



Independent Member Policy

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Independent Member Policy

This policy is set by Council for use by the community and council administration

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Responsible Team	Governance
Other Key Internal Stakeholders	Executive Officers
Initial Date of Adoption	25/05/2010
Last Reviewed	06/06/2017
Authorised By	Ordinary Council
Resolution No.:	3708
Legal Requirement	N/A
Date of Next Review	25/08/2021

1. Purpose

The purpose of this Policy is to outline the requirements, support and remuneration of Independent Members of Council Section 41 Committees and Panels. Council recognises the value of the experience, skills and expertise that Independent Members bring to Committee and Panel discussions and decisions.

2. Scope

This Policy applies to Independent Members on all Section 41 Committees of Council and Council Assessment Panel (CAP).

3. Legislation and References

[Local Government Act 1999](#)

- *Section 41 – Committees*
- *Section 126 – Audit Committee*

[Development Act 1993](#)

- *Section 56a – Council to establish development assessment panels*

[Council Committee and Panel Charters/Terms of Reference](#)

Form 5 - City of Playford Primary Return Form – Members

Form 6 - City of Playford Ordinary Return Form – Members

Schedule 1 - City of Playford Primary Return Form – CAP Independent Members

Schedule 2 - City of Playford Ordinary Return Form – CAP Independent Members

4. Definitions

Act refers to *Local Government Act 1999*.

Chief Executive Officer (CEO) means the Chief Executive Officer of a council and includes a Deputy or other person acting in the office of Chief Executive Officer.

Committee are Section 41 Committees established by Council and for the purpose of this policy, reference to Committee includes the Council Assessment Panel (CAP).

Independent Member is a member of a Section 41 Committee or Panel who are not elected but have been appointed by the Council as members of that Committee or Panel. Staff who attend or are Executive Officers of the Committee are not Independent Members.

Primary Return is the first Return form submitted on commencement of employment.

Ordinary Return is a Return form submitted annually after the submission of a Primary Return.

Register means a Register of Interests kept for the purposes of Division 2 – Register of

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interests under the Local Government Act 1999 and Schedule 1 — Disclosure of financial interests under the Planning, Development and Infrastructure Act 2016.

Return period in relation to an ordinary return of a person, means—

- (a) In the case of a Primary Return, 30 days from the commencement of employment.
- (b) in the case of a person whose last return was a primary return—the period between the date of the primary return and 30 June next following; and
- (c) in the case of any other person—the period of 12 months expiring on 30 June on or within 60 days after which the ordinary return is required to be submitted.

5. Policy

5.1 Recruitment and Appointment of Independent Members

5.1.1 The Recruitment and Appointment of Independent Members Procedure outlines the process of recruiting/appointing Independent Members.

5.2 Independent Member Remuneration

5.2.1 In establishing Independent Member sitting fees for each Committee, Council will take into account:

- a) industry standards and trends;
- b) appropriate rates to attract the required skills and experience to fulfil the role; and
- c) ability to advise and make recommendations and/or decisions in the best interest of Council and the community.

5.2.2 Independent Member sitting fees will be established by Council biennially.

5.2.3 Independent Members will be paid per meeting. Independent Members are entitled to receive their sitting fee for a special meeting of their Committee.

5.2.4 Independent Members who are required to attend an Ordinary Council, other Committee Meeting or mandatory training are entitled to receive 50% of the Independent Member sitting fee.

5.2.5 If an Independent Member is also a Presiding Member of a Committee or Panel, they will receive 125% of the Independent Member sitting fee for that Committee.

- 5.2.6 In the event that an Independent Member cannot attend a scheduled meeting or has requested a leave of absence, no sitting fee will be claimed.
- 5.2.7 A public register will be maintained of Independent Member sitting fees including training undertaken, as permitted in this Policy.
- 5.2.8 All sitting fees paid will be published in Council's Annual Report as per the Local Government Act 1999, Schedule 4(1)(f)—Material to be included in the annual report of Council.

5.3 Training

- 5.3.1 Independent Members may be offered to undertake training relevant to their role on a Council Committee. This may include mandatory training required of Council Members and Council and Committee Meeting Procedure training.

