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

Submission No: 043

Submission By: Northern Peninsula Area Regional Council

SEISIA
NEW MAPOON
BAMAGA
UMAGICO
INJINOO
NPARC
NORTHERN PENINSULA AREA REGIONAL COUNCIL

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Local Government, Small Business and Customer Service Committee
Queensland Parliament

Submission uploaded via website portal

The Northern Peninsula Area Regional Council (Council) is pleased to submit to the Queensland Parliament's Local Government, Small Business and Customer Service Committee (the Committee) regarding the **Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025** (the Amendment Bill). Each aspect of the Amendment bill is particularised below (derived from the Explanatory Notes) and Council's response is detailed below each of the features of the Amendment Bill.

This approach permitted council at its Ordinary Council Meeting of this day to consider a detailed overview of the Amendment Bill and to confirm its response. Accordingly, the responses contained in this submission have been approved by Council at today's Ordinary Council Meeting.

Profile

The Northern Peninsula Area Regional Local Government Area (LGA) includes the communities of Seisia, New Mapoon, Bamaga, Umagico and Injinoo, three of which were previously administered by Aboriginal shire councils and two of which are from Torres Strait Islander councils.

Northern Peninsula Area (R) Local Government Area (LGA) has a total land area of 1,052.1 km2, with an average daily temperature range of 23.5°C to 30.2°C and an average annual rainfall of 1,838 mm.

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

The short title of the Bill is the Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025 (the Bill).

The overarching policy objectives of the Bill outlined in the **Explanatory Notes** are to:

- empower councils
- empower mayors
- improve the councillor conflicts of interest and register of interests frameworks
- reduce unnecessary red tape and regulation
- provide certainty to councillors about matters relating to remuneration, leaves of absence, vacation of office, and eligibility
- promote good governance and decision-making
- enhance safeguards for local government election candidates and participants, and make various minor, administrative and/or technical amendments.
- Empowering councils

Notable changes contained in the Bill are:

- It provides that senior executive employees of a local government are appointed by a panel of the local government, rather than solely by the chief executive officer (CEO)
- It facilitates local government access to essential State-owned quarry materials, and
- It clarifies Indigenous local government rating powers and
- It provides a framework to facilitate Indigenous local government rating in the future.

Appointment of senior executive employees of a local government

The policy objective is to amend the *Local Government Act 2009* (LGA) to provide that a local government's senior executive employees are appointed by a panel of the local government. A senior executive employee is defined as an employee of the local government who reports directly to the CEO and whose position ordinarily would be a senior position in the local government's corporate structure (schedule 4 of the LGA).
It is proposed to establish an appointment panel consisting of the mayor, the CEO, and either the relevant committee chairperson or deputy mayor, to appoint their senior executive employees (as was the case from 2012 to 2019).

Because deputy mayors and committee chairpersons (other than the mayor) have no delegation powers under the LGA, it is also proposed to allow local governments to appoint another councillor to a panel if the deputy mayor or committee chairperson is unable to take part, for example, due to absence.
Currently, section 196 of the LGA provides that the CEO appoints local government employees (which includes senior executive employees).

The proposed amendments mean that the CEO will no longer have sole responsibility for the appointment of senior executive employees.

The CEO will continue to be solely responsible for the appointment of all other local government employees.
The CEO will remain solely responsible for the day-to-day management, direction and discipline of all local government employees, including senior executive employees.

Council response
Council is concerned that the amendments associated with the CEO's direct reports do not reflect previous advice provided by the Crime and Corruption Commission emanating out of the Loft case that also gave rise to the inclusion of council advisors in the legislation (the reason for the post 2019 change)[1].

On its face, the provision appears to exceed the inherent principles behind the Westminster system's separation of powers, in a way that the Queensland parliament AND Government does not do for itself. Whether it be the Premier or Deputy Premier in Queensland (or indeed the Prime Minister or Deputy Prime Minister in the Commonwealth context), neither appoint second level positions in the public service. It is the Public Service Act that enshrines the appointment processes, just like the appointment of a local government CEO as provided for in the current *Local Government Act*. Directors-General and Commissioners (but not their direct reports) are appointed by the Premier and Cabinet and the Department of the Premier and Cabinet. Deputy Commissioners and Deputy Directors-General are appointed by the Public Service Commissioner in Queensland.

The public policy reasoning for this amendment is unclear to Council.

[1] Note Crime and Corruption Commission, *Prevention in Focus,* June 2020

Providing a Mayor and Deputy Mayor the numerical advantage on a panel to appoint a second level executive (and direct report to the CEO) presents a reasonably foreseeable risk of not only politicising the appointments, but weaponising the appointer power in circumstances where the Mayor and Deputy Mayor do not have the numbers to remove the CEO. This is not fanciful. At the last local government elections, some mayoral candidate' campaign platforms included the removal of the CEO. Is there not the possibility that a disgruntled director (unhappy with a CEO's disciplinary action of them – such power remains in this bill) will exercise side bar support and negotiations with their Mayor and Deputy Mayor "appointers"? A further risk with the proposed approach is that the Mayor and Deputy Mayor become entrenched in operational matters that are inconsistent with their strategic and policy roles.

Further, the protections currently in the Act regarding the appointment of a CEO, especially S194 (1) where the local government (not the mayor) appoints the CEO, is a prudent, anti-corruption measure. This policy logic is not found in the proposed appointment of second level direct reports to the CEO in the Amendment Bill.

Council understands that a mayor (the presiding officer) holds the status reflected in the Latin *primus inter pares*– first amongst equals. Council does not know what the precise problem is with the current separation of powers in the appointment of the CEO's direct reports that require the amendments in the proposed bill.

Council spent a lot of time and effort and money engaging a recruitment firm and undertaking a thorough and extensive recruitment process in selecting our CEO, who is required to meet the calibre of leader that reflects Council's desire to be an exemplary local government striving to meet the needs of our communities. Having done so, Council sees no reason not to trust the CEO to appoint their direct reports, especially as the CEO will remain the appointer of all other staff and has the power to terminate the employment of their direct reports (as this aspect has not been proposed to change). If the appointment of executives is of concern to elected members, nothing stops an amendment requiring a report to council prior to the written confirmation of the appointment.

Local government access to essential State-owned quarry materials

A local government is able to access essential State-owned quarry materials by amending the LGA. The proposed amendments will primarily clarify the operation of chapter 5, part 2, division 2 of the LGA in relation to the giving of reasonable entry notices, particularly those which enable local governments to access and remove materials, including quarry materials such as gravel, **from State-owned land**.

