12.4 APPROVAL TO ADVERTISE AMENDED TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO POLICY - STANDARD AMENDMENT

Attachments:
1. **Temporary Employment or Appointment of CEO Policy (marked up)**
2. **Temporary Employment or Appointment of CEO Policy (clean)**

RECOMMENDATION

That Council APPROVES the proposed amendments to the Temporary Employment or Appointment of CEO Policy at Attachment 1 for community consultation.

PURPOSE OF REPORT:

For Council to approve the proposed amendments to the Temporary Employment or Appointment of CEO Policy at **Attachment 1** for community consultation.

DELEGATION:

Section 2.7 of the *Local Government Act 1995* (Act) provides that Council determines the local government's policies. Administration has no delegated authority to make, review or repeal policies.

BACKGROUND:

The policy framework was developed within a broader context of significant local government governance reform in 2021. On 3 February 2021, amendments to the *Local Government (Administration) Regulations 1996,* through the *Local Government (Administration) Amendment Regulations 2021*, introduced the Model Standards for CEO Recruitment, Performance and Termination (CEO Standards). These standards prescribe minimum requirements for the recruitment, performance review and termination of local government CEOs and were adopted by Council at its meeting on 23 March 2021.

The Temporary Employment or Appointment of CEO Policy was subsequently adopted by Council on 17 May 2022 and has not since been reviewed.

DETAILS:

Requirement for a documented City position (including community need or legislative requirement):
A documented City position remains necessary because section 5.39C of the Act requires local governments to adopt and publish a policy on the temporary employment or appointment of a CEO.

The proposed amendments continue to provide a governance framework for when:

- the substantive CEO is temporarily absent, and an employee performs the CEO's statutory functions (Acting CEO), or
- the substantive CEO position is vacant, and a person is temporarily appointed or employed as CEO (Temporary CEO).

The proposed amendments maintain the distinction between short-term operational arrangements managed by the CEO and longer-term arrangements requiring Council determination.

Key policy positions included in the proposed amendments are:

- the CEO may appoint an Acting CEO for periods of up to three months;
- members of the Executive Management Committee are identified as the officers suitably qualified to perform the CEO's statutory functions in an Acting CEO capacity;
- Acting CEO arrangements are based on relative merit, operational requirements and availability;
- where no Executive Management Committee member is reasonably available, Council approval is required before another suitably qualified employee or an external person performs the CEO role;
- Council determines any Acting CEO appointment exceeding three months; and
- Council determines any Temporary CEO employment arrangement.

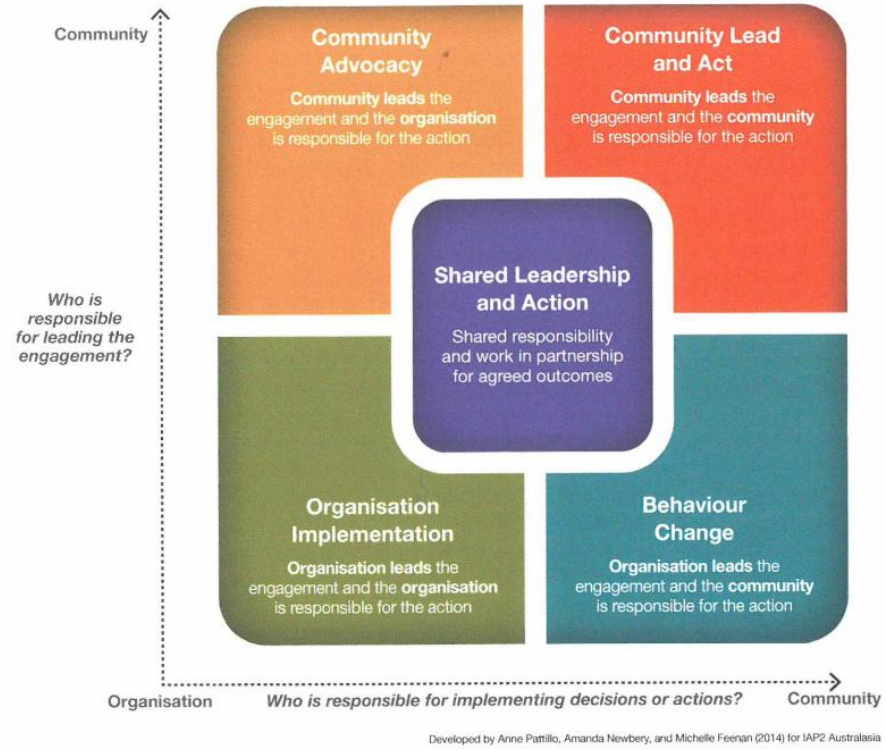
A three-month threshold for CEO determined Acting CEO arrangements is consistent with the upper range of practice across the metropolitan sector, remains within the legislative framework, and provides operational flexibility to manage extended periods of leave without requiring repeated Council resolutions. At the same time, appropriate Council oversight of longer-term acting and all temporary CEO arrangements is preserved.

