

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

Submission No: 034
Submission By: Local Government Association of Queensland



Every Queensland
community deserves
to be a liveable one

16 December 2025

Mr James Lister MP
Member for Southern Downs
Committee Chair
Local Government, Small Business and Customer Service Committee

Via email: LGSBCSC@parliament.qld.gov.au and James.Lister@parliament.qld.gov.au

Dear Committee Chair,

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

The Local Government Association of Queensland (LGAQ) welcomes the opportunity to provide a submission to the Local Government, Small Business and Customer Service Committee's inquiry into the *Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025*.

The LGAQ is the peak body for local government in Queensland. It is a not-for-profit association established solely to serve councils and their needs. The LGAQ has been advising, supporting, and representing local councils since 1896, enabling them to improve their operations and strengthen relationships with their communities.

In developing this submission, the LGAQ undertook consultation with member councils through sector-wide webinars and received written feedback from individual elected members and chief executive officers, as well as formal submissions from councils.

While the majority of amendments contained in the Bill are supported by the sector, some proposals raise concerns. Where amendments are not supported in full, the LGAQ has recommended targeted refinements that seek to preserve the policy intent of the Bill while ensuring reforms are workable, proportionate and aligned with good governance principles. The submission includes 30 recommendations in total, including recommendations for additional amendments for the Committee's consideration.

The LGAQ has withheld its position on one element of the Bill (Clause 62) pending the outcome of a special general meeting conducted via postal ballot. This clause conflicts with a long-held member position, and the Association is testing the contemporary sector view through its membership. The ballot will conclude at close of business on 17 December 2025. The Committee will be advised of the outcome via a supplementary submission at the earliest opportunity.

The LGAQ welcomes the opportunity to appear before the Committee to discuss the matters raised in this submission. Should the Committee require any further information, please do not hesitate to contact Brett Johnson, Head of Assist via [REDACTED] or [REDACTED].

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alison Smith', is written over a light blue horizontal line.

Alison Smith
CHIEF EXECUTIVE OFFICER



Every Queensland
community deserves
to be a liveable one

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

Submission to the Local Government, Small
Business and Customer Service Committee

December 2025

Web: www.lgaq.asn.au

Twitter: @LGAQ

Linkedin: Local-Government-Association-of-
Queensland

Facebook: /LocalGovQld

Instagram: @localgovqld

Contents

About the Local Government Association of Queensland (LGAQ)	3
Equal Partners in Government Agreement.....	3
Rural and Remote Councils Compact	3
Executive Summary	4
Recommendations.....	5
Introduction	7
LGAQ Policy Statement and Annual Conference Resolutions.....	9
Response to the Bill	10
Conclusion	26
Contact Details	27
LGAQ Policy Statement.....	28
Annual Conference Resolutions.....	29

About the Local Government Association of Queensland (LGAQ)

The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association established solely to serve councils and their needs. The LGAQ has been advising, supporting, and representing local councils since 1896, enabling them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and providing them with the means to achieve community, professional and political excellence.

Equal Partners in Government Agreement

The LGAQ on behalf of all 77 Queensland local governments is a signatory to a three-year Equal Partners in Government Agreement¹ with the State of Queensland (signed 11 March 2025).

The Agreement details the key principles underlying the relationship between the state and local governments and establishes the foundation for effective negotiation and engagement between both levels of government.

The Agreement acknowledges that local government is the closest level of government to the community, affecting the lives of everyday Queenslanders and acknowledging Local Government as a genuine partner in the Australian government system.

The intent of the agreement was to continue the tradition of working in genuine partnership to improve the quality of life for all Queenslanders to enjoy. By identifying the roles and responsibilities of each party, it provides a solid foundation for effective negotiation and engagement between both levels of government.

The LGAQ is committed to working with the Queensland Government and will continue to be a passionate advocate for councils, to serve our joint jurisdiction for the people of Queensland.

Rural and Remote Councils Compact

The Rural and Remote Councils Compact² renewed on 14 August 2025, is a sub-agreement to the Equal Partners in Government Agreement, between the LGAQ and the Queensland Government. It provides a platform to ensure issues of priority for these communities are properly considered by the Government when developing policies, programs, and legislation.

The Rural and Remote Councils Compact, pledges to amplify the voice of and improve outcomes for the state's 45 rural and remote councils and their local communities by enhancing engagement between both levels of government.

¹ The Equal Partners in Government Agreement is available online [here](#).

² Rural and Remote Councils compact available online [here](#).

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

Executive Summary

The Local Government Association of Queensland (LGAQ) welcomes the opportunity to provide feedback to the Parliamentary Local Government, Small Business and Customer Service Committee on the *Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025* (the Bill).

As the peak body for Queensland councils, the LGAQ has long been advocating for sensible, legislative reforms to reduce red tape for the local government sector and to allow Queensland's 578 elected council members, 77 council CEOs and the 45,000-strong local government workforce to get on with the job of serving and improving the liveability of local communities across the length and breadth of the state.

The LGAQ is fiercely member-led meaning the positions and policy reforms we support and advocate for are all driven by and tested with our member councils.

In seeking to provide feedback to the committee, the LGAQ has conducted information webinars, with the support of the Department of Local Government, Water and Volunteers, and has also taken written and verbal feedback from members.

We have also tested various reforms contained within the Bill against member positions established through resolutions passed by Queensland councils at LGAQ Annual Conferences.

Pleasingly, many of the reforms contained within the Bill, and the associated regulations, can be directly linked to member asks.

Where there is no direct link, the LGAQ has sought additional feedback from member councils and where a position is in conflict with a long-held member position, as is the case with clause 62 within the Bill, the Association has sought to test this position through the holding of a special general meeting via postal ballot to ensure a contemporary view can be presented to the Committee and to Government regarding this change.

As per the LGAQ's Constitution, and in keeping with the Association's obligations under the *Corporations Act 2021*, the special meeting and postal ballot is due to conclude by close of business on 17 December 2025. The LGAQ will update the Committee on the outcome of that special general meeting at the next possible opportunity, via a supplementary submission.

Recommendations

In total, the LGAQ makes the following 30 recommendations for the consideration of the Committee:

- **Recommendation 1:** The LGAQ recommends the proposed inclusion of a ministerial power to issue an approval to allow policy decisions to be made during a local government caretaker period, Clause 52, be supported
- **Recommendation 2:** The LGAQ recommends the proposed amendment to enhance safeguards for local government election candidates, Clauses 138 and 139, be supported.
- **Recommendation 3:** The LGAQ recommends the amendment regarding provisioning Indigenous local government rating powers, Clause 54, be supported, alongside work to enable First Nations councils to rate in the near future.
- **Recommendation 4:** The LGAQ recommends the proposed amendments to s143 to support local government access to essential State-owned quarry materials be supported and requests that this be complemented by supporting materials to aid the implementation of the changes.
- **Recommendation 5:** The LGAQ recommends the proposed amendments relating to Registers of Interest be supported, alongside the provision of improved supporting materials.
- **Recommendation 6:** The LGAQ recommends the State Government works with the LGAQ to further simplify the Register of Interest process, including the maintenance and storage of information related to Register of Interest declarations, through the creation of a centralised online portal.
- **Recommendation 7:** The LGAQ recommends the amendment to remove the duplication associated with publishing councillor conduct particulars, Clause 105, be supported
- **Recommendation 8:** The LGAQ recommends the amendment to mandatory training requirements be supported, Clauses 66 and 134, noting opportunities for further improvements to the current training framework.
- **Recommendation 9:** The LGAQ recommends the amendment to remove the power to make regulations in relation to the functions and key responsibilities of councillor advisors, Clauses 19 and 70, be supported
- **Recommendation 10:** The LGAQ recommends the amendment to clarify a councillor's entitlement to remuneration when absent from meetings, Clause 122, be supported
- **Recommendation 11:** The LGAQ recommends the amendment in relation to automatic vacation of office as councillor if elected or appointed the mayor of a local government, Clause 65, be supported.
- **Recommendation 12:** The LGAQ recommends the proposed new process for dealing with competitive neutrality complaints, Clauses 114, 115 and 116, be supported
- **Recommendation 13:** The LGAQ recommends Clause 69 be amended to give elected members the flexibility to determine what works best for their council by including a provision that allows council to delegate this panel duty to the chief executive officer.
- **Recommendation 14:** The LGAQ recommends the amendment regarding the responsibility of the Mayor as council's official spokesperson, Clause 49, be supported.
- **Recommendation 15:** The LGAQ recommends the amendment to clarify that the mayor always acts as the default chairperson, Clause 49, be supported.
- **Recommendation 16:** The LGAQ recommends appropriate training and support be provided to councils ahead of the implementation of the significant amendments encapsulated in

