Summary of amendments - *Local Government (Empowering Councils) and Other Legislation Amendment Act 2026*

Amendments to *Local Government Act 2009* (LGA), *City of Brisbane Act 2010* (COBA) and *Local Government Electoral Act 2011* (LGEA), *Right to Information Act 2009* (RTI Act) and associated regulations

Theme	Issue	Amendment

Empowering councils	Re-empower councillors to appoint senior executive employees of a local government	• The Act amends section 196 of the LGA to provide that *senior executive employees* are appointed by a panel constituted by the following persons:
		  ○ the Mayor
		  ○ the CEO
		  ○ either:
		  - if the senior executive employee is to report to only 1 committee of the local government – the chairperson of the committee, or
		  - otherwise – the deputy mayor.
		• A senior executive employee is defined as a local government employee who reports directly to the CEO and ordinarily is considered a senior position in the local government's corporate structure.
		• The CEO and/or mayor may delegate their role on the panel under the existing delegation provisions.
		• The Act provides that if the deputy mayor or chairperson is unable to take part in the panel, the local government must appoint another councillor to replace them on the panel.
		• The CEO remains responsible for management, direction and discipline (including dismissal) of senior executive employees.

	Re-empower councillors at Brisbane City Council (BCC) to appoint 'senior contract employees' (including at the General Manager level).	• The Act amends sections 192 and 193 of the COBA to provide that the council is responsible for the appointment of senior contract employees, defined as employees who are employed on a contractual basis and classified by the council as senior executive service. • The CEO remains responsible for the management, direction and discipline of senior contract employees. The CEO is also responsible for the appointment, management, direction and discipline of all other local government employees, other than senior executive employees and senior contract employees.

	Access to State-owned quarry materials	• The Act amends section 143 of the LGA to:
		  ○ amend the definition of reasonable notice period to provide that a reasonable entry notice must be given to the owner and occupier of relevant land within a 'reasonable period' before the land is entered, instead of at least 7 days before the property is proposed to be entered;
		  ○ replace 'rateable' with 'relevant' to correct a drafting error and reduce confusion; and
		  ○ remove the example of the use of the power.

	Clarify rating powers for indigenous local governments	• The Act inserts new section 94A into the LGA to clarify existing policy position that the 14 Indigenous local governments, as defined at schedule 4 of the LGA, and Aurukun Shire Council and Mornington Shire Council must not levy general rates, or any other type of rates calculated using the rateable value of land. • New section 94A provides that the Minister may recommend that the Governor-in-Council make a regulation to permit one, or more, of the Indigenous local governments listed above to levy rates, if it would be practicable for them to levy rates on rateable land. • The Act amends the LGR to specify that the 14 Indigenous local governments and Aurukun Shire Council and Mornington Shire Council must not levy rates.
Empowering mayors	Reinforce mayor is the official spokesperson of council and other councillors have a responsibility to communicate with the community about council matters generally	• The Act amends section 12 of the LGA to put beyond doubt the longstanding position that the mayor is the official spokesperson of the local government. An equivalent provision is not required for BCC. • The Act also amends section 12 of the LGA to clarify that all other councillors may communicate with the community about local government matters, other than as the official spokesperson of the local government.
	Clarify that mayors are default chairperson of ordinary and special meetings	• The Act amends section 12 of the LGA to put beyond doubt that the mayor of a local government is the default chairperson for ordinary and special meetings of the local government, and committee meetings for which the mayor has been appointed chairperson.
Conflicts of interest and register of	New conflicts of interest framework based on material personal interest and conflict of interest	• The Act amends the COBA and LGA to ○ repeal the current conflicts of interest framework which is based on the concepts of prescribed conflicts of interest and declarable conflicts of interest

interests framework		○ reinstate the concepts of material personal interest and conflict of interest (in place 2013 to early 2018) with modifications to clarify the tests for determining whether a councillor has a conflict of interest ○ retain the current conflict of interest exceptions for councillors which have been requested by stakeholders, for example, small value gifts and hospitality, club memberships, religious beliefs and political affiliations; and the current ordinary business matters of a local government, including the development of whole of local government documents such as the budget and operational plan ○ update the framework for dealing with breaches, including penalties: - serious breaches (that is, the intention to gain a benefit, or avoid a loss, for a councillor or someone else) – maximum penalty of 200 penalty units or 2 years imprisonment, and - other breaches – dealt with as 'misconduct' under the councillor conduct framework.
	Register of interests - reporting periods	• The Act provides that the reporting term for a councillor, or a person related to a councillor, for a councillor's register of interests, is the councillor's current term of office. • In relation to an extract of a councillor's register of interests, particulars about gifts, donations and sponsored travel or accommodation benefits only need to be shown for the financial year in which the gift or sponsored travel or accommodation benefit is received or the donation is made. • All other interests that must be shown in an extract continue to be shown for the period the councillor holds the interest.
Removing red tape	Ministerial general approval to make major policy decisions about Disaster Recovery Funding Arrangements during local government caretaker periods	• The Act amends the COBA and LGA to provide the Minister may issue a general approval for local governments to make major policy decisions in relation to disaster recovery funding arrangements during the caretaker period for local government elections (starting on the date of notification of an election and ending at the conclusion of the election). • The policy objective is to provide that the Minister may issue an approval which applies to multiple local governments for multiple decisions. This will streamline the current process whereby local governments must apply to the Minister for approval to make a major policy decision during caretaker where exceptional circumstances apply.
	Removing conduct breaches from councillor conduct framework	• The Act removes the conduct breach category from the councillor conduct framework. • This means the OIA will only have jurisdiction to proceed with misconduct or corrupt conduct (where permitted by the Crime and Corruption Commission) and must dismiss other matters. However, inappropriate councillor conduct may be called out through other mechanisms, including in public council meetings and the media.