The amendments, together with the proposed repeal of the Organisational Structure and Designation of Senior Employees Policy, remove unnecessary reliance on senior employee designation and enable organisational structure information to be maintained more easily on the City's website. This approach supports clear governance, avoids unnecessary statutory employment complexity, and appropriately balances the principle that Council governs while the CEO manages the administration.

Examples of current / best practice:

The City of Perth takes a concise governance approach. Its policy specifies when the CEO may appoint an Acting CEO and when Council involvement is required, but does not prescribe operational matters such as the process for identifying and confirming a suitable officer. In contrast, the City of Joondalup and the City of Subiaco adopt a more prescriptive approach that includes in-depth operational detail. The Administration's view is that the proposed amendments strike an appropriate balance. They provide clear Council policy, without prescribing internal operationalisation of procedures.

CONSULTATION/ADVERTISING:



Organisation Implementation

Organisations lead engagement, seek input and shape the policies, projects and services they are responsible for. This is a familiar approach to policy development, project management and service delivery.

Tension: People may feel forced, which can make the process unresponsive.
Mitigation: Increase the level of influence and use a transparent, robust process.

We use this approach when the engagement leader is responsible for decision making and implementation.

We measure successful implementation through a robust process that engages the community and stakeholders.

In accordance with the City's Corporate Document Development Policy, draft policy documents are presented to Council for approval to commence community consultation. Proposed changes, other than those covered by clause 5.8, are advertised in accordance with the City's Community and Stakeholder Engagement Policy and the following amendment classifications:

- **Complex Amendments:** Broad public engagement is required, aligned with the Community and Stakeholder Engagement Policy, to ensure significant changes are communicated and reviewed.
- **Standard Amendments:** Amendments are advertised for at least 21 days in accordance with the Community and Stakeholder Engagement Policy. Consultation methods are tailored to the likely impact of the amendments, with recommendations presented to Council for determination.

Administration considers the proposed amendments to be a Standard Amendment. The amended policy will be advertised for at least 21 days in accordance with the City's Community and Stakeholder Engagement Policy.

The proposed amendments will be advertised by public notice on the Imagine Vincent platform from 21 August 2026.

LEGAL/POLICY:

Section 2.7(2)(b) of the Act gives Council the power to determine policies.

Section 5.39C(1) *Policy for temporary employment or appointment of CEO* of the Act requires a local government to adopt a policy by absolute majority that sets out the process to be followed by the local government in relation to acting arrangements for the position of the CEO.