For the purposes of section 143 of the LGA (Entry by a local government worker, with reasonable entry notice, to take materials), it is proposed that a reasonable entry notice be given to the owner and occupier of the relevant land within a reasonable period prior to entry, rather than at least 7 days before the property is proposed to be entered (as is currently the case).

In addition, several minor amendments are proposed to chapter 5, part 2, division 2 of the LGA to provide greater clarity. As this is a specific issue primarily impacting certain rural and remote local governments, it is not proposed to make equivalent amendments to the COBA with respect to BCC.

Council response
This is a practical measure removing time wasting and unnecessary red tape and is supported by Council.

Indigenous local government rating powers and framework to facilitate future rating

The policy objective is to clarify the current policy position that Queensland's 14 Indigenous local governments

as well as Aurukun Shire Council and Mornington Shire Council are not permitted to levy rates (including general rates, special rates and separate rates).
The LGA defines Indigenous local governments as:

- Cherbourg Aboriginal Shire Council
- Doomadgee Aboriginal Shire Council
- Hope Vale Aboriginal Shire Council
- Kowanyama Aboriginal Shire Council
- Lockhart River Aboriginal Shire Council
- Mapoon Aboriginal Shire Council
- Napranum Aboriginal Shire Council
- Palm Island Aboriginal Shire Council
- Pormpuraaw Aboriginal Shire Council
- Woorabinda Aboriginal Shire Council
- Wujal Wujal Aboriginal Shire Council
- Yarrabah Aboriginal Shire Council
- Northern Peninsula Area Regional Council, and
- Torres Strait Island Regional Council.

It is proposed to establish a framework which would enable Indigenous local governments and Aurukun Shire Council and Mornington Shire Council to potentially levy rates in the future.

Currently, section 94 of the LGA provides that each local government must levy general rates on all rateable land within the local government area, and may levy special rates and charges, utility charges, and separate rates and charges. Conversely, section 71(2) of the Local Government Regulation 2012 (LGR) provides that a provision of chapter 4 of the LGR (Rates and charges) does not apply to the local government area of an Indigenous local government to the extent the provision relies on the valuation of land under the *Land Valuation Act 2010* (LVA), ultimately preventing Indigenous local governments from levying general rates, special rates and separate rates.

Most of the land in Indigenous local government areas has been historically held by the local government in trust, resulting in the land being unrateable. The land tenure arrangements in Aurukun and Mornington Shire Councils are comparable to the land tenure arrangements in Indigenous local governments, making it impracticable to levy rates in those local governments. For these reasons, exemptions from the annual valuation of land requirements in the LVA have been routinely sought for the land in these local government areas, pursuant to section 74 of the LVA.

The proposed amendments seek to provide certainty about the rating powers of Indigenous local governments and Aurukun and Mornington Shire Councils and automatically exempt these local governments from annual land valuations under the LVA.
Most importantly, the amendments seek to provide flexibility for these local governments to levy rates in the future if it would be practicable for them to levy rates on rateable land. The existing powers for these local governments to levy charges (special charges, utility charges and separate charges) will not be affected by the proposed amendments.

Council response
These amendments may provide for flexibility regarding the levying of rates in the future; but they do not address the central and more substantive concerns of indigenous councils regarding land tenure, land rights and the opportunity to have land zoned as freehold so that it may permit indigenous home ownership. This is a body of work requiring attention after the Federal Court claims (known as #No 1and #No2) are finalised.

Empowering mayors

The Bill:

- reinforces that the mayor is the official spokesperson of a local government, and
- clarifies that the mayor is the default chairperson of ordinary and special meetings of a local government, and committees for which the mayor is the chairperson.

This role includes managing the conduct of the participants at the meeting.

Council response

This reflects current practice and policy. Exceptions found in policy but not in the Amendment Bill include:

(a) addressing circumstances where a CoI exists – for example, it would be highly improper for a mayor who may be under investigation to provide a running commentary on breakfast radio or television, as the "official spokesperson " of the council; or

(b) circumstances where purely operational or administrative information is being advised to the community, such as the Chief Executive Officer being responsible for the procurement functions of Council authorising the public notices for tenders or an advertisement advising the details of- the time, date and place of a community forum being held or a waste collection run being changed.

Better definition as to what "official spokesperson" means may be helpful as well as tightening the regulation explaining how a mayor must manage CoI in the public interest.

Responsibility of mayor – official spokesperson

It is proposed to amend the LGA to clarify that all other councillors may communicate with the community about local government matters, however they would be doing so as individual councillors and not as the official spokesperson on behalf of the local government.

Council response

Council observes that no statutory amendment will entirely remove the likely prospect, in divided councils (especially in remote areas such as ours), of electors/residents of a division viewing the divisional councillor as speaking on behalf of the local government, just as suburban or regional local members in the State and Commonwealth jurisdictions are seen to be speaking for their respective governments/opposition. It is unclear why a statutory proscription should be necessary when such a proscription is not applied to any other level of government.

Responsibility of mayor – default chairperson of ordinary and special meetings

The policy objective is to amend the LGA to reinforce that the mayor of a local government is the default chairperson of ordinary and special meetings of the local government, and committees for which the mayor is the chairperson, ensuring that a local government cannot resolve to remove the mayor (or their delegate) as the chairperson.

Also, if the mayor is not present at a meeting of the local government, and the mayor has not delegated their responsibility to chair the meeting, the intention is that the acting mayor is the chairperson (see LGA, section 165 (Acting mayor)).

The proposed amendment is consistent with current section 12(4) of the LGA which provides that an extra responsibility of the mayor is leading and managing meetings of the local government at which the mayor is the chairperson, including managing the conduct of the participants at the meetings. Also, in accordance with current sections 12(5) and 258 of the LGA, a mayor can delegate the mayor's extra responsibilities, including the

chairing of meetings of the local government, to another councillor.

In relation to committee meetings, the chairperson of a committee meeting will continue to be determined in accordance with current section 267 of the LGR. A local government may appoint a chairperson of each committee. If the local government does not appoint a chairperson for a committee, the committee may appoint one of its members as chairperson.

Council response
Council supports these amendments and notes that they also clarify that the Deputy Mayor is not a statutory position with powers to delegate.

Councillors' conflicts of interest and register of interest frameworks
Conflicts of interest

The Amendment Bill replaces the current conflicts of interest framework in the COBA and LGA with the framework that was in place from 2013 to early 2018, with some minor modifications, to provide additional conflict of interest exceptions for councillors and to clarify penalties for breaches.
This approach will have the following benefits and will support effective, transparent and accountable decision-making:

- a focus on local government meetings where actual, binding decisions will be made by the local government
- removal of the requirement for non-conflicted councillors to vote on whether to allow a conflicted councillor to participate in decision-making, which is open to political manipulation where councillors could be voted out based on their political views rather than the public interest
- removal of the concept of a 'close personal relationship' with a councillor from conflicts of interests. This concept lacks specificity and in smaller communities could lead to councillors having a conflict of interest in nearly every decision, and
- removal of the duty on a councillor to report a belief or suspicion of another councillor's conflict, which is open to misuse for political reasons and creates fear of possible reprisals.

