



Chief Executive Officer Title Policy 1.23

Policy No:	1.23
Approved by Council:	April 2024
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Minute No:	TBA
ECM File No:	12.288
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Responsible Officer:	Director Governance, Recreation & Property Services
Strategic Plan Reference:	2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.

1. POLICY STATEMENTS

- 1.1 Kingborough Council has appointed the position of Chief Executive Officer (“CEO”).
- 1.2 The CEO of the Kingborough Council will be occupying the statutory position of General Manager as appointed pursuant to s.61 of the *Local Government Act 1993 (TAS)* (“LGA”).
- 1.3 The purpose of this policy is to provide guidance as to what administrative & legal steps the Council should take to ensure the CEO’s proper exercise of power as the CEO, in circumstances whereby such power and authority is vested in a “General Manager” appointed under s.61 in the LGA and not that of a CEO.

2. DEFINITIONS

- 2.1 In this policy, ‘*the Council*’ means the body of the elected Councillors for the Kingborough Council.
- 2.2 In this policy, ‘*Council staff and Council Officers*’ is any person employed by the Kingborough Council to carry out the functions of the Council.
- 2.3 LGA means the ‘*Local Government Act 1993 (TAS)*’.

3. OBJECTIVE

- 3.1 This policy is to provide legal and policy advice to the Council and to the Council staff & Council Officers as to what measures should be implemented to ensure that the CEO lawfully carries out the powers and the functions of that of the General Manager pursuant to s.61 in the LGA.

4. SCOPE

- 4.1 This policy establishes guidelines as to what measures should be taken to ensure that the CEO lawfully carries out the functions and the powers of that of the General Manger pursuant to s.61 in the LGA.

5. PROCEDURE (POLICY DETAIL)

- 5.1 All Council meetings agendas and minutes should contain an entry in the opening pages that:
 - (i) “The title Chief Executive Officer is a term of reference for the General Manager as appointed by the Council pursuant to section 61 of the *Local Government Act 1993 (TAS)*. For the avoidance of doubt, “Chief Executive Officer” means “General Manager” for the purposes of the *Local Government Act 1993 (TAS)* and all other legislation administered by or concerning the Council.”
- 5.2 All notices, infringements, permits etc. issued under legislation will have an entry as part of the signature panel as follows, being either:
 - (i) “CEO NAME”
Chief Executive Officer being the General Manager as appointed by the Council pursuant to section 61 of the *Local Government Act 1993 (TAS)*”; or
 - (ii) “CEO NAME”
Chief Executive Officer
“Chief Executive Officer” means “General Manager” for the purposes of the *Local Government Act 1993 (TAS)* for whichever Act the notice/infringement, etc. is signed under.

- 5.3 Contracts/deeds etc. should either have:
- (i) in their definition section, a definition that Chief Executive Officer means the General Manager as appointed by the Council pursuant to section 61 of the *Local Government Act 1993* (TAS); and/or
 - (ii) a signature panel as in clause 5.2 above.
- 5.4 Delegation recommendations as recorded within agenda and minute items, that delegate power to the Chief Executive Officer, should have as part of the resolution, an entry that states:
- (i) “.....Chief Executive Officer, being the General Manager as appointed by the Council pursuant to s.61 of the *Local Government Act 1993* (TAS).....”; or
 - (ii) “.....Chief Executive Officer means the General Manager.....”; or
 - (iii) “.....for the avoidance of doubt, Chief Executive Officer means the General Manager.....”
- 5.5 Instruments of delegation signed by the Mayor, and evidencing a Council decision to delegate power to the CEO should replicate one of the entries mentioned at 5.4 above.
- 5.6 Instruments of delegation from the CEO to Council officers and/or to Council staff should be signed in accordance with the signature panel at 5.2 above. They should also have one of the following in the text of the delegation:
- (i) “I, *CEO NAME*, General Manager as appointed by the Council pursuant to section 61 of the *Local Government Act 1993* (TAS) (hereinafter “Chief Executive Officer”).....”; or
 - (ii) “I, *CEO NAME*, Chief Executive Officer, being the General Manager as appointed by the Council pursuant to section 61 of the *Local Government Act 1993* (TAS).....”.
- 5.7 Any policy that is approved by the Council that sets out that the Chief Executive Officer is the General Manager should include a reference in the document that the Chief Executive Officer means the General Manager for the purpose of s.61 of the *Local Government Act 1993* (TAS) and all other legislation administered by or concerning the Council.
- 5.8 Any instrument of appointment made under s.61 of the *Local Government Act 1993* (TAS) should include definitions that cover the abovementioned matters. Further, it is critical that the instrument of any appointment of a CEO clearly identifies that the Council is appointing a person to the role of General Manager and any policy or inclusions of definitions in the instrument of appointment must clearly identify any use of titles or roles as a flow on from the appointment to the role of General Manager under s.61 of the LGA.

6. GUIDELINES

- 6.1 Nil.

7. COMMUNICATION

- 7.1 Kingborough Councillors.
7.2 Kingborough Council staff.

8. LEGISLATION

- 8.1 Section 61 of the *Local Government Act 1993* (TAS).

9. RELATED DOCUMENTS

- 9.1 Nil.

10. AUDIENCE

- 10.1 Kingborough Councillors and Kingborough Council staff.
- 10.2 Members of the public via Council's website.