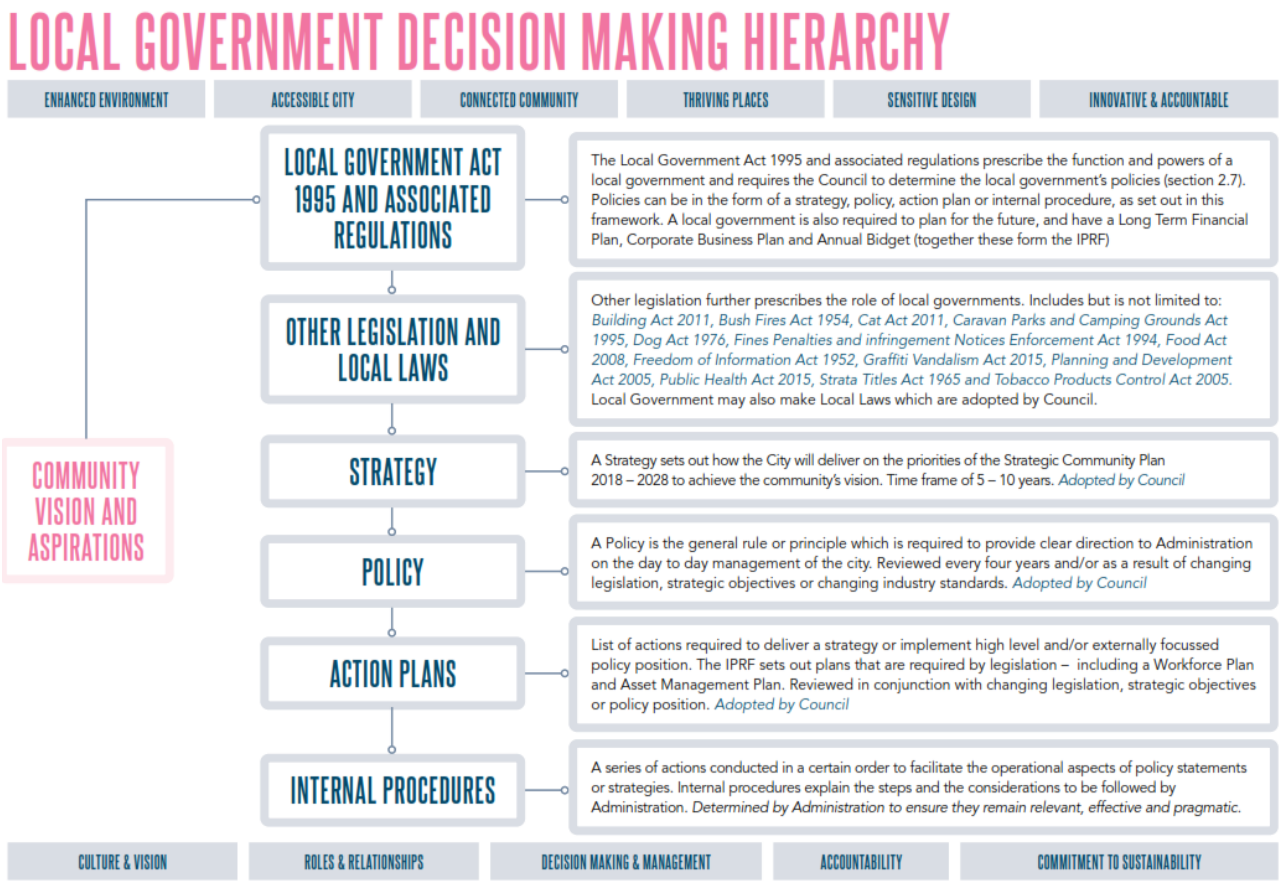
5.39C(2) provides that a local government may amend the policy by absolute majority.

The City's Corporate Document Development Policy sets out the process for developing and reviewing the City's policy documents.

In accordance with clause 2.3 of the Corporate Document Development Policy:

> *The purpose of a policy is to provide a general rule or principle to guide Administration and the community on the City's decision making and advocacy;*

The policy is required in accordance with Section 5.39C of the Act and provides sufficient guidance for the employment or appointment of a person in the position of the CEO for not more than 1 year.



RISK MANAGEMENT IMPLICATIONS

Low: The proposed amendments reduce governance risk by clarifying when the CEO may appoint an Acting CEO, when Council approval is required and how suitable officers are identified. This supports lawful decision making, role clarity and continuity of leadership.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Innovative and Accountable

Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.

SUSTAINABILITY IMPLICATIONS:

Sustainable Vincent Framework
This does not contribute to any specific sustainability outcomes of the Sustainable Vincent Framework.

Enhanced Environment Strategy
This does not contribute to any specific sustainability outcomes of the City's Enhanced Environment Strategy 2025-2030.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the City's Public Health Plan 2026 to 2031.

FINANCIAL/BUDGET IMPLICATIONS:

The proposed amendments are not expected to create material financial impacts.

COMMENT:

The proposed policy sets the process for appointing an Acting CEO or Temporary CEO for a period of less than 12 months. It supports continuity of leadership and fair, merit-based employment decisions.

