

1. Policy Intention

The objective is to establish the processes for appointing an Acting CEO or Temporary CEO for periods of less than twelve months and to ensure effective management of the administration and Council is maintained at all times.

2. Scope

This policy applies to the statutory position of Chief Executive Officer at the Shire of Murray and has been prepared to comply with the provisions of section 5.39C of the Local Government Act 1995 in regard to the appointment of an Acting CEO or Temporary CEO.

3. Policy Definitions

Act means the Local Government Act 1995.

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

CEO means the Chief Executive Officer of the Shire.

Shire means the Shire of Murray.

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

4. Policy

The role of the CEO is considered to be crucial to achieving good governance and for fulfilling the functions prescribed in s.5.41 of the Act.

The opportunity to act, from time to time, in that position is useful in the development of executive leadership.

The Council recognise that the Directors employed by the Shire of Murray (Shire) under contract are suitably qualified and skilled to act in the position of CEO under this policy.

4.1 Details:

4.1.1 Acting CEO and Temporary CEO Requirements and Qualifications

- (a) When the 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.
- (b) Any employee holding the substantive role of:
 - i. Director Planning and Sustainability;
 - ii. Director Place, Community and Economic Development;
 - iii. Director Infrastructure Services; or
 - iv. Director Corporate Services,

- (c) An employee appointed to temporarily act in a Director's position referred to in clause 4.1.1(b) is not considered to be suitably qualified to perform the role of Acting CEO or Temporary CEO.

4.1.2 Appointment of Acting CEO – periods of up to 30 working days

- (a) The CEO is authorised to appoint in writing one of the employees identified in clause 4.1.1(b) as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 30 working 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.
- (b) The CEO must appoint an Acting CEO for any planned or unplanned leave periods between 7 working days and 30 working days, this will be:
 - i. on annual, sick or long services leave for a period exceeding one week;
 - ii. not within the State of Western Australia for a period of more than one week; or
 - iii. during other absences, as determined necessary by the CEO,

but in any case, not for a period exceeding 30 consecutive working days in any one occasion.

- (c) Nothing in clause 4.1.2(a) prevents the CEO from appointing more than one employee detailed in clause 4.1.1(b) to share the duties of Acting CEO for the planned or unplanned leave period.
- (d) Following an appointment under clause 4.1.2(a), the CEO is to advise Council 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 4.1.2(a), then the following line of succession shall apply:
 - i. The Director Planning and Sustainability will be appointed as Acting CEO; or
 - ii. If the Director Planning and Sustainability is unable or unwilling to act, either the Director Infrastructure Services, Director Corporate Services or Director Place, Community and Economic Development will be appointed as Acting CEO.

Council may, by resolution, extend an Acting CEO period under clause 4.1.3 beyond 30 working days if the substantive CEO remains unavailable to unable to perform their functions and duties.

4.1.3 Appointment of Acting CEO - periods greater than 30 working days but less than 12 months

- (a) Where the CEO's extended period of leave is greater than 30 working 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 4.1.2(a);

- ii. Appoint another employee, or multiple employees listed in clause 4.1.1(b) for a defined period to ensure the CEO position is filled continuously for the extended period of leave; or
 - iii. Commence an external recruitment process in accordance with clause 4.1.4(b)(iii).
- (b) For the purposes of clause 4.1.3(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 Shire President will liaise with the CEO, or in their unplanned absence, the Director Planning and Sustainability to coordinate the necessary Council reports to facilitate an Acting CEO appointment.
- (d) Subject to Council's resolution, the Shire President will execute in writing the Acting CEO appointment with administrative assistance from the Manager Governance.

4.1.4 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. to appoint an employee identified in clause 4.1.1(b) to be Temporary CEO until such time a new substantive CEO has commenced their employment with the Shire;
 - ii. appoint multiple employees listed in clause 4.1.1(b) 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. appoint a Temporary CEO following an external recruitment process for a Temporary CEO in accordance with principles of merit and equity prescribed in section 5.40 of the Act; or
 - iv. appoint an employee identified in clause 4.1.1(b) to be an interim Temporary CEO until an external recruitment process for a Temporary CEO can be completed under clause 4.1.4(b)(iii) and their employment with the Shire as Temporary CEO has commenced.
- (c) The Shire President will liaise with the Manager Governance to coordinate the necessary Council reports to facilitate a Temporary CEO appointment.
- (d) The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution with administrative assistance from the Manager Governance.

4.1.5 Remuneration of Acting CEO

A Directors employment conditions are not varied when acting in the role of CEO, other than the appointed Director is entitled, at the CEO's discretion, no greater than the salary equivalent to that of the CEO, during the acting period.

4.1.6 Remuneration and conditions of Acting CEO or Temporary CEO

- (a) Unless Council otherwise resolves, an employee as Acting CEO shall be remunerated (if the role is be undertaken for 30 working days or more), will be at 75%, of the substantive CEO cash remuneration only with other benefits already provided to the Acting CEO in their substantive role, remaining in effect.
- (b) Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO that is not a current Shire employee when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.
- (c) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Temporary CEO appointment.

4.1.7 Emergency Provisions

In the case of the unavailability of the CEO due to an emergency, the Director Planning and Sustainability is automatically appointed as the A/CEO for a period of not more than 30 consecutive working days from commencement, and continuation is then subject to determination by the Council, under requirements of the Act.

Policy Detail		
Responsible Directorate	Corporate Services	
Responsible Department	Governance and Strategy	
Responsible Officer	Manager Governance and Strategy	
Next Policy Review / Schedule	2025 (3-yearly)	
Council Adoption	Date / Resolution	30 June 2011 (OCM11/099)
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		22 February 2018 (OCM18/008)
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		23 June 2022 (OCM22/070)
		24 November 2022 (OCM22/151)
