



Appointment of Acting Chief Executive Officer Policy

1. Purpose

To set out a clear, lawful process for:

- a. appointing an employee or person to act in the position of CEO for a term not exceeding one (1) year; and
- b. where necessary, employing a Temporary CEO for a term not exceeding one (1) year, consistent with relevant legislation.

2. Scope

This Policy applies during:

- planned or unplanned absences of an incumbent CEO; and
- a vacancy in the office of CEO pending recruitment.

3. Policy Statement

In situations where an acting or temporary CEO is required, the principle of strategic alignment is to apply to ensure any appointment made supports uninterrupted delivery of Council's strategic objectives. Principles of merit and suitability to perform the CEO's functions under s.5.41 of the Act are to be applied.

3.1 Thresholds and decision maker

a. Absences less than 1 week

The CEO may determine that an Acting CEO is not required, based on operational requirements.

b. Absences of 1–4 weeks

The CEO may:

- i. appoint a suitably qualified senior employee (as listed in clause 3.2) as Acting CEO, by written instrument specifying start/end dates, delegations of authority and any conditions. Elected Members are to be notified of the appointee and term; or
- ii. consult with the Mayor to agree an external appointment of an Acting CEO is to be made.

- c. **Absences exceeding 4 weeks and up to 12 months**
Council is to resolve the appointment of an Acting CEO on the CEO's recommendation (or the Mayor/President's recommendation if the CEO is unavailable). The appointment is to be formalised in an instrument of appointment, signed by the Mayor. This ensures Council retains control over longer-term appointments to the office of CEO.
- d. **Vacancy in the office of CEO or absence expected to approach 12 months**
Council may resolve to employ a Temporary CEO for a term not exceeding one (1) year. Temporary arrangements are to be formalised in a contract compliant with s.5.39 of the Act and Reg 18A of the Model Standards.

3.2 Suitability and order of consideration

Council determines that people in the following senior employee roles are considered suitably qualified to act as CEO (in no particular order), subject to availability and organisational need:

- Director Corporate and Community Services
- Director Engineering Services
- Director Development and Regulatory Services

An officer temporarily acting in one of the above senior employee roles is not, by that fact alone, considered suitably qualified to act as CEO.

4. Roles and Responsibilities

Role	Responsibilities
Council	<ul style="list-style-type: none"> • Appointment of Acting CEO for absences between 4 weeks to 12 months. • Appointment of a Temporary CEO for up to one (1) year.
CEO	<ul style="list-style-type: none"> • Discretion to appoint a suitably qualified senior employee or as Acting CEO or to agree with the Mayor on an external appointment

5. Related Documents and References

Local Government Act 1995 (LGA) and Local Government (Administration) Regulations 1996 (Admin Regs)

ss.2.7 and 2.8 LGA - The Council governs the local government and selects/reviews the CEO; the Mayor provides leadership to Council and liaises with the CEO (but does not employ staff).

ss.5.36 LGA - Council must employ a person as CEO; the CEO employs other staff.

s.5.37 LGA - Council designates senior employees

ss.5.39 and 5.39A and Admin Regs — CEO contracts must meet prescribed content; acting or temporary CEO terms are capped at one (1) year (advertising requirements exempt in some acting scenarios). Model Standards apply to recruitment of CEO's.

s.5.39C LGA - Council must adopt a policy that sets the process for appointing an Acting CEO or employing a Temporary CEO for up to one (1) year.

ss.5.42 and 5.44 LGA — Council may delegate powers/duties to the CEO; the CEO may, in turn, delegate the CEO's powers/duties to employees (but cannot delegate the *power of delegation* itself).

6. Definitions

Term	Definition
Acting CEO	An employee appointed to fulfil the statutory office of CEO during a period where the substantive CEO remains employed but is absent.
Temporary CEO	A person employed to the position of CEO for a term not exceeding one (1) year, typically where the office is vacant pending recruitment.
CEO	Chief Executive Officer
Model Standards	Model standards for CEO recruitment, performance and termination

7. Review and Approval

This Policy is to be reviewed at least every three (3) years or earlier if legislation changes.

Document Control

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