The proposed amendments do this by:

- Clarifying the respective roles of Council and the CEO when the CEO is temporarily absent or the substantive CEO position is vacant.
- Removing dependence on senior employee designation to identify who may act as CEO.
- Strengthening operational clarity under the CEO's statutory responsibilities in section 5.41 of the Act.
- Enabling the CEO to appoint an Acting CEO for up to three months and identify Executive Management Committee members as suitably qualified to perform the CEO's statutory functions in short-term acting arrangements.
- Requiring longer Acting CEO arrangements to be supported by a structured, merit based assessment coordinated under the Mayor's direction. In practice, this may include expressions of interest, interviews, assessment against the CEO role requirements and external recruitment support where necessary.
- Avoiding duplication of operational matters that fall within the CEO's statutory responsibility under section 5.41 of the Act.
- Strengthening the principle of merit and equity under section 5.40 of the Act in CEO employment decisions.

Temporary Employment or Appointment of CEO Policy

Legislation / local law requirements	*Local Government Act 1995* • s5.36 Local government employees • s5.39 Contracts for CEO and senior ~~employee~~employees • s5.39C Policy for temporary employment or appointment of CEO • s5.40 Principles affecting employment by local governments. *Local Government (Administration) Regulations Act 1996*
Relevant delegations	Delegation 2.2.1 - Appointment of an Acting CEO
Related policies, procedures and supporting documentation	Nil~~A~~

PRELIMINARY

INTRODUCTION

~~S~~Pursuant to section 5.36 of the *Local Government Act 1995* (Act) requires ~~, it is a requirement that~~ Council to employ a person to be the Chief Executive Officer (CEO).

The CEO ~~enable the functions~~manages the administration of the Local Government and supports the Council in performing its functions. ~~the functions of Council to be performed.~~

~~The manner of the recruitment is prescribed in~~ The Act and the *Local Government (Administration) Regulations 1996* set out relevant requirements for appointing an Acting CEO or employing a Temporary CEO.

~~Section 5.39C of the Local Government Legislation Amendment Act 2019 was inserted into the Act and informs the requirements for this policy.~~

PURPOSE

This policy sets out the process ~~in relation to the appointment of Senior Employees (Executive Directors)~~ for appointing an Acting CEO or Temporary CEO ~~to act in the position of CEO~~ for a ~~a term not exceeding one year.~~period of less than 12 months. It supports continuity of leadership and fair and merit-based employment decisions.

OBJECTIVE

To establish policy, in accordance with section 5.39C of the Act, ~~that details the City of Vincent's processes~~ for appointing:

- an Acting CEO when the substantive CEO is unavailable on planned or unplanned leave or
- a Temporary CEO when the substantive CEO position becomes vacant.~~for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office..~~

Temporary Employment or Appointment of CEO Policy

SCOPE

This policy applies to the statutory position of CEO of the City of Vincent.

~~POLICY PROVISIONS~~

DEFINITIONS

Acting CEO means an ~~person~~ employee ~~employed or~~ appointed to ~~fulfil the statutory position of~~perform the CEO role ~~during a period where~~while the substantive CEO remains employed but is unavailable, including on planned or unplanned leave.

Temporary CEO means a person ~~employed or appointed~~employed to perform the~~fulfil the statutory position of~~ CEO role after the ~~for the period between the end of the~~ substantive CEO's employment ends or where Council decides a temporary employment arrangement is required~~and the appointment and commencement of a newly appointed substantive CEO~~.

Executive Management Committee (EMC) means the City of Vincent's employees who lead and oversee the organisation's strategic and operational work.

EMC member means a person appointed to the EMC. This policy excludes members in an acting position from being appointed by the CEO. Council resolution is required to appoint a member of the EMC who is acting in their position.

Merit means selecting the best person, based on skills and experience, to perform the role's functions. It means comparing candidates' work-related qualities to determine who is best suited based on relative ability. The assessment of merit applies the principles of merit and equity under section 5.40 of the Act to employment decisions.

A merit-based process is a process designed to identify the most suitable person to perform the role's functions. The process must be transparent, meaning information about it is readily available to all potential candidates.

~~***Senior Employee*** means a person appointed to the position of Executive Director~~

~~POLICY~~PRINCIPLES

1. The policy's primary objective is to maintain operational continuity and ensure the uninterrupted performance of the CEO's statutory functions.

