

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

Submission No: 048
Submission By: Noosa Shire Council
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23 December 2025

Local Government, Small Business and Customer Service Committee
Queensland Parliamentary Service
Parliament House
Cnr George and Alice Streets
BRISBANE QLD 4000

Dear Sir / Madam

RE: SUBMISSION – INQUIRY INTO LOCAL GOVERNMENT (EMPOWERING COUNCILS) AND OTHER LEGISLATION AMENDMENT BILL 2025

Noosa Shire Council welcomes the opportunity to provide the following submission on the *Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025* ("the Bill").

The following comments and requests for clarification are respectfully submitted for the Committee's consideration:

Section	Comment
Amendment of s. 196 of the <i>Local Government Act 2009</i> (LG Act)	The Council notes s. 196 of the LG Act will be amended to provide that a local government's senior executive employees are appointed by a panel of the local government consisting of the mayor, the Chief Executive Officer (CEO) and the deputy mayor or a relevant committee chairperson.
(Appointing other local government employees).	<u>Clarification required by the Council</u> The Council seeks further guidance on the following matters: <ol style="list-style-type: none">1. Whether the number of panel members will be subject to a cap or a prescribed maximum under the new legislation.2. Whether the proposed panel structure constitutes the minimum statutory requirement.3. Whether compliance with this panel model will be voluntary or mandated.4. Whether councillors, other than the mayor and deputy Mayor, who express an interest will be eligible to serve on the panel. Specifically, whether these councillors, share the same responsibility as the mayor and deputy mayor in the appointment of senior executive employees.5. Whether this provision amendment and reference to "appointment" is implied to extend to the the extension or variation processes and potential adoption by council. The Council notes that the appointment of senior executive employees is critical to enabling the CEO to operate effectively with their executive team. Accordingly, the Council is concerned that, in the event of political unrest or discord among councillors during a term, these

Section	Comment
	<p>appointments may fail to reflect the collective preference of elected members. There is a risk that the process could become politicised or adversely affect the working relationship between the CEO and all councillors.</p>
<p>Councillors' conflicts of interest framework</p>	<p>The Council notes that the Bill objective is to repeal the current conflicts of interest framework and reinstate the concepts of <i>material personal interest</i> and <i>conflicts of interest</i>.</p> <p>The Council supports several proposed changes, including the removal of the requirement for non-conflicted councillors to vote on whether a conflicted councillor may participate in decision-making. This current process is potentially susceptible to political influence rather than serving the public interest. The proposed amendment appropriately places responsibility on individual councillors to determine their own conflicts of interest, thereby promoting accountability and enabling more efficient decision-making.</p> <p><u>Material Personal Interest Model</u></p> <p>The Council is concerned that, without a clearly defined and complete list of circumstances in which legislation expressly prohibits councillor participation, the new <i>material personal interest</i> model may create uncertainty. Ambiguous boundaries could lead to inconsistent interpretation and application of the framework. Poor implementation and management may, in turn, result in perceptions of bias, undermine good governance, erode public trust, and damage the reputation of both the Council and its councillors.</p> <p><u>Clarification required by the Council</u></p> <p>The Council seeks further guidance on the following matters:</p> <ol style="list-style-type: none"> 1. Will a <i>material personal interest</i> apply solely to tangible interests (e.g., property and assets), or will it also encompass intangible interests (e.g., potential benefits or losses)? 2. Will the current <i>ordinary business</i> exemptions remain unchanged, or will the criteria be reduced or expanded? 3. Will councillors have the ability to challenge or object to another councillor's conflict of interest determination?
<p>Removal of conduct breaches from the councillor conduct framework</p>	<p>The Council notes that the Bill objective is to remove the conduct breaches category from the councillor conduct framework.</p> <p>Furthermore, it is noted that in the future the Independent Assessor will refer a suspected conduct breach to the relevant local government to deal with as it relates to minor matters such as disrespectful language and behaviour and/or the failure to comply with a policy, procedure or resolution of the local government.</p> <p>The Council is concerned that the CEO may be placed in a difficult position, having to police, investigate, and make final determinations on conduct breaches that could have significant consequences for the councillor involved. This challenge is heightened when the complainant is also a councillor.</p>

Section	Comment
	<p>Given the close working relationship required between the CEO and all councillors, such an arrangement risks placing additional pressure on the CEO and may compromise these relationships. Without an independent regulator, there is an increased risk of perceived favouritism, bias, or inconsistent application and handling of conduct breaches.</p>
<p>Changes to mandatory training requirements – election candidates and councillors</p>	<p>The Council supports and welcomes the proposed changes that exempt incumbent councillors, including mayors, from completing mandatory candidate training under the <i>Local Government Electoral Act 2011</i>.</p> <p>This amendment represents a practical and sensible approach to streamlining and simplifying training processes. By removing the requirement for returning councillors to undertake training they have already completed, the change will significantly reduce unnecessary administrative burden and essentially reduce red tape. Furthermore, it is a positive acknowledgment of the experience and knowledge that sitting councillors have gained during their previous term/s. Finally, this approach ensures that targeted training and resources are focused on new councillors that genuinely require this type of training to be empowered in their new roles.</p>
<p>Amendment of s. 155 of the LG Act and Councillors contesting a State Election.</p> <p>(Disqualification because of other high office)</p>	<p>The Council supports the proposed changes to s. 155 to expressly state that a person cannot be a councillor while the person is an electoral candidate, and that person automatically stops being a councillor when the person becomes an electoral candidate.</p> <p>This amendment provides clarity and certainty in the electoral process by removing ambiguity around dual roles and ensures that councillors cannot campaign for election while exercising the responsibilities of current office. Furthermore, this approach is similar to the current model that applies to State MPs who must resign from legislative assembly when they become a candidate for local government election.</p> <p>By introducing this clear separation, the change will minimise disruption and confusion within the local community and reduce any administrative and financial impacts associated with by-elections. It also reinforces the principle that councillors should remain fully committed to serving their communities during their terms, rather than dividing their focus to campaigning. Essentially, this amendment strengthens good governance, promotes fairness and supports a stable and accountable local government environment.</p>
<p>Councillor conduct register</p>	<p>The Council notes that the Bill is proposing amendments to the councillor conduct register to include the name of a councillor, including the chairperson, who engages in unsuitable meeting conduct.</p> <p>The Council seeks further guidance on how long a disclosure will remain on the councillor conduct register. In line with other proposed amendments, clarification is required as to whether the disclosure period will align with the current council term, or whether the existing approach will remain unchanged.</p>

Should you require assistance regarding any of the matters raised in this letter, or wish to discuss them further, please contact the undersigned on [REDACTED] or at [REDACTED], or alternatively contact Ms Diana Stewart, Governance Manager, using the details provided above.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'L Sengstock', written in dark ink.

Larry Sengstock
Chief Executive Officer
NOOSA SHIRE COUNCIL