LOCAL GOVERNMENT, SMALL BUSINESS AND CUSTOMER SERVICE COMMITTEE

Members present:
Mr JP Lister MP—Chair
Mr AJ Baillie MP
Mr MA Boothman MP
Ms NA Boyd MP
Ms B Asif MP (via videoconference)
Mr LP Power MP

Staff present:
Dr A Cavill—Committee Secretary
Mr Z Dadic—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE LOCAL GOVERNMENT (EMPOWERING COUNCILS) AND OTHER LEGISLATION AMENDMENT BILL

TRANSCRIPT OF PROCEEDINGS

Friday, 16 January 20266

Brisbane

FRIDAY, 16 JANUARY 2026

The committee met at 9.30 am.

CHAIR: Good morning. I declare open this public hearing for the committee's inquiry into the Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025. My name is James Lister. I am the member for Southern Downs and chair of this committee. With me today are: the member for Townsville, Adam Baillie; the member for Theodore, Mark Boothman; the member for Pine Rivers, Nikki Boyd, who is substituting for the member for Cairns, Michael Healy; the member for Logan, Linus Power, who is substituting for the member for Lytton, Joan Pease; and the member for Sandgate, Bisma Asif, who is appearing online and is substituting for the deputy chair and member for Inala, Margie Nightingale.

This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only committee members and invited witnesses may participate in these proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being broadcast live on the parliament's website, and I welcome those who are joining us online. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. I ask that everyone switch their mobile phones off or turn them to silent.

DRIVER, Ms Kim, Manager, Governance and Advisory Services, Local Government Association of Queensland

SMITH, Ms Alison, Chief Executive Officer, Local Government Association of Queensland (via videoconference)

VOGLER, Ms Sarah, Head of Advocacy, Local Government Association of Queensland

CHAIR: Welcome. I ask everyone to remember to press their microphone on when they speak and off when they have finished. For the benefit of Hansard, please state your name and position when you speak for the first time. I invite the LGAQ to make an opening statement. After that, we will have some questions for you.

Ms Smith: Thank you, Chair and committee, for the opportunity to appear today. I would like to acknowledge the traditional owners of the land on which this hearing is taking place and pay my respects to elders past and present. My name is Alison Smith. I am the CEO of the Local Government Association of Queensland, the peak body for Queensland councils. Joining me today is Sarah Vogler, our Head of Advocacy, and Kim Driver, our Manager of Governance and Advisory Services.

Firstly, we thank the government for listening to councils. This bill addresses many issues that they have been raising. There are also reforms in this bill that some councils do not support while others want better clarity. We have consulted extensively with our members, our board, our policy executive, the department, the local government minister and various members of parliament. We have run member council webinars and we have held a special general meeting for members via a postal vote in order to prepare our response to the bill. Our main submission to this bill was on 16 December 2025, in which we made 30 recommendations. Our supplementary submission was on 18 December after the special general meeting and it contained one additional recommendation. All up, we hope our 31 recommendations in total can inform some improvements to the bill.

Local government is, of course, the closest level of government to the community. When people run for council they do so out of a deep sense of community service and a desire to improve the liveability of the communities they represent. In order for our 77 Queensland local councils to do their job, the state's 578 elected members and 45,000-strong council workforce need a regulatory framework that is fit for purpose and which enables—does not hamper—their ability to do their job. Our members welcome the majority of the changes in this bill.

This committee has certainly heard of difficulties faced by councils under the current legislative framework. We appreciate that the bill recognises some of these and seeks to give power back to local governments to operate more efficiently. However, a specific amendment in the bill that I would like to highlight relates to section 155 of the City of Brisbane Act and section 155 of the Local Government Act—resigning to run for state parliament. The majority of Queensland councils are opposed to this. That view was strongly born out in an LGAQ special general meeting by postal vote on 17 December 2025. That meeting recorded a majority vote of members who backed the LGAQ policy position—one that is informed by and has been held by members since 2012—being that councillors should not have to resign to nominate and campaign for election to the Queensland parliament. In our 18 December supplementary submission, we recommended that this proposed reform be removed from the bill because most councils feel that it is a retrograde step, is not in keeping with the Equal Partners in Government agreement and could actually be costly for councils by creating more by-elections.

In closing, while we understand that the resign-to-run provision is designed to achieve more certainty and fewer by-elections, we contend it may actually increase by-elections. It would mean that if a councillor were unsuccessful in a state election a by-election for their council seat would be triggered. However, under today's current laws that councillor would simply return to their council role and no by-election would be created.

As we have submitted, this bill represents an important step forward to modernise the legislative framework and address some critical priorities for Queensland councils. We appreciate the time that has been invested by the Department of Local Government, Water and Volunteers in engaging with us and councils on the proposed reforms. It has been extensive. The department also attended and spoke at our webinars for councils last month. Council members look forward to the continuing engagement to ensure smooth implementation of the proposed reforms so they are workable. Thank you. We are happy to take any questions.

CHAIR: Thank you. Member for Pine Rivers, do you have a question for the LGAQ?

Ms BOYD: I do, thank you. Good morning, Alison and LGAQ representatives. It is lovely to have you here with us today for our public hearing. My question follows on from the statements you have just made, Alison, around clause 62. I noted in your supplementary submission that the LGAQ is maintaining its current policy position, specifically stating that it would be a retrograde step, costly and not in keeping with the Equal Partners in Government agreement, specifically clauses 3.1 and 3.4. From your understanding, what problem is clause 62 attempting to solve? Is there evidence that a problem actually exists?

Ms Smith: When this legislation was repealed back in 2012, the government of the day made comments, which can be found in *Hansard*, around the fact that it was seeking to repeal the requirement for councillors to resign to run because it was unfair, it was disproportionate and it could impose additional costs on councils by creating more by-elections, not fewer. As I have said, in our consultation with councillors they identified that currently if a councillor stands for parliament and is unsuccessful there is no by-election created. We understand that the proposed change is to achieve clarity and certainty, but we contend that this proposed change will actually do two things—disrupt a council by forcing out a councillor from the chamber because of their desire to run for state parliament and potentially create a by-election that would not need to happen in today's settings.

CHAIR: Thank you for your appearance and for your organisation's submission. You say that you feel that the particular amendment that the member for Pine Rivers was talking about is inconsistent with the equal partners notion. If we are equal partners, should not state parliamentarians and elected council members share the same rules?

Ms Smith: It is certainly the case that LGAQ advocates for what our council members tell us. We have had a very strong majority vote—a clear majority vote—that they are not supportive of this measure. If you have a look at the Equal Partners in Government agreement principles, one of them is that local government will be subject to minimum intervention from the Queensland government. Councils have been very strong in their position that the majority of Queensland councils are not supportive of this.

Mr POWER: Obviously, new governments can come in and opinions can change. The local government minister at that point might have had a profoundly different view on this. Who was the local government minister at that time?

Ms Smith: Sorry, could you repeat that question?

Mr POWER: You made reference to some quotes of the government's position back in 2012 when the law was changed and to a local government minister making those statements. Who was the local government minister at that time?

Ms Smith: Certainly you can check in *Hansard*. The year was 2012.

Mr POWER: Who was the local government minister at that time who made those statements?

Ms Smith: I believe the minister for local government at the time was Mr Crisafulli.

Mr BOOTHMAN: In your statement you talked about sending out postal votes to all of your members. You stated that the majority were against these changes. What was the percentage?

Ms Smith: I am just looking for my notes on that one. As I said, the majority vote was obtained via a postal vote, which closed on 17 December. It was a very strong majority. It was a clear vote. I cannot give you a percentage. I can advise that there were several councils that did not vote; however, the result was so strong that even if those councils had voted and voiced opposition it would not have changed the outcome. That is how strong the majority view was on this particular provision.

Ms ASIF: Queensland councils vary enormously in size, capacity and turnover. Why do you think a mandated executive recruitment panel would be a one-size-fits-all solution, and why would that not work for many of the councils?

Ms Smith: You are right—diversity is one of the things we love about local government. We have small, medium and large councils. What we know about local government is that every council is unique, as is every community across our state. As a result, we would never recommend taking a cookie-cutter approach to our sector because you need to take into account that diversity.

For the provision that you are talking about around the appointment of senior executives, we have received feedback from some members who are supportive of what is being proposed. We have also received some feedback from mayors and other member councils who want to retain the status quo. The status quo is where the councils have the discretion to decide on the process of appointment, whether it includes delegating the process of appointing senior executives to the CEO or participating themselves. We maintain that having that flexibility is key to the diversity of some councils. Some will be able to deal with that whereas other councils will find this difficult.

Ms ASIF: Your submission notes that councils already involve elected members in recruitment through policy if they choose, so in your opinion what would be the problem that clause 69 is attempting to solve that is not already capable of being addressed locally?

Ms Smith: Certainly, the status quo currently provides for councils, by policy, to do exactly what this provision seeks to do, and it is the case that what this provision seeks to achieve is clarity, but it is also mandating that this should be uniform across councils. Councils do need some clarity with this because the provision by policy to be able to participate or direct a CEO to do it is not necessarily well understood. It is not necessarily clear in the legislation and it is not necessarily that well used so we certainly support the intent of this to achieve clarity. What we are saying, however, is: to reflect the diversity of the sector, have this as one that is optional as opposed to being mandatory.

Ms ASIF: What additional workload and recruitment delays could this impose on mayors and councillors, particularly in councils that are already experiencing high executive turnover or skills shortages?

CHAIR: Member for Sandgate, we will come back to you for that question in just a minute. You have had a pretty good go.

Mr POWER: Can we put the question that she has put, though?

CHAIR: I am chairing the meeting and I just wanted to run this fairly and make sure that everyone gets an equal number of questions, if at all possible. Just hold that one for a moment, please, member for Sandgate? Member for Townsville, do you have a question?

Mr BAILLIE: Yes, thank you, Chair. Thank you, everyone, for joining us here today. I go back to clause 62, which is subject of some discussion. I am relatively new to the government space. It was the first time I was even interested in running for election at the last round. I just note that I think there was six to seven months difference between the local government elections and the state government election. I understand they are fixed terms now. Has that always been the case? When legislative changes were made previously, were they fixed terms at that stage as well or is that a relatively new development?

Ms Smith: It is certainly the case that in 2020 the state moved to four-year terms. That then aligns with councils having four-year terms. It means that in March of the election year councils go for their elections and in October of that election year the state goes for those. The question you have raised is interesting. Since 2020, there has been only one by-election caused by a councillor running for state. That was the former member for Mundingburra. We are concerned going forward that this could increase the number of by-elections and cost to ratepayers should this proposed reform go through. In 2024, when we had that first cycle of state and council elections in the one year, of the 578 elected members in local government two ran for state election and neither was successful. They were able to go back to their substantive council role. If this provision had been in effect in 2024 we would have seen by-elections in Mackay and in Logan and that would have therefore cost those ratepayers considerably. Last year, when Mackay City Council were looking at a by-election they were looking at costs of upwards of $800,000. It is a costly exercise to undertake.

CHAIR: Member for Sandgate, I think we have time for one more question.

Ms ASIF: Thank you. Your submission notes that feedback from councils on conflict-of-interest changes was mixed. You have said that some councils are supportive while others are concerned. From a practical standpoint, what additional governance work do you think councils would need to undertake if the framework was to be reintroduced—for example, any standing orders, procedures and advice pathways, just on that conflict of interest?

Ms Smith: We do have in the room our head of governance, Kim Driver. I might refer to her in a moment. Initially, to answer your question, if this provision was mandatory there would be the imposition on some elected members to undertake things such as regular recruitment processes. Sometimes the recruitment process may not be fulfilled on the first go, so you might have to go back to market. There have been questions from our members about what that looks like in terms of reappraisals or KPI settings for senior executives.

Earlier you mentioned the churn rate. We actually have had a 70 per cent churn of CEOs since the 2024 quadrennial elections. We are also experiencing quite a significant attrition rate in local government in the senior executive ranks below CEOs. It is a highly competitive market and there are plenty of employers who want to get good people out of local government. If the member would accommodate it, perhaps we could ask Kim Driver for some of those more technical governance issues you have asked about.

Mr POWER: Chair, I have a quick one that could be answered quickly.

CHAIR: I will give you some leave on that in a moment, but can we just go to Ms Driver, who will speak on behalf of the CEO.