In summary, it is proposed to amend the COBA and LGA to:

- repeal the current conflicts of interest framework which is based on the concepts of prescribed conflicts of interest and declarable conflicts of interest
- reinstate the concepts of material personal interest and conflict of interest
- retain the current conflict of interest exceptions for councillors, which have been requested by stakeholders, for example, small value gifts and hospitality, club memberships, religious beliefs and political affiliations; and
- the current ordinary business matters of a local government, including the development of whole of local government documents such as the budget and operational plan
- update the framework for dealing with breaches, including penalties:
    - o serious breaches (that is, the intention to gain a benefit, or avoid a loss, for a councillor or someone else) – maximum penalty of 200 penalty units or 2 years imprisonment, and
    - other breaches – dealt with as 'misconduct' under the councillor conduct framework.

Council response

- Council notes the experience of various councils regarding the OIA and its investigations. Resource intensive (especially for remote and rural councils), rendering the Council operationally atrophied.

- This was further compounded when investigations dragged on (sometimes for years) in circumstances where entirely innocent elected members were unaware that they were under investigation; or an entirely innocent mayor was left waiting for a Tribunal decision (again over a protracted period of time) creating unnecessary and dreadful distress. Reform is warranted. However, Council is concerned that these amendments risk being akin to throwing the baby out with the bathwater.
- Council notes that the *Code of Conduct for Councillors in Queensland* will need to be amended so far as the removal of the duty to report and the requirement for non-conflicted councillors to vote on whether to allow a conflicted councillor to participate in decision-making are concerned.
- Current elected members of current Queensland local governments swore to uphold these provisions in the current Code as part of their swearing into office as public officials.
- So far as the removal of the concept of a 'close personal relationship' with a councillor regarding conflicts of interests, an alternative approach might be to amend s150EP by including a definition of 'close personal relationship'. Difficulty does not justify excision. For example, section 150EP (1) (c) *a parent, child or sibling of the councillor's spouse* is proposed to be retained; however, "parent", "child" or "sibling" have different meanings in Island kastom and Aboriginal tradition than they do in a non-indigenous WASP context.
- Whilst Council concurs that the duty placed on a councillor to report a belief or suspicion of another councillor's conflict can be open to misuse for political reasons and may create fear of possible reprisals, any reporting arrangement to an extrajudicial body holds these potential risks. For instance, a mayor capriciously reporting an elected member or the Chief Executive Officer to the Crime and Corruption Commission (CCC) under the *Crime and Corruption Act 2001* (Qld) (CCA) potentially holds the same risks, which is why the CCC may take action regarding frivolous, misleading, vexatious or false complaints and tendering false or misleading documents in accordance with sections 216, 216A, 217 and 218 of the CCA.
- In exercising an abundance of caution, Council seeks the Local Government, Small Business and Customer Service Committee (the Committee) refers any corruption-related amendments to both the OIA and the CCC for their review. It is Council's view that a review to ensure the highest possible standards of public accountability, transparency and conduct in Queensland local government is a proportionate and prudent measure to take in the circumstances and may address any unintended outcomes.

Register of interests

The policy objective is to refine the register of interests' framework in the CBR and LGR to align with the proposed new conflicts of interest framework for councillors under the COBA and LGA.
Chapter 8, part 5 of the CBR and LGR is about registers of interests for relevant persons, including councillors and persons related to councillors.
A register of interests must contain the financial and non-financial particulars mentioned in schedule 3 of the CBR or schedule 5 of the LGR for an interest held by the person.
Local governments must make a copy of each councillor's register available for inspection at the local government's public office.
In addition, local governments must make an extract of each councillor's register of interests available for inspection on the local government's website.

An extract must show the particulars mentioned in schedule 3 of the CBR or schedule 5 of the LGR:

- for each interest mentioned in column 1 of schedule 3A of the CBR or schedule 5A of the LGR that is held by a councillor, and

- for the period mentioned in column 2 of schedule 3A of the CBR or schedule 5A of the LGR opposite the interest.

The current reporting term for a councillor (or a person related to a councillor) is the 'relevant term' for the councillor. Currently, the 'relevant term' for a councillor means the councillor's current term of office, and the period:

- starting on the day after the conclusion of the quadrennial election held before the most recent quadrennial election, and
- ending on the day immediately before the councillor's current term of office started.

It is proposed to amend schedule 3 of the CBR and schedule 5 of the LGR to remove the concept of 'relevant term' and instead provide that the reporting term for a councillor (or a person related to a councillor) is the councillor's current term, rather than the councillor's current term and previous term.

Complementary amendments are also proposed to schedule 3A of the CBR and schedule 5A of the LGR to consolidate the interests that councillors must show in an extract of their registers of interests as well as to adjust the period of time that those interests must be shown (the financial year).

The full register of interests for a councillor's current term will remain available for inspection at the council's offices.

The overall intent is to provide that the reporting term for a councillor, or a person related to a councillor, for a councillor's register of interests, is the councillor's current term.

In relation to an extract of a councillor's register of interests, particulars about gifts, donations and sponsored travel or accommodation benefits will only need to be shown for the financial year in which the gift or sponsored travel or accommodation benefit is received or the donation is made.

All other interests under schedule 3 of the CBR and schedule 5 of the LGR that must be shown in an extract will continue to be shown for the period the councillor holds the interest.

Council response

State and federal governments maintain a register for the term of the parliament and have records of registers for past terms that are published on the public website. The same approach is applicable to local governments. Council supports any sensible amendments that resolve current duplications and repetitive requirements.

Reducing unnecessary red tape and regulation

To reduce unnecessary red tape and regulation, the Bill:

- provides the Minister with the power to issue a general approval to local governments to make major policy decisions about disaster recovery funding arrangements (DRFA) assistance during local government election caretaker periods. **Agreed**
- simplifies the councillor conduct framework by removing conduct breaches and
- capturing serious conduct breaches in the definition of 'misconduct' removes duplication in the publishing of councillor conduct particulars **Refer earlier commentary above**
- streamlines mandatory training requirements for local government election candidates and councillors **Agreed**
- removes the power to make regulations in relation to the functions and key responsibilities of councillor advisors
- enables local governments to make postal ballot applications directly to the Electoral Commissioner, rather than to the Minister who then refers the application to the Electoral Commissioner. **Agreed – an obvious amendment**
- streamlines the process of reviewing wards/divisions and councillors before quadrennial elections by

providing that the Electoral Commission of Queensland conducts the reviews, rather than individual local governments **Agreed so long as local governments may make a submission**

- aligns the deadline for reviewing divisions/councillors under the LGA, and wards of Brisbane under the COBA, before quadrennial elections **Agreed**, and
- removes 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, when conducting a public benefit assessment of a new significant business activity.

