

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

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(Empowering Councils) and
Other Legislation
Amendment Bill 2025

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Executive Summary

Charters Towers Regional Council (CTRC) welcomes the Government's intent to reduce red tape, clarify councillor responsibilities and strengthen integrity while enabling timely disaster recovery decisions. Overall, the Bill contains practical improvements, particularly caretaker period Disaster Recovery Funding Arrangements (DRFA) approvals and streamlined postal ballot applications. Council supports most of the suggested changes, with targeted refinements to safeguard local autonomy, governance clarity, and administrative workload. In addition, CTRC acknowledges the importance of maintaining confidence and cohesion among Councillors through transparent processes and timely resolution of issues.

Key Positions

Support enabling general DRFA approvals in caretaker and the Electoral Commission of Queensland (ECQ) led divisional reviews, subject to transparent conditions and timelines.

Generally oppose the return to a **material personal interest/conflict of interest** framework. While conflicts of interest have not historically been a significant issue for CTRC, the Council prefers the more prescriptive model as it provides clarity and reduces uncertainty. Advising on suspected conflict should continue, as Councillors may unknowingly stray and require advice to prevent reputational damage.

Support removing conduct breaches and elevating serious behaviour to misconduct, noting resourcing impacts on the Office of the Independent Assessor (OIA) and councils' complaints management processes. Reduced OIA reporting is considered a positive outcome, as investigations and referrals are stressful and lengthy. Prompt internal handling can build cohesion and demonstrate commitment to acceptable behaviours.

Oppose automatic vacation of office for councillors who nominate for State Parliament unless accompanied by transitional safeguards (e.g., special vacancy management and community impact assessment) to protect smaller councils' continuity and by election costs.

Support with caveats changes to senior executive appointments and councillor remuneration/leave, Council request process clarity for panels, conflicts, and meeting management.

Note administrative impacts from register of interests and competitive neutrality changes; recommend clear model procedures and phased commencement dates.

Discussion

Empowering Councils

Senior Executive Appointments (Panel Model)

The Bill's proposal to shift the appointment of senior executive employees from the Chief Executive Officer (CEO) to a panel comprising the Mayor, CEO and either the Deputy Mayor or relevant committee chair, introduces greater elected member oversight of strategic leadership roles. While this change can strengthen alignment with community priorities, it also risks inadvertently blurring the line between strategic governance and operational management, which is a distinction fundamental to sound local government practice. Councillors' involvement in executive appointments must not compromise the CEO's statutory responsibility for day to day operations, create uncertainty about accountability for staff performance, nor increase the workload of councillors.

Further, there is a heightened risk that decisions could be influenced by political considerations rather than merit, particularly in smaller councils where personal relationships and local politics are more pronounced. To mitigate these risks, councils will require clear legislative and procedural guidance that defines the scope of the panel's role, reinforces merit based selection principles, and embeds probity safeguards. CTRC supports the intent of the reform but recommends the

development of model policies and training to ensure appointments remain focused on organisational capability and community needs, not political advantage.

Access to essential State owned quarry materials

Clarifications to reasonable entry notices and timing under section 143 of the *Local Government Act 2009* (LG Act) will facilitate urgent works (e.g. road repair after flood events). For CTRC, which regularly relies on gravel and similar inputs, flexibility ("reasonable period" before entry) is beneficial; however, it requires internal Standard Operating Procedures to demonstrate necessity, lack of practicable alternatives, and compensation calculations to avoid disputes. We recommend template notices and a best practice guide to evidence and valuation.

Indigenous local government rating framework

While CTRC is not prescribed under the suggested section 94A, the clarity for Indigenous councils and Aurukun/Mornington is positive and may reduce uncertainty across Queensland. The framework preserves charges (utilities, special/separate charges), with regulation controlling when rating becomes practicable. Whilst there is no direct impact on CTRC, there is indirect benefit as it reduced cross boundary ambiguity and improves sector consistency.

Empowering Mayors

Official spokesperson and default chair

CTRC is concerned this amendment appears to have been prompted by a specific and isolated incident involving Townsville City Council. While we acknowledge the need to address governance issues where they arise, we caution against legislative changes driven by exceptional cases that do not reflect the practices of most other councils in Queensland. Broad reforms should be evidence based and proportionate, ensuring they do not unintentionally impose unnecessary rigidity on councils that already operate effectively under existing frameworks.