Ms Driver: Local government is one of those areas where it is very important integrity is maintained. Understanding the rules and processes is paramount, so a change like this would require extensive training for councillors and council staff, particularly CEOs and people who are involved in council meetings, to ensure councillors comply and understand what it is they need to comply with. That would be looking at standing orders, meeting processes, declarations of conflicts—all of those types of activities.

Mr POWER: This legislation envisages each council establishing independent local government integrity advisory services. Are there concerns from the LGAQ—it might be as simple as a yes or a no—that these reforms will end up cost-shifting to councils training, legal services and administrative changes without the additional resources?

Ms Smith: I think any significant legislation is always going to bring about the need for education, awareness and training. You will have seen that a lot of our 31 recommendations talk about the requirement for significant change when you see what is proposed for significant framework changes. What I would say is that we believe that the Department of Local Government, Water and Volunteers will be primarily responsible for developing resources and implementing training across the sector. We look forward to working with them and have already been in discussions about some of the things we feel would be needed. Similarly, the LGAQ will also be there to support that. We have a governance help desk. We get questions every day on matters like conflicts of interest, legislation et cetera. We also have initiatives such as our elected member updates, where we go to each council in their community and talk them through relevant matters of interest to them.

CHAIR: Thank you very much for attending today.

FINN, Mr Nicholas, Acting Deputy Independent Assessor, Office of the Independent Assessor

KOHN, Mr Charles, Acting Independent Assessor, Office of the Independent Assessor

SAUNDERS, Mr Todd, Director, Media and Engagement, Office of the Independent Assessor

CHAIR: Welcome. Mr Kohn, would you like to make an opening statement before we have some questions for you?

Mr Kohn: Thank you, Chair and members of the committee. My name is Charlie Kohn. I am the Acting Independent Assessor from the Office of Independent Assessor. I would like to acknowledge the traditional owners of the land on which we meet and pay my respects to elders past, present and emerging.

I thank the committee for the opportunity to speak on the empowering councils bill today from the perspective of the Office of the Independent Assessor. I would like to start by providing the committee with a brief overview of the OIA's role and a quick summary of our submission.

Councillors are involved in high-value, high-volume and high-frequency decision-making—more so than any other level of government. They are drawn from the communities in which they live, bringing with them existing business, social, familiar, volunteer and sporting experience and networks in those communities. This makes some great representatives for their communities, but it can also place pressure and expectation on councillors to serve interests other than the overall public interest. This combination of circumstances makes local government a high-risk area for conduct issues and underscores the importance of an independent and effective councillor conduct system.

The OIA was established in 2018 to independently assess conduct matters relating to councillors. On average, we receive around 1,000 complaints per year, ranging from minor behavioural issues to allegations of serious misconduct or corrupt conduct. Through ongoing reforms the OIA has refined its approach over the years, maintaining a strong focus on serious misconduct while supporting capacity building for councillors across Queensland.

Overall, the OIA broadly supports the government's intent of empowering councils and reducing unnecessary regulatory burden that the bill seeks to achieve. However, as outlined in our submission, we raise some concerns about certain proposed changes. For example, we believe the removal of conduct breaches could lead to serious instances of behavioural or policy breaches going unaddressed, diminishing public trust and confidence in councillors. Our submission includes several scenarios illustrating where this risk may arise.

While we generally support the new conflict-of-interest regime, we see an integrity risk in the removal of the current influence provision for conduct outside statutory meetings. Our submission suggests that a councillor should be restricted from influencing decision-makers in circumstances where they have a material personal interest, being the most serious category of conflict of interest.

We also see a risk for councillors not understanding or misunderstanding the implication of the removal of close personal relationships and significant donors from the act. We believe that these two categories could still raise conflicts of interest and the removal may cause councillors to misunderstand the application of those provisions. We look forward to working with the committee and the department and other stakeholders to ensure we continue to improve the councillor conduct system and we are happy to take questions from members of the committee.

CHAIR: Thank you very much, Sir, and thank you for your and your officers' appearance today and your submission. Member for Pine Rivers, would you like to ask a question?

Ms BOYD: I sure would. Thank you so much and thank you for appearing before the committee today. I am interested in your written submission. It is terribly thorough. It includes scenarios, precedent and considered content in many instances providing proposed improved wording for the bill. Did the OIA raise these concerns with the department during consultation prior to the introduction of the bill and, if so, what was the view of the department to the OIA's various concerns?

Mr Kohn: We did consult with the department quite early on, particularly with conflict-of-interest planned changes. At that time we provided the department with a written submission about our views. We have also had other meetings with the department and walked through our submission prior to providing it, to raise with the department our concerns. Our view is that, ultimately, it is a matter for government policy what they wish to implement in the bill and it is our role to identify issues from our perspective.

CHAIR: When you talk about conduct breaches and the separating of councils from dealing with those matters as proposed in the bill, is it not the case that councillors who are sitting in judgement on one of their peers can in many cases be sitting in judgement on one of their political competitors, particularly in the case of an undivided council where they all share the same electorate? Isn't it of concern that a councillor will not get a fair hearing or that the judgement of those councillors would be obviously politicised?

Mr Kohn: We have raised issues with the conduct breach regime in former committees and we have provided suggested changes that may improve the process over the years. We do identify that there are some councils that struggle with passing judgement over their peers in those matters, yes.

Mr POWER: The bill removes conduct breaches and breaches of council policies as categories for councillor conduct. With your experience in the past, can you outline the types of serious behaviour that are simply no longer independently assessable under the framework? I note that you gave examples of aggressive behaviour towards staff, misuse of council resources and even breaches of information security. Can you give us some more examples, obviously noting privacy, of some of the things you have done—the category, of course?

Mr Kohn: We have identified that single incidents of serious breaches of policy or serious breaches of the code of conduct—those matters, in the current form of the bill, may not be captured. We have recommended a minor amendment to the definition of misconduct to capture those matters.

Mr POWER: Recapture.

Mr Kohn: Recapture the more serious matters. I would like to raise that in the last financial year only three per cent of conduct breach complaints have been referred back to local governments. They have been instances where there has been repeated behaviour leading to ultimately referring. We have an escalation process. If the committee accepts the amendment to the bill that we suggest, it may rectify those matters that would be otherwise missed if conduct breaches were no longer.

Mr POWER: I understand that is the way to rectify it, but I asked about examples.

Mr Kohn: Examples would be if a councillor on one occasion is seriously threatening or aggressive towards staff or a member of the public. Being one instance, it would not be captured. Misuse of council resources would not be necessarily captured. Representing council while intoxicated would not be captured.

Mr POWER: Sometimes they go right up to the edge of criminal misconduct but do not meet that threshold. Things right on the edge of criminal misconduct will not be captured by this bill?

Mr Kohn: If it is on the edge of criminal conduct, there are provisions within misconduct whereby they may be captured. We have asked, as I suggested before, for some clarity to ensure the act is clear that we can use noncompliance with an act, for example, to capture breaches of local government principles and responsibilities of councillors.

Mr BOOTHMAN: I go back to previous members' questions about what has been captured. As an example, some time ago we had a situation on the Gold Coast where a councillor was being abused on social media by a constituent and the councillor fired back at the individual. You could say that in normal circumstances people would understand that individual firing back, but in this case he had to apologise to the rest of the council for that breach. In your opinion, do you feel that type of matter should be outside the scope? Human nature is that somebody will fire back if they take personal offence and someone is attacking them.

Mr Kohn: Can I start by saying that approximately 50 per cent of complaints relate to conduct breaches in the last financial year. We dismiss around 94 per cent of those. The only time they would progress is if there is repeat behaviour of a similar nature and we escalate. If you see that a councillor has been asked to apologise for conduct, generally it would be the case that it is not the first time we have received a complaint of that nature about that councillor. I hope that addresses your question.

Ms ASIF: In your submission you have raised concerns about councillor conduct towards council staff. Why do you think the removal of conduct breaches will create a heightened risk? In your experience, what happens to staff wellbeing in terms of retention and organisational culture when serious but non-misconduct behaviour does go unchecked?

Mr Kohn: We see behaviour towards council staff as a relatively serious type of conduct. There is a disparity between the power and standing of an elected official and a staff member. I think the wellbeing of staff is of paramount importance, so we tend to, as I said previously, go through an escalation process with a councillor if they have had numerous complaints in relation to behaviour towards staff. I think it is important that council staff, to ensure the effective performance of local governments, are protected from poor behaviour.

Ms ASIF: In terms of what happens in terms of staff wellbeing and retention when this culture goes unchecked, you have obviously mentioned that this is going to create a heightened risk. I just wanted you to touch on what that risk is.

Mr Kohn: We field calls from CEOs who have over the years raised concerns about the wellbeing of their staff. It is the CEO's responsibility to put in place work health and safety processes to ensure employees have a safe workplace. We see it our role to ensure that repeated serious conduct towards staff by a councillor is appropriately dealt with. I cannot comment on specifics about the impacts on staff because it is the CEOs of local government that have the direct observation of that. We anecdotally discuss with CEOs that that has been an issue with some local governments.

CHAIR: In the case where you see evidence of staff being abused by elected officials, has it been your observation that that kind of misconduct is more likely in the council that is experiencing political turmoil, adversarialism, dysfunction of that sort of thing? I use general terms a bit. I think you know what I mean. There would be a few councils that might spring to mind.

Mr Kohn: I think generally councillors across the board we see are doing the right thing, are trying to perform their roles properly and have the good of the community and the local government in mind. There are occasions when individual councillors tend to display behaviours that have significant impact on staff. Whether that is caused by the council interaction between councillors is not something we have observed specifically in these circumstances. It is more individual councillors that we have seen.

CHAIR: Allowing that it could perhaps be caused by a cultural deficiency—let's assume for a moment that might be one of the causes—would it therefore not be better to have decisions and deliberations over that conduct removed from that sphere and, therefore, that could be justification for the amendment in the bill here, taking those away from the council?

Mr Kohn: I see that the bill allows for repeated bullying conduct in its current form to become misconduct because it is more serious. I will not go into detail because it is in our submission, but we see issues with the legalese of that. I think if the more serious instances of conduct breaches can be captured as misconduct it will not be local governments dealing with them; it will be us and the Councillor Conduct Tribunal.

Ms BOYD: The bill expands misconduct to include bullying and sexual harassment, using language drawn from employment and human rights law. Why does the OIA see that as problematic in a councillor discipline context? Can you explain to us the risks associated with importing external statutory tests into a framework that is intended to be protective, educative and proportionate?

CHAIR: Mr Kohn, we are just coming up to time, so if you could make your answer as quick as possible that would be appreciated.

Mr Kohn: If I am to be quick, the framing of those sections is suited for a purpose of different acts—such as fair work, anti-discrimination or human rights type legislation—which have a specific purpose in mind. The councillor conduct framework is meant to be protective, not punitive, and it is meant to be a fair, efficient and timely process and not overly legalistic. I think there are risks in the wording of those sections that it will become overly legalistic, yes.

CHAIR: Thank you for your appearance today and for your submission.

IRVINE, Ms Peta, Chief Executive Officer, Local Government Managers Australia

CHAIR: Thank you very much for your appearance today and for your submission. Would you like to make an opening statement? After that the committee will have some questions for you.

Ms Irvine: I acknowledge the Turrbal and Yagara people, the traditional owners of Meanjin, where we are meeting today, and thank you very much for the opportunity to address the committee. Local Government Managers Australia is a professional association of people who work in local government and, as such, we have expertise and interest in the administration of councils. In the case of this bill, our interest is limited to areas where the proposed changes will impact the business of council and how it is conducted. That is really critical to how well Queensland communities are served and supported by their local governments.

LGMA supports a number of provisions in the bill which provide clarity, reduce red tape or contemporise practice, and these have been outlined in our submission. Where we have significant concern is in the proposed changes to the process for appointing senior executives. As the CEO is the responsible officer, they have unitary management authority, so they are the responsible officer for the delivery of services by council, and we think that means they should have the authority to appoint the team that they believe can best deliver those services and aid in delivery. This is generally recognised to be best practice governance and is core to the principles of the Westminster system. That is not to say that elected members are not involved in the appointment process, as we have already discussed with the committee today. Currently, elected members are involved in the recruitment of senior executives in varied ways, and the decision about that is based on the role, the possible conflicts, the preference and experience of the individual elected members and the timeframes involved. The proposed amendment does not appear to offer any enhancement in that process, practice or outcome and it will potentially create additional conflict and risk.

