

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

Submission No: 026

Submission By: Crime and Corruption Commission

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QUEENSLAND

Committee Secretary
Local Government, Small Business and Customer Service Committee
Parliament House
George Street
BRISBANE QLD 4000

Via email: LGSBCSC@parliament.qld.gov.au

Dear Committee Secretary,

**RE: Local Government (Empowering Councils) and other Legislation
Amendment Bill 2025**

The Crime and Corruption Commission ("the CCC") makes this submission to the Local Government, Small Business and Customer Service Committee on the *Local Government (Empowering Councils) and other Legislation Amendment Bill 2025* ("the Bill"). While the CCC had some earlier consultation about the subject matter of the Bill, we welcome the opportunity to review and comment on the Bill drafting and effect in a more substantive and meaningful way.

The CCC notes the purpose of the Bill is to amend the *Local Government Act 2009* ("LGA"), *Local Government Regulation 2012* ("LGR"), *City of Brisbane Act 2010* ("COBA"), *City of Brisbane Regulation 2012* ("CBR") and *Local Government Electoral Act 2011* ("LGE Act") to:

- Empower councils;
- Empower mayors;
- Improve the councillor conflicts of interest and register of interests frameworks;
- Reduce unnecessary red tape and regulation;
- Provide certainty to councillors about matters relating to remuneration, leaves of absence, vacation of office, and eligibility;
- Promote good governance and decision-making;
- Enhance safeguards for local government election candidates and participants; and
- Make various minor, administrative and/or technical amendments.

CCC Jurisdiction

Pursuant to section 5(3) of the *Crime and Corruption Act 2001* (“the CC Act”) the CCC has a responsibility to investigate corrupt conduct.¹ The CCC also has *inter alia* functions to prevent corruption (section 23 of the CC Act) and to raise standards of integrity and conduct in units of public administration, including local councils (section 33 of the CC Act).² The CCC also possesses “an overriding responsibility to promote public confidence in the integrity of units of public administration” (section 34(d) of the CC Act).

CCC Belcarra Report (October 2017)

In September 2016, the CCC commenced an investigation called Operation Belcarra following complaints about candidate conduct during the 2016 Queensland local government elections. The investigation’s aims were to:

- Determine whether candidates had committed offences under the LGE Act that could constitute corrupt conduct; and
- Examine practices that may create actual or perceived corruption risks or undermine public confidence in local government integrity, with a view to identifying strategies and reforms to reduce these risks and strengthen public trust.

The CCC’s investigation revealed widespread non-compliance with legislative obligations relating to local government elections and political donations, largely attributed to deficiencies in the legislative and regulatory framework.

The resulting Belcarra Report³ made 31 recommendations to improve equity, transparency, integrity, and accountability in Queensland local government elections and decision-making. The Queensland Government supported, or supported in principle, all 31 recommendations.⁴

CCC Submissions to the Bill

The CCC considers that the Bill, if enacted, will wind back some of the significant integrity and transparency measures which were enshrined in local government laws in Queensland. The CCC considers this approach to be inconsistent with its Belcarra report recommendations and the public interest in ensuring good governance and mitigating corruption risks in local government.

Conflict of Interest Framework (“COI framework”)

Work undertaken by the CCC and other integrity agencies across Australia has repeatedly demonstrated that managing and declaring conflicts of interest is a high-risk area for local governments, particularly for elected officials.⁵

¹ See section 15 of the CC Act for the definition of ‘corrupt conduct’.

² See section 20 of the CC Act for the definition of ‘unit of public administration’.

³ Crime and Corruption Commission (2019), [Operation Belcarra: A blueprint for integrity and addressing corruption risk in local government](#)

⁴ Queensland Parliament (2019), [Government response - Operation Belcarra report: A blueprint for integrity and addressing corruption risk in local government](#).

⁵ See for example Victorian Independent Broad-based Anti-corruption Commission (2023), [Corruption and misconduct risks for local government](#).

While the intent of the Bill is to simplify the COI framework, the CCC is concerned that some of these changes introduce transparency gaps and weaken integrity and accountability in local government decision-making.

The Bill proposes to remove the requirement that non-conflicted councillors must vote to determine whether to allow a conflicted councillor to participate in decision-making. It also removes safeguards that previously addressed non-financial influence, creating opportunities for councillors to make decisions that benefit close associates without appropriate disclosure. The CCC is concerned by these proposed changes as they place greater autonomy on councillors to self-assess and manage personal interests, while removing relevant oversight mechanisms.

Further, the proposed removal of the duty to report suspicions of another councillor's conflict weakens peer accountability, whistleblowing and oversight mechanisms, creating conditions where suboptimal conduct, corrupt conduct or misconduct may go unreported, fostering a culture of silence. Retaining exceptions for small gifts, hospitality, and memberships, while minimising other aspects of the COI framework, risks normalising incremental influence through repeated low-value benefits which may erode impartiality over time.

The CCC is also of the view that the proposed reforms to the Register of Interests framework reduce historical transparency, making it harder to identify patterns of influence or conflicts over time. A shortened disclosure window may obscure visibility and management of conflicts and conceal any cumulative benefits or timing of key decisions.

