



Queensland

Local Government (Empowering Councils) and Other Legislation Amendment Act 2026

Act No. 5 of 2026

An Act to amend the City of Brisbane Act 2010, the City of Brisbane Regulation 2012, the Local Government Act 2009, the Local Government Regulation 2012, the Local Government Electoral Act 2011, the Right to Information Act 2009 and the Working with Children (Risk Management and Screening) Act 2000 for particular purposes

[Assented to 11 March 2026]



Queensland

Local Government (Empowering Councils) and Other Legislation Amendment Act 2026

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Local Government (Empowering Councils) and Other Legislation Amendment Act 2026*.

2 Commencement

- (1) The following provisions commence on 1 July 2026—
 - (a) part 4, division 2A;
 - (b) part 5, division 2A.
- (2) The following provisions commence on a day to be fixed by proclamation—
 - (a) part 2, division 3;
 - (b) part 3, division 3;
 - (c) part 4, division 3;
 - (d) part 5, division 3;
 - (e) schedule 1, part 2.

Part 2 Amendment of City of Brisbane Act 2010

Division 1 Preliminary

3 Act amended

This part amends the *City of Brisbane Act 2010*.

[s 4]

Note—

See also the amendments in schedule 1, parts 1 and 2.

Division 2 Amendments commencing on assent

4 Amendment of s 18 (Review of wards of Brisbane)

(1) Section 18, ‘council’—

omit, insert—

electoral commission

(2) Section 18(b), ‘electoral commissioner’—

omit, insert—

council

5 Amendment of s 50 (Assessing public benefit)

(1) Section 50(8) and (10)—

omit.

(2) Section 50(9), from ‘the decision,’—

omit, insert—

the decision—

(a) conduct another public benefit assessment of the significant business activity; and

(b) repeat the process relating to a report on the public benefit assessment.

(3) Section 50(9)—

renumber as section 50(8).

6 Replacement of s 92B (Prohibition on major policy decision in caretaker period)

Section 92B—

omit, insert—

92B Prohibition on major policy decisions during caretaker period

The council must not make a major policy decision during a caretaker period for the council.

92BA Approval to make major policy decisions in exceptional circumstances

- (1) This section applies if the council considers that, because exceptional circumstances exist, it is necessary and in the public interest to make a major policy decision during a caretaker period for the council.
- (2) The council may apply to the Minister for approval to make the major policy decision during the caretaker period.
- (3) The Minister may give the approval if the Minister is satisfied that, because exceptional circumstances exist, it is necessary and in the public interest for the council to make the major policy decision during the caretaker period.
- (4) The approval may be given on conditions with which the council must comply.
- (5) Despite section 92B, the council may make the major policy decision in accordance with the approval.

92BB Approval to make major policy decisions related to disaster recovery funding arrangements

- (1) This section applies if—

[s 7]

- (a) during a caretaker period for the council, the City of Brisbane is eligible for assistance under the disaster recovery funding arrangements; and
 - (b) the Minister considers it is necessary for the council to make major policy decisions during the caretaker period to achieve the objectives of the disaster recovery funding arrangements.
- (2) The Minister may give approval to the council to make the major policy decisions.
- (3) The approval may state—
 - (a) the types of major policy decisions that may be made by the council; and
 - (b) that the decisions may be made by the council only in relation to a stated matter.
- (4) The approval may be given on conditions with which the council must comply.
- (5) Despite section 92B, the council may make major policy decisions in accordance with the approval.
- (6) In this section—

disaster recovery funding arrangements means the funding arrangements jointly administered by the State and Commonwealth that are known as the ‘Disaster Recovery Funding Arrangements’.

7 Amendment of s 104 (Approval of budget)

Section 104(2)—

omit.

8 Amendment of s 155 (Disqualification because of other high office)

- (1) Section 155, heading, from ‘because’—

omit, insert—

of government members and electoral candidates

- (2) Section 155(1) and (3), after ‘member’—

insert—

or electoral candidate

- (3) Section 155—

insert—

- (2A) A person is an *electoral candidate* if, under the Electoral Act, section 93(3), the person becomes a candidate for an election of a member of the Legislative Assembly.

- (4) Section 155(2A) and (3)—

renumber as section 155(3) and (4).

9 Amendment of ch 6, pt 2, div 2, hdg (Councillor’s term of office)

Chapter 6, part 2, division 2, heading, after ‘office’—

insert—

and entitlement to remuneration

10 Replacement of s 160A (Compulsory leave without pay)

Section 160A—

omit, insert—

160A Remuneration to be paid for term

A councillor is entitled to remuneration for the period—

- (a) starting on the day the councillor’s term starts under section 159; and

[s 11]

- (b) ending on the day the councillor's term ends under section 160.

11 Amendment of s 162 (When a councillor's office becomes vacant)

- (1) Section 162—

insert—

- (fa) is elected or appointed as mayor of the council; or

- (2) Section 162(fa) to (h)—

renumber as section 162(g) to (i).

12 Amendment of s 169A (Councillor training)

- (1) Section 169A(1)—

omit, insert—

- (1) A councillor must complete each approved training course unless the councillor has, at any time, previously completed the approved training course.

- (2) Section 169A(4), (5) and (6)(a), 'councillor training'—

omit, insert—

training course

- (3) Section 169A(6)(b) and (c), 'training'—

omit, insert—

course

- (4) Section 169A(7)(b), 'requirements about'—

omit.

- (5) Section 169A(8)—

omit, insert—

- (8) In this section—

approved training course means a course of training approved by the department's chief executive that—

- (a) is about a councillor's responsibilities under section 14; and
- (b) meets the requirements under subsection (7).

13 Amendment of s 171 (Requests for assistance or information)

(1A) Section 171(3), 'subsection (8)'—

omit, insert—

subsection (9)

(1) Section 171(4)—

insert—

(ba) that comprises proceedings in the Assembly under the *Parliament of Queensland Act 2001*, section 9; or

(2) Section 171(4)(ba) to (d)—

renumber as section 171(4)(c) to (e).

(3) Section 171—

insert—

(4A) Also, subsections (2) and (3) apply to a councillor in relation to committee information—

- (a) only if the councillor is a member of the Establishment and Coordination Committee; or
- (b) if the councillor is not a member—
 - (i) only if the information is general committee information; and

[s 13]

- (ii) only to the extent the general committee information relates to a matter that has been finally resolved.

(4) Section 171(5), from ‘the request’—

omit, insert—

the request—

- (a) relates to any ward other than the ward the councillor represents; or
- (b) does not comply with the acceptable requests guidelines.

(5) Section 171(6), ‘Subsection (5)’—

omit, insert—

Subsection (6)

(6) Section 171(9), ‘subsection (8)(b)’—

omit, insert—

subsection (9)(b)

(7) Section 171(10)—

insert—

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.

- (8) Section 171(4A) to (10)—

renumber as section 171(5) to (11).

13A Amendment of s 172 (Inspection of particular records by councillors)

- (1) Section 172(3)—

insert—

- (ca) a record that relates to any ward other than the ward the councillor represents, unless—
 - (i) the councillor is the mayor; or

[s 14]

- (ii) the councillor is the chairperson of the council and the record is relevant to the councillor performing the role of the chairperson; or
- (iii) the councillor is a committee chairperson and the record is relevant to the councillor performing the role of the committee chairperson.

(2) Section 172—

insert—

(3A) Also, subsection (1) applies in relation to a record of the Establishment and Coordination Committee containing committee information within the meaning of section 171—

- (a) only if the councillor is a member of the committee; or
- (b) if the councillor is not a member—only to the extent—
 - (i) the record is or contains general committee information within the meaning of section 171(11); and
 - (ii) the general committee information relates to a matter that has been finally resolved.

(3) Section 172(4)—

insert—

finally resolved, in relation to a matter, see section 171(11).

(4) Section 172(3A) and (4)—

renumber as section 172(4) and (5).

14 Insertion of new ch 6, pt 2, div 6

Chapter 6, part 2—

insert—

Division 6 Responsibilities during leave of absence

178 Responsibilities of councillors during leave of absence

- (1) This section applies if the council grants a councillor a leave of absence for 1 or more ordinary meetings of the council.
- (2) To remove any doubt, it is declared that the councillor may perform any responsibility under section 14 during the councillor's leave of absence.

15 Amendment of s 192 (Appointing senior executive employees)

- (1) Section 192, heading, after 'employees'—

insert—

and senior contract employees

- (2) Section 192(1), after 'employees'—

insert—

and senior contract employees

- (3) Section 192(2), after 'employee'—

insert—

or senior contract employee

16 Amendment of s 193 (Appointing other council employees)

- (1) Section 193(2), after 'employ'—

insert—

[s 17]

other

- (2) Section 193(3), after ‘executive employees’—
insert—

and senior contract employees

- (3) Section 193(4)—
omit.

17 Insertion of new s 193A

After section 193—

insert—

193A Conditions of appointment of council employees

A council employee is employed on—

- (a) the conditions contained in any relevant industrial instrument; and
- (b) any other conditions that the council decides.

18 Amendment of s 194A (Appointment and functions of councillor advisors)

Section 194A(2)(b), ‘194C(1)(a)’—

omit, insert—

194C(1)

19 Amendment of s 194C (Regulation may prescribe particular matters relating to councillor advisors)

- (1) Section 194C, heading, from ‘particular’—
omit, insert—

number of councillor advisors

- (2) Section 194C(1), from ‘may—’—

omit, insert—

may prescribe the maximum number of councillor advisors each councillor may appoint.

- (3) Section 194C(2) and (4), ‘(1)(a)’—

omit, insert—

(1)

19A Insertion of new s 244A

After section 244—

insert—

244A Civil liability of member of Establishment and Coordination Committee for disclosing information under Right to Information Act 2009

- (1) A member of the 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—

- publishing committee information on the council’s website
 - official publication of committee information by decision of the Establishment and Coordination Committee
- (2) If subsection (1) prevents liability attaching to a member, the liability attaches instead to the council.
- (3) The protection given under this section is in addition to any other protection given under this Act or another Act or law, including, for example, the Local Government Act, section 235.
- (4) In this section—

[s 20]

committee information see section 171(11).

20 Insertion of new ch 8, pt 13

Chapter 8—

insert—

Part 13 **Transitional provisions for Local Government (Empowering Councils) and Other Legislation Amendment Act 2026**

Division 1 Preliminary

300 Definitions for part

In this part—

amendment Act means the *Local Government (Empowering Councils) and Other Legislation Amendment Act 2026*.

former, in relation to a provision of this Act, means the provision as in force from time to time before the commencement of the transitional provision in which the term is used.

new, in relation to a provision of this Act, means the provision as in force from the commencement of the transitional provision in which the term is used.

transitional provision means a provision of this part.

Division 2 Provisions for amendments commencing on assent

301 Budget for 2025–2026 financial year

- (1) This section applies in relation to the council's budget for the 2025–2026 financial year.
- (2) Section 104 as in force immediately before the commencement continues to apply in relation to the budget despite the amendment of that section by the amendment Act.

302 Councillors who were candidates immediately before commencement

- (1) This section applies if—
 - (a) before the commencement, a councillor had become a candidate, under the Electoral Act, section 93(3), for an election of a member of the Legislative Assembly; and
 - (b) immediately before the commencement, the election period for the election had not ended under that Act.
- (2) Sections 155 and 160A as in force immediately before the commencement continue to apply to the councillor, despite the enactment of the amendment Act, until the election period ends.

303 Councillor training

Training that was, immediately before the commencement, approved councillor training for a matter under section 169A as in force immediately before the commencement is, from the commencement, taken to be an approved training course for the same matter under new

[s 21]

section 169A.