The other area I wish to highlight in opening is the narrowing of the application of conflict-of-interest provisions. Stating that conflicts only apply and need to be managed in council meetings opens the door for councillors to inadvertently—or deliberately—influence council decisions without declaring appropriate conflicts. This was a loophole which was closed with prior amendments. From an LGMA perspective, we are concerned about the potential reputational damage to council, and it can put officers in a really difficult position where they are providing information or briefing up elected members who they know have a conflict—or they might not know they have a conflict—but do not have to declare it. They are naturally going to think about how much information to provide in order to protect the process and the councillor involved.

A further potential implication relates to the appointment process that we have discussed whereby, if both the above amendments are enacted, a conflict of interest would not prohibit an elected member being involved in a recruitment process that could, for example—and in small communities may well—involve a family member. I think that is probably an unintended consequence of the drafting. Thank you. I am happy to clarify any aspects of our submission.

CHAIR: You say in your submission—

> The proposal to mandate … is considered to be fraught with risk while adding no enhancement to current practice.

I bring you to that term 'current practice'. From everything in my understanding of human nature and my experience as an MP in recent years, none of these appointments are conducted in a vacuum at the moment and there is, probably more often than not, extraneous influence on the appointment of senior officers and, I would go as far as to say, in some cases blatant collusion and treating the public as mugs in the way it is gone about. Would you agree that it is more important, if that is the way things are going to be, to acknowledge it and provide a framework for the involvement of elected officials in this rather than have us pretend that that does not go on at the moment and just continue as we are?

Ms Irvine: I am not sure I would have characterised the current situation the way you characterise it.

CHAIR: I accept that.

Ms Irvine: We will put that aside. I think a bad process is not a better process and the accepted process because you make it open. We have suggested—and the LGAQ might have made the point earlier—some sort of good practise guide to explain the decision-making processes that councils might go through in determining what is the right process for a particular circumstance. It might be that you have councillors who have particular skills and experience that they are able to bring to the process, in which case you would include them. It might be that you know you are going to get conflicts because of who is going to apply for particular roles. There can be a range of reasons. That would

provide councils with information to work through that and it would then provide transparency for the community as well. I think that is better than saying, 'This is the panel. They will be the panel regardless of what is going on.'

Ms BOYD: This is a question in relation to CEO and executive appointments. In your submission you state that the CEO is currently the single point of accountability as the appointer of staff. I am interested in why that accountability matters in practice. In terms of the requirement for a mandated selection panel, how does that change accountability in your view? You described that a mandated panel composition is 'fraught with risk' and conflict. What do you foresee in that space and can you expand on that?

Ms Irvine: There have been situations under prior legislation—I will use some real examples—where the CEO had a reason for not wanting a particular person appointed and the mandated panel did appoint. We used to have a scenario where the mayor and the panel was the appointer of staff. That has created some issues where from a staff member perspective the director appointed knows that they were not a CEO pick, so there is automatically some tension there. There are some things to get around. They are professional officers and hopefully they will work through that. It also opens the door for a relationship between elected members and the officer appointed that can undermine the role of the CEO. There have been some complex circumstances over the years.

Mr BOOTHMAN: At the other end of the spectrum, if the CEO was the individual who was appointing the executive team, couldn't that be deemed in the public eye as nepotism? Potentially individuals are handpicked by that individual and not by the will of the people, by the elected councillors.

Ms Irvine: I would suggest that, regardless of who is doing the process, the community is not involved. The community is not involved if it is the mayor necessarily. We are not putting out candidates and saying, 'Help us select one.' In either case, I think the potential for nepotism is the same. However, the CEO is responsible for the delivery of the service, so they are going to want the people who can best deliver it. It is in their interest to get skilled, talented, committed individuals. I think that will rule decision-making. The CEO is also experienced in and subject to a range of rules around recruitment and the process.

Mr BOOTHMAN: Going back to the councillors, the councillors obviously as elected officials would also like to see services be delivered as efficiently and effectively as possible.

Ms Irvine: Of course, yes.

Mr POWER: In the past we have seen significant influence over decisions of council applied outside of the formal meetings that are often recorded or in public. That influence may include significant conflicts but it is done behind the scenes—it is hidden from the public—and the rules about conflict of interest are not being applied.

Ms Irvine: Yes, I think there is. If conflict-of-interest provisions are only limited to the points at which council is making a decision—so a council meeting or a committee meeting—obviously there is a whole lot of conversation that goes on in between. One of the critical tools that councils have and apply is councillor workshops. This is where there will be a pre-briefing. There will be discussion about the items.

Mr POWER: Some have implied that many of the decisions are actually made in workshops.

Ms Irvine: Certainly that has been a suggestion that has been made and discussed in the past. Part of these provisions in the current act were created to stop that. I think they have made a big difference. We are certainly not hearing as much about that as we used to. Narrowing the application will potentially open the door for that again, yes.

Mr POWER: In this case someone could advocate for, say, a particular contractor and then be unable to attend the formal proceedings but through workshops and a variety of informal—

Ms Irvine: Potentially.

Mr POWER:—they could have lobbied for someone with whom they have a clear conflict of interest, but that would not be on the record anywhere.

Ms Irvine: That is the potential that it opens up. The other issue is that officers may not know that there is a conflict.

Mr POWER: That is right.

Ms Irvine: When they are providing information to the council, they may provide information that compromises the councillor because there is a conflict of interest that they do not know about. It is really hard. If you know information that matters to people you know, there is an extra onus then to try to manage that. We do not want to put people in that position if we do not have to.

Mr POWER: That compromises the officers as well.

Ms Irvine: It does.

Mr BAILLIE: The LGMA is more about the managers.

Ms Irvine: Correct.

Mr BAILLIE: How would the organisation characterise the relationships between mayors and CEOs within local governments? How does that work? I am wondering from your perspective how you would characterise that relationship.

Ms Irvine: Thank you for the very interesting and difficult to answer question. It is varied. There are some councils where there is a very clear understanding of respective roles and responsibilities. The mayor and the CEO have shared expectations about their roles and it works very well. Councillors are kept well informed. It is easy, I guess, if I can say it that way. Obviously in other cases there is tension in the relationship. Sometimes that tension is actually a flow on from tension that is happening at the elected member level. Where there is conflict within council that can create challenges for a CEO to manage. They will work very hard to try to be fair, to brief everyone equally and to do all those sorts of things, but where there is conflict in council that can be a difficult process and open to question.

Mr BAILLIE: The CEOs do not answer directly to the public where the mayor does. You mentioned that in most cases there is some alignment. Sometimes they work well and in other cases they do not, particularly in some of the areas we were talking about earlier. Do you see that there is a need for the mayors to have some input into those situations where they are hiring?

Ms Irvine: In many cases the mayors will have input. There are different mechanisms for that. It might be that the CEO will say, 'These are our final two candidates. Is there a reason you think one over the other or one shouldn't be appointed?' but the CEO will still make the decision about the appointment. At the end of the day, the CEO has an obligation to implement the resolutions of council. That is their accountability. That is their job. Whilst the elected members are answerable to the public, the CEO is the arm that makes all that happen.

Ms ASIF: What type of training and policy changes will councils need to undertake if the bill passes? How significant are the opportunity costs when councils divert staff from core services to implement legislative changes?

Ms Irvine: They are significant. All of these things involve policy rewrites, process rewrites and minute secretaries. It involves how councils are conducted. It involves minutes and all of the information that councils are provided to support them in that process. If we go beyond some of the meeting requirements, there are extensive requirements around councillor training in particular too—conflict of interest, material personal interest. The changes to that regime will require a new look and it will also require new supporting documentation. We estimate that from when it starts it is a good six-month process where a lot of the other ongoing training and development of policy that happens will be put on hold because those officers will be diverted.

Ms ASIF: Naturally that would mean smaller councils will be disproportionately affected by this cost as well, taking away resources from communities.

Ms Irvine: Yes, absolutely. LGMA and LGAQ both help. The department will do some work on this as well and we will try to standardise and share information and documents where we can. All councillors will want to tailor some of these things to their needs. There might be language changes. Councillors will often want to try to keep it familiar. The way their policies are written, how they are presented, what they work with—they will all have their own things as well. We can back end some of it, but there will be a range of other things that still have to happen.

Mr BOOTHMAN: You speak about the upfront cost of the changes. What about the long-term costs?

Ms Irvine: I am not sure. If you look over the past however many years, we have found that with every shift in legislation and every shift in the regime there have been ongoing training requirements. Through the OIA, department and the two peak bodies, we are constantly identifying areas where extra clarity is needed or maybe an extra guideline or something else. That is a long-term ongoing process. I do not think it will be necessarily any bigger than the current ongoing process, except that we are starting at the front end rather than five or 10 years on.

Mr POWER: Many of the changes which are being removed here were put in place on the recommendation of the CCC. Do you think it is important that the CCC appears before this committee to examine why they recommended those changes in the first place and how they could better protect local government managers from undue and corrupt influence?

Ms Irvine: I do not have a view. I think the CCC's reasons and rationale is all documented. I am not sure whether the committee needs to hear it from them or reflect on that. I do not have a view either way.

Mr POWER: I am looking ahead. We do not have the CCC appearing before us. I was not part of this committee in the—

CHAIR: Our next witnesses are the Electoral Commission and they are due now.

Mr POWER: Chair, I had my question about the CCC. Will they be appearing at a later date?

CHAIR: That will be a decision of the committee. I do not know. If you are on the committee at the time then we can discuss that. Thank you very much, Ms Irvine, for your participation. We wish you well.

LEWIS, Mr Wade, Assistant Electoral Commissioner, Electoral Commission of Queensland

THURLBY, Mr Matthew, Director Funding, Disclosure and Compliance, Electoral Commission of Queensland

CHAIR: I welcome representatives of the Electoral Commission of Queensland. Thank you for coming before us, gentlemen, and for your submission. I am sure you have done this before. You know the deal. Would you like to make an opening statement, after which we will have some questions for you?

Mr Lewis: Yes, I would like to make an opening statement. Thank you for the opportunity to appear before the committee today. The Electoral Commission of Queensland was pleased to make a submission to the committee. As the independent statutory authority responsible for the impartial conduct of Queensland state and local government elections, the ECQ's role is to administer and operationalise legislation passed by parliament. Therefore, our aim today is simply to outline the operational implications of the amendments in the bill. We do not intend to comment on policy decisions of government.

The bill provides several administrative improvements for the ECQ, particularly around how and when the reviews of councils occur. Currently, the ECQ supports the Local Government Change Commission to undertake periodic reviews of Queensland divided local governments and the City of Brisbane's wards prior to quadrennial elections. These reviews for the City of Brisbane currently begin six months earlier than all other Queensland local government areas. Under the proposed amendments, the reviews would commence at the same time and be initiated by the ECQ. This would streamline the process and allow the ECQ and the Local Government Change Commission to consolidate and align timeframes and resources for both reviews, engage earlier with councils and make recommendations well before the elections.

With regard to the amendments for postal ballot applications, throughout 2025 the ECQ has seen a rise in postal ballot applications from councils when by-elections are required. While the ECQ works hard to ensure these applications are assessed quickly, the process can be improved. The amendments being considered would not change how the ECQ assesses the applications. They simply streamline the process, enabling earlier decisions to be made on applications, to fill council vacancies earlier and deliver real administrative improvements. The ECQ does note in its submission that the bill should clarify the application is made to the minister, who is the final decision-maker. The ECQ should receive a copy of the application when submitted and its role is only to provide an independent and impartial recommendation to the minister.

However, there are also amendments which, in the view of the ECQ, should be given further consideration by the committee. As regulator of Queensland elections, the ECQ's approach is to proactively engage candidates to provide information, education and reasonable support in meeting their obligations. The mandatory training formalises and complements these efforts.

While the ECQ acknowledges that the bill is aimed at reducing red tape for councillors, the ECQ's view is that candidate training should not be likened to a standard annual mandatory training suite. The training is generally undertaken once every four years. It takes approximately 90 minutes to complete and provides information to candidates about their obligations as a candidate such as laws around disclosure of gifts, loans and election expenditure, and any changes that may have occurred, which is distinct and very different from those obligations which a person may have as a councillor in their everyday duties.

