



CP4 – APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

MANAGEMENT PRACTICE: N/A

DELEGATION: N/A

OBJECTIVE

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

SCOPE

To provide a framework and guidelines for the employment of an Acting Chief Executive Officer in the absence of the Chief Executive Officer due to annual, long service or extended sick leave.

DEFINITIONS

"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.

"Temporary CEO" means a person employed or 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.

"Annual Leave" means annual leave in excess of 5 working days;

"Long Service Leave" means long service leave in excess of 5 days;

"Extended Sick Leave" means sick leave in excess of 5 working days;

"Council" means the Council of the Shire of Jerramungup;

"Local Government" means the Shire of Jerramungup; and

"Senior Employee" means an employee or a person belonging to a class of employee designated as 'senior employee' by the local government within the terms of s 5.37 of the *Local Government Act 1995*.

POLICY

Section 5.39C of the *Local Government Act 1995* requires the adoption of a policy regarding the employment of an Acting Chief Executive Officer.

Appoint Acting CEO – Planned and unplanned leave for periods up to 4 weeks

- (1) The CEO is authorised to appoint an internal employee in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 4 weeks, subject to the CEO's consideration of the employee's performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.
- (2) The CEO must appoint an Acting CEO for any leave periods greater than 5 days and less than 4 weeks.
- (3) The CEO is to immediately advise all Council Members when and for what period of time the employee is appointed as Acting CEO.
- (4) If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (2), then the following line of succession shall apply:
 - a. The Deputy CEO (1) will be appointed as Acting CEO; or
 - b. If the Deputy CEO (1) is unable to act, the Manager of Development (2) will be appointed as Acting CEO; or
 - c. If the Manager of Development (2) is unable to act, the Manager of Works (3) will be appointed as Acting CEO.
- (5) Council may, by resolution, extend an Acting CEO period under subclause (4) beyond 4 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

For the purposes of Section 5.36(2) of the *Local Government Act 1995*, the Council has determined that employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting CEO by the CEO, from time to time, when the CEO is on periods of leave.

Appoint Acting CEO for extended leave periods greater than 4 weeks but less than 12 months.

- (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) The Council will, by resolution, appoint an Acting CEO for periods greater than 4 weeks but less than 12 months, as follows:

- a. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - b. Authorise the CEO, jointly with the Shire President, to identify and recruit a suitably qualified individual external to the organisation to be appointed as Acting CEO, in accordance with Section 5.36(2) of the *Local Government Act 1995*; or
 - c. Conduct an external recruitment process to appoint a temporary Acting CEO.
- (3) The Shire President will liaise with the CEO, or in their unplanned absence the Deputy CEO to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- (4) Subject to Council's resolution, the Shire President will execute in writing the Acting CEO appointment with administrative assistance from the Deputy CEO.

Appoint Temporary CEO – Substantive Vacancy

- (1) In the event that the substantive CEO's employment with the Shire of Jerramungup is ending, the Council when determining to appoint a Temporary CEO may either:
- a. by resolution, appoint an internal employee as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
 - b. by resolution, appoint an internal employee as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
 - c. following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the *Local Government Act 1995*, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.
- (2) The Shire President will liaise with the Deputy CEO to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- (3) The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the Deputy CEO.

Remuneration and conditions of Acting or Temporary CEO

- (1) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at 100% of the cash component only of the substantive CEO's total reward package.
- (2) Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.
- (3) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

Relevant Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Administration) Amendment Regulations 2021</i>
Related Documents:	N/A
Related Local Law:	N/A
Related Policies:	N/A
Adopted:	24 March 2021
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