 City of Mount Gambier	MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL ASSESSMENT PANEL TERMS OF REFERENCE	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

1. ESTABLISHMENT


- 1.1. Pursuant to Section 41 of the *Local Government Act 1999* (SA), Council has established a Committee to be known as the Mount Gambier Community Mayor's Christmas Appeal Assessment Panel (herein referred to as "**MCAAP**").
- 1.2. The Mount Gambier Community Mayor's Christmas Appeal is a 'necessitous circumstances fund' (the Fund). The within Mount Gambier Community Mayor's Christmas Appeal Terms of Reference, together with the Mount Gambier Community Mayor's Christmas Appeal Funding Assessment Guidelines shall support administration and operation of the Fund and the Mount Gambier Community Mayor's Christmas Appeal Fund Rules.
- 1.3. The Fund is expressly established for the relief of a class of persons in necessitous circumstances, specifically individuals or families living in the Mount Gambier community (in the State of South Australia) experiencing financial hardship during the Christmas season.

2. PURPOSE

- 2.1. Each year the Mount Gambier Community Mayor's Christmas Appeal plays a critical role in ensuring that vulnerable and isolated people in our community are able to experience the joy of Christmas, by collecting donations to fund the Christmas Cheer Program.
- 2.2. The Christmas Cheer program is a community initiative that aims to provide support, including food hampers and children's gifts, directly to those experiencing financial hardship during the Christmas season. It's a collaborative partnership between various local charities and not-for-profit organisations.
- 2.3. Donations to the appeal are distributed through the Christmas Cheer Program delivered by the following currently participating agencies, with additional coordination and support offered through the Sunset Community Kitchen and Families SA:
 - 2.3.1. Uniting Care;
 - 2.3.2. ac.care;
 - 2.3.3. St Vincent De Paul; and
 - 2.3.4. The Salvation Army.
- 2.4. The appeal relies solely on the support of local donors – the service is additional to the role played by local agencies and is not possible without contributions from local individuals, families, groups and businesses. The appeal is a unique local initiative - 100% of the funds are sourced and distributed locally to individuals and families living in the community of Mount Gambier.
- 2.5. The City of Mount Gambier via the Mount Gambier Community Mayor's Christmas Appeal supports the Christmas Cheer Program by acting as a collection point for the agencies. Donations collected are distributed among the participating agencies from time to time, for use exclusively towards the Christmas Cheer Program.

3. INTERPRETATION

- 3.1. For the purpose of this Terms of Reference, unless inconsistent with the subject matter or context:


 City of Mount Gambier	MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL ASSESSMENT PANEL TERMS OF REFERENCE	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

Term	Interpretation
Act	The <i>Local Government Act 1999</i> (SA) and includes all Regulations and Schedules.
Applicant	Eligible participating agencies which apply for funding for the purpose of delivering on an activity/s in accordance with the Christmas Cheer Program.
Member	Persons appointed to the MCAAP.
Council	The City of Mount Gambier.
Eligible Agencies	Agencies operating in the Mount Gambier community, participating in the Christmas Cheer Program, able to demonstrate their maintained status as a Registered Charity or Not-for-Profit in accordance with the Australian Charities and Not-for-Profits Commission (ACNC). The following are current participating agencies: <ul style="list-style-type: none"> • Anglican Community Care Incorporated • Uniting Care Mount Gambier • The Trustee For The Salvation Army (SA) Social Work • St Vincent De Paul Society (SA) Incorporated
Fund	The Mount Gambier Community Mayor's Christmas Appeal.
Funds	Available monies collected through donations via the Mount Gambier Community Mayor's Christmas Appeal and allocated to Applicants based on the assessment process.
Necessitous Circumstances	The term 'necessitous circumstances' refers to financial necessity. A Necessitous Circumstances Fund provides relief to persons who are in necessitous circumstances.
Not-for-Profit	An organisation meeting the Australian Tax Office (ATO) definition of a legal entity, that is: <ul style="list-style-type: none"> • an incorporated association, or • an indigenous corporation and/or a charity or public benevolent institution registered with the Australian Charities and Not-for-Profits Commission (ACNC).
Presiding Member	The Mayor of the City of Mount Gambier.

