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

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable Ann Leahy MP, Minister for Local Government and Water and Minister for Fire, Disaster Recovery and Volunteers

Title of the Bill

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

Objectives of the Amendments

Local government amendments

The objectives of the amendments are to:

- provide a regulation-making power to prescribe additional persons as 'related parties' for the purposes of the new conflicts of interest framework;
- insert transitional provisions for amendments in the Bill to the *Local Government Electoral Act 2011* (LGEA) about training requirements, election material and postal ballot applications;
- clarify the scope of document disclosure requirements for Brisbane City Council (BCC) and insert amendments to the *Right to Information Act 2009* (RTI Act) to provide that documents of BCC's Establishment and Coordination Committee are exempt information for a period of ten years; and
- make minor amendments to the local government employee superannuation provisions in the *Local Government Act 2009* (LGA) and the Local Government Regulation 2012 (LGR) to align with the *Treasury Laws Amendment (Payday Superannuation) Act 2025* (Cwlth) (Payday Act) which is scheduled to commence on 1 July 2026.

Amendments related to blue card system

Chapter 8, part 6, division 8A of the *Working with Children (Risk Management and Screening) Act 2000* (WWC Act) helps support the chief executive (working with children) in discharging their functions to administer the blue card system, as the chief executive (working with children) requires information from a range of entities in order to accurately assess whether a person poses a risk to the safety of children.

A key entity who holds information relevant to a blue card assessment is Queensland's Early Childhood Regulatory Authority (ECRA). ECRA currently shares a range of information with the chief executive (working with children) in relation to disciplinary action taken or prohibition notices which are issued.

The Education and Care Services National Law (Queensland) (National Law)[1], which establishes a national education and care services quality framework for the delivery of education and care services to children, includes a general information sharing provision and places a duty of confidentiality on persons exercising functions under the National Law. Further, the Application Act currently limits the information ECRA must disclose to the chief executive (working with children) to information about certain types of disciplinary action or a prohibition notice.

In November 2025, the National Law was amended to, amongst other things, provide that the regulatory authorities in each jurisdiction may direct:

- an approved provider to suspend the provision of education and care by a staff member (other than a family day care educator) or volunteer, and suspend the provision of education and care by a nominated supervisor (suspension directions);
- an approved provider to ensure a staff member (other than a family day care coordinator) or volunteer is directly supervised while providing education and care (supervision direction); and
- a nominated supervisor, staff member or volunteer to complete training (training direction).

These amendments to the National Law commenced on 27 February 2026.

The expansion of powers under the National Law means it is necessary to ensure ECRA can share with the chief executive (working with children) information about the making of a suspension direction, supervision direction or training direction, or any other information which may be directly relevant to whether a person poses a risk to the safety of children.

The objective of the amendments to the WWC Act is to ensure there is the legislative basis to facilitate this information sharing.

[1] The National Law is applied as a law of Queensland by the *Education and Care Services National Law (Queensland) Act 2011* (Application Act)

Achievement of the Objectives

Local government amendments

Facilitate the inclusion of additional 'related parties' – conflicts of interest framework

Clauses 24 and 107 of the Bill replace the current conflicts of interest framework for councillors in the *City of Brisbane Act 2010* (COBA) and the LGA with a new framework for dealing with the personal interests of councillors.

Submissions on the Bill to the Local Government, Small Business and Customer Service Committee (Parliamentary Committee) raised concerns about the scope of the definition of 'related party' in the Bill, suggesting that it should include a councillor's intimate and financial relationships.

The objective of the amendments is achieved by inserting a regulation-making power in the definition of 'related party' in clauses 24 and 107 of the Bill (new section 177E of the COBA and new section 150EH of the LGA), consistent with the regulation-making power in the proposed definition of 'associate' under the revised framework. This will provide the necessary flexibility to address future issues by adding persons to the definition of 'related party' if deemed necessary.

Transitional provisions for *Local Government Electoral Act 2011* amendments - training requirements, election material and postal ballot applications

The Electoral Commission of Queensland (ECQ), in its submission on the Bill to the Parliamentary Committee, stated that the absence of transitional provisions for the LGEA amendments could present challenges in the event the amendments commenced during a local government by-election.