The CCC submits that a comprehensive framework for declaring and managing conflicts of interest is vital and necessary for promoting transparency and accountability in local government. The added benefit is that greater transparency naturally protects councillors from allegations of impropriety in office. It is submitted that changes to these framework thresholds need to be balanced against ensuring appropriate oversight of relationships or benefits that could, or could be perceived to, influence decision-making.

Removal of Conduct Breach Category from the Councillor Conduct Framework

While the proposed removal of the 'conduct breach' category under section 150K of the LGA may serve to increase the efficiency and efficacy of the Office of the Independent Assessor to deal with more serious matters of councillor conduct, the CCC notes that it will not serve to promote public confidence in local government.

It is also likely to increase the number of complaints that the CCC receives in relation to the local government sector which it is required to assess. Where the CCC receives complaints which amount to 'conduct breaches' there is currently a process for OIA assessment, which serves to reassure complainants that matters have been reviewed. In the absence of a legislated process for these matters to be dealt with, there will be a consequential gap in addressing councillor behaviours that fall short of "misconduct" or "corrupt conduct" but still undermine behavioural and policy standards which negatively impacts public confidence in the local government sector. It may also contribute to an increase in complaints being made directly to Councils who are not typically resourced to deal with high volumes of complaints.

Changes to Mandatory Training Requirements

The CCC considers that the proposed changes to mandatory training requirements for councillors is a retrograde step which is inconsistent with public expectations for elected representatives and inconsistent with development and training requirements imposed on other professionals engaged in responsible decision making. Continuous training and professional development assists to maintain councillors' knowledge base, uplift their skills and keep abreast of the legislative requirements relevant to complex decision making about planning matters. There is an inarguable public interest in maintaining high standards of decision making and good governance in this area.

While these reforms aim to reduce unnecessary duplication and streamline processes for returning councillors, the proposed changes weakens and limits how councillor competency, compliance and awareness is managed.

Allowing councillors who have previously completed an approved training course to bypass current requirements will likely create gaps in knowledge, particularly where new laws, frameworks or governance standards have been introduced. It is acknowledged that the policy intent is for all councillors, both new and returning, to complete mandatory training within a specified timeframe during a local government term when legislative changes occur, such as amendments to conflict of interest requirements.

Removing mandatory training for returning councillors increases the risk of knowledge gaps and exposes risks in relation to poor decision-making and non-compliance with legislative and policy frameworks. Without structured and effective education, councillors may inadvertently breach their obligations.

The CCC submits that any reduction to mandatory training requirements is an undesirable step. If this reform is introduced, it is essential that changes to mandatory training are balanced against alternative mechanisms to ensure councillors are aware of their ethical and legal obligations and undertake continuous training in this regard.

Appointment of Senior Executive Employees by Panel

The proposed changes to appointment processes for senior executive employees by panel seek to introduce a more structured approach to recruitment within local government. However, by formalising elected representatives' involvement in recruitment panels, the amendments blur the important demarcation between strategic leadership and operational management. Without clear protocols, mandatory conflict declarations, and independent oversight, the CCC considers this new model could enable undue influence, conflicts of interest, favouritism and misuse of authority; particularly where senior executive roles then work closely with elected officials.

The CCC is concerned that the Bill, if enacted, will allow for Mayoral and Deputy Mayoral majority decision making on senior executive employee appointments, without appropriate recognition of the paramountcy of CEO decision making for staffing matters relevant to council and without provision for any independent panel member participating in decision making. The Bill lacks detail on the process and fails to make appropriate provision for panel decisions which are not unanimous. This proposed change has the potential to introduce partisanship in administrative positions within Councils which represents a significant departure from accepted Westminster principles governing the separation of powers and undermines the provision of frank and fearless advice by independent non-partisan public servants.

When considered alongside the proposed changes to the COI framework, which place greater reliance on councillors' self-assessment and reduce external oversight, these amendments could further heighten corruption and integrity risks if they are not balanced by robust safeguards.

While it is important for council staff and elected officials to have collegiate working relationships, concentrating strategic leadership and operational management within a small group of senior officials risks significant governance vulnerabilities including uncertainty of authority and accountability. Additionally, the absence of a clearly defined decision-maker on the panel may result in inconsistent or contested outcomes, undermining confidence in the process.

The CCC submits that, should this reform be implemented, appropriate governance frameworks and guidance materials for senior executive recruitment panels should be developed, including processes for declaring and managing conflicts of interest and ensuring independent oversight of recruitment decisions.

Conclusion

The CCC submits that a risk-based and evidence-based approach to the management of local government conduct risks should be undertaken to support any changes to local government legislation. The CCC holds concerns about the policy approach adopted by the Bill, which if enacted will not serve to appropriately mitigate and, instead, may amplify corruption risks in the local government sector.

I note that the Committee will conduct a public hearing in relation to the Bill on 16 January 2026. Should a CCC representative not be available to attend that hearing, we would be happy to elaborate and respond to any queries in writing if required.

Yours sincerely,



Bruce Barbour
Chairperson