 City of Mount Gambier	MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL FUND RULES	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

1. ESTABLISHMENT

- 1.1. The Mount Gambier Community Mayor's Christmas Appeal is a 'necessitous circumstances fund' (the Fund). The within Mount Gambier Community Mayor's Christmas Appeal Fund Rules (the Fund Rules) shall constitute the Fund Rules for the purpose of the Australian Taxation Office (ATO) requirements.
- 1.2. 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. OBJECTS


- 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.

3. INTERPRETATION

- 3.1. For the purpose of these Fund Rules, unless inconsistent with the subject matter or context:

Term	Interpretation
Act	The <i>Local Government Act 1999</i> (SA) and includes all Regulations and Schedules.
Council	The City of Mount Gambier.
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 these Fund Rules that are defined in the Act shall have the same meaning as are given in the Act.

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3.3. A reference in these Fund Rules to a “singular” includes a reference to the “plural” and a reference to a “plural” includes a reference to the “singular”.

3.4. These Fund Rules shall be interpreted in line with the provisions of the Act.

4. PUBLIC CONTRIBUTIONS

4.1. 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.

4.2. The City of Mount Gambier via the Mount Gambier Community Mayor's Christmas Appeal supports the Christmas Cheer Program by collecting Donations from the community (the public).

4.3. The general public will be invited to make gifts to the Fund, to be used for the purpose of carrying out the objects of the Fund.

5. COMMITTEE MEMBERS

5.1. The Fund shall comprise of the following voluntary Members:

5.1.1. The Mayor,

5.1.2. Two (2) independent Members with relevant skills or experience, as appointed by the Mayor from time to time,

5.1.3. A nominated representative from each of the Eligible Agencies:

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

5.2. The Presiding Member shall be the Mayor of Council. The Deputy Mayor of Council shall be an automatic Proxy in the Mayor's absence.


5.3. 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.

5.4. 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.

5.5. 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.

5.6. Eligible Agencies wishing to become Members (participants) may be appointed by the Fund.

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- 5.7. Participating agencies may resign their Membership (participation) to the Fund in writing to the Presiding Member.
- 5.8. If a participating agency fails to comply with their obligations under this Fund Rules, Terms of Reference, the Mount Gambier Mayor's Christmas Appeal Funding Assessment Guidelines, or any applicable legislative or Policy provisions, the Fund may determine to remove that participating agency by way of Committee resolution and subsequent notice in writing, outlining the reasons for the decision.
- 5.9. Council employees may be in attendance to offer advice or provide operational support as required, however will not form part of the Fund.

6. OPERATION ON A NOT-FOR-PROFIT BASIS

- 6.1. The assets and income of the Fund shall be applied solely in furtherance of the Objects 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.

7. GIFTS AND DEDUCTIBLE CONTRIBUTIONS

- 7.1. 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.
- 7.2. 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.
- 7.3. 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.
- 7.4. 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.
- 7.5. 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 Fund at their first meeting of the following financial year.
- 7.6. Gift Fund Rules:
 - it is a fund,
 - it is maintained and used only for the principal purpose of the fund,
 - all gifts and deductible contributions of money or property for that purpose are made to it,
 - any money received by the organisation, because of such gifts or deductible contributions is credited to it,
 - it does not receive any other money or property,
 - refer to clause 9.4 herein for winding up and revocation.

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8. ADMINISTRATIVE SUPPORT (RECEIPTS)

- 8.1. These Fund Rules are supported by the Mount Gambier Community Mayor's Christmas Appeal Assessment Panel (MCAAP) Terms of Reference and the Mount Gambier Mayor's Christmas Appeal Funding Assessment Guidelines.
- 8.2. The CEO & Mayoral Executive Support Team will be responsible for:
 - 8.2.1. Taking the minutes for the Fund,
 - 8.2.2. Assisting with preparation of the agenda for meetings, in consultation with the Presiding Member,
 - 8.2.3. Informing the Presiding Member of any changes to the agenda, apologies received and/or new items of business,
 - 8.2.4. Receipt and co-ordination of all records relating to the Fund,
 - 8.2.5. 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.
- 8.3. Minutes shall be distributed to all Members within five (5) clear days of Fund meetings.

9. WINDING UP

- 9.1. The Fund may be wound up by way of Council resolution.
- 9.2. In the event of the Mount Gambier Community Mayor's Christmas Appeal and associated Fund being wound up or dissolved, any surplus assets remaining after the payment of liabilities shall be transferred to the participating agencies for the benefit of the community.
- 9.3. In the event it is not possible or appropriate to transfer the surplus assets to the participating agencies, the surplus assets remaining shall be transferred to another fund, authority or institution, which has similar objects, and to which income tax deductible gifts can be made.
- 9.4. If the Fund, authority or institution is wound up or if the endorsement (if any) of the organisation as a deductible gift recipient for the operation of the Fund, authority or institution is revoked, any surplus assets of the gift fund remaining after the payment of liabilities attributable to it, shall be transferred to a fund, authority or institution to which income tax-deductible gifts can be made.


10. LEGISLATION AND REFERENCES

The following legislation supports this Terms of Reference:

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

11. RELATED DOCUMENTS

The following documents support this Terms of Reference:

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- Mount Gambier Community Mayor's Christmas Appeal Assessment Panel Terms of Reference
- Mount Gambier Community Mayor's Christmas Appeal Funding Assessment Guidelines
- Reserve Accounting Administrative Principle [under development]

12. REVIEW

- 12.1. The Fund Rules 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.
- 12.2. The Fund must notify the Australian Taxation Office (ATO) of any alterations made to the Fund Rules.

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