Clause 107 of the Bill and that its application is reviewed within this term of local government to ensure it is fit for purpose and achieving the State's intent.

- **Recommendation 17:** The LGAQ recommends the State Government adopts and actions recommendation 39 of the former Parliamentary State Development and Regional Industry Committee's *Inquiry into the Independent Assessor and councillor conduct complaints system* and investigates and establishes an independent local government integrity and conduct advisory service that can issue authoritative advice under the Integrity Act 2009 to a councillor on integrity and conduct matters.
- **Recommendation 18:** The LGAQ recommends appropriate training and support be provided to councils ahead of the implementation of the removal of conduct breaches from the councillor conduct framework and that it is reviewed and further considered as part of the State's planned inquiry into the Office of the Independent Assessor.
- **Recommendation 19:** The LGAQ recommends the amendment removing the requirement for local governments to apply to the Minister for a postal ballot, Clauses 135 – 137, be supported.
- **Recommendation 20:** The LGAQ recommends the provision streamlining the boundary review process ahead of quadrennial elections, Clause 50, be supported by adequate consultation with councils throughout the process.
- **Recommendation 21:** The LGAQ recommends the provision regarding the deadline for review of wards/divisions and councillors, Clause 50, be supported by adequate consultation with councils.
- **Recommendation 22:** The LGAQ recommends the amendment removing the requirement for councils to give a copy of a public benefit assessment report, and all related resolutions, Clause 51, be supported.
- **Recommendation 23:** The LGAQ recommends the provision amending the start and end date for councillor remuneration, Clause 64, be supported.
- **Recommendation 24:** The LGAQ recommends the State Government makes further amendments, mirroring section 46 of the Queensland Independent Remuneration Tribunal Act 2013, to support the appropriate remuneration of elected members who fill leadership vacancies for extended periods of time.
- **Recommendation 25:** The LGAQ recommends the provision clarifying the rights of councillors during approved periods of absence, Clause 68, be supported.
- **Recommendation 26:** The LGAQ recommends Clause 67 be supported alongside adequate training and support for councils.
- **Recommendation 27:** The LGAQ recommends the amendment clarifying how trustee councils should conduct trustee business be supported
- **Recommendation 28:** The LGAQ recommends Clause 61 be supported in the interests of clarity.
- **Recommendation 29:** The LGAQ recommends the provision relating to the appointment of an acting Independent Assessor, Clause 60, be supported.
- **Recommendation 30:** The LGAQ recommends the State Government amends section 127 of the Local Government Act 2009 to include the ability of an authorised officer to require a person's date of birth for the purposes of issuing a penalty infringement notice prescribed under the State Penalties Enforcement Act 1999 (Qld).

Introduction

Local government is the level of government closest to the community and when elected members put up their hands to serve as a Mayor or Councillor, they do so out of a deep sense of community service and a desire to improve the liveability of their local communities.

They also do so knowing that their communities expect them to spend their four-year terms working in their interests, delivering the necessary services and infrastructure those communities both need and deserve, and advocating for support to ensure their local areas continue to grow, prosper and contribute to the economic and social fabric of this state and indeed the nation.

As the LGAQ's Policy Statement – the definitive statement of the collective voice of local government in Queensland that identifies how local government seeks to engage with and be recognised by State and Federal governments – demonstrates, Queensland councils' vision for the local sphere of government is that councils provide: "local leadership; open, accountable, transparent, community-based local government; effective and efficient local government; co-operative partnerships with State and Federal governments; and customer focused service to the people of Queensland".

The Policy Statement further states that legislation affecting local government in Queensland should be framed in recognition of the diversity of capacity, size, resources, skills and physical location of local governments, and should not be drafted under a "one size fits all" model.

It states that additional compliance placed on local government by the State Government should take into consideration risk management and materiality and the value of transparency to the community and should not be based on simply aligning local government with the State Government.

Additionally, it states that legislation affecting local government in Queensland should not increase red tape or result in any cost shifting on to local governments.

In order for Queensland councils to do the job their communities expect them to do, it is vital the state's 578 elected members and the more than 45,000-strong local government workforce are supported by a regulatory framework that is fit-for-purpose and focussed on enabling the work of local government, not encumbering it.

The LGAQ thanks the Minister for Local Government, Water and Volunteers, the Hon Ann Leahy and her department for their consultation with the Local Government Association of Queensland and our member councils in the formulation of the Local Government (Empowering Councils) and Other Legislation Amendment Bill.

In compiling this submission, the LGAQ has consulted with member councils, including through a series of webinars.

While not all amendments within the Bill are fully supported by the sector, the majority of the changes within it are welcomed.

Where amendments are not supported in full, the LGAQ has recommended changes to support the intent of the Bill while also ensuring the changes are fit for purpose.

Where the sector has mixed views, the LGAQ has recommended training, guidance and a review period to ensure the sector is prepared for the changes, and that those changes can be further adapted to ensure they are fit for purpose and achieving their intended purpose.

The LGAQ has also recommended additional amendments for the Committee's consideration, among 30 recommendations in total.

The LGAQ has withheld its feedback on one element of the Bill, Clause 62, to allow for the completion of a special general meeting via postal ballot, to determine the sector's position.

This is due to the change conflicting with a long-held member position. The Association has sought to test this position through the holding of a special general meeting to enable the presentation of a contemporary view to the Committee and to Government regarding this change.

As per the LGAQ's Constitution, and in keeping with the Association's obligations under the *Corporations Act* 2021, the special meeting and postal ballot is due to conclude by close of business on 17 December 2025. The LGAQ will update the Committee on the outcome of that special general meeting at the next possible opportunity, via a supplementary submission.

The LGAQ acknowledges this Bill is the first of many changes to be made, noting the State Government's commitment to an inquiry into the Office of the Independent Assessor, is currently considering the findings of the Red Tape Reduction Taskforce, and is preparing to receive the final report from the Depreciation Taskforce as well.

These three pieces of work will result in further amendments to the Local Government Act 2009, City of Brisbane Act 2010 and associated regulations.

A review of the Local Government Regulation 2012 is also pending.

