

Appointment of Acting or Temporary CEO Policy

Responsible Division	Office of the CEO
Responsible Business Unit	Governance and Organisational Planning and Development
Responsible Officer	CEO
Affected Business Units	Office of the CEO
ECM Document Set ID	4421250

Purpose

1. To establish a policy, in accordance with Section 5.39C of the *Local Government Act 1995*, that sets out the processes to be followed in relation to the appointment of an Acting or Temporary CEO for periods not exceeding one year.

Scope

2. This policy applies during:
 - Periods of absence or leave of the incumbent CEO; and
 - Vacancy in the role of CEO.

Policy Statement

Acting and Temporary CEO Requirements and Qualifications

3. Section 5.36 of the Act requires a local government to employ a CEO and 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.
4. Section 5.36 of the Act also requires that a person is not to be employed in the position of CEO unless the Council believes that the person is suitably qualified for the position, and is also satisfied with the provisions of the proposed employment contract.
5. In accordance with the requirements of sections 5.36(2)(a) of the Act, Council has determined that persons appointed as permanent incumbents to the position of a Director are suitably qualified to perform the role of Acting CEO or Temporary CEO.
6. A person appointed to act in the position of Director is not included in the determination above.

Appointment of an Acting CEO

7. The Mayor shall be responsible for approving leave requests submitted by the CEO for periods of leave not exceeding four weeks.
8. The CEO is authorised to appoint a Director as Acting CEO, subject to availability and operational requirements, for a period not exceeding four weeks.

9. The CEO must appoint an Acting CEO for any leave periods of greater than 72 hours and not exceeding four weeks. Councillors are to be advised of all such appointments.
10. For CEO leave exceeding four weeks, whether planned or unplanned, Council approval shall be required for the leave, and for the appointment of an Acting CEO.
11. Where there is an unexpected period of absence and there has not been an opportunity for Council or the CEO to appoint an Acting CEO, then subject to availability the Director with the longest tenure at the City is to be Acting CEO until further decision of the incumbent CEO or the Council is made.

Appointment of a Temporary CEO

12. Where there is a vacancy in the role of CEO that is required to be filled on a temporary basis of up to one year, Council is to decide the process to be followed for the appointment of a Temporary CEO in accordance with the Act.
13. 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 City; 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 City.
14. The CEO and Council are to consider, to the extent practicable and as suitable for the circumstances, the City's Model Standards for Recruitment of a Temporary CEO.

Remuneration and conditions of Acting or Temporary CEO

15. Unless the Council resolves otherwise, the CEO will determine the remuneration and benefits to be offered to an Acting CEO for periods of less than four weeks.
16. Council will determine by resolution, the remuneration and benefits to be offered to an Acting CEO for periods of greater than four weeks.
17. 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 Section 5.39(1) and (2)(a) of the Act.
18. Remuneration and benefits must be within the confines of the Salaries and Allowances Tribunal provisions and directives.

Definitions

For the purpose of this policy —

Act means the *Local Government Act 1995*

CEO means Chief Executive Officer

Acting CEO means a person appointed to act in the office of CEO during periods of absence of the incumbent CEO

Temporary CEO means a person appointed to fill the role of CEO temporarily for up to one year during a period of vacancy in the role.

Related Legislation

This policy is required under s5.39C of the *Local Government Act 1995*.

Related Documentation

Nil.

Document details

Relevant delegations

Risk evaluation	Low		
Strategic link	Leadership and Governance		
Council adoption	29 October 2019	Resolution	Item No. 10.2.11
Next review due	October 2025		
Reviewed/modified	31 January 2023	Resolution	Item No. 10.6.1.3
Revision details	Updated to clarify difference between Acting and Temporary CEO, to allow the CEO to establish the remuneration of an Acting CEO for periods not exceeding four weeks, and to authorise the Mayor to approve leave requests for the CEO for periods not exceeding four weeks.		