

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

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

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

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I consent to publication of my name. I do not consent to publication of my personal contact information. I understand that if the committee accepts and publishes this submission, it will publish my name but not my contact details (Queensland Parliamentary Committees - Making a Submission to a Committee Inquiry).

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04 NEWS

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Premier and mayor take aim at Thompson after probe savages him

Daneka Hill, Nikita
Davies and Caitlin
Charles

Thompson has been labelled a "pathological liar" by his replacement, as Premier Daniel Andrews and Townsville Mayor Troy Thompson are to be elected tomorrow.

The Crime and Corruption Commission's conduct director last year's local government election, which found he was in office that "critical integrity gaps" existed, and that his election results and the dates were untrue.

The CCC found Mr Thompson's election results had been "survived a deadly form of cancer" had been "perceived about his military service and his education, and that he had lied about his military service" and had linked confidential documents to his election.

No charges have been laid and Mr Thompson has maintained that he "has not committed any criminal wrongdoing, a criminal offence."

The CCC report said local government elections were conducted "in a candidate's favour" and lacked the same interest, vetting and assessment of candidates as at a state and federal level by major parties.

An election and distribution of information can cause voters to doubt the integrity of the election, lead systems to fail and result in an understanding of facts which simply aren't true," the report said.

Mr Crisafulli said it was vital that the public understood what they knew the truth about a candidate's past.

"We're going to take it to the next level and get to work on it straightaway."

Opposition Mayor Nikita Davies, who previously said a "pathological liar" should be held responsible for his "shameful" report, said he would support his replacement.

Mr Andrews said the report on Thursday

marked the end of a "dark era" for the party but that the report felt "rip-offed" that reporters paid Mr Thompson for his "invaluable" services before the investigation took place.

"Townsville feels ripped off," he said, adding that the party had to pay the person for 12 months while the investigation played through, so that the reporter "wasn't paid for what they thought were now the 'real' Thompson."

"I believe that Troy Thompson is a liar and he's been paid for paying that funding back."

The CCC recommended that the state government introduce a mechanism in which candidates may declare details of their past, including any which they intend to rely on, to the public for consideration for providing the information.

The CCC also recommended that the state government make the Local Government Act to make them clearer, and that the Local Government Act be amended so that a declaration of past behaviour was required in relation to elected officials engaging in political activity.

It also suggested the government look at aligning the behaviour of elected officials with the public sector with regard to post-electoral disciplinary processes.

Mr Crisafulli said whatever changes were made would be made "gradually".

"We also committed to the introduction of a new offence when promises are being made that are properly understood and when people are making sure people can understand their lists," he said.

However, Premier Andrews did not give a direct answer when asked if he would make the salary the received while suspended. "All of those questions are for the public to answer," he ambiguously.

"I will be ready to answer all of those questions when the CCC report shows up."

Opposition Leader Steven Miles said calling for Mr

LOOPOLES FOR A 'LIAR' TO BE SHUT

"intentionally misled anyone," Miles said, were the main findings of a pathology report.

"This person has put the community in a bind, spent the last year fighting with people, and that's not what the CCC was there for," he said.

Mr Andrews rejected claims that the CCC's report was a "rip-off" and said he had "no time whatsoever".

Opposition Leader Steven Miles said calling for Mr

Thompson to repay his remuneration was not an "easy request".

"He was there under false pretences, he was there all the time, he was there fighting with people, and that's not what the CCC was there for," he said.

Mr Andrews said the CCC had "done its job".

"I don't think it would be an reasonable request for the electors of Townsville to expect that," he said.

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Premier Daniel Andrews (left) has vowed to make a state election this year, not happen. Townsville Mayor Troy Thompson. Picture: Even Morgan

Overview

This submission focuses on four practical, high-value integrity reforms identified in the Crime and Corruption Commission's public report Investigation Murray (November 2025). Each reform intersects directly with the Bill because the Bill already amends the Local Government Act 2009 and the Local Government Electoral Act 2011, making it an efficient legislative vehicle to close the specific integrity gaps highlighted by Murray.

