

# MINUTES

## Ordinary Council Meeting

Tuesday 18 November 2025



**Minutes of the City of Mount Gambier Ordinary Council Meeting held at:**

**Time:** 6:00 pm  
**Date:** Tuesday 18 November 2025  
**Location:** Mount Gambier Library  
6 Watson Terrace, Mount Gambier

**PRESENT:** Mayor Lynette Martin (OAM)  
Cr Max Bruins  
Cr Paul Jenner  
Cr Josh Lynagh  
Cr Sonya Meziniec  
Cr Frank Morello  
Cr Jason Virgo

<b>OFFICERS IN</b>	Chief Executive Officer	- Mr Paul Simpson
<b>ATTENDANCE:</b>	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	General Manager People, Place and Liveability	- Mr C White
	Manager Governance and Property	- Ms B Shelton
	Manager Financial Services	- Ms K Rolton
	Manager Development Services	- Mrs T Tzioutziouklaris
	Manager Operations Infrastructure	- Mr K Manarangi
	Manager Library and Community Development	- Mrs G Davison
	Media and Communications Coordinator	- Ms S McLean
	Team Leader Library Operations	- Ms S Mann
	Community Development Officer	- Ms C Rattray
	Executive Administrator	- Mrs S Spears

## **1 ACKNOWLEDGEMENT OF COUNTRY**

**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 FIRST NATIONS PEOPLES HAVE WITH THE LAND.**

## **2 CONDUCT OF THE GALLERY**

**MEMBERS OF THE GALLERY ARE REMINDED THAT THEY MUST NOT BEHAVE IN A DISORDERLY MANNER OR CAUSE AN INTERRUPTION TO THE MEETING. WHILST AUDIO RECORDING OF COUNCIL AND COMMITTEE MEETINGS IS PERMITTED, PHOTOGRAPHING, FILMING AND TELEVISIONING ARE PROHIBITED UNLESS EXPRESS PRIOR PERMISSION IS GRANTED BY THE PRESIDING MEMBER. WE ASK THAT YOU PLEASE PLACE YOUR PHONES ON SILENT. SHOULD AN EMERGENCY OCCUR AT ANY STAGE, PLEASE FOLLOW THE DIRECTION OF COUNCIL STAFF TO VACATE THE BUILDING.**

### 3 APOLOGIES

#### **RESOLUTION OCM 2025/262**

Moved: Cr Max Bruins

Seconded: Cr Jason Virgo

That the apology from Cr Mark Lovett be received.

**CARRIED**

### 4 LEAVE OF ABSENCE

Nil

### 5 CONFIRMATION OF COUNCIL MINUTES

#### **5.1 CONFIRMATION OF COUNCIL MINUTES**

#### **RESOLUTION OCM 2025/263**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

That the minutes of the Ordinary Council Meeting held on 21 October 2025 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

### 6 MAYORAL REPORT

#### **6.1 MAYORAL REPORT - NOVEMBER 2025**

- Radiotherapy Working Group Meeting
- Weekly meetings with Interim CEO / CEO
- A Region of Value public lecture and report launch
- Elected Member Briefing – Limestone Coast Sustainable Futures Association – Proposal for Rare Earth Mineral Mining in our Region
- Elected Member Briefing – The Place of Courage – Ripples Project
- Elected Member Briefing – Brief Update on Topical Matters
- Meeting with LCLGA Executive Officer, Charlotte Edmunds
- Regular meetings with Media and Communications Coordinator
- Photo with Australian Garden History Society and welcome speech at annual conference
- Catch up with outgoing Interim CEO, Andrew Aitken
- Radio Interview with Llew Jones – 5GTR-FM



- Official Opening of the Wattle Range Council Service Centre, with CEO Paul Simpson (Millicent)
- Meeting with Mossop Constructions
- Elected Member Briefing – Procurement Policy and Contract Management
- Elected Member Briefing – Strategic Risk Review
- Elected Member Briefing – Brief Update on Topical Matters
- LGA Board Meeting (virtual)
- Meeting with Philip Bishop – rating review
- Pre-meeting briefing (Audit and Risk Committee) with General Manager Corporate & Regulatory Services
- Audit and Risk Committee – Information Briefing Session
- Audit and Risk Committee Meeting
- Yerkalalpata Community Reference Group Meeting
- Annual Remembrance Day Service
- Elected Member Briefing – BR1
- Confidential Elected Member Briefing – Mossop Constructions
- Elected Member Briefing – Update on Topical Matters
- Internal meetings – planning for 150 Years of Mount Gambier celebrations
- LCLGA Mayors Catch up (virtual)
- Meeting with Ali Dymott (Flinders University)
- Mount Gambier Christmas Parade
- Citizenship Ceremony
- Special Council Meeting

#### **RESOLUTION OCM 2025/264**

Moved: Mayor Lynette Martin

Seconded: Cr Paul Jenner

That the Mayoral Report be received.

**CARRIED**

## **7 REPORTS FROM COUNCILLORS**

### **7.1 REPORTS FROM COUNCILLORS**

Cr Josh Lynagh	South East Primary Schools Music Festival, Mount Gambier Show, Mount Gambier Christmas Parade, Party in the Park, Citizenship Ceremony.
Cr Frank Morello	Rare Earth Mineral Briefing, Briefing with Mossop Construction.
Cr Paul Jenner	Mount Gambier Show, Citizenship Ceremony, Mount Gambier Christmas Parade.
Cr Sonya Mezenic	Remembrance Day Service, Christmas Parade judging, Citizenship Ceremony.





