



Glamorgan Spring Bay Council

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# Chief Executive Officer Title Policy

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# Document Control

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# 1 Introduction

## 1.1 Purpose

The purpose of this Policy is to clarify that the position titled Chief Executive Officer (CEO) is the General Manager appointed by Council pursuant to section 61 of the *Local Government Act 1993* ("the Act"). It provides legal and policy 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.

## 1.2 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*.

## 1.3 Definitions

For the purposes of this Policy, the following definitions apply:

**Council** – means the body of elected councillors for Glamorgan Spring Bay Council and as established under section 18 of the Local Government Act 1993

**General Manager** – means 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.

## 1.4 Related Policies and Legislation

This policy relates to and depends on other Council policies, as well as legislation, including:

- *Local Government Act 1993*

## 1.5 Policy Review and Update Cycle

This policy is to be reviewed initially before commencement of a Chief Executive Officer and thereafter, every 4 years.

## 2 Policy

Glamorgan Spring Bay Council has appointed the position of Chief Executive Officer. The CEO of Glamorgan Spring Bay 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, and not that of a CEO.

### 2.1 Council Meeting Agendas and Minutes

All Council agendas and minutes should contain the opening pages that: "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. For the avoidance of doubt, "Chief Executive Officer" means "General Manager" for the purposes of the Local Government Act 1993, and all other legislation administered by or concerning Glamorgan Spring Bay Council".

### 2.2 Notices, infringements, permits

All notices, infringements, permits etc issued under legislation 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" means "General Manager" for the purposes of the Local Government Act 1993 for whichever Act the notice/infringement/permit etc is signed under.

### 2.3 Contracts, Deeds, Leases, Agreements etc

In the definition section, contracts, deeds, leases, agreements etc, should have either of the following:

- In their definition section, a definition that the Chief Executive Officer means the General Manager, as appointed by the Council pursuant to section 61 of the Local Government Act 1993;
- AND/OR
- A signature panel as per clause 2.2 above.

### 2.4 Delegation recommendations/resolutions as recorded in agenda and minutes items

For recommendations or resolutions where there is a delegate power to the Chief Executive Officer, should have as part of the recommendation/resolution:

- "...Chief Executive Officer, being the General Manager as appointed by the Council pursuant to s61 of the Local Government Act 1993...";
- OR
- "...Chief Executive Officer means the General Manager...";
- OR
- "...for the avoidance of doubt, Chief Executive Officer means the General Manager...".

## 2.5 Instruments of Delegation signed by Mayor

Instruments of Delegation signed by the Mayor, evidencing a Council decision to delegate power to the CEO should replicate one of the entries in clause 2.4 above.

## 2.6 Instruments of Delegation from the CEO to Council Officers

Instruments of Delegation from the CEO to Council Officers should be signed in accordance with the signature panel in clause 2 above. They should also include one of the following in the text of the delegation:

- “I, CEO NAME, General Manager as appointed by the Council pursuant to section 61 of the Local Government Act 1993 (hereinafter referred to as “Chief Executive Officer”)...”

OR

- “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...”.

## 2.7 Council Policies

Any Council policies that set 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 section 61 of the Local Government Act 1993 and all other legislation administered by or concerning the Council.

## 2.8 Instruments of Appointment made under section 61

Any instrument of appointment made under section 61 of Act should include definitions that cover the abovementioned matters. Further it is imperative that the instrument of any appointment of a CEO clearly defines 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 section 61 of the Act.

# 3 Implementation

Implementation of this Policy rests with the Chief Executive Officer.