

Inquiry into the Operation and Effectiveness of the Councillor Conduct Framework in Queensland

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Local Government, Small Business and Customer Service Committee
QUEENSLAND PARLIAMENTARY SERVICE
Parliament House
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Via email: lgsbcsc@parliament.qld.gov.au

Dear Local Government, Small Business and Customer Service Committee,

Submission to the Local Government, Small Business and Customer Services Committee, Inquiry into the Operation and Effectiveness of the Councillor Conduct Framework in Queensland.

It is noted that the most recent legislative reforms in regard to councillor conduct and the OIA passed through parliament in March 2026 and have now all commenced. This submission draws on Council's considerable experience working with the post the Balcarra reforms and with the OIA, to inform debate about further reforms.

1. A Code of Conduct for Councillors (the Code) is helpful to moderate behaviour and needs to be enforced.

The removal of discipline action against Councillors who fail to comply with the Councillor Code of Conduct is unlikely to improve the behaviour of some councillors. The definition of "misconduct" which will continue to be a discipline matter needs to be broadened to include the more serious councillor conduct breaches and to address non-performance not just bad behaviour. As we have seen, a councillor can effectively avoid accountability by simply being absent. A councillor on extended leave should then be subject to a misconduct investigation.

2. There needs to be a properly resourced investigation agency to look into the behaviour of councillors.

This agency needs to be at arms length from Government Departments to be more independent - like it is for other professional bodies, viz: The Legal Services Commission. This agency would then receive and investigate all complaints about the conduct of a councillor. If it concludes there is a reasonable suspicion of inappropriate conduct it would then become the prosecutor. Given the range of consequences of a successful prosecution the hearing of the complaint needs to be managed by a well established and permanent tribunal, like QCAT. Referral to the Councillor Conduct Tribunal is an unnecessary interim

step, noting there is a right of appeal to QCAT. Going straight to QCAT improves effectiveness and reinforces the seriousness of the behavioural breach.

3. The Tribunal need to have sufficient power to make appropriate disciplinary decisions such as recommending dismissal.

The powers available to the Tribunal under s.150ARD need to be more clear in regard to penalties under sub-section viz: (iv), paying costs under (v) and forfeit of allowance (ix) expanded to include remuneration.

4. Strengthen protections for CEOs, management and employees.

There needs to be stronger legislative protections and practical support for CEOs, managers and employees who report, participate in or are impacted by councillor conduct matters, including safeguards against reprisals, clear escalation pathways and mechanisms to address psychosocial and workplace health and safety risks arising from councillor behaviour.

5. Address the cost of vexatious or unsubstantiated complaints.

There needs to be provisions to better identify and deter vexatious, frivolous or malicious complaints, and consider mechanisms to enable councils to recover or offset significant costs incurred in responding to complaints that are found to be without merit or constitute an abuse of the complaints process.

Yours sincerely,



Peter Cardiff
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