Trust;
- 13.3 If the Trust has not determined any procedures, the procedures shall be determined by the Presiding Member.

14. Sub-Committees of the Committee

- 14.1 The Committee has a discretion to appoint sub-committees of its membership to undertake a specific task for the Committee.
- 14.2 Sub-Committee(s) appointed to undertake specific tasks for the Committee may also include persons not appointed to the Committee.
- 14.3 Meetings of any Sub-Committee must include a person who is a person appointed to the Committee and that person shall preside at all meetings of the Sub-Committee.

15.0 Establishment and Funds

15.1 Establishment

- 15.1.1 The Mount Gambier Cemetery Trust is hereby established.
- 15.1.2 Council shall appoint a Secretary of the Trust, under such terms, conditions and costs as the Council thinks appropriate.
- 15.1.3 The Secretary shall have the powers given to and the duties imposed by any by-law passed by the Council and any Act or Regulations for the time being in force in relation to cemeteries.

15.2 Funds

- 15.2.1 Subject to any conditions that the Council may from time to time impose, the Trust may receive, invest and expend all or any of the revenue derived from the cemeteries.
- 15.2.2 Subject to any conditions that the Council may from time to time impose, the Trust may accept any gift, devise or bequest for any purpose of the cemeteries and may give effect to any conditions or stipulations relating thereto, which are in accordance with this Rule.
- 15.2.3 The Trust shall apply all moneys received as revenue of the cemeteries first in the payment of the working expenses and maintenance costs of the cemetery and the repayment of any overdraft incurred for the payment of any such working expenses or maintenance costs.
- 15.2.4 Subject to Clause 15.2.3, the Trust may apply the revenue of the cemeteries in or towards improvements and additions to the cemeteries.

- 15.2.5 The Trust may from time to time, after providing for the matters referred to in Clauses 15.2.3 and 15.2.4, set aside out of the revenue of the cemeteries such amount as the Trust thinks fit to form a reserve fund to provide for the payment of future working expenses and maintenance costs of and future improvements and additions to the cemeteries and for the purchase of land for a new cemetery site and for the establishment and development thereon and the Trust may expend the reserve fund or any part thereof for any such purpose.
- 15.2.6 The reserve fund and any interest thereon or income therefrom shall until expended as aforesaid be invested. The said interest and income shall form part of the reserve fund.

15.3 Services

15.3.1 The Trust may, subject to any conditions from time to time imposed by the Council, enter in to contracts for the supply of labour services, goods or other contractor services, for the purpose of the conduct of the cemeteries.

15.4 Development

- 15.4.1 The Trust may erect any buildings or other structures and make any improvements which the Trust considers necessary for the conduct of the cemeteries.
- 15.4.2 Pursuant to the Act, the Trust may erect and maintain a crematorium within the cemeteries.

16.0 Liability of the Trust

- 16.1 A liability incurred by the Trust, may be enforced against the Trust or the Council.
- 16.2 No liability attaches to a Member of the Trust for an honest act or omission by the Member or the Trust in the performance or discharge, or purported performance or discharge, of the Member/s or the Trust's functions or duties.

17.0 Records of the Trust

17.1 Accounting

- 17.1.1 The Trust shall ensure that adequate and proper accounting records are maintained in respect of the Trust.
- 17.1.2 The Trust's annual budget shall be forward to Council for approval.
- 17.1.3 A financial statement shall be prepared by the Trust as soon as is practicable after the conclusion of any financial year and which shall be audited on an annual basis by the Auditor for the time being of the Council.
- 17.1.4 The audited accounts must be submitted to the Council by the day determined by the Council for inclusion as part of the Council's financial statements and Annual Report.
- 17.1.5 A copy of the said financial statements shall be forwarded to the Council and the District Council.
- 17.1.6 All moneys received by the Trust shall be paid to the credit of the Trust with a bank or financial institution at Mount Gambier.
- 17.1.7 No money shall be withdrawn from any such bank or financial institution except by cheque signed by at least two of the following: Chief Executive Officer, a Trust Member, Trust Secretary.
- 17.1.8 The Trust may pay to any Member or the Secretary any travelling or other expenses necessarily incurred by the Member or the Secretary on the business of the Trust.

17.2 Council

- 17.2.1 Members shall be paid by the Trust, such fees (if any) as shall from time to time be fixed by the Council.
- 17.2.2 The Trust shall, subject to any conditions from time to time imposed by the Council, have the care, control and management of the cemeteries and may do all things necessary to conduct the cemeteries as public cemeteries but no property in the cemeteries or in the revenue, investments, funds or other assets thereof shall pass to the Trust.