- 3.2. Any words, phrases or terms used in this Terms of Reference that are defined in the Act shall have the same meaning as are given in the Act.
- 3.3. A reference in this Terms of Reference to a "singular" includes a reference to the "plural" and a reference to a "plural" includes a reference to the "singular".
- 3.4. This Terms of Reference shall be interpreted in line with the provisions of the Act.

4. OBJECTIVES

- 4.1. The objective of the MCAAP is to afford a fair, transparent and equitable approach in apportioning monies raised through the course of donations, and allocating such Funds to Applicants whose role is to provide assistance to persons experiencing hardship within

 City of Mount Gambier	MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL ASSESSMENT PANEL TERMS OF REFERENCE	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026


Mount Gambier and surrounding community during the Christmas season, to achieve the stated Purpose.

5. FUNCTIONS

- 5.1. The MCAAP is to consider and support the Mount Gambier Community Mayor's Christmas Appeal in those activities required to obtain and allocate Funds, including administrative functions, compliance obligations, decision making, problem solving, policy development and representation.
- 5.2. In all of its deliberations the MCAAP must:
 - 5.2.1. Be mindful of the Mount Gambier Mayor's Christmas Appeal Funding Assessment Guidelines as they relate to the allocations.
 - 5.2.2. Represent and consider Applicants honestly and fairly.
 - 5.2.3. Engage appropriate advice or expertise, when required.
 - 5.2.4. Observe confidentiality of the MCAAP's confidential information.
- 5.3. The functions MCAAP undertakes to achieve its objective include:
 - 5.3.1. Engage with internal and external stakeholders in promoting, supporting and assisting the Mount Gambier Community Mayor's Christmas Appeal in obtaining donations.
 - 5.3.2. Ensure compliance with City of Mount Gambier legislative and Policy obligations, financial processes, Australian Charities and Not-for-Profits Commission regulations and Mount Gambier Mayor's Christmas Appeal Funding Assessment Guidelines.
 - 5.3.3. Meet not less than three times per year, to coordinate fundraising activities, monitor donations and assess Applications to determine the appropriate allocation of Funds raised through the course of the Mount Gambier Community Mayor's Christmas Appeal.
 - 5.3.4. Ensure a robust, transparent and equitable process is effected in allocating Funds.
 - 5.3.5. Ensure documentation associated with Mount Gambier Community Mayor's Christmas Appeal is current and provides efficiencies in obtaining, assessing and allocating Funds.
 - 5.3.6. Evaluate the Mount Gambier Community Mayor's Christmas Appeal and recommend improvements for future events.

6. MEMBERSHIP

- 6.1. A majority of the Members of the MCAAP must be persons having a degree of responsibility to the general community by reason of their occupation or standing in the community.
- 6.2. The MCAAP shall comprise of the following voluntary Members:
 - 6.2.1. The Mayor,
 - 6.2.2. Two (2) independent Members with relevant skills or experience, as appointed by the Mayor from time to time,
 - 6.2.3. A nominated representative from each of the Eligible Agencies:


 City of Mount Gambier	MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL ASSESSMENT PANEL TERMS OF REFERENCE	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

- A representative of AC Care,
- A representative of Uniting Care,
- A representative of Salvation Army, and
- A representative of St Vincent De Paul Society.

- 6.3. The Presiding Member shall be the Mayor of Council. The Deputy Mayor of Council shall be an automatic Proxy in the Mayor's absence.
- 6.4. Each participating agency shall advise of their nominated representative in writing by no later than 1 August each year and that appointment shall be for a one (1) year term. Representatives are not prevented from being nominated for consecutive terms, and the appointing agency reserves the right to amend their representative at their absolute discretion from time to time. In the event a nomination is not received by the relevant deadline, it will be assumed the agency shall not be participating in that years' program.
- 6.5. Each Member shall be entitled to one (1) deliberative vote, including the Presiding Member. A Member may nominate a Proxy to vote on their behalf in their absence, in writing to the Presiding Member.
- 6.6. Participating agencies are not prevented from having more than one person from their organisation present at meetings, noting however this shall not impact Membership, nor voting rights.
- 6.7. Eligible Agencies wishing to become Members (participants) may be appointed by the MCAAP.
- 6.8. Participating agencies may resign their Membership (participation) to the MCAAP in writing to the Presiding Member.
- 6.9. If a participating agency fails to comply with their obligations under this Terms of Reference, the Fund Rules, the Mount Gambier Mayor's Christmas Appeal Funding Assessment Guidelines, or any applicable legislative or Policy provisions, the MCAAP may determine to remove that participating agency by way of Committee resolution and subsequent notice in writing, outlining the reasons for the decision.
- 6.10. Council employees may be in attendance to offer advice or provide operational support as required, however will not form part of the MCAAP.

