

Local Government Act 1995

Local Government Regulations Amendment Regulations 2022

SL 2022/177

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Local Government Regulations Amendment Regulations 2022*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) Part 2 (other than Division 3), Part 3 (other than Division 3), Part 4 (other than Division 3) and Part 5 (other than Division 3) — on the day on which the *Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022* section 7 comes into operation;

- (c) the rest of the regulations — on the day on which the *Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022* section 30 comes into operation.

Part 2 — *Local Government (Administration) Regulations 1996* amended

Division 1 — Regulations amended

3. Regulations amended

This Part amends the *Local Government (Administration) Regulations 1996*.

Division 2 — Amendment relating to *Emergency Management Act 2005* Part 6A

4. Regulation 3AA inserted

At the end of Part 1 insert:

3AA. References to state of emergency

If a COVID-19 declaration is in force under the *Emergency Management Act 2005* Part 6A —

- (a) for the purposes of regulations 14C, 14D and 14E, a state of emergency is taken to exist in the area to which the declaration applies; and
- (b) a reference in regulation 14C, 14D or 14E to a state of emergency (other than a reference to a state of emergency existing) is taken to include a reference to the occurrence of COVID-19 in the area to which the declaration applies.

Division 3 — Amendment relating to deletion of *Emergency Management Act 2005* Part 6A

5. Regulation 3AA deleted

Delete regulation 3AA.

Part 3 — *Local Government (Financial Management) Regulations 1996* amended

Division 1 — Regulations amended

6. Regulations amended

This Part amends the *Local Government (Financial Management) Regulations 1996*.

Division 2 — Amendments relating to *Emergency Management Act 2005 Part 6A*

7. Regulation 18 amended

In regulation 18:

- (a) in paragraph (c)(iii) delete “made.” and insert:

made;

- (b) after paragraph (c) insert:

or

- (d) where each of the following conditions is satisfied —

- (i) a decision to change the use of the money is made while there is in force a COVID-19 declaration under the *Emergency Management Act 2005 Part 6A* applying to the district, or part of the district, of the local government;
- (ii) the local government considers that the change of use is required to address a need arising from the occurrence of COVID-19, or from the impact or consequences of the occurrence of COVID-19, in the area to which the COVID-19 declaration applies;
- (iii) the decision and the reasons for it are recorded in the minutes of the meeting at which the decision is made.

8. Regulation 20 amended

After regulation 20(3) insert:

- (4) A local government is not required to give local public notice of a proposal to exercise a power to borrow where each of the following conditions is satisfied —
- (a) a decision to exercise the power is made while there is in force a COVID-19 declaration under the *Emergency Management Act 2005* Part 6A applying to the district, or part of the district, of the local government;
 - (b) the local government considers that the borrowing is required to address a need arising from the occurrence of COVID-19, or from the impact or consequences of the occurrence of COVID-19, in the area to which the COVID-19 declaration applies;
 - (c) the decision and the reasons for it are recorded in the minutes of the meeting at which the decision is made.

9. Regulation 21 amended

In regulation 21:

- (a) in paragraph (c)(iii) delete “made.” and insert:

made;

- (b) after paragraph (c) insert:

or

- (d) where each of the following conditions is satisfied —

- (i) a decision to change the use of the money is made while there is in force a COVID-19 declaration under the *Emergency Management Act 2005* Part 6A applying to the district, or part of the district, of the local government;

- (ii) the local government considers that the change of use is required to address a need arising from the occurrence of COVID-19, or from the impact or consequences of the occurrence of COVID-19, in the area to which the COVID-19 declaration applies;
- (iii) the decision and the reasons for it are recorded in the minutes of the meeting at which the decision is made.

Division 3 — Amendments relating to deletion of *Emergency Management Act 2005 Part 6A*

10. Regulation 18 amended

In regulation 18:

- (a) in paragraph (c)(iii) delete “made;” and insert:

made.

- (b) after paragraph (c) delete “or”;

- (c) delete paragraph (d).

11. Regulation 20 amended

Delete regulation 20(4).

12. Regulation 21 amended

- (1) In regulation 21:

- (a) in paragraph (c)(iii) delete “made;” and insert:

made.

- (b) after paragraph (c) delete “or”;

- (c) delete paragraph (d).

Part 4 — *Local Government (Functions and General) Regulations 1996* amended

Division 1 — Regulations amended

13. Regulations amended

This Part amends the *Local Government (Functions and General) Regulations 1996*.

Division 2 — Amendments relating to *Emergency Management Act 2005* Part 6A

14. Regulation 11 amended

- (1) In regulation 11(1A) insert in alphabetical order:

COVID-19 declaration has the meaning given in the *Emergency Management Act 2005* section 77C(1);

- (2) In regulation 11(2):

- (a) in paragraph (aa) delete “emergency; or” and insert:

emergency or a COVID-19 declaration; or

- (b) in paragraph (ja)(iii) after “declaration” insert:

or a COVID-19 declaration

- (3) After regulation 11(3) insert:

- (4) For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a COVID-19 declaration if —

- (a) the contract for the supply is entered into while there is in force a COVID-19 declaration applying to the district, or part of the district, of the local government; and

- (b) the local government considers that the goods or services are required for the purposes of addressing a need arising from the occurrence of COVID-19, or from the impact or consequences of the occurrence of COVID-19, in the area to which the COVID-19 declaration relates.

Division 3 — Amendments relating to deletion of *Emergency Management Act 2005 Part 6A*

15. Regulation 11 amended

- (1) In regulation 11(1A) delete the definition of *COVID-19 declaration*.
- (2) In regulation 11(2):
 - (a) in paragraph (aa) delete “emergency or a COVID-19 declaration; or” and insert:

emergency; or
 - (b) in paragraph (ja)(iii) delete “or a COVID-19 declaration”.
- (3) Delete regulation 11(4).

Part 5 — *Local Government (Long Service Leave) Regulations* amended

Division 1 — Regulations amended

16. Regulations amended

This Part amends the *Local Government (Long Service Leave) Regulations*.

Division 2 — Amendments relating to *Emergency Management Act 2005 Part 6A*

17. Regulation 4 amended

After regulation 4(da) insert:

- (db) any period of absence from duty arising out of or in connection with the employer's response to the occurrence of COVID-19, or the impact or consequences of the occurrence of COVID-19, in an area to which a COVID-19 declaration in force under the *Emergency Management Act 2005 Part 6A* applies; and

18. Regulation 7A amended

In regulation 7A(2)(b) delete "section 56" and insert:

section 56, or a COVID-19 declaration under section 77C of that Act,

Division 3 — Amendments relating to deletion of *Emergency Management Act 2005 Part 6A*

19. Regulation 4 amended

Delete regulation 4(db).

20. Regulation 7A amended

In regulation 7A(2)(b) delete "section 56, or a COVID-19 declaration under section 77C of that Act," and insert:

section 56

V. MOLAN, Clerk of the Executive Council.
