



(C9) TEMPORARY EMPLOYMENT OR APPOINTMENT OF (ACTING) CHIEF EXECUTIVE OFFICER

POLICY OBJECTIVE

To:

1. Outline an appropriate process for the appointment of an Acting Chief Executive Officer (Acting CEO) during leave absences of the Chief Executive Officer (CEO); and to
2. Ensure compliance with s.5.36 of the *Local Government Act 1995* (the Act), which requires every local government to adopt (by absolute majority decision) a policy that sets out the process to be followed by the local government in relation to the employment of a person (being an existing employee or otherwise) in the position of CEO for a term not exceeding one year.

POLICY SCOPE

This policy applies to all appointments to the position of Acting CEO for a term not exceeding one year.

POLICY DEFINITIONS

CEO means the Chief Executive Officer of the Shire of Derby/West Kimberley.

Leave means annual, long service or personal leave.

Publicly invited means an open invitation to submit proposals, the format and extent of which is to be decided by Council if time permits, or alternatively the CEO.

POLICY STATEMENT

1. The process to be followed by the local government in relation to the employment of a person to the position of Acting CEO for a term not exceeding one year, other than to an existing employee as outlined in (2) above, is:
 - (a) That invitations are to be sought from at least two suitably qualified persons where the appointment is for a period of four weeks or less, with the appointment being at the discretion of the CEO;
 - (b) That invitations are to be sought from at least four suitably qualified persons for consideration, where the appointment is for a period of four to 26 weeks, with the appointment being made by Council;
 - (c) That where time reasonably permits, invitations are to be publicly invited for appointments believed to be for a period greater than 26 weeks;
 - (d) The relevant provisions of the Act sections 5.36 (Local government employees); 5.39 (Contracts for CEO and senior employees) and 5.40 (Principles affecting employment by local governments) must be maintained in compliance; and
 - (e) All relevant human resource standards, protocols and procedures for the selection and appointment of Shire employees must be followed.
2. In accordance with the requirements of s5.36(2)(a) of the Act, the Council has determined that the persons holding either of the following position titles within the organisation are suitably qualified and experienced to be considered for the position of Acting CEO:



Shire of Derby / West Kimberley

- (a) Deputy Chief Executive Officer (Deputy CEO)
 - (b) Director of Infrastructure
 - (c) Director Strategic Business
 - (d) Director Sustainable Communities
3. For periods of up to four weeks, the CEO is to appoint the Acting CEO (with any decision regarding the appointment of an Acting CEO for any period exceeding four weeks to be made by Council). There is no minimum period that the CEO needs to be on leave or away from the district for, to appoint an Acting CEO, that will be at the CEO's discretion and depend on operational needs.
 4. The methodology for the CEO to appoint an Acting CEO from the listed positions in (2) for a period of absence of up to four weeks; is that the Deputy CEO or Directors will be appointed to the role at the discretion of the CEO, taking into consideration for example, current and anticipated operational requirements, past performance, and the employee's availability.
 5. All Acting CEO appointments are to be confirmed in writing and to be for a defined period. Appointments may be extended if circumstances change (subject to any decision regarding the appointment of an Acting CEO for any period exceeding four weeks being confirmed by the Council).
 6. The CEO is to advise the Shire President and Councillors of any appointments made under this policy arrangement.
 7. Should the CEO become incapacitated and unable to appoint an officer to the role of Acting CEO, the Deputy CEO (or if the Deputy CEO is unavailable, the Director with the most years of service at the Shire until the Deputy CEO is available) is to take on the role as Acting CEO.
 8. Should the Acting CEO not be available or themselves become incapacitated, the Deputy CEO (in the first instance) or the Director with the next highest service at the Shire (in the second instance) is appointed as Acting CEO.

Policy Details			
Original Adoption date:	29 April 2021 (Item 11.7, Res. 39/21)	Review Frequency:	3 years
		Next Review Due:	August 2027
Policy Implementing Officer or Team:	Chief Executive Officer	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 S 5.39C requires that local governments prepare and adopt a policy for temporary employment or appointment of an acting CEO.		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Nil (Note: The Procedure for CEO recruitment and selection do not apply to the employment or appointment of an acting or temporary CEO for less than one year).		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2, Res. 57/21	
2.	24 February 2022	Item 11.5, Res. 07/22	
3.	29 August 2024	Item 12.1, Res. 100/24	