The LGAQ also acknowledges that the Bill has been accompanied by a suite of regulation changes that are also very much welcomed by the sector, many of which answer long-held advocacy asks of Queensland councils.

LGAQ Policy Statement and Annual Conference Resolutions

The LGAQ is committed to member-driven advocacy and working with member councils to build stronger local governments and more resilient local communities.

The LGAQ Policy Statement³ is a definitive statement of the collective voice of local government in Queensland and provides several key policy positions of local government that are relevant to matters raised in the Bill. The relevant agreed policy positions of local government, as stated in the LGAQ Policy Statement, are included in **Attachment 1**.

In addition, 25 resolutions have been passed by Queensland councils at recent LGAQ Annual Conferences on matters relating to the proposed Local Government Act 2009 reforms, are included in **Attachment 2**.

³ LGAQ Policy Statement (2025) – available online [here](#).

Response to the Bill

The proposed legislative amendments are of acute interest to Queensland councils with the opportunities to empower councils and reduce red tape very much welcomed.

Additionally, many of the issues and inefficiencies targeted by this Bill are familiar to the LGAQ as they are matters which our members have previously, on numerous occasions registered their concern and frustration with us.

We note that there are a further number of proposed changes that are in addition to matters with which the LGAQ has not previously requested the attention or consideration of government.

Whilst the LGAQ is broadly supportive of the policy intent of this Bill and its proposed amendments, we hold concerns that some of the changes will have unintended consequences or will be open to exploitation, require greater clarity, and that there were additional provisions included that were of surprise to the LGAQ as they had not been requested and we were not afforded the opportunity to comment on them prior to the release of the Bill.

In preparing this submission, the Association has considered the LGAQ Policy Statement, previous LGAQ Annual Conference resolutions, feedback given by Queensland councils to inform previous related submissions and recent direct feedback from Queensland councils.

This submission is structured to address proposed amendments to the *Local Government Act 2009* (LGA), *Local Government Regulation 2014* (LGR) and *Local Government Electoral Act 2011* (LGEA).

We also draw to the attention of the Committee the Association's submission from 1 April 2025 to the Queensland State Government's Red Tape Reduction Taskforce which included 80 recommendations covering 100 Annual Conference motions and 22 case studies to support amendments to legislation, government policy and departmental procedures.

In recognition that some of the proposed legislative changes are intended to reduce red tape, this submission is intended to be complimentary to that earlier submission.

Detailed feedback in relation to the Clauses contained within the Bill

A. Ministerial power to issue an approval (Bill Clause 52)

The LGAQ understands the proposed amendments seek to provide the Minister the power to issue general approval to local governments to make major policy decisions about Disaster Relief Funding Arrangements (DRFA) assistance during local government election caretaker periods. This will allow a single approval to be issued which applies to multiple local governments.

Queensland is recognised as Australia's most disaster-prone state and natural disasters do not always favourably comply with the local government quadrennial electoral cycle. Severe

weather in 2024 delayed the timing of elections in the Torres Strait and the 2020 elections were conducted in the midst of the COVID-19 pandemic.

Depending on local electoral circumstances and how quickly a declaration of the poll and swearing in of new councillors can occur there can be several weeks of councils operating under the caretaker provisions.

Whilst the caretaker period arrangements for councils are well understood and accepted, the need for councils to operate effectively and efficiently during natural disaster activities is paramount to advance community response and recovery efforts.

Natural disasters are extremely disruptive to council operations and additional red tape from legislation has demonstrated that local operational challenges can be exacerbated.

This issue was particularly prevalent during Tropical Cyclone Jasper in early 2024 with members raising the matter of Ministerial approvals with the LGAQ for action. The ability for the Minister to provide a general approval in these circumstances is expected to prove valuable to both recovery and regular council operations in this period.

It is also anticipated that this proposed amendment will greatly reduce administrative burden and ensure urgent works can be progressed without waiting for unnecessarily bureaucratic procedural approvals.

The LGAQ thanks the Department of Local Government, Water and Volunteers for working with the Association regarding this amendment and supports its inclusion in the Bill.

- **Recommendation 1:** The LGAQ recommends the proposed inclusion of a ministerial power to issue an approval to allow policy decisions to be made during a local government caretaker period, Clause 52, be supported.

B. Enhancing safeguards for local government election candidates and participants (Bill Clauses 138 & 139)

The LGAQ understands the Bill intends to amend the type of home address that must be included within election campaign material including how-to-vote cards.

Following the 2024 Local Government elections the LGAQ wrote to the Queensland Attorney-General expressly seeking such an amendment in response to serious privacy and security concerns raised by local government election candidates.

The Association had requested amendments that would address the need for personally identifiable particulars to be included on election material, with candidates afforded the opportunity to instead list a post office box.

The LGAQ acknowledges this proposed amendment and thanks the Queensland State Government for responding to the valid concerns of election candidates that had been raised.

- **Recommendation 2:** The LGAQ recommends the proposed amendment to enhance safeguards for local government election candidates, Clauses 138 and 139, be supported.

C. Indigenous local government rating powers and framework to facilitate future rating (Bill Clause 54)

The LGAQ understands the Bill intends to clarify the position that prescribed local governments are not permitted to levy rates while providing the flexibility required for rating programs to commence in the future. Further amendments to the Local Government Regulation would be required to facilitate those programs.

The LGAQ is of the understanding that under the present legislative framework, if land within a local government area is not valued by the Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development the council is unable to rate it.

In October 2025 the Queensland State Government signed a historic agreement with Queensland's 17 First Nations communities.

The *Queensland Indigenous Council Leaders Accord*, which is modelled on the Rural and Remote Councils Compact and which is an extension of the Equal Partners in Government Agreement, is intended to guarantee the critical role First Nations councils play in supporting their communities with real, on-the-ground measures to improve the liveability and opportunities for Queensland's discrete Indigenous communities through a formal partnership.

The Accord recognised that First Nations councils remain concerned regarding the many barriers that exist to the socio-economic future and wellbeing of First Nation communities including housing, Blue Cards, alcohol management plans and access to culturally informed health services among so many others.

This proposed provision aligns with the intent of the Accord and supports some further advancement in relation to home ownership within First Nations communities which has been an aspiration for many First Nations communities.

Supporting First Nations councils to be able to levy rates will also support the long-term financial sustainability of these councils.

The LGAQ is supportive of any changes that both provide clarity on the current legislative landscape and allow flexibility for amendments in the future.

- **Recommendation 3:** The LGAQ recommends the amendment regarding provisioning Indigenous local government rating powers, Clause 54, be supported, alongside work to enable First Nations councils to rate in the future.

D. Local government access to essential State-owned quarry materials (Bill Clause 59)

The Bill intends to achieve its objective of facilitating local government access to essential State-owned quarry materials by amending chapter 5, part 2, division 2 of the LGA. The amendments propose changes to reasonable entry notices, removing set time periods for when a notice is given in favour of different time periods for each operative provision.

The need to urgently access gravel and similar construction materials has been an ongoing area of concern for Queensland councils and is a matter we have raised as a priority issue with the Queensland Government on multiple occasions.

Whilst respecting the overlay of Native Title, the limitations now exercised in relation to accessing critical road construction materials has impacted the cost and efficiency of council works issues that have been amplified during times of natural disasters.

The proposed introduction of reasonable entry notices rather than arbitrary time periods will assist on this issue, particularly when access is urgently required.

The Association seeks to emphasise that in addition to this legislative change there will be a necessity to have in place supporting governance controls to aid implementation including, but not limited to, compensation calculation tools, template entry notices and other supporting materials.