The Bill is framed as an 'empowerment' package for mayors and councillors. My view is that empowerment is only sustainable if it is paired with clear accountability mechanisms: verification of material campaign claims, enforceable truth-in-elections settings, transparent rules for advisors, and an effective disciplinary architecture. These measures are targeted and should reduce (not increase) downstream cost and the 'weaponisation' of complaints by preventing disputes before they arise.

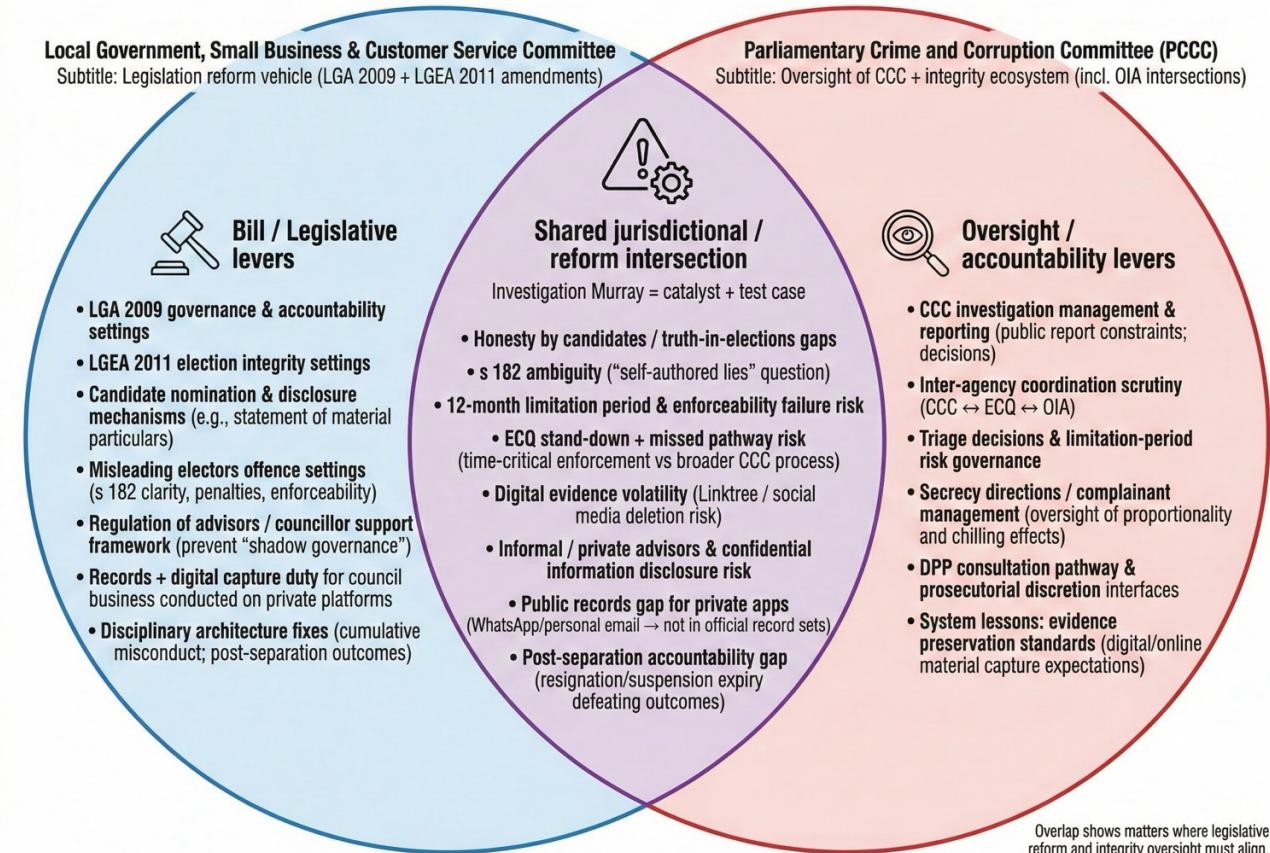
Overlap with PCCC oversight and the value of cross-committee coordination

A number of matters engaged by this Bill substantially overlap with issues currently within the remit of the Parliamentary Crime and Corruption Committee (PCCC), particularly those arising from the Crime and Corruption Commission's public report Investigation Murray (November 2025).

