

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

Submission No: 049
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Publication: Making the submission and your name public

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5 January 2026

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

I make this submission in my personal capacity as Deputy Mayor of the Central Highlands Regional Council. The views expressed are my own and should not be taken as representing the position of the Council. I welcome the opportunity to comment on the Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025.

While I support many of the proposed amendments as practical steps forward, I'm concerned that some elements risk falling short of their intended purpose. Several provisions, in their current form, may not adequately support sound governance principles in Queensland local government. I believe further revision is necessary to ensure this legislation delivers on its promise.

A primary concern is the proposed role of councillors in senior executive appointment decisions.

I firmly believe we must maintain the separation of powers to protect the integrity of council operations. These amendments introduce a real risk of political influence in senior executive recruitment, undermining what should be a merit-driven process. In my view, they erode the precise boundary between the strategic role of elected representatives and the operational role of the CEO. As drafted, the Bill permits a Mayoral/Deputy Mayoral majority to override the CEO's authority in senior staffing matters.

The proposed framework could compel the CEO to work with an appointee they did not support. Essentially, this introduces a governance vulnerability that undermines the CEO's standing within the organisation and weakens their ability to lead and manage the senior executive team effectively. This framework lacks mechanisms to resolve situations in which the appointment panel does not reach a unanimous decision.

When council composition changes through election cycles, incoming councillors may seek to overturn or interfere with senior executive appointments made by the previous council, motivated by political considerations and factional bias rather than performance. We've already seen significant turnover in Chief Executives following the 2024 local government elections, creating instability across the sector. Making councillor involvement mandatory in senior executive recruitment will only increase politicised decision-making, drive more executive turnover and erode vital corporate knowledge. This weakens organisational continuity, diminishes long-term strategic capability, and compromises effective council administration.

Restricting recruitment panels to a fixed composition prevents councils from engaging subject-matter experts to support recruitment for specialised positions.

By removing conduct breaches, this Bill also removes the dedicated avenue for addressing non-compliance with council-endorsed standards. The Office of the Independent Assessor (OIA) was established to address issues of councillor conduct, ensuring an independent, consistent, and sector-wide approach to accountability. As these matters may no longer fall within the OIA's remit, there is now no clear indication of how they will be assessed or what oversight mechanisms will safeguard against inconsistent or politicised handling.

While removing the conduct breach category may reduce administrative burden and filter out minor complaints, it also creates a significant risk that inappropriate behaviour—whether a single incident or the early signs of a pattern—may no longer be captured or addressed under the revised framework, slipping through the cracks entirely.

Without an explicit mechanism to address conduct below the threshold of misconduct, it remains uncertain how these concerns will be managed or what independent oversight, if any, will apply. This uncertainty may discourage complainants from reporting behaviour they perceive as falling short of misconduct. This is particularly problematic because misconduct generally requires sustained, systemic, or repeated behaviour. If initial incidents are not reported because no suitable pathway exists, establishing or investigating a pattern becomes significantly more difficult. As a result, problematic conduct may continue unchecked until it escalates to more serious levels.

Importantly, behavioural expectations within local government should be applied consistently across both councillors and staff.

Our communities expect all council representatives—elected or appointed—to demonstrate professionalism, respect, and integrity in all settings, whether in public or behind closed doors. When the conduct framework fails to uphold these shared standards, we undermine confidence in the entire sector.

The present framework has demonstrated that councillors often struggle to interpret and consistently apply the rules governing prescribed and declarable conflicts of interest. These proposed changes, however, introduce new concerns that may further complicate compliance and weaken the integrity of the decision-making process.

I believe a fundamental principle must be preserved: councillors shouldn't be able to avoid declaring a conflict simply because they're not the final decision-maker. Conflicts are present at any point in the decision-making process—whether staff exercise delegated authority or prepare recommendations for council consideration. A councillor with a Material Personal Interest must manage that conflict at every stage, not only during formal meetings. Influence can be exerted, intentionally or otherwise, until the conflict no longer exists.

Currently, *Section 150EP (1)(d) of the Act* recognises the risk of persons closely connected to the councillor as related parties. The proposed reforms omit this clause and substitute it with a much narrower definition confined to select specific personal relationships and direct economic interests. This reduction overlooks the reality that significant personal, social, or financial relationships may exert more influence over a councillor's judgement than some of the relationships that remain expressly included. Broader protections are needed to encompass substantial associations that could reasonably give rise to perceived or actual influence.

Maintaining transparency is essential in conflict declarations. The existing requirements mandated under *Section 150EQ (4) of the Act* ensure that declarations contain enough detail for the public, staff, and fellow councillors to understand the nature of the conflict. Removing these core conditions risks weakening transparency and could obscure significant conflicts through vague or incomplete disclosures.

Further issues arise from restricting conflict-of-interest obligations to statutory meetings only. The proposed involvement of councillors in senior executive recruitment panels clearly highlights this risk. Councillors should be required to declare and manage conflicts whenever they arise in the course of their duties—not just in formal meetings. Without such requirements, the potential for improper influence increases substantially. Allowing councillors to self-assess and manage their own interests without sufficient oversight mechanisms, whilst mandating councillor involvement in senior management recruitment, exposes further risk areas.

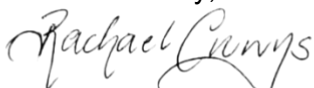
The purpose of transparency is twofold: it protects councillors from allegations of breach of duty and preserves the integrity of decisions. Weakening these measures benefits neither the sector nor the community.

At present, *Section 150EZ of the Act* prohibits councillors with a conflict from attempting to influence decision-makers. The proposed amendments do not adequately address how improper influence can occur outside statutory meetings. The reality is that influence is not confined to the council chamber; it can be exerted in informal conversations, during briefings or workshops, through emails, or in casual interactions. A conflict of interest exists regardless of the setting, and so too does the potential for influence. Without retaining explicit prohibitions on attempts to influence decision-making participants in any context, there is no adequate safeguard to prevent councillors from exerting undue pressure despite a publicly declared conflict.

This lack of clarity isn't transparent, and it certainly won't reassure the public. Instead, it will further erode confidence in how local government makes decisions—and we can't afford to lose more trust than we already have.

I thank the committee for its consideration and ask that it consider these concerns and recommend amendments that strengthen accountability, preserve the separation of powers, and ensure the transparency our communities deserve.

Yours faithfully,



Cr Rachael Cruwys

Central Highlands Regional Council