

Code of Conduct for Councillors in Queensland

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1. Application

This Code of Conduct for Councillors in Queensland (the Code), made by the Minister for Local Government (the Minister) under the *Local Government Act 2009*, is to be read as a values-based statement of the standards expected of councillors in the exercise of public office.

It does not replace legislative obligations, limit lawful expression, or displace the statutory frameworks established under Queensland law. This Code applies to Queensland local government elected and appointed councillors at all times when councillors are performing official duties including when they are representing their local government at meetings, conferences, training events, on business trips and attending work related events.

2. Purpose of the Code of Conduct

Under section 150D of the *Local Government Act 2009*, the Minister must make a Code of Conduct stating the standards of behaviour expected of councillors in the performance of their official responsibilities as elected representatives. The Code may also include any matters the Minister considers necessary to support, give effect to, or clarify those standards.

Before assuming public office, councillors are required to make a declaration of office and to commit to upholding the local government principles and the obligations of councillors under section 169 of the *Local Government Act 2009* and section 169 of the *City of Brisbane Act 2010*, as well as the standards set out in this Code.

This Code sets out the principles and standards of behaviour required of councillors when carrying out their roles, responsibilities and obligations as elected representatives. Elected members are expected to act within, and abide by, council's adopted policies, procedures and resolutions.

This Code supports effective governance by setting clear standards of behaviour that promote public trust and uphold the honour of elected office, this includes treating people in a reasonable, just, respectful and non-discriminatory way. Failure to meet these standards risks undermining public confidence and the reputation of local government.

3. Human rights and democratic freedoms

This Code must be interpreted consistently with the *Queensland Human Rights Act 2019* and Australia's system of representative and responsible government, including the implied freedom of political communication recognised by the Australian Constitution. Nothing in this Code is intended to restrict lawful political expression, robust debate, criticism or dissent. This Code regulates conduct in the exercise of public power, not the content of political opinion.

4. The Local Government Principles and Standards of Behaviour

Councillors are entrusted with public authority by local government elections. In exercising that authority, councillors are required to act in a manner consistent with the local government principles that underpin Queensland's system of local government.

This Code reinforces the standard of behaviour expected of councillors and provides clear, consistent guidance to support ethical conduct, while clearly distinguishing specific behavioural standards from the local government principles that guide elected representatives in performing their official roles.

These principles are:

1. Transparent and effective processes, and decision making in the public interest
2. Sustainable development and management of assets and infrastructure, and delivery of effective services
3. Democratic representation, social inclusion and meaningful local government community engagement
4. Good governance of, and by, local government
5. Ethical and legal behaviour of councillors, local government employees and councillor advisors.

For each principle, this Code sets out examples of behaviours that demonstrate how the principles may be applied in practice.

4.1 Make accountable and transparent decisions

Councillors are expected to accept responsibility for decisions and actions, support open and transparent decision making, in the public interest. For example:

- Participate in local government meetings in person or take part by audio link or audio-visual link under circumstances permitted by the local government.
- Review reports and previous meeting minutes before local government meetings.
- Partake in decision making and support decisions being made in a meeting open to the public except where closing the meeting is permitted by law.
- Act in accordance with the law and the local government policies and decisions.
- Manage material personal interests and conflict of interests in the public interest as required by law.
- Maintain an accurate register of interest for councillors and their related persons through timely updates and appropriate declarations.
- Make decisions in the public interest.

4.2 Support sustainable development, infrastructure and services

Councillors are expected to make decisions for the wellbeing of the whole local government area, having regard to long term planning and the responsible use of public resources. For example:

- Manage local government resources effectively, efficiently and economically.
- Support sustainable management strategies and corporate planning.
- Exercise leadership in service delivery through local government community planning.
- Adopt a strategic, long-term view when planning and considering the impacts on the future.

4.3 Provide fair representation, social inclusion and local government community involvement

Councillors are expected to exercise public authority in a manner that is fair, inclusive and consistent with relevant legislation, recognising the diverse views and experiences within the local government community. For example:

- Treat councillors, local government employees and members of the public with fairness and respect.
- Engage in respectful debate and disagreement in a way that does not involve harassment, intimidation or discrimination.
- Consider other people's rights, obligations, cultural differences, safety, health and welfare.
- Accept and value differences of opinion.

4.4 Practise good governance

Councillors are expected to respect democratic processes, collective decision making and the lawful operation of local government within Queensland. For example:

- Respect fellow councillors and the outcomes of lawful council decisions.
- Maintain a clear separation of boundaries between the elected arm and administrative arm of local government.
- Support procedures for keeping accurate, concise and accessible records about local government decisions.
- Respect different views in democratic decision making.

4.5 Behave ethically and legally

Councillors are expected to exercise public authority honestly, lawfully and ethically, placing the public interest above personal interests. For example:

- Commit to the highest ethical standards while undertaking official duties.
- Act in good faith and in a fair and honest way.
- Use information obtained as a councillor responsibly, ensuring confidentiality is maintained and information is not used to gain an advantage for the councillor or someone else or cause detriment to the local government.
- Use inside information with integrity and ensure it is not used for personal gain or to cause detriment to others, including not using it to influence the purchase or sale of assets.
- Do not direct local government employees except where it is allowed by law.
- Treat others with respect and maintain a workplace free from sexual harassment, including avoiding unwelcome behaviour or remarks of a sexual nature.
- Maintain respectful and professional conduct.

5. Councillors' responsibility for raising complaints about conduct matters

This Code exists to support councillors to lead in an honest, fair and responsible way and maintain Queensland's system of local government. Where those standards are not met, the law provides clear procedures to protect public confidence in the lawful functioning of local government.

Non-compliance with this Code may give rise to a complaint against a councillor's conduct that may lead to investigation and possible disciplinary action, if found to have engaged in unsuitable meeting conduct, misconduct or corrupt conduct. The definition for these types of conducts is set out in the *Local Government Act 2009*.

5.1 Unsuitable meeting conduct

Unsuitable meeting conduct by a councillor is managed in the council meeting by the chairperson who may impose disciplinary action. Unsuitable meeting conduct by the chairperson is managed by the other councillors present at the meeting who may impose a reprimand order by resolution.

5.2 Misconduct

If a local government official (mayor, councillor or chief executive officer) becomes aware of information indicating a councillor may have engaged in misconduct they must notify the Independent Assessor (the Assessor) as required by law.

A complaint about the conduct of a councillor must be reported to the Assessor within one year from when the conduct occurred, or within six months after the conduct comes to the knowledge of the complainant but within two years after the conduct occurred. These time limitations do not reflect the fact that the Assessor can look at a matter received late due to exceptional circumstances.

5.3 Corrupt Conduct

If a person becomes aware of suspected corrupt conduct by a councillor, it should be reported to the Queensland Crime and Corruption Commission or the Queensland Police Service. There is no time limit for reporting of corrupt conduct under the law.

It is important for councillors to understand that serious, repeated or systemic failures to meet the standards of the local government principles and this Code may lead to ministerial intervention under the law.

More Information

Further resources about the Councillor Conduct Framework can be found on the Department's website or on LG Central.

For any further enquiries on this matter please contact the department via email:

lgdcapability@dlgww.qld.gov.au