304 Existing senior contract employees

- (1) This section applies to a person if, immediately before the commencement, the person—
 - (a) held an appointment under section 193 as in force immediately before the commencement; and
 - (b) was employed on a contractual basis and classified by the council as ‘senior executive service’.
- (2) From the commencement—
 - (a) the person’s contract and conditions of employment continue; and
 - (b) the person is taken to have been appointed by the council as a senior contract employee under new section 192.

21 Amendment of sch 2 (Dictionary)

- (1) Schedule 2—

insert—

senior contract employee means an employee of the council who—

- (a) is employed on a contractual basis; and
- (b) is classified by the council as senior executive service.

- (2) Schedule 2, definition *council employee*—

insert—

(ba) a senior contract employee;

- (3) Schedule 2, definition *council employee*, paragraphs (ba) and (c)—

renumber as paragraphs (c) and (d).

Division 3 Amendments commencing by proclamation

24 Replacement of ch 6, pt 2, div 5A (Councillors' conflicts of interest)

Chapter 6, part 2, division 5A—

omit, insert—

Division 5A Dealing with personal interests of councillors

177A Matters in relation to which division does not apply

- (1) This division does not apply in relation to a councillor's personal interest in a matter if the matter—
 - (a) is solely, or relates solely to, the making or levying of rates and charges, or the fixing of a cost-recovery fee, by the council; or
 - (b) is solely, or relates solely to—
 - (i) making a planning scheme that applies to the whole of Brisbane; or
 - (ii) amending a planning scheme, if the amendment applies to the whole of Brisbane; or
 - (c) is solely, or relates solely to, the preparation, adoption or amendment of a budget for the council; or
 - (d) is solely, or relates solely to, preparing, adopting or amending a document prescribed by regulation that the council is

[s 24]

required to prepare or adopt under a local government related law; or

(e) is solely, or relates solely to—

(i) the making of a donation to a religious, charitable or non-profit institution or organisation, unless a councillor, or an associate or related party of a councillor, receives a benefit because of the donation that is more than merely a benefit relating to reputation; or

(ii) a councillor representing the council in an official capacity at an event held by a government agency or an entity that is wholly owned by the council; or

(f) is solely, or relates solely to, employment-related or upgraded travel or accommodation undertaken or used by a councillor, or an associate or related party of a councillor; or

(g) is solely, or relates solely to—

(i) the remuneration or reimbursement of expenses of councillors or members of a committee of the council; or

(ii) the provision of superannuation entitlements or insurance for councillors; or

(iii) a matter of interest to the councillor solely as a candidate for election or appointment as mayor, deputy mayor, councillor or member of a committee of the council.

(2) Also, this division does not apply in relation to a councillor's interest in a matter if the interest of the councillor, or an associate or related party of the councillor, is no greater than the personal

interests in the matter of a significant proportion of persons in Brisbane.

- (3) In addition, this division does not apply in relation to a councillor's interest in a matter relating to a corporation or association that arises solely because of a nomination or appointment of the councillor by the council to be a member of the board of the corporation or association.

- (4) In this section—

employment-related or upgraded travel or accommodation, for a person, means—

- (a) travel or accommodation undertaken or used by the person that is paid for by the State or a local government; or
- (b) if the person is a councillor—travel or accommodation paid for by LGAQ Ltd for the purpose of the councillor attending a meeting of the policy executive established under the constitution of LGAQ Ltd; or
- (c) travel or accommodation that is—
 - (i) undertaken or used by the person in the course of the person's employment; and
 - (ii) contributed to, whether financially or non-financially, by the person's employer; or
- (d) if the person is a director of a corporation—travel or accommodation that is—
 - (i) undertaken or used by the person in the course of carrying out the person's duties as director; and
 - (ii) contributed to, whether financially or non-financially, by the corporation; or

[s 24]

- (e) if the travel is airline travel undertaken by the person—an upgrade to the travel given by the provider of the travel for no charge; or

Example—

a free air travel upgrade to business class

- (f) an upgrade to accommodation used by the person that is given by the provider of the accommodation for no charge.

Example—

a free accommodation upgrade to a larger room

government agency means—

- (a) the State, a government entity or another local government; or
- (b) another Australian government or an entity of another Australian government; or
- (c) a local government of another State.

177B What is a *material personal interest*

- (1) A councillor has a ***material personal interest*** in a matter if the councillor or an associate of the councillor stands to gain a benefit or suffer a loss, either directly or indirectly, depending on the outcome of the consideration of the matter at a council meeting.
- (2) However, a councillor has a ***material personal interest*** under subsection (1) in relation to an associate only if the councillor knows, or ought reasonably to know, about the associate's involvement in the matter.

177C What is a *conflict of interest*

- (1) 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.

(2) However, a councillor does not have a ***conflict of interest*** in a matter if—

(a) the conflict of interest arises solely because—

(i) the councillor undertakes an engagement in the capacity of councillor for a community group, sporting club or similar organisation, and is not appointed as an executive officer of the organisation; or

(ii) the councillor, or a related party of the councillor, is a member or patron of a community group, sporting club or similar organisation, and is not appointed as an executive officer of the organisation; or

(iii) the councillor, or a related party of the councillor, is a member of a political party; or

(iv) the councillor, or a related party of the councillor, has an interest in an educational facility or provider of a child care service as a student or former student, or a parent or grandparent of a student, of the facility or service; or

(b) the conflict of interest arises solely because of the religious beliefs of the councillor or a related party of the councillor; or

(c) the conflict of interest arises solely because the councillor, or a related party of the councillor, receives a gift, loan or sponsored travel or accommodation benefit from an

[s 24]

- entity during a financial year, if the total gifts, loans and benefits given by the entity to the councillor or related party total less than \$500 in the financial year; or
- (d) the conflict of interest relates to the appointment, discipline, termination, remuneration or other employment conditions of a councillor advisor for the councillor, if the conflict of interest arises solely because the councillor advisor is a related party, other than an associate, of the councillor; or
- (e) the conflict of interest arises solely because—
- (i) the councillor is, or has been, a member of a group of candidates for an election or a previous election with another councillor; or
- (ii) the same political party endorsed the candidature of the councillor and another councillor for an election or a previous election; or
- (iii) the councillor has been elected or appointed at the same time, or has held office during the same period, as another councillor.
- (3) Also, a councillor has a ***conflict of interest*** in a matter in relation to a related party only if the councillor knows, or ought reasonably to know, about the related party's involvement in the matter.
- (4) In this section—
- patron***, of a community group, sporting club or similar organisation, means a person who, under a formal arrangement, provides public support to the group, club or organisation as its ambassador

or representative.

sponsored travel or accommodation benefit, received by a person, means travel or accommodation undertaken or used by the person, other than employment-related or upgraded travel or accommodation under section 177A(4), if—

- (a) another entity contributes, whether financially or non-financially, to the cost of the travel or accommodation; and
- (b) the other entity is not the person's spouse, other family member or friend.

177D Who is an *associate* of a councillor

Each of the following persons is an ***associate*** of a councillor—

- (a) a spouse of the councillor;
- (b) a parent, child or sibling of the councillor;
- (c) a person in a partnership with the councillor;
- (d) an employer, other than a government entity, of the councillor;
- (e) an entity, other than a government entity, of which the councillor is an executive officer or board member;
- (f) an entity in which the councillor or a person mentioned in paragraphs (a) to (e) for the councillor has an interest, other than an interest of less than 5% in an entity that is a listed corporation under the Corporations Act, section 9;
- (g) another person prescribed by regulation.

177E Who is a *related party* of a councillor

A person is a ***related party*** of a councillor if the

[s 24]

person is any of the following—

- (a) an associate of the councillor, other than an entity mentioned in section 177D(f);
- (b) a spouse of the councillor's parent, child or sibling;
- (c) a grandparent, uncle, aunt, nephew, niece or grandchild of the councillor or the councillor's spouse;
- (d) a parent, child or sibling of the councillor's spouse;
- (e) a spouse of a person mentioned in paragraph (c) or (d);
- (f) an entity in which the councillor, or a person mentioned in paragraph (a), (b), (c), (d) or (e), has an interest;
- (g) another person prescribed by regulation.

177F Councillor's material personal interest at a meeting

- (1) This section applies if—
 - (a) a matter is to be discussed at a council meeting; and
 - (b) a councillor has a material personal interest in the matter.
- (2) The councillor must—
 - (a) inform the meeting of the councillor's material personal interest in the matter; and
 - (b) leave the place where the meeting is being held, including any area set aside for the public, and stay away from the place while the matter is discussed and voted on.

Note—

Contravention of this subsection is misconduct under the Local Government Act that could result in disciplinary action being taken against a councillor. See the Local Government Act, section 150L(1)(c)(iv).

- (3) The councillor must not contravene subsection (2), including by voting on the matter, with an intention to gain a benefit or avoid a loss for the councillor or someone else.

Maximum penalty—200 penalty units or 2 years imprisonment.

- (4) However, the councillor does not contravene subsection (2) by taking part in the meeting, or being at the place where the meeting is being held, if—
- (a) the councillor is a person to whom approval is given under subsection (5); and
 - (b) the councillor complies with all conditions on which the approval is given.
- (5) The Minister may, by signed notice, approve the councillor taking part in the meeting, or being at the place where the meeting is being held, if—
- (a) because of the number of councillors subject to the obligation under this section, the holding of the meeting would be obstructed if the approval were not given; or
 - (b) it appears to the Minister to be in the interests of Brisbane that the approval be given.
- (6) The Minister may give the approval subject to conditions stated in the notice.
- (7) The following information must be recorded in the minutes of the meeting or, if minutes are not required for the meeting, in another way prescribed by regulation—

[s 24]

- (a) the name of the councillor who has the material personal interest, or possible material personal interest, in a matter;
- (b) the nature of the material personal interest, or possible material personal interest, as described by the councillor;
- (c) whether the councillor took part in the meeting, or was at the place during the meeting, under an approval under subsection (5).

177G Councillor's conflict of interest at a meeting

- (1) This section applies if—
 - (a) a matter is to be discussed at a council meeting; and
 - (b) a councillor at the meeting—
 - (i) has a conflict of interest in the matter (a *real conflict*); or
 - (ii) could reasonably be taken to have a conflict of interest in the matter (a *perceived conflict*).
- (2) The councillor must deal with the real conflict or perceived conflict in a transparent and accountable way.

Note—

Contravention of this section is misconduct under the Local Government Act that could result in disciplinary action being taken against a councillor. See the Local Government Act, section 150L(1)(c)(iv).

- (3) Without limiting subsection (2), the councillor must inform the meeting of—
 - (a) the councillor's personal interests in the matter; and

- (b) if the councillor participates in the meeting in relation to the matter—how the councillor intends to deal with the real conflict or perceived conflict.
- (4) Subsection (5) applies if a quorum at the meeting can not be formed because the councillor proposes to be excluded from the meeting to comply with subsection (2).
- (5) The councillor does not contravene subsection (2) merely by participating, including, for example, by voting, in the meeting in relation to the matter if—
 - (a) the attendance of the councillor, together with any other required number of councillors, forms a quorum for the meeting; and
 - (b) the councillor complies with subsection (3).
- (6) The following information must be recorded in the minutes of the meeting or, if minutes are not required for the meeting, in another way prescribed by regulation—
 - (a) the name of the councillor who has the real conflict or perceived conflict;
 - (b) the nature of the personal interests, as described by the councillor;
 - (c) how the councillor dealt with the real conflict or perceived conflict;
 - (d) if the councillor voted on the matter—how the councillor voted on the matter;
 - (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.
- (7) To remove any doubt, it is declared that non-participation in the meeting is not the only way the councillor may appropriately deal with

[s 25]

the real conflict or perceived conflict in a transparent and accountable way.

25 Amendment of s 198D (Dishonest conduct of councillor or councillor advisor)

- (1) Section 198D(2), definition *relevant integrity provision*, paragraph (a)(i) to (v)—

omit.

