



Western
Australian
Government

Gazette

ISSN 2204-4264 (online)

5067

PERTH, WEDNESDAY, 2 NOVEMBER 2022 No. 156 **SPECIAL**

PUBLISHED BY AUTHORITY GEOFF O. LAWN, GOVERNMENT PRINTER

© STATE OF WESTERN AUSTRALIA

SPECIAL GAZETTE

	Page
Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022 Commencement Proclamation 2022	5069
Emergency Management Amendment Regulations (No. 2) 2022	5070
Local Government Regulations Amendment Regulations 2022	5074
Planning and Development (Local Planning Schemes) Amendment Regulations (No. 3) 2022	5082
Road Traffic (Authorisation to Drive) Amendment Regulations (No. 3) 2022	5085

Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022

**Emergency Management Amendment
(Temporary COVID-19 Provisions) Act 2022
Commencement Proclamation 2022**

SL 2022/175

Made under the *Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022* section 2(b) by the Governor in Executive Council.

1. Citation

This proclamation is the *Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022 Commencement Proclamation 2022*.

2. Commencement

The *Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022* Part 2 comes into operation on the day after the day on which this proclamation is published in the *Gazette*.

C. DAWSON, Governor

L.S.

S. DAWSON, Minister for Emergency Services.

Note: Under the *Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022* section 2(c), the rest of the Act comes into operation on the day after the period of 2 years beginning on the day fixed by this proclamation.

Emergency Management Act 2005

Emergency Management Amendment Regulations (No. 2) 2022

SL 2022/176

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Emergency Management Amendment Regulations (No. 2) 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 — 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.

3. Regulations amended

These regulations amend the *Emergency Management Regulations 2006*.

Part 2 — Amendments relating to Part 6A of Act

4. Regulation 23 amended

In regulation 23 after “section 72(1)” insert:

of the Act and the definition of *relevant information* in section 77P(1)

Note: The heading to amended regulation 23 is to read:

Prescribed relevant information (Act s. 72 and 77P)

5. Regulation 24 amended

(1) In regulation 24(1):

- (a) delete “During an emergency situation or state of emergency,” and insert:

For the purposes of section 72(2)(a)(ii) of the Act, during an emergency situation or state of emergency, for the purposes of emergency management

- (b) delete “welfare services.” and insert:

welfare services (as defined in section 72(1) of the Act).

(2) After regulation 24(1) insert:

- (1A) For the purposes of section 77P(2)(a)(ii) of the Act, an authorised COVID-19 officer may, for the purposes of COVID-19 management while a COVID-19 declaration is in force, disclose relevant information to a person or entity engaged by an emergency management agency to provide welfare services (as defined in section 77P(1) of the Act).

(3) In regulation 24(2):

- (a) after “section 72(2)(a)(i)” insert:

or 77P(2)(a)(i)

(b) delete “to emergency management.” and insert:

to —

- (a) in the case of information disclosed under section 72(2)(a)(i) of the Act — emergency management; or
- (b) in the case of information disclosed under section 77P(2)(a)(i) of the Act — COVID-19 management (as defined in section 77B of the Act).

(4) In regulation 24(2) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

(5) In regulation 24(3):

(a) after “section 72(2)(a)(ii)” insert:

or 77P(2)(a)(ii)

(b) delete “to emergency management.” and insert:

to —

- (a) in the case of information disclosed under section 72(2)(a)(ii) of the Act — emergency management; or
- (b) in the case of information disclosed under section 77P(2)(a)(ii) of the Act — COVID-19 management (as defined in section 77B of the Act).

(6) In regulation 24(3) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

Note: The heading to amended regulation 24 is to read:

Disclosure of relevant information (Act s. 72 and 77P)

6. Regulation 25 amended

In regulation 25 after “section 72(2)(a)” insert:

or 77P(2)(a)

Note: The heading to amended regulation 25 is to read:

Storing disclosed relevant information (Act s. 72 and 77P)

**Part 3 — Amendments relating to deletion of Part 6A
of Act**

7. Regulation 23 amended

In regulation 23 delete “of the Act and the definition of *relevant information* in section 77P(1)”.

Note: The heading to amended regulation 23 is to read:

Prescribed relevant information (Act s. 72)

8. Regulation 24 amended

(1) Delete regulation 24(1A).

(2) In regulation 24(2):

(a) delete “or 77P(2)(a)(i)”;

(b) delete the passage that begins with “to — ” and ends with “the Act).” and insert:

to emergency management.

