Council Policy – Appointment of Acting or Temporary Chief Executive Officer

Responsible Directorate	Office of the Chief Executive Officer
Responsible Business Unit/s	People and Culture
Responsible Officer	Manager People and Culture
Affected Business Unit/s	All

Objective

The objective of this policy is to provide clear guidance about the appointment of:

- an Acting Chief Executive Officer (CEO) for:
  - a period of 30 days or less, or
  - for more than 30 days, but less than 12 months; or
- a Temporary Chief Executive Officer (CEO) for a period of not more than twelve months,

to ensure the effective administration and operations of the Shire are maintained at all times.

Scope

This policy applies to the statutory position of CEO of the Shire of Ashburton (the Shire) and it has been prepared to comply with the provisions of section 5.39C of the *Local Government Act 1995* to support the appointment of an Acting CEO or a Temporary CEO.

Policy Statement

The role of the CEO is crucial to fulfilling the functions prescribed in section 5.41 of the Act and for providing support to the community, and effective leadership and guidance to the organisation.

The Council recognise that the senior employees of the Shire are suitably qualified and skilled to act in the position of CEO.

The opportunity to act from time to time in an Acting or Temporary CEO's role supports senior employees' professional development and ensures the Shire can meet its ongoing commitment to the community, and its statutory and administrative obligations.

1. Appointment of Acting CEO – periods of 30 working days or less

(a) Where the incumbent CEO is to be on a period of annual, personal or long service leave, or on leave without pay for 7 or more working days, the CEO by way of delegated authority is to appoint in writing a senior employee to be the Acting CEO for the period of absence, up to maximum of 30 consecutive days.

(b) Immediately following an appointment under clause (1)(a), the CEO is to advise the Elected Members and the Executive Leadership Team of which senior employee has been appointed as Acting CEO, and for what duration.

(c) If the CEO is not able to make the decision to appoint an Acting CEO under clause 1(a), the Director Corporate Services is automatically appointed as Acting CEO, for a period of 30 days, or until the incumbent CEO returns to duty.

(d) If the Director Corporate Services is unable or unwilling to act as provided in subclause (c), the Director Community Development, the Director Infrastructure Services or the Director Development and Regulatory Services is to be appointed as the Acting CEO, on a rotational basis, as required.

2. Appointment of Acting CEO – for a period of more than 30 days, but less than 12 months

(a) Where the incumbent CEO's takes a period of leave of more than 30 days, but less than 12 months, the Committee is to recommend to Council (and Council must resolve by absolute majority) the appointment of an Acting CEO in accordance with the following options:

(i) extend the Acting CEO appointment made pursuant to clause 1;

(ii) appoint another senior employee or a combination of senior employees, to be the Acting CEO for defined periods, to ensure the CEO's position is filled continuously;

but not for a cumulative period of more than 12 months; or

(iii) commence an external recruitment process for a Temporary CEO in accordance with clause 3.

(b) For the purposes of clause 2(a) a period of leave by the CEO may relate to:

(i) clearing accumulated annual leave, long service leave, personal leave, or other types of leave accrued;

(ii) taking approved leave without pay; or

(iii) being otherwise unavailable for duty for other reasons but is still employed.

(c) The Shire President is to liaise with the CEO, or if the CEO is unavailable, the Director Corporate Services to coordinate the necessary Council reports to facilitate an Acting CEO appointment under this clause.

Subject to Council's resolution, the Shire President will execute in writing the Acting CEO appointment with administrative assistance from the Manager People and Culture.

3. Appointment of Temporary CEO

(a) In the event the incumbent CEO's employment with the Shire is ending, Council (following consideration by the Committee) may appoint a Temporary CEO (by absolute majority decision), until such time as the substantive position of CEO is filled.

(b) When determining an appointment as a Temporary CEO, Council may either resolve to appoint:

(i) a senior employee holding a director's position to be Temporary CEO until such time a new substantive CEO commences employment with the Shire, following the prescribed process for the recruitment of a CEO; or

(ii) appoint multiple senior employees as the Temporary CEO for defined periods, and until such time that a new substantive CEO has commenced employment with the Shire; or

(iii) appoint a Temporary CEO following an external recruitment process for a Temporary CEO in accordance with principles of merit and equity as prescribed in section 5.40 of the Act, and all other prescribed processes for the recruitment of a CEO.

(c) The Shire President is to liaise with the Director Corporate Services (DCS) or the Manager People and Culture in the absence of the DCS to coordinate the necessary Council reports to facilitate a Temporary CEO appointment.

(d) The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution with administrative assistance from the Manager People and Culture.

4. Remuneration and Conditions when Acting CEO

A senior employee's general employment conditions are not varied when appointed as an Acting CEO, however formal higher duties may be considered by the CEO, following consultation with People and Culture.

5. Remuneration and Conditions for Temporary CEO

(a) Unless Council otherwise resolves, a senior employee appointed as a Temporary CEO shall be remunerated at between 80 - 100% of the substantive CEO cash remuneration, as determined by the CEO based on time and complexity of duties, with other benefits provided in their substantive role, remaining in effect.

(b) Council is to determine by resolution, the remuneration and benefits to be offered to a Temporary CEO that is not a current Shire senior employee when entering a contract in accordance with the requirements of sections 5.39(1) and (2)(a) of the Act.

(c) Subject to relevant advice, Council retains the right to terminate or change, by resolution, any Temporary CEO appointment.

6. Emergency Provisions

In the case of the unavailability of the CEO due to an emergency or other unforeseen circumstances, the Director Corporate Services Deputy Chief Executive Officer is automatically appointed as the Acting CEO for a period of not more than 30 consecutive days from commencement, and continuation is then subject to determination by Council.

Definitions

Act means the *Local Government Act 1995;*

Acting CEO means the senior employee appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed, but is absent from the workplace due to annual leave, long service leave, personal leave; approved leave without pay or other approved circumstances;

CEO means the Chief Executive Officer of the Shire;

Committee means the Chief Executive Officer's Recruitment and Performance Review Committee;

Senior employee for the purposes of this policy expressly, means a person holding the substantive position of a Director, as provided in Council Policy – Senior Employees;

Shire means the Shire of Ashburton;

Standards means the adopted Standards for CEO Recruitment, Performance and Termination;

Temporary CEO means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the incumbent CEO's employment and the recruitment and commencement of a new substantive CEO;

Working day means Monday to Friday, excluding prescribed public holidays.

Relevant policies/documents

Council Policy – Senior Employees

Relevant legislation/local laws

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*

Local Government (Administration Regulations) 1996
Standards for CEO Recruitment, Performance and Termination

Office use only				
Relevant delegations	01.01.27 Appointment of an Acting Chief Executive Officer			
Council adoption	**Date**	19 November 2024	**Resolution #**	222/2024
	Date	21 July 2026	**Resolution #**	114/2026
	Date		**Resolution #**	
	Date		**Resolution #**	
Next review due	2028			