- 17.2.3 The Trust may do anything it deems necessary for the upkeep, maintenance, improvement and management of the cemeteries and subject to any conditions from time to time imposed by the Council may expend the revenue of the cemeteries and the reserve fund or any part thereof for any such purpose.
- 17.2.4 The scale of fees and charges which shall be payable for the grant of burial rights and in respect of other rights and services granted or given in respect of the cemeteries shall be such as from time to time fixed by the Council.

17.3 Administration

- 17.3.1 The Secretary shall present a financial statement of the Trust to each meeting of the Trust.
- 17.3.2 The Secretary must cause minutes to be kept of the proceedings of the Trust or committees of the Trust.
- 17.3.3 The minutes of the proceedings of a meeting must include:
 - 17.3.3.1 the names of the Members present and the time at which they entered or left the meeting;
 - 17.3.3.2 the names of observers or visitors to any meetings;
 - 17.3.3.3 every motion or amendment and the names of the mover and seconder:
 - 17.3.3.4 whether the motion or amendment is carried, lost or lapsed.
- 17.3.4 Minutes of the Trust shall be distributed to all Members of the Trust within five days after the Meeting.
- 17.3.5 A copy of the minutes of the Trust shall be distributed to the Council and the District Council.
- 17.3.6 Minutes of the Trust, shall be submitted for confirmation at the next meeting or a subsequent meeting of the Trust and if confirmed, shall be signed by the Presiding Member or other person presiding at the subsequent meeting.

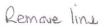
- 17.3.7 In the conduct and management of the Cemetery the Trust shall comply with any Act, By-Law or Regulation for the time being in force and applicable to the cemeteries and where the provisions of this Rule and any such Act, By-Law or Regulation conflict, the provisions of such Act, By-Law or Regulation, shall prevail.
- 17.3.8 The Trust may delegate to the Secretary or to such other person or persons as it shall think fit, all or any of its duties and powers hereunder.
- 17.3.9 No Member of the Trust shall be personally liable in respect of any transaction, act or omission of the Trust entered into, done or made in good faith for the purpose of the care, control and management of the cemeteries.

18. Amendments to these Terms of Reference

- 18.1 It will be lawful for the Council by resolution of the Council to revoke, vary or add to any of the provisions of these Terms of Reference at its own discretion.
- 18.2 The Council may at any time, abolish the Trust, but in that event, all rights and liabilities possessed or incurred by the Trust under any contract or otherwise shall vest in and attach to the Council and all such rights and liabilities may be enforced by or against the Council.

19. (a) Interpretation of these Terms of Reference

19.1 Should there be any dispute to the definition and/or interpretation of these Terms of Reference, or any part thereof or any irregularities whatsoever, then the dispute shall be determined summarily by the Council and the decision of the Council shall be final and binding.



- 19.2 Any person or organisation having any grievance as to the management, operation, interpretation or definition of the Terms of Reference, or the Trust, or wishing to make recommendations as to the general operation of the Trust, shall communicate in writing any such grievance to the Trust and the Council.
- 19.3 The Council shall determine the grievance or recommendation and advise the author and the Trust of its decision.

(a) The Terms of Reference were established and duly passed by the Council of the City of Mount Gambier at a meeting of the Council held on the 17th December 2013.



Note: These Terms of Reference replace the Mount Gambier Cemetery Trust Rules initially adopted by Council on 17th December 1998.

Adopted by Council:	Amended:	Amended:
17 th December 2013	28 th January 2014	



CONFERENCE PROGRAM

SUNDAY

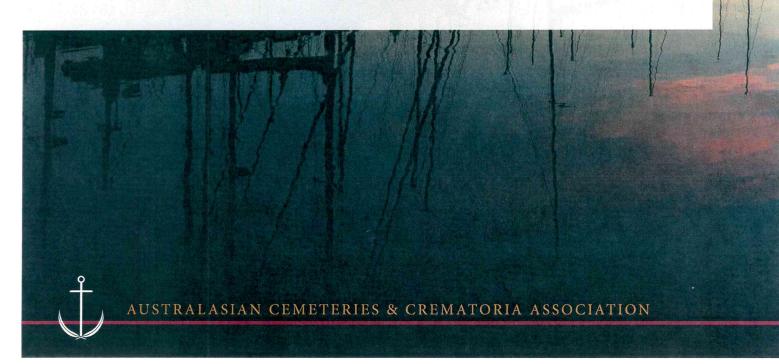
18TH OCTOBER

2.00 - 4.00pm	Registration - Located in the Exhibition Foyer
6.30 - 9.30pm	Presidents Reception @ Frogmore Creek Sponsared by Earthtrak Projects