**RESOLUTION OCM 2025/265**

Moved: Cr Jason Virgo

Seconded: Cr Josh Lynagh

That the reports made by Councillors be received.

**CARRIED**

**8 QUESTIONS WITH NOTICE**

Nil

**9 QUESTIONS WITHOUT NOTICE**

Nil

**10 PETITIONS**

Nil

**11 DEPUTATIONS**

**RESOLUTION OCM 2025/266**

Moved: Cr Max Bruins

Seconded: Cr Jason Virgo

1. That the Deputation from Mr Wade Chant be noted.

**CARRIED**

**12 NOTICE OF MOTION TO REVOKE OR AMEND**

Nil

**13 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS**

**RESOLUTION OCM 2025/267**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins



That Council Report titled Elected Member Information Briefing Sessions held since the previous Council Meeting be noted.

**CARRIED**

**14 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil

**15 AUDIT AND RISK COMMITTEE**

**15.1 MINUTES OF AUDIT AND RISK COMMITTEE HELD ON 5/11/2025**

**RESOLUTION OCM 2025/268**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

Council receive and note the minutes of the Audit and Risk Committee meeting held on 5 November 2025.

**CARRIED**

**16 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE**

Nil

**17 JUNIOR SPORTS ASSISTANCE FUND COMMITTEE**

Nil

**18 BUILDING FIRE SAFETY COMMITTEE**

Nil

**19 COUNCIL REPORTS**

**19.1 REQUEST FOR REMOVAL OF GUM TREES - 130 NORTH TERRACE, MOUNT GAMBIER**

**RESOLUTION OCM 2025/269**

Moved: Cr Max Bruins

Seconded: Cr Jason Virgo



1. That Council report titled 'Request for Removal of Gum Trees - 130 North Terrace, Mount Gambier' as presented on Tuesday 18 November 2025 be noted.
2. That, in accordance with Council's Tree Policy T120, the two trees located near the footpath along 130 North Terrace be removed.
3. That having given due consideration to the external arborist report Council acknowledge the two trees directly adjacent to 130 North Terrace have been assessed as healthy and low risk.
4. That, in accordance with Council's Tree Policy T120 Council exercise their discretion to approve the property owner to remove the said two trees at their own expense, including the required replacement planting.
5. That the removal be undertaken by a suitably qualified arborist that meets all safety and compliance standards required of Council.
6. That the property owner is not to progress with any work until it has been authorised by the appropriate Council officers.

The motion was put and

**TIED VOTE**

The Mayor exercised a casting vote For the Motion

**CARRIED**

## **19.2 BUDGET REVIEW 1 2025/2026**

### **RESOLUTION OCM 2025/270**

Moved: Cr Paul Jenner

Seconded: Cr Jason Virgo

1. That Council report titled 'Budget Review 1 2025/2026' as presented on Tuesday 18 November 2025 be noted.
2. That Council adopts Budget Review 1, being prepared as at 30 September 2025 for the financial year ending 30 June 2026.

**CARRIED**

## **19.3 CITY OF MOUNT GAMBIER 2024/2025 ANNUAL REPORT**

### **RESOLUTION OCM 2025/271**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council report titled 'City of Mount Gambier 2024/2025 Annual Report' as presented on Tuesday 18 November 2025 be noted.
2. The City of Mount Gambier 2024/2025 Annual Report as tabled be adopted.
3. The Chief Executive Officer be authorised to make any non-material amendments as considered necessary prior to publication.
4. Copies of the City of Mount Gambier Annual Report be distributed to the bodies/persons referred to in Section 131 of the Local Government Act 1999 and published on Council's website.
5. The LCLGA Annual Report be added to the electronic file prior to distribution to the required bodies/persons.

**CARRIED**

#### **19.4 DRAFT DISABILITY ACCESS AND INCLUSION PLAN 2025-2029**

##### **RESOLUTION OCM 2025/272**

Moved: Cr Paul Jenner

Seconded: Cr Josh Lynagh

1. That Council report titled 'Draft Disability Access and Inclusion Plan 2025-2029' as presented on Tuesday 18 November 2025 be noted.
2. That Council endorse the draft Disability Access and Inclusion Plan 2025-2029 for public consultation.
3. That the Chief Executive Officer or delegate be authorised to make any necessary minor typographical and format amendments as required.

**CARRIED**

#### **19.5 BUILDING AND FIRE SAFETY COMMITTEE MEMBERSHIP**

Pursuant to Section 74 of the Local Government Act 1999, Cr Paul Jenner disclosed a general conflict of interest in Item 19.5 - Building and Fire Safety Committee Membership.

In accordance with Section 75B Cr Paul Jenner informed the meeting:

Nature of Interest:

I am the current Chairperson of this Committee.

Intention to Participate:



I will not be in the meeting for discussion or voting.

In accordance with Section 75B of the Local Government Act 1999 Cr Paul Jenner left the meeting at 6:28pm.

**RESOLUTION OCM 2025/273**

Moved: Cr Jason Virgo

Seconded: Cr Max Bruins

1. That Council report titled 'Building and Fire Safety Committee Membership' as presented on Tuesday 18 November 2025 be noted.
2. That the matter be referred to an Information Briefing Session.
3. That Council respectfully declines Councillor Paul Jenner's resignation and reaffirms Council's position as per the current Terms of Reference that the City of Mount Gambier Elected Member shall be the Presiding Member of the Building Fire Safety Committee.

