

COMMERCIAL ACTIVITIES COMMITTEE TERMS OF REFERENCE

1. THE COMMERCIAL ACTIVITIES COMMITTEE

The Council has established the Committee, to be known as the Commercial Activities Committee, to provide advice and recommendations to the Council upon the commercial activities and utilities services provided by the Council, in accordance with these Terms of Reference.

2. DEFINITIONS

Unless the context indicates otherwise, the following terms have the following meanings in these Terms of Reference:

Act	means the <i>Local Government Act 1999</i> (SA), as modified, including by the <i>Local Government (Defaulting Council) Proclamation 2019</i> (SA) and the <i>District Council of Coober Pedy Electronic Participation in Council Meetings Notice (No 3) 2020</i> (SA) and any replacement instruments (for so long as such instruments remain in force).
Administrator	means the Administrator of the Council holding office under section 273 of the Act pursuant to the <i>Local Government (Defaulting Council) Proclamation 2019</i> (SA) or any replacement instrument.
Chairperson	means the chairperson of the Committee, appointed in accordance with clause 5 of these Terms of Reference.
Committee	means the Commercial Activities Committee established by resolution of the Council, to be governed by these Terms of Reference.
Council	means District Council of Coober Pedy and, for so long as the <i>Local Government (Defaulting Council) Proclamation 2019</i> (SA) or any replacement instrument remains in forces, shall also be read as a reference to the Administrator if the context permits.
Member	means a member of the Committee (and includes the Administrator in his capacity as an <i>ex-officio</i> member).
Terms of Reference	means these terms of reference.

3. ROLE OF THE COMMITTEE

3.1 The functions of the Committee are to provide advice and recommendations to the Council with respect to all aspects of the commercial activities and utilities services provided by the Council, including:

3.1.1 electricity services;

3.1.2 the sale and supply of water via reticulated system (potable and non-potable);

- 3.1.3 water carting services;
 - 3.1.4 sewerage services;
 - 3.1.5 airport services;
 - 3.1.6 childcare services; and
 - 3.1.7 roadworks, including on private roads and driveways.
- 3.2 Without limiting clause 3.1 above, the Committee may provide advice and recommendations to the Council with respect to:
- 3.2.1 the viability of any current and/or possible future commercial activities and utilities services of the Council;
 - 3.2.2 the governance structures which can or should apply to the management of the Council's current or future commercial activities and utilities services;
 - 3.2.3 the management of assets used in connection with the Council's current or future commercial activities and utilities services.
- 3.3 The Council has not delegated any powers or functions to the Committee. However, the Council may do so at any time if necessary or convenient to allow the Committee to properly carry out its roles and functions. These Terms of Reference will be amended if any such delegation is made.

4. **MEMBERSHIP**

- 4.1 Membership of the Committee shall consist of each of the following persons (unless they have ceased to be a Member by virtue of clause 4.4):
- 4.1.1 The Administrator (as *ex-officio*);
 - 4.1.2 Such other persons as the Council may, from time-to-time, determine.
- 4.2 The Council may at any time alter the above membership by adding, subtracting, or substituting any membership positions.
- 4.3 A Member will, subject to the Act, hold office as a member of the Committee until their office become vacant by virtue of clause 4.4 of these Terms of Reference.
- 4.4 A person ceases to be a Member upon any of the following circumstances occurring:
- 4.4.1 the Member is removed from office by the Council;
 - 4.4.2 the Member resigns from office by written notice to the Council;
 - 4.4.3 the Member dies or becomes of unsound mind.

5. **CHAIRPERSON**

- 5.1 The presiding member of the Committee will be the Chairperson.

- 5.2 The Chairperson shall be chosen by the Members from among their own number, by whatever method the Members think fit and as often as the Members think fit.
- 5.3 If the Chairperson is absent from a meeting of the Committee, another Member chosen from those present will preside at the meeting as the acting Chairperson.
- 5.4 In the absence of a determination under clause 5.2 of these Terms of Reference, the Administrator will be the Chairperson.

