No. 11 of 2026

REPORT OF THE REMUNERATION TRIBUNAL

2026 Review of the Remuneration Range for the CEO of the City of West Torrens

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EXECUTIVE SUMMARY

1. The Remuneration Tribunal (**Tribunal**) has considered the application for an Exceptional Circumstances Determination from the City of West Torrens (**City**) regarding the Remuneration of the Chief Executive Officer of the City of West Torrens (**Application**).

2. As explained in this Report, the Tribunal has determined not to grant the Application as exceptional circumstances do not exist to provide different minimum and maximum remuneration amounts for the City to those set by Determination 4 of 2026.

3. Accordingly, Determination 4 of 2026 will continue to apply.

BACKGROUND

4. The *Remuneration Act 1990* (SA) (**Act**) provides the Tribunal with the jurisdiction to determine the remuneration, or a specified part of the remuneration payable in respect of certain offices, if such jurisdiction is conferred on the Tribunal by any other legislation.

5. Section 99A of the *Local Government Act 1999* (SA) (**LG Act**) provides that the Tribunal will, from time to time, determine the minimum and maximum remuneration that may be paid or provided to the CEOs of Local Government Councils.

6. For completeness, the Tribunal has reiterated the different components of the Remuneration Framework for the CEOs of Local Government Councils which the Tribunal established in Report and Determination 3 of 2025 and was confirmed by the Tribunal in Report and Determination 4 of 2026 because the Application made by the City sought exemption from part of the Remuneration Framework and/or differential application of it to provide different minimum and maximum remuneration amounts for the City's CEO to those set by Determination 4 of 2026.

7. The **Remuneration Framework** is comprised of the following components as discussed in Report 3 of 2025 and Report 4 of 2026:

   a. The **Council Grouping Model**, which provides the mechanism to group comparable Councils;[1]
   b. The **Council Bands** represent the distribution of Councils after the application of the Grouping Model (being the Adelaide City Council and Council Bands 1 to 8 in Determination 3 of 2025);[2]

[1] Remuneration Tribunal – Report Relating to Determination 3 of 2025 [90] – [109].
[2] Remuneration Tribunal – Report Relating to Determination 3 of 2025 [108] and Determination 3 of 2025 [3], [6].

c. The **Remuneration Ranges** are the minimum and maximum remuneration amounts applicable to each Council Band;[3] and
d. **Remuneration** as defined by the Tribunal in Report & Determination 3 of 2025.[4]

8. The Remuneration Framework utilises five criteria to allocate Councils within the Council Grouping Model. The primary criterion was total operating income derived from Local Government Grants Commission data[5] with population growth, population dispersion, distance from Adelaide and socio/economic advantage/disadvantage being secondary indicia of complexity (**Modifying Criteria**).[6]

THE REVIEW PROCESS

9. On 30 July 2026 the Tribunal published Report and Determination 4 of 2026 which largely reaffirmed the Remuneration Framework established in Report and Determination 3 of 2025 and provided an updated Remuneration Band applicable to the City.

10. On 28 July the Tribunal received correspondence seeking an Exceptional Circumstances Determination from Kelledy Jones, the lawyers representing the City and the City's Chief Executive Officer.

11. The Tribunal then received the Application on 12 August 2026 from Kelledy Jones on behalf of the City and its CEO along with confirmation that the Application clarified that made on 28 July 2026.

12. On 14 October 2026 the Tribunal held a hearing where it heard submissions from Mr Michael Coxon, the Mayor of the City. Mayor Coxon was accompanied by Mr Michael Kelledy, of Kelledy Jones as an observer.

13. On 16 October 2026, in accordance with sections 10(2) and 10(4) of the Act, the Tribunal wrote to and invited submissions by 23 October 2026 in respect of this review from:

    a. the Honourable Premier of South Australia – as the Minister responsible for the Act who may make submissions or introduce evidence in the public interest;
    b. the Minister for Local Government, as Minister responsible for the LG Act; and
    c. the Local Government Association of South Australia (**LGA**).

14. The Tribunal also placed a notice on its website from 16 October 2026 inviting submissions from affected persons by 23 October 2026.

15. On 20 October 2026, the Premier's representative confirmed that the Premier did not intend to make a submission.

16. On 26 October 2026, the LGA confirmed that no submission would be made.

17. No further submissions were received.

CONSIDERATION AND CONCLUSION

18. The establishment of the Remuneration Framework for the CEOs of Local Government Councils pursuant to section 99A of the LG Act has involved the Tribunal in three separate reviews over the past three years.

