

Impact Analysis Statement

Summary IAS

Details

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| Lead department | Department of State Development, Infrastructure, Local Government and Planning |
| Name of the proposal | <i>Local Government (Gold Coast City Council—Suspension of Councillor) Amendment Regulation 2023</i> |
| Submission type <i>(Summary IAS / Consultation IAS / Decision IAS)</i> | Summary IAS |
| Title of related legislative or regulatory instrument | <i>Local Government Act 2009</i> |
| Date | 12 September 2023 |

What is the nature, size and scope of the problem? What are the objectives of government action?

Councillor Ryan Bayldon-Lumsden is a sitting councillor of the Gold Coast City Council (GCCC) who has been charged with murder.

The Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure weighed the public interest considerations in relation to suspending Councillor Bayldon-Lumsden and, under section 122 of the *Local Government Act 2009* (LGA), recommended to the Governor in Council to suspend Councillor Bayldon-Lumsden as a councillor of the GCCC, with pay, until 30 April 2024, or the conclusion of the GCCC's 2024 quadrennial election, whichever is earlier.

Therefore, the objective is to suspend Councillor Bayldon-Lumsden as a councillor of the GCCC, with pay, until 30 April 2024, or the conclusion of the GCCC's 2024 quadrennial election, whichever is earlier, in accordance with the Deputy Premier's recommendation.

What options were considered?

Section 122 of the LGA provides that the Minister may either suspend or dismiss a councillor if the Minister reasonably believes it is 'otherwise in the public interest' that a councillor be suspended or dismissed.

Therefore, one option was to dismiss Councillor Bayldon-Lumsden. However, dismissing Councillor Bayldon-Lumsden was not considered warranted because the councillor is entitled to the presumption of innocence.

What are the impacts?

In terms of positive impacts, suspending the councillor from his role will uphold the public interest, in accordance with the Deputy Premier's consideration that it is in the public interest to suspend Councillor Bayldon-Lumsden.

In terms of costs, suspending Councillor Bayldon-Lumsden mean his divisional councillor role is not vacated and therefore, a new councillor cannot be appointed to replace him. Section 12 of the LGA places a responsibility on all councillors to represent the current and future interests of all the residents of the local government area.

Human rights impacts under the *Human Rights Act 2019* were also addressed in the Human Rights Certificate accompanying the Regulation, which concludes the rights are limited only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

Who was consulted?

Councillor Bayldon-Lumsden was provided a show cause notice under section 120 of the LGA.

GCCC was also consulted.

What is the recommended option and why?

It is recommended to suspend Councillor Ryan Bayldon-Lumsden of the GCCC until 30 April 2024, or the conclusion of the GCCC's 2024 quadrennial election, whichever is earlier.

This option is the least restrictive way to address the impacts identified, in accordance with the Deputy Premier's recommendation.

Impact assessment

| | First full year | First 10 years** |
|---|-----------------|------------------|
| Direct costs – Compliance costs* | \$0 | \$0 |
| Direct costs – Government costs | \$0 | \$0 |

* The *direct costs calculator tool* (available at www.treasury.qld.gov.au/betterregulation) should be used to calculate direct costs of regulatory burden. If the proposal has no costs, report as zero. **Agency to note where a longer or different timeframe may be more appropriate.

Signed



Director-General
Department of State Development, Infrastructure,
Local Government and Planning
Date: 13 / 09 / 2023



Deputy Premier
Minister for State Development, Infrastructure, Local
Government and Planning
and Minister assisting the Premier on Olympic and
Paralympic Games Infrastructure
Date: 13 / 09 / 2023