**CARRIED**

Cr Paul Jenner returned to the meeting at 6:35pm.

**19.6 AUDIT AND RISK COMMITTEE MEETING REPORT NOVEMBER 2025**

**RESOLUTION OCM 2025/274**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council report titled 'Audit and Risk Committee Meeting Report November 2025' as presented on Tuesday 18 November 2025 be noted.
2. That Council note the report provided by the Audit and Risk Committee, summarises the work of the Committee:
  - (a) In the lead up to its meeting, held 5 November 2025
  - (b) The broad observations and discussions of the Committee during the pre-meeting informal briefing and the meeting.

**CARRIED**



## **19.7 REVIEW OF TERMS OF REFERENCE - CITY OF MOUNT GAMBIER JUNIOR SPORTS ASSISTANCE FUND**

### **RESOLUTION OCM 2025/275**

Moved: Cr Josh Lynagh

Seconded: Cr Max Bruins

1. That Council Report titled 'Review of Terms of Reference - City of Mount Gambier Junior Sports Assistance Fund' as presented on Tuesday 18 November 2025 be noted.
2. That the amended Junior Sports Assistance Fund Terms of Reference as presented be adopted.
3. That council notes the Committee's preference to retain interest earned within the Fund and decision to waive Council's contribution for the 2025/26 financial year.

**CARRIED**

## **19.8 PUBLIC INTEREST DISCLOSURE POLICY**

### **RESOLUTION OCM 2025/276**

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council report titled 'Public Interest Disclosure Policy' as presented on Tuesday 18 November 2025 be noted.
2. That having been endorsed by the Audit and Risk Committee on 5 November 2025, the reviewed and amended Public interest Disclosure Policy be adopted.
3. That the Chief Executive Officer or delegate be authorised to make any necessary minor typographical and format amendments as required.

**CARRIED**

### **19.9 AUTHORISATION TO AFFIX THE COMMON SEAL – SALE OF LAND AT JUBILEE HIGHWAY WEST, SUTTONTOWN**

#### **RESOLUTION OCM 2025/277**

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Council report titled 'Authorisation to Affix the Common Seal – Sale of Land at Jubilee Highway West, Suttontown' as presented on Tuesday 18 November 2025 be noted.
2. Hereby approves the sale of land described as Allotment 212, Deposited Plan 125742, Jubilee Highway West, Suttontown contained in Certificate of Title Volume 6250 Folio 283, to Steeline Mount Gambier for the consideration of \$1,235.40.
3. Authorise the Mayor and Chief Executive Officer to affix the Common Seal of Council to the following documents, to give effect to the sale of land:
  - (a) The Contract for Sale of Land and any associated documentation;
  - (b) The Notice of Revocation of Community Land (Annexure); and
  - (c) The Client Authorisation form enabling Bernie Flood Property Conveyancer to act on Council's behalf in the conveyancing transaction.

**CARRIED**

## **20 MOTIONS WITH NOTICE**

### **20.1 MOTION – FEDERAL GOVERNMENT'S ENVIRONMENT PROTECTION REFORM BILL 2025**

#### **RESOLUTION OCM 2025/278**

Moved: Cr Jason Virgo

Seconded: Cr Paul Jenner

1. That the motion from Cr Jason Virgo as presented on Tuesday 18 November 2025 be noted.
2. Notes that the Federal Government's Environment Protection Reform Bill 2025 proposes powers allowing the Environment Minister to approve projects deemed to be in the national interest, inclusive those involving critical minerals, defence, or national security.

3. Takes a formal position to oppose the introduction of the proposed powers on the basis that they have potential to reduce community consultation and local government input, undermine safeguards, and allow environmental concerns to be disregarded.
4. Authorise the Chief Executive Officer or their delegate to write to the Senate Environment and Communications Legislation Committee inquiry into the Environment Protection Reform Bill 2025, within the consultation period, outlining the City of Mount Gambier's concerns in relation to powers, and in particular that they may:
  - a) Diminish environmental outcomes;
  - b) Reduce transparency, environmental protections, as well as meaningful community and local government consultation; and
  - c) Do not appear to prioritise localised environmental and economic impacts relevant to the Limestone Coast region, including but not limited to loss of prime agricultural land and potential environmental impacts upon fundamental groundwater resources.
5. Authorise the Chief Executive Officer or their delegate to provide a copy of the correspondence to the Senate Environment and Communications Legislation Committee inquiry into the Environment Protection Reform Bill 2025 to the Local Government Association of South Australia and the Australian Local Government Association, and request that they consider including this topic on their respective advocacy agendas on behalf of the sector.

**CARRIED**

**21 URGENT MOTIONS WITHOUT NOTICE**

Nil

**22 NEW CONFIDENTIAL ITEMS**

Nil

**23 MEETING CLOSE**

The meeting closed at 6:48 pm.

The minutes of this meeting confirmed at the Ordinary Council Meeting held on 16 December

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**MAYOR**





## **TABLED DOCUMENT**

### Tabled Document 25.1

#### Deputation Wade Chant

1. Wade Chant Deputation [**25.1.1** - 12 pages]



## **Council Submission – Tree Risk Removal Request**

Submitted for Consideration – Council Meeting 18 November 2025

Submitted by: Wade Chant  
130 North Terrace, Mount Gambier SA 5290  
Phone: 0488 313 225

## Decision Summary – Tree Risk Assessment

Risk Factor	Details
Tree Size & Structure	Large mature gums with multiple heavy forked limbs.
Proximity to Residence	Branches directly overhang roof and child's bedroom.
Recent Comparable Failure	Nearby tree of similar size recently collapsed.
Documented Failure Risk	Forensic SA study confirms healthy gums can fail unexpectedly.
Council Action to Date	Two trees already recognised as unsafe and scheduled for removal.

