



## Terms of Reference

### Local Emergency Management Committee

#### 1. NAME

The name of the Committee shall be the “Local Emergency Management Committee”, appointed in accordance with provisions of the *Emergency Management Act 2005* and Section 5.8 of the *Local Government Act 1995*.

#### 2. FUNCTIONS

The functions of the Local Emergency Management Committee are taken from Sections 36 and 39 of the *Emergency Management Act 2005*.

The functions of the Local Emergency Management Committee are:

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district (including recovery planning);
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements;
- (c) to carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by the regulations<sup>1</sup>.
- (d) to advise and assist the local government on how to manage recovery following an emergency affecting the community in the district; and
- (e) to advise and assist the local government on other functions relevant to Emergency Management, including but not limited to the following:
  - (i) Preparation of annual reports as recommended by State Emergency Management Policy 2.6;
  - (ii) Providing comment on State Emergency Management Policies;
  - (iii) the adequacy of State government support to achieve efficient, effective and consistent emergency management responses at the local level.

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1 As at December 2009 there were no emergency management activities prescribed by the regulations.

### 3. MEMBERSHIP

If the State Emergency Management Committee chooses it may determine the terms and conditions of appointment of members<sup>2</sup>. In the event of any inconsistency between terms of condition of appointment of members determined by the State Emergency Management Committee and these terms and conditions, the terms and conditions set by the State Emergency Management Committee prevail.

- 3.1 Council, by Absolute Majority, shall appoint a committee<sup>3</sup> for a two year term, such committee to be appointed at the first full council meeting following biennial council elections.
- 3.2 In accordance with provisions of Section 5.9 of the Local Government Act 1995, Council resolves that the Committee is to comprise of council members, employees and other persons.
- 3.3 Membership of the Local Emergency Management Committee comprises<sup>4</sup>:
- (i) at least one council member;
  - (ii) the Local Emergency Coordinator<sup>5</sup> for the Shire of Collie;
  - (iii) the Chief Executive Officer of the Shire of Collie or their nominee(s);
  - (iv) representatives of federal or state government, non-government agencies, and local industries whose role, responsibilities or charter include emergency management.

As per State Emergency Management Policy 2.5, as minimum representatives should be nominated from the Fire and Emergency Services Authority, health/ medical sector and welfare support. The WA Police should also be represented.

- 3.4 The Council of the Shire of Collie appoints the chairman from the membership. If the Shire does not appoint a chairman, the Local Emergency Coordinator shall be the chairman<sup>6</sup>.

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<sup>2</sup> Section 38(4) of the Emergency Management Act 2005.

<sup>3</sup> Section 38(1) of the *Emergency Management Act 2005* states that a local government is to establish one or more local emergency management committees.

<sup>4</sup> Membership of the Local Emergency Management Committee is specified by Section 38 of the *Emergency Management Act 2005* and State Emergency Management Committee Policy 2.5.

<sup>5</sup> Section 37(1) of the *Emergency Management Act 2005* provides for the appointment of a local emergency coordinator by the State emergency Coordinator for each local government district.

<sup>6</sup> Section 38(3)(a) of the *Emergency Management Act 2005* states that a local emergency management committee consists of "(a) a chairman and other members appointed by the relevant local government".

- 3.5 The Chief Executive Officer may remove a person or organisation from the list of members appointed by Council where that person or organisation is absent without tendering an apology throughout three consecutive meetings of the Local Emergency Management Committee, or if that organisation's attendance is considered essential should liaise with a senior representative of that organisation to seek appropriate representation.

#### **4. MANAGEMENT/ PROCEDURES**

If the State Emergency Management Committee chooses, it may determine the constitution and procedures of a Local Emergency Management Committee<sup>7</sup>. In the event of any inconsistency between the constitution and procedures determined by the State Emergency Management Committee and these management/ procedures, the constitution and procedures set by the State Emergency Management Committee prevail.

- 4.1 The formation and conduct of the Committee shall be in accordance with the requirements of the *Local Government Act 1995*, the *Emergency Management Act 2005* any other statutory requirements.
- 4.2 The State Emergency Management Committee Policy 2.5 identifies that secretariat and administrative support to the Local Emergency Management Committee "*is to be provided by the local government*".

Therefore a Shire of Collie employee, not necessarily a committee member, shall be appointed by the Shire of Collie Chief Executive Officer to prepare agendas and minutes on behalf of the Committee. Unconfirmed Minutes will be available for inspection within five (5) working days. The Agenda and the Minutes of the previous meeting shall be circulated to all Committee members not later than seven (7) days before each meeting.

- 4.3 The Committee shall meet every three (3) months and as required<sup>8</sup>.
- 4.4 The quorum for a meeting of the Committee shall be at least four members of the Committee.
- 4.5 Every attending member shall have one vote.
- 4.6 The Council may adopt, amend, reject or refer back to the Committee any recommendations arising from the Committee's deliberations.
- 4.7 The Committee shall not direct Shire of Collie employees.

<sup>7</sup> Section 38(4) of the *Emergency Management Act 2005*.

<sup>8</sup> Clause 21 of State Emergency Management Policy 2.5

- 4.8 The Committee will not have the authority or power to commit the Shire of Collie or any association, organisation, group or individual to expenditure without Council endorsement or, in accordance with section 6.8(1)(c) of the *Local Government Act 1995*, the Shire President's approval<sup>9</sup>.
- 4.9 Members wishing to address the Committee may do so in writing, providing information and proposals for consideration.
- 4.9 The Committee may call upon consultants or guests with specific expertise or as the need arises and invite them to attend meetings. Such persons shall not be entitled to vote on any decision arising from such meetings.
- 4.10 Members shall act in accordance with Council's Code of Conduct.
- 4.11 As specified by State Emergency Management Committee Policy 2.5 each meeting of the Local Emergency Management Committee should consider, but not be restricted to, the following matters, as appropriate:
- a. Every meeting:
    - i. Confirmation of local emergency management arrangements contact details and keyholders;
    - ii. Review any of post-incident reports and post exercise reports generated since last meeting;
    - iii. Progress of emergency risk management process;
    - iv. Progress of treatment strategies arising from emergency risk management process;
    - v. Progress of development or review of local emergency management arrangements; and
    - vi. Other matters determined by the local government.
  - b. First calendar quarter:
    - i. Development and approval of next financial year LEMC exercise schedule (to be forwarded to relevant District Emergency Management Committee);
    - ii. Begin developing annual business plan.
  - c. Second calendar quarter:
    - i. Preparation of Local Emergency Management Committee annual report (to be forwarded to relevant District Emergency Management Committee for inclusion in the State Emergency Management Committee annual report);
    - ii. Finalisation and approval of annual business plan.
  - d. Third calendar quarter:
    - i. Identify emergency management projects for possible grant funding.
  - e. Fourth calendar quarter:
    - i. National and State funding nominations.

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<sup>9</sup> A local government is not to incur expenditure from its municipal fund for an additional (i.e. non-budgeted) purpose except where the expenditure — (c) is authorised in advance by the mayor or president in an emergency.

## **5. Delegation**

- 5.1 The Committee shall be free to plan to achieve the aforementioned functions aims as best as it sees fit in the context of the terms of reference.
- 5.2 The Council, in accordance with the Local Government Act, delegates the powers and privileges outlined within these Terms of Reference to the Advisory Committee.

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