Council response

Noting the comments above, Council requests that divided councils, and especially indigenous divided councils, be provided the opportunity to meet with and make representations to the ECQ regarding the number of councillors and the number and size of divisions so that a uniquely indigenous perspective is considered by the ECQ. This commitment will go a long way to reassuring our communities that input may be given and taken into account in determining the boundaries and consequential numbers of elected members.

The history of the creation of the Northern Peninsula Area Regional Council's (NPARC) was characterised as both arbitrary and without community/resident consent, just as the creation of New Mapoon itself resulted from the forced removal of residents (who publicly and strenuously opposed the removal) from Mapoon to make way for Comalco's aluminium operations (bauxite mining), the difference being the Queensland government did not burn down all the houses in 2007 as it did in 1963. The present township of Bamaga was also created through tragedy - established after World War II by people from Saibai Island in the Torres Strait, after Saibai Island was devastated by abnormally high tides. It is named after Saibai elder Bamaga Ginau, who envisaged the site but died before it was established. Umagico, originally known as Alau was established because of yet another forced relocation in 1962 when Aboriginal people were moved from the Lockhart River Mission. Seisia, formerly Red Island Point, was established as a reserve for Torres Strait Islanders. The antecedents of NPARC are deeply rooted in a racist and capricious "colonising" past.

Ministerial power to issue an approval – major policy decisions by local governments about DRFA assistance during caretaker periods

The policy objective is to amend section 92B of the COBA and section 90B of the LGA to give the Minister the power to issue a general approval to local governments to make major policy decisions about DRFA assistance during local government election caretaker periods.

The policy objective is to provide that the Minister may issue an approval which applies to multiple local governments for multiple decisions. This will streamline the current process whereby local governments must apply to the Minister for approval to make a major policy decision during caretaker where exceptional circumstances apply.

Difficulties were experienced by local governments in the aftermath of ex-Tropical Cyclone Jasper, which coincided with the caretaker period ahead of the 2024 quadrennial local government elections, where recovery efforts were delayed because of the requirement for local governments to seek a Ministerial exemption before progressing contracts for disaster recovery works.

The proposed approach is considered a more effective solution than relying on the delegation of Ministerial powers provisions (COBA, section 236 and LGA, section 255) as a means of expediting exemption approval processes.

Council response

Council wholeheartedly supports this approach and these amendments. Before this reform opportunity closes, it would be prudent for the Committee to obtain other examples of a major policy decision that could also be

approached in a holistic way regarding Ministerial approval. Perhaps LGAQ may be requested to submit any further examples that may be considered by the Committee?

Remove conduct breaches from the councillor conduct framework

The policy objective is to amend chapter 5A of the LGA to remove the conduct breach category from the councillor conduct framework. This reflects feedback from the local government sector that the conduct breach category:

- is open to misuse on political and personal grounds – with councillors required to determine whether a fellow councillor has breached the code of conduct has led to unwarranted reputational harm for councillors
- has significant cost implications for councils, including paying for independent investigations, and
- is a disproportionate way of dealing with lower-level councillor behavioural issues.

The councillor conduct framework currently deals with councillors' unsuitable meeting conduct; and complaints, notices and information about councillors' suspected conduct breaches, misconduct and corrupt conduct.
The system applies to all local governments in Queensland, including BCC.
In accordance with section 150SD of the LGA, the Independent Assessor must make a preliminary assessment of all complaints, notices and information about councillor conduct before deciding how the conduct should be dealt with.

In relation to the suspected conduct breach of a councillor, the Independent Assessor may refer the suspected conduct breach to the relevant local government to deal with.
The provisions that govern the way a local government must deal with the suspected conduct breach of a councillor are stated in the LGA chapter 5A, part 3, division 5.
A 'conduct breach' is defined in section 150K of the LGA.
Generally, conduct breach allegations are at the lower end of the scale and include minor matters such as allegations of disrespectful language and behaviour (standards of behaviour outlined in the Code of Conduct for Councillors in Queensland) and the failure to comply with a policy, procedure or resolution of the local government.

These sorts of conduct breaches (if proven) do not attract substantial penalties – usually a reprimand or an order for an apology or to undertake training.
However, allegations about conduct breaches do often have a disproportionate impact on councillor reputations and the operations of local governments. Also, while the number of conduct breach allegations is relatively low, the time and resources that local governments expend investigating the allegations and reporting on the allegations, can be significant.

It is also understood that councillors are reluctant to sit in judgement of their peers because of fears it can negatively impact working relationships and fears of potential reprisals.
Under the proposed amendments, local governments will continue to deal with the poor behaviour of councillors in local governments meetings as 'unsuitable meeting conduct', consistent with how Parliament deals with the behaviour of its members.
The councillor conduct framework will also continue to deal with councillors' misconduct and corrupt conduct, however, councillor conduct that falls short of misconduct or corrupt conduct will no longer be assessed or actioned under the framework.
To ensure the more serious types of councillor conduct that are currently captured by the definition of 'conduct breach' continue to be appropriately assessed and actioned by the Independent Assessor, with potential referral to the Councillor Conduct Tribunal for determination, it is proposed to amend the definition of 'misconduct'.
The amendments provide that the following conduct is misconduct:

- bullying,
- sexual harassment, and
- failing to comply with an order of the chairperson of a local government meeting to leave and stay away from the place at which the meeting is being held.

This is considered appropriate given such conduct has the potential to cause significant harm to persons and to the reputation of local government.
Where a local government employee is at risk of harm or their safety is threatened because of a councillor's conduct, the local government CEO also has a duty to take action under the *Work Health and Safety Act 2011* and can give an enforceable direction to a councillor to protect the staff if warranted.
A failure by a councillor to comply with such a direction could, depending on the circumstances, be misconduct and fall within the jurisdiction of the Independent Assessor.

Council response
Council concurs that the conduct breach category has been open to misuse on political and personal grounds and been financially draining and labour-intensive on especially smaller, remote councils leading to operational atrophy on some occasions. Council seeks that the Committee notes relevant input earlier in this submission regarding these amendments.

