TheBarossaCouncil

NOTICE OF MEETING

Notice is hereby given that the next ordinary meeting of the CEO Performance Review Committee will be held on Tuesday 17 June 2025, in the Peramangk Meeting Room - Council Office, 43-51 Tanunda Road, Nuriootpa, commencing at 4.00pm.

A G E N D A

Welcome by the Mayor

1. ATTENDANCE RECORD

1.1 Members Present

Apologies

Nil

Not Present

Nil

Leave of Absence

Nil

2. CONFIRMATION OF PREVIOUS MINUTES

2.1 Minutes of previous meetings – for confirmation:

2.1.1 CEO Performance Review Committee meeting held on Tuesday 20 May 2025 at 4.00pm

2.2 Matters arising from previous minutes

Nil

3. MATTERS FOR INFORMATION

4. DEBATE REPORT

Nil

5. CONFIDENTIAL AGENDA

6. URGENT OTHER BUSINESS

7. NEXT MEETING

To be determined.

8. CLOSURE

MATTERS FOR INFORMATION

3.1 FINAL DETERMINATION LOCAL GOVERNMENT CEO'S - SOUTH AUSTRALIAN RENUMERATION TRIBUNAL - 16 MAY 2025

Author: Executive Business Partner
25/44073

Pursuant to Section 14 of the *Remuneration Act 1990 (SA)* the Renumeration Tribunal has jurisdiction to determine the remuneration, or a specified part of the remuneration, payable in respect of certain offices, if such jurisdiction is conferred upon the Tribunal by any other Act or by the Governor by proclamation.

Section 99A of the *Local Government Act 1999* (SA) (Act)confers jurisdiction upon the Tribunal to determine the minimum and maximum remuneration that may be paid or provided to CEOs of Councils constituted under the Act.

The Renumeration Tribunal SA set the minimum and maximum amounts on the basis of its assessment of current remuneration levels. The Tribunal considers that this interim Report and Determination is appropriate to ensure that CEOs and Councils are not disadvantaged by a delay while this more extensive review occurs.

On 20 January 2025, the Remuneration Tribunal (Tribunal) released a draft determination in relation to minimum and maximum remuneration for chief executive officers in the local government sector, following a substantial review of the inaugural determination issued in 2023.

The draft determination acknowledged the difficulties many councils experienced in determining whether certain benefits provided to CEO's constituted 'remuneration' for the purposes of the inaugural determination, or determining the value of certain benefits (in particular motor vehicles, where the methods used to calculate the cost of the vehicle and its private use components varied greatly between councils).

On 16 May 2025, the Tribunal released the Final Determination as set out in Attachment 1.

ATTACHMENTS

Attachment 1 Final Determination Local Government CEO's - 16 May 2025 - South Australian Renumeration Tribunal ⇩

SUPPORTING REFERENCES

Nil

No. 3 of 2025

DETERMINATION OF THE REMUNERATION TRIBUNAL

Minimum and Maximum Chief Executive Officer Remuneration

SCOPE OF DETERMINATION

1. This Determination applies to Chief Executive Officers of Local Government Councils to whom section 99A of the *Local Government Act 1999* (SA) (**LG Act**) applies.
2. For the reasons provided in the accompanying report:
    a) Roxby Downs Council is not covered by this Determination; and
    b) The District Council of Coober Pedy is exempt from this Determination as it is covered by a separate determination of the Tribunal, Determination 4 of 2024.

MINIMUM AND MAXIMUM REMUNERATION

3. In accordance with section 99A of the LG Act the Remuneration Tribunal hereby determines the following rates of minimum and maximum remuneration for Chief Executive Officers of Local Government Councils in South Australia:

Band	Total Remuneration Package
Adelaide City Council	$386,710 - $458,557
1	$323,763 - $419,580
2	$296,243 - $383,916
3	$271,062 - $351,283
4	$248,022 - $321,424
5	$226,940 - $294,103
6	$207,650 - $269,104
7	$190,000 - $246,230
8	$190,000 - $225,301

4. Remuneration figures are expressed on a total remuneration package basis as is detailed below:

Component	Definition
Monetary remuneration	Base salary (cash component).
Superannuation	Includes employer superannuation contributions, any salary sacrifice component, and any additional payments made by a Council.
Annual Leave Loading	As defined in the relevant employment contract.
Additional Leave Entitlements	Dollar value of additional leave provided over and above statutory entitlement, except where this is provided to allow remotely based CEOs to travel to their hometown or capital city to commence / return from leave.
Bonuses	Dollar value of any bonuses or performance incentives, whether received in cash or kind.
Motor Vehicle	The value of the cash allowance or the private benefit value of the motor vehicle to the CEO using either the Prime Cost (depreciation), Operating Cost, or Statutory Formula in accordance with the ATO rules. Must include FBT payable by the CEO. Refer to: https://www.ato.gov.au/calculators-and-tools/fringe-benefits-tax-car-calculator
Housing Allowance	The dollar value of any housing allowance or rental subsidy and associated FBT. Consistent with the ATO remote area fringe benefit tax requirements. Note, designated remote areas are exempt from FBT – refer to: https://www.ato.gov.au/businesses-and-organisations/hiring-and-paying-your-workers/fringe-benefits-tax/types-of-fringe-benefits/accommodation-and-location-related-fringe-benefits/remote-area-fbt-concessions/fringe-benefits-tax-remote-areas
Other Fees and Allowances	Includes, but not limited to, any or all of the following: • School or childcare fees, including school uniforms • Newspaper/magazine/online subscriptions • Value of perquisites provided to the CEO i.e. memberships • Personal travel or any other benefit taken in lieu of salary by the CEO (and immediate family at the discretion of the council) • Health insurance • Any and all other allowances • Any other form of payment - cash or otherwise • Any Fringe Benefits Tax paid by council in respect of any of the above
Total Remuneration Package (TRP)	The total of all the above components.