6. ADMINISTRATION

- 6.1 The Committee will be provided with administrative support by the person occupying or acting in the office of Chief Executive Officer of the Council.
- 6.2 The Committee shall act at all times in accordance with the Act and in accordance with these Terms of Reference in the performance of its functions.
- 6.3 Minutes must be kept of the proceedings at every meeting of the Committee. The minutes of the proceeding of a meeting will include:
 - 6.3.1 the names of the Members present at the meeting;
 - 6.3.2 each motion carried at the meeting;
 - 6.3.3 any disclosure of interest made by a Member, with an appropriate note in accordance with section 74(5) or 75A(4) of the LG Act (as the case may be);
 - 6.3.4 details of the making of an order under section 90(2) of the Act, in accordance with section 90(7) of the Act; and
 - 6.3.5 a note of the making of an order under section 91(7) of the Act, in accordance with section 91(9) of the Act.
- 6.4 The minutes of the proceedings at a meeting of the Committee must be submitted for confirmation at the next meeting of the Committee or, if that is omitted, at a subsequent meeting

7. MEETINGS

- 7.1 Insofar as the Act, these Terms of Reference, and any procedures adopted by the Council and applicable to the Committee¹ do not specify a procedure to be observed in relation to the conduct of a meeting of the Committee, then the Committee may determine its own procedure.
- 7.2 The first meeting of the Committee after it has been established shall occur at a place and time determined by the Administrator.
- 7.3 The Committee shall, at its first meeting after being established, determine the place, date and time meetings of the Committee will be held, provided that the

¹ See particularly, the District Council of Coober Pedy 'Council and Committee Meeting Procedures'.

Committee shall meet at least once per month (or with such greater frequency as it deems necessary to carry out its functions in a timely manner).

- 7.4 Notice of meetings of the Committee shall be provided to Members in accordance with section 87 of the Act and to the public in accordance with section 88 of the Act.
- 7.5 A quorum for a meeting of the Committee shall be:
- 7.5.1 the Administrator; or
 - 7.5.2 if other Members are appointed under clause 4.12 and the Council determines it is appropriate to make alternative arrangements for the quorum, such other number or proportion of the Membership as determined by the Council.
- 7.6 No business can be transacted at a meeting of the Committee unless a quorum is present.
- 7.7 Subject to the Act and these procedures, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the Members present at the meeting and entitled to vote on the question.
- 7.8 Each Member who is present at a meeting of the Committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.
- 7.9 The Administrator has a deliberative vote on a question arising for decision at the meeting and, in the event of an equality of votes, has a casting vote.
- 7.10 For the purpose of sections 89 and 90(7a) of the Act, the Council determines that:
- 7.10.1 a 'place' for a meeting of the Committee includes an electronic location (such as a virtual meeting room);
 - 7.10.2 one or more (including, to avoid doubt, all) Members may participate in a meeting of the Committee by telephone or other electronic means, by way of a telephone, computer or other electronic device used for communication;
 - 7.10.3 where one or more Members participate in a meeting of the Committee by telephone or other electronic means in accordance with above clause 7.10.2, a livestream (audio or video) of the meeting will be made available to the public.

8. **TENURE**

- 8.1 The Committee will continue in existence until wound up by the Council.

9. **SUBCOMMITTEES**

- 9.1 The Committee may establish subcommittees to assist it in any matter.

10. **REVIEW**

10.1 These Terms of Reference may be reviewed and amended by the Council at any time.

10.2 These Terms of Reference may be reviewed following each occasion of revocation, expiry or replacement of:

10.2.1 the *Local Government (Defaulting Council) Proclamation 2019 (SA)*;

10.2.2 the *District Council of Coober Pedy Electronic Participation in Council Meetings Notice (No 3) 2020 (SA)*.