



Terms of Reference

Local Emergency Management Committee (LEMC)



Table of Contents

Amendment Record	3
Delegates	4
Non-Voting Delegates	5
1. Name	6
2. District / Area of Control	6
3. Vision / Purpose	6
4. Statute	6
5. Establishment	10
6. Objectives	10
7. Membership	11
7.1 General	11
7.2 Tenure of Membership	11
8. Delegated Authority	12
9. Committee	12
9.1 Chairperson & Deputy Chairperson	12
9.2 Non-Voting Representatives	12
10. Meetings	12
10.1 Annual General Meeting	12
10.2 Committee Meetings	12
10.3 Quorum	12
10.4 Voting	12
10.5 Minutes	13
10.6 Who Acts if No Presiding Member	13
10.7 Members Interests to be Disclosed	14
Approval and Amendment History	18



Amendment Record

Any suggestions and / or comments will be referred to the Local Emergency Management Committee for consideration. All amendments must be approved by the Local Emergency Management Committee and entered in the Amendment Register below.

AMENDMENT		DETAILS OF AMENDMENT	AMENDED BY (INITIALS)
NO.	DATE		
1	May 2013	Document created	DG
2	June 2016	Updated format	GF
3	November 2017	Full amendment to document	GF



Delegates

Chairperson / Local Recovery Coordinator

- Shire President

Deputy Chairperson

- Officer in Charge – Mundijong Police

Agency and Organisation Representatives

- 1 x Department of Fire and Emergency Services (DFES) – District Officer South East Region Fire
- 1 x Department of Fire and Emergency Services (SES) – District Officer South East Region SES
- 1 x Department of Communities (DC) – Senior District Emergency Services Officer
- 1 x St Johns Ambulance
- 1 x Department of Biodiversity, Conservation and Attractions
- 1 x Karnet Prison Farm – Assistant Superintendent Security
- 1 x Health Service – Emergency Management Coordinator – East Metropolitan Health Service – Armadale Kalamunda Group
- 1 x SJ Anglican Parish
- 1 x Department of Agriculture
- 1 x Telstra
- 1 x Water Corporation
- 1 x Main Roads
- 1 x Public Transport Authority
- 1 x Arc Infrastructure (formerly Brookfield Rail)
- 1 x Chief Executive Officer/Representative
- 1 x Council Representative
- 1 x Volunteer Chief Bush Fire Control Officer
- 1 x Serpentine Jarrahdale State Emergency Services
- 1 x Serpentine Aircraft Builders Club



Non-Voting Delegates

- 1 x Manager Rangers and Emergency Services
- 1 x Manager Health
- 1 x Senior Ranger
- 1 x Emergency Services Technical Officer
- 1 x Risk Health and Safety Advisor
- 1 x District Emergency Management Advisor (OEM)
- Other Shire Officers may attend if required to provide support/input/advice

Officer Responsible

- Chief Executive Officer/Representative

Meeting Schedule

- Quarterly or as required

Meeting Location

- Civic Chambers, Shire of Serpentine Jarrahdale

Quorum

- Five (5)

Delegated Authority

- Nil



1. Name

The name of the Committee is the Shire of Serpentine Jarrahdale **Local Emergency Management Committee (LEMC)**.

2. District / Area of Control

The Shire of Serpentine Jarrahdale Local Emergency Management Committee operates within the boundaries of the local government of the Shire of Serpentine Jarrahdale.

Emergency Management Act 2005

Division 4 — Emergency management districts

28. *Establishment of emergency management districts*

- (2) *So far as is practicable emergency management districts are to be established by reference to the boundaries of local government districts.*
- (3) *If an emergency management district is proposed to be established other than by reference to the boundaries of a local government district, the Minister is to notify each local government in whose district any part of the area proposed to be established is situated and allow a reasonable time for submissions on the proposal.*
- (4) *In making an order under subsection (1) the Minister is to have regard to any submissions of the local governments.*

3. Vision / Purpose

To assist the Shire of Serpentine Jarrahdale and the Local Emergency Coordinator (Officer in Charge of Police sub-district) to develop and maintain effective emergency management arrangements for the local area.

4. Statute

Emergency Management Act 2005

36. *Functions of local government*

It is a function of a local government —

- (a) *subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district;*
- (b) *to manage recovery following an emergency affecting the community in its district; and*



- (c) *to perform other functions given to the local government under this Act.*

37. Local emergency coordinators

- (1) *The State Emergency Coordinator is to appoint a local emergency coordinator for each local government district.*
- (2) *Before appointing a local emergency coordinator for a local government district the State Emergency Coordinator is to consult the relevant local government.*
- (3) *In making an appointment the State Emergency Coordinator is to have regard to any submissions of the local government.*
- (4) *The local emergency coordinator for a local government district has the following functions —*
 - (a) *to provide advice and support to the local emergency management committee for the district in the development and maintenance of emergency management arrangements for the district;*
 - (b) *to assist hazard management agencies in the provision of a coordinated response during an emergency in the district;*
 - (c) *to carry out other emergency management activities in accordance with the directions of the State Emergency Coordinator.*

