



<b>POLICY NUMBER</b>	-	<b>2.34</b>
<b>POLICY SUBJECT</b>	-	<b>Appointment of an Acting or Temporary Chief Executive Officer</b>

## 1. POLICY PURPOSE

To establish processes for appointing an Acting or Temporary Chief Executive Officer for periods of less than twelve months.

## 2. POLICY SCOPE

This policy applies to the statutory position of Chief Executive Officer (CEO) of the Shire of Merredin.

When the Chief Executive Officer (CEO) is on planned or unplanned leave, or the CEO's employment with the Shire has ended, an Acting CEO or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions and perform the duties of CEO under the Act or any other written law.

## 3. LEGISLATIVE REQUIREMENTS

*Local Government Act 1995.*

*Local Government (Administration) Regulations 1996.*

## 4. POLICY STATEMENT

### 4.1 Acting CEO and Temporary CEO requirements and qualifications

- a) Any employee holding the substantive role of:
  - i. Executive Manager Corporate Services
  - ii. Executive Manager Development Services
  - iii. Executive Manager Engineering Services
  - iv. Executive Manager Strategy & Community,
 is considered suitably qualified to perform the role of Acting or Temporary CEO.
- b) An employee appointed to temporarily act in a senior employee position referred to in clause 4.1(a) is not considered to be suitably qualified to perform the role of Acting CEO or Temporary CEO.

### 4.2 Appointment of Acting CEO – Periods of up to 35 days:

- a) The CEO is authorised to appoint in writing one of the employees identified in clause 4.1(a) as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 35 days, subject to the CEO's consideration of that employee's performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity between all senior employees.
- b) The CEO must appoint an Acting CEO for any planned or unplanned leave periods between 48 hours and 35 days.
- c) Nothing in clause 4.2(a) prevents the CEO from appointing more than one

senior employee detailed in clause 4.1(a) to share the duties of Acting CEO for the planned or unplanned leave periods.

- d) Following an appointment under clause 4.2(a), the CEO is to advise Elected Members which employee (or employees) has been appointed as Acting CEO and for what duration, as soon as possible.
- e) If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with clause 4.2(a), then Council will appoint an Acting CEO in accordance with clause 4.2(a).

#### **4.3 Appointment of Acting CEO – Periods greater than 35 days but less than 12 months:**

- a) Where the CEO's extended period of leave is greater than 35 days but less than 12 months, Council is to appoint an Acting CEO in accordance with one of the following options:
  - i. Extend any Acting CEO appointment made by the CEO under clause 4.2(a);
  - ii. Appoint another employee, or multiple employees listed in clause 4.1(a) for a defined period to ensure the CEO position is filled continuously for the extended period of leave; or
  - iii. Conduct an external recruitment process in accordance with clause 4.4(b)(iii).
- b) For the purposes of clause 4.3(a) extended leave may arise by way of:
  - i. The CEO clearing extended planned leave which may include accumulated or combined annual leave, long service leave or personal leave; or
  - ii. The CEO taking unplanned leave or is absent from duty which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- c) The President will liaise with the CEO, or in their unplanned absence, any of the four Executive Managers can be nominated to coordinate the necessary Council reports to facilitate an Acting CEO appointment.
- d) Subject to Council's resolution, the President will execute in writing the Acting CEO appointment with administrative assistance from the Executive Manager Corporate Services and Executive Officer.

#### **4.4 Appointment of Temporary CEO – Substantive Vacancy**

- a) In the event the CEO's employment with the Shire is ending, Council may appoint a Temporary CEO.
- b) Council, when determining to appoint a Temporary CEO, may either:
  - i. By resolution, appoint an employee identified in clause 4.1(a) to be Temporary CEO until such time a new substantive CEO has been recruited and commences their employment with the Shire;
  - ii. By resolution, appoint multiple employees listed in clause 4.1(a) as the Temporary CEO for a defined period, and until such time that a new substantive CEO has commenced their employment with the Shire;
  - iii. By resolution, appoint a Temporary CEO following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act; or

- iv. Appoint an employee identified in clause 4.1(a) to be an interim Temporary CEO until an external recruitment process for a Temporary CEO can be completed under clause 4.4(b)(iii) and their employment with the Shire as Temporary CEO has commenced.
- c) The President will liaise with the Executive Officer to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment;
- d) The President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the Executive Officer.

#### 4.5 Remuneration and conditions of Acting or Temporary CEO

- a) Unless Council otherwise resolves, an employee appointed as Acting CEO should be remunerated at 90% of the cash component only of the substantive CEO's total reward package.
- b) Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into an employment contract in accordance with the requirements of section 5.39(1) and (2)(a) of the Act.
- c) Subject to relevant advice, Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

### 4 KEY POLICY DEFINITIONS

**“Act”** means the *Local Government Act 1995*.

**“Acting CEO”** means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed, but is on planned or unplanned leave.

**“CEO”** means the Chief Executive Officer of the Shire.

**“Shire”** means the Shire of Merredin.

**“Temporary CEO”** means a person appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

### 5 ROLES AND RESPONSIBILITIES

Council and the CEO are responsible for the implementation of this policy.

### 6 MONITOR AND REVIEW

This policy will be reviewed by the CEO biennially.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	Local Government Act 1995. s.5.36 Local government employees s.5.39 Contracts for CEO and senior employees s.5.39C Policy for temporary employment or appointment of CEO s.5.40 Principles affecting employment by Local Governments s.5.41 Functions of CEO Local Government (Administration) Regulations 1996.		
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