	• Unsuitable meeting conduct by a councillor will still be dealt with by the chairperson of the meeting, including by reprimanding the councillor or ordering the councillor to leave the meeting. Councillors present at a meeting will also be able to reprimand a chairperson if the chairperson's conduct is unsuitable meeting conduct. • In addition, the Act amends the definition of misconduct to include the following more serious conduct breaches which have potential to cause significant harm to persons and local government reputation: ○ bullying - repeated behaviour directed at a person that is unreasonable and a risk to the health or safety of the person, and ○ sexual harassment - harassment of a sexual nature, or any other unwelcoming behaviour of a sexual nature • The definition of misconduct will also include circumstances where a councillor contravenes an order of the chairperson of a local government meeting to leave and stay away from the meeting. Allegations in relation to these matters will continue to be dealt with by the OIA and Councillor Conduct Tribunal.
Remove duplication of requirements for annual report and councillor conduct register	• The Act amends section 178 of the COBR and section 186 of the LGR to remove the requirement for local governments to publish information on councillor conduct matters in their annual report. This information will continue to be available on the councillor conduct register.
Mandatory training requirements – candidates and councillors	• The Act amends section 26 of the LGEA to provide that a returning councillor who has, at any time, successfully completed an approved election candidate training course does not have to complete the course again. • The Act also amends section 169A of the COBA and LGA to provide that the requirement to complete a mandatory approved training course does not apply to a councillor who has already completed the training course.
Remove the regulation making power in relation to the functions of councillor advisors	• The Act amends section 194C of the COBA and section 197D of the LGA to remove unnecessary powers to make a regulation to limit the functions and key responsibilities of a councillor advisor.
Allow councils to lodge postal ballot applications directly with the Electoral Commissioner	• The Act amends sections 45AA, 45AB and 45 of the LGEA to streamline the postal ballot application process. The amendments provide that local governments may make an application directly to the Electoral Commission of Queensland (ECQ) for an election to be conducted by postal ballot (at both a quadrennial election or a by-election), instead of being required to first apply to the Minister. • The current process whereby the ECQ considers an application and makes a written recommendation to the Minister about whether the application should be approved remains in place. The Minister would then consider

		the ECQ's recommendation, decide to accept or not accept the recommendation, and make a direction accordingly.
	Review of divisions/wards and councillors before quadrennial elections – provide for ECQ to initiate process	• The Act amends section 18 of the COBA and section 16 of the LGA to provide that the ECQ, rather than local governments, are to initiate the divisional boundary review process ahead of a quadrennial election. The amendments provide that the ECQ must: ○ review whether each division of a local government's area has a reasonable proportion of electors for each councillor elected for the division; and ○ give each local government and the Minister notice of the results of the review into whether divisions/wards have a reasonable proportion of electors.
	Review of divisions/wards and councillors before quadrennial elections – amend deadline for review	• The Act aligns the deadline for the review of divisions and councillors in the LGA with the deadline in the equivalent section of the COBA (1 October in the year that is 2 years before the year of the quadrennial election) to provide the Local Government Change Commission with more time to complete the necessary divisional boundary reviews.
	Remove requirement to provide Minister with public benefit assessment report	• The Act removes duplication by omitting the requirement at section 50 of the COBA and section 46 of the LGA for local governments to provide the Minister with a copy of a public benefit assessment report and all resolutions made in relation to the report, as this information is already publicly available in the minutes of a local government meeting.
Clarifying councillor remuneration, leaves of absence, vacation of office and eligibility	Provide certainty to councillors on when they are entitled to begin and end receiving remuneration following election/appointment.	• The Act inserts new section 160A into the COBA and 160B into the LGA to provide that a councillor is entitled to remuneration from the date of the start of their term, or from the date of their appointment, until the day on which the councillor's term ends.
	Provide certainty to councillors by clarifying that a councillor is entitled to their remuneration when absent from council, including during leaves of absence	• The Act amends section 247 of the LGR to clarify that a local government cannot resolve to reduce or remove the remuneration of a councillor for a period of time the councillor is absent from meetings of the local government, even if the councillor has not been granted leave.