### Recommended Motion:

That Council approve the removal of the remaining three gum trees bordering 130 North Terrace on the basis of unacceptable safety risk under the Native Vegetation Council Tree Management Guidelines.

### Duty of Care and Foreseeable Risk (Legal Position)

Where a risk has been raised, documented, and acknowledged, it becomes a **foreseeable risk**. Once a risk is foreseeable, Council's duty of care requires that **reasonable steps be taken to prevent foreseeable harm**. Council has already acknowledged risk in this group of trees by authorising the removal of two of them. The remaining trees are positioned **closer** to the dwelling and **directly overhang a child's bedroom**. Their risk level is therefore **equal to or greater than** the trees already approved for removal. To leave the remaining trees in place would constitute a decision to **knowingly leave a foreseeable risk unmitigated**.

### Tree Canopy & Replacement Proposal (Balanced Approach)

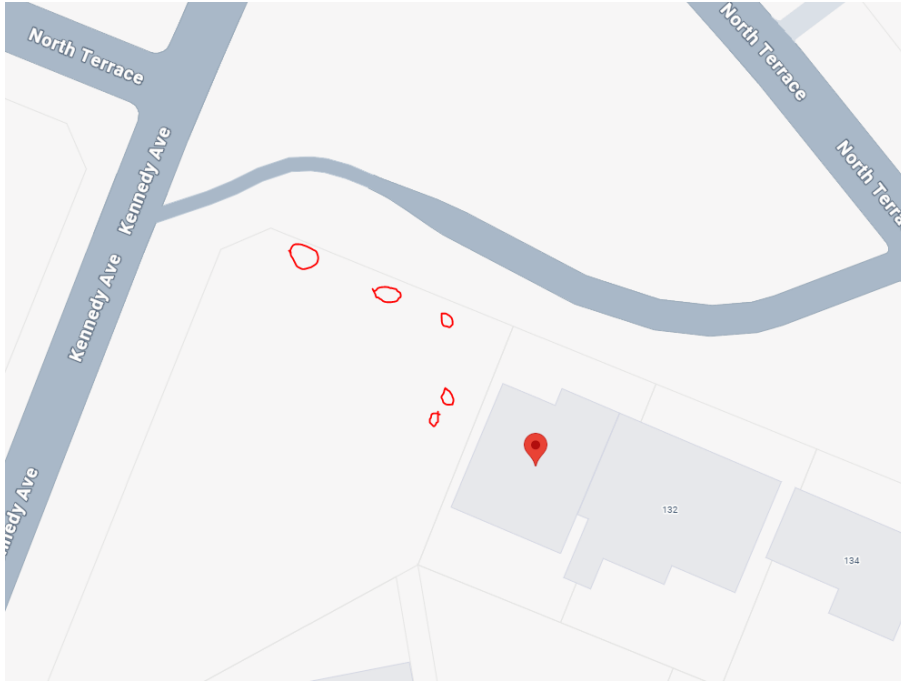
This request is not to reduce tree canopy. Replacement is proposed:

- Plant 2–3 low-branching, structurally stable, non-eucalypt street trees.
- Position replanting at safe setback distance from structures.
- Species selected from Council's approved planting list. This ensures **safety is restored while canopy is maintained**.

### Requested Resolution (To Be Moved)

That Council approve the removal of the remaining three gum trees bordering 130 North Terrace on the basis of unacceptable safety risk under the Native Vegetation Council Tree Management Guidelines.

## Tree Locations and Risk Classification



- The two trees furthest from the residence have already been scheduled for removal by Council (labelled: Risk Acknowledged).
- The three remaining trees are positioned significantly closer to the property and overhang the residence (labelled: High-Risk Remaining).



## Supporting Evidence

1. Forensic Science SA (Byard, 2024): - Healthy gum trees have failed without wind or storm triggers in South Australia. 2. Native Vegetation Council Tree Management Guidelines (2020): - Removal is permitted when trees represent an unacceptable risk to people or property. 3. SA Tree Hazard Assessment Framework: - Risk is determined by structural condition, exposure target (people/property), and consequence of failure.

**Image Evidence:**



- Large fork in tree's next to property, showing overhang onto roof and the dangers should these trees drop limbs, reference back to reports about the dangers even healthy gum trees can drop limbs.

**Image Evidence:**



- Large tree that failed during recent storm, shows breakage at forks in the trees.

**Image Evidence:**



- large amount of debris on property roof, this is a constant battle, requiring ongoing maintenance and repairs to roof, gutters and plumbing.



**Image Evidence:**



- Gum tree near the property, canopy weight was too much and snapped.

**Image Evidence:**



- Large tree falling down towards the property at 130 north terrace, showing the risk of trees failing.

**Image Evidence:**



- Large tree breakage at fork in trees, falling in multiple directions, thankfully this was not the tree that overhangs the property.



## **FORMAL COUNCILLOR BRIEFING – TREE SAFETY RISK AT 130 NORTH TERRACE**

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This briefing outlines significant safety concerns regarding three mature Eucalyptus (Southern Mahogany) trees situated on the Council reserve directly bordering 130 North Terrace, Mount Gambier. These trees extend over, or within direct strike distance of, an occupied residence — specifically a child's bedroom. The evidence presented warrants immediate and decisive consideration under Council's duty of care and the Native Vegetation Council (NVC) Tree Management Guidelines.