The suggested LG Act amendments codify the Mayor as the official spokesperson and the default chair for ordinary and special meetings (and committees where Council is the nominated chair). This resolves disputes about representation and meeting control to a large extent. For CTRC, autonomy is improved through these changes as the changes provide clarity. Governance benefits include firmer meeting order and accountability. Administratively, council communications policies may need to be updated to differentiate official spokesperson statements from individual councillor communications. Whilst CTRC largely supports this change, it remains important to retain delegation flexibility as per existing provisions where the Mayor may not be available, or there is a councillor who is a subject matter expert in the area in question.

Conflicts of Interest Framework

Return to Material Personal Interest (MPI) and Conflict of Interest (COI)

The Bill seeks to replace the 2018–2024 "prescribed/declarable" model with material personal interest (MPI) and conflict of interest (COI) and define associates/related parties. It further seeks to codify exceptions (e.g., small gifts under \$500, memberships, political affiliation, whole of council budgets), and clarify penalties such as those attached to serious MPI contraventions (intent to gain/avoid loss) that would now attract 200 penalty units or 2 years' imprisonment. Other breaches are described as "misconduct." CTRC believes this enhances accountability while avoiding over broad "close personal relationship" constructs that burden smaller communities. Moving to this framework however, should not oversimplify or reduce the need for reporting and transparency in Council decision making.

Advising on suspected conflicts should remain a requirement as it helps councillors avoid reputational risks and fosters learning opportunities. CTRC notes that COIs in non decision making forums, such as information briefings can be complex. A conflicted councillor however may add value to the discussions so a practical balance between transparency and proper management are critical.

CTRC foresees some governance implications in that Councils must update standing orders, minute templates, and councillor training to ensure transparent disclosures and consistent application, especially where quorum issues arise and ministerial approvals may permit participation. CTRC generally opposes the policy direction as it believes authoritative guidance, scenarios, and training materials tailored for rural/regional contexts need to be provided to limit variability and appeals.

Minutes and recording requirements

CTRC acknowledges the new framework requires detailed recording of names, nature of interests, treatment of conflicts, and votes, with flexibility by regulation for committees without minutes. It should be noted however that Council's governance teams and minute takers will need to adopt new templates and adjust software workflows (agenda/minutes systems) for example so sufficient provision should be allowed prior to commencement of these requirements.

Councillor Conduct Framework

Elimination of conduct breaches; expansion of 'misconduct'

Eliminating the "conduct breach" category reduces politicisation and duplicative processes, while serious behaviour (bullying, sexual harassment, refusal to comply with a chair's order to leave) becomes "misconduct" under Office of the Independent Assessor (OIA)/Tribunal jurisdiction.

CTRC believes that under the suggested changes, councils will continue to manage unsuitable meeting conduct internally, while more serious matters will be referred externally for determination. It is believed this approach is intended to improve consistency across Queensland. From an administrative perspective, the changes will reduce the investigative burden on councils for minor matters, however, councils will still be required to maintain complaints processes and registers, with adjustments to remove duplication in annual reports. CTRC supports this reform but notes the need for the OIA to have sufficient capacity and clear triaging processes to avoid backlogs. We also request transitional guidance to assist councils in managing current matters and aligning local codes of conduct with the new framework.

CTRC believes the Bill seems to be preparing the OIA to transition to an oversight role, similar to the CCC's evolution, which would see it focusing on serious matters whilst leaving operational investigations to Councils. This shift should be supported by clear triaging processes and capacity planning to avoid backlogs and maintain confidence in the system.

Red Tape Reduction

Caretaker period DRFA approvals

The proposed changes to allow the Minister to issue general approvals for major policy decisions related to Disaster Recovery Funding Arrangements (DRFA) during caretaker periods will significantly reduce delays and administrative burden. This reform ensures councils can progress urgent recovery works without waiting for individual exemptions, which previously caused operational bottlenecks. CTRC supports this change and recommends standard approval conditions and reporting templates be developed to maintain transparency and consistency across all councils.

Postal ballots

The amendment enabling councils to apply directly to the Electoral Commissioner for postal ballot arrangements, rather than through the Minister, streamlines the process and improves efficiency. This will provide councils with more time to prepare for elections and reduce unnecessary administrative steps. CTRC supports this change and suggests clear guidance on deadlines and criteria to assist regional councils.

CTRC would like to note however, that postal voting should not remove the necessary compulsory nature of voting in Queensland. Other jurisdictions such as Western Australia (Western Australian Electoral Commission, 2023) and South Australia (Electoral Commission of South Australia, 2022)

have demonstrated that moving to non-compulsory voting in local government elections leads to significant decline in engagement with the democratic process. Both jurisdictions now struggle to maintain engagement at an average 30%. CTRC would strongly oppose any move to make local government elections non-compulsory.