So far as sexual harassment is concerned, Council recommends that the regulation and not just the Act be referenced in the bill given the amendments to the Work Health and Safety regulation in September 2024 and 1 March this year. These amendments require effective and proactive management and control of risk for both sexual harassment and sex and gender-based harassment and the implementation of prevention plans.

Remove duplication – publishing of councillor conduct particulars

The policy objective is to remove the requirement for a local government to publish councillor conduct particulars in its annual report, if the particulars are also required to be published in the local government's councillor conduct register.

Currently, section 178 of the CBR and section 186 of the LGR prescribe councillor information that must be included in a local government's annual report, including particulars about councillor conduct.
Section 150DY of the LGA prescribes the decisions and related details about councillor conduct that must be included in a councillor conduct register published on a local government's website.
To remove duplication, it is proposed that certain councillor conduct particulars no longer need to be published in a local government's annual report.

Council response
Council supports the removal of duplicated publishing obligations but is cautious about this amendment and recommends referral to the CCC and OIA for their review.

Changes to mandatory training requirements – election candidates and councillors

The policy objective is to remove onerous and unnecessary mandatory training requirements for existing councillors. Currently, section 26(2) of the Local Government Electoral Act 2011 (LGEA) provides that a person may be nominated as a candidate for an election only if the person has, within 6 months before the nomination day for the election, successfully completed a training course approved by the department's chief executive about:

- the person's obligations as a candidate, including the person's obligations under part 6 of the LGEA

(Electoral funding and financial disclosure), and

- the person's obligations as a councillor, if the person is elected or appointed, including obligations under a Local Government Act within the meaning of the LGA.

It is proposed to empower incumbent councillors (including mayors) by only requiring new candidates to complete the mandatory candidate training under the LGEA. It is considered that sitting councillors who are nominating for re-election and who have completed the candidate training previously, should not be required to complete the training again.

Section 169A of the COBA and LGA require councillors to complete 'approved councillor training' about the responsibilities of councillors under the COBA or LGA.

The training must be completed by a councillor within the period prescribed by regulation, or an extended period decided by the department's chief executive.

The requirements for the training are prescribed by regulation.

Section 242AA of the CBR and section 254AA of the LGR provide that a councillor elected at a local government election must complete training about the code of conduct, registers of interests and conflicts of interest, within 6 months after the conclusion of the election. It is proposed to empower returning councillors by only requiring new, and not returning councillors, to complete mandatory training on the prescribed topics within 6 months after the conclusion of the election.

However, it is intended that all councillors, both new and returning, be required to complete mandatory training within a certain time period during a local government term where legislative changes are implemented, for example, if changes are made to the conflict of interest requirements.

Council response

These amendments are entirely sensible and supported by Council.

Remove power to make regulations in relation to the functions and key responsibilities of councillor advisors

The policy objective is to amend section 194C of the COBA and section 197D of the LGA to remove the ability for a regulation to limit the functions and key responsibilities that may be provided for in a councillor advisor's contract of employment.

These regulation-making powers have not been used since the inception of councillor advisors in October 2020 and are deemed unnecessary.

Council response

This section of the Act does not currently apply to Council and hence Council has no feedback to provide.

Postal ballot applications – local governments to apply directly to Electoral Commissioner

The policy objective is to streamline the process relating to postal ballot applications at sections 45AA and 45AB of the LGEA. It is proposed to amend the LGEA to empower local governments to make an application directly to the Electoral Commissioner for a poll to be conducted by postal ballot, instead of being required to first apply to the Minister.

The current process whereby the Electoral Commissioner considers the application and makes a recommendation to the Minister is proposed to remain in place.

The Minister would consider the recommendation and decide whether to give a direction that the poll be conducted by postal ballot.

The proposed amendments cut unnecessary red tape and give the Electoral Commission of Queensland (ECQ) more time to consider postal ballot applications.

Council response
Council views these amendments as sensible and thus supported.

Review of wards/divisions and councillors before quadrennial elections

The policy objective is to streamline the process under the COBA and LGA of reviewing wards/divisions and councillors before local government quadrennial elections.
Section 16 of the LGA requires local governments (other than BCC) to review whether each division of its local government area has a reasonable proportion of electors for each councillor elected for the division and, on completion of the review, provide the Electoral Commissioner and the Minister notice of the results of the review.
Section 18 of the COBA requires BCC to conduct an equivalent review restricted to reviewing whether each of the wards of Brisbane has a reasonable proportion of electors. These processes are considered inefficient as the ECQ initially provides each local government with the data on whether each division/ward has a reasonable proportion of electors, then the local government sends a notice back to the ECQ detailing what the ECQ initially provided.
To streamline this process, it is proposed to amend section 16 of the LGA and section 18 of the COBA to provide for the ECQ, rather than local governments, to initiate the divisional boundary review process ahead of a quadrennial election. The ECQ would give local governments and the Minister notice of the results of the review into whether divisions/wards have a reasonable proportion of electors.

Council response
Council notes these amendments and refers the committee to its comments regarding these amendments earlier in our submission.

Deadline for review of wards/divisions and councillors before quadrennial elections

The policy objective is to align the deadline for reviewing divisions/councillors under the LGA, and wards of Brisbane under the COBA, ahead of a quadrennial election.
Section 16 of the LGA provides that local governments must complete this review no later than 1 March in the year before the year of the quadrennial elections.
Section 18 of the COBA provides that BCC must complete this review no later than 1 October in the year that is 2 years before the year of the quadrennial elections.
ECQ has expressed that the time constraints imposed by the date under the LGA makes it difficult to complete the large volume of boundary reviews usually required to be conducted in the year before local government quadrennial elections.
It is proposed to amend the LGA to align the deadline for the review of divisions and councillors in the LGA with the deadline for the review of wards in the COBA in order to provide the Local Government Change Commission with more time to complete the necessary divisional boundary reviews.

Council response
These are all sensible amendments and supported by Council.

Remove requirement to give Minister a copy of public benefit assessment report and associated resolutions

The policy objective is to reduce red tape by removing 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.
Currently, section 50 of the COBA and section 46 of the LGA require local governments to conduct a public benefit assessment of a new significant business activity identified in the local government's annual report and

prepare a report that contains the local government's recommendations about the application of the competitive neutrality principle in relation to the significant business activity. The report must then be considered at a meeting of the local government and the local government must decide, by resolution, whether or not to apply the competitive neutrality principle in relation to the new significant business activity. Any resolution that the competitive neutrality principle should not be applied must include a statement of the reasons why it should not be applied.
Subsection (8) requires the local government to give the Minister a copy of the report and all resolutions made in relation to the report.
The requirement in subsection (8) is considered unnecessary as this information is already made publicly available in the minutes of the meeting at which the report is considered.