In practice, the same factual circumstances are informing both (a) legislative reform through this Committee's inquiry, and (b) parliamentary oversight of integrity and investigative processes through the PCCC. This overlap raises a legitimate question of coordination and scope: Parliament may be better served if these connected issues are not examined in isolation.

This observation is offered not as a criticism of either committee, but to highlight a practical opportunity for cross-committee engagement (for example, shared evidence access, aligned participation by relevant agencies, or clear delineation of which issues are best addressed through legislation versus oversight). This would assist in ensuring the legislative and accountability dimensions of the Murray issues are addressed coherently.

Two Parliamentary Committees – One Integrity Problem-Space (Murray)



Executive summary (best value reforms)



- Reform 1: Statement of Material Particulars at nomination - nomination-time declaration (beyond just 'qualifications and employment') + verification/sanctions (Murray Rec 150(a); Bill cl 140).
- Reform 2: Close the 'Liar's Loophole' + protect enforceability - amend s 182(2) LGEA to capture candidate self-referential lies and introduce statutory tolling of limitation periods when CCC/OIA assessment pauses ECQ action (Murray Rec 150(b); paras 140-143).
- Reform 3: Stop 'shadow governance' - regulate de facto/private advisors, restrict disclosure of confidential council information, and impose a digital duty to capture council business conducted on private platforms (Murray Rec 150(c); paras 119-126; 145-147).
- Reform 4: Strengthen the disciplinary architecture - avoid an accountability vacuum from repeal of 'conduct breach' by adding a cumulative misconduct trigger, and enable post-separation disciplinary declarations so resignation does not defeat integrity outcomes (Murray Rec 150(d); paras 148-149; Bill cl 78 & cl 80).

In addition to the four core reforms above (which directly implement CCC Recommendation 150), I also flag several supplementary issues in the Bill that the Committee should scrutinise for integrity impact: (i) conflict of interest and register of interests reforms; (ii) the removal of regulation power over councillor advisor functions (cl 70) and the resulting 'shadow advisor' risk; (iii) senior executive appointment panels (new s 196(4)); and (iv) caretaker-period approval pathways (new ss 90BA/90BB). These are set out in more detail later in this submission.

Intersection map (Bill clauses and CCC recommendations)

Reform	CCC report reference	Relevant Bill provisions	Committee recommendation
1. Statement of Material Particulars	Rec 150(a); paras 20-22	LGEA: cl 140 (nomination schedule - training declaration)	Require a nomination-time Statement of Material Particulars (qualifications, employment, military service, memberships,

			other material claims) + ECQ verification power + sanctions
2. Close 'Liar's Loophole' + statutory tolling (s 182)	Rec 150(b); paras 140-143	LGEA: Part 6 (cl 138-140) - no s 182 amendment	Amend s 182(2) to expressly include candidate self-lies; add statutory tolling while CCC/OIA assess related conduct; review penalty settings
3. Shadow/de facto advisors + digital duty	Rec 150(c); paras 119-126; 145-147	LG Act: cl 70 (amends s 197D—removes reg power over councillor advisor functions); Sch 1 Pt 1/2: s 197A(2) 'a close' → 'an' associate (advisor/associate framework); plus Bill's COI/ROI reforms relevant to advisor relationships (see cl 72+; Explanatory Notes)	Define 'de facto advisor'; require disclosure/register and/or prohibit; restrict confidential info sharing; impose duty to capture private-platform council business into official records
4. Disciplinary architecture (cumulative misconduct + post-separation)	Rec 150(d); paras 148-149	LG Act: cl 78 (repeal s 150K conduct breach); cl 80 (amends s 150M)	Amend s 150L to capture repeated/persistent non-compliance; create post-separation declaration power and ability to finalise investigations after resignation

Detailed comments and proposed amendments

Reform 1: Statement of Material Particulars at nomination (candidate declarations)

Investigation Murray highlights the need for candour by candidates, and for 'systems and processes to verify and ensure the accuracy of claims made by candidates' (paras 20-22). Recommendation 150(a) proposes a mechanism for candidates to declare qualifications and employment history relied upon in an electoral campaign, with a sanction for false information. The Murray case also demonstrates that material campaign claims can extend beyond formal qualifications/employment (for example, military service claims and serious health claims that may materially influence voter judgement).

