

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

Submission No: 030

Submission By: Balonne Shire Council

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Our Ref: MLC 712533

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Local Government, Small Business and Customer Service Committee
Queensland Parliamentary Committees

lgsbcsc@parliament.qld.gov.au

Dear Sir/Madam

Re: Inquiry into Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025

The Balonne Shire Council make the following submission on the Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025 and thank the Committee for the opportunity to do so.

Council is supportive of the overall objective of the Bill to empower councils and mayors. Council supports the following amendments:

- empower councils by:
 - facilitating local government access to essential State-owned quarry materials, and
 - clarifying Indigenous local government rating powers and provide a framework to facilitate Indigenous local government rating in the future.
- empower mayors by:
 - reinforcing that the mayor is the official spokesperson of a local government, and
 - clarifying that the mayor is the default chairperson of ordinary and special meetings of a local government, and committees for which the mayor is the chairperson. This role includes managing the conduct of the participants at the meeting.
- improve the councillor conflicts of interest and register of interests frameworks
- reduce unnecessary red tape and regulation; and
- promote good governance and decision-making

Councils have concerns with the following proposed amendments:-

1. **providing that senior executive employees of a local government are appointed by a panel of the local government, rather than solely by the chief executive officer (CEO);**

There is ambiguity in the provisions about the appointment of senior executive employees. Under the proposed s196 the panel constitutes of the mayor, chief executive officer and deputy mayor (or chairperson of a committee). It requires that the local government must appoint another councillor if the deputy mayor or chairperson is unavailable. This would require a council resolution that could delay the recruitment process and is over prescriptive. Appointment of the panel could be discretionary with delegated authority to the Mayor.

There is ambiguity in the definition of a senior executive employee. Currently it means a direct report to the Chief Executive Officer and a position that would ordinarily be a senior position in the organisation structure. It is implied that the legislation is targeting Directors or Executive Managers who are responsible for a division of council that report directly to the Chief Executive Officer. However, clarity is required due to the different position titles and different levels of those who are direct reports of a CEO. For example, a Manager Economic Development or Manager Corporate Communications who are responsible for a function of council. The definition should be amended to remove any doubt that it is the executive management team consisting of Directors and not other senior officers in the corporate structure.

There is no reference to similar provisions under S194 LGA for the appointment of a CEO to require the person to be a qualified and enter into a written contract of employment. It is suggested this could be added for consistency. Council also seeks clarity on who is signatory of the contract – is it the panel as appointer or should this be delegated to the CEO and if so would have to be by council resolution at least annually in the CEO delegation review.

The Crime & Corruption Commission recently reported on corruption trends and insights into local government. One of the top corruption risks was recruitment, selection and promotion processes including favouritism, not following processes, and inadequate employee screening to verify suitability. There has been a significantly high turn-over of Chief Executive Officers across the sector since the March 2024 elections. There is a risk that legislating the panel appointment will politicise the appointment of senior executives and result in an increased turn-over of the entire executive team each election. This could result in the loss of corporate knowledge, loss of productivity in community services, negative impact on culture and increased cost to Council and the community. It may also make it difficult to attract and retain quality senior executives.

S364 states existing senior executive employees are taken to have been appointed by the panel under S196(4). This retrospective requirement is not considered necessary when the Chief Executive Officer is still the performance manager.

Balonne Shire agrees with the Local Government Association Queensland and Local Government Manager's Australia that the current legislation remain with the Chief Executive Officer as the appointer of all local government employees, including senior executive officers. Over 50% of Councils already include consultation with their elected members in the recruitment and selection of key positions, but it should remain optional not legislated.

2. remuneration with or without a leave of absence;

Council notes the remuneration tribunal has recently advised with the release of their Annual Report 2025 that they will remove the meeting fees and require councillors to be paid their remuneration even where a councillor fails to seek a leave of absence and does not attend meetings in accordance with the Queensland Councillor Code of Conduct.

Council believes that the current remuneration structure is fair and reasonable. Councillors should not receive meeting fees if elected members fail to meet their obligations to attend and participate in required meetings. Council acknowledges the new S175A that elected members can and do undertake other duties even when they cannot attend all meetings as arranged by Council. Council accepts that a councillor does not have to be at a meeting to seek a leave of absence and that Council may resolve to grant leave on their behalf. However, there is a difference between an active elected member and one who is inactive. Full remuneration should not be paid to an inactive elected member who only attends the monthly ordinary meeting to avoid disqualification. (existing S247(2) LGR)

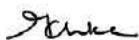
3. potential ambiguity regarding declaring conflicts of interest (including material personal interests) in workshops or briefings

Council seeks clarification that the requirements to declare a conflict of interest or material personal interest includes all meetings, briefings and/or workshops to remove any doubt. S150EE, S150EI and S150EJ refers to interests in matters to be discussed at a local government meeting. There is no definition of a local government meeting. Is it just the ordinary or special meeting of Council? Does it include standing and advisory committees, workshops/briefings or working groups?

4. the requirement for a councillor to resign if standing for State election.

Council agrees with the Local Government Association Queensland that councillors should not automatically stop being a councillor if they nominate and campaign for election to the Queensland Parliament. It is council's view that this will trigger more bi-elections than it would avoid them. Councillors could take a leave without pay and if not elected to the State could return to duties as a councillor.

Yours faithfully,



Michelle Clarke
CHIEF EXECUTIVE OFFICER