

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

Submission No: 027
Submission By: Whitsunday Regional Council
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Local Government, Small Business and
Customer Service Committee
Queensland Parliamentary Service
Parliament House
Cnr George and Alice Streets
BRISBANE QLD 4000

16 December 2025

To whom it may concern,

Re: Submission to the Parliamentary Local Government, Small Business and Customer Service Committee - Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025

1. Executive Summary

Whitsunday Regional Council (WRC) welcomes the Government's overarching intent to re-empower councils, reduce red tape, and clarify governance frameworks. The Bill contains several measures that will materially improve local government capability and accountability, including restoring council authority over senior executive appointments, simplifying conflict of interest and conduct settings, enhancing candidate privacy, facilitating access to State owned quarry materials, and clarifying rating powers for Indigenous local governments. These initiatives respond to longstanding sector feedback.

However, WRC strongly opposes the proposed amendment to section 155 of the Local Government Act 2009 (Clause 62), which would force an automatic vacancy of a councillor's office upon mere nomination for State Parliament. This change would unnecessarily destabilise councils, trigger avoidable byelections, deter community minded candidates from serving, and create inconsistency with federal candidacy arrangements. WRC urges the Committee to retain the current framework whereby a councillor's office is vacated only if elected to State or Federal Parliament.

2. Context and Consultation

The Bill was introduced on 20 November 2025 and referred to the Committee for review. Its objectives: empowering councils and mayors, simplifying integrity frameworks, reducing regulation, and providing certainty on remuneration, leaves, vacancies, and eligibility, reflect matters raised in ongoing consultations with sector bodies, including the LGAQ.

Public statements and coverage of the reform package, including announcements at the LGAQ Annual Conference in October 2025, demonstrate strong sector support for most elements designed to streamline local governance and reduce administrative burdens.

3. Analysis of Key Provisions and Impacts

3.1 Appointment of Senior Executive Staff by Council Panels

Provision: Restores council panels (mayor and deputy mayor or relevant committee chair) to appoint senior executive employees



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Impact:

- **Strategic alignment:** Ensures senior leadership reflects elected priorities, enhancing accountability for service delivery.
- **Risk management:** Distributes decision making beyond the CEO, strengthening oversight and transparency in executive appointments.
- **WRC Position:** Supports restoration of council authority over senior staffing decisions; aligns with sector calls since 2019 for re-balancing governance controls.

3.2 Clarification of Mayoral and Councillor Powers

Provision: Provides clearer delineation of respective roles and responsibilities for mayors and councillors.

Impact:

- **Decision clarity:** Reduces ambiguity, streamlines leadership and committee operations, and mitigates role conflict.
- **Performance:** Improves timeliness of decision making and accountability pathways.
- **WRC Position:** Supports clarity to enhance effective governance and reduce friction.

3.3 Conflict of Interest & Councillor Conduct Framework Reforms

Provision: Simplifies COI framework; removes minor conduct breaches from the formal conduct regime; streamlines training requirements.

Impact:

- **Proportionality:** Focuses compliance on material risks, reducing procedural burden without compromising integrity.
- **Capacity:** Frees councillor time for community outcomes; more consistent application of integrity rules.
- **WRC Position:** Welcomes deregulation and clearer rules, consistent with longstanding advocacy to cut red tape.

3.4 Candidate Privacy Protections

Provision: Allows candidates to list alternative contact details (not their residential address) on electoral materials.

Impact:

- **Safety & diversity:** Improves safety for candidates, potentially broadening participation (e.g., women, culturally diverse candidates).
- **Integrity:** Maintains transparency while modernising privacy expectations.
- **WRC Position:** Supports measures that safeguard candidates and encourage civic participation.

3.5 Governance Certainty (Remuneration, Leaves, Vacancies, Eligibility) & Registers

Provision: Streamlines provisions providing certainty to councillors; maintains robust public registers of conduct decisions (Human Rights compatibility note acknowledges transparency limits are reasonable).

Impact:

- **Predictability:** Reduces ambiguity and administrative costs in managing councillor entitlements and vacancies.
- **Transparency:** Clear register requirements support public trust and accountability.
- **WRC Position:** Supports clarity and proportional transparency settings.

3.6 Access to State Owned Quarry Materials

Provision: Facilitates council access to essential State-owned quarry materials; clarifies s.143 Local Government Act 2009.

Impact:

- **Asset delivery:** Lowers costs and timeframes for road and civil works; improves whole-of-government infrastructure planning.
- **Value for money:** Enables councils to deliver more projects within constrained budgets.
- **WRC Position:** Welcomes practical support to local infrastructure delivery.

3.7 Rating Powers for Indigenous Local Governments

Provision: Clarifies rating powers and provides a framework to enable Indigenous local governments to levy rates in future.

Impact:

- **Financial sustainability:** Creates a pathway to stable, own source revenue to fund essential services.
- **Equal Partners:** Aligns with commitments to collaborate with Indigenous councils.
- **WRC Position:** Supports reforms that strengthen First Nations councils' autonomy and service capacity.

4. Opposition to Clause 62—Amendment to Section 155 (Automatic Vacancy on Nomination)

Provision (Clause 62): A person would automatically stop being a councillor when they become a candidate for the Legislative Assembly rather than upon being elected.

Reasons for Opposition & Impacts:

1. **Unnecessary Destabilisation of Councils:**

Automatic vacancies upon nomination would force mid-term disruptions, interrupt projects, and create governance risks, especially in smaller or remote councils where by-elections are complex and costly. This outcome is avoidable under the current framework, which balances democratic participation with continuity of local governance.

2. Increased Costs and Administrative Burden:

Compulsory byelections (or appointments) triggered by unsuccessful candidacies impose avoidable financial and administrative costs on ratepayers, contradicting the Bill's red-tape reduction objectives.

3. Deterrent to Community Participation:

Requiring resignation merely to nominate would deter capable local leaders from contesting State seats: particularly those who wish to test support without risking their council role, thereby shrinking the candidate pool and weakening representative democracy. Sector commentary accompanying the Bill emphasises empowerment and participation, which this clause undermines.

4. Policy Inconsistency:

The proposed rule creates inconsistency with federal candidacy arrangements, where councillors are not required to vacate office on nomination and only vacate if elected. The current Queensland practice similarly balances obligations; Clause 62 would depart from this tested equilibrium without compelling evidence of net public benefit.

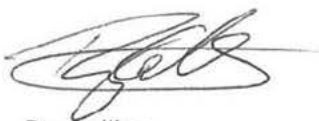
Requested Committee Action:

- Remove Clause 62 (or amend to retain the status quo in s.155), preserving the principle that local councillors may nominate for State Parliament without automatic vacancy, and only vacate office upon election.
- If the Committee seeks safeguards, consider narrow options (e.g., temporary leave without pay or disclosure/recusal requirements during campaigning) that avoid vacancy, maintain continuity, and uphold integrity.

5. Conclusion

WRC supports the Bill's core intent and most provisions, which will materially improve local governance across Queensland. We ask the Committee to protect council stability and democratic participation by opposing Clause 62's automatic vacancy mechanism and retaining the established, workable framework in section 155. With this adjustment, the Bill will deliver on its promise to empower councils and reduce red tape without compromising representation or continuity.

Yours sincerely,



Ry Collins
Mayor | Whitsunday Regional Council