### **1. Findings and Contradictions in the Arborist Report**

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The Council-commissioned arborist report classifies the trees as "healthy" and "low risk." However, the same report explicitly states:

- Southern Mahogany is prone to branch drop.
- The species is not recommended in high-target occupancy areas.
- The tree canopies extend over the dwelling.
- Branch drop cannot be effectively mitigated.

These statements directly contradict the assessed "low-risk" rating and materially alter the risk profile presented to Council.

### **2. Inaccuracies in Council's Risk Assessment**

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The Council staff report characterises the consequence of failure as "minor." This conclusion is not supported by the factual context:

- A 15–20 metre gum tree falling onto a residence — particularly a child's bedroom — constitutes a high-consequence, potentially life-threatening event.
- The risk model applied presumes low target occupancy, which is inappropriate for a residential home where occupants sleep during storms.

### **3. Evidence of Actual Tree Failure in the Immediate Area**

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A structurally comparable Eucalyptus tree failed only houses away during recent severe weather. This tree was also healthy, demonstrating that health does not equate to stability in this species. This confirms the risk is real, demonstrated, and foreseeable.

### **4. Prior Acknowledgement of Risk by Council**

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Council has already approved the removal of two other trees on the same reserve strip due to safety concerns. The three remaining trees are closer to the residence than the two already approved for removal, indicating equal or greater risk. Removing only two does not eliminate the hazard.

### **5. Emergency-Services and Scientific Context**

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Evidence from CFS experience and Forensic Science SA demonstrates:

- Gum trees frequently experience sudden limb or trunk failure without visible decline.
- Rainfall increases limb weight and weakens soil structure.
- Rapid drying causes internal stresses leading to unpredictable failure.
- Apparent tree "health" does not reliably correlate with structural safety.

These factors heighten the relevance of proximity to dwellings, especially where a child's bedroom lies

within the potential strike zone.

## **6. Relevant Policy and Guideline Considerations**

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The Native Vegetation Council Tree Management Guidelines permit removal where the risk to people or property is unacceptable. Given species behaviour, canopy overhang, recent failures, and residential exposure, the risk clearly satisfies this threshold.

## **7. Foreseeability and Governance Considerations**

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All indicators collectively establish clear foreseeability, placing an obligation on Council to act prudently. Key factors:

- Documented species hazards
- Direct overhang of an occupied bedroom
- Recent comparable failure nearby
- Contradictory internal assessments
- Council already acknowledging danger on the same reserve

Failure to act on a foreseeable risk may expose Council to significant liability.

## **Requested Resolution**

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“That Council approve the removal of the remaining three gum trees bordering 130 North Terrace, on the basis of unacceptable safety risk under the Native Vegetation Council Tree Management Guidelines.”

## Tabled Document 25.2

### Review of Term of Reference – City of Mount Gambier Junior Sports Assistance Fund

1. Draft - Terms of Reference - City of Mount Gambier Junior Sports Assistance Fund - September 2025 [**25.2.1** - 13 pages]



## **CITY OF MOUNT GAMBIER**

### **JUNIOR SPORTS ASSISTANCE FUND**

A Committee of Council established  
pursuant to the provisions of Section 41  
of the Local Government Act, 1999

Terms of Reference and the Rules for the conduct of the business of the Committee were approved and adopted by the City of Mount Gambier at its meeting held on ~~17 December 2024~~ 18 November 2025.

## CITY OF MOUNT GAMBIER JUNIOR SPORTS ASSISTANCE FUND

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## **TERMS OF REFERENCE AND RULES OF THE CITY OF MOUNT GAMBIER JUNIOR SPORTS ASSISTANCE FUND**

### **1.0 Name**

The name of the Committee be the CITY OF MOUNT GAMBIER JUNIOR SPORTS ASSISTANCE FUND (in these rules referred to as “the Committee”).

### **2.0 Interpretation**

For the purposes of these rules, 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 “Affiliated Sporting Organisation” means any sporting group which has agreed to financially contribute to the Fund in accordance with the rules and any terms and conditions of the Committee.
- 2.1.3 “Committee” means the City of Mount Gambier Junior Sports Assistance Fund.
- 2.1.4 “Auditor” means the Auditor as prescribed in the Local Government Act, 1999 and being the Auditor for the Council.
- 2.1.5 “Committee” means the Committee established pursuant to Rule 6.0.
- 2.1.6 “Committee Member” means the person appointed by Council to the Committee.
- 2.1.7 “Commencement Date” means the date on which the Committee is established and becomes operative pursuant to Rule 3.2.
- 2.1.8 “Core Contributions” means those financial contributions made by affiliated sporting organisation in accordance with Rule 15.0 and the City of Mount Gambier.
- 2.1.9 “Council” means the City of Mount Gambier.
- 2.1.10 “Presiding Member of the Committee” means the person appointed to that position by Council pursuant to Rule 6.0.
- 2.1.11 “Financial Year” means a twelve month period between and including 1<sup>st</sup> July and 30<sup>th</sup> June.
- 2.1.12 “Fund” mean the City of Mount Gambier Junior Sports Assistance Fund established by Council.
- 2.1.13 “Junior Sports Person” means a person who has not yet reached eighteen (18) years of age as at the 1<sup>st</sup> January in the year of the event date in respect of an application for assistance by an Affiliated Sporting Organisation under these Rules.