38. Local emergency management committees

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of —*
 - (a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
 - (b) *if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*



39. *Functions of local emergency management committees*

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;*
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

40. *Annual report of local emergency management committee*

- (1) After the end of each financial year each local emergency management committee is to prepare and submit to the district emergency management committee for the district an annual report on activities undertaken by it during the financial year.*
- (2) The annual report is to be prepared within such reasonable time, and in the manner, as is directed in writing by the SEMC.*

Division 2 — Emergency management arrangements for local governments

41. *Emergency management arrangements in local government district*

- (1) A local government is to ensure that arrangements (local emergency management arrangements) for emergency management in the local government's district are prepared.*
- (2) The local emergency management arrangements are to set out —*
 - (a) the local government's policies for emergency management;*
 - (b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;*
 - (c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b);*
 - (d) a description of emergencies that are likely to occur in the local government district;*
 - (e) strategies and priorities for emergency management in the local government district;*
 - (f) other matters about emergency management in the local government district prescribed by the regulations; and*
 - (g) other matters about emergency management in the local government district the local government considers appropriate.*



- (3) *Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.*
 - (4) *Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.*
 - (5) *A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared.*
42. *Reviewing and renewing local emergency management arrangements*
- (1) *A local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC.*
 - (2) *Local emergency management arrangements may be amended or replaced whenever the local government considers it appropriate.*
43. *Local emergency management arrangements to be available for inspection*
- (1) *A local government is to keep a copy of its local emergency management arrangements at the offices of the local government.*
 - (2) *The arrangements are to be available for inspection, free of charge, by members of the public during office hours.*
 - (3) *The arrangements may be made available in written or electronic form.*

State Emergency Management Procedure 7 – Local Emergency Management Committee.

LEMC Membership

7. *Noting the requirements of the EM Act, the following provides guidance on the composition of LEMCs:*
- a) *the Chair should be an elected member of Council;*
 - b) *the Local Emergency Coordinator should be appointed as Deputy Chair;*
 - c) *an Executive Officer, who should be an officer of the relevant local government, should be appointed to coordinate the business of the committee and/or provide administrative support;*
 - d) *the Local Recovery Coordinator, being the person nominated in the Local Recovery Plan, where a Local Recovery Plan has been completed as part of*



Local Emergency Management Committee (LEMC)

- local emergency management arrangements (section 41(4) of the EM Act), should be appointed a member of the committee;*
- e) consideration should be given to appointing local government officers engaged in key roles and functions affecting emergency management (for example, community services, engineering services, corporate services or planning);*
 - f) membership should include representatives from Emergency Management Agencies (EMAs) in the local government district (for example, the Department of Fire and Emergency Services); welfare support agencies or non-government organisations (for example, the Department for Child Protection and Family Support, Red Cross or Salvation Army), industry representatives (especially the owners or operators of hazardous facilities located within the local government district);*
 - g) consideration should be given to appointment of persons able to represent or advise on the interests of Culturally and Linguistically Diverse (CaLD) community members or community members with special needs; and*
 - h) LEMCs should where possible include representatives of local Aboriginal community organisations to provide advice and guidance to the LEMC and to promote appropriate engagement with the local Aboriginal communities.*

Shire of Serpentine Jarrahdale Standing Orders Local Law 2002 (As Amended)

In accordance with Council's Standing Orders Local Law 2002 (As Amended), formal Committees of Council are to be compliant with the provisions of the Standing Orders Local Law as far as this does not conflict with any other written Law.

While recognising that the Local Emergency Management Committee is a Committee formed pursuant to Section 38 of the *Emergency Management Act 2005*, the Chairman is to follow Standing Orders as far as is practicable to ensure proper meeting procedures are followed.

The Committee is proposed to be administered by utilising the *Local Government Act 1995* as a guiding reference.

5. Establishment

Last reviewed November 2017.

6. Objectives

- Liaise with participating agencies in the development, review and testing of emergency management arrangements.
- Assist with the preparation of emergency management operating procedures for application in the local area.
- Prepare an annual report on Committee activities for submission to the District Emergency Management Committee.
- Participate in the emergency risk management process.



- Carry out other emergency management functions as directed by the District Emergency Management Committee.

7. Membership

7.1 General

Membership to include agencies with specific emergency management responsibilities or expertise essential to the development of emergency management arrangements, as above.

Observers and ex officio members cannot vote on any matter and shall not be permitted to speak on any matter unless invited to do so by the Chairperson. Observers are to sit back from the meeting table.

7.2 Tenure of Membership

Local Government Act 1995

5.11. Tenure of committee membership

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
 - (b) *the person resigns from membership of the committee;*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day, whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - (a) *the term of the person's appointment as a committee member expires;*
 - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day, whichever happens first.*



8. Delegated Authority

The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and cannot involve itself in management processes or procedures.

The Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

9. Committee

9.1 Chairperson & Deputy Chairperson

The Chairperson is the Shire President and the Deputy Chairperson is the Officer in Charge, Mundijong Police

9.2 Non-Voting Representatives

All Shire of Serpentine Jarrahdale Officers with the exception of the Chief Executive Officer/Representative.

10. Meetings

10.1 Annual General Meeting

N/A

10.2 Committee Meetings

Held quarterly or as required (minimum 4 meetings per annum). The Chairperson may at any time convene a special meeting of the Committee.

10.3 Quorum

Five (5).

10.4 Voting

Local Government Act 1995

S 5.21 - Voting

(1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.



- (2) *Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.*
- (3) *If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.*
- (4) *If a member of a council or a committee specifically requests that there be recorded —*
 - (a) *his or her vote; or*
 - (b) *the vote of all members present, on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.*
- (5) *A person who fails to comply with subsection (2) or (3) commits an offence.*

[Section 5.21 amended by No. 49 of 2004 s. 43.]

10.5 Minutes

In accordance with the Local Government Act Section 5.22 and 5.25, and Local Government (Administration) Regulations 1996.

The person presiding at a meeting is to ensure that the Minutes are kept of the meetings proceedings.

Recommendations arising from the Minutes requiring a Council decision shall be presented to Council at the next Ordinary Council Meeting or earliest available Council meeting if it is not possible to present the Minutes to the next Ordinary Council Meeting.

10.6 Who Acts if No Presiding Member

Local Government Act 1995

5.14 Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member and the office of deputy presiding member are vacant; or*
- (b) *the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member, then the committee members present at the meeting are to choose one of themselves to preside at the meeting.*



10.7 Members Interests to be Disclosed

Members of the Local Emergency Management Committee are required to declare their financial interests and complete a Declaration form where relevant, using the principles detailed in the Local Government Act Section 5.65-5.70 with respect to disclosure of financial, impartiality or proximity interests ('CEO' in the LGA text means the 'Chairperson' in the committee sense).

5.65. Members' interests in matters to be discussed at meetings to be disclosed

- (1) *A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —*
 - (a) *in a written notice given to the CEO before the meeting; or*
 - (b) *at the meeting immediately before the matter is discussed.*

Penalty: \$10,000 or imprisonment for 2 years.

- (2) *It is a defence to a prosecution under this section if the member proves that he or she did not know —*
 - (a) *that he or she had an interest in the matter; or*
 - (b) *that the matter in which he or she had an interest would be discussed at the meeting.*
- (3) *This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).*

5.9. Types of committees

- (1) *In this section — “**other person**” means a person who is not a council member or an employee.*
- (2) *A committee is to comprise —*
 - (f) *other persons only.*

5.66. Meeting to be informed of disclosures

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) *before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and*
- (b) *at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.*



[Section 5.66 amended by No.1 of 1998 s.16; No. 64 of 1998 s.33.]

5.67. *Disclosing members not to participate in meetings*

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or*
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter, unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.*

Penalty: \$10,000 or imprisonment for 2 years.

5.68. *Councils and committees may allow members disclosing interests to participate etc. in meetings*

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —*
 - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and*
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —*
 - (i) the disclosing member also discloses the extent of the interest; and*
 - (ii) those members decide that the interest —*
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or*
 - (II) is common to a significant number of electors or ratepayers.*
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.*
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.*



5.69. Minister may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.*
- (2) An application made under subsection (1) is to include —*
 - (a) details of the nature of the interest disclosed and the extent of the interest; and*
 - (b) any other information required by the Minister for the purposes of the application.*
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —*
 - (a) there would not otherwise be a sufficient number of members to deal with the matter; or*
 - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.*
- (4) A person must not contravene a condition imposed by the Minister under this section.*

Penalty: \$10,000 or imprisonment for 2 years.

[Section 5.69 amended by No. 49 of 2004 s. 53.]

5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.*
- (2) An application under subsection (1) is to include —*
 - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and*
 - (b) any other information required by the Minister for the purposes of the application.*



- (3) *On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.*
- (4) *A person must not contravene a condition imposed by the Minister under this section.*

Penalty: \$10,000 or imprisonment for 2 years.

[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]

5.70. Employees to disclose interests relating to advice or reports

- (1) *In this section —*

employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) *An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.*
- (3) *An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.*

Penalty: \$10,000 or imprisonment for 2 years.

5.71. Employees to disclose interests relating to delegated functions

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —

- (a) *in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and*
- (b) *in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.*

Penalty: \$10,000 or imprisonment for 2 years.



Approval and Amendment History

Reviewed/Modified	Reference	Date	Comment	Reviewed By
Adopted	OCM156/11/17	27/11/2017	Ordinary Council Meeting	
Reviewed				
Reviewed				