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

Submission No: 038

Submission By: Southern Downs Regional Council

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SUBMISSION – LOCAL GOVERNMENT (EMPOWERING COUNCILS) AND OTHER LEGISLATION AMENDMENT BILL 2025

I write in my personal capacity as a Councillor of the Southern Downs Regional Council. This submission reflects my own views and experience and should not be interpreted as representing the position of Council as a whole. I welcome the opportunity to provide detailed comment on the Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025. While I acknowledge that many of the reforms proposed in the Bill are sensible, practical, and in some cases long overdue, there remain several areas where I believe further refinement is necessary to ensure that the Bill enhances, rather than inadvertently undermines, good governance and the democratic functioning of local government in Queensland.

A key area requiring consideration relates to councillor involvement in senior executive appointments. While I appreciate the intent of strengthening transparency and accountability by including councillors in the process, I am of the firm view that councillor participation should be optional rather than mandatory. Councils across Queensland vary significantly in governance culture, size, and administrative design. Some councils may greatly benefit from councillors participating in senior executive selection, while others may prefer the existing separation between governance (the councillors) and administration (the CEO and executive team). The legislation should respect this diversity of practice and local autonomy. By mandating councillor involvement in every case, the Bill risks imposing a one-size-fits-all model that may create unnecessary tension in councils that deliberately maintain a clear professional boundary between elected members and staff appointments.

I also hold significant concerns regarding the provisions relating to the mayor as the official spokesperson of the local government. While I support reinforcing the mayor's role as the institutional spokesperson, this must not come at the cost of diminishing the individual democratic rights of councillors to speak openly to their constituents. The legislation must unequivocally state that councillors retain the right to express their own views publicly—through media statements, interviews, newsletters, public commentary or otherwise—without interference from internal policies designed to restrict or silence them. It would be undemocratic for a council or CEO to impose a communication policy that limits a councillor's ability to represent their community or explain their work. This protection should be explicit in the Act itself, not merely implied. Additionally, any reference to spokesperson roles must be reconciled

with the Disaster Management Act, which clearly assigns operational spokesperson responsibilities during a declared disaster to the Chair of the Local Disaster Management Group. The Bill should include clarifying language to prevent inconsistency or confusion between these two statutory frameworks.

The Bill's reforms to the conflicts of interest framework are a step in the right direction, particularly the removal of highly subjective concepts and processes that have become prone to political misuse, such as councillors voting on each other's participation and reliance on vague definitions such as "close personal relationship". However, the new framework would benefit from further precision to reduce subjectivity and ensure that councillors are assessed against clear, consistent standards. Ambiguity in these provisions has historically created unnecessary disputes and has allowed conflicts processes to be weaponised for political purposes. The reversion to a more straightforward system is welcome, but it should be supported by drafting that is as objective and unambiguous as possible.

My greatest concern relates to the restructuring of the councillor conduct regime. While I support the removal of the ambiguous "minor conduct breach" category, the Bill leaves unresolved where non-compliance with council policy is intended to sit within the new structure. If policy non-compliance is capable of being escalated to "misconduct", councils with voting blocs could potentially use policy requirements to target minority councillors. Policies can be amended or broadened by the majority at any time, which means councillors holding minority or dissenting views could be exposed to politically motivated allegations based on selective interpretations or inconsistent application of policy. The legislation should explicitly state that misconduct is reserved for serious, objective behaviours and cannot be triggered merely by a councillor not complying with an internal policy, particularly one that may be contentious or politically charged.

I also strongly oppose the proposal that a councillor's office becomes automatically vacant upon nomination for election to State Parliament. This proposal is unnecessary, disproportionate and likely to result in more by-elections, not fewer. Councillors should retain the right to decide whether to resign when contesting a State election. A vacancy should occur only if the councillor is elected, avoiding dual office-holding while ensuring continuity of representation for local communities. Existing arrangements are entirely adequate; this change risks discouraging capable local representatives from contesting higher office and would have the practical effect of penalising political participation.

In addition to these matters, I urge the Committee to consider the need for clearer statutory guidance on councillor access to information and advice under section 170A of the Local Government Act. In practice, this provision has been inconsistently interpreted. In some councils, CEOs have adopted a gatekeeping role that hinders councillors' ability to obtain essential information or professional advice from relevant staff. The Act should clearly differentiate between a "request for information", meaning access to existing, unaltered council records, and a "request for advice", meaning professional explanations, opinions or context provided by appropriate officers to enable councillors to make informed decisions. Councillors should not be restricted to receiving advice solely from the CEO; a transparent and reasonable framework for obtaining advice from relevant officers is necessary to support effective governance and decision-making.

I would also encourage the Committee to begin a broader conversation about improved protections for councillors when speaking during formal council meetings. Councillors perform a deliberative, representative function akin to that of a local legislature, and there is growing evidence that the absence of specific speech protections leads to self-censorship, reduced scrutiny and weakened public debate. The Independent Assessor's 2022 review identified widespread concern that conduct complaints are routinely weaponised against councillors, which significantly chills frank contributions during meetings.

I urge the Committee to explore developing a statutory protection framework that ensures councillors can raise legitimate concerns, question proposals, scrutinise administrative advice and express dissenting or minority views during formal meetings without fear of external repercussions. Such protections would not excuse inappropriate or unlawful conduct, nor would they limit the operation of integrity bodies. They would simply ensure councillors can perform their democratic role without undue personal risk, ultimately strengthening transparency, accountability and public confidence in local government decision-making.

Matters Supported Without Amendment

For clarity, I confirm that I am satisfied with and supportive of the remaining elements of the Bill not otherwise addressed above, including the reforms relating to the Register of Interests, disaster caretaker arrangements, remuneration and absence provisions, candidate safety measures, and the various red-tape reduction initiatives. These aspects of the Bill are sensible, fair and consistent with good governance practice, and I support their passage without further change.

I thank the Committee for its consideration of this submission and trust that the amendments and suggestions outlined above will assist in strengthening the Bill and improving the functioning, transparency and democratic integrity of local government in Queensland.

Yours faithfully

Councillor Joel Richters