- **Recommendation 4:** The LGAQ recommends the proposed amendments to s143 to support local government access to essential State-owned quarry materials, Clause 59, be supported and requests that this be complimented by supporting materials to aid the implementation of the changes.

E. Registers of interests (Bill Clauses 130 & 131)

The LGAQ understands the Bill intends to refine the register of interest framework contained in the LGR to align with the proposed amendments above on conflicts of interest. The amendment would remove the concept of a relevant term and instead prescribe a reporting term for a councillor/related person as being the councillor's current term.

Additional amendments further propose to consolidate the interests councillors must show in an extract of their registers and adjust the period of time those interests must be shown.

The Association acknowledges the importance of the full disclosure of gifts and benefits and the interplay this has with the integrity of local decision-making.

Amendments that promote efficiencies and cut red tape are broadly welcomed. The Association has raised concerns in the past that the current framework on recording interests and the applicable timeframes is confusing.

The LGAQ governance team also frequently assists councillors in not only the statutory requirements for the registers but also the process of uploading them within the system.

Feedback is consistently provided that the current system is clunky and inefficient, individual files must be maintained and stored causing additional administrative and record keeping burdens. This process could easily be solved with modernisation and transfer to a secure online portal.

We also acknowledge that shortening the time for which gifts and benefits are to be recorded is a pragmatic and necessary change.

We do however seek to emphasise that there remains a level of uncertainty and a lack of clarity regarding how these records work in conjunction with the conflicts of interest and how these effect declaration requirements and look forward to the provision of improved supporting materials to help member councils to navigate the changes.

Further, at the 2025 LGAQ Annual Conference, member councils voted to support a motion calling on the LGAQ to request the State Government to amend the *Local Government Act 2009*

and the *City of Brisbane Act 2010* to establish a centralised online portal for the submission, storage, and public access of Register of Interests declarations.

The LGAQ is seeking to work with the State Government to progress this request on behalf of members.

- **Recommendation 5:** The LGAQ recommends the proposed amendments relating to Registers of Interest be supported, alongside the provision of improved supporting materials.
- **Recommendation 6:** The LGAQ recommends the State Government works with the LGAQ to further simplify the Register of Interest process, including the maintenance and storage of information related to Register of Interest declarations, through the creation of a centralised online portal.

F. Remove duplication – publishing of councillor conduct particulars (Bill Clause 105)

The LGAQ understands the Bill intends to reduce red tape by removing the requirement of a local government to publish councillor conduct particulars in its annual report if the particulars are also required to be published on the councillor conduct register.

We draw to the attention of the State Government our earlier submission on the Local Government Legislation (Integrity) Amendment Regulation 2020 in which we opposed the requirement for publication citing the additional administrative efforts required. This opposition remains and we support changes that promote efficiencies and reduces red tape for councils in their operations.

This proposed provision is expected to reduce the administrative burden on council officers and remove duplication.

- **Recommendation 7:** The LGAQ recommends the amendment to remove the duplication associated with publishing councillor conduct particulars, Clause 105, be supported

G. Changes to mandatory training requirements (Bill Clauses 66 & 134)

The LGAQ understands mandatory training requirements are intended to be reduced so that only new councillors are required to complete the mandatory councillor training (*Local Government Act, section 169A*) and only new candidates are required to complete the mandatory candidate training (*Local Government Electoral Act 2011, section 26*). The sitting councillors who are nominating for re-election and have previously completed the training will not be required to do it again.

The Association recognises the significant experience held by many elected members and as a consequence the value of repeating 'basic training' diminishes as an individual's local government experience grows term by term.

The Association continues to receive feedback from newly elected members that the compulsory online training units still do not prepare them well for taking on office and we encourage the Department to continue to refine these learning units to improve the learning outcomes sought.

- **Recommendation 8:** The LGAQ recommends the amendment to mandatory training requirements, Clauses 66 and 134, be supported, noting opportunities for further improvements to the current training framework.

H. Remove power to make regulations in relation to the functions and key responsibilities of councillor advisors (Bill Clause 19 & 70)

The Bill intends to amend s197D of the LGA and s194C of the City of Brisbane Act (COBA) to remove the power to make regulations in relation to the functions and key responsibilities of councillor advisors.

We draw the Committee's attention to the LGAQ Submission from 2020 related to the Code of Conduct for Councillor Advisors. This submission argued for minimising legislative overreach and allowing councils the flexibility to set local arrangements and standards.

Legislative changes that promote efficiency and reduce red tape are supported.

- **Recommendation 9:** The LGAQ recommends the amendment to remove the power to make regulations in relation to the functions and key responsibilities of councillor advisors, Clauses 19 and 70, be supported

I. Councillors entitled to remuneration when absent from meetings (Bill Clause 122)

The LGAQ understands the Bill intends to clarify the remuneration entitlements of councillors absent from local government meetings.

While we have always provided advice that councillors are entitled to their remuneration in these circumstances, any removal of ambiguity within the legislation is welcomed.

- **Recommendation 10:** The LGAQ recommends the amendment to clarify a councillor's entitlement to remuneration when absent from meetings, Clause 122, be supported

J. Automatic vacation of office if elected or appointed the mayor of the local government (Bill Clause 65)

The LGAQ understands the policy object of these amendments is to provide for the automatic vacation of a councillor's office if a mayoral vacancy opens during the council's term and a sitting councillor successfully runs and is elected to that position. If a sitting councillor is elected as Mayor or appointed to the role during the final portion of the term, it's not intended that they hold both positions.

By convention it has always been the sector's understanding that councillors elected to the role of Mayor during a term are considered to have vacated their councillor position with a replacement sought via the mechanisms prescribed in the Act.

The Association is not aware of any circumstance where an individual has sought to occupy both roles. Noting the intent of this proposed change is to remove any ambiguity or misinterpretation, the LGAQ supports this amendment.

- **Recommendation 11:** The LGAQ recommends the amendment in relation to automatic vacation of office as councillor if elected or appointed the mayor of a local government, Clause 65, be supported.

K. Process for dealing with competitive neutrality complaints (Bill Clause 114, 115 & 116)

The LGAQ understands the policy objective of these amendments is to provide local governments the opportunity to resolve competitive neutrality complaints under their administrative action complaints process in the first instance. The current requirement to have a separate complaints process for the dealing with competitive neutrality complaints is to be omitted.

The Association notes that this will reduce red tape and is supportive of this amendment.

- **Recommendation 12:** The LGAQ recommends the proposed new process for dealing with competitive neutrality complaints, Clauses 114, 115 and 116, be supported

L. Appointment of senior executive employees of a local government (Bill Clause 69)

The LGAQ understands the Bill proposes to amend s196 of the LGA in order to require a panel to appoint senior executive employees. The panel would be consisted of the following:

- The Mayor;
- The CEO;
- Either: if the senior executive employee is to report to only one committee of the local government – the chairperson of the committee, or otherwise - the Deputy Mayor.

Currently, s196 prescribes the CEO as being responsible for appointing local government employees, there is no mandatory participation of elected members within the recruitment process, however the involvement of elected members is not currently prohibited and the LGAQ acknowledges that some councils continue to involve elected members in selective recruitment activities.

Whilst respecting the interests and entitlements of elected members to be involved in executive recruitment, member feedback received by the LGAQ suggests a more flexible approach to the proposed amendment would better support the sector.

