

Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025

Submission No: 024

Submission By: Cairns Regional Council

Publication: Making the submission and your name public

16 December 2025

Submission to the Parliamentary Inquiry into the *Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025*

This submission is made on behalf of Cairns Regional Council (Council) in accordance with the resolution of the full Council at its Ordinary Meeting of the 10 December 2025.

Executive Summary

Cairns Regional Council recognises that empowering local governments is a key Government priority and continued collaboration with the local government sector with the aim to ensure fit-for-purpose legislation which allows councillors to serve their communities without unnecessary regulatory burden.

Cairns Regional Council has provided commentary around the key amendments that Council would like considered as part of the Parliamentary Inquiry. The Bill contains several positive measures that align with Cairns Regional Councils' commitment to transparent decision-making, contemporary governance practices, and improved service delivery. However the prescriptive nature of some clauses restrains individual Councils from making fit for purpose decisions for their local areas. These clauses should be amended to genuinely empower local government.

Recommendations

Recommendation One

1. That in relation to the appointment of senior executive employees of local government, the clause be changed to Chief Executive Officer as the chair of the recruitment panel with such other members as determined by Council.

Recommendation Two

2. That in the event that the Mayor is unavailable, the responsibility for acting official spokesperson for Council should transfer to the Deputy Mayor.

Recommendation Three

3. That in the event that the Mayor is absent to chair an ordinary and or special meeting the role of acting chair should transfer to the Deputy Mayor.



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Recommendation Four

4. The conflict between section 165 (1) appointing the Deputy Mayor to act for the Mayor during their absence or temporary incapacity should be resolved and the role of the Deputy Mayor, appointed by Council as a whole, should be retained.

Amendment Bill Reforms

Enhancing safeguards for local government election candidates and participants

Council is supportive of the policy objective to provide greater flexibility to election candidates and other participants in relation to the type of address that must be included with election material and how-to-vote card. The option that a candidate or participant would be given to include other contact information, for example, a PO Box address will allow election candidates to provide an alternative address for safety and privacy purposes.

Ministerial power to issue an approval – major policy decisions by local governments about Disaster Recovery Funding Arrangements (DRFA) assistance during caretaker periods.

Council would welcome the change to providing the Minister the power to issue a general approval to local governments to make major policy decisions about DRFA assistance during local government caretaker periods, removing the need to seek a ministerial exemption for each contract. This was an issue in the aftermath of ex-Tropical Cyclone Jasper, which coincided with the caretaker period ahead of the 2024 quadrennial local government elections which was particularly relevant to Cairns Regional Council. Council believes this amendment would assist in improving timeliness around policy decisions in relation to any future DRFA during these periods.

Postal ballot applications – local governments to apply directly to Electoral Commissioner

Council is supportive of empowering local governments to make an application directly to the Electoral Commissioner for a poll to be conducted by postal ballot, instead of being required to first apply to the Minister. Council is supportive of this change which will give the Electoral Commission of Queensland more time to consider postal ballot applications.

Remove requirement to give Minister a copy of public benefit assessment report and associated resolutions

Council is supportive of amending the process to allow councils to resolve competitive neutrality complaints under their administrative action complaints process in the first instance. This may speed up the resolution of competitive neutrality complaints by letting councils handle them directly in the first instance, possibly reducing delays.

Councillors' conflicts of interest and register of interests framework

The conflict of interest framework has continually changed and evolved over time. The value of

reverting to the 2013-2018 framework with some minor modifications is questionable. The current framework is supported by a clear step by step quick reference guide with which Councillors have become familiar. Further change will require retraining and create uncertainty.

Council does not support the removal of the requirement for non-conflicted councillors to vote on whether to allow a conflicted councillor to participate in decision-making. This clause of the current conflict of interest framework provides independent validation of whether the Councillor concerned should stay or go prior to the matter being heard whereas leaving the decision to the Councillor concerned leaves their decision subject to question and complaint.