Training requirements

Currently, section 26(2) of the 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.

The Bill empowers incumbent councillors (including mayors) by only requiring new candidates to complete the mandatory candidate training under the LGEA, not sitting councillors nominating for re-election who have previously completed the candidate training. As such, clause 134 of the Bill amends section 26(2) to also provide that a person may be nominated as a candidate for an election if the person is a councillor:

- who has, at any time, successfully completed the current required training course; and
- whose office has not, before the nomination day for the election, become vacant under section 162 of the COBA or the LGA.

The ECQ notes that a by-election could already be underway at the time the amendments commence. If the new requirements come into effect in the middle of the period allowed for nominations, an inequitable situation could arise between candidates who nominate at the beginning of the period and candidates who nominate towards the end of the period. Further, two different nomination forms could apply for the same by-election, requiring critical system upgrades and causing risk to the delivery of the by-election and inconvenience to stakeholders.

Election material

Clauses 138 and 139 of the Bill amend sections 177 and 178 of the LGEA respectively 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. The purpose of the amendments is to address safety and privacy concerns raised by local government election candidates and participants and to enhance safeguards for these election candidates and participants.

Instead of requiring the name and address (other than a post office box) of the authorising person, the Bill provides that the following personal particulars must appear or be stated on any advertisement, handbill, pamphlet or notice containing election material (clause 138) or be stated on a how-to-vote card (clause 139):

- the name of the authorising person; and
- the person's address, post office box or other address prescribed by regulation.

The ECQ notes that if the new provisions were to commence during a by-election period, electoral participants would be required to first publish their street address in their election material (before the new provisions commenced) and then change that material for future reprints should they wish to take advantage of the new provisions.

Similarly, in the context of how-to-vote cards, which the ECQ must approve before they are distributed, the lack of transitional provisions may mean that a compliant card for one candidate under the new provisions may not be compliant for another candidate earlier in the by-election period.

Postal ballot applications

The Bill streamlines the process for postal ballot applications by empowering local governments to make applications directly to the Electoral Commissioner for a poll to be conducted by postal ballot, instead of being required to first apply to the Minister.

Clause 135 of the Bill amends section 45AA of the LGEA to provide that a local government may apply directly to the Electoral Commissioner to make a written recommendation to the Minister for a poll to be conducted by postal ballot.

Clause 136 of the Bill amends section 45AB of the LGEA to provide that, for an application by a local government under section 45AA, the Electoral Commissioner must as soon as practicable after the application is made, give the Minister notice of the application; consider the application; make a written recommendation about whether the application should be approved and the reasons for the recommendation; and give the recommendation and reasons to the Minister.

Clause 137 of the Bill amends section 45 of the LGEA to provide that the Minister must consider the Electoral Commissioner's recommendation and decide whether to give a direction that the poll the subject of the recommendation be conducted by postal ballot.

The objective of the amendments in relation to training requirements, election material and postal ballot applications is achieved by inserting transitional provisions that provide for the former (pre-commencement) provisions of the LGEA to continue to apply in relation to a by-election process started, but not ended, before the commencement.

Document disclosure requirements – Brisbane City Council

Clause 22 of the Bill amends section 171 of the COBA to provide that the power to request assistance or information applies to a councillor in relation to 'committee information' only if the councillor is a member of BCC's Establishment and Coordination Committee (the committee). If the councillor is not a member of the committee, section 171(2) and (3) apply only to the extent the 'committee information' relates to a matter that has been finally resolved by the committee.

Clause 23 of the Bill amends section 172 of the COBA in the same way but with respect to the inspection of records of the committee containing 'committee information'.

The Bill defines 'committee information' as information in a document made about, by or for the purposes of the committee, including the following documents:
(a) committee submissions;
(b) committee briefing notes;
(c) committee agendas;
(d) notes of discussions in committee meetings;
(e) committee minutes;
(f) committee decisions; and
(g) a draft of a document mentioned in any of paragraphs (a) to (f).

