



APPOINTMENT AND OVERSIGHT OF THE GENERAL MANAGER

Summary:

The purpose of this policy is to provide clear direction to the appointment and oversight of the General Manager when this position is vacant under the Local Government Act 1993, s334.

File Number	CM/163
Document version	Version 1.0
Adoption Date	(TBA)
Approved By	Council
Resolution Number	(TBA)
Consultation Period	28 days
Review Due Date	4 years or following an ordinary election of Council or as required.
Department	Civic Office
Policy Custodian	General Manager
Superseded Documents	N/A
Related Legislation	Local Government Act 1993

1. Employment of a General Manager Background

The Local Government Act (LGA) Section 334 - Appointment of General Manager, requires that a Council must appoint a person to be its General Manager and that the position of General Manager is a senior staff (contract) position.

The General Manager of a Council has the following functions:

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,

- (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under the Local Government Act 1993 or any other Act.

Vacancy

LGA Section 334 requires:

If a vacancy occurs in the position of general manager, the council must immediately appoint a person under section 334 to the vacant position or appoint a person to act in the vacant position.

Council will initially appoint a person (staff member) to Act in the position of General Manager for a set period up to but not exceeding 12 months from the date of the vacancy of the previous general manager, alternatively Council may appoint an interim general manager for a period not exceeding 12 months should it determine that a staff member is not suitable. Council may request support from its Industry Organisation (LGNSW) to assist in this process or another local government consultancy group.

Appointment Procedure of a General Manager

Council will call for quotations to advertise and assist Council to appoint a General Manager; from suitable qualified and local government experienced consultancies; in accordance with its Procurement Policy for the advertising across social media platforms and local government specific job guides, distribution of position materials, assessment of potential applicants including psychometric testing or other testing to allow councillors to assess the personality and ability of the applicants, provision of draft interview questions and attendance at Council offices up to two occasions.

Councillors shall resolve to appoint a consultancy at a Council meeting.

Alternatively, Council may run the advertising process and interview process internally but must ensure compliance with its policies, record keeping and security of information.

Council may resolve to elect an initial applicant assessment group made up of Councillors only and the appointed Consultant, to assess applicants for interview or testing.

A final interview process for all chosen applicants will be held with the full Council and the consultant.

Note:

- Council may choose a candidate for the position of General Manager or determine to re advertise the position at any stage through the assessment or interview process.
- Council will pay reasonable travel and accommodation expenses to applicants requested to attend an interview only, to a maximum amount of \$500 based on the submission of receipts for expenses to the consultant for verification. Internal applicants shall not be paid any expenses.

2. Performance Management of the General Manager Background

Councillors comprise the governing body of a council and make decisions by passing resolutions. It is the General Manager's role to implement Council decisions and carry out functions authorised by legislation.

A council's governing body monitors the implementation of its decisions via reports by the General Manager to council meetings. The responsibility for the management of the performance of the General Manager rests with the Council.

The Council will be required to establish KPI's for and with the General Manager as stipulated in the terms of the contract. These performance measures will form the key outcomes as to the General managers performance.

3. Policy Statement

3.1 The Mayor is responsible for day to day management of the General Manager including the approval and authorisation of Leave, Expenses, Gifts & Benefits, and Secondary Employment & Professional Development in accordance with Council Policy.

3.2 The Council will establish a Performance Review Panel (PRP) and delegate the development and monitoring of an annual performance plan for the General Manager to this panel.

3.3 The PRP will comprise the Mayor, the Deputy Mayor, and one Councillor may be nominated at any time by the General Manager. Maximum of three (3) Councillors. (Note: Generally, two councillors would undertake this process but the General Manager may require a third person to assist in a fair and independent assessment).

3.4 The PRP will operate in accordance with the Office of Local Government Guidelines for the Appointment and Oversight of General Managers and Standard Contract of Employment (General Manager).

3.5 The PRP is responsible for

- Development of the performance agreement for each financial year
- Conducting performance reviews
- Reporting findings and recommendations of those reviews to Council

3.6 On recommendation by the Panel, Council may, in accordance with Council's purchasing policy, appoint an external facilitator, with recent relevant experience in performance management in a local government environment to assist with the development of the performance plan and the process of performance appraisal.

4. Scope

This policy applies to all Councillors and the General Manager

5. Definitions

PRP Performance Review Panel established annually by Council

Council Elected body of Tenterfield Shire Council

6. Related Documents, Standards & Guidelines

- Local Government Act 1993
- Standard Contract of Employment (General Manager)
- Office of Local Government Guidelines for the Appointment and Oversight of General Managers 2022

<https://www.olg.nsw.gov.au/wp-content/uploads/2022/08/Guidelines-for-the-appointment-and-oversight-of-general-managers.pdf>

7. Version Control & Change History

Version	Date	Modified by	Details
V1.0	TBA	Council	Adoption of Original Policy
			Review/Amended