	Provide certainty to councillors that leaves of absence from council meetings can be cancelled and do not limit carrying out other responsibilities	• The Act amends section 178 of the COBA and section 175A of the LGA to provide that a local government granting a councillor a leave of absence to a councillor relates solely to excusing the councillor's attendance at meetings of the local government, and does not limit the councillor from carrying out their other responsibilities. • The Act also provides that a councillor who is granted leave can still attend the meeting/s for which the leave of absence has been granted, including as chairperson of the meeting/s if that is the councillor's normal responsibility.
	Automatic vacation of office if elected or appointed the mayor of the local government	• The Act amends section 162 of the COBA and LGA to provide for the automatic vacation of a councillor's office if, during a local government term, the councillor is elected or appointed to fill a vacancy in the office of the mayor.
	Automatic removal from office on nomination as a candidate at State election	• The Act amends section 155 of the COBA and LGA to provide that a councillor is automatically removed from office on nomination as a candidate for a State election.

Promoting good governance and decision making	Brisbane City Council – disclosure of information requirements	• The Act amends the RTI Act to reintroduce the 10-year right to information exemption for BCC's Establishment and Coordination Committee ('Civic Cabinet).
		• The Act amends sections 171 and 172 of the COBA to provide that certain documents are to remain confidential to Civic Cabinet and are not accessible by non-committee councillors including:
		  ○ interim versions of committee submissions;
		  ○ committee briefing notes;
		  ○ notes of discussions in committee meetings;
		  ○ a document prepared for presentation to the committee; and
		  ○ a draft of, or another document prepared for the purpose of, any of Civic Cabinet document.
		• The Act provides that 'general committee information' is available to non-committee councillors under sections 171 or 172 of the COBA once a matter is finally resolved by the committee or BCC. These documents are:
		  ○ the version of a committee submission considered by the committee in making a final decision about the matter the subject of the submission;
		  ○ committee agendas;
		  ○ committee minutes; and
		  ○ committee decisions.

		• BCC will continue to publish these documents on its webpage in accordance with its existing publication scheme. • The Act inserts new section 244A into the COBA to provide civil liability protections for committee members who disclose committee information in good faith under a publication scheme. • The Act also provides that councillor requests for assistance or information under section 171, or the inspection of council records under section 172, must relate only to the ward of Brisbane that the particular councillor represents. These provisions do not apply to the mayor, or to the chairperson of BCC or the chairperson of a committee of BCC if the request or access relates to the role of the chairperson.
	Prevent unauthorised disclosure of information and documents	• The Act amend sections 170A of the LGA and 171 of the COBA to provide that the power for councillors to request information from the CEO does not apply to information that comprises proceedings in the Assembly, as defined in section 9 of the *Parliament of Queensland Act 2001*. • This implements a recommendation of the parliamentary Ethics Committee.
Protecting the privacy and safety of election participants	Enhancing safeguards for local government election candidates and participants	• The Act amends sections 177 and 178 of the LGEA to provide that a candidate or participant has the option of including a physical address, Post Office Box address or another form of address as prescribed by regulation.
Minor, administrative and/or technical amendments	Amend COBA in relation to timing for BCC to adopt budget	• The Act allows BCC to adopt its annual budget before 1 August in the financial year or before a later day decided by the Minister – this brings BCC into line with other local governments.
	Amend councillor conduct register provisions to capture all relevant decisions and details	• The Act ensures that the name of a councillor who engages in unsuitable meeting conduct is included in the councillor conduct register.
	Obligation for trustee councils	• The Act clarifies that the obligation for trustee councils to conduct trustee business separately from other local government business applies to all trustee councils, not just Indigenous regional councils.

Achieve consistency throughout COBA and LGA when referring to the LGEA	• The Act updates various references to the LGEA.
Include a missing section reference in the LGA, section 150AU(1) in relation to repeated frivolous complaints	• The Act updates an offence provision in the LGA to confirm the original intent that a person, who following the assessment of their complaint by OIA is given a notice for making a frivolous complaint, can be prosecuted if they make a further complaint about the same matter.
Amend process for resolving competitive neutrality complaints	• The Act amends the LGA and COBA to empower local governments to deal with competitive neutrality complaints through their administrative action complaints process before referring them to the competition authority, if the administrative action complaints process has been unsuccessful.
Acting Independent Assessor	• The Act amends section 150DD of the LGA to remove the current restriction under subsection (2) – i.e. the person cannot be appointed for more than six months in a 12-month period.
Local government employee superannuation	• The *Treasury Laws Amendment (Payday Superannuation) Act 2025* (Cwlth) (Payday Act) amends the *Superannuation Guarantee (Administration) Act 1992* (Cwlth) to incentivise employers to pay superannuation guarantee contributions at the same time as the payment of an employee's salary. • The Act makes minor amendments to the local government employee superannuation provisions in the LGA and LGR to align with the Payday Act which is scheduled to commence on 1 July 2026.