2. As far as practical, decision-makers use a merit-based process to inform their decisions.

POLICY

3. ~~Appoint~~ Acting CEO ~~– Planned and unplanned leave for periods~~ up to ~~6~~ 12 weeks

3.1 Clause 3 applies if the substantive CEO is unavailable for more than 48 hours and less than 12 weeks.

Temporary Employment or Appointment of CEO Policy

3.2 The City will advise all employees and Council Members of the Acting CEO appointment.

3.3 An appointment under clause 3 must not continue for more than 12 weeks unless Council appoints an Acting CEO under clause 4.

CEO is available to appoint

3.4 Under Council Delegation 2.2.1 – Appointment of an Acting CEO, the CEO may appoint an Acting CEO if:

3.4.1 The appointment is for more than 48 hours and no longer than 12 weeks, and

3.4.2 The employee appointed is an EMC member.

3.5 Before appointing an Acting CEO, the CEO will, as far as practicable, consider each EMC member's suitability for the role, relative merit, the City's operational needs and the availability of members, before deciding who to appoint as Acting CEO.

The CEO is unavailable to appoint an Acting CEO

3.6 If the CEO is unavailable or unable to appoint an Acting CEO, the Governance Manager with the agreement of the HR Manager and following consultation with the Mayor, may appoint an Acting CEO for a maximum period of two weeks. They cannot appoint themselves.

~~1.~~

~~1.1 Consistent with Council Delegation 2.2.1 – Appointment of an Acting CEO, the CEO is authorised to appoint an Acting CEO , subject to the following conditions:The CEO will consider each member's relative suitability for the role, the City's operational needs and the availability of members.~~

~~• the Employee being designated a "Senior Employee", as prescribed by the LGA and determined by Councils Organisational Structure and Designation of "Senior Employees" policy;~~
~~• appointments being no longer than 6 weeks;~~
~~• Council Members to be advised of Acting CEO; and~~
~~• the acting role to be rotated between the Executive Directors of the City where practicable or an external sector Senior Employee through a secondment arrangement.~~

~~2. The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 6 weeks.~~

~~3. If the CEO is unavailable or unable to make the decision to appoint an Acting CEO the Executive Manager Corporate Strategy and Governance will appoint an Acting CEO in accordance with 1.1. above.~~

3.7 The Governance Manager may rotate the Acting CEO role between EMC members to meet the City's operational needs. Any decision must be based on relative merit, availability and

Temporary Employment or Appointment of CEO Policy

business requirements. Rotation is not automatic.~~Council may, by resolution, extend an Acting CEO period under subclause (1.3) beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties~~

Other appointments

3.8 If the City cannot appoint an Acting CEO under clauses 3.4 or 3.6, Council may appoint a suitable employee.

~~3.1~~3.9 If Council cannot appoint a suitable employee, Council may appoint a Temporary CEO under clause 5.

4. Appoint Acting CEO for ~~extended leave~~ periods greater than 12~~6~~ weeks but less than 12 months.

4.1 ~~This clause~~Clause 4 applie~~s to~~s if the substantive CEO is unavailable for more than 12 weeks and less than 12 months. ~~, such as due to planned or unplanned leave,otherwise , whether due to leave or other reasons.~~

~~4.1~~4.2 Council appoints the Acting CEO by resolution.

~~• substantive CEO's extended planned leave which may include accumulated annual leave, long service leave or personal leave; and~~
~~• substantive CEO's extended unplanned leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.~~

4.3 ~~The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months~~As far as practicable, Council will first consider available EMC members through a merit-based process.

4.4 If Council cannot appoint a suitable employee under this clause, Council may appoint a Temporary CEO under clause 5.

~~4.2 , as follows:~~
~~a. Appoint one Senior Employee, or multiple Senior Employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or~~
~~b. Conduct an external recruitment process in accordance with clause 3.1(c).~~

~~4.3~~4.5 The Mayor will ~~liaise with~~work with the CEO, or ~~in their unplanned absence~~if the CEO is unavailable, ~~the Executive Manager Corporate Strategy and Governance~~Governance Manager and HR Manager, to ~~coordinate~~ prepare the Council reports and resolutions ~~necessary~~ needed ~~to facilitate an~~for the Acting CEO appointment.