The ECQ's experience is that Queensland's electoral legislation has been amended with some frequency over the last decade as it pertains to the obligations of candidates, and keeping abreast of such changes is not likely something that sitting councillors may prioritise until they next become candidates. The ECQ's view is that this training is not onerous to candidates and it is important for candidates given the penalties associated with noncompliance with electoral laws, of which we have some experience as well.

Whilst reviewing the bill, the ECQ also identified that several transitional provisions were omitted. The ECQ regularly conducts by-elections between major election periods. Without clear transitional arrangements outlining how amendments should be applied, uncertainty can arise. For example, if particular amendments were to commence during a by-election period without transitional provision, confusion may arise in respect of the electoral process for all involved and lead to inconsistent requirements for the candidates. The ECQ therefore recommends the inclusion of

additional transitional provisions to ensure elections continue to be delivered under a clear, consistent and reliable legislative framework. We thank the committee again for the opportunity to take part in today's discussion. We are happy to answer any questions that members might have.

CHAIR: Thank you, Mr Lewis. Member for Pine Rivers, do you have a question?

Ms BOYD: I sure do. What is the current scale on the cost of a divisional council by-election and a mayoral by-election in recent instances? For instance, would it be $700,000 to $1,000,000 to be able to run a by-election? What is the scale around that at the moment?

Mr Lewis: Thank you for the question. It is a good question. It really depends on the council itself and it depends whether it is a divided local government council. For example, we are shortly running an election in an Indigenous council in Far North Queensland with a few hundred members. It will be probably less than $40,000 to run that election. A much bigger election could easily be, as you say, from $700,000 upwards to $800,000 or $900,000 to run. It very much depends on the location of the council and whether it is divided or undivided as well. For example, in a by-election in an undivided council all electors have to vote again which increases the costs for the council compared to a divided council where it might just be one small division.

Ms BOYD: Would you be able to furnish the committee with some examples of the expense of recent by-elections perhaps in some councils of varying sizes, divided council elections and also mayoral by-elections just to give us a better understanding of the expense there?

Mr Lewis: Yes, that is not a problem.

CHAIR: If you are not able to give that to us today, are you happy to take that on notice?

Mr Lewis: I am happy to take that on notice, Chair.

CHAIR: We will give you a due date for the homework at the end of the hearing.

Ms BOYD: In relation to candidate training and electoral accountability, the ECQ stated that it does not support exempting incumbent councillors from mandatory candidate training. Can you explain why the ECQ considers refresher training every four years to be important from an electoral integrity perspective?

Mr Lewis: From our perspective, four years is a long time between major elections. Obviously there are by-elections between those major elections, but the legislation does change in between that time usually—certainly in my experience of being at ECQ. From our perspective, being a candidate is a very different experience to being a councillor. Obviously as a councillor you are probably not thinking about all the obligations that arise for you as a candidate, as members would obviously clearly know. It is a very different situation. It is fair to say though that the disclosure regime around local government candidacy is pretty complex.

My colleague Matthew Thurlby and his team spend a lot of their time supporting candidates, political parties, third parties, political participants in general to understand and comply with those disclosure requirements. Obviously, candidates are at the forefront of that compliance requirement and certainly their agents and things like that as well.

From our perspective, the training does not take long. The department we think has done an excellent job in preparing targeted, helpful training for candidates. We do not think that in the context of an overall campaign or candidacy for a local government position that it is an onerous requirement to do that training.

Mr BOOTHMAN: When it comes to recent by-elections in Queensland and the costs of them, with the focus on postal votes rather than voting in person, what has that caused for the bottom line in terms of costings? Could you elaborate on that?

Mr Lewis: That is a good question. I think one of the things obviously that is on councils' minds is the cost of elections. Financial sustainability is a challenge that we understand that the local government sector faces in general. Certainly, from a by-election perspective as well, it is usually an unexpected cost that occurs for council. We are very appreciative and sympathetic to the situation that councils are in in that regard. That has driven, I think, a lot of the applications for postal ballots certainly last year and sometimes traditionally too.

Generally speaking, postal ballots will be a little bit cheaper than an in-person attendance election. That is very generally speaking. That is largely because of the cost of labour. Labour is our biggest cost driver for delivering elections. Sometimes the labour is in the delivery of in-person electoral services or it could be at the other end of counting the votes in a full postal election. The labour cost might shift and change, and the type of labour that is required for the electoral service is different depending on the nature of the service.

Labour is one of the biggest cost drivers as well, but postage is another big cost driver for councillors and those costs keep increasing—the cost of the letter service with Australia Post. We are very mindful in assessing applications for postal ballots and working with councils to provide them with estimated costs for their elections. Some of those costs are quite volatile. Some of them are a bit more stable. The labour costs are a little bit more stable, but things like postage is quite a volatile cost and has been over the last few years.

There are quite a few different cost drivers that go into assessing the cost of a local government election and particularly in a by-election context when we work directly with councils, as we do always, to try to minimise the cost to them while still providing a high standard of electoral services.

Mr POWER: At recent local government elections local governments had concerns about the nature of voting where there are a large number of wards and the provision of ballot papers. That is usually not a huge expense to ensure that there are ballot papers for a variety of wards in particular voting areas. Has that process improved? Was the issue related to cost? What was the problem there?

Mr Lewis: Yes, that process has improved. We have been thinking and examining the data that underpins our analysis for electoral services a great deal since the local government elections in 2024. One of the things that we have obviously been looking at is trying to understand at a more granular level where people are voting—so voter behaviour, which is pretty unpredictable. As you would appreciate, member, the requirement to vote within your local government area is quite different to the state election where you can vote anywhere in the state as an ordinary absent voter. For us it is about balancing the cost of delivering the elections but also making sure that the electoral service is available to people when and where they require it.

There was some reporting into those 2024 elections that touched on those matters that I think you are talking about. We have done a great deal of work in examining those matters since then. I would note as well that it is a challenge that most electoral commissions face around the country. It is not unique to Queensland to understand that voter behaviour and understand the need to have a certain amount of materials in the right place at the right time.

CHAIR: Do you have a secret society of electoral commissions around Australia where you have to have a special handshake to get into the meeting?

Mr POWER: I think that question contains an imputation, but anyway.

Mr Lewis: It is not secret. It does have a website. I just point that out.

Mr BAILLIE: Some residents in the northern suburbs of Townsville have had the unique privilege of participating in two by-elections in recent times—one of them being a postal vote and the other being an in-person vote. Did the ECQ make any observations of note or were there any lessons learned from conducting those by-elections and the fact that they were so close together that you would care to share with the committee?

Mr Lewis: It is an interesting question. Certainly, I think is the quick summary. It was quite a unique situation to have two separate types of elections and two separate delivery methods occurring together. We will be providing a report to parliament about the Hinchinbrook election. We will probably touch on some of those observations in that report. We will prepare a report into local government by-elections in general, as we usually do over the four-year period between the quadrennials. Likewise, we will touch on those observations there.

I think one of the biggest observations for us was the communication challenge with electors when there are different electoral services at play sometimes for the same people voting in two different elections. We think we got that balance pretty right in this situation. It was particularly challenging for people who were not used to postal voting but were finding themselves doing that in Townsville. Obviously that might not be their preferred form of voting, so they went to an in-person voting situation in the Hinchinbrook by-election.

Probably one of the biggest observations for us was around the criticality of that communication with electors so that they understand exactly what the voting requirements are for them and how they can avail themselves of that. Certainly we stand up significant call centre capability when there are major elections like this in play to make sure that people have that opportunity to call us and talk to us in person, to talk to returning officers on the ground or to engage with our website and so we make sure there is plenty of information available there as well. Likewise with those in-person attendance elections, we use that voter information card as an opportunity to engage directly with electors, whether it is via mail, email, SMS and so forth. That is probably one of the biggest observations to date—the communication challenge of such a unique situation like that.

I will also point out that it was a very interesting information environment for those two elections. For us, we have a fairly narrow remit in terms of managing a lot of the information that goes into the political context around elections as well, again, as members would appreciate. For us, one of the observations is making sure that political participants, voters et cetera understand what the ECQ's remit is in that regard and what it is that we can and cannot do things about when it might be something of concern to them, whether it is about the use of AI in generating election material or whether it is about behaviour at booths at an in-person attendance election. Certainly in the Hinchinbrook by-election, like in several in the last couple of years unfortunately, there has been some behaviour that we have had to address—sometimes using our network with the Queensland Police Service on occasion as well. Probably another observation I would make is that that is becoming a greater part of our role in delivering in-person elections—understanding and responding to the security environment around in-person voting and working with colleagues, including the QPS, to address that.

Ms ASIF: A key purpose of the commission is to promote and enforce compliance with the law. Your submission highlights concerns about the training provisions proposed by this legislation. When there are legislative amendments or changes to administrative practises, what happens between elections? Can you detail some of the unintended consequences that may arise as a result of this?

Mr Lewis: I might make some brief statements and then I will hand over to my colleague Matthew. In between the major elections sometimes we do quite a significant compliance program. We obviously take real-time compliance activity during elections, as you would appreciate, but some of the compliance work that we do has a long tail. Sometimes it will take months and sometimes years to conclude. Some investigations are very simple; others are quite complex. Obviously some of them require us to talk to and analyse a great deal of information from a variety of parties.

That is certainly one of the things that we do between the major election events. Matthew's team works with political participants across the board—be they political parties, be they candidates or their agents, or be they third parties sometimes—around election material but also around their disclosure obligations and so on. I hand over to Matthew to expand on that.

Mr Thurlby: One of our core principles when it comes to educating candidates in particular is to make sure that everyone has access to the same information and that everyone has the ability and the information needed to voluntarily comply, particularly around disclosure obligations, bank account use and things like that. What Wade was alluding to is, when we do our compliance activities, we are also increasing our own understanding of how candidates from the small Indigenous councils to the major city elections interact with those laws—how they fund their own campaign. We then feed that into the training, our educational material. There is a risk that should repeat or incumbent councillors not be required to do that training they will miss important data analysis and important new information that feeds into that training. Whilst it is the responsibility of the department to develop that training, we obviously have input and try to influence that as much as possible. There is a risk that incumbent councillors will be missing information that new candidates will be getting if they are not required to do that training.

Mr Lewis: Obviously post-election at the moment candidates will have done that training. I would like to point out that that does not guarantee compliance. The training itself is a really important part of preparing to be a candidate in local government elections, but our experience of the last 18 months is that that does not guarantee compliance. In fact, we have taken compliance action against a significant number of sitting councillors in Queensland. It is important to point out that, while the training is quite an important part of preparing for being a candidate, it is not the only thing that affects behaviour and compliance. The reasons for noncompliance are many and varied. I should probably add that too. We do think about that in our engagement with all of those people as well and about how that might feed into our direct engagement with candidates.

That is the other main thing to mention. We have a substantial and direct engagement with local government candidates in particular through Matthew's team to make sure that they individually have all of the information they require to enable their voluntary compliance, as Matthew said. While we think of the training as a critical part of becoming a candidate, it is certainly not the only thing. We do not rely on that as the only education piece for candidates. We have a very direct relationship with all of the political parties, with all of the candidates, with agents of candidates and with third parties.

Ms ASIF: The accountability role is paramount. It would be a shame to see any unintended consequences that may result.

CHAIR: That brings us to the end of the time for the Electoral Commission. Thank you very much for your appearance today and for your submission, gentlemen.

HARDING, Mayor Teresa, Personal capacity

CHAIR: I welcome Councillor Theresa Harding, Mayor of the Ipswich City Council. Welcome, Councillor Harding. Thank you for your appearance today and for your submission, which I understand has gone live on the website. Would you like to make an opening statement, after which the committee will have some questions for you?