The Bill defines 'finally resolved', in relation to a matter, to mean:
(a) the Establishment and Coordination Committee has, by resolution, made a final decision about the matter; or
(b) the Establishment and Coordination Committee has decided, or is taken to have decided, the matter in a way prescribed by regulation.

BCC's submission on the Bill to the Parliamentary Committee raised concerns that the proposed definition of 'committee information' is too broad and inconsistent with the intended objective, that is, to provide that certain documents of the committee are to remain confidential so as to enable good decision-making through open and frank discussions between committee members.

The objective of the amendments is achieved by amending clause 13, inserting new clause 13A and omitting clauses 22 and 23 of the Bill to provide that certain documents are to remain confidential to the committee and are not accessible by non-committee councillors under sections 171 or 172 of the COBA (even after a matter has been finally resolved), including:
- interim versions of committee submissions;
- committee briefing notes;
- notes of discussions in committee meetings;

- a document prepared for presentation to the committee; and
- a draft of, or another document prepared for the purpose of, any of the following documents:
  - committee submissions;
  - committee briefing notes;
  - committee agendas;
  - notes of discussions in committee meetings;
  - committee minutes;
  - committee decisions; and
  - a document prepared for presentation to the committee.

The amendments also insert a new definition of 'general committee information' to provide for the documents that are to be available to non-committee councillors under sections 171 or 172 of the COBA once a matter is finally resolved by the committee or BCC. These documents are:

- the version of a committee submission considered by the committee in making a final decision about the matter the subject of the submission;
- committee agendas;
- committee minutes; and
- committee decisions.

Of note, BCC will continue to publish these documents on its webpage in accordance with its existing publication scheme.

The definition of 'finally resolved' in the Bill is amended to reflect that a function of the committee is to consider certain matters before making a recommendation to BCC for a final decision. In such instances, the committee information is not to be disclosed until such time as BCC makes its final decision. Also, the reference in the definition to 'by resolution' is omitted as some decisions of the committee are not made by formal resolution.

In addition, the amendments insert new section 4A into schedule 3 of the RTI Act to provide that 'committee information' is exempt information for a period of 10 years. This means that the information is not available to members of the public or BCC councillors under the RTI Act during this period. Section 18A of the RTI Act (Effect of publication by Cabinet on public interest immunity) is also amended to apply the provisions to the committee.

New section 244A of the COBA is inserted by the amendments to provide civil liability protections for committee members who disclose committee information in good faith under a publication scheme under section 21 of the RTI Act, consistent with the civil liability protections for Ministers under section 22A of the RTI Act in relation to disclosing Cabinet information.

Additional amendments to the COBA provide that councillor requests for assistance or information under section 171, or the inspection of council records under section 172, must relate only to the ward of Brisbane that the particular councillor represents. The proposed restrictions do not apply to the mayor, or to the chairperson of BCC or the chairperson of a committee of BCC if the request or access relates to the role of the chairperson.

BCC's submission on the Bill to the Parliamentary Committee noted that the removal of these restrictions in 2019 led to more requests, many of which BCC has found difficult to process due to limited resources. The reinstatement of the restrictions will assist BCC in providing its

councillors with advice and information that is relevant to representing their local communities in a timely manner.

The amendments provide for all amendments relating to the document disclosure requirements of BCC to commence on Assent.

Local government employee superannuation amendments – alignment with Commonwealth

The Payday Act amends the *Superannuation Guarantee (Administration) Act 1992* (Cwlth) (SGA Act) to incentivise employers to pay superannuation guarantee contributions at the same time as the payment of an employee's salary. The superannuation requirements in the LGA and the LGR must not be inconsistent with the Commonwealth's superannuation legislation.

The objective of the amendments is achieved by:

- aligning the timing of employer superannuation contributions with the new timing of superannuation guarantee contributions as set out in the Payday Act;
- providing that the timing of superannuation contributions will be enforced by the existing penalty of interest payable on overdue superannuation contributions;
- aligning the definition of salary with qualifying earnings as the new earnings base; and
- updating the reference to the charge percentage in the SGA Act.

