



TEMPORARY EMPLOYMENT OR APPOINTMENT OF (ACTING) CHIEF EXECUTIVE OFFICER POLICY

Policy Objective

To establish policy, in accordance with Section 5.39C of the *Local Government Act 1995* ('the Act'), that details the Shire'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.

Policy Scope

This policy applies to the statutory position of Chief Executive Officer (CEO) of the Shire of Derby/West Kimberley.

Policy Statement

1. 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.

2. Acting and Temporary CEO Requirements and Qualification

1. When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of the *Local Government Act 1995*, and other duties as set out in the Act and associated Regulations.
2. Through this policy, and in accordance with section 5.36(2)(a) of the Act, Council determines that employees appointed to the substantive position(s) of Director Corporate Services, Director Infrastructure and Director Community Planning are considered suitably qualified to perform the role of Acting or Temporary CEO.

3. Appoint Acting CEO – Planned and Unplanned Leave for Periods Up to 6 weeks

1. The CEO is authorised to appoint the Director Corporate Services, Director Infrastructure or Director Community Planning in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding six weeks, subject to the CEO's consideration of the appointee'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 48 hours and less than six weeks.
3. The CEO is to immediately advise all Council Members when and for what period of time the Acting CEO is to be appointed.



Shire of Derby / West Kimberley

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:

- President will appoint.

5. Council may, by resolution, extend an Acting CEO period under subclause (4) beyond six weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

4. Appoint Acting CEO For Extended Leave Periods Greater Than 6 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 six weeks but less than 12 months, as follows:

- 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
- Conduct an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act.

3. The President will liaise with the CEO, or in their unplanned absence the Director Corporate Services to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.

4. Subject to Council's resolution, the President will execute in writing the Acting CEO appointment with administrative assistance.

5. Appoint Temporary CEO – Substantive Vacancy

1. In the event that the substantive CEO's employment with the Shire is ending, the Council when determining to appoint a temporary CEO may either:

- a. by resolution, appoint a Director 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 a Director 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 Act, 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 President will liaise with the administration to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.

3. The President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance.



6. 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.

Policy Details			
Original Adoption date:	29 April 2021 (Item 11.7, Res. 39/21)	Review Frequency:	2 years
		Next Review Due:	November 2027
Policy Implementing Officer or Team:	Chief Executive Officer	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	<i>Local Government Act 1995</i> s5.39C requires that local governments prepare and adopt a policy for temporary employment or appointment of an acting CEO.		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Nil (Note: The Procedure for CEO recruitment and selection do not apply to the employment or appointment of an acting or temporary CEO for less than one year).		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2, Res. 57/21	
2.	24 February 2022	Item 11.5, Res. 07/22	
3.	29 August 2024	Item 12.1, Res. 100/24	
4.	27 November 2025	Item 14.1 Res. 44/25	