

Temporary Employment or Appointment of CEO

Responsible Department:	Office of the CEO
Responsible Business Unit:	Executive Management Team
Date of Review:	15 April 2026
Council Resolution:	120426

1. OBJECTIVE

The objective of this Policy is to establish the Shire of Chittering's process for the temporary employment or appointment of an Acting or Temporary Chief Executive Officer (CEO) in accordance with section 5.39C of the *Local Government Act 1995*.

This policy ensures that the statutory position of CEO is fulfilled, at all times to support effective governance, administration, and operational continuity.

2. SCOPE

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

3. DEFINITIONS

Act means the *Local Government Act 1995*.

Acting CEO means a person appointed to fulfil the statutory role of CEO during a period where the substantive CEO remains employed but is absent due to planned or unplanned leave.

Temporary CEO means a person employed or appointed to fulfill the statutory role of CEO during a period where the substantive CEO position is vacant until a new CEO is appointed and commences employment.

Executive Manager a senior employee of the Shire who holds a substantive position within the Executive Management Team.

4. POLICY STATEMENT

The Shire of Chittering recognises that the CEO is entitled to leave and employment conditions in accordance with their contract of employment and applicable workplace legislation. It is important that the CEO is able to access these entitlements in a manner consistent with good employment practice and organisational wellbeing. Accordingly, the Shire must ensure that appropriate arrangements are in place for the appointment of an Acting or Temporary CEO to maintain the effective administration of the local government and the continued performance of the statutory functions of the CEO during any period of planned or unplanned absence.

SHIRE POLICY 3.3

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4.1. Acting and Temporary CEO Requirements and Qualification

Where the CEO is on planned or unplanned leave, or the CEO's employment with the Shire of Chittering has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfill the functions of CEO as detailed in s5.41 of the *Act*, and any other duties as set out in the *Act* and associated Regulations.

For the purpose of this policy and in accordance with s5.36(2)(a) of the *Act*, Council determines that employees appointed to the substantive positions with the Executive Management Team are considered suitably qualified to perform the role of Acting CEO or Temporary CEO.

4.2. Appointment of Acting CEO – Planned and Unplanned leave for period up to four (4) weeks

The CEO is authorised to appoint, in writing, a member of the Executive Management Team as Acting CEO where the CEO is on planned or unplanned leave for periods not exceeding four (4) weeks.

In making this appointment the CEO will consider:

- The employee's experience and performance;
- Operational requirements of the organisation; and
- The equitable access to professional development opportunities.

Appointments made under this clause must not exceed four(4) weeks without Council approval.

If the CEO is unavailable or unable to appoint an Acting CEO, the Shire President may appoint an Acting CEO in writing until the CEO returns or Council determines the matter.

4.3. Appointment of Acting CEO – Extended Leave Greater than Four Weeks but Less than Twelve Months

Where the CEO is absent for a period greater than four(4) weeks but less than twelve (12) months, the Council must appoint an Acting CEO by resolution.

Council may:

- Extend an Acting CEO appointment made by the CEO;
- Appoint another Executive Manager as Acting CEO; or
- Appoint multiple employees for defined periods to ensure continuity of the CEO role.

These appointments must comply with the principles of merit and equity under s5.40 of the *Act*.

The Shire President, in consultation with the CEO or in their absence an Executive Manager, will coordinate the preparation of a Council report to facilitate the appointment.

Following Council's resolution, the Shire President will execute the Acting CEO appointment in writing.

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4.4. Appointment of Temporary CEO – Substantive Vacancy

Where the substantive CEO's employment with the Shire of Chittering ends, Council may appoint a Temporary CEO.

Council may determine to:

- Appoint an Executive manager as Temporary CEO until a new CEO commences employment;
- Appoint multiple employees as Temporary CEO for defined periods; or
- Conduct an external recruitment process to appoint a Temporary CEO.

These appointments must comply with the principles of merit and equity under s5.40 of the *Act*.

The Shire President will coordinate the preparation of the Council report required for this appointment.

Following Council's resolution, the Shire President will execute the Temporary CEO appointment in writing.

4.5. Remuneration and Conditions of Acting or Temporary CEO

Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at following percentage of the cash component only of the substantive CEO's total reward package:

- a) 80% if acting for less than (5) weeks; or
- b) 90% if acting for more than five (5) weeks.

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 s5.39(1) and (2)(a) of the *Act*.

Council retains the right to terminate or vary any Acting or Temporary CEO appointment by resolution.

5. ROLES AND RESPONSIBILITIES

Council is responsible for:

- Adopting and maintaining this policy in accordance with s5.39C of the *Act*.
- Appointing an Acting CEO where the CEO's absence is expected to exceed four (4) weeks.
- Appointing a Temporary CEO where the substantive CEO position becomes vacant.
- Determining remuneration and employment conditions for any Temporary CEO or extended Acting CEO appointment where required.
- Ensuring appointments comply with the principles of merit and equity under s5.40 of the *Act*.

The Chief Executive Officer is responsible for:

- Appointing an Acting CEO for periods of planned or unplanned leave not exceeding four (4) weeks in accordance with this Policy and relevant delegations.

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- Ensuring the appointment of an Acting CEO is made in writing for a defined period.
- Advising Council Members of the Acting CEO appointment and the during of the appointment as soon as practicable.
- Ensuring appropriate arrangements are in place to maintain organisational continuity during periods of absence.

The Shire President is responsible for:

- Executing in writing the appointment of an Acting or Temporary CEO following a Council resolution.
- Appointing an Acting CEO in emergency circumstances where the CEO is unable to make the appointment, until Council can formally consider the matter.

Members of the Executive Management Team are responsible for:

- Supporting the continuity of organisational leadership where required by performing the role of Acting CEO when appointed.
- Ensuring the statutory and administrative functions of the CEO are fulfilled during any acting period. Maintaining effective communication with the Council and the organisation during any Acting CEO appointment.

6. COMPLIANCE

Legislation	<i>Local Government Act 1995</i> (sections 5.36, 5.39, 5.39C, 5.40 and 5.41)
Industry	Western Australian Local Government Association (WALGA) – Temporary Employment of Appointment of CEO Policy Template Department of Local Government, Industry Regulation and Safety (LGIRS) – CEO Recruitment and Performance Review Guidelines
Organisational Documents	Nil
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	June 2026
Policy Owner	Governance		
Version	Decision Ref	Date	Change
1.0		18/11/2009	Initial adoption
2.0		XX/10/2020	Amendment
3.0	170623	21/06/2023	Amendment
4.0	120426	15/04/2026	Amendment