

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

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Mr James Lister MP, Chair
Local Government, Small Business and Customer Service Committee
Queensland Parliament
Via email: LGSBCSC@parliament.qld.gov.au

Dear Mr Lister

Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025: City of Moreton Bay submission

City of Moreton Bay is grateful for the opportunity to make a submission on the Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025.

City of Moreton Bay is generally supportive of the Bill, with some reservations. We appreciate that the proposed changes are broadly aimed at facilitating Council decision-making, streamlining processes and removing red tape, but are concerned that simplification will come at the expense of a loss in clarity, particularly regarding managing conflicts of interest.

This submission provides comments on some of the major changes proposed and makes two recommendations for the Committee's consideration which we believe would strengthen the Bill.

Empowering Councils

City of Moreton Bay supports the re-introduction of the appointment of senior executives by a panel of Mayor, CEO and Deputy Mayor/Committee Chair. This is broadly consistent with current City of Moreton Bay practice. We also see merit in this being left to each local government to decide, rather than being made mandatory as currently proposed, which we understand is the position of the Local Government Association of Queensland (LGAQ).

Empowering Mayors

The changes to put beyond doubt the longstanding positions that the mayor is the official spokesperson of the council and the default chairperson for ordinary and special Council meetings are also supported. This reflects City of Moreton Bay practice.

Councillors' Conflicts of Interest Framework

City of Moreton Bay acknowledges that the previous conflicts of interest framework that was in place from 2013 to early 2018 was seen by many as a simpler system. There are no doubt circumstances where the current requirement for non-conflicted councillors to vote on whether

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to allow a conflicted councillor to participate in decision-making can place councillors in an awkward position and take up considerable time at Council meetings. In well-functioning councils where Councillors trust each other's judgements, however, this particular feature of the current system has been appreciated as it allows the responsibility to make assessments about conflicts of interest to be shared with colleagues. This has generally been the experience at City of Moreton Bay and, therefore, we would prefer to see this feature retained.

While the return to the previous system might make managing conflicts of interest simpler, it will come at the expense of a loss in clarity and reintroduce an element of subjectivity. This is particularly the case with the change from prescribed conflict of interest back to material personal interest. It is vital that the training that the Department of Local Government, Water and Volunteers will provide to Councillors upon assent of the Bill highlights this level of subjectivity and emphasises the responsibility of Councillors to make their own assessments about their conflicts of interest and whether to stay in a meeting, and not rely on the Council CEO or other senior officers for advice for their handling of conflicts of interest.

Local Government Integrity Commissioner

In the past the State Government provided elected members with access to independent advice through the Queensland Integrity Commissioner. This provided councillors the opportunity to access independent advice regarding potential conflicts and how they could best be managed (including in writing) and meant a councillor could rely upon that advice when entering into a decision of council.

Council supports the re-establishment of a dedicated resource able to be accessed by councils for ongoing advice regarding conflict of interests. The former Parliamentary State Development and Regional Industry Committee's inquiry into the Office of the Independent Assessor in 2022, recommended (recommendation 39) 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".

Red Tape Reduction

Overall, the removal of conduct breaches from the councillor complaints framework is supported as this removes the problematic requirement for councillors to pass judgement on their colleagues. However, the definition of misconduct will only see limited expansion. Therefore, we are concerned that there could potentially be breaches which can no longer be pursued, if they have not been dealt with at the Council meeting, but fall outside the definition of misconduct. The Committee might wish to consider whether the definition of misconduct should be broadened further to capture these scenarios.

Only requiring new election candidates to complete mandatory candidate training is a sensible red tape reduction measure, as long as training will still be provided to everyone when there are major changes to local government legislation (as is the case with the current Bill).

Providing for a general approval to make major policy decisions about Disaster Recovery Funding Arrangements (DRFA) assistance during local government caretaker periods is a

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welcome change, which will allow councils to get on with recovery works in response to natural disasters occurring during caretaker periods.

Allowing councils to lodge postal ballot applications directly with ECQ, rather than with the Minister and removing the requirement to provide the Minister with a copy of the public benefit assessment report for a new significant business activity, are also measures that are supported in the interest of streamlining local government business.

Enhancing Safeguards for Local Government Election Candidates and Participants

Allowing election candidates to include contact information other than their residential address in election material is a step in the right direction. However, to protect the safety and privacy of candidates more fully, City of Moreton Bay encourages the Government to take this one step further. City of Moreton Bay proposes the introduction of a registration process which involves candidates receiving a registration number as confirmation of their nomination as a candidate. Instead of contact information, candidates would then include this registration number in election material. Members of the public would be able to verify the authenticity of election material by quoting the reference number through a system or process that would be set up for this purpose.

In addition, City of Moreton Bay recommends that the ECQ cleanse all existing contact information held by them and made public.

Recommendation: that the Committee make a recommendation in its report that the Government introduce a registration system for candidates, that candidates be allowed to include this registration number in election material in lieu of contact information, and that the ECQ cleanse all existing contact information held by them and made public. This system could also be implemented for state and federal candidates.

Vacation of Office

Regarding the proposal to automatically remove a councillor or mayor from office if they nominate to run for election to State Parliament, City of Moreton Bay defers to the LGAQ for this matter. At the time of writing, the position of the LGAQ on this matter was yet to be determined by vote at a Special General Meeting. City of Moreton Bay has provided input to the LGAQ process as to Council's position on this matter.

Other Matters Currently not Included in the Bill: SPER

City of Moreton Bay strongly supports the LGAQ's request that this Bill 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*.

Currently, local governments only have the legislative power to require a person's name and address. As a result, a high number of penalty infringement notices referred to the State

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Penalties Enforcement Registry (SPER) remain potentially unenforceable. SPER requires three points of identification in order to commence enforcement action which are:

- Full name
- Address
- Date of Birth

The costs to Council for the lodgement of these matters with SPER are \$80.10 per infringement lodged with SPER (25-26 FY) which are borne by Council with limited likelihood of enforcement occurring.

Vehicle related infringement notices have higher debt resolution through SPER due to the ability to obtain dates of birth through Queensland Transport, thereby enabling SPER to undertake relevant enforcement action.

Other infringement notices such as those issued under the *Animal Management (Cats and Dogs) Act 2008* and *Waste Reduction and Recycling Act 2011* have a lower recovery rate due to the inability to obtain dates of birth. Currently, City of Moreton Bay has over \$2 million in outstanding debt with SPER with just over \$1.6 million for non-vehicle infringements.

This matter has been considered by the Fines Recovery Working Group (FRWG), which includes representatives from SPER, Queensland councils and universities, on multiple occasions and received broad support as the ability to require dates of birth would assist in debt recovery for both the State and issuing agencies. Despite this, however, the State has not actioned the required legislative change.

Recommendation: that the Committee make a recommendation in its report that the Government provide local governments with the legislative power, through Section 127 of the Local Government Act, to require a person's date of birth for the purposes of issuing a penalty infringement notice.

I thank you again for the opportunity to make a submission and urge you to consider above-mentioned recommendations in relation to including a registration number on a candidate's election material instead of a physical address and providing local governments with the legislative power to require a person's date of birth for the purposes of issuing a penalty infringement notice.

Should you have any further queries in relation to this submission, please contact Erica Gould, Advocacy Manager, on [REDACTED] or [REDACTED]

Yours sincerely



PETER FLANNERY GAICD
Mayor

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cc: CEO Scott Waters

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