

Council Policy	Appointment of Acting Chief Executive Officer		
Reference	<i>Strategic Community Plan 2013-2023</i> Priority Area: 6 Major Strategy: 6.2	<i>Corporate Business Plan 2020-2024</i> Priority Area: 6 Actions:	
Responsible Officer	Chief Executive Officer		
Policy Area	Executive Services		
Council Adoption Date		Version Number	
Amendment Dates		Next Review Date	

This Policy replaces all previous policies related to this topic.

1. Policy Purpose

- 1.1. To establish guidelines for filling the position of Acting Chief Executive Officer when the Chief Executive Officer is on leave or during periods of unforeseen prolonged absence.

2. Policy Scope

- 2.1. This Policy applies during in periods of annual leave and during periods of unforeseen prolonged absence of the Chief Executive Officer for more than one week, but no longer than four weeks.
- 2.2. In accordance with Section 5.36(2)(b) of the *Local Government Act 1995*, all [Executive Managers](#) employed by the Town are considered to be suitably qualified to act in the position of Chief Executive Officer.
- 2.3. This Policy satisfies the requirements of the *Local Government Legislation Amendment Act 2019* and is to be published on the Town's website.

3. Policy Requirements

- 3.1. The Council is required to appoint an Acting Chief Executive Officer to fulfil the duties and exercise the powers of the Chief Executive Officer in periods of annual leave and during periods of unforeseen prolonged absence of the Chief Executive Officer for more than four weeks.
- 3.2. The Chief Executive Officer has the legislative power to appoint an Acting Chief Executive Officer under section 5.44 of the Local Government Act 1995, and this is required to be exercised for periods greater than one week but no more than four weeks.
- 3.3. In accordance with 3.2 above the Chief Executive Officer may appoint [any of the three Executive Managers](#) to the position of Acting Chief Executive Officer after being satisfied that the person has the required skills and knowledge to fulfil the role.
- 3.4. Should the Chief Executive Officer not be satisfied that [any Executive Manager](#) has the required skills and knowledge to fulfil the role of Acting Chief Executive Officer an external appointment of an Acting Chief Executive Officer may be made in consultation with the Mayor.
- 3.5. The Acting Chief Executive officer is to be remunerated at a rate of 75% of the salary of the Chief Executive Officer or at the normal salary of the [Executive Manager](#), whichever is the higher.
- 3.6. Where the Chief Executive Officer appoints [an Executive Manager](#) to the position of Acting Chief Executive Officer, the Chief Executive Officer is to advise all Elected Members in writing of the appointment and the period to which the appointment covers.

4. Definitions

- 4.1. There are no definitions relevant to this policy

5. Legislation

- 5.1. *Local Government Act 1995* – Section 5.36 - a local government is to employ a person to be the Chief Executive Officer of the local government.
- 5.2. *Local Government Act 1995* – Section 5.44 – Chief Executive Officer may delegate power and duties to other employees

6. Other Relevant Procedures/Key Documents

- 6.1. There are no other procedures or key documents relevant to this Policy.

SENIOR EMPLOYEES AND APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

1. Background

Section 5.36 of the *Local Government Act 1995* requires that a local government is to employ a person to be the Chief Executive Officer of the local government, as well as such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.

Additionally, Section 5.37 of the *Local Government Act 1995* provides that a local government may identify a class of employees to be Senior Employees, and for those same employees to be designated employees, pursuant to the provisions of the *Local Government Act 1995*.

The intent of this Policy is to deal with the appointment of Senior Employees, and the appointment of an existing Senior Employee of the local government to perform the role of Acting Chief Executive Officer during the temporary absence of the existing Chief Executive Officer, in accordance with the provisions listed below.

2. Objectives

To determine those employees that are designated as Senior Employees for the purposes of Section 5.37(1) of the *Local Government Act 1995*.

To determine those employees that are considered to be suitably qualified to act in the position of Chief Executive Officer in accordance with Section 5.36(2)(b) of the *Local Government Act 1995* and how the position of Chief Executive Officer will be filled on an action basis as required.

3. Policy

3.1 Senior Employees

In accordance with Section 5.36(2)(b) of the *Local Government Act 1995*, all Senior Employees employed by the Town are considered to be suitably qualified to act in the position of Chief Executive Officer.

The Deputy Chief Executive Officer is designated as a Senior Employee for the purposes of Section 5.37(1) of the *Local Government Act 1995*.

3.2 Appointment of Acting Chief Executive Officer

Where the Chief Executive Officer is to be absent from work or at work but interstate or overseas for a period of four consecutive working days, the Deputy Chief Executive Officer shall be appointed act in the position of Acting Chief Executive Officer.

Where the period of absence of the Chief Executive Officer is for a period exceeding four consecutive working days but not greater than four consecutive weeks, the Chief Executive

Officer shall be authorised to appoint the Deputy Chief Executive Officer to act in the position of Acting Chief Executive Officer.

Where the period of absence of the Chief Executive officer is for a period exceeding four consecutive weeks, the Council, on advice from the Chief Executive Officer shall determine which senior employee it wishes to appoint to act in the position of Acting Chief Executive Officer.

Where the Chief Executive Officer appoints the Deputy Chief Executive Officer in the position of Acting Chief Executive Officer in accordance with the above, the Chief Executive Officer is to advise all Elected Members in writing of the appointment and the period to which the appointment relates.

Adopted	24 July 2018
Expected date of review	