Mayor Harding: I am Councillor Teresa Harding, the Mayor of Ipswich. I am here speaking on behalf of myself, not representing council. I would like to start by acknowledging the traditional custodians of the land that we meet on today. I also thank this committee for the opportunity to speak to my submission today given that a number of local government reforms proposed by the Queensland government have been in response to issues experienced at Ipswich City Council. This includes the proposed amendment which reinforces the mayor as the lead spokesperson for council which I will speak to more in detail later, as well as the Disaster Management Amendment Regulation 2025, which came into effect from 1 December rightly restoring the mayor as the chair of the local disaster management group. Thank you. Both of these examples are what our community would assume are core responsibilities of a Queensland mayor, leading their city through a disaster and representing their interests in the media—roles that should rightfully be held by a mayor who is elected to serve their entire local government area.

I was elected in March 2020 following the dismissal of the previous council in August 2018 and a 20-month period of administration. Our council was dismissed due to corruption, misconduct, incompetence and maladministration. I was actually there in parliament on that day and it was a unanimous decision of parliament to dismiss the Ipswich City Council.

I am the first female mayor in Ipswich's 165-year history and the first non-Labor aligned mayor in more than 45 years. I was re-elected in March 2024 with an increased primary vote of 4.5 per cent, so I have a clear mandate from our residents who want honesty and transparency and who want to continue to move our city forward. Certainly in the last term we received two national awards for being the most open and transparent council in Australia.

While the sacking of the Ipswich City Council in 2018 was a necessary step for the Queensland parliament given the corruption and incompetence uncovered during Operation Windage, the move to dissolve the council did not prohibit dismissed councillors from being elected in the future. Currently one third of the Ipswich City Council elected representatives—three of the nine—are previously dismissed councillors which arguably has created this unhealthy dynamic in Ipswich where some councillors are looking to rewrite history to serve their own political interests and not those of our community.

I applaud the Queensland government for taking action to clarify and protect the roles and responsibilities of Queensland mayors and councillors, particularly in response to concerns raised by the Ipswich community. Therefore, I offer my support for the overall intent and the aims of the Local Government (Empowering Councils) and Other Legislation Amendment Bill.

The chipping away of mayoral responsibility is nothing new in Ipswich. It started as a small change in the previous term to meeting procedures and to the media policy to subtly limit the voice of the mayor, especially in informal council meetings and in the media. This, however, escalated this term to brazen moves to undermine the role of the mayor, prompting a strong reaction from the community and our media. The most significant of these attempts being a motion put forward by Councillor Paul Tully to amend the council's media and corporate communications policy to remove the mayor as an official spokesperson on any matter relating to the council agenda or committee portfolio business. This effectively covers any decision or any business of council.

Whilst Councillor Tully has argued that this motion was a small amendment to clarify that the five councillors who were committee chairs should be the lead spokesperson for the committee portfolio—this is technically correct—he failed to mention that his proposed motion sought to achieve this outcome by essentially gagging the mayor from being the official spokesperson of the council. Importantly, Councillor Tully's motion was lawful under the current Local Government Act and without this amendment being proposed in the bill would remain lawful and possible for this to happen to any council in Queensland.

The proposed amendment does not suggest that the mayor should speak to the media on every single matter of council, but it puts the responsibility on the mayor to determine the share of the voice within their own council. Probably most importantly from my perspective, because at the moment 85 per cent of the media releases go out without me seeing them, it is a quality assurance mechanism to make sure that the correct information is getting out there as well. Councillors under

this amendment are still able to speak to media in their own capacity on matters that are important to themselves and to their community. However, they are not an official spokesperson for council or utilising the resources of council.

I am supportive of the intent of this bill and its proposed reforms. It is my assertion that they probably do not go far enough in improving the quality of representation in local government. In fact, the bill fails to address one of the most damaging issues facing councils today, and that is the ability of previously dismissed councillors to simply re-enter the system as if their past conduct was irrelevant.

My submission that I have put in also covers a number of future considerations for this committee in addressing other known issues in the local government sector. In particular, in the wake of Investigation Murray, the CCC's investigation into the allegations of corrupt conduct by the former mayor of Townsville, Troy Thompson, more consideration needs to be given to disqualifying criteria and disclosures from candidates looking to enter local government. If we are serious about restoring public confidence, individuals who have already been dismissed should not be permitted to return to public office. While there are basic criteria in place, these fall well short of the vetting undertaken by political parties for state, federal and Brisbane City Council candidates. This gap has allowed individuals with serious integrity and competency issues to slip through the cracks and present themselves as suitable representatives of their communities.

As a result, voters must rely on candidates to be upfront and truthful about their past criminal offences, domestic violence orders and offences, and other transgressions, which is rarely the case based on my personal experience. This is not just naive; it is dangerous. Councillors who have previously been dismissed or convicted of serious offences are not merely poor candidates in my experience. They actively undermine public trust and they also undermine investor confidence, as we can see in Ipswich.

The Queensland government and the committee should look at other industries and the criteria in place to ensure that their representatives are fit and proper people, and I have provided an example in my written submission. In other sectors, individuals with histories of theft, arson or misuse of public funds or being dismissed for management incompetence would be permanently disqualified from positions of responsibility. Yet in local government they are given another chance to hold office. I believe that voters are under the assumption that candidates running for local government have passed many of these areas that the community would expect.

However, in my time as mayor, I am personally aware of councillors—and I am not just talking about my council; I am talking about councils in Queensland—who have not disclosed guilty verdicts. They have served time in jail that they have not disclosed and other significant matters such as DVOs. If they have disclosed in the media, councillors have omitted certain offences or denied that they were guilty, despite in one case where the councillor had actually plead guilty to the offence. This selective storytelling is not harmless. It is a deliberate attempt to manipulate voters and conceal conduct that would alarm any reasonable person. Relying on councils to provide fulsome disclosure of past transgressions to voters while at the same time trying to secure their vote is clearly a flawed system.

In my submission I highlighted considerations to continue to clarify and protect the roles of mayors and councillors, alongside the current amendment to confirm mayors as the chair of the council meetings. Thank you very much for that. May I ask that we also consider in future amendments that the mayor is also a standing member of the council's audit and risk committee? We are currently a standing member of every other committee, except for that particular committee.

I also put forward the suggestion in my submission the need to expand the Local Government Act section 12(4) (g) to ensure that mayors can represent the local government not only at ceremonial and civic functions but also at community and business events. While the community often assumes an invitation sent to a councillor would include the mayor, this is not the case. On many occasions I have had community groups and businesses ask me why I did not attend their event. When I let them know that I did not receive an invitation, they tell me that they sent it to the divisional councillor and expected that this would be forwarded to me. For mayors who are under constant attack from councillors, this is an area that is often exploited. Adding community and business events will remove the politics from this situation. Therefore, I offer these additions to the committee for consideration. Once again, thank you so much for the opportunity to share my personal views on this bill.

CHAIR: Thank you, Councillor Harding. Member for Logan, I believe you have a question.

Mr POWER: Thanks, Mayor. I appreciate that you went to some detail about the unique situation in the Ipswich City Council, both its history and its current composition. Would it be fair to say that you lobbied for these specific provisions?

Mayor Harding: Sorry, could you repeat the question?

Mr POWER: Would it be fair to say that you took your experience within Ipswich City Council and asked that these specific provisions be included in this legislation?

Mayor Harding: Yes, I wrote to the former government and also when the new government came in for these changes.

Mr POWER: With that, you have said here that '… Local Government is the level of government closest to its community …' The basis here, though, is that the state government should intervene more into the level of government closest to the community, to put more rules in place. Should that logic be applied in a broader sense?

Mayor Harding: When you look at state and federal candidates, there is vetting that goes on in a political party. It is the same with Brisbane City Council candidates. Outside that in local government there is no vetting of some of those basic things that would knock people out. We often find that people who would not pass vetting as a state or federal candidate—for instance, Troy Thompson, was endorsed and disendorsed by One Nation—then come to local government. We are finding more and more people who would not meet that criteria are coming to local government. It is impacting the sector in my view.

Mr POWER: You are suggesting that they could not run as Independents in state government?

Mayor Harding: They could run as Independents.

Mr POWER: Every local government is different. We have heard about very small ones and large ones. In some cases the mayor may not be in the disaster centre during a major disaster event and a council may wish to nominate a different councillor as the person responsible. In that way, this is really the Ipswich provisions which may not be applicable for a whole variety of different councils.

Mayor Harding: When I first sent my letter to the previous government—I acknowledge the former assistant minister for local government, the member for Pine Rivers—I did suggest that you make it either the mayor or the mayor's nominee or a delegate, so it does not have to be the mayor, but it should not be removed. I think it is very clear in the community that that role should not be forcibly removed from the mayor. I would agree that some councils, including some of my neighbouring councils, have an arrangement where the mayor is not the chair and that works really well for them.

Mr POWER: What about even in extreme cases where over time—four years is a long time—councillors have lost confidence in the mayor with regard to that circumstance? Are you saying there is never a circumstance where that would be appropriate?

Mayor Harding: I am not aware of any of those circumstances. It certainly has not happened in Ipswich.

CHAIR: Councillor Harding, you and I go back a long way. I remember meeting you when I was a young flying officer at Amberley. You were running the F111 maintenance and sustainment. You have not changed a bit in all that time! Thank you for your appearance.

When the amendments in this bill regarding the formalisation of the mayor's position, particularly as a spokesperson, came out, I immediately thought of you, because your case and your attempts by your council to deprive you of the position of official spokesperson struck me as being quite crazy. If you also add to that the position of local disaster manager, do you find that there is an expectation on the part of your constituents who are busy with their day-to-day lives that the mayor is in charge of that, and that without this protection mayors can find that their reputation is being used as a shield for others who are less accountable for their actions?

Mayor Harding: I cannot speak for every councillor, but certainly in our council last term the councillors changed the media policy. Basically the councillors issued 85 per cent of the media releases, whereas it would be the opposite in most councils. It would probably be the mayor issuing 85 per cent. Obviously Councillor Tully was not happy with that and brought forward a notice of motion to completely remove the mayor from issuing any council media releases.

I always go back to what the community would expect. I think that was not what the community would expect. The one person that everyone in the city did vote for should be able to speak. It is a bit like saying the Premier cannot speak to the media or the Prime Minister cannot speak to the media or any chair of the board cannot speak to the media or issue media releases from the organisation. That was certainly not in line with community expectation.

Afterwards when it did hit the media I had people from media organisations tell me that they saw it as an attack on their ability to speak to leaders. They did not like the fact that that was being constrained. I had not considered that.

With regard to being the chair of the local disaster management group, again, I think the community would expect the mayor or the mayor's delegate to chair that. What is probably really important—and we saw this with TC Alfred—is that there needs to be that relationship. If the mayor is not the chair then there needs to be a good relationship between whoever is the chair so information is shared freely, because the priority is community safety and that was not happening.

Ms ASIF: Have you sought any state intervention to deal with misconduct and behaviour in council previously?

Mayor Harding: Just so I understand the question, are you asking if I have approached the OIA or the CCC or an elected representative?

Ms ASIF: The state government and state government bodies.

Mayor Harding: I have approached the OIA on a number of matters in the past, yes, or put in complaints. There is an obligation in the code of conduct that any complaint that comes to you—it could be someone on Facebook or someone emails you saying, 'I don't like what so and so did'—must be forwarded to the OIA. It is an obligation. I have no discretion.

Ms ASIF: But not the state government itself?

Mayor Harding: No.

Ms ASIF: On that, I would like to clarify that the bill removes conduct breaches and breaches of council policy categories of councillor conduct. That is a significant integrity risk and change. Under this framework, if it is passed, aggressive behaviour towards staff, the misuse of council resources and breaches of information security are things that will be impacted. How do you think this will impact Ipswich City Council in your opinion?

CHAIR: Councillor Harding, there were a few imputations in that question, so I will give you some latitude in how you respond to it.

Mayor Harding: I have long been a supporter of the OIA and believe that the sector does need a watchdog with the powers and resourcing to hold bad councillors to account. However, a system where conduct breaches are sent back to councils for investigation and final determination clearly does not work. We have seen in many councils that this is being used politically to either save or punish councillors depending on who has the numbers on the floor. In Ipswich we have examples of matters that have been independently investigated and, despite allegations being substantiated, they are overturned on the floor for what I would say are political reasons. I am also aware of a similar example in Redland City Council where claims against the mayor were not substantiated through an investigation but were still upheld by council.

More to your question, member for Sandgate, we have a councillor—I am not going to name them—who at times is very disrespectful during briefing sessions and workshops. They yell, accuse council officers of lying and are very robust in their view. At the moment the way the CEO manages that is that only she will attend certain workshops and briefing sessions because of the very I will say disgusting and disrespectful behaviour from councillors to council officers.