[3] Remuneration Tribunal – Report Relating to Determination 3 of 2025 [110] – [123] and Determination 3 of 2025 [3], [6] and updated by Remuneration Tribunal – Determination 4 of 2026 [1], [4] and [7].
[4] Remuneration Tribunal – Report Relating to Determination 3 of 2025 [64] – [87] and Determination 3 of 2025 [4], [5] and Remuneration Tribunal – Determination 4 of 2026 [1], [4], [5] and [6]
[5] Remuneration Tribunal – Report Relating to Determination 3 of 2025 [91] – [96]
[6] Remuneration Tribunal – Report Relating to Determination 3 of 2025 [100] – [101].

19. These Reports and Determinations have resulted in the adoption of the Remuneration Framework as described earlier. In Report and Determination 3 of 2025 and Report and Determination 4 of 2026 the Tribunal has set out the background to these reviews and has explained the reasons for its conclusions.

20. In this Report the Tribunal has only addressed matters specifically relevant to the Application.

21. At the outset, the Tribunal understands that the verbal submissions put to it by Mayor Coxon on behalf of the City on 14 October 2026 (**Mayor's Submissions**) subsumed and replaced all previous submissions, including those put by the City and its CEO's lawyers Kelledy Jones. Notwithstanding this, the Tribunal has considered and addressed all the submissions put to it.

22. The Tribunal understands that the Mayor's Submissions seek that the Tribunal only consider two submissions to regard the City as a Band 2 Council. The primary position was that the Tribunal arrived at the City's current Council Band 3 allocation using 2022-23 Local Government Grants Commission data which confirmed its total operating income was $74.912 million, only marginally short of the $76 million minimum total operating income threshold for Council Band 2. The Mayor's Submissions argued that, if the most current Local Government Grants Commission total operating income data was considered, the City would be well above that threshold and hence should be regarded as a Band 2 Council. The Mayor further asserted that consideration of the City's Modifying Criteria did not move the City up or down a Council Band.

23. The secondary position put in the Mayor's Submissions was that the Tribunal should recognise that the City's CEO was appointed under a contract in 2024 with remuneration which was, at that time, within the appropriate range as set by the Tribunal in Determinations 4 of 2023 and 1 of 2024. Noting that there was a subsequent remuneration increase granted by the City in 2025, above the maximum amount for the Council Band, the Mayor's Submission was that the CEO should be permitted to complete his contract in December 2028, without further change to his remuneration, to avoid personal disruption and the potential for recruitment and related staffing issues.

24. For completeness, and before dealing with the Mayor's Submissions, the Tribunal has reviewed the submissions previously put by the City.

25. Report 4 of 2026 followed the Tribunal's agreement to a request made to release the Mercer Report referenced in Report 3 of 2025 and to consider subsequent submissions made by Councils. The 19 submissions subsequently received addressed a broad range of issues, including, but not limited to, the appropriateness of the approach in Report and Determination 3 of 2025 and the process followed by the Tribunal. In Report 4 of 2026 the Tribunal reviewed its 2025 conclusions in light of these submissions. Whilst it was open to the Tribunal to substantially change the Remuneration Framework, the Tribunal did not do so.

26. In that review, the Tribunal acknowledged that a substantial majority of Councils were remunerating their CEOs within the Remuneration Ranges. A fundamental revision of the Remuneration Framework would likely address some Councils' concerns whilst creating issues for other Councils as well as recognising the need for stability in terms of remuneration guidance. In Report 4 of 2026 the Tribunal further explained the process it followed to reach the conclusions set out in Report 3 of 2025. While it did not change those conclusions, it increased the maximum amounts for each Remuneration Range to provide

additional flexibility to Councils.[7] For completeness, and consistent with Report 3 of 2025, the Tribunal then increased the maximum remuneration levels for each Remuneration Range to recognise cost-of-living increases since May 2025.[8]

27. Report 4 of 2026 considered the written and oral submissions made by Kelledy Jones on behalf of the City. The Tribunal heard oral submissions on 2 June 2026. At that time the CEO of the City was in receipt of Remuneration of $416,715. That Remuneration had been increased by the City since Determination 3 of 2025 set a maximum of $351,283 per annum.