By further amending this provision to allow councils to determine the best approach that works for their circumstances, the State Government will still be able to achieve its intent while also supporting those councils that wish for this responsibility to remain the responsibility of the CEO.

This could be achieved by including a provision to this amendment to allow councils to delegate responsibility for recruiting senior officers to the CEO.

Councils across Queensland greatly differ in size and scale and the one-size-fits-all intent of this provision currently removes the opportunity and flexibility for councils to elect to use a locally, fit-for-purpose model.

It should be emphasised that without the need for a legislative provision, councils by way of policy can already elect to set an executive recruitment model that is appropriate to their local circumstances. Such a policy could include the participation and involvement of elected members.

Executive recruitment functions require a significant investment of time to be undertaken effectively and with the ongoing high levels of turnover of senior executive roles evidenced in many councils the additional time burden that would be placed onto elected members could be significant if they were forced to participate in the appointment process for every single executive vacancy.

Importantly, Mayors, Deputy Mayors and Councillors need to have confidence in the recruitment process and in the selection of all staff, not just senior executive officers. Similarly, CEO's need to have the ability to run an executive team and council operation with the requisite confidence in the people who have been employed and with the ongoing support of council.

In recognition of the significant variability across Queensland councils, mandating a single model for recruitment is not recommended. A much-preferred model would be to allow councils the flexibility to choose a recruitment model that is appropriate for each local government location and vacancy as it arises.

- **Recommendation 13:** The LGAQ recommends Clause 69 be amended to give elected members the flexibility to determine what works best for their council by including a provision that allows council to delegate this panel duty to the chief executive officer.

M. Automatic removal from office upon nomination as a candidate for the Legislative Assembly (Bill Clause 62)

The LGAQ is a member-led organisation that forms its positions through feedback from its members including through the passing of resolutions at LGAQ Annual Conferences each year, through the determination of its Policy Executive, a body of 16 Mayors and Councillors elected by their peers at the beginning of each term to represent their views and to oversee the policy agenda of the LGAQ, and through consultation.

In relation to Clause 62, the current LGAQ position was formed in 2008 and called for the provisions within the then Local Government Act 1993 requiring a mayor or councillor to resign from office if they nominate for election to State Parliament to be scrapped.

This position was reinforced in 2012 in the lead up to the State Election, leading to the repeal of that former provision.

Given the length of time that has passed since determining that member position and the decision of the State Government to reintroduce a Clause requiring the automatic removal of a mayor or councillor on nomination as a State Election candidate, the LGAQ is currently

conducting a special general meeting of its member councils to determine its position in relation to this amendment.

The ballot closes at 5pm on Wednesday, 17 December. The LGAQ will update the Committee on the outcome of the Ballot via a supplementary submission, once the result is known.

N. Responsibility of mayor – official spokesperson (Bill Clause 49)

The LGAQ acknowledges the Bill's intention to put beyond doubt the position of the mayor as the official spokesperson of a local government. The Bill seeks to amend section 12 of the LGA to expressly provide the mayor's responsibilities to include being the official spokesperson of the local government about local government matters. A further amendment clarifies that all other councillors may communicate with the community about local government matters, in their individual capacity as a councillor.

We acknowledge the intent of the legislation and its aspiration to clarify mayoral responsibilities; we do emphasise however that the term 'spokesperson' is not presently defined and thus open to interpretation.

The Association respectfully acknowledges the important role of mayor, and the implied seniority of that title reflecting that they have been elected by the majority of electors within a local government area.

We note that the intention of this proposed legislative change seeks to emphasise this point, however it is equally important that councils retain the ability to set local policies relevant to their local circumstances with mayors retaining a discretion to allow others to act as spokesperson in circumstances as agreed or as set out in a council policy.

The Association does not oppose this change.

- **Recommendation 14:** The LGAQ [recommends](#) the amendment regarding the responsibility of the Mayor as council's official spokesperson, Clause 49, be supported.

O. Responsibility of mayor – default chairperson of ordinary and special meetings (Bill Clause 49)

The LGAQ understands the Bill intends to reinforce the mayor of a local government as the default chairperson of ordinary and special meetings of council, and for committees of which they are also chairperson. This is intended to be achieved by amending section 12 of the LGA. We acknowledge the intent of the legislation and its aspiration to further clarify mayoral responsibilities.

The Association does not oppose this change.

- **Recommendation 15:** The LGAQ recommends the amendment to clarify that the mayor always acts as the default chairperson, Clause 49, be supported.

P. Conflicts of interests (Bill Clause 107)

The LGAQ understands the Bill intends to repeal the current conflicts of interest framework in favour of the previous framework that was in operation from 2013 to 2018 (with minor

modifications for additional conflict of interest exceptions and clarity for breach penalties). The current system of declarable conflicts of interest and prescribed conflicts of interest will be replaced with a framework based on the concepts of material personal interests and conflicts of interest.

The management of conflicts of interest via legislative mechanisms has been a long-standing point of conjecture with different models progressed and in place over the decades.

As a starting point the LGAQ seeks to draw attention to the fact that local government councillors are held to a significantly higher standard than State Government MPs in relation to declaring and managing conflicts of interest and that we consider these differences to be manifestly unfair.

We continue to advocate for a common conflict of interest regime that is mirrored between the State and local government systems, and which represents a more appropriate regime, and one that is best jointly aligned to community standards and expectations.

At the highest level, the Association recognises that the public interest should always prevail over any personal interests, and that this is necessary to ensure the utmost of public confidence in the quality of decision making and to negate the potential for any corrupt or improper conduct to occur.

The most engaged councillors in Queensland are those that are closely connected to community groups, whether that be sporting, cultural, business, environmental, or service groups. Often these connections have given rise to perceived conflicts of interest, resulting in onerous declarations and sometimes the convoluted or inconsistent management of them.

The current regime of local elected members needing to form a judgement on the perceived conflict of an elected colleague continues to prove problematic (just as it was problematic the last time that same regime existed) and has been shown to jeopardise the efficient and effective working of the chamber by placing added and unnecessary tension on relationships between elected members.

Respectful working relationships between councillors is a hallmark of a successful council, a difficult circumstance to navigate when the legislation requires them to, at times, also act as Judge and Jury on each other.

Personal assessment and management of conflicts of interest continue to cause difficulty to many elected members with advice seeking by individual councillors occurring on a frequent basis.

Queensland local elected members generally are very conscious and pro-active about seeking to undertake their decision-making responsibilities within the legislative framework that has been provided.

The Association wishes to emphasise that any changes to the current provisions will necessitate a significant amount of further training.

We wish to further highlight that in the past the State Government provided local elected members with access to independent advice through the Queensland Integrity Commissioner.

This afforded councillors the opportunity to access independent advice regarding potential conflicts and how they could best be managed. This advice was also available in writing and meant a councillor could rely upon that advice when entering into a decision of council.

As the Association understood at the time, due to the increased demand placed on the office of the Integrity Commissioner the offer to continue to support local elected members was withdrawn.

For a period, the LGAQ, at its own cost, supported its own Integrity Advisor, however, this service was also ultimately withdrawn as councillors were unable to rely on the advice provided to the same extent as advice provided by the Integrity Commissioner who fulfilled a recognised statutory role.

Notwithstanding this history, the Association has advocated for the re-establishment of a dedicated resource able to be accessed by councils for ongoing advice regarding conflict of interests with the requisite uplift in funding to support its expanded operations.