With the state government, so much of the business is done in parliament and there are very strict rules. For us in council our business is not just done at our formal council meetings. We do interact nearly every day with council officers. Unless you are a minister, a backbencher would not have that daily interaction with departmental staff but we do as councillors. I would love to see something in there—

Ms ASIF: From what you are saying, the changes in this bill will actually be a negative—

CHAIR: Member for Sandgate, I am sorry to interrupt you, but Councillor Harding was in the middle of her answer. Can we let her provide her answer?

Ms ASIF: I am asking her to clarify her answer.

Mayor Harding: I note that Mayor Jon Raven from Logan City Council put in a submission talking about this matter. I have to say that I concur with his views. We need some provisions on things outside formal council meetings. Just having something on unsuitable meeting conduct would not cover council staff. We have a councillor who has probably had at least a dozen statutory recommendations from the OIA, but their behaviour from what I can see still continues to be very poor.

May I just go back to a previous question from the member for Sandgate? You asked me if I speak to the state department. My apologies, there have been times when I have called the department, either the DDG of Local Government or the DG to say, 'I'm having these issues. Do you have any recommendations?' but I have not gone to the minister or an MP about it.

Mr POWER: I have a quick question on the workshops issue, Chair.

CHAIR: We are out of time. I was going to go to the member for Theodore, but the time for the appearance of the Mayor of Ipswich City Council has concluded. Thank you very much for your time and for your presence here today, Councillor Harding.

FRANKS, Mr Peter, Chief Executive Officer, Mareeba Shire Council (via videoconference)

TOPPIN, Ms Angela AM, Mayor, Mareeba Shire Council (via videoconference)

CHAIR: Our next witnesses are from Mareeba Shire Council via videoconference. For those watching proceedings, I would like to acknowledge the assistance of the secretariat—Dr Amanda Cavill, Zac Dadic and Kerri Swaine—for organising all of this and making this happen. We come along and it is delivered, so thank you very much.

I welcome Mayor Angela Toppin AM and CEO Mr Peter Franks. Thank you for joining us and thank you for your submission as well. I invite you to make an opening statement, after which the committee will have some questions for you. It is over to you, Councillor Toppin.

Mayor Toppin: By 'opening statement', what do you mean—just a summary?

CHAIR: If that suits you, you can summarise what you have said in your submission and provide any additional context or perhaps anything that you have picked up or decided on between now and when you lodged your submission.

Mayor Toppin: Good morning to all. Our council in the main supports many of the proposed amendments. However, there are certain amendments we do not agree with either wholly or partially. We believe that the appointment of senior executive employees should be up to council rather than making the approach mandatory, as presently proposed. We would recommend that we remain with the CEO alone, because our CEO always consults with council on any of these appointments and always seeks feedback. However, if you are wanting to make a change, we recommend that it is the CEO with others as determined by resolution of council. The final decision should rest with the CEO, with the council having a right to veto the decision. That is what we recommend. In terms of 'material personal interest', I will get our CEO to speak to that one.

Mr Franks: Our view on this one is that the current system works relatively well. It gives clear definition to councillors around what is an MPI and what is not. It also makes a decision on the day. It comes to a council meeting, the councillors decide whether there is a conflict of interest or not and it is dealt with. The old system leaves it too wide open. We have concerns around that. We believe that the current system works well and should be left alone.

Mayor Toppin: In relation to the removal of conduct breaches, we have concerns about the dropping of conduct breaches. The conduct of councillors in public impacts not only on the individual but also on the entire council. Council should have the ability to have this behaviour sanctioned. Our staff, our CEO, operate under a code of conduct. If our CEO behaved very badly in the community we can sanction or dismiss him. In the case of councillors, we have to be able to sanction them if their conduct in the public is inappropriate for a councillor. Yes, I do agree if there is some element of vexation entailed in the complaint then the councillor should have availability to an appeal mechanism, particularly where this is misused. Again, the misuse of these provisions by a few councillors should not result in this sensible provision being totally discarded.

Requiring councillors to vacate office if they nominate for state election, our council is opposed to that. We do not support this amendment. We do not believe that a person who is a councillor at the time that they nominate should disqualify as a councillor. We believe that we should await the outcome because if that councillor is not elected then they remain in their seat without us having to sustain a costly by-election which is a very large cost for a small council. We believe that would be a complete waste of precious ratepayer money if this one is pursued.

We support in the main most of those amendments, and the few that we have outlined this morning are the ones where we would like to see changes or remain as is. Thank you very much.

CHAIR: Thank you. We will go to questions.

Ms BOYD: Good morning. It is wonderful to see you both. I want to ask a question around councillors nominating for state elections. In your submission you strongly oppose requiring councillors to vacate office upon nomination for state elections. Just now, Mayor, you called it a 'waste of precious ratepayer money'. Can you explain the financial and administrative impacts that this could have on council and on ratepayers?

Mayor Toppin: A by-election—isn't that what we're talking about?

Mr Franks: At the beginning of last year we lost one of our councillors unfortunately. We had to go through a by-election process. It cost us nearly $100,000 to run a by-election.

Mayor Toppin: That was a postal ballot, wasn't it?

Mr Franks: Yes, that was a postal ballot. If somebody does stand for state government and they do not get elected, they could then re nominate at the by-election and get re-elected. Our council's view is to retain the current situation where they can nominate and, if they are elected to the state, they immediately cease to be a councillor but, if they do not get elected, they can resume their seat.

Ms BOYD: Imagine that—having a $300,000 expense just to maintain the status quo? I am interested in the appointment of senior executive appointments. The bill proposes making councillor involvement in senior executive appointments mandatory. Why does the Mareeba Shire Council consider this less empowering rather than more empowering for councils?

Mayor Toppin: We believe that the current system we have here works well because our CEO involves us. I am not sure if that is always the case. However, as I have said, rather than making it mandatory, if council wishes to have an input as stated there, the councils give them the flexibility to determine by resolution whether the senior executive employees are to be appointed by either the CEO alone or the CEO with others as determined by council, depending on the expertise that you may want sitting around that table.

Mr BOOTHMAN: My question goes back to your comments when it comes to councillors having to resign to run for state parliament. If we look at the situation, it is a seven-month period between elections. For an individual who has an interest in nominating for state politics yet they ran for council seven months prior, wouldn't that say to your council that that individual really had no interest in running for council but used it as a stepping stone to run for state politics?

Mayor Toppin: They may. That is something that I could not determine. We did have a councillor here some time ago who did flag an interest in the state election, but he did not in the end do so. It could do that, but because we are a small council we are very conscious of the cost impact if this were to happen immediately on that decision.

Mr POWER: I do not know whether that was an attack on Councillor Heremaia. Every council is different. We have met and talked about the nature of Mareeba Shire Council. When it comes to these mandatory models of engaging appointments, councils are different sizes and have different capability and governance structures just because of their nature. Is that why it is inappropriate that one model be forced on all councils?

Mayor Toppin: Exactly. That is what we are saying. I think there should be a choice, depending on the council—the size, the expertise and so on.

Mr Franks: Our council is of the view that the council should have an option to be involved. However, it should not be mandatory. Council should be able to turn around and say, 'You carry on,' or potentially we would like certain people to be involved in the process and not necessarily councillors.

Mr POWER: That makes a lot of sense because every council is different.

Mayor Toppin: Yes.

Mr Franks: We had a situation recently where we had to employ a manager in our works area. We invited a member of the community who is actually an ex-councillor—somebody who retired many years ago—who had expertise in this area to sit on the panel. That ability should be available to councils. To me, it should be up to council. Yes, they have the discretion to be involved and also the discretion on who should be involved.

Mayor Toppin: Give them the flexibility on that one.

Mr BAILLIE: I have a question on conflicts of interest, and that has been a topic of the hearing this morning. We have had a fair bit of interest from several different parties. What is your view on the current conflicts of interest framework and the confusion that seems to accompany that? Could you expand on that?

Mayor Toppin: I will get our CEO to expand more on that because he is always dealing with councillors making inquiries about this. From my point of view as mayor, I want it to be clear—black and white. I do not want it to be muddy because it causes a lot of friction around the table.

Mr Franks: Under the current regime it is really defined. If it is a prescribed or declarable conflict, it is very clear where it sits. It then enables the councillors to raise, 'Is there a conflict or not?' with others and for councils to decide, if it is a declarable conflict, whether the person who can remain in the room or not. You have a definitive answer. Under the old regime that was not possible. It was up to people to make the call. You ended up with potential situations where people had a conflict of interest but remained in the room and then it put your decisions in question.

It also makes it very difficult for the councillors to determine, 'Do I have a conflict or not?' This council has always been really good in terms of whether there is a potential conflict either prescribed or declarable. The general principle has been to leave the room in any case—declare and leave. The current system is very clear. We recognise that in certain councils it has been used to try to exclude people et cetera. We believe mechanisms could be put into place to deal with that, rather than changing the whole system.

Ms ASIF: You have touched on 'material personal interest' and conflicts of interest in detail. I want to ask you what risks you see if councillors are later challenged and whether they stood to gain or lose rather than relying on clearly defined statutory tests and requirements?

Mayor Toppin: From my point of view, I always use for myself personally 'if in doubt, get out.' That is my barometer. Other people do not always see it that way. They think, 'I'd like to have input.' If in the community it does not pass the pub test, so to speak—that they seem to be influenced in some way—then at least there is a decision made around the table saying, 'Yes, you're allowed to stay,' or 'No, you're not.' That is the way we see it here. That is how we operate.

Mr Franks: From my perspective, there are two components. One is the political risk out in the community. If there are people involved in making the decision and they had a conflict of interest and it was not declared, it puts the entire council decision in question by the community. The other one is the potential for legal challenges down the track. For example, if a planning application is approved or not approved and there is a conflict of interest that comes to the fore after the event, somebody could challenge council, and that again could cost us a lot of money.

Ms ASIF: It actually creates a significant risk for council itself because if the councillor chooses to make that decision without the council's knowledge then council is potentially liable and could have taken action against them.

Mr Franks: Yes.

Mayor Toppin: Yes. Sometimes people say, 'Yes, I do know the people, but I'm an adult. I am sensible and I can make a sensible decision,' but that is not the pub test. By that I mean the public domain.

CHAIR: We know what you mean, Mayor. I would love to sit down and have a beer with you and compare our pubs. I am sure I have better pubs than you do, but you would probably disagree with me on that one.

Mayor Toppin: Yes. I am open to that.

Ms ASIF: I think we have touched on an important part of public perception. There is a chance that councillors could be misleading the public. What are the implications of that?

Mayor Toppin: It is that whole commitment to transparency in our community. If you start to introduce shades of grey then the transparency is not optimal.

CHAIR: Mayor Toppin and Mr Franks, can you comment on the proposition that having an undivided council—and I believe Mareeba is, like the three that are in my electorate—puts councillors in the position of being judge, jury and executioner over one of their colleagues with whom they are in fact electoral competitors because you all occupy the same electorate as such. I asked this question of the OIA earlier this morning. Can you give me your view on that and how that sits with your view as you have expressed today regarding the removal of the judgement function of councils over councillors as proposed in this bill?

Mayor Toppin: Yes, I suppose there is a risk there. That is what I said to you—where some of these things are not used appropriately and where there is some vexatious element to it, that is where we would like to see an appeal mechanism available to the councillor. That is what our council feels.

Mr Franks: I think the key element is we have to work on the basis that the councillors are sitting around the table doing the right thing at the right time. If somebody steps out of line they will deal with it appropriately. They are not going to go out and actually use the mechanism for the wrong purpose. We have to believe that people are actually doing the right thing for the right reason. That is why they have been elected. They want to do things for their community, and they are going to do the best job they can. Somebody has to be the judge and jury in the matter, and smaller matters can be dealt with around the table. You do have the OIA and the other mechanisms available to deal with it, if it gets abused.

CHAIR: Thank you.

Mr POWER: This mechanism has both positives and negatives. The CCC originally put this forward and the government then took it up. Do you think we as a committee should be asking the CCC why they put this forward and whether they still support it?

Mayor Toppin: I guess so, yes. As I said, our council does not agree with what is stated there. I would be very interested in that, thank you.

