

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

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SUBMISSION RE LOCAL GOVERNMENT (EMPOWERING COUNCILS) AND OTHER LEGISLATION AMENDMENT BILL 2025

PRELIMINARY

There are many aspects of this Bill which are welcome reforms for Local Government in Queensland including the re-introduction and simplification of Material Personal Interest and Conflict of Interest provisions, simplifying how councillors must deal with personal interests, removing the role of the Office of the Independent Assessor (OIA) relating to alleged minor conduct breaches, prioritising the privacy and protection of local government candidates by removing the requirement to disclose their home address on electoral material and vesting power in the Queensland Electoral Commissioner to initiate a recommendation to the Minister regarding a particular proposed poll to be conducted by postal ballot.

CLAUSES 8 & 62 OF THE BILL
RE COUNCILLORS LOSING OFFICE UPON NOMINATING AS A MEMBER OF STATE PARLIAMENT

This was originally a legislative amendment by the former Labor government which provided in Section 155 of the *City of Brisbane Act 2010* and Section 155 of the *Local Government Act 2009* that a councillor lost office upon nomination as a candidate for the Queensland Parliament.

(A corresponding provision relating to councillors standing for election to the Commonwealth Parliament was subsequently ruled beyond the power of the Queensland Parliament under the Australian Constitution.)

Following a long campaign by local governments and the Local Government Association of Queensland (LGAQ), this provision was repealed by the *Local Government and Other Legislation Amendment Act 2012*, introduced by the then Local Government Minister the Hon. David Crisafulli who was widely applauded for his initiative in honouring his party's election promise to repeal this undemocratic provision.

The need to now reinstate the provision repealed in 2012 is mystifying. This is likely to come at a great cost to ratepayers in the state's 77 Councils.

Under the current legislation, a councillor who unsuccessfully contests a state election continues their position as a councillor. Under the proposed change, irrespective of the result, there will always be a by-election (except under some circumstances in the first and final years of the 4-year term) which would be at significant cost to each affected local government. That consideration alone justifies the continuation of the current legislative provision.

CLAUSE 49 OF THE BILL

RE THE MAYOR BEING RECOGNISED AS THE OFFICIAL SPOKESPERSON OF EACH LOCAL GOVERNMENT

This provision recognises the traditional role of all Queensland mayors since at least the *City of Brisbane Act 1924* and the *Local Government Act 1936*.

The proposed amendment to include a new section 12(4)(g) is qualified by the proposed inclusion of section 12(5A) which protects the right of individual councillors to communicate *“with the community about local government matters other than as the official spokesperson of the local government”*.

This latter provision is quite correctly aimed at continuing to protect the rights of all councillors to speak on relevant local government matters. This could include a committee chairperson, a councillor who successfully moved a motion at a council meeting or a councillor simply communicating with their local community on local issues.

Since the draft Bill was released, there has been a view by some in local government, ill-conceived in my opinion, that the combination of the new sections 12(4)(g) and (5A) require every media release from a council to include the mayor in such release and in every local flyer or printed communication, even if the communication is simply local or divisionally based.

It is recommended that the proposed section 12(5A) include after the word “councillor”, at Line 18, the words “in their own right or utilising official local government resources”.

CLAUSE 69 OF THE BILL

RE THE APPOINTMENT OF COUNCIL SENIOR EXECUTIVES

This new provision substantially reinstates an earlier provision of the Act which governed the appointment of senior executives by a tripartite panel. The proposed mechanism provides for a panel of the Mayor, CEO and either the Deputy Mayor or Chairperson of the relevant Council committee, if the senior executive reports to only one committee.

Many of the senior executives in Local Government report to one principal standing committee but part of their role may involve reporting periodically to one or more other committees, albeit on a limited basis.

To give effect to the obvious intent of the proposed amendment to Section 196(4)(c)(i) of the Act, the following substituted change is recommended:

(i) if the senior executive employee is to report wholly or principally to only 1 committee of the local government - the chairperson of the committee; or.