Council response
Council supports the removal of any unnecessary duplications.

Providing certainty to councillors about matters relating to remuneration, leaves of absence, vacation of office, and eligibility To provide certainty to councillors in relation to these matters,

The Bill:

- clarifies that councillors are entitled to receive remuneration from the date their term starts or the date they are appointed, until the date their term ends
- clarifies that a councillor absent from meetings of the local government (with or without a leave of absence) is entitled to proper remuneration
- clarifies that a leave of absence does not preclude a councillor from participating in the meeting for which the leave has been granted, nor limits the councillor from undertaking the councillor's other responsibilities
- provides that a councillor's office automatically becomes vacant if, during a local government term, the councillor is elected or appointed the mayor of the local government, and
- provides for the automatic removal of a councillor from office upon nomination as a candidate for election as a member of the Legislative Assembly.

Council response
Council supports these clarifying amendments.

Start and end dates for councillor remuneration

The policy objective is to clarify councillor remuneration entitlements in relation to when remuneration is to start and when remuneration is to end.
Currently, the COBA and LGA do not provide for when a councillor or mayor is entitled to begin receiving remuneration following their election or appointment; or when their remuneration finishes.
Conversely, section 48(1) of the Queensland Independent Remuneration Tribunal Act 2013 clearly provides that a person is entitled to salary as a member of the Legislative Assembly from the day of the poll at which the person is elected as a member until the day the person stops being a member. To align the arrangements for councillors (and mayors) with the arrangements for members of the Legislative Assembly, it is proposed to amend the COBA and LGA to provide 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.

Council response
Council supports these clarifying amendments.

Councillors entitled to remuneration when absent from meetings

The policy objective is to clarify the remuneration entitlements of councillors absent from meetings of the local government, with or without a leave of absence.
The LGA and LGR are silent on this particular issue.
Current provisions provide:

- councillors are to participate in council meetings (LGA, section 12(3)(c)) a councillor's office becomes vacant if the councillor is absent from 2 or more consecutive ordinary meetings of the local government over a period of at least 2 months, unless the councillor is absent with the local government's leave (LGA, section 162(1)(e)(ii)), and
- the maximum amount of remuneration payable to a councillor under the remuneration schedule (prepared under LGR, section 246) must be paid to the councillor, unless the local government, by resolution, decides the maximum amount is not payable to the councillor (LGR, section 247(2)).

Amendments are proposed to the LGR to clarify that a local government cannot resolve to reduce or remove the remuneration of a councillor for a period of time the councillor is absent from meetings of the local government, even if the councillor has not been granted leave.
The policy objective is to clarify the rights of councillors during granted leaves of absence. Currently, neither the COBA or LGA (nor the related regulations) contain provisions about councillors' leaves of absence.
Section 14 of the COBA and section 12 of the LGA provide for the responsibilities of councillors and mayors, although the primary duty of councillors (as elected officials) is to participate in meetings of the local government for the benefit of the local government's area.
It is intended to clarify that a local government granting a councillor a leave of absence relates solely to excusing the councillor's attendance at meetings of the local government and does not limit the councillor from carrying out their other responsibilities. It is also intended that a councillor who is granted leave can still attend the meeting/s for which the leave of absence has been granted, including as chairperson of the meeting/s if that is the councillor's normal responsibility.
In practice, a local government may approve a councillor's leave of absence by way of passing a resolution to accept an apology of the councillor for the current or future specified meetings of the local government.
A motion to grant leave from a meeting does not need to be made by the councillor themselves and the local government may grant the leave in the absence of the councillor.
If a councillor attends a meeting for which they have been granted leave, the leave of absence should be taken to have been rescinded for that meeting.
For noting, however, a councillor's office continues to become vacant if the councillor is absent from 2 or more consecutive ordinary meetings of the local government over a period of at least 2 months, unless the councillor is absent with the local government's leave (COBA, section 162(d)(ii) and the LGA, section 162(1)(e)(ii)).
Automatic vacation of office if elected or appointed the mayor of the local government
The policy objective is to provide for the automatic vacation of a councillor's office if, during a local government term, the councillor is elected or appointed to fill a vacancy in the office of the mayor.
While current section 162 of the COBA and LGA provide for a number of circumstances in which a councillor's office becomes vacant, the section does not provide for the above circumstance.
When a sitting councillor is elected as mayor during the beginning or middle of a term at a by-election or is appointed by resolution of the local government during the final part of a term, it is not intended that the councillor hold both offices. The subsequent councillor vacancy should be filled as soon as possible in accordance with the existing processes under section 166 of the COBA and LGA.

Council response
Council supports these sensible amendments.

Automatic removal from office upon nomination as a candidate for the Legislative Assembly

The policy objective is to provide for the automatic removal of a councillor from office upon nomination as a candidate for election as a member of the Legislative Assembly.
Currently, section 160A of the COBA and section 160B of the LGA provide that a councillor must take leave without pay for the duration of the period for which the councillor is a candidate for election as a member of the Legislative Assembly. The proposed amendments will ensure stability, minimise disruption and reduce operational impacts of councillors running for State office.

Council response
Council believes that the same conditions currently applying to a House of Assembly parliamentarian running as a candidate for the federal parliament should apply to a local government elected member running as a candidate for the Queensland parliament.

Disclosure of unauthorised information and documents to councillors

The policy objective is to implement a recommendation of the Ethics Committee in Report No. 214 – Matter of privilege referred by the State Development and Regional Industries Committee on 26 May 2022 relating to an alleged unauthorised disclosure of committee proceedings (May 2023). The then Ethics Committee recommended consideration be given to including parliamentary privilege as an exemption to councillor requests for assistance or information under section 170A of the LGA. Generally, current section 170A of the LGA (and current section 171 of the COBA) provides that a councillor may ask a local government employee to provide advice to assist the councillor to carry out his or her responsibilities under the Act and may ask the CEO to provide information that the local government has access to relating to the local government. If either request relates to a document, a copy of the document must also be provided. The current exemptions to councillor requests for assistance or information are listed under subsection (4), namely, information or a document:

- that is a record of the conduct tribunal; or
- that was a record of a former conduct review body; or
- if disclosure of the information or document to the councillor would be contrary to an order of a court or tribunal; or
- that would be privileged from production in a legal proceeding on the ground of legal professional privilege.

To implement the Ethics Committee recommendation, it is proposed to amend the LGA and COBA to provide a further exemption to councillor requests for assistance or information which prohibits the disclosure of information or a document that comprises proceedings in the Assembly as defined in section 9 of the Parliament of Queensland Act 2001.

