

APPOINTMENT OF ACTING CEO

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1. OBJECTIVE

To establish policy, in accordance with Section 5.39C of the *Local Government Act 1995* ('the Act'), that details the City's processes for appointing an Acting Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

2. PRINCIPLES

2.1 Acting CEO Requirements and Qualification

- 2.1.1 When the CEO is on planned or unplanned leave, or the CEO's employment with the City has ended, an Acting CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of the *Local Government Act 1995*, and other duties as set out in the Act and associated Regulations
- 2.1.2 Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines that employees appointed to the substantive position(s) of Director/s are considered suitably qualified to perform the role of Acting CEO.

2.2 Appoint Acting CEO – Planned and unplanned leave for periods up to 6 months

- 2.2.1 This clause applies to the following periods of extended leave:
 - Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and
 - Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- 2.2.2 The CEO is authorised to appoint any of the Director/s in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 months, subject to the CEO's consideration of the Director/s performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.
- 2.2.3 The CEO is to immediately advise all Council Members when and for what period of time the Director is appointed as Acting CEO.
- 2.2.4 If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (2.2.2), then Council will, by resolution, appoint an Acting CEO.
- 2.2.5 Council may, by resolution, extend an Acting CEO period under 2.2.4 beyond 6 months if the substantive CEO remains unavailable or unable to perform their functions and duties.

2.3 Appoint Acting CEO for extended leave periods greater than 6 months but less than 12 months

- 2.3.1 This clause applies to the following periods of extended leave:
- Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and
 - Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- 2.3.2 The Council will, by resolution, appoint an Acting CEO for periods greater than 6 months but less than 12 months, as follows:
- a) Appoint one Director, or multiple Directors for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - b) Conduct an external recruitment process in accordance with clause 2.4.1(b).
- 2.3.3 The Mayor will liaise with the CEO, or in their unplanned absence the Director Corporate Services to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- 2.3.4 Subject to Council's resolution, the Mayor will execute in writing the Acting CEO appointment with administrative assistance from the Manager Human Resources.

2.4 Appoint Temporary CEO – Substantive Vacancy

- 2.4.1 In the event that the substantive CEO's employment with the City is ending, the Council when determining to appoint an Acting CEO may either:
- a) by resolution, appoint a Director as the Acting CEO for the period of time until the substantive CEO has been recruited and commences their employment with the City; or
 - b) following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint an Acting CEO for the period of time until the substantive CEO has been recruited and commences employment with the City.
- 2.4.2 The Mayor will liaise with the Director Corporate Services to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- 2.4.3 The Mayor is authorised to execute in writing the appointment of an Acting CEO in accordance with Council's resolution/s, with administrative assistance from the Manager Human Resources.

2.5 Remuneration and conditions of Acting CEO

- 2.5.1 Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at the following percentages of the cash component only of the substantive CEO's total reward package:

1 – 4 weeks	70%
4 – 8 weeks	80%
> 8 weeks	90% - 100%* (at the CEO's discretion)

- 2.5.2 Council will determine by resolution, the remuneration and benefits to be offered to a Acting CEO when entering into a contract in accordance with the requirements of sections 5.39(1) and (2)(a) of the Act.
- 2.5.3 Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting CEO appointment.

3. CONSEQUENCES

This policy represents the formal policy and expected standards of the Council. Appropriate approvals need to be obtained prior to any deviation from the policy. Elected Members and Employees are reminded of their obligations under the Council's Code of Conduct to give full effect to the lawful policies, decisions and practices of the Council.

4. REFERENCES TO RELATED DOCUMENTS

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1995*
- OP-HR-15 Higher Duties and Additional Responsibilities Policy

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Responsible Officer:	Manager Human Resources

This policy takes effect from the date of adoption by Council and shall remain valid until it is amended or deleted.