~~4.4~~ Subject to Council's resolution, the Mayor will execute in writing the Acting CEO appointment with administrative ~~assistance~~ support from the ~~Executive Manager Corporate Strategy and G~~Governance Manager and HR Manager.

~~4.5~~4.6

Temporary Employment or Appointment of CEO Policy

5. Appoint Temporary CEO – Substantive Vacancy

5.1 Council appoints a Temporary CEO if~~In the event that~~ the substantive CEO's employment with the City of Vincent is ending or has ended~~, the Council when determining to appoint a Temporary CEO~~. In the meantime, the vacancy in the substantive CEO position is advertised.

5.2 Council will prioritise business continuity and, when practical, support the appointment of the person it considers most suitable as Temporary CEO, whether internal or external to the organisation, using a merit-based process.

5.3 The Temporary CEO fulfils the statutory CEO functions for the period that the substantive CEO position is vacant.

5.4 Council appoints a person to be a Temporary CEO only if it considers them suitable for the role. Council appoints the Temporary CEO by resolution.

5.5 Council may appoint either:

5.5.1 an interim Temporary CEO, for the period the CEO position is vacant until Council appoints a Temporary CEO through an external recruitment or secondment process, or

5.5.2 A Temporary CEO, for the period the CEO position is vacant until the new substantive CEO commences.

5.6 The Mayor will liaise with the Governance Manager and HR Manager to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.

5.7 Subject to Council resolution, the Mayor is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance from the Governance Manager and HR Manager.

~~5.1~~

~~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 City; 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 LGA, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the City.~~

~~3.2 The Mayor will liaise with the Executive Manager Corporate Strategy and Governance to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.~~

Temporary Employment or Appointment of CEO Policy

~~3.3 The Mayor is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance from the Executive Manager Corporate Strategy and Governance.~~

OFFICE USE ONLY	
Responsible Officer	Executive Manager Corporate Strategy and Governance
Initial Council Adoption	17/05/2022
Previous Title	N/A
Reviewed / Amended	XX/XX/2026
Next Review Date	~~05/2026~~ XX/XX/2030

Temporary Employment or Appointment of CEO Policy

Legislation / local law requirements	*Local Government Act 1995* • s5.36 Local government employees • s5.39 Contracts for CEO and senior employees • s5.39C Policy for temporary employment or appointment of CEO • s5.40 Principles affecting employment by local governments. *Local Government (Administration) Regulations Act 1996*
Relevant delegations	Delegation 2.2.1 - Appointment of an Acting CEO
Related policies, procedures and supporting documentation	Nil

PRELIMINARY

INTRODUCTION

Section 5.36 of the *Local Government Act 1995* (Act) requires Council to employ a person to be the Chief Executive Officer (CEO).

The CEO manages the administration of the Local Government and supports the Council in performing its functions.

The Act and the *Local Government (Administration) Regulations 1996* set out relevant requirements for appointing an Acting CEO or employing a Temporary CEO.

PURPOSE

This policy sets out the process for appointing an Acting CEO or Temporary CEO for a period of less than 12 months. It supports continuity of leadership and fair and merit-based employment decisions.

OBJECTIVE

To establish policy, in accordance with section 5.39C of the Act, for appointing:

- an Acting CEO when the substantive CEO is unavailable on planned or unplanned leave or
- a Temporary CEO when the substantive CEO position becomes vacant.

SCOPE

This policy applies to the statutory position of CEO of the City of Vincent.

DEFINITIONS

Acting CEO means an employee appointed to perform the CEO role while the substantive CEO remains employed but is unavailable, including on planned or unplanned leave.

Temporary CEO means a person employed to perform the CEO role after the substantive CEO's employment ends or where Council decides a temporary employment arrangement is required.

Temporary Employment or Appointment of CEO Policy

Executive Management Committee (EMC) means the City of Vincent's employees who lead and oversee the organisation's strategic and operational work.

EMC member means a person appointed to the EMC. This policy excludes members in an acting position from being appointed by the CEO. Council resolution is required to appoint a member of the EMC who is acting in their position.

Merit means selecting the best person, based on skills and experience, to perform the role's functions. It means comparing candidates' work-related qualities to determine who is best suited based on relative ability. The assessment of merit applies the principles of merit and equity under section 5.40 of the Act to employment decisions.