Amendments related to blue card system

Chapter 8, part 6, division 8A of the WWC Act provides for information sharing arrangements between the chief executive (working with children) and particular entities.

Under the division, information relevant to whether a person poses a risk to the safety of children can be given to the chief executive (working with children), provided the prescribed entity reasonably believes the information may help the chief executive (working with children) perform their main functions under section 8 of the Act. This includes administering the blue card system.

The objective of ensuring there is a legislative basis to facilitate information sharing from ECRA to the chief executive (working with children) will be achieved by:

(a) ensuring ECRA can rely on the information sharing arrangements in chapter 8, part 6, division 8A of the WWC Act to share information with the chief executive (working with children); and
(b) expressly overriding any prohibitions on the disclosure of protected information under section 273 of the National Law, where that information is relevant to whether a person poses a risk to the safety of children.

In effect, the amendments will facilitate the sharing of information relevant to whether a person poses a risk to the safety of children, where ECRA reasonably believes that the information may help the chief executive (working with children) perform their functions under section 8 of the WWC Act, despite any limitations on the disclosure of protected information in the National Law.

The amendments commence on the date of assent to ensure ECRA can share any information necessary with the chief executive (working with children) at the earliest possible time.

Alternative Ways of Achieving Policy Objectives

There are no alternative ways of achieving the policy objectives of the proposed amendments.

Each State and Territory must ensure any superannuation legislation is consistent with Commonwealth legislation relating to superannuation as section 109 of the Australian Constitution provides that Commonwealth law prevails over State law where there is any inconsistency.

Estimated Cost for Government Implementation

There are no anticipated costs for Government in implementing the local government amendments.

Any resource implications associated with the blue card system amendments will be met from within existing budgetary allocations.

Consistency with Fundamental Legislative Principles

The proposed amendments are generally consistent with the fundamental legislative principles (FLPs) set out in the *Legislative Standards Act 1992* (LSA). Potential issues are addressed below.

Rights and liberties of individuals

The FLPs include requiring that legislation has sufficient regard to rights and liberties of individuals (section 4(2)(a) of the LSA).

Abrogation of established statutory rights and liberties

The FLPs require that abrogation of established statute law rights and liberties must be justified.

The amendments reinstate, with minor updates, former schedule 3, section 4A into the RTI Act (revoked in 2019) to provide that the following information related to BCC's Establishment and Coordination Committee (the committee) is exempt information for 10 years after its 'relevant date':

- information brought into existence for the consideration of the committee; and
- information which if disclosed would reveal any consideration of the committee or would otherwise prejudice the confidentiality of committee considerations or operations.

Also, the amendments further amend section 171 (Requests for assistance or information) and section 172 (Inspection of particular records by councillors) of the COBA to provide that councillors who are not members of the committee may only request, access or inspect 'general committee information' relating to a matter that has been finally resolved.

This will ensure that information used for committee deliberations remains confidential to the committee even after a final decision about the matter has been made by the committee, for example, committee briefing notes, notes of discussions in committee meetings, and draft committee submissions and decisions.

The RTI exemption and related amendments above abrogate existing statutory rights to access information.

The departure from the FLP is justified as the amendments recognise that the committee performs similar executive decision-making functions at BCC as the State Cabinet and, therefore, requires similar protections to promote robust and confidential deliberations, leading to sound decision-making.

Abrogation of established statutory and common law rights – public interest immunity

The FLPs require that abrogation of established statute law rights and liberties must be justified. The FLPs also require that legislation should not abrogate common law rights without sufficient justification.

The amendments to section 18A of the RTI Act relate to the publication by BCC's Establishment and Coordination Committee (the committee) of certain information or a decision by the committee to officially publish information contained in a document mentioned in the RTI Act, schedule 3, new section 4A(3) on a regular basis (that is, documents comprised exclusively of exempt information). The amendments provide that the publication by BCC must be disregarded when a decision is being made in a proceeding or process about whether a common law or statutory rule prevents the production or disclosure of information in connection with the committee because the production or disclosure would be contrary to the public interest.