The former Parliamentary State Development and Regional Industry Committee's inquiry into the Office of the Independent Assessor recommended the establishment of an "independent local government integrity and conduct advisory service that can issue authoritative advice under the Integrity Act 2009 to a councillor on integrity and conduct matters".⁴

The LGAQ supported this recommendation and would be eager to work with the State Government to see it realised.

Overall, feedback from members was mixed regarding these changes. However, concerns were raised regarding the likely operational difficulties that will arise from a framework overhaul, including the large governance implications a change of this magnitude will generate. Updates to standing orders, internal process adjustments and councillor training demands will be significant with no guarantee necessarily of a stronger framework being created.

The LGAQ recommends the State Government ensures adequate appropriate training and support be provided to councils ahead of the implementation of this provision and that its application is reviewed with this term of local government to ensure it is achieving the State's intent.

- **Recommendation 16:** The LGAQ recommends appropriate training and support be provided to councils ahead of the implementation of the significant amendments encapsulated in Clause 107 of the Bill and that its application is reviewed within this term of local government to ensure it is achieving the State's intent.
- **Recommendation 17:** The LGAQ recommends the State Government adopts and actions recommendation 39 of the former Parliamentary State Development and Regional Industry Committee's *Inquiry into the Independent Assessor and councillor conduct complaints system* and investigates and establishes an independent local government integrity and conduct advisory service that can issue authoritative advice under the Integrity Act 2009 to a councillor on integrity and conduct matters.

Q. Remove conduct breaches from the councillor conduct framework (Bill Clauses 72 - 107)

The Bill proposes to amend chapter 5A of the LGA to remove the conduct breach category from the councillor conduct framework. Poor councillor conduct that is considered to be of a 'minor' nature will now be dealt with in council meetings as 'unsuitable meeting conduct'. The

⁴ <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5722t1670/5722t1670-4778.pdf>

councillor conduct framework will continue to deal with councillor misconduct and corrupt conduct with the definition of 'misconduct' being broadened.

The escalating costs to councils of requirements to investigate minor matters has been of growing concern to councils and minor complaints have been the cause of anxiety and frustration for many elected members. We acknowledge the intent of these changes and the potential they have to reduce the frequency and cost to councils and the state of unnecessary investigations.

It needs to be recognised that the vast majority of local elected members undertake their representative duties in a considered, professional and respectful manner and that behavioural standards consequently are generally very high.

It is expected that for some council's further refinement of their standing orders may be required and additional training for meeting chairs would be advantageous to aid in the upholding of meeting standards and the exercise of sanctions within the council meeting environment.

As expressed above, the present requirement for councillors to sit in judgement of their peers is one that can create at times levels of difficulty and complexity and removing this requirement is likely a positive step so long as behaviours of councillors outside the chamber do not as a consequence deteriorate.

Member council feedback regarding this change has been mixed.

In initial feedback to the Department when consulted on the change, the LGAQ supported changes that would put an end to councillors sitting in judgement of each other, among other issues it will resolve, but we expressed concerns about potential unintended consequences, noting this is a major change to the Councillor Conduct Framework that will require significant training and ongoing support.

The LGAQ recommends the State Government ensures adequate appropriate training and support be provided to councils ahead of the implementation of this provision and that its operation is reviewed and further considered as part of the review of the Office of the Independent Assessor, as committed to by the State Government.

- **Recommendation 18:** The LGAQ recommends appropriate training and support be provided to councils ahead of the implementation of the removal of conduct breaches from the councillor conduct framework and that it is reviewed and further considered as part of the State's planned inquiry into the Office of the Independent Assessor.

R. Postal ballot applications (Bill Clauses 135 - 137)

The LGAQ understands the amendments intend to remove the requirements that local governments apply to the Minister for postal ballot applications (who then applies to the Electoral Commissioner), and local governments instead will be able to apply directly to the Electoral Commissioner for a poll to be conducted by postal ballot. The Electoral Commissioner will continue to consider the application and make recommendation to the Minister as currently occurs.

The LGAQ and councils remain concerned about the escalating costs associated with the staging of local government elections and have continued to engage with the Electoral Commission of Queensland (ECQ) to strive for the cost-effective delivery of elections and by-elections.

The Association has had a long-standing position in regard to support for the introduction of electronic voting not only in response to increasing costs but also to improve the speed and accuracy of election activities.

We continue to be interested in the potential of technology to aid the democratic process and acknowledge recent correspondence received from the ECQ regarding the potential to pilot such an initiative.

We look forward to working with the State Government and the ECQ to progress this initiative further.

Whilst we have no particular objection to the ECQ being assigned the responsibility to assess postal ballot applications, the LGAQ seeks to again emphasise that the views of its member councils should very much be taken into consideration when a determination / approval is to be made

- **Recommendation 19:** The LGAQ recommends the amendment removing the requirement for local governments to apply to the Minister for a postal ballot, Clauses 135 – 137, be supported.

S. Review of wards/divisions and councillors before quadrennial elections (Bill Clause 50)

The LGAQ understands the bill intends to amend the process under the LGA of reviewing wards/divisions and councillors before local government quadrennial elections. The changes will provide that the ECQ rather than councils will initiate the divisional boundary review process. The ECQ would also give local governments and the Minister notice of the results of the review.

Ward and divisional boundaries for electoral purposes are of high interest to councils. Close coordination and effective engagement with impacted councils will be necessary to ensure the best community outcomes.

The Association notes that the provision of additional support by the ECQ to impacted councils is likely to be welcomed should the engagement around the processes meet with council expectations.

- **Recommendation 20:** The LGAQ recommends the provision streamlining the boundary review process ahead of quadrennial elections, Clause 50, be supported by adequate consultation with councils throughout the process.

T. Deadline for review of wards/divisions and councillors before quadrennial elections (Bill Clause 50)

The LGAQ understands the policy intent of this amendment is to align the deadline for reviewing divisions/councillors under the LGA ahead of a quadrennial election. The LGA deadline would be

aligned with the City of Brisbane Act deadline in order to provide the Local Government Change Commission with more time to complete the review.

The Association acknowledges the advantages of aligning the deadlines so as to be consistent and benefits of providing additional time. As above we emphasise the importance of close coordination and engagement with impacted councils.

- **Recommendation 21:** The LGAQ recommends the provision regarding the deadline for review of wards/divisions and councillors, Clause 50, be supported by adequate consultation with councils.

U. Remove requirement to give Minister a copy of public benefit assessment report and associated resolutions (Bill Clause 51)

The LGAQ understands the Bill intends to remove the requirement for local governments to give the Minister a copy of a public benefit assessment report and all resolutions made in relation to the report.

The legislation requires that any council resolution where the competitive neutrality principle should not be applied must include a statement of the relevant reasoning.

The Association notes that this foundational requirement remains; however, it will no longer be necessary to provide an additional copy of the report and relevant supporting information to the Minister. We acknowledge the pragmatism of this proposed change.

- **Recommendation 22:** The LGAQ recommends the amendment removing the requirement for councils to give a copy of a public benefit assessment report, and all related resolutions, Clause 51, be supported.

V. Start and end dates for councillor remuneration (Bill Clause 64)

The LGAQ understands the amendment seeks to clarify council remuneration entitlements by expressly stating that a councillor is entitled to remuneration from the date of the start of their term, or from the date of their appointment, until the day on which the councillor's term ends.

Whilst the current legislation does already provide for the beginning and end of a councillor's entitlement to remuneration, we acknowledge the difficulties that come with interpreting it in its current format.

