



<b>DOCUMENT TYPE</b>	Policy
<b>TITLE</b>	<b>Chief Executive Officer Employment Standard</b>
<b>NUMBER:</b>	POL-1018

## **PURPOSE**

This Policy establishes the governance framework for the recruitment, appointment, performance review and termination of the Chief Executive Officer (CEO) of the Shire of Wyndham East Kimberley.

The Policy ensures Council fulfils its statutory responsibilities in accordance with the Local Government Act 1995 and the Local Government (Administration) Regulations 1996, while promoting transparency, procedural fairness and sound governance practice.

This Policy does not restate legislative requirements. Where inconsistency arises, the legislation prevails.

## **DEFINITIONS**

**Absolute Majority** has the meaning given in the *Local Government Act 1995*.

**Act** means the *Local Government Act 1995*.

**CEO** means the Chief Executive Officer appointed under section 5.36 of the Act.

**Council** means the Council of the Shire of Wyndham East Kimberley.

**Independent Person** has the meaning prescribed under the *Local Government (Administration) Regulations 1996*.

**Regulations** means the *Local Government (Administration) Regulations 1996*.

**Shire** means the Shire of Wyndham East Kimberley.

## **STATEMENTS**

### **(1) Legislative Framework**

Council is responsible for the employment of the CEO under Part 5 Division 3 of the Act.

All recruitment, performance review and termination processes must comply with:

- The Local Government Act 1995;
- The Local Government (Administration) Regulations 1996; and
- Any other relevant written law.

This Policy operates as a governance overlay and does not replace statutory obligations.

## **(2) Recruitment and Appointment**

### **2.1. Council Authority**

Council retains full authority for:

- Determining selection criteria;
- Approving the Job Description Form;
- Establishing a Selection Panel;
- Determining the preferred applicant; and
- Approving the terms of the Contract of Employment.

All decisions relating to appointment must be made by Absolute Majority.

No delegation applies to the appointment of a CEO unless expressly permitted under legislation.

### **2.2. Governance Principles**

Recruitment processes must be:

- Transparent and merit-based;
- Conducted impartially;
- Supported by appropriate documentation; and
- Consistent with the principles set out in section 5.40 of the Act.

Council shall ensure that at least one Independent Person is appointed to any Selection Panel as required by the Regulations.

## **(3) Contract Renewal - 10 Year Requirement**

Where the CEO has held the position for 10 or more consecutive years, Council must ensure compliance with Regulation 18FA of the Regulations prior to renewal of the Contract of Employment.

## **(4) Performance Review**

### **4.1. Annual Requirement**

Council must review the performance of the CEO at least once in each 12-month period in accordance with section 5.38 of the Act.

### **4.2. Performance Criteria**

The performance review must assess:

- Contractual performance criteria; and
- Any additional performance criteria agreed in writing between Council and the CEO.

### **4.3. Governance Process**

Council and the CEO shall agree to a documented performance review methodology which:

- Is impartial and evidence-based;
- Provides procedural fairness;
- Clearly outlines assessment measures; and
- Requires formal endorsement by Absolute Majority.

The CEO must be advised in writing of the outcome of each review.

**(5) Termination of Employment**

**5.1. Decision-Making Authority**

Any decision to terminate the employment of the CEO must be made by Absolute Majority of Council.

No delegation applies to this function.

**5.2. Procedural Fairness**

Council must ensure that any termination process:

- Is impartial and transparent;
- Complies with the Act and Contract of Employment;
- Affords the CEO procedural fairness;
- Provides reasonable opportunity to respond to any allegations or performance concerns; and
- Is properly documented.

Where termination relates to performance, Council must ensure compliance with statutory performance review requirements.

**(6) Confidentiality**

Information obtained during recruitment, performance review or termination processes must be treated as confidential and handled in accordance with legislative obligations.

**(7) Record Keeping**

All documentation relating to CEO employment processes must be maintained in accordance with the Shire’s records management framework and any applicable legislation.

**DOCUMENT AND VERSION CONTROL**

<b>Responsible Directorate</b>	Office of the CEO		
<b>Responsible Officer</b>	Chief Executive Officer		
<b>Statutory References</b>	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>		
<b>Related Documents</b>	REG-1001 Delegations Register CEO Contract of Employment Job Description for Chief Executive Officer		
<b>Amendment History (Adoption and last 3 amendments)</b>			
<b>Version</b>	<b>Date Issued - Resolution Number</b>	<b>Item #</b>	<b>Description of Change</b>
1.0	30/03/2021 - 118400	12.2.5	Council Adoption
1.1	01/11/2023 - CEO023	--	Reference Updates as per POL-1014 Policy Management (previously CP-HR-3352)
2.0			Review Adopted by Council - Title Updated
<b>Date of Next Review</b>	March 2028		