This amendment could be considered to alter the operation of existing common law and statutory rules, and therefore it may abrogate existing common law and statutory rights arising from the application of those rules. However, the amendment does not seek to create a restriction. It maintains the status quo in terms of how public interest immunity operates.

The amendment is justified on the basis that it is necessary to ensure that the publication of committee information does not lead to courts, tribunals and other entities placing less weight on the considerations underpinning committee confidentiality when assessing a claim for public interest immunity in processes or proceedings.

It is intended to clarify that the publication of information by the committee does not derogate from an assessment of public interest privilege that attaches to committee documents.

Immunity from proceedings

Whether legislation has sufficient regard to rights and liberties depends on whether, for example, the legislation does not confer immunity from proceedings or prosecution without adequate justification (section 4(3)(h) of the LSA).

The amendments insert new section 244A into the COBA to provide that a member of BCC's Establishment and Coordination Committee (the committee) does not incur civil liability as a

result of, or in connection with, disclosing committee information in good faith under a publication scheme under section 21 of the RTI Act. The protection is in addition to any other protection given under the COBA or another Act or law, including under section 235 of the LGA, which confers immunity upon State and local government administrators who act honestly and without negligence for acts done, or omissions made, under the COBA, LGA or LGEA.

The amendment is justified on the basis that conferral of immunity is a reasonable and appropriate protection and is consistent with the civil liability protection for Ministers in section 22A of the RTI Act in relation to disclosing Cabinet information. Importantly, the protection is available only if disclosure is in good faith. If liability is prevented from being attached to a committee member, the liability will instead attach to BCC. This safeguard ensures that an aggrieved party will still be able to seek relief.

Institution of Parliament

The FLPs include requiring that legislation has sufficient regard to the institution of Parliament (section 4(2)(b) of the LSA).

Whether a Bill has sufficient regard to the institution of Parliament depends on whether, for example, the Bill allows the delegation of legislative power only in appropriate cases and to appropriate persons (section 4(4)(a) of the LSA); and sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly (section 4(4)(b) of the LSA).

The amendments insert a regulation-making power in the definition of 'related party' in new section 177E of the COBA and new section 150EH of the LGA (clauses 24 and 107 of the Bill) to provide for a person prescribed by regulation to be a 'related party' for the purposes of the operation of the conflict of interest requirements.

Under new section 177C of the COBA (clause 24) and new section 150EF of the LGA (clause 107), a conflict of interest is a conflict between a councillor's personal interests, or the personal interests of a related party of the councillor, and the public interest that might lead to a decision that is contrary to the public interest.

The delegation of legislative power is appropriate to provide the flexibility to prescribe additional persons as 'related parties' where a risk of the requirements being circumvented emerges and the Government is required to rapidly address the risk. The power is subject to the scrutiny of the Parliament through the disallowance process for subordinate legislation.

Consultation

Consultation on the local government amendments was undertaken with Local Government Association of Queensland, Local Government Managers Australia (Queensland), BCC, ECQ and Brighter Super. The proposed amendments are supported.

No external consultation was undertaken in relation to the blue card system amendments.

Notes on provisions

Amendment 1 amends clause 2 of the Bill to provide that the local government employee superannuation provisions (new part 4, division 2A and new part 5, division 2A of the Bill) commence on 1 July 2026.

Amendment 2 amends clause 2 of the Bill as a consequence of Amendment 1 by inserting the necessary paragraph numbering.

Amendment 3 amends clause 13 to update a reference to a subsection in section 171 of the *City of Brisbane Act 2010*.

Amendment 4 amends clause 13 of the Bill to insert, with amendments to better reflect the policy position, the provisions currently at clause 22 of the Bill. The effect of *Amendment 4* is that these provisions commence on Assent, rather than by Proclamation.