CHAIR: I am sorry, we are out of time for Mareeba Shire Council. Thank you.

Mayor Toppin: Thank you very much. I wish you all the very best.

CHAIR: It is great to hear from small local councils, so thank you very much. We will all cross paths with you at some stage.

Mayor Toppin: You certainly will.

HANCOCK, Ms Johanne, Councillor, Maranoa Regional Council (via videoconference)

HAYWARD, Mr Rob, Chief Executive Office, Maranoa Regional Council (via videoconference)

CHAIR: Welcome. Thank you for your appearance here today and also for your submission. Would you like to make an opening statement to the committee, after which we will ask some questions?

Ms Hancock: Thank you, Chair and committee, for inviting Maranoa Regional Council to appear today. I particularly appreciate the opportunity to speak as a representative of a rural council from South-West Queensland. Councils like Maranoa cover very large geographic areas, serve dispersed communities and operate with limited resources. It is important that legislation works not just in theory but also in practice on the ground. The practical impacts of legislative reform are often felt most acutely in regional and rural councils, and we welcome the opportunity to contribute that perspective to the committee's deliberations.

By way of background, I am a second-term councillor and have been involved in local government for a number of years, having first been elected in the 2020-24 local government term. Overall, Maranoa Regional Council is supportive of the Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025. We see it as a positive step towards cutting unnecessary red tape, improving clarity and allowing councils to focus more on delivering services and infrastructure for their communities.

Our submission is intentionally measured. We are not opposing reform; rather, we have highlighted a small number of areas where minor clarification could help the reforms work better in practice, particularly for regional and rural councils. One example relates to senior executive appointments. We support councillors being re-empowered in this space. Under the act, councillors are ultimately accountable to their communities for the performance of the organisation and the executive leadership team. It not just the chief executive officer who plays a critical role in delivering that performance.

We also recognise that the bill includes provisions to appoint an alternative councillor to an appointment panel in certain circumstances. In practice, however, those provisions are largely linked to committee-based arrangements such as committee chairs. Many smaller and regional councils, including Maranoa, do not operate formal committee structures, which can limit how that flexibility is applied. As a result, the councillor best placed to contribute to a senior executive appointment may not always be the deputy mayor in a regional council context. Councillors bring different professional skills and experience and allowing those skill sets to be aligned with senior executive appointments helps achieve the intended outcome of these reforms.

We are also generally supportive of the proposed changes to the conflicts of interest framework. Under the current legislation there is an obligation on councillors to raise potential conflicts of interest, which has helped foster a culture of shared responsibility and early, transparent management of issues. Our suggestion is to expand the proposed changes slightly to preserve that shared responsibility culture, rather than allowing potential conflicts to be raised later in a way that can create unnecessary dispute or undermine confidence in council decision-making. In closing, council thanks the government for progressing these reforms and thanks the committee for the opportunity to contribute practical regional insight.

CHAIR: Thank you.

Ms BOYD: Good morning. My first question is around the conflicts of interest framework. You note in your submission that the bill removes the explicit requirement for councillors to raise conflicts where they reasonably believe another councillor, in fact, has a conflict of interest. From your experience, how has this obligation operated in practice? Can you specifically explain to us how it has contributed to transparency, shared accountability and timely management of conflicts around the table at council meetings?

Ms Hancock: Under the act, councillors are ultimately accountable to their communities for the performance of the organisation. My learned experience is that, if you know there is a conflict at the table, it is better to call it out right then and there. We think that is being transparent and accountable to our community who have elected us to be there. We feel that letting it pass undermines accountability and transparency to our community. It also can cause trust issues and division around the council chambers. We would rather deal with our conflicts up-front and openly.

Ms BOYD: If a councillor has a conflict of interest that is not called out, would it be fair to say that that conflict of interest then becomes a problem for the entire council and the entire council's reputation?

Ms Hancock: I absolutely agree. It is about reputational damage to council.

CHAIR: Councillor Hancock, I ask you to reflect for a moment on the broader context around Queensland. I know that Maranoa is a very functional council. You get on and get stuff done. It is in your DNA. Would it be fair to say that in the past in less well-endowed councils where there has been political turmoil, endless rivalries and so forth around the table, particularly in an undivided council, that the mechanisms around conflicts of interest have been used or could have been used to exclude an important voice from the room or prevent something happening which ought to happen on the basis of a specious or concocted conflict of interest? You must have heard about this. Councillors are very well networked. You must have heard of a few examples of this in other places.

Ms Hancock: Certainly. Our learned experience is that it is best that it be a shared responsibility around the table. Therefore, we think it is in the best interests of the community to deal with our conflicts of interest up-front. There is a mechanism to put your conflict to the room and have your peers vote on that, and we use that quite often. We think that it is best to put it up-front, vote on it and deal with it at that time.

Mr POWER: In your submission you raised concerns about the mandated panel structure of senior executive appointments because it could be too restrictive for regional councils like yourselves. Can you explain how Maranoa and other similar councils currently approach this panel composition? Why do you think that flexibility to nominate councillors based on skills and experience, as we heard from Mareeba and others, is important to the practice of your council?

Ms Hancock: We do not have committees in our council. We are not a divided council. We have portfolio chairs. The portfolio chairs are married up with their expertise and skills. We feel that by broadening it to not just the deputy mayor or committee chairs it provides an opportunity to have the right councillor with the right skill set involved.

Mr POWER: Thank you.

Mr BAILLIE: We heard from another council about empowering councillors in selecting those positions. You are supportive of including councillors in those decisions. Can you expand on your reasoning for that?

Ms Hancock: We are supportive of it because there are councillors sitting around the table who have different skill sets. The deputy mayor may not generally have those skill sets or there could be a conflict of interest. Therefore, we think that it provides councillors with the right skill sets to have the opportunity to be at the table to support the process.

Mr BAILLIE: The question was around councillors' involvement in the selection of those positions. One of the changes under this legislation is that councillors would be involved now. You are supportive of that, but we have heard differently from other councils. I am interested in why you think it is important that councillors have a say in selecting those positions.

Ms Hancock: We support it because we think that our community expects us to be involved in the process. We support bringing councillors back to the table. We support the process. We support being part of a committee. Our chief executive officer is absolutely in control of the operation of their staff. We think that the involvement of councillors in senior executive appointments with a clear governance framework helps to ensure alignment with community expectations while still respecting professional and operational management.

Ms ASIF: Your submission highlights the uncertainty about whether senior executive contract extensions could be interpreted as new appointments under the proposed framework. Can you expand on why you think this distinction matters to councils?

Ms Hancock: This issue was raised purely for clarity and consistency. Senior executive contracts commonly include provisions that allow for extensions, often linked to performance outcomes. Without clear guidance, there is a risk that councils may interpret whether exercising an extension constitutes a new appointment differently over time. Clarifying the intent will help to ensure consistent practice across councils and provide certainty for elected members and executives alike.

Ms ASIF: Do you think it should be mandatory?

Ms Hancock: I do not have a position on that.

Mr Hayward: We are just after clarity.

Ms Hancock: We are after clarity.

Mr POWER: I was interested in what you said about the involvement of the deputy mayor and if the deputy mayor had a conflict that create issues. Would it be important for this committee to put these questions to the CCC, which proposed the original structure, and to see the pros and cons of those issues especially when it comes to the possibility of a conflict for the limited number of people who can be on the selection panel?

Ms Hancock: I think that is a matter for you guys to determine.

CHAIR: Regarding appointments, I put to the representative from the Local Government Managers Australia—and, Rob, I am sure you are a member—that frankly I thought it was a bit of a joke that we would believe that the appointment of staff on councils is universally a practice that is done without any political influence whatsoever. That completely flies in the face of my knowledge of human nature and my experience with councils in my area and I do not accept it. Is it not better to have some kind of framework around the obvious political reality on the ground rather than ignore it and pretend that it is not happening?

Mr Hayward: I am the CEO and have been 31 years in local government. Whilst I am not a politician, I do have a political antenna—

CHAIR: I bet you do.

Mr Hayward:—so you are very correct in that. As a CEO, particularly if you want to stay in local government, you obviously need to be able to read a room. As I said, when I started out 31 years ago, tenures of CEOs were generally 10 to 15 years in local government. When I became a CEO in 2008 at Tambo, so 20 years ago, the average tenure for a CEO was seven to 10 years. On the stats coming out of the LGAQ now, the average tenure of a CEO is two years and the council term is four. If you have involvement of councillors in the recruitment process, you basically have someone who is going to be there for at least four years and CEOs are now turning over every two years so, of course, you are going to take guidance from your elected members.

CHAIR: I have seen examples where there has been an obvious program to eliminate an entire level of council staff. The recruitment process has obviously been a sham because the whole community has known who would be appointed 12 months before it happened yet the council might still go through the pretence of a selection process that inconveniences dozens of people and could cost $100,000. That is the sort of thing that I am talking about. Thanks very much for your answer on that, Mr Hayward.

Ms BOYD: I am seeking some clarity around Maranoa Regional Council's position on senior executive appointment panels. In your submission you raise concerns around the proposed senior executive appointment panel structure. As the LGMA has told us, 50 per cent of councils around the state currently choose panels through recruitment and the other half do not. Given that we know that it is an optional rather than mandatory practice at the moment, is it the position of Maranoa Regional Council that you support the legislation as it currently stands? I am looking for some clarity around that in terms of your position because you say the panel is too restrictive but then—and I may have misheard—I was left with the impression that you support the provision as proposed in the current amendments.

Ms Hancock: We do support it. We are just looking for that flexibility so that it can be not just a deputy mayor but it can be councillors for rural councils that do not have committee chairs. We are looking for some flexibility for that.

Ms BOYD: You are stating that it is your understanding that that flexibility does not currently exist; is that correct?

Ms Hancock: That is correct.

Ms BOYD: In the here and now rather than in the proposed amendment?

Ms Hancock: In the proposed amendment.

Ms BOYD: But here and now, it does exist.

Ms Hancock: I am sorry, I do not have the answer to that.

Ms BOYD: Okay, thank you.

Mr BAILLIE: I note under 'Matters of Particular Support' and 'Automatic removal from office on nomination for State election' your submission states—

> Council supports the automatic removal of a councillor from office upon nomination as a candidate for a State election.

Could you expand on your position there and the reasons behind your support?

Ms Hancock: Council formed its view that our support is about certainty for residents and councils during election periods, not discouraging state political participation. Clear rules avoid uncertainty and keep the focus on local government and community representation. For us, it is all about the people.

Mr BAILLIE: How do you think that will do that?

Ms Hancock: Now that the state and local government fall on the same year, we think that it is not unreasonable for candidates to choose whether they are going to stand for local or whether they are going to stand for state. We think that our community would expect them to make that decision before they put their hand up for local government. Our community would expect somebody who puts their hand up for local government to be committed to do their term of four years at local government.

CHAIR: Thank you very much, Councillor Hancock and Mr Hayward, for your appearance today on behalf of the Maranoa Regional Council. We appreciate your time, especially at this time of the year, and also your submission. I now welcome representatives from the Balonne Shire Council, your neighbours.

CLARKE, Mrs Michelle, Chief Executive Officer, Balonne Shire Council (via videoconference)

O'TOOLE, Ms Samantha, Mayor, Balonne Shire Council (via videoconference)

CHAIR: Thank you for your appearance today and your submission. Would you like to make an opening statement to the committee and then we will have some questions for you?

Ms O'Toole: Thank you, Chair, for the opportunity to participate today on behalf of the Balonne Shire Council. I would like to note for the record that I am the current LGAQ policy executive member for District 5—South-West. The council is supportive of the intent of the Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025 to strengthen local government, improve governance and reduce unnecessary regulation.

For rural and remote councils such as the Balonne Shire Council, reforms that genuinely empower local decision-making, support tailored approaches and facilitate discretionary responses are particularly important given the scale of our service area, limited resources and the critical role councils play in delivering services in dispersed communities. Consistent with LGAQ advocacy, Balonne's submission identified several proposed amendments that the council strongly supports, including measures that reinforce mayoral leadership, improve access to essential quarry materials and priority over Indigenous local government rating powers. These changes have practical benefits for rural councils and directly support infrastructure delivery and good governance in regional Queensland.

