



Policy 1.3.4 – Temporary Employment or Appointment of Acting Chief Executive Officer

1. Policy purpose

To establish, in accordance with Section 5.39C of the *Local Government Act 1995* ('the Act'), that details the Shire of Harvey's processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

2. Policy scope

This policy applies to the statutory position of CEO of the Shire of Harvey.

3. Policy requirements

The Chief Executive Officer (CEO) is contractually entitled to certain leave conditions as outlined in their employment contract and the relevant industrial relations legislation.

Approval for the CEO to take leave entitlements is at the discretion of Council or if the Council so resolves, by the Shire President. Council cannot unreasonably withhold approval.

When the CEO is on leave, an Acting Chief Executive Officer (Acting CEO) is to undertake those duties in accordance with this Policy.

4. Acting and Temporary CEO Requirements and Qualification

- a. When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of the *Local Government Act 1995*, and other duties as set out in the Act and associated Regulations.
- b. Through this policy, and in accordance with section 5.36(2)(a) of the Act, the Council determines that employees appointed to the substantive position of Acting or Temporary CEO are considered suitably qualified to perform the role of Acting or Temporary CEO.

- c. A person appointed to act in the position of Acting or Temporary CEO is not included in the determination set out in Clause 3 (b).

5. Appoint Acting CEO – Planned and unplanned leave for periods up to 6 weeks

- a. The CEO is authorised to appoint the appropriate Director in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the appropriate Director's performance, availability, operational requirements and, where appropriate, the equitable access to the professional development opportunity.
- b. The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 6 weeks.
- c. The CEO is to immediately advise all Council Members when and for what period of time the appropriate Director is appointed as Acting CEO.

6. Appoint Acting CEO for extended leave periods greater than 6 weeks but less than 12 months.

- a. This clause applies to the following periods of extended leave:
 - Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and
 - Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- b. The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows:
 - i. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - ii. Conduct an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act.
- c. The Shire President will liaise with the CEO, or in their unplanned absence the Manager Governance and Strategy to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- d. Subject to Council's resolution, the Shire President will execute in writing the Acting CEO appointment with administrative assistance from the Manager Governance and Strategy.

7. Appoint Temporary CEO – Substantive Vacancy

- a. In the event that the substantive CEO's employment with the Shire of Harvey is ending, the Council when determining to appoint a Temporary CEO may either:

- i. by resolution, appoint a suitable Director as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
 - ii. by resolution, appoint a suitable Director as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
 - iii. 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 Local Government.
- b. The Shire President will liaise with the Manager Governance and Strategy to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
 - c. The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the Manager Governance and Strategy.

8. Remuneration and Conditions of Acting or Temporary CEO

- a. Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at 90 percent 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.

9. Strategic objective

The policy aligns to the following strategic objective:



Effective civic leadership

Effective civic leadership is visionary and influential. It means listening to the community, balancing competing demands, making fair decisions and acting with integrity.

10. Definitions

- Acting CEO: a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed but is on planned or unplanned leave.
- Temporary CEO: a person employed or 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.

11. Legislation

Local Government Act 1995:

- s.5.36 Local government employees
- s.5.39 Contracts for CEO and senior employees
- s.5.39C Policy for temporary employment or appointment of CEO
- s.5.40 Principles affecting employment by Local Governments
- s.5.41 Functions of CEO

12. Related Documents

- Shire of Harvey Code of Conduct
- 1.1.16 CEO Performance Management Policy

Responsible officer	Chief executive Officer		
Responsible team	Executive Services		
Responsible area	Governance and Strategy		
Version control	Date	Resolution	Number
Version 1	24.03.2020	Resolution	20/080
Version 2	26.05.2026	Resolution	26/93