In addition, we draw to the government's attention an associated matter which relates to the start and end dates for councillor remuneration in circumstances where councillors are required to fill temporary vacancies in the role of Mayor or Deputy Mayor due to periods of extended absence.

The Association is aware of several case studies where acting leadership arrangements have been in place for several months without fair compensation by way of remuneration or entitlements.

Under s46 of the Queensland Independent Remuneration Tribunal Act 2013, a State Member is entitled to be paid the additional salary rate of a Minister if they act in the role for a period of 30 days or more.

At the 2022 LGAQ Annual Conference, Queensland councils resolved for the LGAQ to call for changes to councillor remuneration to bring the sector into line with the State Government and ensure councillors who act as Mayor or Deputy mayor for an extended period of time are compensated for the additional duties they take on.

The LGAQ recommends the State Government make further amendments to support appropriate remuneration of elected members who fill leadership vacancies for extended periods.

- **Recommendation 23:** The LGAQ recommends the provision amending the start and end date for councillor remuneration, Clause 64, be supported.
- **Recommendation 24:** The LGAQ recommends the State Government makes further amendments, mirroring s46 of the Queensland Independent Remuneration Tribunal Act 2013, to support the appropriate remuneration of elected members who fill leadership vacancies for extended periods of time.

W. Councillors may participate in meetings and perform other responsibilities during leaves of absence (Bill Clause 68)

The LGAQ understands the Bill intends to clarify rights of councillors during approved periods of absence, particularly relating to their ability to continue conducting their duties when they are unable to attend ordinary or special council meetings. It also provides confirmation that a councillor can still attend a meeting they have been granted a leave of absence for.

The rights for a councillor to attend any meeting of a council is a position that is supported and likely to be welcomed. Clarifying this entitlement through these proposed changes is considered to be a pragmatic step.

- **Recommendation 25:** The LGAQ recommends the provision clarifying the rights of councillors during approved periods of absence, Clause 68, be supported.

X. Prevent the disclosure of unauthorised information and documents to councillors (Bill Clause 67)

The LGAQ understand the Bill seeks to implement a recommendation by the Ethics Committee to amend the LGA to provide a further exemption to councillor requests for assistance or information prohibiting the disclosure of information or a document that compromises proceedings in the Assembly as defined in s9 of the Parliament of Queensland Act 2001.

The Association acknowledges the significant confidentiality obligations already placed on local elected members. Significant training has been provided by the Department, the LGAQ and CEO's in relation to the management of confidential documents and discussions.

The Association is only aware of a single circumstance where this has previously been an issue, and we note that this will add yet a further layer of confidentiality requirements onto councillors.

We are unaware of the frequency by which this additional provision is likely to be tested, and hypothesise it is likely to be minor.

- **Recommendation 26:** The LGAQ recommends Clause 67 be supported alongside adequate training and support for councils.

Y. Trustee councils (Bill Schedule 1 Clause 1)

The LGAQ understands the policy objectives of these amendments are to amend s83(3)(b) of the LGA to provide additional clarity that all trustee councils must conduct their trustee business separate from other local government business activities, not only Indigenous regional councils.

We acknowledge the intent of this provision is to clarify trustee arrangements and on this basis we have no objection.

- **Recommendation 27:** The LGAQ recommends the amendment clarifying how trustee councils should conduct trustee business be supported

Z. Councillor conduct registers (Bill Clause 61)

The LGAQ understands the Bill intends to amend s150DY of the LGA to ensure councillor conduct registers include the name of a councillor, including a chairperson, who engaged in unsuitable meeting conduct for the purposes of clarity.

We refer the Committee's attention again to our previous submission from 2020 on the Local Government Legislation (Integrity) Amendment Regulation and our continuing ask to minimise administrative and reporting obligations on councils.

- **Recommendation 28:** The LGAQ recommends Clause 61 be supported in the interests of clarity.

AA. Appointment of acting Independent Assessor (Bill Clause 60)

The LGAQ understands the policy objective is to amend the LGA to remove the 6-month limit on the term of the appointment of an acting Independent Assessor. This will allow the acting Independent Assessor to remain in place while the current councillor conduct framework is reviewed.

- **Recommendation 29:** The LGAQ recommends the provision relating to the appointment of an acting Independent Assessor, Clause 60, be supported.

Additional reforms

During consultation on the reforms, the LGAQ had sought to secure further amendments to the Local Government Act to support member councils.

This included seeking an amendment to support councils in the enforcement of local laws.

Specifically, the LGAQ is seeking an amendment to s127 of the Local Government Act 2009 to include the ability of an authorised officer to require a person's date of birth for the purposes of issuing a penalty infringement notice prescribed under the *State Penalties Enforcement Act 1999 (Qld)*.

Currently, local governments only have the legislative power to require a person's name and address.

This is impacting on the ability of councils to recover fines for certain notices issued as the State Penalties Enforcement Registry requires three points of identification in order to commence enforcement action: full name, address and date of birth.

Councils are seeking this change to the Act to enable them to recoup this debt, supporting their financial sustainability and aiding their ability to continue to provide the services and deliver the infrastructure their communities expect.

We seek the Committee's support for this, and other amendments sought, to be considered and included in the Bill.

- **Recommendation 30:** The LGAQ recommends the State Government amend section 127 of the Local Government Act 2009 to include the ability of an authorised officer to require a person's date of birth for the purposes of issuing a penalty infringement notice prescribed under the *State Penalties Enforcement Act 1999 (Qld)*.

Conclusion

Overall, the LGAQ welcomes legislative amendments that empower local governments and cut red tape.

We trust these 30 recommendations will improve the operations of the Bill and the policy intent of what is being proposed. Additionally, we will provide a supplementary submission to the Committee on the outcomes of the LGAQ's 17 December 2025 special general meeting (in relation to Clause 62) as soon as possible.

In order for Queensland councils to properly serve their communities and deliver the services and infrastructure their communities not only expect but deserve, it is vital the state's 578 elected members and the more than 45,000-strong local government workforce are supported by a regulatory framework that is fit-for-purpose and focussed on enabling the work of local government, not encumbering it.

On behalf of the local government sector, we thank the State Government for its focus on this important issue and would be more than happy to speak to our submission at a public hearing.

Contact Details

Please do not hesitate to contact Brett Johnson, Head of Assist – via email [REDACTED] or phone [REDACTED] should you wish to discuss any aspect of this submission.

LGAQ Policy Statement

The LGAQ Policy Statement⁵ is a definitive statement of the collective voice of local government in Queensland. The relevant policy positions of local government in the context of governance arrangements and legislative frameworks.

1.6 Governance Arrangements

1.6.1 To ensure the system of local government is accountable, democratic, efficient, sustainable and transparent, local governments have a responsibility to comply with appropriate standards relating to applicable governance arrangements. This includes boundaries, electoral arrangements, financial accountability and reporting, integrity and ethical standards, and oversight by independent bodies including the Queensland Audit Office, Integrity Commissioner, Ombudsman, Remuneration and Discipline Tribunal, and the Crime and Corruption Commission.

1.6.2 The governance arrangements that apply to local government should, where appropriate, be consistent with those applying to the State Government – the obligations placed on local government will not be higher than those applying to the State Government.

1.6.3 Local governments have a responsibility to comply with any applicable legislative, industry or professional requirements to ensure that appropriate standards are maintained for the benefit of the entire community. Wherever possible, local governments should have the ability to tailor regulatory regimes to suit local conditions and interests while still achieving the desired performance-based outcome.