- (2) Section 198D(2), definition *relevant integrity provision*, paragraph (a)(vi) to (ix)—

renumber as paragraph (a)(i) to (iv).

26 Amendment of s 238 (Delegation of council powers)

- (1) Section 238(2)—

omit.

- (2) Section 238(3), ‘Also’—

omit, insert—

However

- (3) Section 238(3) and (4)—

renumber as section 238(2) and (3).

27 Insertion of new ch 8, pt 13, div 3

Chapter 8, part 13, as inserted by this Act—

insert—

Division 3

**Provisions for
amendments commencing
by proclamation**

305 Proceedings for particular offences

- (1) This section applies in relation to an offence against any of the following provisions committed by a person before the commencement—
 - (a) former section 198D in relation to a provision mentioned in former section 198D(2), definition *relevant integrity provision*, paragraph (a)(i) to (v);
 - (b) former section 177J(2);
 - (c) former section 177P(5);
 - (d) former section 177V.
- (2) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the amendment Act, sections 24 and 25 had not commenced.
- (3) Subsection (2) applies despite the Criminal Code, section 11.

306 Continued application of s 153 for former integrity offences

- (1) This section applies if a person is convicted of an offence against former section 177J(2) or 177V before or after the commencement.
- (2) The conviction is taken to be a conviction of an integrity offence for section 153(1)(d).

307 Application of Local Government Act for contravention of former COI provisions

- (1) This section applies if—

[s 28]

- (a) before the commencement, a person had made a complaint to the assessor about the conduct of a councillor; and
 - (b) the conduct related to a contravention of former section 177H, 177I, 177MA, 177N, 177T or 177W (the *former COI provisions*); and
 - (c) immediately before the commencement, the complaint had not been resolved.
- (2) The Local Government Act, chapter 5A, as it applies under chapter 9, part 20, division 3, subdivision 1 of that Act, applies in relation to the councillor's conduct as if—
 - (a) the former COI provisions had not been repealed; and
 - (b) contravention of a former COI provision continued to be misconduct within the meaning of the Local Government Act, section 150L.
- (3) In this section—

resolved, in relation to a complaint about a councillor's conduct, means all proceedings or actions that are required or permitted to be taken under the Local Government Act, chapter 5A in relation to the conduct are complete.

28 Amendment of sch 1 (Serious integrity offences and integrity offences)

- (1) Schedule 1, part 2, under heading 'This Act', entries for sections 177J(2) and 177V—

omit.
- (2) Schedule 1, part 2, under heading 'This Act'—

insert—

177F(3) Councillor's material personal interest at a meeting

29 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *close associate*, *declarable conflict of interest*, *eligible councillor*, *employment-related or upgraded travel or accommodation* and *prescribed conflict of interest*—
omit.
- (2) Schedule 2—
insert—

associate, of a councillor, see section 177D.
conflict of interest see section 177C.
material personal interest see section 177B.
- (3) Schedule 2, definition *related party*, 'section 177M'—
omit, insert—

section 177E

Part 3 Amendment of City of Brisbane Regulation 2012

Division 1 Preliminary

30 Regulation amended

This part amends the *City of Brisbane Regulation 2012*.

Note—

See also the amendments in schedule 1, parts 1 and 2.

[s 31]

Division 2 Amendments commencing on assent

31 Replacement of s 32 (Minimum requirements for complaint process)

Section 32—

omit, insert—

32 Complaints management process

The complaints management process adopted by the council under section 279 applies to a competitive neutrality complaint in relation to the business entity.

32 Amendment of s 33 (Making a complaint)

(1) Section 33(1), ‘or the competition authority’—

omit.

(2) Section 33(2)(b)(iii)—

omit.

(3) Section 33(3)—

omit, insert—

(3) Subsection (4) applies if—

(a) the council makes a decision about the complaint; and

(b) the complainant tells the council that the complainant is not satisfied with the decision.

(3A) The council must give the following to the competition authority as soon as practicable—

(a) the complaint;

(b) the council’s decision about the complaint and the reasons for the decision;

- (c) information obtained from any investigation of the complaint.

- (4) Section 33(3A) and (4)—
renumber as section 33(4) and (5).

33 Amendment of s 36 (Competition authority refusing to investigate)

- (1) Section 36(1)(a)—
omit.
- (2) Section 36(1)(b) to (d)—
renumber as section 36(1)(a) to (c).

34 Amendment of s 162 (Adoption and amendment of budget)

- (1) Section 162, before subsection (1)—
insert—
 - (1AA) The council must adopt its budget for a financial year before—
 - (a) 1 August in the financial year; or
 - (b) a later day decided by the Minister.
- (2) Section 162(1AA) to (3)—
renumber as section 162(1) to (4).

35 Amendment of s 178 (Councillors)

- (1) Section 178(1)(d), (e) and (f)(vii)—
omit.
- (2) Section 178(1)(i)—
omit.

[s 36]

36 Amendment of s 179 (Administrative action complaints)

- (1) Section 179, heading, after ‘complaints’—

insert—

and competitive neutrality complaints

- (2) Section 179(1)(a), after ‘complaints’—

insert—

and competitive neutrality complaints

- (3) Section 179(2), after ‘must’—

insert—

**, for each type of complaint mentioned in
subsection (1),**

- (4) Section 179(2)(a) and (b), ‘administrative action’—

omit.

37 Amendment of s 242J (Closed meetings)

Section 242J(3), after paragraph (a)—

insert—

**(aa) the appointment of a senior contract
employee;**

38 Insertion of new ch 10, pt 14

Chapter 10—

insert—

Part 14

**Transitional provisions
for Local Government
(Empowering Councils)
and Other Legislation
Amendment Act 2026**

315 Budget for 2025–2026 financial year

Section 162(1), as in force on the commencement, does not apply in relation to the budget for the 2025–2026 financial year.

Division 3 Amendments commencing by proclamation

39 Amendment of s 178 (Councillors)

- (1) Section 178(1)(f)(iv) to (vi)—
omit.
- (2) Section 178(1)(g), (h), (j) and (k)—
omit.
- (3) Section 178(1)(f)—
renumber as section 178(1)(d).

40 Replacement of s 242AB (Ordinary business matters relating to documents—Act, s 177C)

Section 242AB—
omit, insert—

242AB Matters in relation to which the Act, ch 6, pt 2, div 5A does not apply—Act, s 177A

For section 177A(1)(d) of the Act, the annual operational plan adopted by the council under section 166 is prescribed.

41 Amendment of s 242D (Public availability of agendas)

Section 242D(6), definition *related report*, from ‘meeting—’—
omit, insert—

[s 42]

meeting, means a report or other document relating to an item on the agenda for the meeting that is made available to councillors or committee members for the purposes of the meeting.

42 Amendment of s 242H (Recording of reasons for particular decisions)

- (1) Section 242H(2)—
omit.
- (2) Section 242H(3) and (4)—
renumber as section 242H(2) and (3).

43 Amendment of s 242J (Closed meetings)

- (1) Section 242J(3)(j)—
omit.
- (2) Section 242J(3)(aa) to (i)—
renumber as section 242J(3)(b) to (j).
- (3) Section 242J(4)—
omit.
- (4) Section 242J(5) and (6)—
renumber as section 242J(4) and (5).

44 Insertion of new s 316

After section 315, as inserted by this Act—
insert—

316 Investigation reports and council meetings

- (1) This section applies if, under the Local Government Act, section 366, an investigation report about the conduct of a councillor is prepared and given to the council.

(2) Former sections 242D, 242H and 242J continue to apply in relation to the investigation report despite the enactment of the *Local Government (Empowering Councils) and Other Legislation Amendment Act 2026*.

(3) In this section—
former, in relation to a provision of this regulation, means the provision as in force immediately before the commencement.

45 Amendment of sch 3 (Financial and non-financial particulars for registers of interests)

(1) Schedule 3, section 1, definition *conflict of interest*—
omit.

(2) Schedule 3, section 1, definition *reporting term*, paragraph (a), from ‘relevant’—
omit, insert—

councillor’s term of office; or

(3) Schedule 3, section 13(2)—
omit.

46 Replacement of sch 3A (Content of extracts of registers of interests of councillors)

Schedule 3A—

omit, insert—

Schedule 3A Content of extracts of registers of interests of councillors

section 273(3)

[s 47]

Column 1	Column 2
Interest	Period
a gift mentioned in schedule 3, section 12(1)(a)	the financial year in which the gift is received
gifts mentioned in schedule 3, section 12(1)(b)	the financial year in which the gifts first total \$500 or more
a sponsored travel or accommodation benefit mentioned in schedule 3, section 13	the financial year in which the sponsored travel or accommodation benefit is received
a donation mentioned in schedule 3, section 14B(1)(a)	the financial year in which the donation is made
donations mentioned in schedule 3, section 14B(1)(b)	the financial year in which the donations made first total \$500 or more
another interest mentioned in schedule 3	the period for which the councillor holds the interest

47 Amendment of sch 4 (Dictionary)

(1) Schedule 4, definition *conflict of interest*—
omit.

(2) Schedule 4—
insert—

sponsored travel or accommodation benefit has
the meaning given by section 177C(4) of the Act.

Part 4 Amendment of Local Government Act 2009

Division 1 Preliminary

48 Act amended

This part amends the *Local Government Act 2009*.

Note—

See also the amendments in schedule 1, parts 1 and 2.

Division 2 Amendments commencing on assent

49 Amendment of s 12 (Responsibilities of councillors)

- (1) Section 12(4)(a), ‘at which the mayor is the chairperson,’—
omit, insert—

as chairperson, and any committee meetings for
which the mayor is the chairperson,

- (2) Section 12(4)—
insert—

(fa) being the official spokesperson of the local
government about local government
matters;

- (3) Section 12(4)(fa) and (g)—
renumber as section 12(4)(g) and (h).

- (4) Section 12—
insert—

(5A) To remove any doubt, it is declared that
subsection (4)(g) does not prevent a councillor

[s 50]

who is not the mayor from communicating with the community about local government matters other than as the official spokesperson of the local government.

- (5) Section 12(5A) and (6)—

renumber as section 12(6) and (7).

50 Amendment of s 16 (Review of divisions and councillors)

- (1) Section 16, from ‘A’ to ‘in the year’—

omit, insert—

For each local government, the electoral commission must, no later than 1 October in the year that is 2 years

- (2) Section 16(a), ‘its’—

omit, insert—

the local government’s

- (3) Section 16(b), ‘electoral commissioner’—

omit, insert—

local government

51 Amendment of s 46 (Assessing public benefit)

- (1) Section 46(8) and (10)—

omit.

- (2) Section 46(9), from ‘the decision,’—

omit, insert—

the decision—

- (a) conduct another public benefit assessment of the significant business activity; and
- (b) repeat the process relating to a report on the public benefit assessment.

- (3) Section 46(9)—
renumber as section 46(8).

52 Replacement of s 90B (Prohibition on major policy decision in caretaker period)

Section 90B—
omit, insert—

90B Prohibition on major policy decisions during caretaker period

A local government must not make a major policy decision during a caretaker period for the local government.

90BA Approval to make major policy decisions in exceptional circumstances

- (1) This section applies if a local government considers that, because exceptional circumstances exist, it is necessary and in the public interest to make a major policy decision during a caretaker period for the local government.
- (2) The local government may apply to the Minister for approval to make the major policy decision during the caretaker period.
- (3) The Minister may give the approval if the Minister is satisfied that, because exceptional circumstances exist, it is necessary and in the public interest for the local government to make the major policy decision during the caretaker period.
- (4) The approval may be given on conditions with which the local government must comply.
- (5) Despite section 90B, the local government may make the major policy decision in accordance with the approval.