Clause 13(3) inserts new section 171(4A) of the *City of Brisbane Act 2010,* renumbered as section 171(5), to provide that section 171(2) and (3) apply to a councillor in relation to committee information only if the councillor is a member of the Establishment and Coordination Committee. If the councillor is not a member of the Establishment and Coordination Committee, section 171(2) and (3) apply only if the information is general committee information and only to the extent that the general committee information relates to a matter that has been finally resolved.

Clause 13(4) amends section 171(5) of the *City of Brisbane Act 2010* to provide that a councillor's request for advice or information under section 171(1) or (2) of the *City of Brisbane Act 2010* is of no effect if the request relates to any ward of Brisbane other than the ward the councillor represents.

Clause 13(5), (6) and (8) update references to subsections in section 171.

Clause 13(7) inserts definitions for 'committee information', 'finally resolved' and 'general committee information' into section 171(10) of the *City of Brisbane Act 2010*, renumbered as section 171(11).

Committee information means information in a document made about, by or for the purposes of the Establishment and Coordination Committee, including the following documents:
(a) committee submissions;
(b) committee briefing notes;
(c) committee agendas;
(d) notes of discussions in committee meetings;
(e) committee minutes;
(f) committee decisions;
(g) a document prepared for presentation to the committee;
(h) a draft of, or another document prepared for the purpose of, a document mentioned in any of paragraphs (a) to (g).

Finally resolved, in relation to a matter, means:
(a) the Establishment and Coordination Committee or council has made a final decision about the matter; or
(b) the Establishment and Coordination Committee has decided, or is taken to have decided, the matter in a way prescribed by regulation.

General committee information means the following committee information:
(a) the version of a committee submission considered by the Establishment and Coordination Committee in making a final decision about the matter the subject of the submission;
(b) committee agendas;
(c) committee minutes;
(d) committee decisions.

The documents defined as general committee information will be available to non-committee councillors under sections 171 or 172 of the *City of Brisbane Act 2010* once a matter is finally resolved.

Amendment 5 inserts new clause 13A(1) which amends section 172(3) of the *City of Brisbane Act 2010* to provide that section 172(1) of the Act does not apply to a record that relates to any ward of Brisbane other than the ward the councillor represents, unless:
- the councillor is the mayor; or
- the councillor is the chairperson of Brisbane City Council and the record is relevant to the councillor performing the role of the chairperson; or
- the councillor is a committee chairperson and the record is relevant to the councillor performing the role of the committee chairperson.

This means that the inspection of council records under section 172 of the *City of Brisbane Act 2010* must relate only to the ward of Brisbane that the councillor represents. The restriction does not apply to the mayor, or to the chairperson of Brisbane City Council or the chairperson of a committee of Brisbane City Council if the record is relevant to the role of the chairperson.

Amendment 5 inserts new clause 13A(2) which inserts new section 172(3A) of the *City of Brisbane Act 2010*, renumbered as section 172(4), to provide that section 172(1) applies in relation to a record of the Establishment and Coordination Committee containing committee information within the meaning of section 171, only if the councillor is a member of the Establishment and Coordination Committee.

If the councillor is not a member of the Establishment and Coordination Committee, section 172(1) applies only to the extent:
- the record is or contains general committee information within the meaning of section 171(11) of the *City of Brisbane Act 2010*; and
- the general committee information relates to a matter that has been finally resolved.

New clause 13A(4) updates references to subsections in section 172 of the *City of Brisbane Act 2010*.

These provisions replicate, with amendments, the provisions currently at clause 23 of the Bill. The proposed amendments at clause 13A will commence on Assent.

Amendment 6 inserts new clause 19A which inserts new section 244A into the *City of Brisbane Act 2010* to provide that a member of Brisbane City Council's Establishment and Coordination Committee does not incur civil liability as a result of, or in connection with, disclosing committee information in good faith under a publication scheme under the *Right to Information Act 2009*, section 21.

Examples of disclosing committee information include publishing committee information on Brisbane City Council's website, and official publication of committee information by decision of the Establishment and Coordination Committee.

If liability is prevented from attaching to a member of the Establishment and Coordination Committee, the liability attaches instead to Brisbane City Council.

