

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

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Palm Island Aboriginal Shire Council

Submission

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Section 1

Opening Positioning Statement

Palm Island Aboriginal Shire Council welcomes the opportunity to provide this submission on the Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025. We acknowledge the Bill as a significant step forward in realising the commitments made under the Equal Partners in Government Accord, and we commend the Queensland Government — particularly the leadership of Premier David Crisafulli and Minister Fiona Simpson — for translating the spirit of the Accord into tangible legislative reform.

This Bill reflects a long-awaited recognition of the unique governance realities and aspirations of Queensland’s 17 First Nations councils. In particular, we welcome the inclusion of provisions to clarify Indigenous local government rating powers and to establish a framework for future rating systems. These reforms are not merely technical; they are foundational to the economic empowerment, autonomy, and long-term sustainability of Indigenous local governments.

We also wish to acknowledge the pivotal role played by Mayor Alf Lacey in the development and achievement of the Accord. His decades-long advocacy for Indigenous-led governance, economic justice, and a seat at the decision-making table has been instrumental in shaping this moment. As Mayor Lacey has stated, this is not only about the present — it is about “the next generation in our communities... determining our own future”.

Palm Island stands as a living model of legacy-building, economic empowerment, and culturally grounded governance. Our council continues to lead with integrity, vision, and deep accountability to our people. These values are embedded in our Corporate Plan 2026–2031 (Draft), which sets out a bold agenda for generational change, wealth retention, and community-led development. We approach this Bill not only as a legislative reform, but as an opportunity to co-design a future in which Indigenous councils are empowered to govern with clarity, confidence, and community trust.

In this submission, we offer constructive feedback and forward-looking recommendations to ensure that the proposed rating framework is fit-for-purpose, culturally responsive, and capable of delivering real outcomes for our community and others like it.

Section 2

General Support for the Bill

Palm Island Aboriginal Shire Council supports the overarching intent of the Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025. The Bill reflects a welcome return to trust in local government, and a recognition that councils — particularly those in remote and Indigenous communities — are best placed to lead local solutions.

We acknowledge the following reforms as beneficial not only to Palm Island, but to the broader local government sector:

Governance and Leadership Clarity:

- Reinstating councillor-led appointment panels and confirming mayors as default chairs and spokespeople restores local autonomy and accountability.

Simplified Conflict of Interest and Conduct Frameworks:

- Reverting to the 2013–2018 model reduces administrative burden and confusion.

Red Tape Reduction:

- Streamlining annual reporting and postal ballot processes, and enabling decisions during caretaker periods in disaster contexts, eases compliance pressures.
- Allowing councils to make decisions during caretaker periods in response to natural disasters is a pragmatic and necessary reform — especially relevant to disaster-prone communities like Palm Island.

Councillor Entitlements and Electoral Reforms:

- Clarifying leave entitlements, remuneration, and automatic vacancy rules improves transparency and succession planning, and reduces the burden of administrative risk.
- Allowing candidates to use non-residential contact details and adjusting ward review timelines supports fairer and more accessible participation.

These reforms align with Palm Island’s draft Corporate Plan 2026–2031, which calls for strengthened governance, streamlined compliance, and empowered local leadership as foundations for long-term community wellbeing.

Section 3

Section 3a - Indigenous Local Government Rating Framework

Palm Island Aboriginal Shire Council strongly supports the inclusion of provisions in the Empowering Councils Bill 2025 that clarify the ability of Indigenous local governments to levy rates and introduce a framework for future rating systems. This reform speaks directly to the commitments made under the Equal Partners in Government Accord, which recognises the right of First Nations councils to govern with clarity, authority, and cultural legitimacy.

As articulated in our Corporate Plan 2026–2031 (Draft), Palm Island is committed to building a future where our community has the tools to shape its own destiny — through intergenerational wealth creation, sustainable service delivery, and a governance model grounded in cultural strength. The ability to levy rates is not merely a technical function; it is a foundational lever for economic empowerment, local decision-making, and long-term financial sustainability.

We offer the following observations and recommendations to ensure the proposed framework is both fit-for-purpose and capable of delivering equitable outcomes:

1. Clarity and Certainty in Rating Powers

For too long, Indigenous local governments have operated in a climate of legislative ambiguity regarding their ability to levy rates — particularly on DOGIT land and other forms of community title. This uncertainty has constrained our ability to plan, budget, and engage in long-term financial forecasting.

The Bill’s clarification of rating powers is a welcome first step. However, it is essential that the accompanying framework provides:

- Clear legislative authority for rating across all land tenures, including community leasehold and social housing arrangements
- Guidance on implementation, including model policies and legal support
- Recognition of the unique governance and tenure contexts in Aboriginal and Torres Strait Islander communities

This aligns with our Corporate Plan’s call for “fit-for-purpose legislative and regulatory settings that enable culturally grounded governance and financial resilience.”