Conflicts of interest

Council supports the removal of the duty on a councillor to report a belief or suspicion of another councillor's conflict. The removal of this clause reduces the risk of councillors making defensive or speculative reports.

Council supports retaining the current conflict of interest exceptions for councillors such as, small value gifts and hospitality, club memberships, religious beliefs and political affiliations; and the current ordinary business matters of a local government, including the development of whole of local government documents such as the budget and operational plan. Retaining this within the conflict of interest framework will assist in ensuring council can function efficiently by preventing routine, low risk matters from triggering unnecessary disclosures.

Conduct breaches

Council is supportive of removing conduct breaches from the councillor complaints framework. Noting the definition of misconduct will be amended to include more serious conduct breaches, namely bullying, sexual harassment for investigation by the Office of the Independent Assessor and determination by Councillor Complaints Tribunal. Council believes removing these types of breaches would streamline the system by focusing the formal complaints process on serious misconduct.

Appointment of senior executive employees of local government

Council does not support amending section 196 of the *Local Government Act 2009 (LGA)* to provide that senior executive employees of a local government are to be appointed by a panel constituted by the following persons the mayor, the CEO and either:

- if the senior executive employee is to report to only 1 committee of the
- local government – the chairperson of the committee, or
- otherwise – the deputy mayor.

The current proposal is overly prescriptive. While it is understood the intent is to enable elected officials to participate in executive recruitment panels, the prescriptive nature of the proposal limits Councils capacity to ensure the panel provides an optimal skills mix and diversity for each recruitment. It is proposed that the clause recognise the Chief Executive Officer as the Chair of the recruitment panel with such other members as determined by Council.

Empowering Mayors

Responsibility of Mayor – official spokesperson

Council has always acknowledged the Mayor's role as the official spokesperson for Council. However, in the event the Mayor is unavailable the responsibility should transfer to the Deputy Mayor. Furthermore, the Council should retain the discretion through its Media Policy to enable other Councillors to be quoted in its press releases in addition to the Mayor and/or clarify the situations where the Chief Executive Officer (or delegate) will respond to staff or operational matters. A well written Media Policy, supporting the role of the Mayor as the official spokesperson, but enabling others (e.g. Divisional Councillors) to contribute helps promote unison and sharing of Councillor collective responsibility to the community.

Responsibility of Mayor – default chairperson of ordinary and special meetings

Council supports the principle of amending section 12 of the LGA to put beyond doubt that the Mayor of a local government is the default chairperson for ordinary and special meetings of the local government, which includes managing the conduct of the participants at the meeting. However, in the absence of the Mayor it should be the Deputy Mayor elected by the full Council and not a delegate appointed solely by the Mayor.

Changes to mandatory training requirements – election candidates and councillors

The policy objective to remove onerous and unnecessary mandatory training requirements for existing councillors is supported by Council. The change to only require new candidates for a quadrennial election, a by-election or a fresh election, to complete mandatory candidate training is a positive amendment. Returning councillor/candidates would not be required to complete the training if they had already done so previously. This will reduce unnecessary administrative burden by exempting experienced returning candidates from repeating training.

Other Matters

There is a conflict between section 165 (1) *The Deputy Mayor acts for the Mayor during – (a) the absence or temporary incapacity of the Mayor; or (b) a vacancy in the office of Mayor* and section 12(5) *A councillor who is not the Mayor may perform the Mayor's extra responsibilities only if the Mayor delegates the responsibility to the Councillor.*

The growing capacity of the Mayor to delegate their function (including prior to being absent/while absent) is increasingly making the Deputy Mayor, elected by Council as a whole, redundant and effectively providing the Mayor authority to solely appoint the Deputy Mayor. To ensure robustness of the Local Government governance framework, the role of the Deputy Mayor with their appointment determined by the full Council should be retained.

Conclusion

Cairns Regional Council appreciates the opportunity to comment on the *Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025* and provides this submission to outline its support for several proposed reforms. Overall, Council advocates for amendments that strengthen transparency, uphold governance, and preserve the operational effectiveness of local governments.



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