City of Mount Gambier Junior Sports Assistance Fund

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- 2.1.14 "Member Organisation" has the same meaning as "Affiliated Sporting Organisation".
- 2.1.15 "Observers" means those persons attending any meeting of the Committee, but do not have a vote on any matter to be determined by the Committee.
- 2.1.16 "Secretary" means the person appointed by the Chief Executive Officer of Council to carry out those duties in accordance with the Rules of the Committee and any other discretion and direction associated with the administration of the Committee. The Secretary has no voting rights.
- 2.1.17 "Selected Junior Sports Person" means a person who has been selected on individual merits, to represent the State of South Australia or the Country of Australia or equivalent sporting achievement in an officially accredited/recognised national or international event.
- 2.1.18 "Singular" includes a reference to the "plural".
- 2.1.19 "Special Coaching Clinics" means any coaching clinics whatsoever organised by an Affiliated Sporting Organisation which has received funds from the Committee for a clinic with such funds expended in accordance with Rule 18.
- 2.1.20 "Sponsorship Donation" means other monies contributed to the Fund from sources other than specific contributions from the affiliated sporting organisations and the Council(s) and for a specific purpose, initiative or program which the Fund agrees to implement for the benefit of its Member Organisations.
- 2.1.21 "State event", "National event" and "International event", means events that have been officially accredited or recognised as being "national or international events" and a statement to that effect is provided by that Sport's State Administrator where applicable or available.

## 2.2 Defined Terms

Any words, phrases or terms used in these Rules 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 Rules shall be interpreted in every respect to be subject to the provisions of the Local Government Act then enforce.

## 2.4 Notices

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

The Secretary  
City of Mount Gambier Junior Sports Assistance Fund  
P O Box 56  
MOUNT GAMBIER SA 5290

and addressed to the usual and current business office or address of the Council, and the notice may, unless specified otherwise, and without prejudice to any other means of service, be deemed 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 Committee" is established under Section 41 of the Local Government Act, 1999.
- 3.2 "The Committee" will be established and become operative from the time a resolution of Council is passed and is established to co-ordinate and administer the City of Mount Gambier Junior Sports Assistance Fund.

### **4.0 Delegation**

The Council has delegated to the Committee the power to carry out the Objectives for which the Fund was established including the power to receive, expend and grant monies.

### **5.0 Objectives**

- 5.1 The Committee is created for the express purpose of providing financial assistance to local junior sportspersons of Mount Gambier and District who have achieved as a minimum, selection in a formal State team and who compete at National sporting events (or equivalent) and who are a member of an Affiliated Sporting Organisation.
- 5.2 The Council will join with local sporting organisations to establish an ongoing pool of money for distribution to those juniors selected to represent the State or to represent Australia or equivalent.
- 5.3 The Fund will assist those who already have ability and have shown natural skills, commitment and advancement to where at least State selection has been achieved.
- 5.4 To establish an income stream to the Fund that is reasonable, understandable and acceptable to the majority of Member Organisations.
- 5.5 To establish an expenditure strategy of the Fund which is reasonable, fair and accountable.
- 5.6 To develop an organisational and operational framework which is creative, effective and accountable.
- 5.7 To develop a strategy to attract extra income to the Fund from sources other than Member Organisations and Council contributions and for the purposes of expanding the range of support benefits that the Fund can provide to its Member Organisations.
- 5.8 To consider a strategy of funding the engagement of the best sporting coaches in Australia to undertake specialised coaching clinics for selected junior sportspersons, and other sportspersons of Member Organisations e.g. umpires of juniors, coaches of juniors etc.
- 5.9 To consider other strategies that seek external sponsorship of a general nature to the Fund, and/or for a specific purpose or a general initiative, all for the benefit of Member Organisations.
- 5.10 To develop and establish administrative procedures to receive, consider and process funding applications and then distribute any agreed funds to the relevant Member Organisations within a timeframe of 10 working days.

## **6.0 Membership of the Committee**

6.1 Membership of the Committee shall be:

6.1.1 an Elected Member for the time being of Council and appointed by Council who shall be the Presiding Member of the Committee

6.1.2 a person nominated by the Council of the District Council of Grant, and

6.1.3 up to four community persons appointed by Council.

6.2 The Council reserves the right from time to time to remove any appointee to the Committee and appoint another appointee in their stead. All appointees hold office at the pleasure of Council.

6.3 The Mayor of the City of Mount Gambier shall be ex officio a member of the Committee with voting rights.

## **7.0 Casual Vacancies and Replacement of Representatives**

The Council may replace any appointee on the Committee or fill any casual vacancy, by notifying the Committee the identity of the persons proposed to replace the former appointee or fill the casual vacancy.

## **8.0 No Proxy**

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

## **9.0 Resignation of Representatives**

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

## **10.0 Deputy Presiding Member**

10.1 The Committee shall elect a Deputy Presiding Member from among their number by a show of hands or by secret ballot at the first meeting of the Committee to be held after the commencement date for a term determined by the Committee.

10.2 In the absence of the Presiding Member, the Deputy Presiding Member shall preside at any meeting of the Committee.

10.3 If any meeting of the Committee duly convened under these Rules, the Presiding Member or the Deputy Presiding Member shall not be present, the Committee shall elect an Acting Presiding Member (for that meeting only) from their number present at the meeting and for the purposes of that meeting only, that Acting Presiding Member shall have all of the normal powers of the Presiding Member.

