

NEW POLICY – SENIOR EXECUTIVE EMPLOYEE RECRUITMENT AND APPOINTMENT GENERAL POLICY

POP | 65/4/1-07 | #7933158

RECOMMENDATION:**That Council:**

1. Adopts the proposed Senior Executive Employee Recruitment and Appointment General Policy

INTERESTED PARTIES:

Not applicable

EXECUTIVE SUMMARY:

The proposed Senior Executive Employee Recruitment and Appointment General Policy (Policy) has been developed in response to amendments to *the Local Government Act 2009* (LG Act), which introduced a statutory appointment panel for the appointment of senior executive employees.

The Policy establishes Council's governance framework for the appointment of senior executive employees and the extension of senior executive employment contracts. It provides clarity regarding the roles, responsibilities and decision-making authority of the appointment panel and the Chief Executive Officer (CEO).

Adoption of the proposed Policy will support compliance with legislative requirements, promote transparency and accountability in decision-making, and ensure a consistent and merit-based approach to senior executive appointments.

BACKGROUND:

In March 2026, amendments to the LG Act introduced a new framework for the appointment of senior executive employees within local government. Section 196 of the LG Act provides that senior executive employees are appointed by an appointment panel comprising the Mayor, the CEO and either the chairperson of the committee to which the employee reports or, where the employee does not report to a committee, the Deputy Mayor.

The Mayor and CEO may delegate their responsibilities where they are absent, unavailable or have a conflict of interest. Where the committee chairperson or Deputy Mayor is unable to participate, Council must appoint another councillor to the panel.

To support implementation of these legislative amendments at Council, the proposed Policy establishes the governance principles, decision-making framework and operational requirements for senior executive employee recruitment and appointments. The Policy provides clarity regarding the respective roles and responsibilities of all parties involved and supports the consistent application of legislative requirements.

The Policy has been developed in alignment with the principles contained within Council's Recruitment and Selection Administrative Instruction, including merit-based selection, fairness, transparency, diversity and inclusion, candidate care, workforce sustainability and human rights considerations.

COMMENT:

The proposed Policy provides a clear and transparent governance framework for the appointment and extension of senior executive employees. The proposed Policy clarifies the respective roles of the statutory appointment panel and the CEO and reinforces Council's commitment to merit-based recruitment, transparency and good governance.

Adoption of the proposed Policy will support consistent decision-making, reduce ambiguity regarding appointment authority and responsibilities, and provide a documented framework for future senior executive appointments and extensions.

Within Cairns Regional Council's structure a senior executive employee is a Director position, reporting to the CEO.

OPTIONS:

Option 1: (Recommended)

That Council adopts the Senior Executive Employee Recruitment and Appointment General Policy.

Option 2:

That Council does not adopt the proposed Senior Executive Employee Recruitment and Appointment General Policy, and requests for further information.

CONSIDERATIONS:

Risk Management:

Adoption of the proposed Policy will provide a clear and consistent governance framework for senior executive employee appointments, reducing the risk of non-compliance, role ambiguity and challenges to the integrity and transparency of appointment decisions.

Corporate and Operational Plans:

The proposed Policy aligns with Council's strategic objectives outlined in the Corporate Plan 2025–2030 by supporting effective community outcomes through strong governance and informed decision making. This contributes to Focus Area 5: Focused Council, which prioritises collaborative, transparent and accountable decision making, as well as the implementation and continuous improvement of a contemporary governance framework.

Statutory:

The proposed Policy supports compliance with section 196 of the *Local Government Act 2009* and promotes transparency and accountability in the appointment of senior executive employees.

Policy:

The proposed Policy aligns with the principles of Council's existing Recruitment and Selection Administrative Instruction.

ATTACHMENTS:

Attachment 1: Senior Executive Employee Appointment General Policy #7933107



Melissa McIntosh
A/Executive Manager Organisational Performance



Holly McBride
Director People and Organisational Performance

SENIOR EXECUTIVE EMPLOYEE RECRUITMENT AND APPOINTMENT

- Intent** To establish a transparent, equitable and merit-based framework for the appointment of Senior Executive Employees at Cairns Regional Council, ensuring compliance with the *Local Government Act 2009* (the Act) as they relate to the appointment of senior executive employees.
- Scope** This policy applies to the recruitment and appointment of all Senior Executive Employees of Cairns Regional Council. For the purpose of this policy, a Senior Executive employee, is in a position that reports directly to the Chief Executive Officer and that would ordinarily be considered a senior executive position within Council's structure. This policy does not apply to the recruitment or appointment of the Chief Executive Officer.