As an example, the amendments to section 143 of the Local Government Act pertaining to gravel pit access are indeed welcomed and we thank the government for looking at tangible and immediate solutions. However, I would like to take this opportunity to point out that these provisions can only be used if there is no practical alternative to accessing gravel. Due to this limitation, councils, at least in South-West Queensland, are still looking for a streamlining of the Indigenous Land Use Agreement or ILUA process under the Native Title Act 1993. We are aware that the Queensland government has made a submission to the Australian Law Reform Commission review for the future acts provision of the Native Title Act and we hope that this review will lead to the improvements sought and the streamlining of the ILUA process.

Council notes that there have been other submissions concerning unintended consequences for rural and remote Queensland around the senior executive appointments. We just heard from Maranoa, which testified before us. We have concerns about this change and believe that it should be optional rather than mandatory to include elected members on the recruitment panel of senior executives. However, if this legislation is adopted, we want to emphasise that there is ambiguity in the definition of 'senior executive employee' and a need for a similar provision under the current section 194 to apply to all senior executives and not just CEOs.

The current provisions for conflicts of interest and allowing debate of whether or not there is a conflict of interest has worked well for councils. There is a concern going forward about a lack of clarity over the conflict of interest provisions only applying to council meetings along with the removal of the influencing provision, section 150EZ, that will once again create possible confusion and potential for people to participate in matters where they could influence outcomes.

Finally, in relation to the remuneration for councils, in our submission we have objected to the removal of the portion of the council remuneration related to the attendance at formal council meetings. We recently received correspondence from the Queensland Local Government Remuneration Commission informing us that they will remove from councils in categories A1, A2 and A3 the meeting fee component, effective from 1 July 2026. The commission has referred us to section 162(1) (e) in the Local Government Act 2009.

However, our lived experience in Balonne Shire Council since the 2024 election has been that a councillor has regularly failed to attend council meetings, briefings and committee meetings. Unfortunately, the councillor has never missed two consecutive council meetings. Although we have regularly been in touch with the department and the OIA, there is no ability to sanction the councillor. The irregular attendance has also increased the workload for the remaining six councillors, which was unfair to them as they were already doing the right thing. As a council, our only tool was to remove the meeting fee. We do not believe this is an onerous process. Balonne shire councillors sign an attendance list when they attend each council meeting. It is verified by myself, the mayor, at each meeting. We ask for reconsideration on the removal of the meeting fee component.

I would like to thank the committee for the opportunity to participate. I look forward to any specific questions that you may have.

CHAIR: Thank you very much, Mayor O'Toole.

Ms BOYD: I want to pick up on the point that you made in relation to the impact of an absent or nonparticipating councillor and your council having no ability to sanction under the provision that is currently being proposed. Can you elaborate a little further on your view in relation to the community's expectation? Obviously, you are the closest level to the people. Democracy is very important in local government. However, if you have a local representative who is missing in action, how has that impacted practically in the Balonne Shire Council?

Ms O'Toole: I was regularly contacted by broad members of the community during the past two years who were frustrated about the lack of the councillor's participation. Obviously, they could see from attendance at council meetings and the general lack of participation in workshops and community events that the councillor was not contributing in a meaningful way. I did find it extraordinarily frustrating. We are a council that does have quite an extensive committee structure. The councillor was not attending committee meetings. The councillor would sometimes attend a council meeting for an hour or two and then excuse himself and have to go or just did not attend. The workload that that created—we are a small council with only seven representatives, a large geographical area of 31,000 square kilometres and 70 communities to represent. Without their meaningful participation, the extra workload it created for us I felt was unfair and unnecessary.

We did reach out several times to the acting DG at the time, the DG and other members of the department as well as the OIA. Because they never missed two consecutive council meetings, we were not able to have them dismissed. As I said in my opening comment, the only way that we could sanction them was withholding their meeting fees. Although that is a small part of the overall fee that they are paid or the remuneration that the councillor received, we felt it sent a meaningful message to both our community and to the councillor that the expectation is that they participate fully. I hope that answers your question.

Ms BOYD: Absolutely. I am interested in Balonne Shire Council's position around councillors standing for state elections. I note that your council opposes the requirement for councillors to resign when nominating for state parliament. Can you explain why, in your opinion, this approach is likely to increase by-elections rather than reduce disruption?

Ms O'Toole: I think we experienced similar for the 2024 election in that most of the mayors I knew who were seeking state election did signal that well in advance and did not seek re-election in the local government election in March 2024. My response would be very similar to that of Maranoa. It would be an expectation of our community that people would just do the right thing. If you were going to run for state election you would clearly signal that in advance and you would not seek election at the local government election. I believe by people doing the right thing, it would reduce the need for by-elections going forward. In our neck of the woods, we have not had that experience. I suppose across rural and remote Queensland we are probably a little bit different to our coastal or heavily urbanised counterparts who are much more politically driven. I think the current protocol works well for us.

CHAIR: In the context of, let's say—we are not talking about any particular councillor—a councillor who is disinterested in participating fully in council activities and is therefore demonstrating insufficient regard and interest in the work that they have been entrusted with as an elected councillor, hypothetically speaking if such a councillor were to suddenly announce that they wanted to run for state parliament, would it be any great loss if they had to resign? I will give you a little latitude on that.

Ms O'Toole: Hypothetically, it would not be a loss to council if they had to resign. In the end, our councillor who experienced a difficulty did resign and we were required to have a by-election. So our experience of having to have a by-election in 2025 was related to that particular councillor who had not been fully participating in council duties. We did get an amicable outcome for our community and a great response at the by-election so, overall, we were pleased with the overall outcome.

CHAIR: My point follows on from your observation, Sam, about western councils being ridgy-didge and lacking some of the politics that you might find in other places. It is fair to say, surely, that a councillor who did seek election, only to then seek election at the following state election, probably did not have the best interests of the community at heart if they had done so without disclosing it to the people in the first instance. Therefore, is it not worth the rigour of seeing them gone for good rather than having them persist around the council table?

Ms O'Toole: That really is a hypothetical question, Chair. I agree that overall that would be a good outcome for us if they had to resign from their council position and run in a by-election or run in a state election. In rural areas, because of our reduced population, word travels well. The broader community would know if that person was standing for state election in those circumstances that they

already did not carry their weight appropriately. As I said, I was approached by many of our community who were frustrated by the situation that we found ourselves in. The community was well aware at the time of the councillor's participation or not. If they had run for state election, that information would have got out into the broader community over a state electorate very quickly and the electors would have made their decision at the ballot box about whether that person was elected or not. You are right, it would still have benefited us in that particular instance if they had resigned prior to seeking that state election. Thankfully, we got a good outcome anyway.

CHAIR: I will not put you on the spot anymore, but thank you very much. Member for Logan, do you have a question?

Mr POWER: Yes, I do. We have heard some great feedback from the smaller councils about the different structures that councils have. Your submission raises concerns about the proposal for there to be a mandate on the structure for senior executive employees. Can you tell us why you think this change is problematic in practise and are there any difficulties or risks that this model poses for attracting and retaining experienced senior executives, especially in a council like your own?

Ms O'Toole: I might answer the initial part and then I might hand over to my CEO, Michelle Clarke, to add some additional thoughts around that. When the LGMA testified earlier they talked about 50 per cent of the state currently already creates a committee for the establishment of a panel for CEO recruitment. We did similar to that in Balonne. We had a motion go through the council meeting where we identified a committee that would do the CEO recruitment. For the second interview the larger council participated as witnesses to that panel. That is how we currently do recruitment for CEOs. We do not necessarily step into that next level of senior executive officers unless it is at the discretion of our CEO. With the last two CEOs they have been willing to include councillors in panels for senior executive officers. That has worked well for us to achieve alignment of what the community expect and make sure you get the right senior executive and a good fit for the community. I will hand over to Michelle to talk about some of our concerns with regard to the ambiguity around the proposed legislation.

Mrs Clarke: I think the provisions as they stand, as Maranoa mentioned, are too prescriptive. They mentioned they do not have a committee structure that makes it difficult for them to appoint a panel. I think if the legislation were to proceed then it should be that the panel is appointed by resolution of council because that is going to happen anyway if you end up with the deputy mayor not being able to participate due to a conflict of interest. You may as well have that in the provisions to start with to provide that flexibility. We still maintain that it should be optional rather than mandatory. The proposed legislation is ambiguous around the definition of 'senior executive'. At our council, we have some senior staff who report directly to the CEO. While in other councils that may be a director, I guess it creates a lack of clarity around who is a senior executive officer and who is not.

Section 194 of the Local Government Act refers to the appointment of the CEO and requiring them to be qualified and enter into a written contract. There also seems to be some clarity required around who signs the contracts for senior executives when they are appointed. That is silent in the legislation. If this is to proceed, I think a similar provision in section 194 is required to cover senior executive officers as well.

Mr BAILLIE: Thank you both for joining us today. In your submission you state that the council supports amendments around empowering councils, empowering mayors, reducing unnecessary red tape and regulation as well as promoting good governance and decision-making. You also call out the improvements to councillor conflict of interest and register of interest frameworks. Can you expand on where you see the deficiencies and confusion in the current frameworks and how you think the bill addresses or makes those improvements?

Ms O'Toole: Again, I might start and if Michelle has any additional thoughts she can add those. I think the provision in the current legislation is very clear. It is very specific on how a councillor who has a conflict of interest that they need to declare at a council meeting does that. In the Balonne Shire Council we have a standing agenda item at each council meeting where councillors consider our workshop schedule or our briefing schedule for the coming month and councillors have an opportunity to declare at that council meeting whether they believe they have a conflict of interest at upcoming briefings or workshops. I think that provides clarity not only for the councillors sitting at the table but also for the community.

I might use an example of mine as the mayor having a personal business that has a conflict with the operation of the aerodrome. I have for almost eight years, I think, declared a consistent conflict of interest both at council meetings and council workshops around managing that conflict of interest so that the community knows that I am not participating behind the scenes in a discussion around our aerodrome. I think it allows real clarity at the moment.

I suppose my concern about the proposed legislation going forward is that it is silent on council briefings and workshops and there may be an opportunity where a councillor can use that provision to influence. Even though workshops and briefings are not for decision-making, there is always robust discussion that occurs at them and an opportunity for a councillor to influence the overall outcome or the decision that is made at upcoming council meetings. That is what concerns me about the proposed legislation at the moment. Michelle, I am not sure whether you have other comments that you want to add.

Mrs Clarke: I believe that the influencing provision is being removed in the proposed bill. With the lack of clarity over what is a local government meeting, the department's initial advice, I guess, was that it only applied to ordinary and special meetings and not to standing committees or workshops and briefings. That is concerning. Conflicts of interest can be very grey and difficult to understand. I think the ability for the council to sit as a collective group and talk through the issue has been beneficial to our council and then having some coverage for them if there has been a resolution to say that they can participate where it is borderline.

Ms O'Toole: Under the current framework you can also raise that another councillor may have a conflict of interest. I know in some very political councils that could be used as a weapon against the council, but in a small regional community councillors often have multiple responsibilities outside of being a councillor. You might be chair of your church group or your child's school. You might be involved in several other community organisations. Sometimes you just simply forget at a council meeting that a particular agenda item may raise a conflict of interest for you. We tend to work very collaboratively at the council table. If a councillor has not made a declaration, often it is just, 'Oh, don't you remember, you have a conflict about X?' They say, 'Oh, shivers, I hadn't remembered that.' They do their declaration and they step out. We work as a team on that. I think the proposed legislation removes that ability for another councillor to raise the potential conflict and keep their counterparts out of hot water if the situation arises. That concerns us about the proposed change.

CHAIR: Thank you very much, Mayor O'Toole and CEO Clarke. Thank you for your appearance today, particularly at this time of year. Thank you for your submission. That concludes this hearing. I would like to thank everybody who has participated today. I thank our Hansard reporter, Megan, for being here. I do not know how you do it so fast, but somehow she gets everything down. I would also like to acknowledge the committee staff—Committee Secretary Amanda Cavill, Assistant Committee Secretary Zac Dadic and Kerri Swaine, who is not with us at the moment—for their work in making this happen. A transcript of these proceedings will be available on the committee's webpage in due course. I declare this hearing closed. Thank you.

The committee adjourned at 12.11 pm.