7. ALLOCATION OF FUNDS

- 7.1. The MCAAP may only assess Applications from participating Eligible Agencies, which currently comprises of:
- Anglican Community Care Incorporated ('AC Care')
ABN: 53 440 436 445 DGR 900 153 951, Charity Licence #CCP2565
 - Uniting Care Mount Gambier ('Uniting Care')
ABN: 56781148357
 - The Trustee For The Salvation Army (SA) Social Work ('Salvation Army')
ABN: 45781882681
 - St Vincent De Paul Society (SA) Incorporated ('St Vincent De Paul')
ABN: 73591401592, Charity Licence #CCP2700
- 7.2. Funds shall be allocated to the participating agencies as determined by 15 November each year

 City of Mount Gambier	MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL ASSESSMENT PANEL TERMS OF REFERENCE	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

for distribution in accordance with the Christmas Cheer Program.

- 7.3. The assets and income of the Fund shall be applied solely in furtherance of the Objectives of the Fund and no portion shall be distributed directly or indirectly to any individual except as bona fide compensation for services rendered or expenses incurred on behalf of the Fund.

8. DELEGATIONS


- 8.1. The Council has delegated to the MCAAP the power to carry out the Objectives for which the Funds have been raised, including the power to receive, expend and distribute monies in accordance with the Mount Gambier Mayor's Christmas Appeal Funding Assessment Guidelines.
- 8.2. It is expressly acknowledged that whilst an amount shall be budgeted annually for the activities of the Mayor's Christmas Appeal, based on predicted donations to be received, the MCAAP will not be prevented from allocating Funds outside of the budgeted amount, and any variance accounted for at the next available budget revision. This exception is strictly conditional upon the requirement that the MCAAP must never allocate Funds outside of monies quarantined by way of separate bank account.

9. MEETINGS

- 9.1. The meetings of the MCAAP shall be conducted in accordance with the Local Government Act 1999 and Local Government (Procedures at Meetings) Regulations 2013.
- 9.2. The MCAAP will meet not less than three (3) times per year.
- 9.3. The Presiding Member will ensure this will aligns with necessary operational timeframes of the Mount Gambier Community Mayor's Christmas Appeal.
- 9.4. Meetings may be called by the Presiding Member upon not less than three (3) clear days' notice to Members, confirming the venue, time and date, together with an agenda of items to be discussed.
- 9.5. At all meetings of the MCAAP, four (4) representatives present shall constitute a quorum.

10. ROLES AND RESPONSIBILITIES

- 10.1. The Presiding Member is responsible for:
- 10.1.1. Chairing meetings in a professional and unbiased manner,
 - 10.1.2. Encouraging participation of all Committee Members during meetings,
 - 10.1.3. Ensuring that the minutes are a true and correct record of meetings,
 - 10.1.4. Ensuring all Committee Members are aware of decisions made and responsibilities for action items arising,
 - 10.1.5. Convening extraordinary meetings, as necessary,
 - 10.1.6. Closing the meeting and making known the date, time and place of the next meeting, and
 - 10.1.7. Any formal communication or correspondence,
 - 10.1.8. As spokesperson of the MCAAP.

 City of Mount Gambier	MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL ASSESSMENT PANEL TERMS OF REFERENCE	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

10.2. Committee Members are responsible for:

- 10.2.1. Actively participating in discussions in a professional manner at all times,
- 10.2.2. Ensuring they are prepared and informed of matters prior to the meeting,
- 10.2.3. Ensuring effective representation of their agency as part of the discussion,
- 10.2.4. Communicating outcomes to agencies as appropriate, and
- 10.2.5. Making fair, equitable and ethical decisions as to allocation of Funds in accordance with the Mount Gambier Mayor's Christmas Appeal Funding Assessment Guidelines, as required.

