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Local Government Act 1995

**Local Government (Administration)  
Amendment Regulations 2020**

**SL 2020/20**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Local Government (Administration) Amendment Regulations 2020*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. Regulations amended**

These regulations amend the *Local Government (Administration) Regulations 1996*.

**4. Regulation 3 amended**

- (1) In regulation 3(1) insert in alphabetical order:

*public health emergency* means a public health state of emergency declared under the *Public Health Act 2016* section 167;

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*state of emergency* means a state of emergency declared under the *Emergency Management Act 2005* section 56.

- (2) In regulation 3(1) in the definition of *section* delete “Act.” and insert:

Act;

**5. Regulation 6 amended**

At the end of regulation 6 insert:

Note for this regulation:

For the requirements for an electronic meeting held under regulation 14D, see regulation 14E(4).

**6. Regulation 7 amended**

At the end of regulation 7 insert:

Note for this regulation:

For the requirements for an electronic meeting held under regulation 14D, see regulation 14E(4).

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**7. Regulations 14C to 14E inserted**

At the end of Part 2 insert:

**14C. Attendance by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))**

- (1) In this regulation —  
*meeting* means —
  - (a) an ordinary meeting of the council; or
  - (b) a special meeting of the council; or
  - (c) a meeting of a committee of the council; or
  - (d) a meeting of an audit committee of a local government.
- (2) A member of a council or committee may attend a meeting by electronic means if —
  - (a) a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and
  - (b) because of the public health emergency or state of emergency, the member is unable, or considers it inappropriate, to be present in person at a meeting; and
  - (c) the member is authorised to attend the meeting by electronic means by —
    - (i) the mayor; or
    - (ii) the president; or
    - (iii) the council.
- (3) A person who attends a meeting by electronic means is taken to be present at the meeting.

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**14D. Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))**

(1) In this regulation —

*meeting* means —

- (a) an ordinary meeting of the council; or
- (b) a special meeting of the council; or
- (c) a meeting of a committee of the council; or
- (d) a meeting of an audit committee of a local government.

(2) A meeting may be held by electronic means —

(a) if —

- (i) a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and
- (ii) because of the public health emergency or state of emergency, the mayor, president or council considers it appropriate for the meeting to be held by electronic means;

or

(b) if —

- (i) a direction is issued under the *Public Health Act 2016* or the *Emergency Management Act 2005* that prevents the meeting from being held in person; and
- (ii) the mayor, president or council authorises the meeting to be held by electronic means.

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- (3) The electronic means by which the meeting is to be held include by telephone, video conference or other instantaneous communication, as determined by —
  - (a) the mayor; or
  - (b) the president; or
  - (c) the council.
- (4) The CEO must be consulted before a determination is made under subregulation (3).

**14E. Modification of Act if meeting held by electronic means (Act s. 5.25(2))**

- (1) In this regulation —  
*electronic meeting* means a meeting held by electronic means under regulation 14D.
- (2) If a council or a committee is to hold an electronic meeting, the council or committee is taken to have complied with the requirement to give notice of the place of the meeting under section 5.5 and regulation 12 if the local government gives notice that the meeting will be conducted by electronic means.
- (3) If a council or a committee holds an electronic meeting —
  - (a) a person who attends the meeting by the electronic means determined under regulation 14D(3) is taken to attend the meeting for the purposes of the Act and these regulations; and
  - (b) the meeting is open to the members of the public under section 5.23(1) if —
    - (i) the council or committee complies with the requirement to make the unconfirmed minutes of the meeting

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- available for public inspection under regulation 13; or
- (ii) the council or committee publicly broadcasts the meeting on a website; or
  - (iii) the meeting or a broadcast of the meeting is otherwise accessible to the public.
- (4) If a council or a committee holds an electronic meeting, section 5.24 is modified so that the council or committee allocates time for raising questions by members of the public, and the asking of and responding to those questions, if —
- (a) the council or committee provides a means to submit a question prior to the meeting; and
  - (b) the council or committee determines at the meeting —
    - (i) to respond to the question submitted by the member of the public at the meeting in accordance with the procedure determined by the council or committee; or
    - (ii) that, given the public health emergency, state of emergency or direction issued under the *Public Health Act 2016* or the *Emergency Management Act 2005*, it is not appropriate to respond to the question at the meeting.
- (5) If a council or a committee holds an electronic meeting, for the purposes of regulation 14, a notice paper, agenda, report or other document may be —
- (a) tabled at the meeting, or produced by the local government or a committee for presentation at the meeting, in any manner determined by the

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council or committee, including by electronic means; and

- (b) made available to members of the council or committee, or for inspection by members of the public, in any manner determined by the council or committee, including by electronic means.

N. HAGLEY, Clerk of the Executive Council.

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