28. Those submissions are addressed in Report 4 of 2026 and they essentially repeated the position put by Kelledy Jones on behalf of the LGA that additional information asserted to have been considered by the Tribunal in reaching the conclusions in Report 3 of 2025 should be provided to it before the Tribunal determined the matter.

29. In those submissions, the City also asserted that later data from the Local Government Grants Commission should have been used to update the conclusions in Report and Determination 3 of 2025. The City referenced historical and current impacts on its total operating income and challenged the use of total operating income as the key determinant of Council Groups. The City also asserted that the Tribunal should regard its circumstances as unique, warranting an Exceptional Circumstances Determination. The City's submissions fundamentally went to challenge the basis for the Remuneration Framework and advised that it was undertaking its own remuneration benchmarking study.

30. The City expressed concern at likely additional costs which may be imposed on it because of the reduction in the Remuneration payable to its CEO as it may lead to a resignation causing staff disruption and additional recruitment costs.

31. The City also asserted that the Tribunal lacked the jurisdiction to prescribe minimum and maximum remuneration amounts as it had done since Report and Determination 4 of 2023, and that if did have jurisdiction, it must consider the unprecedented cost of living pressures on CEOs.

32. The City submitted that if the Tribunal disagreed with those submissions, it should consider the material before it as supporting an Exceptional Circumstances Determination.

33. In Report 4 of 2026 the Tribunal advised that it was unable to properly differentiate the submissions put by the Council to fundamentally change the Remuneration Framework, from its later submissions asserting exceptional circumstances.[9]

34. To the extent that the submissions put in June 2026 were to be taken as an application for an Exceptional Circumstance Determination, Report 4 of 2026 noted the difficulty in reconciling them and invited a separate and focused application for an Exceptional Circumstances Determination.

35. Ahead of the publication of Report 4 of 2026, the Tribunal received a formal application for an Exceptional Circumstances Determination from the City with supporting submissions from its CEO and from Kelledy Jones on 18 July 2026. Kelledy Jones confirmed that they acted for both the City and its CEO with respect to that application. The Tribunal noted that it would consider this application in due course and separately from the review undertaken in Report 4 of 2026.

[7] Remuneration Tribunal – Report Relating to Determination 4 of 2026 [295] – [296] and Determination 4 of 2026.
[8] Remuneration Tribunal – Report Relating to Determination 4 of 2026 [279] – [294] & [300-301] and Determination 4 of 2026.
[9] Remuneration Tribunal – Report Relating to Determination 4 of 2026 [266] – [267].

36. On 12 August 2026 the Tribunal then received the Application which again confirmed that Kelledy Jones was acting on behalf of the City and its CEO. The Application contained written submissions seeking that the City be reclassified as a Band 2 Council. The submissions are summarised below.

37. The City provided background information confirming that its CEO had held that position since January 2024, under a contract which expires in December 2028. Mr Kelledy's letter confirmed that the CEO's Remuneration was currently $416,715 which was above the maximum for Council Band 3. The City's submission confirmed that, as at 1 July 2024 the CEO's Remuneration was $401,705.

38. The City submitted that the latest available data from the South Australian Local Government Grants Commission for 2023-24, recorded the City's total operating income as $80.169 million and thus now meets the criteria for a Council Band 2 classification. The City asserted that this would then be consistent with other Councils already in Band 2.

39. The City also asserted that more recent data indicated that the most significant of the Tribunal's Modifying Criteria, being population growth, indicated an annual growth rate of 1.15% for the City which warranted, on the Tribunal's approach, an increase to Council Band 2.

40. The City advised that while population itself was not one of the Modifying Criteria, it was a substantial metropolitan Council with almost 68,000 residents that existed within a mature urban environment with residential infill, infrastructure renewal, major transport infrastructure and major development pressures.

41. The City has not challenged the Tribunal's conclusions with respect to the other Modifying Criteria being its population dispersion, its distance from Adelaide, or the weighting allocated for socio-economic factors.

42. The City further asserted that the Modifying Criteria did not capture its relevant characteristics associated with the following:

    a. **Adelaide Airport and the Airport Business District**: With around 8,000 direct employees and 22,000 off-site employees, the City submitted it distinguished it from other Councils;
    b. **The Torrens to Darlington project**: Which requires the City's CEO to sustain high-level engagement with State agencies;
    c. **Adelaide Football Club's new facility at Thebarton**: Which required sustained leadership and negotiation with the Club and other stakeholders; and
    d. **The Brown Hill Keswick Creek Stormwater project**: Which involves expenditure of approximately $200 million.