MONDAY

19TH OCTOBER

8.30 - 9.00am	Trade Exhibition Launch	
9.00 - 9.15am	Official Conference Opening	
9.15 - 10.15am	SESSION Building Engagement Through Shared Experiences 'But what can I do? I'm just the gardener'	Peter Baines
10.15 - 10.45am	Morning Tea and Trade Viewing Sponsored by N & F Arciuli	
10.45 - 11.00am	ACCA Report	Peter O'Meara
11.00 - 12.00pm	SESSION From the community, for the community: Events that make a difference	Graham Boyd
12.00 - 1.00pm	Lunch and Trade Viewing Sponsored by ReGenOne powered by Enabling	
1.00 - 1.30pm	SESSION Post Graduate Courses in Cemetery Management - Notre Dame University	Professor Geoff Morris
1.30 - 2.30pm	SESSION Grave Mistakes: How to avoid getting buried in cemeteries and crematoria legislation	Vera Visevic
2.30 - 3.00pm	Afternoon Tea and Trade Viewing Sponsored by Austeng	
3.00 - 3.30pm	SESSION Award Winning industry projects: This year has seen some Award Winning Projects undertaken in our industry. ACCA Executive Officer, Chris Harrington will highlight 3 of these projects and speak to the people behind them.	Chris Harrington
3.30 - 4.30pm	SESSION Why Green Burial Still Matters: Lessons from First Decade of the Movement	Joe Sehee
4.30 - 5.30pm	Trade Viewing & Networking Hour	



CONFERENCE P R O G R A M



TUESDAY

20TH OCTOBER

8.30 - 9.00am	Trade Viewing	
9.00 - 10.00am	SESSION The Changing Environment for Life Departures - 2016 and beyond	Phil Ruthven
10.00 - 10.30am	Arrow Bronze Update	Lynwood Davis
10.30 - 11.00am	Morning Tea and Trade Viewing Sponsored by Fu Shou Yuan International Group	
11.00 - 12.00pm	SESSION "Our open graves are safe. Of course they are. Aren't they?"	
12.00 - 1.00pm	Lunch and Trade Viewing Sponsored by Heaven Address	
1.00pm	Depart Wrest Point for Cornelian Bay Cemetery	
1.15 - 3.00pm	Trade Exhibition, Cemetery Tour & Field Display Afternoon Tea Sponsord by Millington's Cemeteries	
3.00pm	Delegates depart Cornelian Bay for Wrest Point Hotel	
4.00pm	Delegates Board Cruise to Peppermint Bay	
5.30 - 9.30pm	PEPPERMINT BAY COCKTAIL EVENING Sponsored by Phoenix Foundry	1

WEDNESDAY 21ST OCTOBER

8.00 - 8.30am	AGM Registration	
8.30 - 9.00am	2015 ACCA AGM	Rife of the second
9.00 - 9.15am	ICF & CANA Update	Gerald Sullivan
9.15 - 9.30am	AFDA Update	Allan Piddington
9.30 - 10.30am	SESSION Tomorrow Never Dies: How to forecast your perpetual fund's future and plan your responses using a full toolkit of investment approaches	Jodie Hampshire
10.30 - 11.00am	Morning Tea and Trade Viewing Sponsored by Russell Investments	
11.00 - 12.00pm	SESSION Why we mourn and memorialise: No Pain no gain? Are we there to Teach or Serve?	Martin Tobin
12.00 - 12.45pm	SESSION ORTHOMETALS - Ten years on. The Journey, the Results and the Future	Hidde Verberne
12.45 - 1.45pm	Lunch and Trade Viewing Sponsored by Norwalk Precast Burial Systems	
1.45 - 2.45pm	SESSION Contemporary Understandings and Expressions of Grief	Chris Hall
2.45 - 3.45pm	NEXT GENERATION PANEL - This panel discussion will elicit the thoughts and ideas from the future managers of our cemeteries. The panel will discuss and debate some key industry issues including Marketing, Communication, Education and Advocacy.	
6.00 - 11.00pm	END OF CONFERENCE GALA BALL Sponsored by Arrow Bronze	