5.4 Insurance/Liability

- 5.4.1 Whilst acting in their capacity, an Independent Member is classed as an employee for the purpose of Public Liability Insurance and Professional Indemnity Insurance under the Local Government Association Mutual Liability Scheme.
- 5.4.2 Whilst acting in their capacity as an Independent Member, for any honest act or omission, coverage will be provided for the purpose of Civil Liability insurance under the Local Government Association Mutual Liability Scheme.
- 5.4.3 In regards to personal injury or injuries sustained as a result of an action of an Independent Member in the execution of their role, Independent Members will be covered under the Personal Accident Policy provided under the Local Government Risk Services, as outlined by the Private Health Insurance Act 2007. Council is not required to pay any gap from medical expenses.
- 5.4.4 Whilst acting in their capacity as an Independent Member, Personal Accident coverage will be provided. Note that under the Private Health

Insurance Act 2007 this policy does not cover medical expenses and Independent Members are responsible for their own medical expenses.

5.5 Access to Information

- 5.5.1 Committee documents will be supplied to Independent Members electronically, or in hard copy via courier on request.
- 5.5.2 Committee Agendas will be supplied prior to scheduled meetings, and as per legislation a minimum of three clear days prior. Committee Members will receive at least four hours notice of any urgent special meetings.
- 5.5.3 Committee Minutes will be supplied as soon as possible following the meeting, and as per legislation, within five days after the meeting.

5.6 Submission of Primary and Ordinary Returns

- 5.6.1 Independent Committee Members who receive a sitting fee are required to submit a Primary Return within 30 days of initial appointment and an Ordinary Return annually while they remain appointed to the Committee. This is provided for in section 114 of the Local Government Act 1999.
- 5.6.2 CAP Independent Members are required to submit a Primary Return on initial appointment and Ordinary Return annually as per Schedule 1— Disclosure of financial interests of the Planning, Development and Infrastructure Act 2016.
- 5.6.3 Annually in July, Governance will notify Independent Members via memo the requirement to submit an Ordinary Return.
- 5.6.4 An Ordinary Return is required to be submitted within 60 days of 30 June.
- 5.6.5 Independent Member Returns will be included in a Register of Interests. As per legislation, this Register will be made available to members of the public on request (Local Government Act 1999 section 118 and Planning, Development and Infrastructure Act 2016 Schedule 1, Clause 3).
- 5.6.6 There are penalties under the Local Government Act 1999 and Planning, Development and Infrastructure Act 2016 for providing false information on a Return, such as the omission of information.

5.7 Independent member Sitting Fees

Committee	Presiding Member Sitting Fee	Independent Member Sitting Fee	Council Resolution
Corporate Governance	\$594	\$475	Council Resolution No. 3708
CAP	\$563	\$450	Council Resolution No. 3708

6. Responsibilities

Governance is responsible for implementation and review the Independent Member Policy. Executive Officers are responsible for ensuring the Policy is adhered to.

7. Relevance to Strategic Plan

1: Smart Service Delivery Program

Outcome 1.2 Improved service delivery

8. Accessibility

This Policy can be found on the City of Playford website at: <https://www.playford.sa.gov.au/policies>.

9. Feedback

We invite your feedback on this policy which can be directed to Manager - Governance to playford@playford.sa.gov.au.

10. Approval and Change History

Version	Approval Date	Approval by	Change
1.0	25 May 2010	Council Resolution No. 1630	<ul style="list-style-type: none">• New Policy
2.0	22 Oct 2013	Council Resolution No.1467	<ul style="list-style-type: none">• Revised Policy template• Removal of procedural matters from policy.• Creation of associated procedures for the appointment of

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Version	Approval Date	Approval by	Change
			Independent Members.
3.0	25 Aug 2015	Council Resolution No.2253	<ul style="list-style-type: none"> • Corporate Footer added to each page. • Policy statement updated to include reference to Committee recommendations. • Re-ordered 5.4 and 5.5. • Amended section 5.3. • Grammar error rectified in section 5.10 and 5.11. • Responsibilities section updated to responsibility of relevant Executive Officer for section 41 Committees. • Section 7 – Relevance to Strategic Plan updated.
4.0	6 June 2017	Council Resolution No.2877	<ul style="list-style-type: none"> • Interim administration review instigated to amend Policy and review sitting fees.
4.1	26 September 2017	Council Resolution No. 2977	<ul style="list-style-type: none"> • Amendment to change references of CDAP to CAP and to put policy into new template format. • Update of Legislation from the Development Act 1993 to Planning, Development and Infrastructure Act 2016.
5.0	27 August 2019	Council Resolution No. 3708	<ul style="list-style-type: none"> • Revised Policy • Minor formatting corrections • Updated legislation

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			• Increase in sitting fees