The Bill already touches the candidate-information problem through a training requirement: clause 140 amends the nomination schedule to require the candidate to declare they have completed an approved training course (or have an exemption). This is a useful compliance measure, but it does not create a clear obligation to disclose and verify the key factual claims a candidate chooses to campaign on. Clause 140 therefore provides a practical legislative 'hook' to add a nomination-time Statement of Material Particulars.

Proposed amendments / Committee recommendations

- Amend the Local Government Electoral Act 2011 to require a candidate, at nomination, to lodge a Statement of Material Particulars covering any factual claims the candidate intends to rely upon in campaign material (including qualifications, employment history, military service particulars, professional memberships, and any other material biographical claim).
- Make the statement publicly accessible (for example via ECQ publication) so electors and media can verify claims early.
- Empower ECQ to request documentary verification for claims in the statement (e.g., service record extracts, testamurs, trade certificates), and to refer suspected false statements for investigation/prosecution.
- Create an offence (or other sanction) for knowingly false statements in the Statement of Material Particulars, consistent with Recommendation 150(a).

Reform 2: Close the 'Liar's Loophole' in s 182(2) LGEA and introduce statutory tolling

The CCC identifies ambiguity about whether s 182(2) applies only to someone making false statements about another candidate, or also applies to a candidate making false statements about themselves (para 141). The CCC also notes issues with deterrence and enforcement settings, including penalty levels and a 12-month limitation period for prosecution (paras 142-143). Where CCC/OIA assessment overlaps with ECQ's time-limited enforcement window, coordination delays can effectively extinguish the summary offence pathway. A statutory 'tolling' mechanism is the most practical way to prevent enforceability being defeated by process.

The Bill's Part 6 amendments to the Local Government Electoral Act 2011 (clauses 138-140) address election material authorisation and nomination requirements, but do not address s 182(2). Given this Bill is already reopening the LGEA, it is an efficient opportunity to implement Recommendation 150(b) now rather than deferring it to a later reform package

Proposed amendments / Committee recommendations

- Amend s 182(2) LGEA to make explicit that the offence applies to a candidate who knowingly publishes false statements of fact about their own personal character or conduct, for the purpose of affecting the election (Recommendation 150(b); para 141).
- Insert a statutory tolling provision so the limitation period for relevant LGEA offences is suspended while the CCC or the Office of the Independent Assessor is conducting a preliminary assessment/investigation into the same or related conduct (to prevent inter-agency 'stand down' coordination from extinguishing prosecutorial options).
- Review penalty settings for s 182 to ensure the offence reflects electoral harms and provides meaningful deterrence (paras 142-143), and ensure the offence remains technologically neutral (including online publication).

Reform 3: Shadow advisors and digital record-keeping (de facto advisors + duty to capture)

Investigation Murray identifies a corruption risk where an 'informal advisor' is privately engaged, not vetted, not bound by the councillor advisor framework or code of conduct, and not subject to disciplinary processes (para 146). The risk increases when the arrangement is clandestine, financial arrangements are ambiguous, and council is unaware and cannot manage conflicts of interest (para 147). The key lesson is that tightening rules for formally appointed councillor advisors is not sufficient if a mayor/councillor can operate an off-the-books 'shadow' advisor arrangement outside the statutory framework.

The report also highlights practical record-keeping and oversight issues when council business is conducted through encrypted messaging apps or private email accounts: messages exchanged via WhatsApp/personal emails were not part of council public records (para 119), despite the Public Records Act 2023 requiring public authorities to create and keep

records that accurately show actions/decisions and context (paras 120-121). A clear statutory duty to capture these communications into official systems would reduce ambiguity about whether the obligation attaches only to the 'council entity' or also to the office-holder.

The Bill contains several hooks in this area. Clause 70 amends LG Act s 197D by omitting the regulation-making power that could limit the functions and key responsibilities that may be provided for in a councillor advisor's contract. That policy direction (to remove regulation leverage) sits uneasily with the CCC's Recommendation 150(c), which is concerned with regulation and control of private ('shadow') advisors and the flow of council information to them. The Bill's consequential change in Schedule 1 to replace 'a close' with 'an' associate in LG Act s 197A(2) also indicates Parliament is actively re-shaping the advisor/associate framework, which makes this an ideal vehicle to strengthen—not weaken—integrity settings around external advisors and recordkeeping.