Council response
Council is not possessed of all relevant information associated with this recommendation. Committee proceedings are often public and publicly broadcast. It is unclear how an employee of a local government might obtain information that is subject to parliamentary privilege but should not the relevant Act pertaining to Parliamentary privilege be amended rather than the *Local Government Act*?

Enhancing safeguards for local government election candidates and participants

The policy objective is to provide greater flexibility to election candidates and other participants in relation to the type of address that must be included with election material and how-to-vote cards. Currently, section 177 of the LGEA provides that, during the election period for an election, the name and address (other than a post office box) of a person who authorises an advertisement, handbill, pamphlet or notice containing election material must appear, or be stated, with the advertisement, handbill, pamphlet or notice.
Similarly, section 178 of the LGEA requires the same particulars of a person who authorises a how-to-vote card to be stated on the how-to-vote card. Again, the address must not be a post office box.
To ease safety and privacy concerns raised by local government election candidates and participants and to enhance safeguards for these election candidates and participants, it is proposed to amend the LGEA to refine the personal particulars that must be included with election material and how-to-vote cards about a person authorising the election material or how-to-vote card.

Council response
Council is supportive of safety and privacy protection.

Minor, administrative and/or technical amendments

Amendments are proposed to the COBA, LGA, CBR and LGR to make minor, administrative and/or technical amendments in relation to trustee councils, councillor conduct registers, the timing of BCC's budget, the process for dealing with competitive neutrality complaints, and the appointment of an acting Independent Assessor.
Trustee councils
The policy objective is to amend section 83(3)(b) of the LGA to make clear that the obligation for trustee councils to conduct their trustee business separately from other local government business applies to all trustee councils, not only to Indigenous regional councils.
Those local governments that can be trustee councils are:

- Aurukun Shire Council
- Mornington Shire Council
- Indigenous local governments:
  - o Cherbourg Aboriginal Shire Council
  - o Doomadgee Aboriginal Shire Council
  - o Hope Vale Aboriginal Shire Council
  - o Kowanyama Aboriginal Shire Council
  - o Lockhart River Aboriginal Shire Council
  - o Mapoon Aboriginal Shire Council
  - o Napranum Aboriginal Shire Council
  - o Palm Island Aboriginal Shire Council
  - o Pormpuraaw Aboriginal Shire Council
  - o Woorabinda Aboriginal Shire Council
  - o Wujal Wujal Aboriginal Shire Council
  - o Yarrabah Aboriginal Shire Council
- Indigenous regional councils:
  - o Northern Peninsula Area Regional Council
  - o Torres Strait Island Regional Council.

Council response
The substantive issue regarding the trustee councils is the veto powers of a divisional councillor at a trust

meeting that can override the decision of the local government for which they are a member without the legislation making it clear that the exercising of the veto power must be in the public interest [cf s85 (8) (b) and s85A (3) (b) of the LGA09]. This change is recommended as a matter of principle to safeguard against any capricious or undemocratic exercise of the veto power.

Councillor conduct registers

The policy objective is to amend section 150DY of the LGA to ensure that a councillor conduct register includes the name of a councillor, including a chairperson, who engages in unsuitable meeting conduct. Section 150DY provides for the decisions and related details that must be included in a councillor conduct register, including a summary of the decision and the reasons for the decision, the name of the councillor about whom the decision was made, and the date of the decision.
However, the name of the councillor whose conduct is the subject of the decision may only be included, if:

- the local government or Councillor Conduct Tribunal decided the councillor engaged in a conduct breach or misconduct, or
- the councillor agrees to the councillor's name being included.

The proposed amendment to include the name of a councillor, including a chairperson, who engages in unsuitable meeting conduct in a councillor conduct register aligns with the original intent of the provision to include relevant details about all findings of unsuitable meeting conduct in the register.

Council response
Council supports this proposed naming procedures that algins with the Queensland and federal parliaments naming procedures in circumstances of unsuitable meeting conduct and breach of the standing orders.

Timing of BCC's budget

The policy objective is to amend the CBR to provide BCC with a longer period of time to adopt its budget (if required) to more closely align with the budget requirements for all other local governments under section 170 of the LGR, that is, before 1 August in the financial year; or a later day decided by the Minister.
Currently, section 104(2) of the COBA provides that BCC must adopt its budget before the start of the financial year to which the budget relates.

Council response
Council supports this proposed alignment of BCC's budget with all other Queensland local governments.

Process for dealing with competitive neutrality complaints

The policy objective is to give local governments the opportunity to resolve competitive neutrality complaints under their administrative action complaints process in the first instance, rather than having to give the complaints to the Queensland Competition Authority for investigation. Only if a competitive neutrality complaint is unable to be resolved to a complainant's satisfaction under the administrative action complaints process, will a local government be required to refer the complaint to the Queensland Competition Authority to deal with. Importantly, local governments will no longer need to adopt two separate complaints processes.
Currently, local governments are required to adopt a process for resolving competitive neutrality complaints (COBA, section 52 and LGA, section 48), and a separate process for resolving administrative action complaints (COBA, section 250 and LGA, section 268). The processes for resolving such complaints, including the minimum requirements that local governments must follow, are set out in chapter 3, part 2, division 6 of the CBR and chapter 3, part 2, division 7 of the LGR (for competitive neutrality complaints) and section 279 of the CBR and

section 306 of the LGR (for administrative action complaints).

Council response
Council supports this proportionate response to competitive neutrality complaints ensuring that the Competition Authority will be the arbiter of last and not first resort.

Appointment of acting Independent Assessor

The policy objective is to amend the LGA to remove the 6-month limit on the term of appointment of an acting Independent Assessor. Section 150DD (1) of the LGA provides that the Minister may appoint a person to act as the Independent Assessor during a vacancy in the office or during a period the Independent Assessor is absent, or cannot perform the duties of the office, for any reason. Under section 150DD (2), the person cannot be appointed for more than 6 months in a 12-month period.
In view of the Government's election commitment to review the councillor conduct framework, amendments are proposed to enable the acting Independent Assessor to remain in place while the review is conducted. This will provide clarity, stability and certainty for the Office of the Independent Assessor and stakeholders.

Council response
Council supports this commonsense amendment.

Appointment of senior executive employees of a local government

The Bill achieves its objectives in relation to the appointment of senior executive employees of a local government by amending section 196 of the LGA (Appointing other local government employees). Clause 69 of the Bill provides that a panel constituted by the following persons appoints a senior executive employee:

- the mayor;
- the CEO;
- either:
    - if the senior executive employee is to report to only 1 committee of the local government – the chairperson of the committee, or
    - otherwise – the deputy mayor.