90BB Approval to make major policy decisions related to disaster recovery funding arrangements

- (1) This section applies if—
 - (a) during a caretaker period for a local government, the local government's local government area is eligible for assistance under the disaster recovery funding arrangements; and
 - (b) the Minister considers it is necessary for the local government to make major policy decisions during the caretaker period to achieve the objectives of the disaster recovery funding arrangements.
- (2) The Minister may give approval to the local government to make the major policy decisions.
- (3) The approval may state—
 - (a) the types of major policy decisions that may be made by the local government; and
 - (b) that the decisions may be made by the local government only in relation to a stated matter.
- (4) The approval may be given on conditions with which the local government must comply.
- (5) Despite section 90B, the local government may make major policy decisions in accordance with the approval.
- (6) In this section—

disaster recovery funding arrangements means the funding arrangements jointly administered by the State and Commonwealth that are known as the 'Disaster Recovery Funding Arrangements'.

53 Amendment of s 94 (Power to levy rates and charges)

Section 94(1), ‘Each’—

omit, insert—

Subject to section 94A, each

54 Insertion of new s 94A

After section 94—

insert—

94A Limitation on power to levy rates for particular local governments

- (1) A regulation may prescribe any of the following local governments as a local government to which this section applies—
 - (a) Aurukun Shire Council;
 - (b) Mornington Shire Council;
 - (c) an indigenous local government.
- (2) A local government prescribed under subsection (1) must not levy general, special or separate rates.
- (3) The Minister may recommend to the Governor in Council the making of a regulation under subsection (1) in relation to a local government only if the Minister considers it would be impracticable for the local government to levy rates on rateable land in the local government’s area.

55 Amendment of s 138 (What this division is about)

Section 138(3)(a), ‘employee’—

omit, insert—

agent

[s 56]

56 Amendment of s 138AA (Notices for this division)

Section 138AA(3)—

omit, insert—

- (3) A ***reasonable entry notice*** is a notice about a proposed entry of a property that states—
- (a) who is to enter the property; and
 - (b) the reason for entering the property; and
 - (c) the days and times when the property is to be entered.

57 Amendment of s 140 (Entry by an owner, with reasonable entry notice, under a remedial notice)

- (1) Section 140(2), ‘After’—

omit, insert—

At least 7 days after

- (2) Section 140(2)(a), from ‘at the times’—

omit, insert—

(other than a home on the property) on each day at the times stated in the reasonable entry notice; and

58 Amendment of s 142 (Entry by a local government worker, with reasonable entry notice, under a remedial notice)

- (1) Section 142(1)(a), after ‘property’—

insert—

who is required to take the action stated in the remedial notice

- (2) Section 142(2), ‘After’—

omit, insert—

At least 7 days after

- (3) Section 142(2)(a), after ‘occupier’—

insert—

on each day at the times stated in the reasonable entry notice

59 Amendment of s 143 (Entry by a local government worker, with reasonable entry notice, to take materials)

- (1) Section 143(4), from ‘After’ to ‘may’—

omit, insert—

A local government worker may, after giving a reasonable entry notice to the owner and the occupier of the relevant land within a reasonable period before the land is to be entered

- (2) Section 143(4)(a), after ‘of the land’—

insert—

on each day at the times stated in the reasonable entry notice

- (3) Section 143(4), example—

omit.

60 Amendment of s 150DD (Acting assessor)

- (1) Section 150DD(2)—

omit.

- (2) Section 150DD(3)—

renumber as section 150DD(2).

61 Amendment of s 150DY (Content of register—decisions)

Section 150DY(3), before paragraph (a)—

insert—

[s 62]

- (aa) the decision relates to an order made against the councillor for unsuitable meeting conduct; or

62 Amendment of s 155 (Disqualification because of other high office)

- (1) Section 155, heading, from ‘because’—

omit, insert—

of government members and electoral candidates

- (2) Section 155(1) and (3), after ‘member’—

insert—

or electoral candidate

- (3) Section 155—

insert—

- (2A) A person is an *electoral candidate* if, under the Electoral Act, section 93(3), the person becomes a candidate for an election of a member of the Legislative Assembly.

- (4) Section 155(2A) and (3)—

renumber as section 155(3) and (4).

63 Amendment of ch 6, pt 2, div 2, hdg (Councillor’s term of office)

Chapter 6, part 2, division 2, heading, after ‘office’—

insert—

and entitlement to remuneration

64 Replacement of s 160B (Compulsory leave without pay)

Section 160B—

omit, insert—

160B Remuneration to be paid for term

A councillor of a local government is entitled to remuneration for the period—

- (a) starting on the day the councillor's term starts under section 159; and
- (b) ending on the day the councillor's term ends under section 160.

65 Amendment of s 162 (When a councillor's office becomes vacant)

- (1) Section 162(1)—

insert—

(fa) is elected or appointed as mayor of the local government; or

- (2) Section 162(1)(fa) to (h)—

renumber as section 162(1)(g) to (i).

66 Amendment of s 169A (Councillor training)

- (1) Section 169A(1)—

omit, insert—

- (1) A councillor must complete each approved training course unless the councillor has, at any time, previously completed the approved training course.

- (2) Section 169A(4), (5) and (6)(a), 'councillor training'—

omit, insert—

training course

- (3) Section 169A(6)(b) and (c), 'training'—

omit, insert—

[s 67]

course

(4) Section 169A(7)(b), ‘requirements about’—
omit.

(5) Section 169A(8)—
omit, insert—

(8) In this section—

approved training course means a course of training approved by the department’s chief executive that—

- (a) is about a councillor’s responsibilities under section 12; and
- (b) meets the requirements under subsection (7).

67 Amendment of s 170A (Requests for assistance or information)

(1) Section 170A(4)—
insert—

(ba) that comprises proceedings in the Assembly under the *Parliament of Queensland Act 2001*, section 9; or

(2) Section 170A(4)(ba) to (d)—
renumber as section 170A(4)(c) to (e).

68 Insertion of new ch 6, pt 2, div 6

Chapter 6, part 2—
insert—

**Division 6 Responsibilities during
leave of absence**

175A Responsibilities of councillors during leave of absence

- (1) This section applies if a local government grants a councillor a leave of absence for 1 or more ordinary meetings of the local government.
- (2) To remove any doubt, it is declared that the councillor may perform any responsibility under section 12 during the councillor's leave of absence.

69 Amendment of s 196 (Appointing other local government employees)

- (1) Section 196(3), after ‘employees’—
insert—

, other than senior executive employees
- (2) Section 196—
insert—
 - (4) A panel constituted by the following persons appoints a senior executive employee—
 - (a) the mayor;
 - (b) the chief executive officer;
 - (c) either—
 - (i) if the senior executive employee is to report to only 1 committee of the local government—the chairperson of the committee; or
 - (ii) otherwise—the deputy mayor.
 - (5) Despite subsection (4)(c), if the deputy mayor or chairperson is unable to take part in the panel, the local government must appoint another councillor to replace the deputy mayor or chairperson in the panel.

[s 70]

Example for subsection (5)—

Another councillor is appointed to replace the deputy mayor or chairperson of a committee in a panel because the deputy mayor or chairperson is absent.

70 Amendment of s 197D (Regulation may prescribe particular matters relating to councillor advisors)

(1) Section 197D(1)(c)—

omit.

(2) Section 197D(2), ‘(1)(a) or (b)’—

omit, insert—

(1)

71 Insertion of new ch 9, pt 20

Chapter 9—

insert—

**Part 20 Transitional provisions
for Local Government
(Empowering Councils)
and Other Legislation
Amendment Act 2026**

Division 1 Preliminary

360 Definitions for part

In this part—

amendment Act means the *Local Government (Empowering Councils) and Other Legislation Amendment Act 2026*.

former, in relation to a provision of this Act,

means the provision as in force from time to time before the commencement of the transitional provision in which the term is used.

new, in relation to a provision of this Act, means the provision as in force from the commencement of the transitional provision in which the term is used.

transitional provision means a provision of this part.

Division 2 Provisions for amendments commencing on assent

361 Councillors who were candidates immediately before commencement

- (1) This section applies if—
 - (a) before the commencement, a councillor had become a candidate, under the Electoral Act, section 93(3), for an election of a member of the Legislative Assembly; and
 - (b) immediately before the commencement, the election period for the election had not ended under that Act.
- (2) Sections 155 and 160B as in force immediately before the commencement continue to apply to the councillor, despite the enactment of the amendment Act, until the election period ends.

362 Application of s 150DD for existing acting assessor

- (1) This section applies in relation to a person who was, immediately before the commencement,

[s 71]

appointed as the acting assessor under section 150DD.

- (2) New section 150DD applies in relation to any reappointment of the person.

363 Councillor training

Training that was, immediately before the commencement, approved councillor training for a matter under section 169A as in force immediately before the commencement is, from the commencement, taken to be an approved training course for the same matter under new section 169A.

364 Existing senior executive employees

- (1) This section applies to a person if, immediately before the commencement, the person—
 - (a) held an appointment under section 196(3) as in force immediately before the commencement; and
 - (b) was classified as a senior executive employee.
- (2) From the commencement—
 - (a) the person's contract and conditions of employment continue; and
 - (b) the person is taken to have been appointed as a senior executive employee under new section 196(4).

Division 2A Amendments commencing on 1 July 2026

71A Amendment of s 220 (Amount of yearly contributions—particular employers)

- (1) Section 220(5)—
omit.
- (2) Section 220(6)—
renumber as section 220(5).

71B Omission of s 222 (Adjusting contributions if salary decreased)

- Section 222—
omit.

71C Amendment of s 224 (Interest is payable on unpaid contributions)

- (1) Section 224(1)—
omit, insert—
 - (1) This section applies if the relevant fund for an employee of a local government or local government entity does not receive a superannuation contribution payable for the employee—
 - (a) at any time before the end of the seventh business day after the employee’s QE day for the contribution; or
 - (b) any allowable longer period applying to the contribution.
- (2) Section 224—
insert—

[s 71D]

(4) In this section—

allowable longer period, for a superannuation contribution payable in a circumstance described in the *Superannuation Guarantee (Administration) Act 1992* (Cwlth), section 18C(2), table, column 2, means the period mentioned in column 3 of that table opposite the circumstance.

QE day, for an employee, means the employee's QE day under the *Superannuation Guarantee (Administration) Act 1992* (Cwlth), section 17A(1).

71D Insertion of new ch 9, pt 20, div 2A

Chapter 9, part 20, as inserted by this Act—

insert—

Division 2A Provision for amendments commencing on 1 July 2026

364A Application of ss 220 and 224

Sections 220 and 224, as amended by the amendment Act, apply to a superannuation contribution payable for an employee only if the employee's QE day for the contribution occurs on or after the commencement.

Division 3 Amendments commencing by proclamation

72 Amendment of s 150B (Overview of chapter)

(1) Section 150B(1)(d), 'a conduct breach or'—

omit.

- (2) Section 150B(2)(d)—

omit.

- (3) Section 150B(2)(e)(i), from ‘misconduct,’—

omit, insert—

misconduct; and

- (4) Section 150B(2)(e)(ii), ‘or a conduct breach’—

omit.

- (5) Section 150B(2)(e) and (f)—

renumber as section 150B(2)(d) and (e).

73 Amendment of s 150C (Definitions for chapter)

Section 150C, definitions *conduct breach, investigation policy, investigation report* and *referral notice*—

omit.

74 Amendment of s 150F (Department’s chief executive to make model procedures)

Section 150F(2)(c)—

omit.

75 Amendment of s 150I (Chairperson may deal with unsuitable meeting conduct)

Section 150I(2)(b)—

insert—

Note—

Contravention of paragraph (b) is misconduct that could result in disciplinary action being taken against a councillor. See sections 150L(1)(c)(v), 150AQ and 150AR.

[s 76]

76 Omission of s 150J (Unsuitable meeting conduct that becomes a conduct breach)

Section 150J—

omit.