2.1 Legislative Framework

2.1.1 Local Government Enabling Legislation

2.1.1.1 The Local Government Act and City of Brisbane Act should be the major defining legislation for local government's role, powers and functions.

2.1.2 Legislation/Compliance

2.1.2.1 Legislation affecting local government in Queensland should be framed in recognition of the diversity of capacity, size, resources, skills and physical location of local governments, and should not be drafted under a "one size fits all" model.

⁵ <https://www.lgaq.asn.au/downloads/file/183/2019-lgaq-policy-statement>

Annual Conference Resolutions

The LGAQ is committed to member driven advocacy and working with members to build stronger local government and more resilient local communities.

Year	Motion	Details
2024	#28	That the LGAQ calls on the State Government to develop a targeted strategy in conjunction with stakeholders to improve the attraction and retention of council Chief Executive Officers.
2023	#30	The LGAQ calls on the State Government to allow gravel for flood damage that does not meet road technical standards to be able to be used where the nearest registered pit is more than 50km from the work site.
2023	#29	The LGAQ calls on the State Government to increase the amount of gravel to be drawn annually from borrow pits from 5,000 tonnes to 10,000 tonnes.
2023	#28	The LGAQ calls on the State Government to simplify the regulatory processes to allow councils to utilise local gravel pits to ease supply chain pressures and to support local economic development.
2023	#27	<p>The LGAQ calls on the State Government to give the highest priority to expediting solutions for the renewal of quarry sales permits or the granting of new permits that comply with the Native Title Act 1993 (NTA).</p> <p>These solutions to ensure that where Indigenous Land Use Agreements (ILUAs) are required:</p> <ul style="list-style-type: none"> • There is continued access to existing quarries whilst ILUAs are being negotiated. • The cost of negotiating ILUAs is borne by the State Government. • ongoing costs arising from the conditions negotiated in the ILUAs are borne by the State Government such as, royalties and employment guarantees. • Give consideration to outsourcing professional resources to expedite negotiations. <p>The process of establishing a non-claimant application on areas where there is no Native Title Prescribed Body Corporate (PBC) needs to be initiated as a priority in all relevant areas.</p> <p>The LGAQ calls on a coordinated approach by all relevant government agencies including Department of Transport and Main Roads (TMR) to ameliorate the high costs that will be imposed on Councils resulting from the loss of access to existing quarries, that will not have adequate quarries available to them or are unable to have new quarries created.</p> <p>(This motion was amended)</p>
2024	#8	That the LGAQ calls on the State Government to partner with our First Nations leaders on addressing key Closing the Gap measures, through

Year	Motion	Details
		the establishment of a formalised agreement (the First Nations Councils Accord) with Queensland's 17 discrete First Nations councils.
2024	#14	That the LGAQ calls on the Federal Government to facilitate a bilateral funding agreement with the Queensland State Government to substantially increase investment in First Nations housing to address overcrowding and support economic development in remote and discrete communities.
2023	#6	The LGAQ calls on the Federal Government to increase new housing supply in First Nations communities by allocating \$100 million per year for five years as a tangible and targeted measure to reduce overcrowding and achieve a key Closing the Gap target, which is currently not on track to be met.
2016	22	That the Local Government Association of Queensland lobby the State Government for an amendment to the conflict of interest provisions of the Local Government Act 2009 (LGA) to allow a simplified process for declaring conflicts when the conflict has already been declared in the Councillor's register of interests.
2020	#20	That the LGAQ lobby the State Government to amend the Local Government Act 2009 and Local Government Regulation 2012 to provide: <ol style="list-style-type: none"> Greater clarity about Councillors' obligations in regard to declaring prescribed and declarable conflicts of interest in meetings, other than those defined as local government meetings as per section 150C of the Act; and A mechanism that allows a Councillor with a declarable conflict of interest, or possible declarable conflict of interest, to participate in informal meetings or discussions.
2016	#21	That the Local Government Association of Queensland lobby the State Government for an amendment to the relevant provisions of the Local Government Act 2009 (LGA) to provide that the obligation in relation to the register of interests for councillors commences at the same time for all councillors.
2024	#53	That the LGAQ calls on the State and Federal governments to undertake a review of financial and other disaster assistance made available to local government authorities and local communities to ensure: <ul style="list-style-type: none"> - improved delivery of counter disaster operations (CDO) including community recovery initiatives, - the restoration of essential public assets can commence in a timely manner post emergency event with funding certainty, - eligibility criteria is sufficiently flexible to enable immediate assistance to be provided, where it is needed most, and - any indirect losses and consequences resulting from a disaster event, are also considered as eligible criteria for disaster assistance.
2018	#111	That the Local Government Association of Queensland advocate to the State Government for changes to the Local Government Act 2009 to allow for rapid market procurement processes for disaster recovery

Year	Motion	Details
		activity in order to ensure that quotations can be received by councils to meet revised NDRRA timelines.
2023	#83	The LGAQ calls on the State Government to make successful completion of mandatory training a prerequisite to nominating for election as a Mayor or Councillor of a local government with such training to include modules on all aspects of Financial Management and Governance.
2018	#85	That the Local Government Association of Queensland lobby the State Government for an amendment to the Local Government Electoral Act 2011 to provide councils with the discretion to conduct full postal ballot elections.
2016	#25	That the Local Government Association of Queensland lobby the State Government and the Electoral Commission of Queensland to investigate electronic voting as one option for voters at future local government elections.
2016	#23	That Local Government Association of Queensland lobby the State Government for an amendment to the Local Government Electoral Act 2011 to provide Local Governments with the discretion to conduct Local Government elections.
2022	#82	The LGAQ calls on the Local Government Remuneration Commission to review the current remuneration structure to provide for a permanent mechanism to allow for additional remuneration payments to councillors who are acting into the position of Mayor or Deputy Mayor during periods of prolonged vacancy or absence.
2016	#20	That the Local Government Association of Queensland lobby the State Government to amend the Local Government Regulation 2012 (Section 247 & 248) removing the provisions for councils to consider or propose variations to the level of remuneration determined by the Remuneration Tribunal.
2012	#11	That the Local Government Association of Queensland make representations to the Minister for Local Government to give consideration to amending the Local Government Act 2009 so that councils do not have to pass a resolution to adopt the Remuneration Tribunal's recommendation each year.
2020	#8	That the LGAQ lobby the State Government to revert the changes in the Electoral & Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020 with regards to filling vacancies for Mayors and Councillors to the former requirements of the Local Government Act 2009.
2023	#82	That LGAQ calls on the State Government to mandate the 'councillor code of conduct' for all intending candidates from the period that they declare they are running for election, including the upcoming local government election in March 2024, and that the legislation be amended to provide a level playing field for all election candidates, noting that there is no control/regulation at present.
2016	#66	That the Local Government Association of Queensland calls on the Queensland Government to review the definition of a business activity

Year	Motion	Details
		so as to remove camping as an activity conducted in road side rest area as an issue of competitive neutrality.
2023	#45	That the LGAQ make urgent representations to the State Government to ensure that the planned amendments to the Local Government Act 2009 regarding the Office of the Independent Assessor are progressed through Parliament as a matter of priority.
2019	#10	That the LGAQ lobby the State Government to provide sufficient staffing and resources to the Office of the Independent Assessor (OIA) to guarantee that any complaints referred to the OIA will be assessed and decided prior to the 2020 local government elections.