## **11.0 Quorum**

At all meetings of the Committee, three appointees present shall constitute a quorum.

## **12.0 Meetings of the Committee**

- 12.1 The Committee shall meet as and when determined by the Presiding Member, but must meet at least three times every financial year, plus the Annual Meeting of Member Organisations.
- 12.2 The Secretary shall give notice to each Committee Member at least five clear days prior to any meeting and notice to each Affiliated Sporting Organisation at least five clear days prior to any meeting.
- 12.3 The Secretary shall send a copy of the notice of a meeting of the Committee to each Affiliated Sporting Organisation.
- 12.4 The Secretary must, at the request of the Presiding Member or three other Committee Members, call a special meeting of the Committee.
- 12.5 All notices of meetings shall be issued under the hand of the Secretary of the Committee.
- 12.6 No business shall be transacted at any meeting of the Committee unless a quorum is present at the time when the meeting proceeds to business.
- 12.7 Each Committee Members including the Presiding Member present at any meeting of the Committee must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.
- 12.8 Each appointee including the Presiding Member present at any meeting of the Committee shall have one deliberate vote only.

## **13.0 Procedure at Meetings**

The procedure to be observed in relation to the conduct of meetings of the Committee will be as determined by the Local Government (Proceedings at Meetings) Regulations.

## **14.0 Sub-Committees of the Committee**

- 14.1 The Committee has the discretion to appoint sub committees of its committee membership to receive any program applications for funding, evaluate and determine those applications for funding.
- 14.2 The Secretary shall advise the affiliated sporting organisation of the status of its applications on behalf of the juniors sportspersons immediately on the receipt of the sub-committees determination.
- 14.3 No conflict of interest shall arise if a Committee member of an affiliated sporting organisation is also a member of the Committee or the sub-committee considering an application for funds from that affiliated sporting organisation.

## **15.0 Establishment and Contributions to the Fund**

### **15.1 Establishment**

- 15.1.1 City of Mount Gambier Junior Sports Assistance Fund is hereby established.

- 15.1.2 The Fund shall consist of two separate accounting components, that is, “core contributions” and “sponsorship donations”.
- 15.1.3 The “core” component will receive monies from the affiliated sporting organisations, the City of Mount Gambier and any other funds by agreement between the Committee and the donor e.g. District Council of Grant.
- 15.1.4 The “Sponsorship Donations” components will receive monies from any interested source and will be expended in accordance with any specific agreement between the Committee and the Sponsor organisation.
- 15.1.5 The Secretary shall report to each meeting of the Committee the current status of each component of the Fund.

## 15.2 Council

- 15.2.1 Council shall provide a sum of money on an annual basis of an amount being at least equal to the annual contributions made to the Fund by all affiliated sporting organisations for that particular financial year (but excluding contributions made or achieved by way of sponsorship or donation).
- 15.2.2 The Contributions shall be paid by the Council(s) to the Fund no later ~~that the 31<sup>st</sup> August~~ than 60 days following the Annual General Meeting in each year.

## 15.3 Affiliated Sporting Organisations

- 15.3.1 All participating and affiliated sporting organisations shall contribute annually to the Fund based on a formula determined by the Committee annually and adopted by the affiliated sporting organisations at the Annual Meeting to apply for the ensuing financial year.
- 15.3.2 The formula determined by the Committee shall be based on the principles of fairness, equity, accountability and be transparent.
- 15.3.4 Contributions from affiliated organisations will be paid to the Fund no later than the 60 days following the Annual General Meeting in each year.

## 15.4 Other Sporting Groups

Other sporting organisation wishing to join the Fund after the commencement date shall agree to the Rules in writing and shall pay a contribution or contributions that is solely determined by the Committee in respect of any “back payments” to ensure that the new sporting organisation contributes financially at a level or incurs a penalty that ensures equality with existing affiliated sporting organisations who are already members, and have paid contributions to the Fund over a longer period of time.

## 15.5 Sponsorship of Donations

- 15.5.1 The Committee shall be entitled to seek out and receive sponsorship, donations and/or assistance from any other sporting organisation, group, company or individual who may wish to contribute to the Fund on such terms and conditions agreed to by the Committee and the other party.

- 15.5.2 Any agreement of terms and conditions between the Committee and sporting organisation, groups, companies or individuals in relation to sponsorship, donations and/or assistance, shall not involve any expenditure whatsoever from the “core component” of the Fund.
- 15.5.3 Proceeds from sponsorships, donations, and/or assistance shall be paid directly into the Fund.

#### **16.0 Application for Financial Assistance from Affiliated Sporting Organisations**

- 16.1 The Committee may consider any application for assistance for a past event.
- 16.2 An application will not be received by the Committee unless it is in the form approved by the Committee.
- 16.3 The Committee will consider all applications received on the approved form(s) and each application will be considered independently on its merits.
- 16.4 An application approved by the Committee in one instance may not necessarily be approved in another. A junior sportsperson who has received assistance from the Fund will be eligible for further assistance.
- 16.5 No application for financial assistance from an affiliated sporting organisation, on behalf of a junior sportspersons, shall be submitted for an event that is to be held three months in advance of the date of the application.
- 16.6 An application for financial assistance can only be made by an affiliated sporting organisation on behalf of a junior sportsperson who is a member of the said affiliated sporting organisation.

