

Appointment of Acting CEO

Introduction

This policy is intended to ensure continuity of service by the Chief Executive Officer (CEO) to the Shire of Toodyay in periods of limited absence, in accordance with Section 5.39C(1)(a) and (b) of the *Local Government Act 1995* (the Act).

Objective

To meet the requirements of the following legislative provisions:

- Section 5.36(5A) of the Act requires local governments to propose that the position of CEO be filled by a person in a prescribed class.
- Section 5.36(2)(a) of the Act requires local governments not appoint a person to the position of CEO unless they believe that the person is suitably qualified for the position.
- Section 5.36(3) of the Act states that a local government is not to employ a person in any other position unless the CEO believes the person is suitably qualified for the position and is satisfied with proposed arrangements relating to the persons employment.
- Section 5.44(1) and (5) of the Act statutorily legislates power to a CEO to delegate to any employee of the local government the exercise of any of the CEO's powers or discharge of any of the CEO's duties under the Act other than the power of delegation subject to the person having appropriate qualifications..

Scope

This policy applies to the position of the CEO and will outline the process for the appointment of an Acting CEO to cover periods of personal leave, sick leave, compassionate leave, annual leave and long service leave as well as during periods of unforeseen prolonged absence of the CEO for more than five working days.

Definitions

| Term | Definition |
|--------------------|--|
| Act | <i>Local Government Act 1995.</i> |
| CEO | Chief Executive Officer |
| Council | The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008.</i> |
| Executive Managers | Means the Managers defined as Senior Employees that Council resolved (Res. No. OCM026/03/22) to designate in accordance with section 5.37 of the <i>Local Government Act 1995</i> : |

| Term | Definition |
|-----------------|--|
| | <ul style="list-style-type: none"> • Manager Corporate and Community Services; • Manager Infrastructure and Assets; and • Manager Development and Regulation. |
| Member | means in relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee. |
| Regulations | Local Government (Administration) Regulations 1996. |
| Shire | the Shire of Toodyay. |
| Shire President | means a mayor or president elected by the Council from amongst the councillors. |

Policy Statement

The CEO is required to give a minimum of three weeks' notice to the Shire President and all parties that may be affected by this policy, in respect to applications for annual or long service leave of more than two weeks. A Council resolution is required for periods of leave exceeding two months.

1. Applications for Leave

An application for annual leave, long service leave, personal leave or an extended absence made by the CEO is to be approved by the Shire President.

2. Appointment of an Acting CEO

Where there are periods of annual leave, long service leave or other periods of extended absence of the CEO, it is appropriate for a person to perform the duties of the CEO to enable the efficient functioning of the local government's administration.

Executive Managers will be appointed to the role of Acting CEO, at the discretion of the CEO, subject to officer performance, and dependent on availability, and operational requirements. Appointment to the role of Acting CEO must be made in writing by the CEO.

Appointment to the role of Acting CEO may be only made by the CEO for periods of leave up to two months. Where the CEO appoints a person to the position of Acting CEO, the CEO is to advise all Members in writing of the appointment, and the period to which the appointment covers.

3. Unexpected absence or Vacancy

In the event that the CEO is required to take unexpected leave, or is otherwise incapacitated, or the position falls unexpectedly vacant, and no appointment has been made, the following line of succession shall apply until Council appoints an Acting CEO:

- Manager Corporate and Community Services;

- Manager Infrastructure and Assets; and
- Manager Development and Regulation.

Should the Acting CEO, whether appointed by the CEO or otherwise, become incapacitated as well, the Manager who is next in the rotation of appointments as Acting CEO; is appointed as Acting CEO.

Reference Information

- [Execution of Documents Policy](#) (ADM22); and
- [Risk Management](#) (ADM18) – containing the Risk Matrix tables.

Legislation

Local Government Act 1995

- s.5.36. Local government employees
- s.5.39C. Policy for temporary employment or appointment of CEO
- s.5.44. CEO may delegate powers and duties to other employees

Associated documents

Application for Leave Form.

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