2. Enabling Economic Empowerment and Home Ownership Pathways

Palm Island is preparing to launch the Rent-to-Buy Home Ownership Scheme on 1 July 2026 — a landmark initiative delivered in partnership with the Queensland State Government, designed to support intergenerational wealth creation, housing security, and community pride.

The success of this scheme will only be strengthened by council’s ability to:

- Levy and manage rates in a way that is transparent, equitable, and culturally appropriate
- Support new homeowners with clear information about rating obligations and entitlements
- Integrate rating systems with broader housing and land administration reforms

The proposed legislative amendments offer a timely opportunity to align rating powers with emerging models of Indigenous home ownership. We urge the State to ensure that the rating framework actively supports — rather than complicates — these pathways.

3. Equity in Determination and Treatment

The principle of equity must underpin all aspects of the rating framework. Aboriginal and Torres Strait Islander communities deserve the same legislative clarity, financial tools, and governance levers as their mainstream counterparts. This includes:

- Equal standing in rating determinations, including the ability to set, collect, and manage rates in accordance with local priorities
- Access to transitional support to build internal capacity and community understanding
- Recognition of the additional complexity Indigenous councils face in balancing cultural, legal, and economic considerations

Equity is not sameness — it is about ensuring that Indigenous councils have the tools and flexibility to meet their communities where they are, and to grow from there.

As the Accord affirms, “First Nations councils are governments in their own right.” Equity in rating powers is a necessary condition for realising that principle in practice.

4. Financial Sustainability and Local Decision-Making

The ability to levy rates is a cornerstone of local government autonomy and sustainability. For Palm Island, rating powers would enable:

- Diversification of revenue beyond grant dependency
- Investment in infrastructure and services aligned with community priorities
- Transparent cost recovery for waste, water, and other essential services
- Support for long-term financial planning, including asset renewal and housing growth

We urge the State to ensure that the rating framework:

- Enables councils to rate their own properties where appropriate
- Supports flexible models that reflect local economic conditions
- Includes ongoing technical and legal support for implementation

This reform is not just about revenue — it is about restoring the full suite of governance tools to Indigenous councils, so we can deliver on the aspirations of our people and the commitments of the Accord.

Section 3b - Governance and Leadership Provisions

Palm Island Aboriginal Shire Council supports the Bill's intent to clarify and strengthen governance roles within local government. The proposed amendments — particularly those confirming the mayor as chairperson and spokesperson, and reinstating councillor-led appointment panels for senior executives — are welcome reforms that restore local authority and reinforce democratic accountability.

These changes are especially significant for remote Aboriginal councils, where governance structures must balance cultural authority, community expectations, and legislative compliance — often under intense scrutiny and with limited resourcing.

We offer the following reflections and recommendations:

1. Reinforcing Councillor Empowerment and Oversight

The Bill's confirmation of the mayor as chairperson and spokesperson, and the reinstatement of councillor-led appointment panels for senior executives, are critical to ensuring that elected representatives retain meaningful oversight of organisational direction.

In remote Aboriginal councils, where the line between administrative and cultural leadership is often blurred, it is essential that governance structures:

- Protect the decision-making role of councillors, particularly in relation to strategic planning, financial oversight, and community engagement
- Prevent overreach by administrative officers, especially in contexts where structural or geographic isolation may limit external scrutiny
- Support culturally safe governance models, including shared leadership and community-informed decision-making

These reforms align with Palm Island's Corporate Plan 2026–2031 (Draft), which commits to “strengthening governance systems that reflect both legislative integrity and cultural accountability.”

2. Activating Existing CEO and Governance Support Pathways — By Default, Not Exception

Queensland already offers a suite of high-quality governance and leadership supports for local government CEOs and senior executives — including mentoring, secondments (Council2Council), peer learning, and targeted capability programs. These resources are well-designed and highly valued across the sector.

However, in practice, access to these supports is often contingent on CEO initiation, which can create a structural blind spot — particularly in councils where governance arrangements are fragile or where elected members have been sidelined from key decision-making processes.

To ensure that the principles of the Empowering Councils agenda are fully realised, we recommend:

- Default activation of governance support pathways for all Indigenous councils, with opt-out rather than opt-in mechanisms
- Formalised relationships between support providers and mayors/councillors, not just CEOs
- Regular governance health check-ins involving both administrative and elected leadership
- Protocols for early intervention, where governance risks are identified or where councillor oversight is being structurally undermined

This approach would not only strengthen governance resilience across the sector — it would also honour the Accord’s commitment to “shared responsibility and mutual accountability between the State and First Nations councils.”

3. Strengthening Governance Resilience Across the Sector

While Palm Island Aboriginal Shire Council has benefited from strong partnerships and high-quality governance support, we recognise that structural governance risks can still emerge — particularly in remote and high-pressure environments where councils are navigating complex cultural, legal, and operational responsibilities.