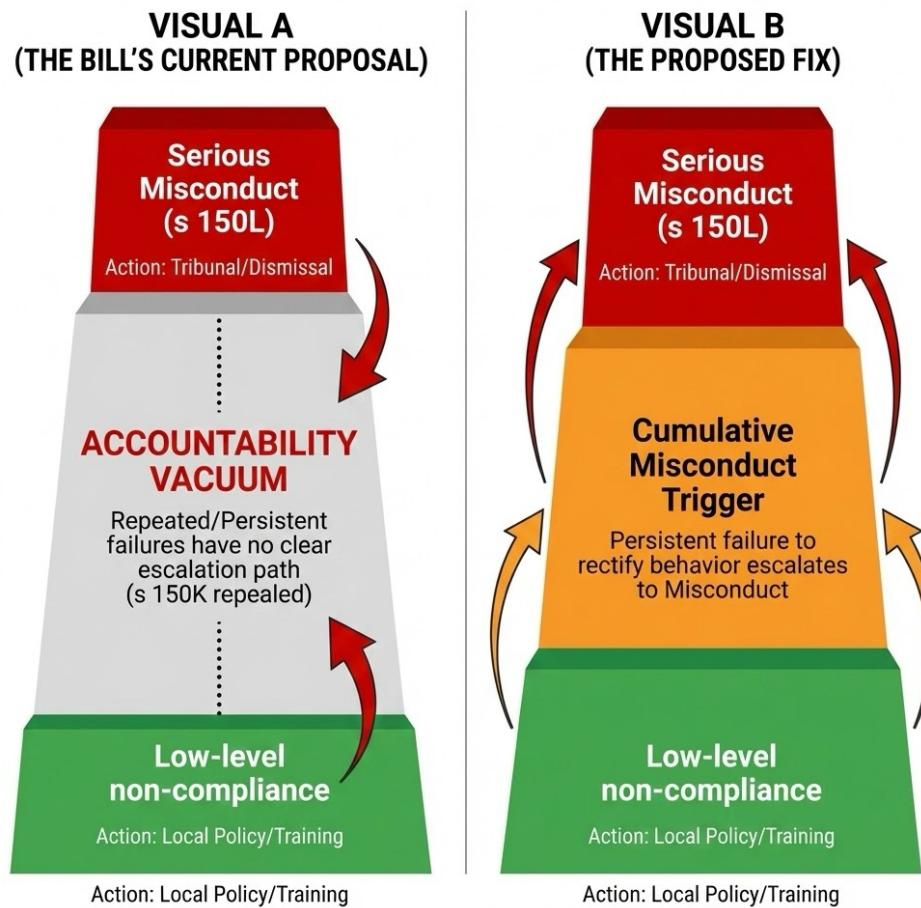
Proposed amendments / Committee recommendations

- Introduce a definition of 'de facto advisor' capturing any person who provides regular strategic or administrative support to a councillor on council business (outside a purely personal/constituent capacity), whether paid or unpaid and whether formally appointed or not.
- Require disclosure of any de facto/private advisor arrangement to the CEO, including conflicts-of-interest declarations and confidentiality undertakings, and publication of a register (or alternatively, prohibit de facto advisor arrangements that bypass the statutory councillor advisor framework).
- Prohibit or tightly regulate disclosure of confidential council information to anyone not appointed/authorised under the statutory councillor advisor framework (or not otherwise authorised by the local government), with clear sanctions for breach (Recommendation 150(c); paras 145-147).
- Create a 'digital duty of capture': make clear in the Local Government Act (and/or regulation) that communications about council business conducted via private platforms (WhatsApp/Signal/private email/social media DMs) are public records, and impose a positive duty on councillors to export/capture those records into the local government's record-keeping system within a prescribed timeframe (e.g., 7 days), consistent with the Public Records Act 2023 (paras 119-121).

