

Acting Chief Executive Officer Appointment Policy

Policy – CP098

Prepared	Reviewed	Approved	Date	Council Minute No.
Manager Governance & Performance	Executive Leadership Team	Council	27 July 2023	2019/0194
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1. The purpose of this policy is

To provide clear guidance on the provisions that apply to the appointment of a person as Acting Chief Executive Officer (A/CEO) and allows for the approval of the Chief Executive Officer (CEO) on sick leave, long service leave, annual leave or other extended absences.

2. Policy Statement

This policy represents the formal policy and expected standards of the Mildura Rural City Council. Appropriate approvals need to be obtained prior to any deviation from the policy. Elected members and employees are reminded of their obligations under the Council’s Code of Conduct to give full effect to the lawful policies, decisions and practices of the Council.

3. Principles

Section 44 of *the Local Government Act 2020* (the Act) requires Council to appoint a natural person to be its Chief Executive Officer.

3.1 Appointment of a person as Acting CEO

Only Senior Officers as defined in the Act will be appointed to the position of A/CEO under the terms of this policy.

If there is a vacancy in the office of Chief Executive Officer or the Chief Executive Officer is unable to perform the duties of the office of Chief Executive Officer, the Council must appoint a person to be the Acting Chief Executive Officer and that the Chief Executive Officer or an Acting Chief Executive Officer is a member of Council staff.

The appointment of a person who is not an existing employee of Council as acting or interim CEO must be by resolution of the Council.

If the appointment of a current senior officer as A/CEO is for a continuous period not exceeding 28 days, this can be made by the

CEO under the S5 Instrument of Delegation to the Chief Executive Officer.

If the appointment of a current senior officer as A/CEO is proposed to exceed 28 days, this must be made by resolution of the Council.

3.2 Periods of Leave

If the period of leave is five days or less, then the CEO is authorised to make the appointment under delegation.

If the period of leave is more than five days and less than 28 days, the CEO is expected to liaise with the Mayor prior to making the appointment under delegation.

If the period of leave is to exceed 28 days in a continuous period, then Council should appoint the A/CEO by resolution. Council could appoint either to the position of Acting CEO: -

- One of the General Managers of Council
- Or offer the position to a suitably qualified individual as a short-term contract during extended periods of absence of the CEO.

3.3 Leave approval Chief Executive Officer

An application for annual leave, long service leave, personal leave or an extended absence is to be approved by the Mayor on behalf of Council.

4. Who is responsible for implementing this policy?

Manager Governance & Performance.

5. Definitions

Nil

6. Legislation and other references

6.1 Legislation

For further information related to this policy see:

- *Local Government Act 2020.*

6.2 Documents

This Policy is implemented in conjunction with the following documents:

- S5 Instrument of Delegation to the Chief Executive Officer
- CEO Employment & Remuneration Policy - CP001

6.3 Risk Assessment Reference

Please tick the corporate risk(s) that this policy is addressing.

Risk Category	✓	Risk Category	✓
Asset Management		Financial Sustainability	
Committees		Human Resource Management	
Compliance – Legal & Regulatory	✓	Leadership & Organisational Culture	✓
Contract Management		Occupational Health & Safety	
Contract Tendering & Procurement		Organisational Risk Management	
Corporate Governance	✓	Project Management	
Environmental Sustainability		Public Image and Reputation	✓