77 Amendment of ch 5A, pt 3, hdg (Dealing with conduct breaches, misconduct and corrupt conduct)

Chapter 5A, part 3, heading, ‘conduct breaches,’—

omit.

78 Omission of s 150K (What is a *conduct breach*)

Section 150K—

omit.

79 Amendment of s 150L (What is *misconduct*)

(1) Section 150L(1)(b)—

insert—

(iii) repeated unreasonable behaviour directed at another person that causes a risk to the health or safety of the other person; or

(iv) harassment of a sexual nature, including, for example, unwelcome behaviour of a sexual nature and making a remark with a sexual connotation; or

(2) Section 150L(1)(c)(i), ‘the local government or’—

omit.

(3) Section 150L(1)(c)(iii), ‘150R(2), 150EK, 150EL, 150EPA, 150EQ, 150EW, 150EZ’—

omit, insert—

150R(3), 150EI(2), 150EJ

- (4) Section 150L(1)(c)(iv), ‘177H, 177I, 177MA, 177N, 177T, 177W’—

omit, insert—

177F(2), 177G

- (5) Section 150L(1)(c)—

insert—

- (v) an order of the chairperson of a local government meeting for the councillor to leave and stay away from the place at which the meeting is being held.

- (6) Section 150L(2) and (3)—

omit.

- (7) Section 150L—

insert—

- (5) In this section—

health, of a person, includes the person’s physical, mental and psychological health.

- (8) Section 150L(4) and (5)—

renumber as section 150L(2) and (3).

80 Amendment of s 150M (Dealing with particular conduct if councillor elected or appointed after vacating office)

- (1) Section 150M(1)(a)(ii), from ‘or a’—

omit, insert—

(the ***initial investigation***) under division 4; or

- (2) Section 150M(1)(b)(ii), ‘or 5’—

omit.

- (3) Section 150M(2)(b), from ‘or local’ to ‘or 5’—

omit, insert—

[s 81]

must investigate the relevant conduct of the
councillor under division 4

- (4) Section 150M(3), ‘or local government’—
omit.

**81 Amendment of s 150R (Local government official must
notify assessor about particular conduct)**

- (1) Section 150R(1)—
omit, insert—

(1) This section applies if a local government official
becomes aware of information indicating a
councillor may have engaged in conduct that
would be misconduct.

(1A) However, this section does not apply if the local
government official is aware of the information
because of a complaint to which section 150P
applies.

- (2) Section 150R(2), note, ‘subsection (2)’—
omit, insert—

subsection (3)

- (3) Section 150R(1A) to (3)—
renumber as section 150R(2) to (4).

**82 Omission s 150S (Local government must notify
assessor about misconduct)**

Section 150S—
omit.

83 Amendment of s 150SA (Application of division)

Section 150SA(c)—
omit, insert—

- (c) the assessor decides under section 150SF to make a preliminary assessment of information relating to the conduct of a councillor.

84 Amendment of s 150SC (Assessor may ask for information)

- (1) Section 150SC(2)(b), ‘the local government or’—
omit.
- (2) Section 150SC(2)(c)—
omit.

85 Amendment of s 150SD (Preliminary assessment of complaints, notices or information)

- (1) Section 150SD(2)(c)(iii), ‘a conduct breach or’—
omit.
- (2) Section 150SD(3)(d)—
omit.
- (3) Section 150SD(3)(e)—
renumber as section 150SD(3)(d).
- (4) Section 150SD(4)(a)—
omit.
- (5) Section 150SD(4)(b) and (c)—
renumber as section 150SD(4)(a) and (b).

86 Amendment of s 150SE (Notice of preliminary assessment)

- (1) Section 150SE(1)(b), ‘section 150SD(4)(c)’—
omit, insert—
section 150SD(4)(b)

[s 87]

- (2) Section 150SE(2)(b), ‘the local government or’—
omit.
- (3) Section 150SE(2)(c)—
omit.
- (4) Section 150SE(2)(d), ‘section 150SD(4)(c)’—
omit, insert—
section 150SD(4)(b)
- (5) Section 150SE(2)(d)—
renumber as section 150SE(2)(c).
- (6) Section 150SE(4)(d), ‘section 150SD(4)(c)’—
omit, insert—
section 150SD(4)(b)

87 Amendment of s 150SF (Assessor may make preliminary assessment on own initiative)

- (1) Section 150SF(1)(a), ‘a conduct breach or’—
omit.
- (2) Section 150SF(1)(a), examples—
omit, insert—

Example—

while investigating a councillor for alleged misconduct,
the assessor receives information that indicates another
councillor has engaged in the same conduct

88 Amendment of s 150T (Assessor must investigate conduct of councillor)

- Section 150T(1)(a), ‘section 150SD(4)(b)’—
omit, insert—
section 150SD(4)(a)

89 Amendment of s 150W (Decision about conduct)

(1) Section 150W(b) and (d)—

omit.

(2) Section 150W(c) to (f)—

renumber as section 150W(b) to (d).

90 Amendment of s 150X (Decision to dismiss complaint)

Section 150X(a)(ii), ‘a conduct breach or’—

omit.

91 Amendment of s 150Y (Decision to take no further action)

Section 150Y(b)(i) and (ii), ‘a conduct breach or’—

omit.

92 Amendment of s 150AA (Notice and opportunity for councillor to respond)

Section 150AA(2)(d), ‘a conduct breach or’—

omit.

93 Omission of ch 5A, pt 3, div 5 (Referral of conduct to local government)

Chapter 5A, part 3, division 5—

omit.

94 Amendment of ch 5A, pt 3, div 6, hdg (Application to conduct tribunal about misconduct and connected conduct breach)

Chapter 5A, part 3, division 6, heading, from ‘and’—

omit.

[s 95]

95 Amendment of s 150AI (Application of division)

Section 150AI, from ‘in—’—

omit, insert—

in misconduct.

96 Amendment of s 150AJ (Application to conduct tribunal about alleged misconduct)

(1) Section 150AJ(1), from ‘in—’—

omit, insert—

in misconduct.

(2) Section 150AJ(2)(b), ‘or conduct breach’—

omit.

(3) Section 150AJ(2)(c), from ‘in—’—

omit, insert—

in misconduct; and

(4) Section 150AJ(3)—

omit.

97 Amendment of s 150AN (Role of the assessor)

Section 150AN(2), from ‘in—’—

omit, insert—

in misconduct.

98 Amendment of s 150AQ (Deciding about misconduct and connected conduct breach)

(1) Section 150AQ, heading, from ‘and’—

omit.

(2) Section 150AQ(1)(a), from ‘in—’—

omit, insert—

in misconduct; and

- (3) Section 150AQ(1)(b), ‘or a conduct breach’—
omit.
- (4) Section 150AQ(2)(b)—
omit.
- (5) Section 150AQ(2)(c)—
renumber as section 150AQ(2)(b).

99 Amendment of s 150AR (Disciplinary action against councillor)

- (1) Section 150AR(1)(b)(v), ‘or conduct breach (or both)’—
omit.
- (2) Section 150AR(2) and (3)—
omit.
- (3) Section 150AR(4)—
renumber as section 150AR(2).

100 Amendment of s 150AS (Notices and publication of decisions and orders)

- (1) Section 150AS(1)(a), ‘or a conduct breach (or both)’—
omit.
- (2) Section 150AS(1)(b), ‘or conduct breach (or both)’—
omit.
- (3) Section 150AS(6), from ‘in—’—
omit, insert—
in misconduct.

[s 101]

101 Amendment of s 150AY (Functions of investigators)

- (1) Section 150AY(b), first dot point, ‘150R(3)’—

omit, insert—

150R(4)

- (2) Section 150AY(b), second dot point, ‘150EM(2), 150ES(5), 150EY’—

omit, insert—

150EI(3)

- (3) Section 150AY(b), fourth dot point, ‘177J(2), 177P(5), 177V’—

omit, insert—

177F(3)

102 Amendment of s 150CU (Functions)

- (1) Section 150CU(1)(a), ‘a conduct breach,’—

omit.

- (2) Section 150CU(1)(b), ‘conduct breaches,’—

omit.

103 Amendment of s 150DU (Costs of conduct tribunal to be met by local government)

Section 150DU(1), ‘or conduct breach’—

omit.

104 Amendment of s 150DX (Local governments to keep and publish register)

- (1) Section 150DX(1)(b) and (c)—

omit.

- (2) Section 150DX(1)(d), ‘or a conduct breach’—

omit.

- (3) Section 150DX(1)(d)—
renumber as section 150DX(1)(b).

105 Amendment of s 150DY (Content of register—decisions)

- (1) Section 150DY(1)(c) and (d)—
omit.
- (2) Section 150DY(1)(e), ‘or conduct breach’—
omit.
- (3) Section 150DY(1)(e)—
renumber as section 150DY(1)(c).
- (4) Section 150DY(3)(a), from ‘local’ to ‘breach or’—
omit, insert—
conduct tribunal decided the councillor engaged
in
- (5) Section 150DY(3)(aa) to (b)—
renumber as section 150DY(3)(a) to (c).

106 Amendment of s 150EB (Annual report)

- (1) Section 150EB(2)(a)(v) to (vii)—
omit.
- (2) Section 150EB(2)(a)(ix), ‘or conduct breaches’—
omit.
- (3) Section 150EB(2)(a)(viii) to (x)—
renumber as section 150EB(2)(a)(v) to (vii).

107 Replacement of ch 5B (Councillors’ conflicts of interest)

Chapter 5B—

omit, insert—

Chapter 5B Dealing with personal interests of councillors

150ED Matters in relation to which chapter does not apply

- (1) This chapter does not apply in relation to a councillor's personal interest in a matter if the matter—
 - (a) is solely, or relates solely to, the making or levying of rates and charges, or the fixing of a cost-recovery fee, by the local government; or
 - (b) is solely, or relates solely to—
 - (i) making a planning scheme that applies to the whole of the local government area; or
 - (ii) amending a planning scheme, if the amendment applies to the whole of the local government area; or
 - (c) is solely, or relates solely to, the preparation, adoption or amendment of a budget for the local government; or
 - (d) is solely, or relates solely to, preparing, adopting or amending a document prescribed by regulation that the local government is required to prepare or adopt under a Local Government Act; or
 - (e) is solely, or relates solely to—
 - (i) the making of a donation to a religious, charitable or non-profit institution or organisation, unless a councillor, or an

-
- associate or related party of a councillor, receives a benefit because of the donation that is more than merely a benefit relating to reputation; or
- (ii) a councillor representing the local government in an official capacity at an event held by a government agency or an entity that is wholly owned by the local government; or
- (f) is solely, or relates solely to, employment-related or upgraded travel or accommodation undertaken or used by a councillor, or an associate or related party of a councillor; or
- (g) is solely, or relates solely to—
- (i) the remuneration or reimbursement of expenses of councillors or members of a committee of the local government; or
- (ii) the provision of superannuation entitlements or insurance for councillors; or
- (iii) a matter of interest to the councillor solely as a candidate for election or appointment as mayor, deputy mayor, councillor or member of a committee of the local government.
- (2) Also, this chapter does not apply in relation to a councillor's interest in a matter if the interest of the councillor, or an associate or related party of the councillor, is no greater than the personal interests in the matter of a significant proportion of persons in the local government area.
- (3) In addition, this chapter does not apply in relation to a councillor's interest in a matter relating to a

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corporation or association that arises solely because of a nomination or appointment of the councillor by the local government to be a member of the board of the corporation or association.