Summary of amendments - Local Government Legislation (Empowering Councils) Amendment Regulation 2025

Amendments to Local Government Regulation 2012 (LGR) and City of Brisbane Regulation 2012 (COBR)

Theme	Issue	Amendment
Empowering local governments	Empower local governments to decide whether to dispose of valuable non-current assets other than by tender or auction by resolution, without requiring intervention from the State	• The Amendment Regulation removes the requirement at section 226 of the CBR and section 236 of the LGR to obtain a Ministerial exemption to allow councils to dispose of a valuable non-current asset other than by tender or auction. • Instead, councils are empowered to decide themselves if it is appropriate to dispose of a valuable non-current asset other than by tender or auction. • The following safeguards are included to ensure transparency and accountability. Councils are required to: o notify the Minister of the decision o leave an 8-week cooling-off period between the resolution and the disposal occurring o include a statement in the resolution explaining why the decision is in the public interest and has regard to the sound contracting principles.
	Enable councils to grant concessions to ratepayers if satisfied concession appropriate having regard to cost of living in locality	• The Amendment Regulation inserts new section 120(1)(c) into the LGR to provide that a local government, may grant concessions to ratepayers if satisfied the concession is appropriate having regard to the cost of living in the locality where the land is situated
	Increase the thresholds for requiring tenders and quotes	• The Amendment Regulation: o increases the medium-sized and large-sized contractual arrangement thresholds (medium-sized ($21,000 or more) and large-sized ($280,000 or more)), and the thresholds for a valuable non-current asset contract which is not for the disposal of land, by the all groups consumer price index for Brisbane (CPI) from when the thresholds were introduced; and o introduces an automatic indexation mechanism to allow the thresholds to increase annually (each financial year on 1 July) by CPI without the need for annual regulation amendments.

	Ensure that all councils can change the discount period for the early payment of rates in extraordinary circumstances	• The Amendment Regulation amends section 122 of the CBR to clarify that all local governments can, by resolution, extend the discount period for the payment of rates or charges, by deciding a later day for the end of the discount period.
Removing unnecessary red tape	Removing the requirement for the Minister to grant an extension of time for a council to publish its annual report	• The Amendment Regulation omits section 174(3) of the CBR and section 182(3) of the LGR to remove the power that the Minister may, by notice to a local government, extend the time by which the annual report must be adopted.
	Remove the requirement for local governments to notify the Minister of reportable losses	• The Amendment Regulation omits section 279A(3)(a) of the CBR and section 307A(3)(a) of the LGR to remove the requirement for the chief executive officer of a local government to notify the Minister if the chief executive officer is aware of the material loss of an asset which the chief executive officer is satisfied is also a reportable loss.
	Remove the requirement to include an annual performance plan for each commercial business unit of local government	• The Amendment Regulation: ○ omits section 167(1)(c) and section 167(2) to (4) of the CBR and section 175(1)(c) and section 175(2) to (4) of the LGR to remove the requirement for local governments to include annual performance plans in annual operational plans; and ○ omits reference to annual performance plans in section 182(2) of the CBR and section 190(2) of the LGR to remove the requirement for a local government to include information regarding annual performance plans in annual operational reports.
	Remove prohibition on councillors using discretionary funds in a local government election year	• The Amendment Regulation omits section 194(5)(b) of the CBR and section 202(5)(b) of the LGR to remove the restrictions applying to councillors' use of discretionary funds in a quadrennial election year.
	Allow local governments to not meet once in a month if impractical or unnecessary, without requiring a Ministerial exemption	• The Amendment Regulation amends section 257(2) of the LGR to: ○ remove the power for the Minister to, after written application by a local government, exempt a local government from meeting monthly; and ○ instead provide that a local government need not meet in a particular month if the local government considers it would be impracticable or unnecessary to do so.

Clarifying councillor remuneration	Certainty to mayors and deputy mayors that their remuneration can only be decreased, by resolution, by same proportion as all other councillors.	• The Amendment Regulation inserts a new subsection (6) in section 247 of the LGR providing that the amount of remuneration decided under section 247(3) of the LGR for each other councillor, including a mayor or deputy mayor, must be the same proportion of the maximum amount of remuneration payable to that other councillor under the remuneration schedule.