

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

**Submission No:** 047

**Submission By:** Brisbane City Council

**Publication:** Making the submission and your name public

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*Dedicated to a better Brisbane*

23 December 2025

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Dear Mr Lister

Thank you for the opportunity to make a submission on the *Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025 (the Bill)*. Brisbane City Council (**Council**) welcomes the chance to provide feedback and contribute to the ongoing development of legislation that supports effective and efficient local government in Queensland.

#### ***Competitive neutrality complaints***

Amendments have been proposed in the Bill to Chapter 3 Division 6 “Competitive neutrality complaints” of the *City of Brisbane Regulation 2012* that:

- (a) remove a person’s right to send their competitive neutrality complaint (complaint) to the competition authority at first instance;
- (b) removes any obligation on that person to make any genuine attempt to resolve the complaint with Council; and
- (c) impose obligations on Council to modify its existing administrative action complaints process to address and manage these complaints and perform additional complaint reporting and referral to the Queensland Competition Authority.

Council does not support these amendments as they appear inconsistent with the overarching policy objectives of the Bill to reduce unnecessary red tape and regulation for local governments and to promote good governance and decision making.

The stated aim of the proposed amendments, being to give Council the opportunity to resolve competitive neutrality complaints in the first instance, is misconceived as Council already has that opportunity under the existing provisions in the Regulation. By contrast, the proposed amendments remove the opportunity for Council to refer the complaint to the competition authority at first instance leading to the adoption of a mandatory internal investigative process regardless of whether it is appropriate to do so and regardless of whether the complainant wishes to genuinely participate with Council in that process.

The requirement to amalgamate Council’s complaint management processes for administrative action complaints with those for competitive neutrality complaints also imposes additional reporting obligations on Council for all investigations including where the complainant did not genuinely participate in the process.

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Council's view is that the proposed amendments increase red tape for Council and the current provisions are preferred.

### ***Establishment and Coordination Committee Provisions***

The objective of the proposed amendments to "enable good decision-making through open and frank discussions" is supported. It is considered, however, that the proposed amendments as they are currently drafted will be ineffective at achieving this objective.

It is proposed that 'committee information' of the Establishment and Coordination will become available for disclosure after the making of a decision. It should be noted that the decisions of the Establishment and Coordination Committee are currently already publicly disclosed through Council's publication scheme, which is similar to that of the Queensland Government. Council supports open and transparent government by continuing to disclose these documents in line with its publication scheme.

The proposed definition of 'committee information' is considered to be too broad and is inconsistent with the objective of the amendments. There is no analogy for a disclosure regime in which draft submissions, briefing notes, and discussion notes which are prepared to assist in making a decision are subject to this kind of publication. This requirement undermines the principle of collective responsibility of Cabinet members and the ability of public servants to provide frank and fearless advice to Cabinet members.

With planning for the 2032 Olympic and Paralympic Games now entering the procurement phase, Council will increasingly be involved in sensitive decisions, including commercial, diplomatic, and security matters. It is important that Council's statutory committee and delegated decision-makers are able to consider such matters within a robust deliberative process, consistent with practices at State and Federal levels.

Additionally, and combined with earlier changes to sections 171 and 172 of the *City of Brisbane Act 2010*, the proposed amendments have removed most public interest considerations and increased the workload for staff significantly.

Originally, Sections 171 and 172 were designed to help Councillors quickly access the information they needed to represent their communities and carry out committee work. But changes that removed references to wards and committees have led to more requests, many of which are difficult to process due to limited resources. This, in turn, has made it harder for Council to provide Councillors with advice and information relevant to representing their local communities.

Council's view is that the proposed amendments will be ineffective in achieving the intended objectives.

Thank you for the opportunity to participate in this process.

Yours sincerely



Kerrie Freeman  
**CHIEF EXECUTIVE OFFICER**