(3) In regulation 24(3):

(a) delete “or 77P(2)(a)(ii)”;

(b) delete the passage that begins with “to — ” and ends with “the Act).” and insert:

to emergency management.

Note: The heading to amended regulation 24 is to read:

Disclosure of relevant information (Act s. 72)

9. Regulation 25 amended

In regulation 25 delete “or 77P(2)(a)”.

Note: The heading to amended regulation 25 is to read:

Storing disclosed relevant information (Act s. 72)

V. MOLAN, Clerk of the Executive Council.

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.

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Amendment Regulations (No. 3) 2022

SL 2022/178

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Planning and Development (Local Planning Schemes) Amendment Regulations (No. 3) 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 — 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.

3. Regulations amended

These regulations amend the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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

4. Schedule 2 Part 10B heading amended

In the heading to Schedule 2 Part 10B after “**emergency**” insert:

or COVID-19 declaration

5. Schedule 2 clause 78H amended

- (1) In Schedule 2 clause 78H(1) delete “Part 5” and insert:

Part 5, or a COVID-19 declaration is in force under Part 6A of that Act,

- (2) In Schedule 2 clause 78H(2) delete “the emergency to which the state of emergency declaration relates.” and insert:

as the case requires —

- (a) the emergency to which the state of emergency declaration relates; or
- (b) the occurrence of COVID-19 in the area to which the COVID-19 declaration applies.

- (3) In Schedule 2 clause 78H(4) after “declaration” insert:

or the COVID-19 declaration, as the case requires,

Note: The heading to amended Schedule 2 clause 78H is to read:

Minister may issue notice of exemption from planning requirements if state of emergency declaration or COVID-19 declaration in force

6. Schedule 2 clause 78J amended

In Schedule 2 clause 78J(2)(a) after “declaration” insert:

or the COVID-19 declaration, as the case requires,

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

7. Schedule 2 Part 10B heading amended

In the heading to Schedule 2 Part 10B delete “or COVID-19 declaration”.

8. Schedule 2 clause 78H amended

- (1) In Schedule 2 clause 78H(1) delete “Part 5, or a COVID-19 declaration is in force under Part 6A of that Act,” and insert:

Part 5

- (2) In Schedule 2 clause 78H(2) delete the passage that begins with “as the case requires — ” and ends with “applies.” and insert:

the emergency to which the state of emergency declaration relates.

- (3) In Schedule 2 clause 78H(4) delete “or the COVID-19 declaration, as the case requires,”.

Note: The heading to amended Schedule 2 clause 78H is to read:

Minister may issue notice of exemption from planning requirements in state of emergency

9. Schedule 2 clause 78J amended

In Schedule 2 clause 78J(2)(a) delete “or the COVID-19 declaration, as the case requires,”.

V. MOLAN, Clerk of the Executive Council.

Road Traffic (Authorisation to Drive) Act 2008

Road Traffic (Authorisation to Drive) Amendment Regulations (No. 3) 2022

SL 2022/179

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Road Traffic (Authorisation to Drive) Amendment Regulations (No. 3) 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 — 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.

3. Regulations amended

These regulations amend the *Road Traffic (Authorisation to Drive) Regulations 2014*.

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

4. Regulation 60B amended

(1) After regulation 60B(1) insert:

(1A) The CEO may also exercise the CEO's powers under either or both of subregulations (2) and (3) if —

(a) a COVID-19 declaration has been made under the *Emergency Management Act 2005* section 77C (whether or not the declaration is still in force); and

(b) the CEO considers that it is necessary to exercise those powers —

(i) for the purpose of ameliorating a shortage of drivers, or drivers who are authorised to drive vehicles of a particular class, that has arisen in connection with the occurrence of COVID-19, or the response to the occurrence of COVID-19, in the area to which the declaration applies; or

(ii) as a result of impediments to the administrative processes involved in the grant of drivers' licences that have arisen in connection with the occurrence of COVID-19, or the response to the occurrence of COVID-19, in the area to which the declaration applies.

(2) In regulation 60B(5)(a) after “declaration” insert:

or COVID-19 declaration

Note: The heading to amended regulation 60B is to read:

Extended recognition of other Australian jurisdictions' and foreign driving authorisations following emergency declaration or COVID-19 declaration

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

5. Regulation 60B amended

- (1) Delete regulation 60B(1A).
- (2) In regulation 60B(5)(a) delete “or COVID-19 declaration”.

Note: The heading to amended regulation 60B is to read:

**Extended recognition of other Australian jurisdictions’ and
foreign driving authorisations following emergency declaration**

V. MOLAN, Clerk of the Executive Council.