The protection given under new section 244A is in addition to any other protection given under the *City of Brisbane Act 2010* or another Act or law, including, for example, the *Local Government Act 2009*, section 235.

Amendment 7 omits clause 22 (Amendment of s 171 (Requests for assistance or information)). These provisions are now contained in clause 13 of the Bill, with amendments, and will commence on Assent.

Amendment 8 omits clause 23 (Amendment of s 172 (Inspection of particular records by councillors)). These provisions are now contained in new clause 13A of the Bill, with amendments, and will commence on Assent.

Amendment 9 amends new section 177E of the *City of Brisbane Act 2010* in clause 24 of the Bill to include 'another person prescribed by regulation' in the definition of 'related party'.

Amendment 10 inserts a new division 2A into part 4 of the Bill.

Clause 71A omits section 220(5) of the *Local Government Act 2009* as it is made redundant by these amendments.

Clause 71B omits section 222 of the *Local Government Act 2009* as it was made redundant by amendments in the *Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024*.

Clause 71C amends section 224 of the *Local Government Act 2009* to provide that interest is payable on superannuation contributions for an employee that are not received by the employee's relevant fund by the end of the seventh business day after the employee's QE day for the contribution, unless an allowable longer period applies.

This aligns the timing of the payment of employer superannuation contributions under the *Local Government Act 2009* with the timing of the payment of superannuation guarantee contributions under the *Superannuation Guarantee (Administration) Act 1992* (Cwlth).

The same exceptions to the standard timing are applied under the *Local Government Act 2009* as under the *Superannuation Guarantee (Administration) Act 1992* (Cwlth) to allow for circumstances such as when an employee commences, or recommences, with an employer or

changes relevant funds, when superannuation contributions relate to out-of-cycle qualifying earnings, or when other exceptional circumstance apply.

Clause 71C inserts definitions for 'allowable longer period' and 'QE day'.

Clause 71D inserts section 364A into the *Local Government Act 2009* to provide transitional arrangements for the amendments made by clauses 71A and 71C. The amendments only apply to superannuation contributions payable in relation to a QE day that is on or after 1 July 2026. This is consistent with the transitional arrangements in the *Treasury Laws Amendment (Payday Superannuation) Act 2025* (Cwlth).

Amendment 11 amends new section 150EH of the *Local Government Act 2009* in clause 107 of the Bill to include 'another person prescribed by regulation' in the definition of 'related party'.

Amendment 12 inserts a new division 2A into part 5 of the Bill.

Clause 122A replaces section 299A of the *Local Government Regulation 2012* to provide a new definition of salary which aligns with the definition of qualifying earnings as the new earnings base under the *Superannuation Guarantee (Administration) Act 1992* (Cwlth). As with the existing definition, the new definition does not capture the maximum contributions base.

Clause 122B removes section 302(2) of the *Local Government Regulation 2012*, as it is made redundant by these amendments, and updates the section reference to the *Superannuation Guarantee (Administration) Act 1992* (Cwlth) in the definition of charge percentage to reflect the change made by the *Treasury Laws Amendment (Payday Superannuation) Act 2025* (Cwlth).

Amendment 13 inserts new clause 139A which inserts new part 11, division 8 into the *Local Government Electoral Act 2011* to provide transitional provisions for the *Local Government (Empowering Councils) and Other Legislation Amendment Act 2025*.

New section 242 of the *Local Government Electoral Act 2011* applies if:

- a notice of an election was published under section 25(1) of the *Local Government Electoral Act 2011* before the commencement; and
- immediately before the commencement, the election period for the election had not ended.

In this circumstance, the transitional provisions provide:

- former section 26 and schedule 1, section 7 of the *Local Government Electoral Act 2011* continue to apply to a person in relation to a nomination as a candidate in the election;
- former sections 45AA, 45AB and 45 of the *Local Government Electoral Act 2011* continue to apply in relation to an application by a local government for a poll to be conducted by postal ballot;
- former section 177 of the *Local Government Electoral Act 2011* continues to apply in relation to election material for the election; and
- former section 178 of the *Local Government Electoral Act 2011* continues to apply in relation to how-to-vote cards for the election.

