

P 3 – Appointment of an Acting CEO/Senior Employees

1 Objectives

- To ensure the organisation has a competent and lawfully appointed Chief Executive Officer (CEO) at all times.
- To ensure senior employees are identified to Council and notified if/when there are significant issues related to that employee (e.g. appointment, termination or misconduct).

2 Scope

This policy applies to senior employees, the CEO and Council.

3 Policy

- (a) Section 5.39C of the *Local Government Act 1995* (the Act) requires the adoption of a policy regarding the employment of an Acting Chief Executive Officer (CEO).
- (b) Section 5.37 of the Act enables Council to designate senior employees. For this purpose, senior employees are designated as the Executive Managers in the organisation. Specifically:
 - I. Executive Manager, Corporate Services
 - II. Executive Manager, Infrastructure
 - III. Executive Manager, Economic & Community Development
 - IV. Executive Manager, Planning & Development
- (c) Council delegates (Delegation A.1) to the CEO when the CEO is on periods of annual leave, personal leave or long-service leave for a duration of no greater than 25 consecutive working days in length.
- (d) This policy is written in line with the current delegation.

Under this Policy:

- (a) The CEO is authorised to appoint an Executive Manager as Acting CEO when the CEO is on periods of annual leave, personal leave or long-service leave for a duration of no greater than 25 consecutive working days in length. The appointment of an Acting CEO for a period greater than 25 consecutive working days will require a Council decision.
- (b) The CEO is authorised to pay the Acting CEO 'higher duties' remuneration (with the amount of higher duties being within the current remuneration levels) of the CEO at the time of making the appointment.
- (c) The CEO is to advise all Councillors of the appointment of the Acting CEO immediately after the appointment is made.
- (d) The CEO will report to Council any proposal to fill an Acting CEO role over 25 consecutive working days with as much advanced notice as possible.
- (e) If the CEO position becomes vacant, all Acting arrangements are to be determined by the Council.

Note: Section 5.39C of the *Local Government Act 1995* prevents the appointment of an Acting CEO for a period greater than 12 months.

4 Risk Management

The risks of non-compliance with this policy are:

- Breach of Sections 5.39C and 5.37 of the Act.
- Unlawful appointment of an Acting CEO.
- Lack of professional development opportunities for senior employees.
- Less than competent employee performing in the CEO role.

5 Applicable Legislation and Documents

Statutory Power <i>(Acts, Regulations, Local Laws, TPS)</i>	<i>Local Government Act 1995</i> s.2.7(2)(b) – The council is to determine the local government’s policies s.5.37 – Senior Employees s.5.39C – Policy for temporary employment or appointment of CEO
Shire Policies	N/A
Related Documents	N/A
Related Procedure	N/A

6 Administration

Original Adoption Date	25 November 2021
Last Variation Date	
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