(4) In this section—

employment-related or upgraded travel or accommodation, for a person, means—

- (a) travel or accommodation undertaken or used by the person that is paid for by the State or a local government; or
- (b) if the person is a councillor—travel or accommodation paid for by LGAQ Ltd for the purpose of the councillor attending a meeting of the policy executive established under the constitution of LGAQ Ltd; or
- (c) travel or accommodation that is—
 - (i) undertaken or used by the person in the course of the person's employment; and
 - (ii) contributed to, whether financially or non-financially, by the person's employer; or
- (d) if the person is a director of a corporation—travel or accommodation that is—
 - (i) undertaken or used by the person in the course of carrying out the person's duties as director; and
 - (ii) contributed to, whether financially or non-financially, by the corporation; or
- (e) if the travel is airline travel undertaken by the person—an upgrade to the travel given by the provider of the travel for no charge; or

Example—

a free air travel upgrade to business class

- (f) an upgrade to accommodation used by the person that is given by the provider of the accommodation for no charge.

Example—

a free accommodation upgrade to a larger room

government agency means—

- (a) the State, a government entity or another local government; or
- (b) another Australian government or an entity of another Australian government; or
- (c) a local government of another State.

150EE What is a *material personal interest*

- (1) A councillor has a ***material personal interest*** in a matter if the councillor or an associate of the councillor stands to gain a benefit or suffer a loss, either directly or indirectly, depending on the outcome of the consideration of the matter at a local government meeting.
- (2) However, a councillor has a ***material personal interest*** under subsection (1) in relation to an associate only if the councillor knows, or ought reasonably to know, about the associate's involvement in the matter.

150EF What is a *conflict of interest*

- (1) 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.
- (2) However, a councillor does not have a ***conflict of***

[s 107]

interest in a matter if—

- (a) the conflict of interest arises solely because—
 - (i) the councillor undertakes an engagement in the capacity of councillor for a community group, sporting club or similar organisation, and is not appointed as an executive officer of the organisation; or
 - (ii) the councillor, or a related party of the councillor, is a member or patron of a community group, sporting club or similar organisation, and is not appointed as an executive officer of the organisation; or
 - (iii) the councillor, or a related party of the councillor, is a member of a political party; or
 - (iv) the councillor, or a related party of the councillor, has an interest in an educational facility or provider of a child care service as a student or former student, or a parent or grandparent of a student, of the facility or service; or
- (b) the conflict of interest arises solely because of the religious beliefs of the councillor or a related party of the councillor; or
- (c) the conflict of interest arises solely because the councillor, or a related party of the councillor, receives a gift, loan or sponsored travel or accommodation benefit from an entity during a financial year, if the total gifts, loans and benefits given by the entity to the councillor or related party total less than \$500 in the financial year; or

-
- (d) the conflict of interest relates to the appointment, discipline, termination, remuneration or other employment conditions of a councillor advisor for the councillor, if the conflict of interest arises solely because the councillor advisor is a related party, other than an associate, of the councillor; or
 - (e) the conflict of interest arises solely because—
 - (i) the councillor is, or has been, a member of a group of candidates for an election or a previous election with another councillor; or
 - (ii) the same political party endorsed the candidature of the councillor and another councillor for an election or a previous election; or
 - (iii) the councillor has been elected or appointed at the same time, or has held office during the same period, as another councillor.
- (3) Also, a councillor has a ***conflict of interest*** in a matter in relation to a related party only if the councillor knows, or ought reasonably to know, about the related party's involvement in the matter.
- (4) In this section—
- patron***, of a community group, sporting club or similar organisation, means a person who, under a formal arrangement, provides public support to the group, club or organisation as its ambassador or representative.
- sponsored travel or accommodation benefit***, received by a person, means travel or accommodation undertaken or used by the person,

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other than employment-related or upgraded travel or accommodation under section 150ED(4), if—

- (a) another entity contributes, whether financially or non-financially, to the cost of the travel or accommodation; and
- (b) the other entity is not the person's spouse, other family member or friend.

150EG Who is an *associate* of a councillor

Each of the following persons is an *associate* of a councillor—

- (a) a spouse of the councillor;
- (b) a parent, child or sibling of the councillor;
- (c) a person in a partnership with the councillor;
- (d) an employer, other than a government entity, of the councillor;
- (e) an entity, other than a government entity, of which the councillor is an executive officer or board member;
- (f) an entity in which the councillor or a person mentioned in paragraphs (a) to (e) for the councillor has an interest, other than an interest of less than 5% in an entity that is a listed corporation under the Corporations Act, section 9;
- (g) another person prescribed by regulation.

150EH Who is a *related party* of a councillor

A person is a *related party* of a councillor if the person is any of the following—

- (a) an associate of the councillor, other than an entity mentioned in section 150EG(f);

- (b) a spouse of the councillor's parent, child or sibling;
- (c) a grandparent, uncle, aunt, nephew, niece or grandchild of the councillor or the councillor's spouse;
- (d) a parent, child or sibling of the councillor's spouse;
- (e) a spouse of a person mentioned in paragraph (c) or (d);
- (f) an entity in which the councillor, or a person mentioned in paragraph (a), (b), (c), (d) or (e), has an interest;
- (g) another person prescribed by regulation.

150EI Councillor's material personal interest at a meeting

- (1) This section applies if—
 - (a) a matter is to be discussed at a local government meeting; and
 - (b) a councillor has a material personal interest in the matter.
- (2) The councillor must—
 - (a) inform the meeting of the councillor's material personal interest in the matter; and
 - (b) leave the place where the meeting is being held, including any area set aside for the public, and stay away from the place while the matter is discussed and voted on.

Note—

Contravention of this subsection is misconduct that could result in disciplinary action being taken against a councillor. See section 150L(1)(c)(iii).

- (3) The councillor must not contravene subsection

[s 107]

(2), including by voting on the matter, with an intention to gain a benefit or avoid a loss for the councillor or someone else.

Maximum penalty—200 penalty units or 2 years imprisonment.

- (4) However, the councillor does not contravene subsection (2) by taking part in the meeting, or being at the place where the meeting is being held, if—
 - (a) the councillor is a person to whom approval is given under subsection (5); and
 - (b) the councillor complies with all conditions on which the approval is given.
- (5) The Minister may, by signed notice, approve the councillor taking part in the meeting, or being at the place where the meeting is being held, if—
 - (a) because of the number of councillors subject to the obligation under this section, the holding of the meeting would be obstructed if the approval were not given; or
 - (b) it appears to the Minister to be in the interests of the local government area that the approval be given.
- (6) The Minister may give the approval subject to conditions stated in the notice.
- (7) The following information must be recorded in the minutes of the meeting or, if minutes are not required for the meeting, in another way prescribed by regulation—
 - (a) the name of the councillor who has the material personal interest, or possible material personal interest, in a matter;
 - (b) the nature of the material personal interest, or possible material personal interest, as described by the councillor;

- (c) whether the councillor took part in the meeting, or was at the place during the meeting, under an approval under subsection (5).

150EJ Councillor's conflict of interest at a meeting

- (1) This section applies if—
 - (a) a matter is to be discussed at a local government meeting; and
 - (b) a councillor at the meeting—
 - (i) has a conflict of interest in the matter (a *real conflict*); or
 - (ii) could reasonably be taken to have a conflict of interest in the matter (a *perceived conflict*).
- (2) The councillor must deal with the real conflict or perceived conflict in a transparent and accountable way.

Note—

Contravention of this section is misconduct that could result in disciplinary action being taken against a councillor. See section 150L(1)(c)(iii).

- (3) Without limiting subsection (2), the councillor must inform the meeting of—
 - (a) the councillor's personal interests in the matter; and
 - (b) if the councillor participates in the meeting in relation to the matter—how the councillor intends to deal with the real conflict or perceived conflict.
- (4) Subsection (5) applies if a quorum at the meeting can not be formed because the councillor proposes to be excluded from the meeting to comply with subsection (2).

[s 108]

- (5) The councillor does not contravene subsection (2) merely by participating, including, for example, by voting, in the meeting in relation to the matter if—
 - (a) the attendance of the councillor, together with any other required number of councillors, forms a quorum for the meeting; and
 - (b) the councillor complies with subsection (3).
- (6) The following information must be recorded in the minutes of the meeting or, if minutes are not required for the meeting, in another way prescribed by regulation—
 - (a) the name of the councillor who has the real conflict or perceived conflict;
 - (b) the nature of the personal interests, as described by the councillor;
 - (c) how the councillor dealt with the real conflict or perceived conflict;
 - (d) if the councillor voted on the matter—how the councillor voted on the matter;
 - (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.
- (7) To remove any doubt, it is declared that non-participation in the meeting is not the only way the councillor may appropriately deal with the real conflict or perceived conflict in a transparent and accountable way.

108 Amendment of s 201D (Dishonest conduct of councillor or councillor advisor)

- (1) Section 201D(2), definition *relevant integrity provision*, paragraph (a)(i) to (v)—

omit.

- (2) Section 201D(2), definition *relevant integrity provision*, paragraph (a)(vi) to (ix)—

renumber as paragraph (a)(i) to (iv).

109 Amendment of s 257 (Delegation of local government powers)

- (1) Section 257(2)—

omit.

- (2) Section 257(3) to (5)—

renumber as section 257(2) to (4).

110 Insertion of new ch 9, pt 20, div 3

Chapter 9, part 20, as inserted by this Act—

insert—

**Division 3 Provisions for
amendments commencing
by proclamation**

Subdivision 1 Councillor conduct

**365 Existing matters about particular unsuitable
meeting conduct of councillor**

- (1) This section applies if—
- (a) before the commencement, a local government started to deal with unsuitable meeting conduct of a councillor under former sections 150J(b) and 150AG; and
 - (b) immediately before the commencement, a decision about the councillor's conduct

[s 110]

under former section 150AG had not been made.

- (2) From the commencement, the local government must take no further action in relation to the councillor's unsuitable meeting conduct.

366 Preliminary assessment of conduct engaged in before commencement

- (1) This section applies if—
 - (a) a councillor engaged in conduct before the commencement; and
 - (b) either—
 - (i) a preliminary assessment of a complaint, notice or information about the conduct was started but not finished before the commencement under former chapter 5A, part 3, division 3A; or
 - (ii) a preliminary assessment of a complaint, notice or information about the conduct is started on or after the commencement under new chapter 5A, part 3, division 3A.
- (2) New chapter 5A, part 3 applies in relation to the councillor's conduct, including for the completion of the preliminary assessment.
- (3) For a preliminary assessment mentioned in subsection (1)(b)(i), anything done under former chapter 5A, part 3, division 3A is taken to have been done under new chapter 5A, part 3, division 3A.
- (4) Despite subsection (2), on the completion of the preliminary assessment, the assessor may dismiss the complaint or decide to take no further action for the notice or information if—

- (a) the assessor reasonably suspects the councillor has engaged in misconduct mentioned in new section 150L(1)(b)(iii) or (iv); and
 - (b) the assessor is satisfied—
 - (i) at least 6 months have elapsed since the councillor's conduct occurred; and
 - (ii) it would not be in the public interest to take further action under new chapter 5A, part 3.
- (5) Also, after the completion of the preliminary assessment, subsection (6) applies if—
 - (a) the assessor applies to the conduct tribunal under new section 150AJ; and
 - (b) the tribunal decides under new section 150AQ that the councillor has engaged in misconduct mentioned in new section 150L(1)(b)(iii) or (iv).
- (6) Despite new section 150AR, the conduct tribunal may make an order mentioned in section 150AH(a) or (b) as in force immediately before the commencement.
- (7) For subsection (6), section 150AH as in force immediately before the commencement applies as if—
 - (a) a reference in that section to the local government were a reference to the conduct tribunal; and
 - (b) a reference in that section to a conduct breach were a reference to misconduct mentioned in new section 150L(1)(b)(iii) or (iv).
- (8) In addition, subsection (9) applies if, after completing the preliminary assessment, the assessor reasonably suspects the councillor's

[s 110]

conduct the subject of the complaint, notice or information is a combination of—

- (a) misconduct mentioned in new section 150L; and
 - (b) other conduct that is a conduct breach within the meaning of former section 150K.
- (9) Despite new section 150SD, the assessor must dismiss the complaint, or decide to take no further action for the notice or information, to the extent it relates to the conduct mentioned in subsection (8)(b).

