

1. SCOPE

This Policy applies to the position of Chief Executive Officer and those powers and functions of the General Manager, as defined and pursuant to section 61 of the Local Government Act 1993.

2. PURPOSE

The purpose of this policy is to:

- (a) clarify that the position titled Chief Executive Officer (CEO) is the General Manager as appointed by Council pursuant to section 61 of the Local Government Act 1993 (“the Act”).
- (b) Provide legal and corporate advice as to the measures required to ensure that the CEO lawfully carries out the powers and functions of that of the General Manager, as defined under the Act.

3. POLICY STATEMENT

Waratah-Wynyard Council has appointed the position of Chief Executive Officer. The CEO of the Council will occupy the statutory position of General Manager as defined and appointed under section 61 of the Local Government Act 1993.

This policy provides directive and guidance as to the required administrative and legal steps that Council is to take to ensure the CEO’s proper and legal exercise of power as the CEO, where such power and authority is vested in a “General Manager” appointed under section 61 of the Local Government Act 1993.

3.1 Council Meeting Agendas and Minutes

All Council meeting agendas and minutes are to contain the following statement on, or close to, the front page:

“Legislative terminology – Chief Executive Officer/General Manager

At the Waratah-Wynyard Council, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993*; and carries the same meaning for the purposes of the *Local Government Act 1993* and all other legislation administered by or concerning the Council.”

3.2 Notices, Infringements, Permits

All Council issued statutory notices, infringements, permits and correspondence will have an entry as part of the signature panel as follows, being either:

- *CEO NAME*
Chief Executive Officer being the General Manager as appointed by the Council pursuant to section 61 of the Local Government Act 1993; **OR**
- “CEO NAME”
Chief Executive Officer

CHIEF EXECUTIVE OFFICER TITLE POLICY

“Chief Executive Officer” means “General Manager” for the purposes of the Local Government Act 1993 for whichever Act the notice/infringement/permit etc is signed under.

3.3 Contracts, Deeds, Leases, Agreements etc

The definition sections of any Council prepared contracts, deeds, leases, agreements etc, are to state the following:

- Chief Executive Officer being the General Manager as appointed by the Council pursuant to section 61 of the *Local Government Act 1993*.

The signature panel of any Council prepared contracts, deeds, leases, agreements etc, are to state the following:

- *CEO NAME*
CHIEF EXECUTIVE OFFICER
Chief Executive Officer being the General Manager as appointed by the Council pursuant to section 61 of the Local Government Act 1993.

3.5 Delegation Recommendations/Resolutions as Recorded in Agendas and Minute Items

Resolutions by which the Council delegate power to the CEO are to contain the following:

- “...Chief Executive Officer being the General Manager as appointed by the Council pursuant to s61 of the *Local Government Act 1993*...”.

This may be bracketed to improve legibility.

Instruments of delegation, whether issued by the Council or the CEO, are to contain the above statement in clause 3.5.

3.6 Council Policies

All new and revised Council policies are to contain the statement in clause 3.1.

3.7 Instruments of Appointment Made Under Section 61

An instrument of appointment made under section 61 of the Act must clearly define that the Council is appointing a person to the role of General Manager, and any definitions or references in the instrument of appointment to the position title must clearly identify that the use of the title of CEO will occur subsequently (and only as a term of reference) to the appointment to the role of General Manager under section 61 of the Act.

4. DEFINITIONS

“**Council**”: The body of elected councillors for the Waratah-Wynyard Council and as established under section 18 of the Local Government Act 1993.

“General Manager”: The person appointed as such under section 61 and, in Part 15, includes a person nominated under section 253A.

“Local Government Act 1993”: An Act to provide for local government and establish councils to plan for, develop and manage municipal areas in the interests of their communities.

“Section 61”: The section of the Local Government Act 1993 that details the appointment of the General Manager of a council.

6. LEGISLATIVE REQUIREMENTS:

Section 61 of the Local Government Act 1993.

Numerous other Acts that reference the title General Manager, as it pertains to section 61 of the Local Government Act 1993.

7. RELATED DOCUMENTS:

Nil.