

TERMS OF REFERENCE Section 41 Mayoral Relief & Recovery Bushfire Fund Committee	
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Introduction

Council affirms the establishment of the Mayoral Relief & Recovery Bushfire Fund Committee pursuant to Section 41 of the *Local Government Act 1999* and subject to the operation of Part 3 of the *Local Government (Procedures at Meetings) Regulations 2013*.

1 Membership

1.1 Membership of the committee comprises 2 x Elected Members and the Mayor, 1 Community Member and an independent person who shall be a qualified and experienced Auditor whom are appointed by the Council. Council is to appoint the Presiding member. The Community Affairs Manager will provide advice.

2 Secretarial Resources

2.1 Provided by Council.

3 Quorum

3.1 The quorum necessary for the transaction of business shall be 50% of the number of members of the committee plus one, which will include members attending by Telephone or electronic means [under Regulation 16 of Meeting Procedures Regulations].

4 Delegations

4.1 Pursuant to Section 44 of the *Local Government Act 1999*, the Committee has delegated authority to approve the allocation of Mayoral Relief & Recovery Bushfire funds (the Fund) to individuals / groups from within the Community impacted by the bushfires in accordance with the Fund rules/guidelines.

5 Frequency of Meetings

5.1 Pursuant to Section 87(1) of Local Government Act 1999, the committee will determine times and places of its ordinary meetings as required.

6 Notice of Meetings

6.1 As per the Local Government (Procedures at Meetings) Regulations 2013.



7 Minutes of Meetings

7.1 The minutes of the proceedings of a meeting must include:

- a. The names of the members present at the meeting; and
- b. Each motion carried at the meeting; and
- c. Any disclosure of interest made by a member; and
- d. Details of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.
- e. A note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.

7.2 The minutes of the proceedings at a meeting must be submitted for information at the next meeting.

8 Role of the Committee

8.1 To allocate funding in accordance with clause 4 of the KI Mayoral Relief & Recovery Fund - Fund Rules being:

4.1 Allocated by Council directly to those residents adversely affected by the bushfires via specific grant or program;

4.2 Contributed to a community group providing a support service/disaster recovery activity;

4.3 Allocated in accordance with the six categories annexed hereto and marked as Agreed Categories; or

4.4 Donated to Australian charities who will manage the distribution of donated monies to victims of the bushfires on behalf of the Kangaroo Island Council. The funds will be distributed to the following charities:

- Registered Kangaroo Island based charities.

9 Officer

9.1 Chief Executive Officer

10 Meeting procedures

10.1 As per the *Local Government (Procedures at Meetings) Regulations 2013* Part 3 and Code of Practice.

11 Reporting requirements

11.1 Minutes to the Council meeting following the Committee meeting.

11.2 Records of all assessments and disbursements are kept for auditing purposes.

12 Convenor:

12.1 Chief Executive Officer

13 Code of Conduct

13.1 All members shall abide with:-

- *Local Government Act 1999* and associated Regulations
- Code of Conduct for Elected Members
- ICAC Act 2012

DATE	REVISION NO	REASON FOR AMENDMENT
21 January 2020	1	Endorsed by Council Minute Number #
19 June 2020	2	Revised Item 8 Role of Committee minute No: SC27:2020



Kangaroo Island Mayoral Relief & Recovery Bushfire Fund

You can make a difference. Donate today.

Overview

In response to the Kangaroo Island Bushfire Emergency that escalated on December 20th, 2019, a Fund has been opened.

The community support of donated items has been overwhelming and extremely generous to date. Charity and volunteer organisations have now reached capacity for item donations. Therefore, the Fund is the preferred method to assist the Kangaroo Island community.

How it works

All donated funds are held in a separate bank account. The management and distribution of these funds will be overseen by the Kangaroo Island Council Section 41 Kangaroo Island Mayoral Bushfire Relief and Recovery Fund Committee.

Council Members will ensure all funds are distributed equitably and consistently to those who are directly affected by the fire emergency, in compliance with the Commonwealth charitable law requirements.

Kangaroo Island Mayoral Relief & Recovery Bushfire Fund Rules

Clause 1: Kangaroo Island Council has set up the Fund to take donations from members of the public with the aim to provide funding toward projects that contribute to the recovery and rebuilding efforts of fire affected residents in Kangaroo Island following the bushfire natural disaster that has negatively impacted the entire Island.

Clause 2: The bushfire natural disaster means the bushfires that caused damage to Kangaroo Island from 20th December 2019 from which the fire escalated.