367 Existing matters referred to local governments

- (1) This section applies if—
- (a) before the commencement, the assessor, under former section 150SD(4)(a) or 150W(b), referred a complaint, notice or information about the conduct of a councillor to a local government; and
 - (b) immediately before the commencement, a decision about the councillor's conduct under former section 150AG had not been made by the local government.
- (2) Sections 150K, 150L and 150M and chapter 5A, part 3, division 5 as in force immediately before the commencement continue to apply, despite the enactment of the amendment Act, in relation to the conduct as if the conduct were a conduct breach.

368 Existing applications to conduct tribunal for particular matters

- (1) This section applies if—

- (a) before the commencement, the assessor had applied to the conduct tribunal under former section 150AJ(1)(b); and
 - (b) immediately before the commencement, the application had not been decided.
- (2) The conduct tribunal may conduct, or continue to conduct, a hearing about the application under chapter 5A, part 3 as in force immediately before the commencement despite the enactment of the amendment Act.

369 Existing reviews by QCAT of particular matters

- (1) This section applies in relation to a review started, but not decided, under former section 150AT before the commencement that relates to an application under former section 150AJ(1)(b).
- (2) QCAT may continue to hear and decide the review under chapter 5A, part 3 as in force immediately before the commencement despite the enactment of the amendment Act.

370 Existing review rights to QCAT for particular matters

- (1) This section applies if, immediately before the commencement—
 - (a) a person could have but had not applied to QCAT for review of a decision under former section 150AT for an application under former section 150AJ(1)(b); and
 - (b) the period within which the person could apply for the review had not ended.
- (2) The person may apply for a review of the decision under former section 150AT as if the amendment Act had not been enacted.

- (3) Also, QCAT may hear and decide the review under chapter 5A, part 3 as in force immediately before the commencement as if the amendment Act had not been enacted.

Subdivision 2 Dealing with personal interests of councillors

371 Proceedings for particular offences

- (1) This section applies in relation to an offence against any of the following provisions committed by a person before the commencement—
 - (a) former section 201D in relation to a provision mentioned in former section 201D(2), definition *relevant integrity provision*, paragraph (a)(i) to (v);
 - (b) former section 150EM(2);
 - (c) former section 150ES(5);
 - (d) former section 150EY.
- (2) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the amendment Act, sections 107 and 108 had not commenced.
- (3) Subsection (2) applies despite the Criminal Code, section 11.

372 Continued application of s 153 for former integrity offences

- (1) This section applies if a person is convicted of an offence against former section 150EM(2) or 150EY before or after the commencement.

- (2) The conviction is taken to be a conviction of an integrity offence for section 153(1)(d).

373 Application of this Act for contravention of former COI provisions

- (1) This section applies if—
- (a) before the commencement, a person had made a complaint to the assessor about the conduct of a councillor; and
 - (b) the conduct related to a contravention of former section 150EK, 150EL, 150EPA, 150EQ, 150EW or 150EZ (the *former COI provisions*); and
 - (c) immediately before the commencement, the complaint had not been resolved.
- (2) Chapter 5A, as it applies under subdivision 1, applies in relation to the councillor's conduct as if—
- (a) the former COI provisions had not been repealed; and
 - (b) contravention of a former COI provision continued to be misconduct within the meaning of section 150L.
- (3) In this section—
- resolved*, in relation to a complaint about a councillor's conduct, means all proceedings or actions that are required or permitted to be taken under chapter 5A in relation to the conduct are complete.

111 Amendment of sch 1 (Serious integrity offences and integrity offences)

- (1) Schedule 1, part 2, under heading 'This Act', entries for sections 150EM(2) and 150EY—

[s 112]

omit.

- (2) Schedule 1, part 2, under heading ‘This Act’—

insert—

150EI(3) Councillor’s material personal interest at a meeting

112 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *close associate*, *declarable conflict of interest*, *eligible councillor*, *employment-related or upgraded travel or accommodation* and *prescribed conflict of interest*—

omit.

- (2) Schedule 4, definitions *conduct breach*, *investigation policy*, *investigation report* and *referral notice*—

omit.

- (3) Schedule 4—

insert—

associate, of a councillor, see section 150EG.

conflict of interest see section 150EF.

material personal interest see section 150EE.

- (4) Schedule 4, definition *related party*, ‘section 150EP’—

omit, insert—

section 150EH

Part 5 Amendment of Local Government Regulation 2012

Division 1 Preliminary

113 Regulation amended

This part amends the *Local Government Regulation 2012*.

Note—

See also the amendments in schedule 1, part 2.

Division 2 Amendments commencing on assent

114 Replacement of s 44 (Minimum requirements for complaint process)

Section 44—

omit, insert—

44 Complaints management process

The complaints management process adopted by the relevant local government under section 306 applies to a competitive neutrality complaint in relation to the business entity.

115 Amendment of s 45 (Making a complaint)

(1) Section 45(1), ‘or the competition authority’—

omit.

(2) Section 45(2)(b)(iii)—

omit.

(3) Section 45(3)—

[s 116]

omit, insert—

(3) Subsection (4) applies if—

- (a) the relevant local government makes a decision about the complaint; and
- (b) the complainant tells the local government that the complainant is not satisfied with the decision.

(3A) The relevant local government must give the following to the competition authority as soon as practicable—

- (a) the complaint;
- (b) the local government's decision about the complaint and the reasons for the decision;
- (c) information obtained from any investigation of the complaint.

(4) Section 45(3A) and (4)—

renumber as section 45(4) and (5).

116 Amendment of s 48 (Competition authority refusing to investigate)

(1) Section 48(1)(a)—

omit.

(2) Section 48(1)(b) to (d)—

renumber as section 48(1)(a) to (c).

117 Amendment of s 71 (What ch 4 is about)

Section 71(2)—

omit.

118 Amendment of ch 4, pt 2, hdg (Land exempt from rating)

Chapter 4, part 2, heading, after ‘rating’—

insert—

and prescribed local governments

119 Insertion of new s 73A

After section 73—

insert—

73A Local governments to which Act, s 94A applies

For section 94A(1) of the Act, the following local governments are prescribed—

- (a) Aurukun Shire Council;
- (b) Cherbourg Aboriginal Shire Council;
- (c) Doomadgee Aboriginal Shire Council;
- (d) Hope Vale Aboriginal Shire Council;
- (e) Kowanyama Aboriginal Shire Council;
- (f) Lockhart River Aboriginal Shire Council;
- (g) Mapoon Aboriginal Shire Council;
- (h) Mornington Shire Council;
- (i) Napranum Aboriginal Shire Council;
- (j) Palm Island Aboriginal Shire Council;
- (k) Pormpuraaw Aboriginal Shire Council;
- (l) Woorabinda Aboriginal Shire Council;
- (m) Wujal Wujal Aboriginal Shire Council;
- (n) Yarrabah Aboriginal Shire Council;
- (o) Northern Peninsula Area Regional Council;
- (p) Torres Strait Island Regional Council.

[s 120]

120 Amendment of s 186 (Councillors)

- (1) Section 186(1)(d), (e) and (f)(vii)—
omit.
- (2) Section 186(1)(i)—
omit.

121 Amendment of s 187 (Administrative action complaints)

- (1) Section 187, heading, after ‘complaints’—
insert—
and competitive neutrality complaints
- (2) Section 187(1)(a), after ‘complaints’—
insert—
and competitive neutrality complaints
- (3) Section 187(2), after ‘must’—
insert—
, for each type of complaint mentioned in subsection (1),
- (4) Section 187(2)(a) and (b), ‘administrative action’—
omit.

122 Amendment of s 247 (Remuneration payable to councillors)

- (1) Section 247—
insert—
 - (2A) However, a decision not to pay the maximum amount of remuneration to a councillor must not be made only because the councillor was absent, with or without the local government’s leave, for 1 or more ordinary meetings of the local government.

- (2) Section 247(4), ‘subsection (3)’—
omit, insert—
subsection (4)
- (3) Section 247(8), ‘Subsections (4), (5) and (6)’—
omit, insert—
Subsections (5), (6) and (7)
- (4) Section 247(2A) to (8)—
renumber as section 247(3) to (9).

Division 2A Amendments commencing on 1 July 2026

122A Replacement of s 299A (Meaning of *salary* of a permanent employee of a local government or local government entity)

Section 299A—

omit, insert—

299A Meaning of *salary* of a permanent employee of a local government or local government entity)

For this part, the *salary* of a permanent employee of a local government or local government entity is the same as the employee’s qualifying earnings under the *Superannuation Guarantee (Administration) Act 1992* (Cwlth), section 10A(1) to (3).

122B Amendment of s 302 (Prescribed amount of yearly contributions—Act, s 220)

Section 302(2) and (3)—

omit, insert—

[s 123]

(2) In this section—

charge percentage means the charge percentage under the *Superannuation Guarantee (Administration) Act 1992* (Cwlth), section 17A(2), divided by 100.

Division 3 Amendments commencing by proclamation

123 Amendment of s 186 (Councillors)

(1) Section 186(1)(f)(iii), ‘section 150R(2)’—

omit, insert—

section 150R(3)

(2) Section 186(1)(f)(iv) to (vi)—

omit.

(3) Section 186(1)(g), (h), (j) and (k)—

omit.

(4) Section 186(1)(f)—

renumber as section 186(1)(d).

124 Omission of s 239C (When summary of investigation report or investigation report must be made publicly available)

Section 239C—

omit.

125 Replacement of s 254AB (Ordinary business matters relating to documents—Act, s 150EF)

Section 254AB—

omit, insert—

**254AB Matters in relation to which the Act, ch 5B
does not apply—Act, s 150ED**

For section 150ED(1)(d) of the Act, the annual operational plan adopted by a local government under section 174 is prescribed.

126 Amendment of s 254D (Public availability of agendas)

Section 254D(5), definition *related report*, from
'meeting—'—

omit, insert—

meeting, means a report or other document relating to an item on the agenda for the meeting that is made available to councillors or committee members for the purposes of the meeting.

127 Amendment of s 254H (Recording of reasons for particular decisions)

(1) Section 254H(2)—

omit.

(2) Section 254H(3) and (4)—

renumber as section 254H(2) and (3).

128 Amendment of s 254J (Closed meetings)

(1) Section 254J(3)(j)—

omit.

(2) Section 254J(4)—

omit.

(3) Section 254J(5) and (6)—

renumber as section 254J(4) and (5).

[s 129]

129 Insertion of new ch 27

After chapter 26—

insert—

**Chapter 27 Transitional
provision for Local
Government
(Empowering
Councils) and Other
Legislation
Amendment Act
2026**

**382 Investigation reports and local government
meetings**

- (1) This section applies if, under section 366 of the Act, an investigation report about the conduct of a councillor is prepared and given to a local government.
- (2) Former sections 239C, 254D, 254H and 254J continue to apply in relation to the investigation report despite the enactment of the *Local Government (Empowering Councils) and Other Legislation Amendment Act 2026*.
- (3) In this section—
former, in relation to a provision of this regulation, means the provision as in force immediately before the commencement.

**130 Amendment of sch 5 (Financial and non-financial
particulars for registers of interests)**

- (1) Schedule 5, section 1, definition *conflict of interest*—

omit.

- (2) Schedule 5, section 1, definition *reporting term*, paragraph (a), from ‘relevant’—

omit, insert—

councillor’s term of office; or

- (3) Schedule 5, section 13(2)—

omit.

