

# TEMPORARY APPOINTMENT OF CEO COUNCIL POLICY

## POLICY STATEMENT

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To provide for the arrangements to temporarily replace the Chief Executive Officer (CEO) for a period less than twelve months for either planned or unplanned leave.

## POLICY SCOPE

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This policy impacts the administration of the City of Bunbury (the City).

## POLICY DETAILS

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1. Section 5.36(1) of the *Local Government Act 1995* (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.
2. Section 5.36(2) and (3) 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. That section of the Act also requires that a person is not to be employed by the local government in any other position unless the CEO believes that the person is suitably qualified for the position, and is satisfied with the proposed arrangements relating to the person's employment.
3. Section 5.39C of the Act requires a local government to prepare and adopt a policy that sets out the process to be followed by the local government on the temporary employment of a CEO not exceeding one year.
4. In accordance with the requirements of the *Local Government Act 1995*, section 5.36(2)(a), the Council has determined that the persons appointed as the permanent incumbent to the position of a Director are suitably qualified to perform the role of Acting Chief Executive Officer.
5. Directors will be appointed to the role of Acting Chief Executive Officer on a rotational basis at the discretion of the Chief Executive Officer, subject to performance and dependent on availability and operational requirements.
6. Appointment to the role of Acting Chief Executive Officer shall be made in writing for a defined period that does not exceed four weeks. A Council resolution is required for periods exceeding four weeks.

## COMPLIANCE REQUIREMENTS

### LEGISLATION

- *Local Government Act 1995 s.5.36 – a local government is to employ a person to be the CEO of the local government.*
- *Local Government Act 1995 s.5.39C Requires a local government to have a policy for the temporary employment or appointment of CEO*
- *Local Government Act 1995 s.5.44 CEO may delegate powers and duties to other employees.*

### INDUSTRY

### ORGANISATIONAL

- *City of Bunbury Code of Conduct for Council Members, Committee Members and Candidates 2021*



City of Bunbury  
Code of Conduct fo

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DOC/576740[v2]	Council decision 019/25	Policy Reviewed with no Changes	
DOC/576740[v2]	Council Decision 042/23 14 March 2023	Policy reviewed with no changes	
DOC/576740[v2]	Council Decision 70/21 27 April 2021	Policy revised and amended to ensure compliant with legislation and best practice principles.	
DOC/576740[v1]		5.39C <i>Local Government Legislation Amendment Act 2019</i> requires a local government to prepare and adopt by an absolute majority a policy that sets out the process in relation to employment or acting position of a person in the position of CEO not exceeding 1 year.	
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