A merit-based process is a process designed to identify the most suitable person to perform the role's functions. The process must be transparent, meaning information about it is readily available to all potential candidates.

PRINCIPLES

1. The policy's primary objective is to maintain operational continuity and ensure the uninterrupted performance of the CEO's statutory functions.

2. As far as practical, decision-makers use a merit-based process to inform their decisions.

POLICY

3. Acting CEO up to 12 weeks

3.1 Clause 3 applies if the substantive CEO is unavailable for more than 48 hours and less than 12 weeks.

3.2 The City will advise all employees and Council Members of the Acting CEO appointment.

3.3 An appointment under clause 3 must not continue for more than 12 weeks unless Council appoints an Acting CEO under clause 4.

CEO is available to appoint

3.4 Under Council Delegation 2.2.1 – Appointment of an Acting CEO, the CEO may appoint an Acting CEO if:

3.4.1 The appointment is for more than 48 hours and no longer than 12 weeks, and

3.4.2 The employee appointed is an EMC member.

3.5 Before appointing an Acting CEO, the CEO will, as far as practicable, consider each EMC member's suitability for the role, relative merit, the City's operational needs and the availability of members, before deciding who to appoint as Acting CEO.

The CEO is unavailable to appoint an Acting CEO

Temporary Employment or Appointment of CEO Policy

3.6 If the CEO is unavailable or unable to appoint an Acting CEO, the Governance Manager with the agreement of the HR Manager and following consultation with the Mayor, may appoint an Acting CEO for a maximum period of two weeks. They cannot appoint themselves.

3.7 The Governance Manager may rotate the Acting CEO role between EMC members to meet the City's operational needs. Any decision must be based on relative merit, availability and business requirements. Rotation is not automatic.

Other appointments

3.8 If the City cannot appoint an Acting CEO under clauses 3.4 or 3.6, Council may appoint a suitable employee.

3.9 If Council cannot appoint a suitable employee, Council may appoint a Temporary CEO under clause 5.

4. Appoint Acting CEO for periods greater than 12 weeks but less than 12 months.

4.1 Clause 4 applies if the substantive CEO is unavailable for more than 12 weeks and less than 12 months.

4.2 Council appoints the Acting CEO by resolution.

4.3 As far as practicable, Council will first consider available EMC members through a merit-based process.

4.4 If Council cannot appoint a suitable employee under this clause, Council may appoint a Temporary CEO under clause 5.

4.5 The Mayor will work with the CEO, or if the CEO is unavailable, the Governance Manager and HR Manager, to prepare the Council reports and resolutions needed for the Acting CEO appointment.

4.6 Subject to Council's resolution, the Mayor will execute in writing the Acting CEO appointment with administrative support from the Governance Manager and HR Manager.

5. Appoint Temporary CEO – Substantive Vacancy

5.1 Council appoints a Temporary CEO if the substantive CEO's employment with the City of Vincent is ending or has ended. In the meantime, the vacancy in the substantive CEO position is advertised.

5.2 Council will prioritise business continuity and, when practical, support the appointment of the person it considers most suitable as Temporary CEO, whether internal or external to the organisation, using a merit-based process.

5.3 The Temporary CEO fulfils the statutory CEO functions for the period that the substantive CEO position is vacant.

Temporary Employment or Appointment of CEO Policy

5.4 Council appoints a person to be a Temporary CEO only if it considers them suitable for the role. Council appoints the Temporary CEO by resolution.

5.5 Council may appoint either:

5.5.1 an interim Temporary CEO, for the period the CEO position is vacant until Council appoints a Temporary CEO through an external recruitment or secondment process, or

5.5.2 A Temporary CEO, for the period the CEO position is vacant until the new substantive CEO commences.

5.6 The Mayor will liaise with the Governance Manager and HR Manager to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.

5.7 Subject to Council resolution, the Mayor is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance from the Governance Manager and HR Manager.

OFFICE USE ONLY	
Responsible Officer	Executive Manager Corporate Strategy and Governance
Initial Council Adoption	17/05/2022
Previous Title	N/A
Reviewed / Amended	XX/XX/2026
Next Review Date	XX/XX/2030