Rather than framing these risks as failures, we see them as opportunities to strengthen resilience, share what works, and ensure that all Indigenous councils have access to the tools and relationships they need to govern with confidence.

We recommend that the State:

- Support councils to review and refine governance structures, with a focus on clarity, sustainability and councillor empowerment
- Embed early intervention and capability-building, rather than relying solely on reactive compliance measures
- Co-design governance support tools and protocols with Indigenous councils, drawing on lived experience and successful models already in place

These measures would give effect to the Accord’s commitment to “strengthening the capacity of First Nations councils to govern effectively and sustainably,” while also recognising and reinforcing the good work already being done across the sector.

Section 3c - Conflict of Interest and Conduct Framework

Palm Island Aboriginal Shire Council supports the Bill’s intent to simplify and clarify the management of conflicts of interest and councillor conduct. The proposed return to the 2013–2018 framework offers a more navigable and proportionate approach, particularly for councils operating in complex or resource-constrained environments.

While we welcome these reforms, we also note the unique challenges faced by small, close-knit communities — especially in remote Aboriginal contexts — where elected members are often among the most active and visible contributors to community life.

In communities like Palm Island:

- Councillors frequently hold multiple roles — as sporting leaders, business owners, cultural authorities, or members of other governance bodies
- The interconnectedness of community life makes it difficult to avoid perceived or potential conflicts, even when councillors act with full integrity
- The burden of navigating compliance can fall disproportionately on those who are most engaged in community development

We therefore encourage the State to ensure that the conflict of interest and conduct frameworks:

- Recognise the realities of small-community governance, where complete separation of roles is often neither feasible nor desirable
- Support councillors to navigate their roles with integrity and transparency, without diminishing their authority or autonomy
- Provide culturally safe guidance and training, tailored to the lived experience of Aboriginal and Torres Strait Islander councillors
- Enable early, informal resolution pathways, to prevent escalation of minor or unintended breaches

These reforms should not only uphold the principles of good governance — they should also empower councillors to lead confidently and visibly within their communities, without fear of disproportionate sanction or reputational harm.

Section 3d – Caretaker Period Flexibility

Palm Island Aboriginal Shire Council supports the proposed amendment to allow councils to make decisions during the caretaker period where those decisions relate to disaster recovery. This is a pragmatic and necessary reform that reflects the operational realities of councils — particularly those in disaster-prone regions like ours — where cyclone season often coincides with election timelines.

The ability to act swiftly and decisively in the face of natural disasters is not a political privilege — it is a governance responsibility. Councils must be empowered to:

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- Authorise urgent procurement or repairs
 - Mobilise recovery resources
 - Communicate clearly with community members during high-risk periods

This reform aligns with Palm Island’s Corporate Plan 2026–2031 (Draft), which commits to “ensuring continuity of essential services and infrastructure during periods of disruption, including natural disasters and emergencies.”

We also encourage the State to consider extending this flexibility to other emergency contexts, including:

- Public health emergencies
- Critical infrastructure failures
- Community safety risks that require immediate response

In all cases, the principle should be clear: local leadership must be trusted to act in the best interests of their communities, even during politically sensitive periods. The caretaker period should not become a barrier to safety, service continuity, or timely recovery.

Section 3e – Electoral and Representation Provisions

Palm Island Aboriginal Shire Council supports the Bill’s proposed amendments to electoral processes and representation reviews. These reforms — including the ability for candidates to use non-residential contact details, adjustments to ward/division review timelines, and clarification of eligibility and vacancy rules — are practical, proportionate, and responsive to the realities of local government in Queensland.

We particularly welcome the ability for candidates to nominate using non-residential addresses. In small communities, where personal and political lives are deeply intertwined, this reform enhances candidate safety, privacy, and participation — especially for women, emerging leaders, and young people stepping into public life for the first time.

We also acknowledge the importance of clear succession rules, including automatic vacancy upon nomination for State Parliament. These provisions support leadership continuity and reduce ambiguity during transitions.

In the context of Palm Island, we offer two additional reflections:

1. Representation Equity and the Potential for Ward Systems

Palm Island is home to a richly diverse community, comprising both recognised Traditional Owners and the descendants of many Aboriginal and Torres Strait Islander peoples who were forcibly relocated to the island under historical legislation. While the community has demonstrated remarkable cohesion and mutual respect, there are natural patterns of settlement and kinship that shape local identity and representation.

To ensure that council composition continues to reflect the full breadth of community voices — including the voices of younger generations — we encourage the State to:

- Explore the potential for optional ward systems in Indigenous councils, including Palm Island, where appropriate
- Support community-led consultation on representation models that balance cultural cohesion with democratic equity
- Ensure that representation reviews are culturally informed, not just population-based

This aligns with our Corporate Plan 2026–2031 (Draft), which commits to “leading for the next generation” and ensuring that governance structures reflect the diversity, aspirations, and leadership potential of all community members.

