



Western Australia

Local Government Amendment (COVID-19 Response) Act 2020

As at 20 Apr 2020

No. 17 of 2020
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Contents

1.	Short title	2
2.	Commencement	2
3.	Act amended	2
4.	Part 10 inserted	2
	Part 10 — Provisions for COVID-19 pandemic	
10.1.	Term used: COVID emergency declaration	2
10.2.	Part overrides other provisions of Act	2
10.3.	Modification or suspension of provisions of Act or regulations	3
10.4.	Suspension of local law	4
5.	Part 10 deleted	5



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Local Government Amendment (COVID-19 Response) Act 2020

No. 17 of 2020

An Act to amend the *Local Government Act 1995* in response to the COVID-19 pandemic.

[Assented to 20 April 2020]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Local Government Amendment (COVID-19 Response) Act 2020*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent (*assent day*);
- (b) section 5 — on a day fixed by proclamation;
- (c) the rest of the Act — on the day after assent day.

3. Act amended

This Act amends the *Local Government Act 1995*.

4. Part 10 inserted

After section 9.71 insert:

Part 10 — Provisions for COVID-19 pandemic

10.1. Term used: COVID emergency declaration

In this Part —

COVID emergency declaration means a state of emergency declaration made under the *Emergency Management Act 2005* section 56 in relation to the COVID-19 pandemic.

10.2. Part overrides other provisions of Act

The provisions of this Part have effect despite any other provisions of this Act.

10.3. Modification or suspension of provisions of Act or regulations

- (1) The Minister may, by order, modify or suspend the operation of —
 - (a) specified provisions of this Act (other than provisions of this Part); or
 - (b) specified provisions of regulations made under this Act.
- (2) The Minister can make an order under subsection (1) only if each of the following conditions is satisfied —
 - (a) the order is made while a COVID emergency declaration is in force;
 - (b) the Minister considers that the order is necessary to deal with consequences of the COVID-19 pandemic.
- (3) Unless sooner revoked under section 9.65(2), an order made under subsection (1) is revoked at the end of —
 - (a) the last day of the period of 3 months beginning on the day on which the COVID emergency declaration referred to in subsection (2)(a) is revoked or otherwise ceases to have effect; or
 - (b) any earlier day specified in the order.
- (4) The *Interpretation Act 1984* section 42 applies to an order made under subsection (1) as if the order were regulations made under this Act.
- (5) Without limiting the *Interpretation Act 1984* section 43(7), an order made under subsection (1) may modify or suspend the operation of specified provisions of this Act, or of regulations made under this Act, in relation to all local governments, local governments of a specified class or a specified local government.

10.4. Suspension of local law

- (1) A local government may, by resolution*, suspend the operation of a specified local law, or specified provisions of a local law, made by the local government under this Act or any other Act.

** Absolute majority required.*

- (2) Subsection (1) applies despite the provisions of any other Act under which a local law is made.
- (3) A local government can make a resolution under subsection (1) only if each of the following conditions is satisfied —
- (a) the resolution is made while a COVID emergency declaration is in force;
 - (b) the local government considers that the resolution is necessary to deal with consequences of the COVID-19 pandemic.

- (4) A local government may, by resolution*, revoke a resolution made by it under subsection (1).

** Absolute majority required.*

- (5) After making a resolution under subsection (1) or (4), a local government must —

- (a) publish it on the local government's official website; and
- (b) give a copy of it to the Minister.

- (6) A resolution made under subsection (1) or (4) takes effect on —

- (a) the day after the day on which it is first published under subsection (5)(a); or
- (b) any later day specified in the resolution.

- (7) Unless sooner revoked under subsection (4), a resolution made under subsection (1) is revoked at the end of —
- (a) the last day of the period of 6 months beginning on the day on which the COVID emergency declaration referred to in subsection (3)(a) is revoked or otherwise ceases to have effect; or
 - (b) any earlier day specified in the resolution.

5. Part 10 deleted

Delete Part 10.



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