

Local Government Legislation (Superannuation) Amendment Regulation 2024

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HR Act), I, Meaghan Scanlon, Minister for Housing, Local Government and Planning and Minister for Public Works provide this human rights certificate with respect to the *Local Government Legislation (Superannuation) Amendment Regulation 2024* (the Regulation) made under the *City of Brisbane Act 2010* (COBA) and the *Local Government Act 2009* (LGA).

In my opinion, the Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The purpose of the Regulation is to amend the *City of Brisbane Regulation 2012* (CBR) and the *Local Government Regulation 2012* (LGR) to complement the changes to the local government superannuation scheme made by the *Residential Tenancies and Rooming Accommodation and Other Legislation Act 2024*, and to make other legislative amendments.

The Regulation's amendments to superannuation will:

- further align the superannuation contribution rates payable by local government employers with the Commonwealth charge percentage in the *Superannuation Guarantee (Administration) Act 1992* (Cwth) (the Commonwealth Superannuation Act);
- ensure that local government superannuation arrangements for employees 75 years of age or older are consistent with the Commonwealth Superannuation Act;
- provide that permanent Brisbane City Council (BCC) employees 70 years of age or older but under the age of 75 are entitled to the same employer superannuation contributions as other permanent BCC employees; and
- align the definition of 'salary' used in the LGA and LGR with the equivalent definition in the Commonwealth Superannuation Act.

The other legislative amendments made by the Regulation will:

- remove the option for a chief executive officer of a local government to make a deduction from the salary or wages of a local government employee as a disciplinary action; and
- amend how the class of large local governments is prescribed for the purposes of section 105 of the LGA. The Regulation does not alter which local governments are deemed large local governments.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 HR Act)

In my opinion, the human rights under the HR Act that are relevant to the Regulation are:

- property rights (section 24 of the HR Act)

In my opinion, the Regulation does not limit any human rights.

Local government chief executive officers' disciplinary powers

The Regulation amends the CBR and LGR to remove the option for a chief executive officer of a local government to make a deduction from the salary or wages of a local government employee as a disciplinary action.

This proposal promotes local government employees' right to property.

By removing the option for a local government chief executive officer to order a deduction from the salary or wages of a local government employee, those employees' right to property is promoted, as they will not be deprived of their salary or wages due to an administrative action by a chief executive officer.

Conclusion

I consider that the *Local Government Legislation (Superannuation) Amendment Regulation 2024* is compatible with the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

MEAGHAN SCANLON MP
MINISTER FOR HOUSING, LOCAL GOVERNMENT AND
PLANNING AND MINISTER FOR PUBLIC WORKS

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