43. The City acknowledged that the Tribunal has already considered similar matters but asserted that these initiatives should be considered as relevant context for the Application.

44. The City also asserted that the difference in approach between the CEO Remuneration Framework and that which the Tribunal applied to Local Government Councillors in Report and Determination 6 of 2026 (**Councillors Framework**) supported higher recognition of its circumstances.

45. The City concluded that the Modifying Factors did not change the Council Band allocation for the City, but that its total operating income had now increased substantially to warrant the change. Further, this increase in total operating income reflected structural growth rather than a transient event.

46. The City's submission referred to the complexity of the CEO's function. It also stressed that the Application was not based on the personal circumstances of the CEO. However, the required reduction in remuneration would likely disadvantage the City as it is likely to prompt the CEO to leave.

47. The Tribunal has also noted a statement provided by the CEO in which he referred to the potential for a substantial reduction of his remuneration unless the City was reclassified as a Band 2 Council and expressed concern that the Tribunal had not properly considered the personal and financial impacts of remuneration changes on himself and on other local government CEOs. This statement also provided additional information relative to his role and performance, and the potential personal impact of a remuneration reduction.

48. Mayor Coxon met with the Tribunal on 14 October 2026. He was accompanied by Mr Kelledy as an observer rather than as a representative of the Council. Mr Kelledy confirmed that he was the independent advisor to the Council with respect to its assessment of the CEO's performance and remuneration.

49. The Kelledy Jones letter of 12 August 2026 requested that, unless the Tribunal agreed with the City's submissions, it should meet with both the City and its CEO. The City's CEO has not requested to meet with the Tribunal and Mayor Coxon advised that the CEO did not seek to meet. To the extent that the Kelledy Jones letter of 12 August indicates that, separate from its representation of the Council, it is representing the CEO, Mr Kelledy did not request that the Tribunal meet with the CEO.

50. Mayor Coxon advised that his attendance marked the conclusion of the City's efforts to resolve this matter and the Mayor's Submissions were directed at seeking that the Tribunal re-allocate the City to Council Band 2 because the latest available data indicated that its total operating income was now consistent with the range for that Council Band. In the alternative, they sought that the Tribunal grant the City an Exceptional Circumstances Determination because it entered its employment contract with its CEO before Determination 3 of 2025 came into effect and that contract does not expire until December 2028.

51. The Mayor's Submissions reiterated this final submission seeking that the Tribunal recognise the increase in its total operating income to qualify for a Council Band 2 allocation. He did not argue that the Modifying Criteria validated this reclassification without recognition of the revised total operating income data. Mayor Coxon acknowledged that, if other Councils' total operating income had changed, the Tribunal should appropriately apply a similar approach to those Councils.

52. Finally, the Mayor's Submissions confirmed that the contractual arrangements applicable to the CEO had been agreed before Determination 3 of 2025 came into effect and reflected a level of remuneration that was, at that time permissible.

53. Notwithstanding Mayor Coxon's contraction of the arguments now being pursued, the Tribunal has reviewed Determination 4 of 2026 to consider each of the City's submissions.

54. The Tribunal notes that the Kelledy Jones letter of 12 August 2026 states that the matters raised on 25 March 2025 on behalf of the City, together with three other Councils remain live and may yet be tested at law. In this respect the Tribunal understands that Kelledy Jones has advised that, unless the Tribunal adopts its preferred position, some or all of its conclusions may be challenged with the expectation that this would delay implementation of the Remuneration Framework until at least 2028. Accordingly, the Tribunal has addressed the matters raised by Kelledy Jones in Report 4 of 2026.

55. The primary argument about the date of the total operating income data is particularly significant. In deciding Determination 3 of 2025 the Tribunal established a framework approach which it intended should operate until 2028, when it would be reviewed. The Tribunal used the most recent data which was available to it at that time to it to classify Councils, depending on the impact of Modifying Criteria. The framework approach used, as the key determinant of a band allocation, the 2022-23 Local Government Grants Commission Total Operating Income data. The framework did not establish a system whereby changes in total operating income would change a Council's Band allocation as and when later data became available between nominated review cycles. Such an approach would involve an entirely different model. It would presumably need some inflationary recognition element and would potentially create significant issues for Councils whose total operating income caused them to change Council Bands because new annual data became available.