If the deputy mayor or chairperson is unable to take part in the panel, the local government must appoint another councillor to replace the deputy mayor or chairperson in the panel.
The Bill clarifies that the CEO continues to appoint local government employees, other than senior executive employees. The new provisions do not affect the existing delegation powers under chapter 7, part 5 of the LGA, including the delegation powers of a local government, mayor and CEO. Also, the Bill consequentially amends section 170(2)(b) of the LGA and includes a transitional provision for existing senior executive employees of local governments (refer to clause 141, schedule 1, part 1, amendment 7 under the LGA, and clause 71, new section 364).

Council response
Council has significant reservations about these proposed amendments. See detailed commentary earlier in the submission.

Local government access to essential State-owned quarry materials

Clause 56 of the Bill amends section 138AA of the LGA (Notices for this division) to provide that a 'reasonable entry notice' is a notice about a proposed entry of a property that states:

- who is to enter the property
- the reason for entering the property, and
- the days and times when the property is to be entered.

The revised definition of 'reasonable entry notice' no longer states the period in which a notice is given to an owner or occupier. Instead, the requirement to give a notice within a stated period has been moved to each operative provision, namely sections 140, 142 and 143 of the LGA.

Clause 57 of the Bill amends section 140 of the LGA (Entry by an owner, with reasonable entry notice, under a remedial notice) to provide for the period when an owner of a property, in the circumstances, gives a reasonable entry notice to the occupier of the property. The original period to give the notice (under current section 138AA) continues to apply, that is, at least 7 days before the property is to be entered.

Some minor amendments have been made to subsection (2)(a) to clarify that entry does not include a home on the property and that the owner or the owner's agent may enter the property on each day at the times stated in the reasonable entry notice.

Clause 58 of the Bill amends section 142 of the LGA (Entry by a local government worker, with reasonable entry notice, under a remedial notice) to provide for the period when a local government worker, in the circumstances, gives a reasonable entry notice to the owner or the occupier of the property who is required to take the action stated in the remedial notice (the 'responsible person'). The original period to give the notice (under current section 138AA) continues to apply, that is, at least 7 days before the property is to be entered.

Some minor amendments have been made to subsection (2)(a) to clarify that a local government worker may enter the property (other than a home on the property) on each day at the times stated in the reasonable entry notice.

Clause 59 of the Bill amends section 143 of the LGA (Entry by a local government worker, with reasonable entry notice, to take materials) to provide for the period when a local government worker gives a reasonable entry notice to the owner and the occupier of relevant land in order to enter the land, search for the required materials, and remove the materials from the land.

A reasonable entry notice is to be given to the owner and the occupier of the relevant land within a reasonable period before the land is to be entered.

Other amendments to section 143 clarify that a local government worker may enter the land without the permission of the occupier of the land on each day at the times stated in the reasonable entry notice, and omit the example under subsection (4)(c).

In addition, clause 55 of the Bill amends section 138(3)(a) of the LGA to replace the reference to 'owner or the owner's employee' with 'owner or the owner's agent' to achieve consistency with the current wording in section 140(2).

Council response

Council has responded to these proposed amendments earlier in our submission.

Indigenous local government rating powers and framework to facilitate future rating

The Bill achieves its objectives in relation to the rating powers of Indigenous local governments and Aurukun and Mornington Shire Councils by amending the LGA and LGR.

Clause 54 of the Bill amends the LGA by inserting new section 94A to provide a head of power to prescribe, by regulation, that any of the Indigenous local governments and Aurukun Shire Council and Mornington Shire Council must not levy general, special or separate rates, that is, rates that rely on the valuation of land under the LVA.

New section 94A(3) provides that the Minister may recommend to the Governor in Council the making of a regulation in relation to a local government only if the Minister considers it would be impracticable for the local government to levy rates on rateable land in the local government's area.

Clause 119 of the Bill inserts new section 73A into the LGR to prescribe, for the purposes of section 94A of the

LGA, the following local governments:

- Aurukun Shire Council
- Cherbourg Aboriginal Shire Council
- Doomadgee Aboriginal Shire Council
- Hope Vale Aboriginal Shire Council
- Kowanyama Aboriginal Shire Council
- Lockhart River Aboriginal Shire Council
- Mapoon Aboriginal Shire Council
- Mornington Shire Council
- Napranum Aboriginal Shire Council
- Palm Island Aboriginal Shire Council
- Pormpuraaw Aboriginal Shire Council
- Woorabinda Aboriginal Shire Council
- Wujal Wujal Aboriginal Shire Council
- Yarrabah Aboriginal Shire Council
- Northern Peninsula Area Regional Council, and
- Torres Strait Island Regional Council.

The above amendments provide the flexibility needed to facilitate the commencement of a rating program by any of the prescribed local governments in the future, should they have the capacity to do so. Amendments to the LGR would be required at that time to remove the relevant local government/s from the prescribed list.
In addition, clause 117 of the Bill omits current section 71(2) of the LGR which provides that a provision of chapter 4 of the LGR (Rates and charges) does not apply to the local government area of an Indigenous local government to the extent that the provision relies on the valuation of land under the LVA.

Council response
Council has responded to these proposed amendments earlier in our submission.

Responsibility of mayor – official spokesperson

Clause 49 of the Bill amends section 12 of the LGA (Responsibilities of councillors) to provide that the mayor's responsibilities under subsection (4) include being the official spokesperson of the local government about local government matters.
Clause 49 also amends section 12 to clarify that all other councillors may communicate with the community about local government matters, other than as the official spokesperson of the local government. For information, a mayor can delegate the mayor's powers to another councillor of the local government under current section 258 of the LGA.
Section 12 of the LGA (Responsibilities of councillors) to provide that the mayor's responsibilities under subsection (4) include leading and managing meetings of the local government as chairperson, and any committee meetings for which the mayor is the chairperson, including managing the conduct of the participants at the meetings (refer to clause 49).
A mayor can delegate the mayor's extra responsibilities, including the chairing of meetings of the local government, to another councillor of the local government under current section 258 of the LGA.

Council response
Council has responded to these proposed amendments earlier in our submission.

Finally, Council has advised the Committee that the date of the OCM where council deliberate these amendments clashes with the closing date (16 December 2025). Accordingly, Council has sought an extension to permit Council to consider the detail put before it and arrive at a resolution as to its position and response to the various amendments.

Council is pleased to respond verbally, in writing and in person to any queries the Local Government, Small Business and Customer Service Committee may have, and to provide any further information it may wish Council to present. Please do not hesitate to contact Mrs Dalassa Yorkston, Chief Executive Officer on [redacted] should you have any further information you require.

Yours faithfully

Cr Robert Poi Poi - Mayor

For and on behalf of the Northern Peninsula Area Regional Council