Senior Executive Employee Appointment Panel

This factsheet provides guidance to local government about the operation of sections 196(4) and (5) of the *Local Government Act 2009*. The legislation provides that senior executive employees of a local government are appointed by an appointment panel.

The *Local Government Act 2009* defines a senior executive employee as one who reports directly to the chief executive officer and whose position ordinarily would be considered to be a senior position in the local government's corporate structure.

Appointment panel

The panel process is defined under the legislation. The appointment panel is constituted by:

- the Mayor
- the Chief Executive Officer (CEO)
- either the chairperson of the committee the employee will report to or, if the employee does not report to one committee, 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.

Appointments made by the panel are limited to senior executive employees, while the CEO appoints all other local government employees.

Managing conflicts of interest

Any real or perceived conflicts of interest should be managed consistently with the requirements of the *Local Government Act 2009*, including the local government principles, and the local government's code of conduct for local government employees.

Appointment panel members are encouraged to disclose potential conflicts of interest and manage them in the public interest. This may include them not participating in the panel and appointing a delegate (for Mayors and CEOs) or appointing an alternative panel member.

Appointments (new contracts)

The panel convenes and undertakes an interview process, referee checks and other administrative processes as required. The panel decides who to select for appointment to the position, usually by a merit-based selection process.

Contract extensions (existing contracts)

Contract extensions apply where the current contract includes an option to extend the contract. The extension may be approved by the CEO, depending on the terms of the contract.

For example,

- if the contract allows for an extension by mutual agreement between the senior executive employee and the person responsible for the appointment, such as the CEO, the extension may proceed without further approval.

- where the contract does not include an option to extend the time of appointment by mutual agreement between the parties, a panel may be required to assess and approve the extension.

Contract renewals (new contracts)

Contract renewals apply where the current contract has ended and a new contract is required.

The matter must be referred to the appointment panel for consideration and approval. The panel members may be the same as the previous panel or be made up of new members.

How the panel consider the renewal is a matter for the panel, for example an interview process may or may not be undertaken with the employee. Following consideration, the panel will decide if a new contract will be offered to the senior executive employee.

Key distinction: extension vs renewal

- **contract extension**
    - Uses an existing option within the current contract.
    - Does not create a new contract.
    - Approval requirements depend on contract terms.
- **contract renewal**
    - Involves entering into a new contract after the current one has ended.
    - Requires a more formal process.
    - The employee must be considered and approved for appointment by the panel.