

1.7 DESIGNATION OF SENIOR EMPLOYEES AND APPOINTMENT OF ACTING OR TEMPORARY CHIEF EXECUTIVE OFFICER

Responsible Directorate	Corporate Services	
Resolution	November 2024	C19.11.24
Delegation Ref	CE-119	
Procedure Ref	N/A	

1. PURPOSE

To appoint designated senior employees consistent with section 5.37 of the *Local Government Act 1995* (the Act) and to establish the process of appointing an Acting Chief Executive Officer (CEO) or Temporary CEO consistent with section 5.39C of Act for a term not exceeding one year.

2. SCOPE

This policy applies to the position of CEO of the Shire of Mundaring and designated senior employees.

This policy is the Shire's temporary employment or appointment of CEO policy for the purposes of section 5.39C of the Act.

3. DEFINITIONS

Acting CEO	a person appointed to fill the role of CEO during periods of absence of the incumbent CEO.
senior employee	an employee designated as 'senior employee' by the local government within the terms of section 5.37 of the Act.
Temporary CEO	a person appointed to fill the role of CEO temporarily for up to one year during a period of vacancy in the role.

4. POLICY

4.1. Designated Senior Employees

Council designates the following employees as senior employees of the Shire of Mundaring:

- Director Corporate Services
- Director Strategic and Community Services
- Director Infrastructure Services
- Director Statutory Services.

Appointment of a person to a senior employee position on an acting basis is to be in accordance with section 5.39 of the Act.

4.2. Acting CEO Requirements and Qualifications

In accordance with the requirements of section 5.36(2)(a) of the Act, Council has determined that the persons appointed as senior employees are suitably qualified to perform the role of Acting CEO.

An officer appointed to temporarily act in a senior employee position referred to in item 4.1 is not considered to be suitably qualified to perform the role of Acting CEO.

4.3. Appointment of Acting CEO or Temporary CEO

Period of time as Acting or Temporary CEO	Percentage of salary differential	Approver	Conditions
< five working days	85%	CEO to appoint senior employee	Refer to item 4.3.1.
> five working days, < six weeks	90%	CEO to appoint senior employee	Refer to item 4.3.1.
> six weeks, < twelve months	90%	Council to appoint senior employee or a Temporary CEO	Temporary CEO appointed following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act.

Should the incumbent CEO become incapacitated and unable to appoint an Acting CEO, the Shire President is to determine which senior employee is to be Acting CEO until either the incumbent CEO is able to make an appointment or Council resolves to make an appointment.

4.3.1. Conditions on Incumbent CEO Appointing Acting CEO

Where the CEO is authorised by this policy to appoint a senior employee, the following conditions apply:

- appointment is subject to performance, dependent on availability and operational requirements
- the appointment of the Acting CEO is to be made in writing
- Council is to be advised of appointment of the Acting CEO.

4.4. Powers of Acting CEO or Temporary CEO

The Acting CEO or Temporary CEO will be delegated all powers of the incumbent CEO, subject to any limitations imposed by the incumbent CEO or Council through an appointment under this policy.

5. RELATED LEGISLATION

Local Government Act 1995, sections 5.37, 5.39, 5.39C and 5.40

6. RELATED DOCUMENTS

Not Applicable