DEFINITIONS

Term	Definition
Chief Executive Officer (CEO)	The Chief Executive Officer of the Cairns Regional Council. Responsible for the operational performance and management of Senior Executive employees.
Councillor	Elected member of Cairns Regional Council, including the Mayor.
Senior Executive Employee (Director)	Is an employee that is in a senior executive position which reports directly to the Chief Executive Officer and would ordinarily be considered a senior executive position of Council's structure as per Schedule 4 of the <i>Local Government Act 2009</i> (Qld): senior executive employee, of a local government, means an employee of the local government— (a) who reports directly to the chief executive officer; and (b) whose position ordinarily would be considered to be a senior position in the local government's corporate structure. Within Cairns Regional Council structure these are Director positions.
Senior Executive Appointment Panel (Panel)	The statutory panel responsible for appointing Senior Executive Employees under section 196 of the <i>Local Government Act 2009</i> (Qld).
Merit-based	Appointment Selection based on skills, knowledge, experience, qualifications and capability relevant to the role.
New Contract	Initial contract provided at appointment.
Contract Extension	Uses an existing option within the current employment contract and enables the continuation of appointment of an existing Senior Executive Employee.

PROVISIONS

1. Legislative Requirements

Under section 196 of the Act, senior executive employees are appointed by a panel consisting of:

- the mayor,
- the chief executive officer, and
- either:
 - if the senior executive position reports to a singular committee - the chairperson of that committee, or
 - the deputy mayor.

The Mayor and CEO can delegate their responsibilities to sit on a panel if they are absent, unavailable or have a conflict of interest.

If the chairperson of the committee or the Deputy Mayor is unable to take part in the panel, for example because of absence, incapacity or a conflict of interest, then the local government must appoint another councillor to replace them in the panel. The appointment of the replacement Councillor must be recorded in the relevant Council resolution and remain effective for the duration of the recruitment process unless otherwise determined by Council.

Appointments made by the panel are limited to Senior Executive Employees. The CEO appoints all other local government employees, directly or through appropriately delegated authority.

In addition to the statutory members of the panel, the CEO may engage suitably qualified internal or external advisors with senior executive, technical and/or recruitment experience to support with:

- providing executive-level insight into organisational leadership/technical requirements;
- robust, contemporary assessment of executive capability; and
- procedural rigour and independence in the recruitment process.

Such advisors may provide professional recruitment, executive assessment or governance advice but are not members of the statutory appointment panel and do not participate in the appointment decision.

Council's Human Resources department provide appropriate governance, recruitment and administrative support to the panel.

2. Recruitment Principles

Senior Executive Employees recruitment and appointment is to be conducted in a manner consistent with the principles contained in Council's Recruitment and Selection Administrative Instruction, including merit, fairness, transparency, diversity and inclusion, candidate care, workforce sustainability and human rights considerations.

This Policy establishes additional requirements for Senior Executive Employee recruitment and appointment, including the statutory appointment panel requirements prescribed in section 196 of the *Local Government Act 2009* (the Act).

Where there is any inconsistency the requirements of the Act, the *Local Government Regulation 2012* (the regulation) and this Policy prevail.

Recruitment processes must be conducted with appropriate probity, confidentiality and conflict of interest management arrangements.

Lobbying, improper influence and unauthorised disclosure of candidate information is prohibited and if proven, may constitute misconduct or corrupt conduct.

Any actual, potential or perceived conflict of interest must be declared and appropriately managed.

The CEO is responsible for confirming members of the recruitment panel, organising and operationally managing and administering the recruitment process.

3. Selection and Appointment

Senior Executive Employee appointments must be based on merit, having regard to the capabilities, experience, qualifications and leadership requirements of the role.

Recruitment and appointment decisions must be supported by a documented and defensible process consistent with Council's Recruitment and Selection Administrative Instruction.

The panel decides a suitably qualified senior executive to be selected for appointment having regard to the ability, experience, knowledge and skills considered appropriate given the role.

The CEO is responsible for ensuring appropriate reference and pre-employment checks are completed, to the CEO's satisfaction, and for making the offer of employment including confirming appointment (new contract) and contractual arrangements as per Council's Senior Executive Employee contract provisions.

4. Contract Extensions

Contract extensions use an existing option within the current employment contract and enables the continuation of appointment of an existing Senior Executive Employee.

The CEO may continue the appointment of an existing Senior Executive Employee in accordance with the process outlined in the Senior Executive Employee contract, subject to:

- Satisfactory performance of the Senior Executive Employee as assessed in accordance with the Executive Performance Review Policy; and
- Consulting with Councillors prior to extending the term of employment.

5. Governance & Recordkeeping

Senior Executive Employee recruitment processes must be appropriately documented. Records must demonstrate:

- Compliance with legislative requirements;
- Merit-based decision making; and
- Management of conflicts of interest.

Records must be retained in accordance with Council's recordkeeping requirements.

6. Relevant Legislation

Local Government Act 2009 (Qld)
Local Government Regulation 2012 (Qld)
Human Rights Act 2019 (Qld)
Industrial Relations Act 2016 (Qld)
Information Privacy Act 2009 (Qld)

7. Relevant documents

Recruitment & Selection Administrative Instruction
Executive Performance Review Policy
Procurement Policy
Code of Conduct for Councillors
Code of Conduct (Employees)

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This policy is to remain in force until otherwise determined by Council.

Director responsible for Review: Director People & Organisational Performance

ORIGINALLY ADOPTED: {Enter Date}
CURRENT ADOPTION: {Enter Date}
DUE FOR REVISION: {Enter Date}
REVOKED/SUPERSEDED: {Enter Date}

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Ken Gouldthorp
CHIEF EXECUTIVE OFFICER

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