2. Strengthening Enrolment and Participation in Remote Communities

We also urge the State to prioritise voter enrolment, education, and access in remote Aboriginal communities. Despite high levels of civic engagement and community leadership, structural barriers continue to suppress participation — including:

- Low enrolment rates, particularly among young people
- Limited access to voting services, especially for those without fixed addresses or digital access
- Lack of culturally relevant voter education materials

We recommend that the State:

- Resource and partner with Indigenous councils and community organisations to boost enrolment and turnout

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- Ensure mobile and flexible voting options are available and well-communicated
 - Develop culturally tailored voter education campaigns, co-designed with local leaders and youth mentors

These reforms would give practical effect to the Accord’s commitment to “strengthening the voice of First Nations peoples in all levels of government,” while also advancing Palm Island’s vision of elevating future generations into leadership roles and building a governance culture that is intergenerational, inclusive, and future-focused.

Section 4 – Recommendations

Palm Island Aboriginal Shire Council offers the following recommendations to strengthen the implementation and impact of the Local Government (Empowering Councils) and Other Legislation Amendment Bill 2025.

These proposals are grounded in our lived experience as a remote Aboriginal council, and aligned with our Corporate Plan 2026–2031 (Draft) commitment to legacy-building, intergenerational leadership, and culturally grounded governance.

Indigenous Rating Framework

- Co-design the rating framework with First Nations councils to ensure it reflects diverse tenure, governance, and economic contexts.
- Legislate clear authority for Indigenous councils to rate across all land tenures, including DOGIT and community leasehold.
- Provide transitional funding and technical support to implement rating systems, including legal advice, community engagement, and financial modelling.
- Ensure the framework supports emerging home ownership models, including Palm Island’s Rent-to-Buy Scheme (commencing 1 July 2026).
- Embed equity as a core principle, ensuring Indigenous councils have the same rating powers and financial tools as mainstream councils.

Governance and Leadership

- Reinstate councillor-led appointment panels and confirm mayoral leadership roles, as proposed in the Bill.
- Activate existing CEO and governance support pathways by default, not only at CEO request.

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- Formalise relationships between support providers and elected members, with regular governance health check-ins.
 - Develop early intervention protocols for councils experiencing structural governance risks, including disempowerment of elected members.

Conflict of Interest and Conduct

- Support the simplified framework; while ensuring it is culturally safe and context-aware for small, interconnected communities.
- Provide tailored training and guidance to help councillors navigate multiple community roles with integrity and confidence.
- Enable informal resolution pathways to prevent escalation of minor or unintended breaches.

Caretaker Period Flexibility

- Support the disaster recovery exemption and extend similar flexibility to other emergency contexts (e.g. public health, infrastructure failure).
- Trust local leadership to act in the best interests of their communities during politically sensitive periods.

Electoral and Representation

- Support candidate privacy reforms and succession clarity.
- Explore optional ward systems for Indigenous councils, including Palm Island, to ensure equitable representation across diverse community groups.
- Strengthen voter enrolment and participation, especially among young people, through culturally tailored education and mobile voting access.
- Align representation reviews with cultural and community realities, not just population metrics.

Section 5 – Closing Statement

Palm Island Aboriginal Shire Council welcomes this Bill as more than a legislative reform — we see it as a signal of trust, a platform for equity, and a step toward a future where First Nations councils are empowered to lead with clarity, confidence, and cultural authority.

This submission has outlined practical recommendations to strengthen the Bill’s implementation, grounded in our lived experience and aligned with our Corporate Plan 2026–2031 (Draft) — a plan that commits to legacy-building, intergenerational leadership, and governance that reflects the strength and diversity of our people.

We acknowledge the leadership of Mayor Alf Lacey and others in securing the Equal Partners in Government Accord, and we commend the Queensland Government for honouring that commitment through this Bill. But the work does not end here.

We encourage the State to continue walking alongside all 17 First Nations councils — not as stakeholders, but as partners in government — to co-design the systems, supports, and legislative frameworks that will carry our communities forward.

At the same time, we reaffirm our place within the broader Queensland local government community. We share with our fellow councils a commitment to good governance, community service, and local leadership that is responsive, resilient, and future-focused. The reforms in this Bill — from conflict of interest simplification to disaster recovery flexibility — will benefit councils across the state, and we stand in solidarity with our peers in ensuring their successful implementation.

Palm Island stands ready to lead, to collaborate, and to model what is possible when Indigenous local governments are empowered not just to deliver services, but to shape futures.

We thank you for the opportunity to contribute to this important reform, and we look forward to working together to bring its promise to life — for our people, for our sector, and for the generations to come.