5. For the avoidance of doubt, mobile telephones, and portable computing equipment, fundamentally for work purposes, professional development costs directly related to the performance of CEO duties, membership of professional associations and relocation expenses are not included in the total remuneration package.
6. A list of Council groupings is included at attachment 1.
7. Any decision in relation to an annual increase for CEO remuneration within the bands set by the Tribunal remains a matter for each Council in accordance with section 99A(1) of the LG Act.
8. Councils have until 31 December 2027 to comply with the minimum and maximum remuneration amounts.

DATE OF OPERATION

9. This Determination shall have operative effect on and from 1 July 2025.

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

Dated: 16 May 2025

ATTACHMENT 1

Council	**Band**
City of Onkaparinga	1
City of Charles Sturt	1
City of Salisbury	1
City of Port Adelaide Enfield	1
City of Playford	1
City of Marion	2
City of Tea Tree Gully	2
City of Holdfast Bay	2
Alexandrina Council	2
City of West Torrens	3
City of Mitcham	3
Mount Barker District Council	3
City of Campbelltown	3
The Rural City of Murray Bridge	3
The Barossa Council	3
City of Unley	3
Copper Coast Council	3
City of Burnside	4
Adelaide Hills Council	4
City of Norwood Payneham & St Peters	4
City of Mount Gambier	4
Yorke Peninsula Council	4
City of Whyalla	4
Town of Gawler	4
City of Victor Harbor	4
Light Regional Council	4
Kangaroo Island Council	4
Corporation of the City of Port Augusta	5
Wattle Range Council	5
Port Pirie Regional Council	5
Mid Murray Council	5
City of Prospect	5
District Council of Loxton Waikerie	5
City of Port Lincoln	5
Berri Barmera Council	5
Renmark Paringa Council	5
Naracoorte Lucindale Council	5
Adelaide Plains Council	5
District Council of Yankalilla	5
Tatiara District Council	6
Clare and Gilbert Valleys Council	6
Coorong District Council	6
Wakefield Regional Council	6
District Council of Grant	6
Lower Eyre Peninsula Council	6
Northern Areas Council	7
Regional Council of Goyder	7
District Council of Streaky Bay	7
District Council of Ceduna	7

Corporation of the Town of Walkerville	7
District Council of Franklin Harbour	7
District Council of Mount Remarkable	7
Southern Mallee District Council	7
Kingston District Council	7
District Council of Robe	7
Barunga West Council	7
District Council of Tumby Bay	7
District Council of Cleve	7
Wudinna District Council	7
District Council of Kimba	7
The Flinders Ranges Council	7
District Council of Peterborough	7
District Council of Elliston	7
District Council of Karoonda East Murray	8
District Council of Orroroo Carrieton	8

COVER SHEET

CONFIDENTIAL REPORT

17 June 2025

CEO Performance Review Committee Meeting

5 Debate Report

5.1 <u>CEO RENUMERATION DETERMINATION - NORMAN WATERHOUSE LAWYERS UPDATE</u>

There is strong public interest in enabling members of the public to observe CEO Performance Review Committee's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a CEO Performance Review Committee meeting is one means of satisfying this interest. The public will only be excluded from a CEO Performance Review Committee meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that this matter includes information regarding the employment contract of the CEO.

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

RECOMMENDATION
That CEO Performance Review Committee:

(1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Committee Members and the Minute Secretary, in order to consider in

confidence a report relating to being information that must be considered in confidence pursuant to:

<u>Section 90(3)(a) of the *Local Government Act 1999:*</u>

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

(2) Accordingly, on this basis, CEO Performance Review Committee is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that this matter includes information regarding the employment contract of the CEO.

COVER SHEET

CONFIDENTIAL REPORT

17 June 2025

CEO Performance Review Committee Meeting

5 Debate Report

5.2 <u>CEO RENUMERATION - ADVICE FROM KELLEDY JONES LAWYERS</u>

There is strong public interest in enabling members of the public to observe CEO Performance Review Committee's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a CEO Performance Review Committee meeting is one means of satisfying this interest. The public will only be excluded from a CEO Performance Review Committee meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that this matter includes information that pertains to the employment contract of the CEO.

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

RECOMMENDATION
That CEO Performance Review Committee:

(1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Committee Members and the Minute Secretary, in order to consider in

confidence a report relating to being information that must be considered in confidence pursuant to:

Section 90(3)(a) of the *Local Government Act 1999:*

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

(2) Accordingly, on this basis, CEO Performance Review Committee is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that this matter includes information that pertains to the employment contract of the CEO.

COVER SHEET

CONFIDENTIAL REPORT

17 June 2025

CEO Performance Review Committee Meeting

5 Debate Report

5.3 CEO PERFORMANCE REVIEW 2025 OUTCOMES

There is strong public interest in enabling members of the public to observe CEO Performance Review Committee's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a CEO Performance Review Committee meeting is one means of satisfying this interest. The public will only be excluded from a CEO Performance Review Committee meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that this matter relates to information regarding the employment contract of the CEO.

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

RECOMMENDATION
That CEO Performance Review Committee:

(1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Committee Members and the Minute Secretary, in order to consider in

confidence a report relating to being information that must be considered in confidence pursuant to:

<u>Section 90(3)(a) of the *Local Government Act 1999:*</u>

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

(2) Accordingly, on this basis, CEO Performance Review Committee is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that this matter relates to information regarding the employment contract of the CEO.