56. In Report 4 of 2026 the Tribunal reviewed the initial approach but did not fundamentally change it. The Tribunal noted that when the current framework approach is reviewed in 2028 it is open to Councils to argue that a different approach which might, for instance, include an average of total operating income over some previous years, could replace the single year assessment now applicable. Had the Tribunal applied later total operating income data to the conclusions it reached in Report 3 of 2025, multiple Councils would have changed Council Bands, going either up, or down the Band structure. The Tribunal was not inclined to impose a significantly different approach on Councils when it confirmed an expectation that the existing framework model would continue until 2028.

57. The effect of the City's submission now is to convert that one-off and periodic assessment into an ongoing approach which uses total operating income data which has become available since the last assessment and prior to the next one. The Tribunal has noted that based on total operating income changes from 2022-23 to 2023-24 and ignoring potential inflationary impacts on the Upper and Lower total operating income ranges, 4 councils would move to a higher Council Band, and 10 councils would move to a lower Council Band. It is not clear to the Tribunal whether that would adversely impact the remuneration of any CEO, as that is determined by individual Councils within their applicable Remuneration Range.

58. The Tribunal considers that the adoption of the approach urged by the City is simply not available to it because it represents such a significant departure from the confirmed approach and would have the potential to adversely impact other Councils who have established arrangements with their CEOs. In simple terms, the approach would replace one set of concerns with multiple other issues.

59. Notwithstanding the City's advice that it accepts that the Modifying Criteria do not alter the Council's Band allocation, the Tribunal has reviewed those criteria and the four specific features of the City identified in the Kelledy Jones' letter of 12 August 2026.

60. As has been discussed earlier in this Report, the Modifying Criteria are:

- Projected population growth;[10]
- Population dispersion;
- Distance from Adelaide; and
- Socio-economic Advantage/Disadvantage.

[10] The Tribunal notes that the Kelledy Jones submission of 12 August 2026 refers to a population growth data set published by the LGA. This is a materially different data set to that used by the Tribunal in Determination 3 of 2025 and 4 of 2026 and which has previously been explained in detail. As such the dataset proposed by Kelledy Jones is not relevant.

61. Consistent with the City's own submissions, the data available for consideration of these factors did not establish a basis for the City to be classified differently.

62. Additionally, the Kelledy Jones letter of 12 August 2026 also referenced the same four characteristics as the City's submission, which it says created additional demands on the City's CEO. These are listed below, together with the Tribunal's conclusions about them:

    a. **Adelaide Airport and the Airport Business District**:

    With its 8,000 direct employees and around 22,000 off-site employees and consequent use of the City's assets and services and requirement for intergovernmental and stakeholder engagement.

    The Tribunal notes that ALGA President Cr Linda Scott was a keynote speaker at the Australian Airports Association Conference in Adelaide on 16 November.

    Cr Scott highlighted the importance of Council-run regional airports to local communities and how more funding support is urgently needed.

    Across Australia, local governments own and operate more than 300 small airports and aerodromes – from Albany in Western Australia to Broken Hill in New South Wales and King Island in Tasmania. These airports are essential for sustaining and linking our regional communities, especially for health services, education, economic development and social connectivity.

    In this respect the Tribunal understands that Adelaide Airport is a significant ratepaying entity. The Tribunal has adopted the position that there are many Councils with airports within their council area and that they present both challenges and opportunities that may have some bespoke and some common aspects for those Councils. However, the City has not identified any substantial additional elements of its functions, or those of its CEO that are associated with the airport.

    b. **The Torrens to Darlington Project:**

    The City advises that this requires ongoing high-level engagement with State Agencies. In this respect the Tribunal notes that this project impacts on multiple Councils. The City has not identified any detailed or ongoing unique implications for the role of its CEO compared to other similarly affected councils.

    c. **The Adelaide Football Club's new training and administration Facility:**

    This project requires sustained leadership and negotiation with the Adelaide Football Club and other stakeholders. Again, no detailed basis for ongoing exceptional demands on the City's CEO have been identified.

    d. **The Brown Hill Keswick Creek Stormwater Project:**

    Participation in this stormwater initiative has been identified as a distinguishing feature of the City. The Tribunal is aware that this project involves multiple Councils and maintenance of developing assets, however significant additional demands on the City's CEO, or, for that matter, demands on the City's staff have not been identified compared to the other Councils involved in the Brown Hill Keswick Creek Stormwater Project. The Tribunal acknowledges that the City does bear a significant proportion of the costs being contributed by the affected Councils as part of the funding package provided by the State and Federal Governments.

