

Local Government Amendment (COVID-19 Response) Bill 2020

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Western Australia

LEGISLATIVE ASSEMBLY

**Local Government Amendment (COVID-19
Response) Bill 2020**

A Bill for

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

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

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

4 **2. Commencement**

5 This Act comes into operation as follows —

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

10 **3. Act amended**

11 This Act amends the *Local Government Act 1995*.

12 **4. Part 10 inserted**

13 After section 9.71 insert:
14

15 **Part 10 — Provisions for COVID-19 pandemic**

16 **10.1. Term used: COVID emergency declaration**

17 In this Part —

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

22 **10.2. Part overrides other provisions of Act**

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

1 **10.3. Modification or suspension of provisions of Act or**
2 **regulations**

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

- 1 **10.4. Suspension of local law**
- 2 (1) A local government may, by resolution*, suspend the
3 operation of a specified local law, or specified
4 provisions of a local law, made by the local
5 government under this Act or any other Act.
- 6 * *Absolute majority required.*
- 7 (2) Subsection (1) applies despite the provisions of any
8 other Act under which a local law is made.
- 9 (3) A local government can make a resolution under
10 subsection (1) only if each of the following conditions
11 is satisfied —
- 12 (a) the resolution is made while a COVID
13 emergency declaration is in force;
- 14 (b) the local government considers that the
15 resolution is necessary to deal with
16 consequences of the COVID-19 pandemic.
- 17 (4) A local government may, by resolution*, revoke a
18 resolution made by it under subsection (1).
- 19 * *Absolute majority required.*
- 20 (5) After making a resolution under subsection (1) or (4), a
21 local government must —
- 22 (a) publish it on the local government’s official
23 website; and
- 24 (b) give a copy of it to the Minister.
- 25 (6) A resolution made under subsection (1) or (4) takes
26 effect on —
- 27 (a) the day after the day on which it is first
28 published under subsection (5)(a); or
- 29 (b) any later day specified in the resolution.

- 1 (7) Unless sooner revoked under subsection (4), a
2 resolution made under subsection (1) is revoked at the
3 end of —
4 (a) the last day of the period of 6 months beginning
5 on the day on which the COVID emergency
6 declaration referred to in subsection (3)(a) is
7 revoked or otherwise ceases to have effect; or
8 (b) any earlier day specified in the resolution.
9

10 **5. Part 10 deleted**

11 Delete Part 10.

12