#### **17.0 Distributions from the Fund**

- 17.1 Subject to Rule 15.4, a Member Organisation may join the Fund at any time on the understanding that the organisation, cannot draw on the core component of the Fund for a period of time or under terms and conditions determined by the Committee.
- 17.2 Financial assistance approved by the Committee will be paid to the member organisation and not direct to the junior sportsperson, on the understanding the member organisation will distribute the approved funding to the junior sportsperson (or family) prior to them leaving for the approved event.
- 17.3 The Committee will have the discretion to distribute funds from the sponsorship/donations component of the Fund, for special coaching clinics at any time after the commencement date of the Committee.

#### **18.0 Amount of Money Available for Distribution**

- 18.1 The distribution policy from the core component of the Fund will be as determined by the Committee and reviewed annually.
- 18.2 The Committee will also have the discretion to allocate expenditure from the core component of the Fund for special coaching clinics.



18.3 The amount of funds allocated by the Committee for special coaching clinics from the sponsorship/donation component of the Fund will be at the complete discretion of the Committee.

18.4 The interest or surpluses arising from the transactions of the Fund shall be applied in accordance with the Funds objectives and shall not be distributed amongst the affiliated sporting organisations other than for the purpose for which the Fund was established.

#### **19.0 Return of Money Should Fund Dissolve**

19.1 In the event that the Fund is unable to operate or the Council decides to dissolve the Fund, then the Council shall determine the method and amount by which the money then remaining in the Fund shall be distributed or retained by Council.

19.2 The Council in making such a determination shall have regard to (but not bound by) the following:

- payments back to each of the affiliated sporting organisations in proportion to their total contributions to the Fund, together with the total interest amount accrued to the Fund irrespective of any payments that may have been made from the Fund;
- a payment to the Council (or Councils) in proportion to their total contribution to the Fund, less any charges or payments that may have been made from the Fund, or charged to the Fund, such payments shall be deducted from the Fund itself;
- a discretion in relation to any payment from the sponsorship/donation portion of the Fund.

19.3 In the event that the Fund is unable to operate or the Council decides to dissolve the Fund, then the Council is responsible for the liabilities of the Fund.

#### **20.0 Liability of Authority**

20.1 A liability incurred by the Fund or the Committee may be enforced against the Council.

20.2 No liability attaches to a Member of the Committee for an honest act or omission by that Member of the Committee in the performance or discharge, or purported performance or discharge, of the Member's or the Fund's functions or duties.

#### **21.0 Records of the Authority**

##### **21.1 Accounting**

21.1.1 The Council shall ensure that adequate and proper accounting records are maintained in respect of the Fund and which shall be audited on an annual basis by the Auditor for the time being of the Council.

21.1.2 A separate Fund reconciliation shall be prepared by Council as soon as practicable (but before the Annual General Meeting of the Authority) after the conclusion of any financial year a copy of the said reconciliation shall be forwarded to all affiliated sporting organisations which had made a contribution to the Fund during that particular financial year.

## 21.2 Administration

- 21.2.1 The Secretary shall present a reconciliation of the Fund to each meeting of the Committee.
- 21.2.2 The Secretary must cause minutes to be kept of the proceedings of the Committee.
- 21.2.3 The minutes of every meeting shall include:
- the names of all the representatives present and the time at which they entered or left the meeting;
  - the names of observers or visitors to any meeting;
  - every motion or amendment and the names of the mover and seconder; and
  - whether the motion or amendment is carried, lost or lapsed.
- 21.2.4 Minutes of the Committee shall be distributed to all Committee Members and Members of the Fund.
- 21.2.5 The Secretary shall maintain a record in which is detailed the following:
- name of an affiliated sporting organisation and contact details;
  - the amount or amounts of the financial contributions by the affiliated organisations;
  - the date on which the contributions were made; and
  - the names of sponsors or persons donating to the Fund and the date such monies were received.
- 21.2.6 A record of applications received for financial assistance, any reports associated with such applications and the determinations, associated with the applications, must be maintained by the Secretary.
- 21.2.7 The Fund must after the Annual General Meeting submit an annual report on the Fund's activities to the Council (which may be the minutes of that Annual General Meeting).

## 22.0 Penalties

- 22.1 Any affiliated sporting organisation failing to pay their annual contribution on or before 60 days following the Annual General Meeting in any financial year, will cease to be an affiliated member, provided that the Committee may at any time at its discretion and on payment of the contribution in arrears and such re-entrance fee (if any) as it may decide to impose, re-admit any such affiliated sporting organisation member to the Fund.
- 22.2 The Committee may remove any affiliated sporting organisation from the membership of the Fund, if that sporting organisation is in breach of these Rules, and that sporting organisation will surrender any benefits of the Fund whatsoever.

- 22.3 Before removing any affiliated sporting organisation for a breach of the Rules, the Committee must provide a reasonable opportunity to the said organisation, to put its case as to why it should not be removed from the Fund.

### **23.0 Amendments to these Terms of Reference**

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 and Rules at its own discretion.

### **24.0 Interpretation of these Rules**

- 24.1 Should there be any dispute as to the definition and/or interpretation of these Terms of Reference and Rules, 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.
- 24.2 Any affiliated sporting organisation having any grievances as to the management, operation, interpretation or definition of the Terms of Reference and Rules, or the Fund, or wishing to make recommendations as to the general operation of the Fund, shall communicate in writing any such grievance to the Committee and to Council.
- 24.3 The Council shall determine the grievance or recommendation and advise the author and the Committee of its decision.

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