Reform 4: Disciplinary architecture (cumulative misconduct trigger + post-separation declarations)

The Bill proposes to repeal the 'conduct breach' category (clause 78 repealing s 150K). If implemented without a compensating mechanism, this risks creating an accountability 'grey zone' where repeated low-level non-compliance no longer has a clear statutory pathway unless it reaches the higher threshold of misconduct. Investigation Murray demonstrates how patterns of smaller, repeated integrity departures can accumulate into serious governance risk. A targeted solution is to create a cumulative misconduct trigger within the definition of misconduct (s 150L), so persistent contraventions of the Code of Conduct/policies can still be escalated without retaining the full conduct-breach regime.

Separately, Investigation Murray notes that once a councillor ceases to hold office there is presently no ability for the Office of the Independent Assessor to continue an investigation or for the Councillor Conduct Tribunal/Minister to make a declaration that dismissal would have been recommended but for resignation (paras 148-149). The Bill amends s 150M (clause 80) but does not close the core gap: resignation can still defeat final accountability outcomes and deprive electors of relevant integrity information.



Proposed amendments / Committee recommendations

- Amend s 150L (misconduct) to expressly include repeated or persistent failure to comply with the Code of Conduct or local government policies, where prior corrective action has not rectified the behaviour (cumulative misconduct trigger), so repeal of s 150K does not create an accountability vacuum (Bill cl 78).
- Introduce an express power for the Councillor Conduct Tribunal (and/or Minister) to make a post-separation disciplinary declaration stating what outcome would have been imposed had the councillor remained in office, aligned to the public sector approach (Recommendation 150(d); para 149).

- Permit the Office of the Independent Assessor to continue and finalise investigations commenced while a councillor was in office, even if they resign, where the public interest warrants finalisation, subject to procedural fairness and appropriate publication rules (para 148).

Additional matters in the Bill relevant to integrity (supplementary recommendations)

The CCC's Recommendation 150 is focused on specific gaps revealed by Investigation Murray. However, this Bill also contains broader governance and integrity reforms that intersect with those gaps, or may unintentionally widen them. I encourage the Committee to consider the following supplementary points during detailed consideration and in its report.

A. Conflicts of interest and registers of interests (COI/ROI)

Where the Bill reforms conflicts of interest and registers of interests, the Committee should ensure the framework captures modern integrity risks: relationships with private advisors/consultants, sponsored travel or benefits, and any arrangement where council business is conducted through private channels. Publication should be timely and practical (extracts online, with sensitive personal details appropriately protected).

Recommendation: clarify in the COI/ROI frameworks that 'relevant interests' include paid or unpaid advisory, consulting, or lobbying relationships connected to council decision-making, and that disclosure obligations extend to digital/online campaign and communications contexts where relevant.

B. Councillor advisors vs 'shadow advisors' (cl 70 / s 197D)

Explanatory Notes state the Bill removes the power to make regulations limiting councillor advisor functions and key responsibilities. Investigation Murray points the other way: it identifies risk in the use of private 'shadow' advisors operating outside statutory controls. Removing regulation leverage over the formal advisor role increases the incentive to migrate sensitive work into informal arrangements.

Recommendation: retain or replace regulation-making power to prescribe minimum integrity controls for councillor advisors (and any de facto advisors), including: disclosure/register requirements; confidentiality obligations; recordkeeping obligations; and explicit prohibitions on receiving confidential/commercially sensitive information except under a defined authority and on official systems.

C. Senior executive appointment changes (new s 196(4) panel)

The Bill shifts appointment of senior executive employees to a panel including the mayor and CEO (and other councillor roles). Given Investigation Murray's findings around council administration and integrity stressors, the Committee should consider guardrails to prevent politicisation and to preserve merit-based public administration.

Recommendation: require documented reasons and minimum merit/process requirements for panel decisions, plus clear separation between governance and day-to-day administration (including recordkeeping of any direction or influence attempt), with independent oversight triggers if disputes arise.

D. Caretaker-period major policy decisions (new ss 90BA/90BB)

The Bill introduces Ministerial approval pathways for major policy decisions during caretaker periods in exceptional circumstances and for disaster recovery funding decisions. These mechanisms should not become an integrity escape hatch late in a term.

Recommendation: require publication of any caretaker approval (and reasons/conditions) within a short timeframe, and require councils to minute any related deliberations and contacts with third parties, including advisors, donors, contractors and lobbyists.

