

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 19 March 2019.

**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 1st July and 30th 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 1st January in the year of the event date in respect of an application for assistance by an Affiliated Sporting Organisation under these Rules.

- 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 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 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 than the 31st August 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 31st December 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, can not 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.
- 21.2.1 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 Copies of the minutes of the Committee may be distributed to all affiliated sporting organisations.
- 21.2.6 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.
- 21.2.7 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.
- 21.2.8 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 the 31st December 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 imposed, 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 or 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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