63. Consequently, the Tribunal is not satisfied that these considerations create circumstances that are such that the Council should be regarded as exceptional and elevated to Council Band 2.

64. The Tribunal notes that, consistent with the majority of the submissions put to it over the course of each of these reviews, each Council has unique characteristics. These unique characteristics cannot, of themselves represent a basis for changing a Council Band allocation and must be considered in the context of their effect on the role and issues relevant to the CEO.

65. While Mayor Coxon confirmed that the Council was no longer seeking to prosecute issues associated with jurisdiction and matters addressed in Report 4 of 2026, the Tribunal has considered the additional issues of that nature raised by Kelledy Jones in their letter of 12 August 2026.

66. The Kelledy Jones letter of 12 August 2026 asserts that the grouping of Councils under the Councillors Framework indicates that the Tribunal did not adequately weigh the City's characteristics and should review it separately. In this respect, Report 6 of 2026 sets out in detail the Tribunal's consideration of differences in the roles of Councillors as distinct from the function of Council CEOs.[11] The Tribunal does not consider the adoption of a different approach in those circumstances enables any conclusion to be drawn about the City in relation to its CEO.

67. The Kelledy Jones letter of 12 August 2026 also provided information about the remuneration review it commissioned from Mercer for the CEO position. As the Tribunal observed in Report 4 of 2026, a review of a Council's chief executive remuneration has the potential to arrive at different conclusions[12] and cannot of itself form the basis for regarding the Council as an exceptional case.[13]

68. The Kelledy Jones letter of 12 August 2026 asserts that the precedents established by the Tribunal in regarding the Coober Pedy Council as an exceptional circumstance and the establishment of a separate group for the Adelaide City Council should be applied to the City's circumstances given its CEO's 25 years of service as an employee, its contractual arrangements, his exceptional performance and the remuneration evaluation. These submissions have been considered in the context of the Mayor's Submissions and the City's submissions.

69. The second key component of the Mayor's Submissions which was also addressed in the Kelledy Jones letter of 12 August is to the effect that the Tribunal should recognise that the City appointed its CEO in 2024, before the current Remuneration Framework was established by Report and Determination 3 of 2025 and that his contract does not conclude until December 2028. Further that the CEO's initial Remuneration was within the maximum amount then permitted by the Tribunal and that it is an amount which is reasonable given the specific expert review undertaken recently by the City.

70. This is a matter that the Tribunal has considered at some length in developing the Remuneration Framework, the review which concluded in Report 4 of 2026, and throughout this review.

71. As background, the Tribunal issued Report 4 of 2023 and Determination 4 of 2023, on 16 June 2023 (**Inaugural Determination & Report**). The Inaugural Determination & Report was limited by the minimal involvement of the local government sector. The Inaugural

[11] Remuneration Tribunal – Report Relating to Determination 6 of 2026 [58] – [64].
[12] Remuneration Tribunal – Report Relating to Determination 4 of 2026 [185] – [186].
[13] Remuneration Tribunal – Report Relating to Determination 4 of 2026 [161].

Determination & Report simply grouped Councils depending on remuneration levels and meant that Councils with inherently similar characteristics were placed in different groups. While that approach at least implemented a degree of consistency in terms of permissible remuneration increases, the Tribunal recognised in the Inaugural Determination and Report that it did not represent a sustainable longer-term approach.

72. In 2024 the Tribunal put the local government sector on notice that it was conducting a more substantial review and gave that sector the opportunity to work collaboratively with it. The reality was that there was very limited collaboration. That limited collaboration extended to the way in which some Councils responded to the Draft Determination & Report that the Tribunal issued on 20 January 2025 (**Draft Determination & Report**). It is only relatively recently that the LGA has indicated a desire to work cooperatively with the Tribunal.

73. Notwithstanding these general observations, the Tribunal accepts that some Councils entered contractual arrangements with their CEOs in good faith and that their expectations in terms of remuneration have been impacted by the determinations made by the Tribunal.

74. The Tribunal has considered requests to grandfather these existing contract arrangements and concluded that the jurisdiction to do so does not exist and, in any event, that approach would create a differential system which was unfair and inappropriate.

