

Policy 2.24 Workforce

Appointment of Acting Chief Executive Officer

Reference/s

Local Government Act 1995 s.5.39 (c), 5.36 (2)
Local Government (Administration) Amendment Regulations 2021
Shire of Cranbrook Corporate Business Plan 2021-2025
Shire of Cranbrook Strategic Community Plan 2021-2031
Shire of Cranbrook Strategic Resource Plan 2017-2032

Date Proposed/Adopted

21 April 2021

Motion Number 05042021

Reviewed and Amended

19 March 2025

This policy supports the delivery of the Shire of Cranbrook Vision

That the Shire of Cranbrook is a proactive, sustainable, safe, friendly and prosperous place to be

PURPOSE

To prescribe the process for the appointment of an Acting Chief Executive Officer (CEO) in both expected and unexpected circumstances.

SCOPE

Elected Members, Chief Executive Officer

OBJECTIVES

Section 5.39C of the *Local Government Act 1995* states that a local government must prepare and adopt a policy that sets out the process to be followed by Council in relation to the following:

- The employment of a person in the position of CEO for a term not exceeding one (1) year; and
- The appointment of an employee to act in the position of CEO for a term not exceeding one (1) year.

Section 5.36 (2) of the *Local Government Act 1995* states that a person is not to be employed in the position of CEO unless the Council:

- Believes that the person is suitably qualified for the position; and
- Is satisfied with the provisions of the proposed employment contract.

PRINCIPLES

Where the role of CEO is not fulfilled for a significant period, this leads to increased risk to the operations and governance of the local government. Therefore, local governments are required to develop and implement a policy that outlines the arrangements to temporarily replace a CEO for any period less than twelve months, for example, when a CEO is on planned or unplanned leave.

The policy must include the decision-maker(s) for appointing an acting CEO. The policy may include employee position titles, specifying that the Council considers a person holding these

positions to be suitably qualified and experienced for the position of CEO. In addition, the policy should also include a methodology for the CEO to appoint an Acting CEO from the listed positions for a period of absence of up to four weeks; however, any decision regarding the appointment of an Acting CEO for any period exceeding four weeks must be made by the Council. The policy must be made available on the local government's official website.

When the CEO is on leave, an Acting CEO is to undertake those duties in accordance with this policy.

- For the purpose of Section 5.36(2) of the *Local Government Act 1995*, the Council has determined that the employee that is appointed to the position Acting CEO will be suitably qualified and experienced.
- The decision will be made by the CEO in consultation with the Shire president, subject to the following conditions;
 - The CEO appointing is not an interim CEO or Acting in the position;
 - The term of appointment is no longer than 20 consecutive working days; and
 - The employee's employment conditions are not varied other than the employee is entitled, at the CEO's discretion, no greater than the salary equivalent to that of the CEO during the acting period.
- In the case of the unexpected unavailability of the CEO, the Shire President is to appoint an Acting CEO for up to two (2) weeks from commencement, and continuation is then subject to a determination by the Council; and
- All other interim, Acting or CEO appointments will be referred to Council.

PROCEDURE ASSOCIATED WITH THIS POLICY

Nil

ROLES AND RESPONSIBILITIES

Elected Members

- To appoint an Acting Chief Executive Officer when required to do so in accordance with legislation.

Chief Executive Officer

- To appoint an Acting Chief Executive Officer during periods of leave.