Amendment 14 inserts new part 6A (Amendment of Right to Information Act 2009) into the Bill.

New clause 140A provides that part 6A amends the *Right to Information Act 2009*.

New clause 140B amends the heading for chapter 1, part 3 to read 'Effect of publication of particular documents on public interest immunity'. The amendment is consequential to the amendments at new clause 140C.

New clause 140C makes various amendments to section 18A to expand its application to include Brisbane City Council's Establishment and Coordination Committee.

New clause 140D inserts new schedule 3, section 4A (Brisbane City Council—Establishment and Coordination Committee information).

New section 4A(1) provides that information of Brisbane City Council's Establishment and Coordination Committee is exempt information for 10 years after its relevant date if:
(a) it has been brought into existence for the consideration of the Establishment and Coordination Committee; or
(b) its disclosure would reveal any consideration of the committee or would otherwise prejudice the confidentiality of committee considerations or operations.

New section 4A(2) provides that subsection (1) does not apply to:
(a) information brought into existence before the commencement of new schedule 3, section 4A; or
(b) information officially published by decision of Brisbane City Council; or
(c) if Brisbane City Council delegates a power to the committee under the *City of Brisbane Act 2010*, section 238 – information relating to the delegation or the power to be exercised under the delegation.

Under new section 4A(3), the following documents are taken to be documents comprised exclusively of exempt information:
(a) committee submissions;
(b) committee briefing notes;
(c) committee agendas;
(d) notes of discussions in committee meetings;
(e) committee minutes;
(f) committee decisions;
(g) a document prepared for presentation to the committee;
(h) a draft of, or another document prepared for the purpose of, a document mentioned in any of paragraphs (a) to (g).

New section 4A(4) provides:
(a) if information in a committee submission, committee agenda, committee minutes or committee decision has been officially published by decision of the committee:
    (i) subsection (3) does not apply to the document; but
    (ii) the document is comprised of exempt information under subsection (1) to the extent the information in the document has not been published; and
(b) subsection (3) applies to committee briefing notes, notes of discussions in committee meetings, a document prepared for presentation to the committee, or a draft of, or another

document prepared for the purpose of, a document mentioned in subsection (3)(a) to (g), despite any publication of information in a committee submission, committee agenda, committee minutes or committee decision.

New section 4A(5) provides that a report of factual or statistical information attached to a document mentioned in subsection (3) is exempt information under subsection (1) only if:

(a) its disclosure would reveal any consideration of the committee or would otherwise prejudice the confidentiality of committee considerations or operations; or
(b) it was brought into existence for the consideration of the committee.

New section 4A(6) provides definitions for 'consideration', 'council', 'draft' and 'relevant date' used in new section 4A.

New clause 140E amends schedule 5 (Dictionary) to provide a definition for 'Establishment and Coordination Committee'.

Amendment 15 inserts new part 6B (Amendment of Working with Children (Risk Management and Screening) Act 2000) into the Bill. Part 6B includes new clauses 140F to 140H.

New clause 140F provides that part 6B amends the *Working with Children (Risk Management and Screening) Act 2000*.

New clause 140G makes a consequential amendment to the heading of chapter 8, part 6, division 8A in the *Working with Children (Risk Management and Screening) Act 2000* to replace the words 'prescribed entity' with 'particular entities', to reflect the insertion of new section 344AAE.

New clause 140H inserts new section 344AAE to facilitate the sharing of information by the regulatory authority under the Education and Care Services National Law (Queensland). It provides that sections 344AAC and 344AAD of the *Working with Children (Risk Management and Screening) Act 2000* apply in relation to the regulatory authority as if a reference in the sections to a prescribed entity was a reference to the regulatory authority. It also provides that section 273(1) of the Education and Care Services National Law (Queensland) does not apply in relation to the giving of protected information by the regulatory authority to the chief executive under section 344AAC or 344AAD.

Amendment 16 amends the long title of the Bill to include the *Right to Information Act 2009* and the *Working with Children (Risk Management and Screening) Act 2000*.