E. Removal of 'conduct breach' category and cumulative pattern risk (cl 78–80)

The Bill removes the conduct breach category to address misuse and reputational harm. That objective is understandable, but Investigation Murray highlights the need to capture cumulative patterns of lower-level behaviour that, in aggregate, indicate serious integrity risk. The Committee should ensure the revised framework does not create an accountability vacuum for repeated boundary-pushing conduct.

Recommendation: ensure repeated 'unsuitable meeting conduct' or other lower-level contraventions can escalate to misconduct where a persistence or pattern threshold is met, and ensure post-separation investigation/publishing powers remain available to avoid resignation being used to terminate integrity outcomes (aligning with Recommendation 150(d)).

These supplementary recommendations are intended to strengthen the Bill's integrity objectives and reduce the likelihood that future Investigation-Murray-type scenarios recur under a modernised framework.

F. Transparency of integrity investigations and council decision-making

The Bill includes measures directed at meeting transparency and the handling of investigation materials (for example, new provisions about investigation reports and council meetings in the City of Brisbane Regulation amendments). Given Investigation Murray's emphasis on information flow, the Committee should consider whether equivalent transparency safeguards should apply consistently across all councils—not only Brisbane.

Recommendation: ensure that where investigation reports (OIA/assessor or other integrity bodies) are provided to a council, there is a clear legislative pathway for appropriate tabling, minuting and publication, subject to procedural fairness and confidentiality constraints. This reduces the risk of 'information suppression' dynamics and supports public confidence.

Proposed Amendments / Committee Recommendations (clean list)

I recommend the Committee recommend that the Bill be amended (or that Government introduce amendments during passage) to implement the following:

- A. Insert a nomination-time Statement of Material Particulars in the Local Government Electoral Act 2011 (linked to Bill clause 140), requiring candidates to declare the key factual claims they intend to rely on in campaigning (including qualifications, employment history, military service and other material particulars), with ECQ verification powers and sanctions for knowingly false statements (Murray Rec 150(a)).
- B. Amend s 182(2) LGEA to expressly apply to candidates publishing false statements about themselves (closing the 'Liar's Loophole'), and insert a statutory tolling provision so the limitation period is suspended while CCC/OIA assessment or investigation delays ECQ action (Murray Rec 150(b); paras 140-143).
- C. Strengthen local government integrity controls for 'shadow governance': define and regulate (or prohibit) de facto/private advisors, restrict disclosure of confidential information, and impose a digital duty to capture council business conducted on private platforms into the local government record-keeping system (Murray Rec 150(c); paras 119-126; 145-147).
- D. Strengthen the disciplinary architecture: implement a cumulative misconduct trigger to avoid an accountability vacuum from repeal of conduct breaches (Bill clause 78) and create post-separation disciplinary declaration powers so resignation does not defeat integrity outcomes (Murray Rec 150(d); paras 148-149; Bill clause 80).

- E. Supplementary: ensure COI/ROI reforms explicitly capture relationships with private advisors/consultants and modern benefit types, with timely public extracts (Bill Parts 2 and 4 COI/ROI changes).
- F. Supplementary: amend clause 70 / s 197D approach so regulation-making power can be used to impose minimum integrity and recordkeeping controls on councillor advisors and de facto advisors (align with CCC Rec 150(c)).
- G. Supplementary: strengthen transparency safeguards for caretaker approvals (new ss 90BA/90BB) including publication of approvals, reasons and conditions, and minutes of related deliberations and third-party contacts.
- H. Supplementary: introduce minimum process/merit safeguards and recorded reasons for senior executive appointment panels (new s 196(4)), to reduce politicisation and protect administrative independence.
- I. Supplementary: ensure the removal of 'conduct breach' does not prevent escalation of repeated lower-level conduct into misconduct where a clear pattern threshold is met (cl 78–80).
- J. Supplementary: apply consistent rules across councils for tabling/minuting/publishing integrity investigation reports (e.g., new investigation-report meeting provisions), subject to procedural fairness and confidentiality constraints.

References (full web addresses)

- Queensland Parliament - Inquiry page: <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=267&id=6557>
- Queensland Parliament - Inquiry details: <https://www.parliament.qld.gov.au/Work-of-Committees/Inquiries/Inquiry-Details?id=6557>
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Two weeks. Two documents. Still room for a Troy.