11. ADMINISTRATIVE SUPPORT

11.1. The CEO & Mayoral Executive Support Team will be responsible for:

- 11.1.1. Taking the minutes for the MCAAP,
- 11.1.2. Assisting with preparation of the agenda for meetings, in consultation with the Presiding Member,
- 11.1.3. Informing the Presiding Member of any changes to the agenda, apologies received and/or new items of business,
- 11.1.4. Receipt and co-ordination of all records relating to the MCAAP,
- 11.1.5. Provision of Australian Tax Office (ATO) compliant receipts for donations made under the Deductible Gift Recipients (DGR) provisions. All receipts for gifts or deductible contributions must be issued in the name of the Fund.

11.2. Minutes shall be distributed to all Members within five (5) clear days of MCAAP meetings.

12. ELECTRONIC PARTICIPATION

12.1. Members of the MCAAP may participate in a meeting of the Committee by electronic means if approved by the Presiding Member not less than three (3) clear days prior to the meeting, or otherwise under such circumstances as the Presiding Member deems appropriate.


12.2. In the event the meeting is to be conducted entirely via electronic means, the CEO & Mayoral Executive Support Team shall provide notice to the Members that the meeting is to be conducted electronically at the time the Agenda is distributed, including directions on how to participate electronically.

12.3. A member of the MCAAP participating in a meeting by electronic means is taken to be present at the meeting provided that the member:

- 12.3.1. can see and hear all other members present at the meeting;
- 12.3.2. can be seen and heard by all other members present at the meeting; and
- 12.3.3. can be seen and heard by the person recording the minutes of the meeting.

13. LIABILITY

13.1. In accordance with Section 41(12) of the Local Government Act 1999, no civil liability attaches to a member of the MCAAP for an honest act or omission in the exercise,

 City of Mount Gambier	MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL ASSESSMENT PANEL TERMS OF REFERENCE	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

performance or discharge, or purported exercise, performance or discharge, of the Member's or Committee's powers, functions or duties.

14. ACCOUNTING

- 14.1. All Funds collected and allocated in furthering the objective of the Mount Gambier Mayor's Christmas Appeal shall be quarantined via separate bank account from Council's ordinary activities.
- 14.2. A bank account will be established to receive all gifts and deductible contributions accepted by the Fund. This account must only include any money or property which is a gift or deductible contribution to the fund, or which is received because of such gifts or deductible contributions, including, interest received on any monies in the account.
- 14.3. The Fund receives only gifts or deductible contributions and any money received because of those gifts or deductible contributions. The Fund does not receive any other money or property.
- 14.4. 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.
- 14.5. A separate reconciliation shall be prepared by Council as soon as practicable after the conclusion of any financial year a copy of the said reconciliation shall be forwarded to all participating agencies during that particular financial year, and tabled at the first meeting of the MCAAP at their first meeting of the following financial year.
- 14.6. No passive income generation (i.e. interest) is intended to be earned on monies held in furthering the objective of the Mount Gambier Mayor's Christmas Appeal.

15. WINDING UP

- 15.1. The MCAAP may be wound up by way of Council resolution.

16. LEGISLATION AND REFERENCES


The following legislation supports this Terms of Reference:

- *Local Government Act 1999 (SA)*
- *Local Government (Procedures at Meetings) Regulations 2013 (SA)*

17. RELATED DOCUMENTS

The following documents support this Terms of Reference:

- Mount Gambier Community Mayor's Christmas Appeal Fund Rules
- Mount Gambier Community Mayor's Christmas Appeal Funding Assessment Guidelines
- Reserve Accounting Administrative Principle [under development]

 City of Mount Gambier	MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL ASSESSMENT PANEL TERMS OF REFERENCE	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

18. REVIEW

18.1. The Terms of Reference shall be reviewed annually, or as required by the MCAAP, according to legislation, or otherwise appropriate. Proposed amendments must be tabled at a MCAAP Meeting and formally adopted by the Committee.

Document History:	Version No:	Issue Date:	Description of Change:
	1	19/08/2025	Document creation