

South Australia

# Local Government (Public Health Emergency) Amendment Act 2020

An Act to amend the *Local Government Act 1999*.

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**The Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Local Government (Public Health Emergency) Amendment Act 2020*.

### 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## Part 2—Amendment of *Local Government Act 1999*

### 3—Insertion of section 302B

After section 302A insert:

#### **302B—Public health emergency**

- (1) The Minister may, by notice in the Gazette, vary or suspend the operation of specified provisions of this Act if—
  - (a) a relevant declaration has been made in relation to a public health emergency; and

- (b) the Minister is satisfied that the variation or suspension of the specified provisions is reasonably necessary as a result of the emergency.
- (2) A notice under this section—
- (a) may apply to all councils or to specified councils or classes of councils; and
  - (b) may operate subject to any conditions specified in the notice; and
  - (c) may not impose restrictions or limitations on the power of a council to impose rates and charges on land within its area; and
  - (d) subject to this section, has effect—
    - (i) for the period specified in the notice; or
    - (ii) if no period is specified in the notice—for the period commencing on the day the notice is published in the Gazette and ending 28 days after the cessation of all relevant declarations relating to the emergency to which the notice relates.
- (3) If the period specified in a notice in accordance with subsection (2)(d)(i) would end more than 28 days after the cessation of all relevant declarations relating to the emergency to which the notice relates, the notice will cease to have effect 28 days after the cessation of all relevant declarations relating to the emergency (unless revoked sooner under subsection (4)).
- (4) The Minister may vary or revoke a notice under this section by further notice in the Gazette and must revoke such a notice if satisfied that the variation or suspension of the provisions is no longer reasonably necessary as a result of the emergency.
- (5) The Minister must consult with the LGA before making a notice under this section.
- (6) Sections 10 (other than subsection (1)) and 10A of the *Subordinate Legislation Act 1978* apply in relation to a notice under this section (and a reference in those provisions to a regulation will be taken to be a reference to such a notice).
- (7) In this section—
- relevant declaration** means—
- (a) a declaration of a public health emergency under section 87 of the *South Australian Public Health Act 2011*; or
  - (b) a declaration under Part 4 Division 3 of the *Emergency Management Act 2004* in respect of an emergency that has previously been declared as a public health emergency under section 87 of the *South Australian Public Health Act 2011* (whether that previous declaration remains in force or has ceased).

- (8) This section will expire on 31 December 2021.
- (9) The Minister must cause a review of the operation of this section to be commenced at least 6 months before the day specified in subsection (8) and the Minister must cause a report on the outcomes of the review to be tabled in each House of Parliament within 12 sitting days after receiving the report (and in any case before the day specified in subsection (8)).