ECQ led divisional / ward reviews

The shift to having the ECQ conduct divisional boundary reviews, along with aligning deadlines to two years before quadrennial elections, will reduce duplication and ensure timely completion of reviews. CTRC supports this measure and recommends consultation processes remain transparent and inclusive.

Public benefit assessment reporting to the Minister

Removing the requirement for councils to provide the Minister with copies of public benefit assessment reports and associated resolutions eliminates duplication, as this information is already publicly available in council minutes. CTRC supports this change, noting councils must continue to maintain rigorous public records to uphold accountability.

Certainty on Remuneration, Leave, Vacancies and Eligibility

Remuneration clarity and leave

Clarifying that councillors are entitled to remuneration for the full term of office, regardless of absences, provides fairness and consistency. Councils will no longer be able to reduce remuneration based solely on meeting attendance, which aligns with principles of equity and stability. CTRC supports this amendment.

Responsibilities during leave of absence

The clarification that a leave of absence only excuses attendance at meetings and does not prevent councillors from performing other responsibilities is practical and ensures continuity of representation. CTRC supports this change.

Automatic vacation of office when elected / appointed Mayor

Providing for the automatic vacation of office when a councillor is elected, or appointed, as Mayor closes a legislative gap and ensures vacancies are filled promptly. CTRC supports this amendment.

Automatic removal from office upon nomination as State candidate

CTRC strongly opposes the automatic removal of councillors from office upon nomination as a candidate for State Parliament. While the intent is to maintain stability, this approach could create significant disruption for smaller councils and their communities. CTRC recommends an alternative model that allows councillors to take compulsory unpaid leave during the election period, with the vacancy only occurring if the councillor is successfully elected to State Parliament. This has the same effect as the intention of the Bill, without imposing an unnecessary financial burden of by election on a Council if the candidate is unsuccessful. If this recommendation is not adopted, transitional safeguards such as expedited by election processes and temporary portfolio coverage should be implemented to minimise service disruption.

CTRC also notes, it is not a requirement of a councillor to vacate office to run for federal parliament and believes this should be applied consistently to running for any higher level of office.

Governance and Information Integrity

Parliamentary privilege exemption to councillor information requests

Adding parliamentary privilege as an exemption to councillor information requests is appropriate and necessary to prevent breaches of parliamentary processes. CTRC supports this amendment

Registers of Interests and Transparency Adjustments

Reporting term aligns to current term

Aligning the reporting term for registers of interests to the councillor's current term and refining website extract requirements will reduce administrative burden while maintaining transparency. CTRC supports these changes and recommends the Department provide template extracts and clear definitions for sponsored travel and accommodation benefits to ensure consistency across councils.

Annual report duplication removal

Removing duplication by eliminating the requirement to publish councillor conduct particulars in annual reports, where they are already included in conduct registers, is a sensible reform that streamlines reporting obligations. CTRC supports this amendment.

Competitive Neutrality and Complaints

Integrating competitive neutrality complaints into the administrative action complaints process

Integrating competitive neutrality complaints into the administrative action complaints process as the first step simplifies procedures and reduces duplication. CTRC supports this change and requests templated updates for complaints policy, staff training, and the establishment of clear escalation pathways to the Queensland Competition Authority for unresolved matters should the Bill pass in its current form.

Specific Recommendations / Requested Amendments

1. Replace automatic removal upon State nomination with compulsory unpaid leave and deferred vacancy upon election, or implement transitional safeguards to minimise disruption and financial impacts.
2. Provide model procedures, templates, and training for the new conflict of interest framework to ensure consistent application.
3. Develop standard approval instruments for DRFA caretaker period decisions to maintain transparency.
4. Issue governance guidelines for senior executive appointment panels, including probity and conflict management protocols.
5. Provide templates and definitions for registers of interests, including sponsored travel and accommodation benefits.
6. Stage commencement dates for major reforms to allow councils time to update systems, policies, and training.

Conclusion

Charters Towers Regional Council supports the Bill's overarching goal of empowering councils and improving governance clarity. With the refinements proposed, particularly regarding councillor nominations for State elections, practical guidance for the conflict of interest framework and standardised DRFA caretaker arrangements, the Bill can deliver tangible benefits for regional communities while preserving council autonomy and ensuring administratively workable implementation.

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