



EMP-HR-001 | Appointment of Acting or Temporary Chief Executive Officer

Strategic Context

Strategic Link	Policy Objective
☑ United ☑ Safe & Healthy ☑ Beautiful & Respected ☑ Prosperous & Equitable	To establish policy, in accordance with section 5.39C of the <i>Local Government Act 1995</i> , that details the Shire of Halls Creek (the Shire) processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or vacancy in accordance with section 5.39 of the <i>Local Government Act 1995 (Act)</i> .

Introduction

1. Pursuant to section 5.36 of the *Act*, it is a requirement that Council employ a person to be CEO to enable the functions of the Local Government and the functions of Council to be performed.
2. The manner of the recruitment is prescribed in the *Act* and the Local Government (Administration) Regulations Act 1996.
3. Section 5.39C of the *Local Government Legislation Amendment Act 2019* was inserted into the *Act* and informs the requirements for this policy.

Purpose

4. To set out the process in relation to the appointment of Senior Employees (Executive Directors) to act in the position of CEO for a term not exceeding one year.

Policy Scope

5. This policy applies to the statutory position of Chief Executive Officer (CEO) of the Shire.
6. The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 5 weeks.

Policy Statement

7. The CEO is contractually entitled to leave conditions as specified in their employment contract and subject to relevant industrial and employment law.
8. Approval for the CEO to take leave entitlements is at the written discretion of the Shire President, or where the Shire President is on an approved leave of absence, the Deputy Shire President. The Shire President / Deputy Shire President, as applicable, cannot unreasonably withhold approval.
9. When the CEO is on leave or the CEO's employment with the Local Government has ended, an Acting or Temporary Chief Executive Officer is to be appointed in accordance with this Policy to fulfil the duties and functions of CEO as detailed in section 5.41 of the *Act*.



10. Through this policy and in accordance with section 5.36(2)(a) of the *Act*, Council determines that persons appointed as the incumbent to a position of Director are considered suitably qualified to perform the role of Acting or Temporary CEO.
11. A person appointed as Acting Director or has not completed their probationary period is not included in this determination.
12. The acting role to be rotated between the Executive team of the Shire where practicable.

Principles Underpinning the Policy

Principle Name	Principle Definition
Good Governance	The appointment and operation of an Acting or Temporary Chief Executive Officer will support lawful decision-making, clear accountability, continuity of leadership, and the effective separation of Council governance and administrative functions at all times.
Lawful and Good-Faith Conduct	Any Acting or Temporary Chief Executive Officer will perform all functions and exercise all delegated powers lawfully, honestly, and in good faith, in accordance with legislative requirements, Council resolutions, and the best interests of the Shire.
Accountability and Transparency	The appointment, authority, and actions of an Acting or Temporary Chief Executive Officer will be clearly documented, appropriately reported, and subject to oversight to promote transparency, accountability, and public confidence in the Shire's governance.
Continuity of Leadership and Operations	Arrangements for acting or temporary appointments will ensure continuity of executive leadership, decision-making, and service delivery during periods of CEO absence or transition.
Risk Management	Acting and temporary CEO arrangements will be implemented in a manner that identifies, manages, and mitigates organisational, financial, and reputational risks associated with executive absence or change.

Definitions

Term	Meaning
Acting Chief Executive Officer (Acting CEO)	Means an employee of the Shire appointed to perform the functions and responsibilities of the Chief Executive Officer for a temporary period during the absence or unavailability of the substantive CEO.
Chief Executive Officer (CEO)	Means the person appointed by Council under section 5.36 of the <i>Local Government Act 1995 (WA)</i> to be responsible for the day-to-day administration of the local government.
Council	Means the governing body of the Shire of Halls Creek, comprising all elected members acting collectively in a formally convened meeting and making decisions in accordance with the <i>Local Government Act 1995</i> .



Elected Member	A Councillor of the Shire of Halls Creek, including the President and Deputy President.
Local Government Act	Means the <i>Local Government Act 1995 (WA)</i> , as amended.
Period of Appointment	Means the approved duration for which an Acting or Temporary CEO is appointed to perform the functions of the CEO.
Substantive CEO	Means the person permanently appointed to the position of Chief Executive Officer.
Shire	Means the Shire of Halls Creek, a local government established under the <i>Local Government Act 1995</i> .
Temporary Chief Executive Officer (Temporary CEO)	Means a person appointed, either internally or externally, to perform the functions and responsibilities of the Chief Executive Officer for a defined period where the CEO position is vacant or the substantive CEO is unable to perform the role for an extended duration.
Vacancy	A circumstance in which the position of Chief Executive Officer is unfilled due to resignation, termination, or expiration of contract.

Policy Details

13. Appointment of an Acting Chief Executive Officer – Planned and unplanned leave or work-related absences for periods up to 5 weeks

13.1 The CEO is authorised to appoint a suitably qualified Director, in writing, as Acting CEO for a period not exceeding five consecutive weeks where the CEO:

- a) is on planned or unplanned leave;
- b) is incapacitated or otherwise unavailable; or
- c) is travelling interstate or overseas and considers that an Acting CEO appointment is necessary to maintain effective executive authority and organisational continuity.