Clause 3: The Fund aims to provide a “one stop shop” where members of the general public can donate money to assist victims of the Kangaroo Island Bushfires, while ensuring that all monies donated are used solely on assisting residents who have suffered as a result of the fires.

Clause 4: All funds received will either be:

4.1 Allocated by Council directly to those residents adversely affected by the bushfires via specific grant or program;

4.2 Contributed to a community group providing a support service/disaster recovery activity;

4.3 Allocated in accordance with the six categories annexed hereto and marked as Agreed Categories; or

4.4 Donated to Australian charities who will manage the distribution of donated monies to victims of the bushfires on behalf of the Kangaroo Island Council. The funds will be distributed to the following charities:

- Registered Kangaroo Island based charities.

Clause 5: All funds donated to these charities (or allocated directly by Council) can only be used to assist victims of the Kangaroo Island Bushfire natural disaster.

Clause 6: The public will be invited to contribute to the Fund.

Clause 7: The Fund will utilise a specific Council bank account to manage all funds.

Means of payment allowed will include cash, cheques, credit cards, bank transfers, international bank transfers and payments at Kangaroo Island Council Front Counter.

Clause 8: The Council will set up a trust fund account and manage all funds received through this account on instructions from the Mayor on behalf of the Committee.

Clause 9: Council will not use any funds donated for any administration or other non charitable purposes, and all funds donated will only be used for the purposes as detailed in Clauses 3 and 4 above.

Clause 10: Council will collect monies through the fund for a period of two (2) years from the commencement of the disaster.

Clause 11: Funds collected will be distributed within two years (per Clause 9). If the Fund needs further time to distribute funds then it shall apply for an extension of such time as the Committee regards as reasonable.

Clause 12: If the fund is wound up or if the endorsement of the fund as a deductible gift recipient for the operation of the fund 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.

Clause 13: The Fund will have a gift fund that will be used to only accept:

13.1 gifts of money for the principal purpose of the fund,

13.2 contributions made in relation to an eligible fundraising event held for the principal purpose of the fund,

13.3 money received by the organisation because of such gifts and contributions.

The gift fund operates through the bank account set up by Council.

Clause 14: Reconciliations and accounts will be prepared for the Fund on a monthly basis to ensure that all monies are correctly accounted for and used for the purposes detailed in these public fund rules, and detailed statements will be prepared when the fund is wound up.

Clause 15: Receipts will be issued in the name of the Kangaroo Island Mayoral Relief & Recovery Bushfire Fund.

Clause 16: The fund will be managed by a majority of responsible persons who will have a degree of responsibility to the general community. The Committee will identify the areas of greatest need for financial assistance in helping fire affected residents recover from the Kangaroo Island Bushfires natural disaster.

Clause 17: The ATO will be notified of any proposed changes to the fund rules before any are implemented.

Agreed Categories

- **Category 1 – Deceased Persons**

The next of kin of the people who died in the Fire are eligible for a compassion and bereavement gift payment of \$20,000.

- **Category 2 – Injury**

People who were seriously injured by the Fire and who had an extended stay in hospital are eligible for a gift of up to \$5,000.

- **Category 3 – Destroyed Homes**

1. Property owners whose house was destroyed or rendered uninhabitable by the Fire are eligible to receive \$5,000 per household.

2. Property owners who are owner / occupiers of the house destroyed are also eligible to receive an additional \$500 per child under 18 years of age, residing at the premises.

3. Tenants whose principal place of residence, was destroyed or rendered uninhabitable by the Fire are eligible to receive \$5,000 and an additional \$500 per child under 18 years of age, residing at the premises.

- **Category 4 – House and/or Property Damage**

1. Property owners who experienced infrastructure damage to their house or contents as a result of the Fire and / or householders who principal place of residence suffered infrastructure damage to their house or property are eligible for a gift of \$2,000. The property has to be within the Fire footprint.

2. Property owners who experienced infrastructure damage to shedding are eligible for a gift of \$4,000 per property assessment number. The property has to be within the Fire footprint.

3. Property owners who experienced infrastructure damage to water tanks and pumps, fences and farm equipment are eligible for a gift of \$2,000 per property assessment number. The property has to be within the Fire footprint.

- **Category 5 – Business**

a. Households who derive an income from the affected property, e.g. primary producers, small businesses, are eligible to receive \$2,000 per property.

b. Sharefarmers who derive an income from the affected property will be eligible per property \$2,000.

- **Category 6 – Vehicles**

People who experienced damage to vehicles a result of the Fire are eligible to receive \$500 per household.