

DOCUMENT TYPE	Policy
TITLE	APPOINTMENT OF ACTING OR TEMPORARY CHIEF EXECUTIVE OFFICER
NUMBER:	POL-1019

PURPOSE

To prescribe the process for the appointment of an Acting Chief Executive Officer or Temporary Chief Executive Officer for periods not exceeding twelve (12) months in accordance with section 5.39C of the *Local Government Act 1995*, and to ensure continuity of executive leadership while maintaining legislative compliance and sound governance practice.

SCOPE

This Policy applies solely to the statutory position of Chief Executive Officer of the Shire of Wyndham East Kimberley and establishes the process by which an employee may be appointed to act in that position or a person may be temporarily employed in that position. and does not apply to other employees or designated senior employees.

DEFINITIONS

Act refers to the *Local Government Act 1995 (WA)*.

Acting Chief Executive Officer (Acting CEO) means an existing employee appointed to perform the statutory functions of the Chief Executive Officer during a period in which the substantive CEO remains employed but is absent on approved leave or otherwise temporarily unavailable.

Temporary Chief Executive Officer (Temporary CEO) means a person appointed to perform the statutory functions of the Chief Executive Officer during a period in which the substantive CEO's employment has ended or the position is otherwise vacant.

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

Eligible Executive Employee means an employee substantively appointed to a position identified by Council under clause 2.1 of this Policy as suitably qualified to perform the role of Acting Chief Executive Officer.

Director means a person appointed by Council to a designated senior employee position pursuant to section 5.37 of the Act.

Shire means the Shire of Wyndham East Kimberley.

STATEMENTS

(1) Legislative Authority

- 1.1. This Policy is adopted pursuant to section 5.39C of the Act and must be adopted or amended by absolute majority of Council.

1.2. In accordance with section 5.39C(4) of the Act, the Chief Executive Officer is to ensure the current version of this Policy is published on the Shire's official website.

1.3. Any appointment made under this Policy must comply with sections 5.36, 5.39 and 5.40 of the Act, where applicable.

(2) Determination of Suitability

2.1. Council determines that employees substantively appointed to the following positions are considered suitably qualified to perform the role of Acting Chief Executive Officer:

- Chief Operating Officer;
- Chief Financial Officer;
- Executive Managers.

~~2.1. Pursuant to section 5.36(2)(a) of the Act, Council determines that persons appointed to the position of Director are considered suitably qualified to perform the role of Acting CEO.~~

~~2.2. A person appointed in an acting capacity to a Director position is not automatically considered suitably qualified under this clause and may only be appointed by Council resolution.~~

(3) Appointment of an Acting Chief Executive Officer

3.1. Leave or Temporary Absence - Up to Six (6) weeks

3.1.1. The Chief Executive Officer may appoint an Eligible Executive Employee in writing as Acting Chief Executive Officer for a period not exceeding six (6) weeks where the Chief Executive Officer is: ~~Council delegates authority to the Chief Executive Officer under section 5.42 of the Act to appoint a Director in writing as Acting CEO for periods not exceeding six (6) weeks, where the CEO is:~~

- On approved leave; or
- Temporarily unavailable due to travel, illness or other work-related absence.

3.1.2. In determining an appointment under clause 3.1.1, preference should ordinarily be given to the Chief Operating Officer, having regard to availability, operational requirements, relevant experience and the circumstances of the Chief Executive Officer's absence.

~~3.1.2.~~ 3.1.3. The CEO must:

- Inform all Elected Members of the appointment and its duration;
- Ensure the appointment is documented in writing; and
- Ensure operational continuity is maintained.

~~3.1.3.~~ 3.1.4. The appointment must not be made for the purpose of filling a vacancy in the CEO position.

3.2 Extended Leave - Greater than Six (6) weeks and Less than Twelve (12) Months

3.3.1. Where the CEO is to be absent for a period exceeding six (6) weeks, Council must, by absolute majority resolution as required under section 5.39C of the Act:

- Appoint an Eligible Executive Employee, or another employee determined by Council to be suitably qualified, as Acting Chief Executive

~~Officer for a defined period; Appoint a Director as Acting CEO for a defined period; or~~

- Determine an alternative appointment process consistent with the Act.

3.3.2. The appointment must be confirmed in writing and executed by the Shire President following Council resolution.

(4) Suspension of the Chief Executive Officer

4.1. Where the CEO is suspended, stood down or otherwise directed not to perform the functions of the office, Council must determine by absolute majority resolution the appointment of an Acting CEO for the relevant period.

4.2. The appointment must be documented in writing and executed by the Shire President.

(5) Appointment of a Temporary Chief Executive Officer - Vacancy

5.1. In the event the substantive CEO's employment has ended or the position becomes vacant, Council must appoint a Temporary CEO by absolute majority resolution for a term not exceeding twelve (12) months.

5.2. Council may:

- ~~Appoint an Eligible Executive Employee or another suitably qualified person as Temporary Chief Executive Officer; Appoint a Director as Temporary CEO; or~~
- Undertake an external recruitment process in accordance with section 5.40 of the Act and appoint a suitably qualified person.

~~5.3. Where urgent circumstances arise and the CEO position becomes unexpectedly vacant before Council can meet, the Shire President is to take all reasonable steps to convene a Council meeting as soon as practicable to appoint a Temporary Chief Executive Officer. If urgent circumstances arise before Council can meet, the most senior available Director may perform the functions of the CEO on an interim basis under section 5.45(2) of the Act until Council formally determines the appointment.~~

(6) Remuneration and Conditions

~~6.1. An employee appointed as Acting Chief Executive Officer will receive remuneration determined in accordance with Council's resolution, the employee's contract of employment and the applicable Salaries and Allowances Tribunal determination.~~

~~6.1. Unless otherwise resolved by Council, a Director appointed as Acting Chief Executive Officer will receive remuneration determined by Council and consistent with the employee's contract of employment~~

6.2. In accordance with section 5.39(1a) of the Act, an existing employee appointed as Acting CEO for a term not exceeding one (1) year is not required to enter into a separate written contract for that period.

6.3. A person appointed as Temporary CEO who is not an existing employee must be employed under a written contract in accordance with section 5.39 of the Act.

6.4. Council retains the right, subject to applicable law, to vary or terminate any Acting or Temporary CEO appointment by resolution.

(7) Recording and Governance

7.1. All appointments under this Policy must be recorded in the Shire's records management system.

7.2. ~~Any delegated authority exercised under this Policy must be recorded in accordance with section 5.46 of the Act and relevant regulations. Any delegated authority exercised under this Policy must be recorded in accordance with section 5.46 of the Act and relevant regulations.~~

DOCUMENT AND VERSION CONTROL

Responsible Directorate		Office of the CEO	
Responsible Officer		Chief Executive Officer	
Statutory References		Local Government Act 1995 Local Government (Administration) Regulations 1996	
Related Documents		POL-1016 Designation of Senior Employees REG-1001 Delegation Register	
Amendment History (Adoption and last 3 amendments)			
Version	Date Issued - Resolution Number	Item #	Description of Change
1.0	22/03/2022 - 118600	12.2.3	Council Adoption
1.1	01/11/2023 - CEO024	--	Reference Updates as per POL-1014 Policy Management (previously CP-GOV-3353)
2.0	28/04/2026 - 119418	9.2.10	Review adopted by Council
3.0			
Date of Next Review		April 2029	