13.2 When selecting a Director, the CEO will consider the Director's performance, experience, availability, capacity, operational requirements and, where appropriate, equitable access to professional development opportunities.

13.3 The acting role to be rotated between the Executive team of the Shire where practicable to provide professional development.

13.4 The written appointment must specify the commencement and conclusion dates and any conditions applying to the appointment. The CEO must advise the Shire President and Deputy President of the appointee and appointment period as soon as practicable.

14. Appointment of an Acting Chief Executive Officer – Where CEO is unavailable to Action

14.1 If the CEO is unable or unavailable to appoint an Acting CEO, the Shire President may, after consulting the Executive Team, appoint a suitably qualified Director as Acting CEO in writing.

14.2 If the Shire President is unavailable, the Deputy President, while acting in the office of President in accordance with section 5.34 of the Act, may make the appointment.

- 14.3 An appointment under this clause:
- a) must be made from among the Shire's substantive Directors;
 - b) must not exceed five consecutive weeks;
 - c) must specify the commencement and conclusion dates;
 - d) must be based on the Director's experience, performance, availability, capacity and operational requirements;
 - e) must be communicated to all Council members as soon as practicable; and
 - f) will cease when the CEO returns or the five-week period expires, whichever occurs first.
- 14.4 If the CEO's absence is expected to exceed five weeks, the Shire President must arrange for Council to appoint an Acting CEO before the five-week period expires.

15. Appointment of an Acting Chief Executive Officer – Extended Planned Leave periods greater than 5 weeks but less than 12 months and Suspension

- 15.1 Extended Planned Leave may include; accumulated annual leave, long service leave or personal leave. The following protocol also applies where the incumbent CEO has been suspended or stood down.
- 15.2 The Council will, by resolution, appoint an Acting CEO during periods of extended planned leave greater than 5 weeks but less than 12 months or suspension, as follows:
- a) Appoint one or multiple Directors as Acting CEO for defined periods to ensure the CEO position is filled continuously for the period of extended leave or suspension; and / or
 - b) Conduct an external recruitment process in accordance with clause 12(c)(iii) below.
- 15.3 The Shire President / Deputy Shire President, as applicable, will liaise with the CEO, or in their absence the Governance team, to coordinate Council resolutions necessary to facilitate the appointment of an Acting CEO.
- 15.4 Subject to Council's resolution, the Shire President / Deputy Shire President, as applicable, will execute in writing appointment of an Acting CEO with administrative assistance from the Governance Team.

16. Appoint Temporary CEO – Substantive Vacancy

- 16.1 If the substantive CEO's employment with the Shire is ending, the Council when determining to appoint a Temporary CEO may either;
- a) by resolution, appoint a Senior Employee as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Shire; or
 - b) by resolution, appoint a Senior Employee as the Interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
 - c) following an external recruitment or secondment 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 Shire.
- 16.2 The Shire President will liaise with the Director Governance and Sustainability to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- 16.3 The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance from the Director Governance and Sustainability.



17. Remuneration and conditions of Acting / Temporary CEO arrangements

- 17.1 The CEO will determine the remuneration and benefits when appointing an employee as Acting CEO. Remuneration and benefits must not exceed the substantive CEO's total reward package.
- 17.2 Where an appointment is made where the CEO is unavailable the Shire President in consultation with the Director Financial Services will determine the remuneration and benefits when appointing an employee as Acting CEO. Determination will have due regard to the remuneration and benefits applied formerly and must not exceed the substantive CEO's total reward package.
- 17.3 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.
- 17.4 Acting and temporary CEOs will be delegated the powers and be able to discharge the duties of the CEO, subject to any limitations imposed by the CEO or Council through an appointment under this policy.

Related Documentation / Legislation

Legislation	Shire of Halls Creek Documentation
a. <i>Local Government Act 1995 (WA)</i>	a. EMP-GOV-001- Code of Conduct for Council Members, Committee Members and Candidates
b. <i>Local Government (Administration) Regulations 1996</i>	b. EMP-HR-002- Chief Executive Officer Performance Review Policy
c. <i>Work Health and Safety Act 2020 (WA)</i>	c. EMP-HR-008 – Chief Executive Officer Recruitment Policy
d. <i>Industrial Relations Act 1979 (WA)</i>	d. Delegations and Authorisations Register

Policy Review

- 18. This policy will be reviewed every four (4) years from the date of endorsement, or earlier in the event of legislative change, audit findings or a resolution of Council.

Document Control

Relevant delegations	Nil		
Risk Evaluation	High		
Council adoption	27 August 2026	Resolution	2026/090
Previous Title	HR7 Acting Chief Executive Officer		
Reviewed	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071) 27 July 2023 (Resolution no. 2023/___)		
Next review due	August 2030		