



3.02 Senior Employees and Appointing Acting Chief Executive Officer Policy

Objective / Purpose

To establish a clear and legislatively compliant governance framework for:

- the designation of Senior Employees under section 5.37 of the Local Government Act 1995 (WA); and
- the appointment of an Acting Chief Executive Officer during temporary absences of the Chief Executive Officer.

This Policy ensures that business continuity arrangements are lawful, transparent and consistent with the Town's governance framework and Register of Delegated Authority.

Policy Statement

Designation of Senior Employees

Pursuant to section 5.37 of the Local Government Act 1995 (WA), Council may designate one or more positions within the organisation as Senior Employees by resolution from time to time.

Senior Employees are those executive positions within the organisation formally designated by Council under section 5.37 of the Act.

The Chief Executive Officer is not designated as a Senior Employee, as the position of Chief Executive Officer is appointed separately by Council in accordance with section 5.36 of the Local Government Act 1995 (WA).

Council may review or amend the designation of Senior Employee positions from time to time to reflect organisational structure and governance requirements.

Acting Chief Executive Officer Appointment

The Chief Executive Officer must make any appointment of an Acting Chief Executive Officer in writing and specify:

- the period of appointment *maximum of 6 weeks
- the employee appointed to perform the role

During the period of appointment, the Acting Chief Executive Officer exercises all powers, duties and functions of the Chief Executive Officer under the Local Government Act 1995 (WA), the Town's Delegations Register, and any applicable legislation, unless otherwise specified in the instrument of appointment.

Default Acting Arrangements

In the case of the temporary absence of the CEO and no Acting Chief Executive Officer has been appointed, the Director Corporate Services acts as Chief Executive Officer until Council resolves an appointment as soon as practicable.

Legislative Framework

This Policy is to be read and applied in accordance with:

- Local Government Act 1995 (WA):
 - section 5.36 – Acting Chief Executive Officer
 - section 5.37 – Designation of Senior Employees
- Any relevant subsidiary legislation.

Where there is any inconsistency between this Policy and legislation, legislation prevails.

Related Policies and Governance Instruments

This Policy is to be read and applied in conjunction with:

- The Town's Delegations Register (as amended from time to time).
- The Council Framework Policy;
- The Chief Executive Officer Employment Contract (where applicable); and
- Any relevant governance or continuity frameworks adopted by Council.

All powers exercised under this Policy must be consistent with the Town's current Delegations Register.

Definitions

Senior Employee

A position designated by Council under section 5.37 of the Local Government Act 1995 (WA).

Acting Chief Executive Officer

A Senior Employee appointed to temporarily perform the duties and functions of the Chief Executive Officer in accordance with section 5.36 of the Local Government Act 1995 (WA).

Temporary Absence

A period during which the Chief Executive Officer is unavailable to perform their duties due to leave, illness or other authorised absence.

Policy Administration

Administration	Detail
Business Unit	Governance
Directorate	Corporate Services
Delegated Authority	Nil
Review Frequency	2 yearly

Document Control

Version	Resolution No.	Adoption Date
01	-	24.11.2004
02	201415/143	17.12.2014
03	201516/012	29.07.2015
04	CM201617/176	30.03.2017
05	CM201920/058	25.09.2019
06	CM201920/105	27.11.2019
07	CM202021/042	23.09.2020
08	CM202627/130	25.03.2026

The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/documents/public-documents/policies> to ensure that you have the current version. Alternatively, you may contact the Governance Team.