

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

**Submission No:** 037  
**Submission By:** Mareeba Shire Council  
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16 December 2025

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

Our Council supports many of the proposed amendments, however there are certain amendments we do not agree with either wholly or partially and these are addressed below.

**Appointment of Senior Executive Employees**

Our Council is quite happy with this responsibility resting solely with the CEO. Our CEO always engages with and informs councillors of applicants he is considering for senior executive roles, and welcomes feedback from us, prior to formally making the appointment. Rather than making the approach mandatory (as presently proposed), to accommodate both my Council's present preference, and the preferences of other Councils, I query whether it may be possible to further amend section 196 to give all Councils the flexibility to determine, by resolution, whether senior executive employees are to be appointed by either: -

1. The CEO alone (section 196 in its current form); or
2. The CEO and with others as determined by Council.

This then empowers a Council to determine how it wishes to proceed, which we are led to believe is the purpose of this Bill.

**Re-introduction of the concept of "material personal interest" ("MPI")**

We do not agree with part of this proposal, as it is presently framed.

The removal of "prescribed conflicts of interest" ("PCOI") as specifically defined by sections 150EG and 150EH is welcomed.

However, the remaining defined type of PCOI presently detailed in section 150EI is clear and prescribes a very limited range of clearly identifiable matters where a councillor will have a PCOI. What is proposed (by returning to the "old" definition of MPI) will be a return to the subjective assessment of whether a councillor "stands to gain a benefit or suffer or loss". Presently, via section 150EI, you either have a PCOI as defined, or not. No subjective assessment required.

We would have no objection to changing the term PCOI to MPI, but do not consider that the present application of section 150EI should otherwise be changed.

The current process where the Councillors can determine if a Conflict exists and then if the conflicted Councillor can participate or must leave the room works well and has the benefit that a formal decision has been made and Councillor cannot be therefore questioned later as to whether their participation was legitimate and potentially calling the decision into question. This works in the majority of Councils and while it may unfortunately be used in a few Councils to gag a Councillor the provision should not be discarded.

**The Removal Conduct Breaches**

We also have concerns about the dropping of conduct breaches. The conduct of Councillors in the public impacts not only the individual but also the entire Council and Council should have the ability to have this sanctioned. Our staff have a code of conduct they have to

adhere to and we would not tolerate a CEO or any member of staff behaving badly in public (either in office hours or not) and Councillors should be held to the same standards. Again, the misuse of these provisions by a few Councils should not result in this sensible provision being discarded.

Requiring councillors to go out of office if they nominate for State election

We do not support the amendments proposed to section 155, the effect of which will be to disqualify a person from being a councillor at the time that they nominate as candidate for a State election.

We are aware that the State government cannot pass similar legislation in relation to councillors nominating as candidates for Federal elections, so why should it be any different for a State election? Further, if the councillor is unsuccessful with their State election campaign, instead of simply returning to their role as councillor, Council may be required to fund a by-election for the position vacated by the former councillor, which by-election the former councillor might very well win. What a complete waste of precious ratepayer money.

As stated at the start of this submission we support the other proposed amendments.

This submission was discussed by the Councillors at their Workshop held on 16 December and enjoyed unanimous support.

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