

Appointment of an Acting or Temporary Chief Executive Officer

Council Policy

Responsible Directorate: Governance and Strategy

Objective: To establish the processes for appointing an Acting CEO or Temporary CEO for periods of less than twelve months.

1. 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 substantive CEO remains employed but is on planned or unplanned leave.

CEO means the Chief Executive Officer of the City.

City means the City of Joondalup.

Temporary CEO means a person 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. Statement:

This policy 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. Details:

3.1. 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 City 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 Corporate Services

- ii. Director Governance and Strategy
- iii. Director Infrastructure Services
- iv. Director Planning and Community Development,

is considered suitably qualified to perform the role of Acting CEO or Temporary CEO.

- c. An employee appointed to temporarily act in a senior employee position referred to in clause 3.1(b) is not considered to be suitably qualified to perform the role of Acting CEO or Temporary CEO.

3.2. Appointment of Acting CEO – periods of up to 35 days

- a. The CEO is authorised to appoint in writing one of the employees identified in clause 3.1(b) as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 35 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 between all senior employees.
- b. The CEO must appoint an Acting CEO for any planned or unplanned leave periods between 7 days and 35 days.
- c. Nothing in clause 3.2(a) prevents the CEO from appointing more than one senior employee detailed in clause 3.1(b) to share the duties of Acting CEO for the planned or unplanned leave period.
- d. Following an appointment under clause 3.2(a), the CEO is to advise Elected 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 3.2(a), then the following line of succession shall apply:
 - i. The Director Corporate Services will be appointed as Acting CEO; or
 - ii. If the Director Corporate Services is unable or unwilling to act, the Director Governance and Strategy will be appointed as Acting CEO.

3.3. Appointment of Acting CEO - periods greater than 35 days but less than 12 months

- a. Where the CEO's extended period of leave is greater than 35 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 3.2(a);
 - ii. Appoint another employee, or multiple employees listed in clause 3.1(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 3.4(b)(iii).
- b. For the purposes of clause 3.3(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 Mayor will liaise with the CEO, or in their unplanned absence, the Director Governance and Strategy to coordinate the necessary Council reports to facilitate an Acting CEO appointment.
- d. Subject to Council's resolution, the Mayor will execute in writing the Acting CEO appointment with administrative assistance from the Director Governance and Strategy.

3.4. Appointment of Temporary CEO – Substantive Vacancy

- a. In the event the CEO's employment with the City is ending, Council may appoint a Temporary CEO.
- b. Council when determining to appoint a Temporary CEO, may either:
 - i. appoint an employee identified in clause 3.1(b) to be Temporary CEO until such time a new substantive CEO has commenced their employment with the City;
 - ii. appoint multiple employees listed in clause 3.1(b) as the Temporary CEO for a defined period, and until such time that a new substantive CEO has commenced their employment with the City;
 - 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 3.1(b) to be an interim Temporary CEO until an external recruitment process for a Temporary CEO can be completed under clause 3.4(b)(iii) and their employment with the City as Temporary CEO has commenced.
- c. The Mayor will liaise with the Director Governance and Strategy to coordinate the necessary Council reports to facilitate a Temporary CEO appointment.
- d. The Mayor is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution with administrative assistance from the Director Governance and Strategy.

3.5. Remuneration and conditions of Acting or Temporary CEO

- a. Unless Council otherwise resolves, an employee appointed as Acting CEO or Temporary CEO shall be remunerated a cash component at 80% of the cash component only of the Substantive CEO's total reward package.
- b. 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.
- c. Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

Creation Date:

Amendments:

Related Documentation:

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Register of Delegation of Authority*

DRAFT

Delegation	1.6 APPOINTMENT OF AN ACTING CHIEF EXECUTIVE OFFICER
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to make appointments to the position of Acting Chief Executive Officer.
Delegates	Chief Executive Officer (00001)
Conditions	<p>Authority subject to:</p> <ol style="list-style-type: none"> 1. the City employee holding the substantive position of 'Director' and is designated a 'Senior Employee' as per Section 5.37 of the <i>Local Government Act 1995</i>; 2. appointments being for no longer than 35 days, with all other appointments to the position of Acting Chief Executive Officer referred to the Council for determination; 3. the Chief Executive Officer advising Elected Members when a senior employee is to be designated Acting Chief Executive Officer, when circumstances require, during the following three month period.
Statutory framework	Section 5.39(1a)(a) of the <i>Local Government Act 1995</i> .
Policy	Not applicable.
Date adopted	11 October 2005
Adoption references	CJ220-10/05
Last reviewed	15 June 2021

Amendments			
Approved	Type	Amendment	References
11 Oct 2005	New delegation	Insertion of delegation for Chief Executive Officer to have authority to make appointments to position of Acting Chief Executive Officer.	CJ220-10/05
28 Jun 2011	Amended delegation	Correction of typographical error.	CJ107-06/11
24 Jun 2014	Amended delegation	Layout re-structured - Conditional wording re-located to 'Conditions' section of the template.	CJ091-06/14