131 Replacement of sch 5A (Content of extracts of registers of interests of councillors)

Schedule 5A—

omit, insert—

Schedule 5A Content of extracts of registers of interests of councillors

section 295(3)

Column 1	Column 2
Interest	Period
a gift mentioned in schedule 5, section 12(1)(a)	the financial year in which the gift is received
gifts mentioned in schedule 5, section 12(1)(b)	the financial year in which the gifts first total \$500 or more
a sponsored travel or accommodation benefit mentioned in schedule 5, section 13	the financial year in which the sponsored travel or accommodation benefit is received
a donation mentioned in schedule 5, section 14B(1)(a)	the financial year in which the donation is made

[s 132]

Column 1	Column 2
Interest	Period
donations mentioned in schedule 5, section 14B(1)(b)	the financial year in which the donations made first total \$500 or more
another interest mentioned in schedule 5	the period for which the councillor holds the interest

132 Amendment of sch 8 (Dictionary)

- (1) Schedule 8, definition *conflict of interest*—
omit.
- (2) Schedule 8—
insert—

sponsored travel or accommodation benefit has the meaning given by section 150EF(4) of the Act.

Part 6 Amendment of Local Government Electoral Act 2011

133 Act amended

This part amends the *Local Government Electoral Act 2011*.

134 Amendment of s 26 (Who may be nominated)

Section 26(2)—
omit, insert—

- (2) Also, a person may be nominated as a candidate for an election only if—

- (a) 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—
 - (i) the person's obligations as a candidate, including the person's obligations under part 6; and
 - (ii) 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 *Local Government Act 2009*; or
- (b) the person is a councillor—
 - (i) who has, at any time, successfully completed a training course mentioned in paragraph (a); and
 - (ii) whose office has not, before the nomination day for the election, become vacant under the *City of Brisbane Act 2010*, section 162 or the *Local Government Act 2009*, section 162.

135 Amendment of s 45AA (Application for direction that poll be conducted by postal ballot)

- (1) Section 45AA, heading, 'direction'—

omit, insert—

recommendation

- (2) Section 45AA(1), 'Minister for a poll to'—

omit, insert—

electoral commissioner to make a written recommendation to the Minister that a poll

- (3) Section 45AA(2)(a), 'Minister'—

[s 136]

omit, insert—

electoral commissioner

136 Amendment of s 45AB (Referral of application to electoral commissioner for recommendation)

- (1) Section 45AB, heading—

omit, insert—

45AB Deciding application for recommendation

- (2) Section 45AB(1)—

omit.

- (3) Section 45AB(2), ‘The’—

omit, insert—

For an application by a local government under section 45AA, the

- (4) Section 45AB(2), before paragraph (a)—

insert—

(aa) as soon as practicable after the application is made, give the Minister notice of the application; and

- (5) Section 45AB(2)(b), from ‘give’ to ‘approved’—

omit, insert—

make a written recommendation about whether the poll should be conducted by postal ballot

- (6) Section 45AB(2)—

insert—

(c) give the recommendation and reasons to the Minister.

- (7) Section 45AB(2)(aa) to (c)—

renumber as section 45AB(2)(a) to (d).

- (8) Section 45AB(2) to (4)—
renumber as section 45AB(1) to (3).

137 Amendment of s 45 (Direction that poll be conducted by postal ballot)

- (1) Section 45(1), from ‘about an application’—
omit, insert—
under section 45AB, the Minister must consider the recommendation and decide whether to give a direction that the poll the subject of the recommendation be conducted by postal ballot.
- (2) Section 45(2), ‘approve the application’—
omit, insert—
give the direction
- (3) Section 45(2)(b), ‘section 45AB(4)’—
omit, insert—
section 45AB(3)
- (4) Section 45(3) and (4), ‘approval’—
omit, insert—
direction

138 Amendment of s 177 (Author of election material must be named)

- (1) Section 177, heading ‘Author of’—
omit, insert—
Person who authorised advertisement etc. containing
- (2) Section 177(2)—
omit, insert—
(2) The particulars are—

[s 139]

- (a) the name of the person who authorised the advertisement, handbill, pamphlet or notice; and
- (b) the person's address, post office box or other address prescribed by regulation.

139 Amendment of s 178 (Distribution of how-to-vote cards)

(1) Section 178(2)—

omit, insert—

(2) A how-to-vote card must state—

- (a) the name of the person who authorised the card; and
- (b) the person's address, post office box or other address prescribed by regulation.

(2) Section 178(4)—

omit, insert—

(4) For subsection (2), if the card is authorised for a group of candidates or for a candidate who is a member of a group of candidates, the authorising person must be a member of the group.

139A Insertion of new pt 11, div 8

Part 11—

insert—

Division 8

Transitional provision for Local Government (Empowering Councils) and Other Legislation Amendment Act 2026

242 Continued application of particular requirements for elections if notice of election published before commencement

- (1) This section applies if—
 - (a) a notice of an election was published under section 25(1) before the commencement; and
 - (b) immediately before the commencement, the election period for the election had not ended.
- (2) Despite the commencement of the amendment Act—
 - (a) former section 26 and schedule 1, section 7 continue to apply to a person in relation to nomination as a candidate in the election; and
 - (b) former sections 45AA, 45AB and 45 continue to apply in relation to an application by a local government for a poll to be conducted by postal ballot;
 - (c) former section 177 continues to apply in relation to election material for the election; and
 - (d) former section 178 continues to apply in relation to how-to-vote cards for the election.

- (3) In this section—

amendment Act means the *Local Government (Empowering Councils) and Other Legislation Amendment Act 2026*.

former, for a provision of this Act, means the provision as in force from time to time before the commencement.

[s 140]

140 Amendment of sch 1 (Other matters nomination must contain)

Schedule 1, section 7, from ‘that’—

omit, insert—

that—

- (a) the candidate has, within 6 months before the nomination day for the election, successfully completed a training course approved under section 26(2) of the Act; or
- (b) the candidate is a councillor—
 - (i) who has, at any time, successfully completed a training course approved under section 26(2) of the Act; and
 - (ii) whose office has not, before the nomination day for the election, become vacant under the *City of Brisbane Act 2010*, section 162 or the *Local Government Act 2009*, section 162.

Part 6A Amendment of Right to Information Act 2009

140A Act amended

This part amends the *Right to Information Act 2009*.

140B Amendment of ch 1, pt 3, hdg (Effect of publication by Cabinet on public interest immunity)

Chapter 1, part 3, heading, ‘by Cabinet’—

omit, insert—

of particular documents

140C Amendment of s 18A (Effect of publication by Cabinet on public interest immunity)

- (1) Section 18A, heading, after ‘by Cabinet’—

insert—

**or Establishment and Coordination
Committee**

- (2) Section 18A(1), after ‘with Cabinet’—

insert—

**or the Establishment and Coordination
Committee**

- (3) Section 18A(2)(a), after ‘by Cabinet’—

insert—

or the committee

- (4) Section 18A(2)(b) and (c)—

omit, insert—

(b) the publication by Cabinet or the committee of any other information contained in a document mentioned in schedule 3, section 2(3) or 4A(3);

(c) a decision by Cabinet or the committee to officially publish information contained in a document mentioned in schedule 3, section 2(3) or 4A(3) on a regular basis.

- (5) Section 18A(3), definition *Cabinet information*—

omit.

140D Amendment of sch 3 (Exempt information)

Schedule 3—

insert—

[s 140D]

4A Brisbane City Council—Establishment and Coordination Committee information

- (1) Information 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.
- (2) Subsection (1) does not apply to—
 - (a) information brought into existence before the commencement of this section; or
 - (b) information officially published by decision of the council; or
 - (c) if the 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.
- (3) Without limiting subsection (1), 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).
- (4) However—
 - (a) if information in a document mentioned in subsection (3)(a), (c), (e) or (f) 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 a document mentioned in subsection (3)(b), (d), (g) or (h) despite any publication of information in a document mentioned in subsection (3)(a), (c), (e) or (f).
- (5) 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 have an effect mentioned in subsection (1)(b); or
 - (b) it was brought into existence for the consideration of the committee.
- (6) In this section—
 - consideration** includes—
 - (a) discussion, deliberation or noting (with or without discussion) or decision; and
 - (b) consideration for any purpose, including, for example, for information or to make a decision.

[s 140E]

council means the Brisbane City Council.

draft includes a preliminary or working draft.

relevant date, for information, means—

- (a) for information considered by the committee—the date the information was most recently considered by the committee; or
- (b) for other information—the date the information was brought into existence.

140E Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

Establishment and Coordination Committee
means the Establishment and Coordination Committee under the *City of Brisbane Act 2010*.

Part 6B Amendment of Working with Children (Risk Management and Screening) Act 2000.

140F Act amended

This part amends the *Working with Children (Risk Management and Screening) Act 2000*.

140G Amendment of ch 8, pt 6, div 8A, hdg (Sharing information with prescribed entity)

Chapter 8, part 6, division 8A, heading, ‘prescribed entity’—
omit, insert—

particular entities

140H Insertion of new s 344AAE

After section 344AAD—

insert—

344AAE Sharing of information by regulatory authority under Education and Care Services National Law (Queensland)

- (1) Sections 344AAC and 344AAD 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.
- (2) The Education and Care Services National Law (Queensland), section 273(1) does not apply in relation to the giving of protected information by the regulatory authority to the chief executive under section 344AAC or 344AAD, as applied by subsection (1).

Note—

See also the *Education and Care Services National Law (Queensland) Act 2011*, section 4.

- (3) In this section—

protected information see the Education and Care Services National Law (Queensland), section 273(3).

regulatory authority means the person declared to be the regulatory authority under the *Education and Care Services National Law (Queensland) Act 2011*, section 14.

Part 7 Minor and consequential amendments

141 Legislation amended

Schedule 1 amends the legislation it mentions.

section 141

- 1 Section 92C(1)(a), ‘section 92B’—**
omit, insert—
section 92BA or 92BB
- 2 Section 92C(1)(b), from ‘Minister’s’—**
omit, insert—
approval under section 92BA(4) or 92BB(4).
- 3 Section 252(2)(j), ‘sustainability’—**
omit, insert—
planning
- 4 Schedule 1, parts 1 and 2, ‘Local Government Electoral Act’—**
omit, insert—

Local Government Electoral Act 2011

City of Brisbane Regulation 2012

1 Section 255H, ‘section 194C(1)(a)’—

omit, insert—

section 194C(1)

Local Government Act 2009

1 Section 83(3)(b), ‘indigenous regional council’—

omit, insert—

local government

2 Section 90C(1)(a), ‘section 90B’—

omit, insert—

section 90BA or 90BB

3 Section 90C(1)(b), from ‘Minister’s’—

omit, insert—

approval under section 90BA(4) or 90BB(4).

4 Section 90D(3), ‘*Local Government Electoral Act 2011*’—

omit, insert—

Local Government Electoral Act

5 Section 150AU(1), after ‘under section’—

insert—

150SE or

6 Section 152, ‘*Local Government Electoral Act 2011*’—

omit, insert—

Local Government Electoral Act

7 Section 170(2)(b), after ‘section 196(3)’—

insert—

or (4)

Part 2 Amendments commencing by proclamation

City of Brisbane Act 2010

1 Section 194A(2)(a), ‘a close’—

omit, insert—

an

City of Brisbane Regulation 2012

1 Section 242F(5)(b), ‘prescribed conflict of interest or declarable conflict of interest’—

omit, insert—

material personal interest or conflict of interest

2 Section 242G(2)(c), ‘section 177X(2) or (4)’—

omit, insert—

section 177F(7) or 177G(6)

Local Government Act 2009

1 Section 197A(2), ‘a close’—

omit, insert—

an

Local Government Regulation 2012

1 Section 254F(5)(b), ‘prescribed conflict of interest or declarable conflict of interest’—

omit, insert—

material personal interest or conflict of interest

2 Section 254G(2)(c), ‘section 150FA(2) or (4)’—

omit, insert—

section 150EI(7) or 150EJ(6)

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