75. This was a key reason why the Tribunal adopted the phased-in compliance arrangement in Report 3 of 2025 and specified 31 December 2027 as the date by which Councils must comply with the Remuneration Framework.

76. The Tribunal reviewed this position in Report 4 of 2026. It increased the annual maximum of each Remuneration Range by 4% and then applied a further 4% increase to recognise cost-of-living pressures. Both increases were payable at the discretion of a Council.

77. The initial adjustment was necessary as some Councils had pre-existing contractual performance recognition obligations that could not be met within the Remuneration Ranges specified in Determination 3 of 2025. In reaching this conclusion the Tribunal stated:

> 273. The Tribunal has determined that one element of the Determination should be reviewed following consideration of the submissions put to it. This relates to the maximum amounts applicable to each of the Remuneration Ranges. It appears to the Tribunal that a small number of CEOs were engaged under contracts negotiated before the Draft Determination & Report was issued that provided for remuneration below the maximum but had the capacity for performance-based increases that would put them above the maximum amounts.
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> 274. The Tribunal recognises that an inability to honour those arrangements may create unnecessary angst.
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> 275. The Tribunal has determined to apply a one-off 4% increase to the maximum amounts for each Remuneration Range (**Once-Off Adjustment**) before it considers the 2026 Annual Review to facilitate those circumstances.
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> 276. For clarity, the District Council of Coober Pedy is excluded from the Once-Off Adjustment.
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> 277. The Tribunal acknowledges that the Once-Off Adjustment may not appease the small number of Councils who are remunerating their CEOs at levels significantly above the designated maximums.

278. Again, the Tribunal stresses that this does not amount to an automatic remuneration increase for CEOs. That is at the discretion of respective Councils.[14]

78. The Tribunal accepts that the City is one of that small number of Councils that is remunerating its CEO substantially higher than the maximum. It has reviewed its conclusions about the duration of the phase-in period expressed in Report 4 of 2026 in the following terms:

> The Tribunal has considered extending the duration of the phase-in period. In this respect the Tribunal is aware that it has indicated an intention that the Remuneration Framework will next be reviewed in 2028. Whilst that review is clearly at the discretion of the Tribunal as it is constituted in the future, it reflects the many calls for stability in the remuneration system. An extension of the phase-in period until an unspecified time in 2028 to coincide with at least one CEO contract will prolong the unexplained and quite substantial differences in CEO remuneration for some Councils in contrast to others with inherently similar attributes. Such an extension would mean that substantial remuneration differences could be maintained up to the time when the Remuneration Framework is scheduled for reassessment. Accordingly, the Tribunal has determined that 31 December 2027 represents an appropriate phase-in period.[15]

79. The Tribunal has again reviewed the phase-in date. This application is not an appropriate mechanism for the consideration of such a review, which would need to give Councils generally the opportunity to express views on this issue. The Tribunal is aware that an extension of the duration of the phase-in period would prolong the very substantial discrepancies between the vast majority of councils compliant with the Remuneration Ranges set out in Determination 4 of 2026 and the small number that are not compliant. Further, the Tribunal is concerned that some Councils may already have or may elect to increase their CEO's Remuneration above the applicable Remuneration Range prior to the end of the phase-in period.

80. Accordingly, the phase-in period as set out in Determination 4 of 2026 continues to apply.

81. The Tribunal has also considered the potential for the review of the Remuneration Framework scheduled for 2028 to be conducted in 2027. That matter will be the prerogative of the Tribunal as it may be constituted in 2027, and it is open to the local government sector to request such a change if a substantial proportion of Councils support this change. The Tribunal cautions against a simplistic expectation that inflationary based indicia must automatically move all councils to higher remuneration groupings.

82. However, on the information currently before the Tribunal a basis for a further substantive review of the Remuneration Framework within three years, because of this small number of Councils who are remunerating their CEOs at a substantially higher rate than Councils with similar characteristics does not appear to be sustainable.

[14] Remuneration Tribunal – Report Relating to Determination 4 of 2026 [273] – [278].
[15] Remuneration Tribunal – Report Relating to Determination 4 of 2026 [271].

CONCLUSION

83. The Tribunal is not satisfied that the City has established its Exceptional Circumstances accordingly, Determination 4 of 2026 continues to apply.





Matthew O'Callaghan	Donny Walford	Mark Young
PRESIDENT	**MEMBER**	**MEMBER**

Dated: 12 November 2026