

DRAFT CHARTER

Tweed/Byron Local Emergency Management Committee

28 May 2013

Authorisation

The Tweed/Byron Local Emergency Management Committee [referred to herein as the 'Committee'] is a committee established under Section 28 of the State Emergency and Rescue Management Act (1989), as amended [the Act] and is defined in Schedule 2 as an organisation.

This Charter is established to satisfy the requirements of Schedule 2, Part 6 of the Act which states:

'The procedure for calling of meetings of a relevant organisation and for the conduct of business at those meetings is, subject to this Act and the regulations, to be determined by that organisation'.

Purpose

The purpose of this Charter is to outline the manner in which the Committee has determined that it will conduct its business.

Functions of the Committee

In accordance with Section 29 of the Act, the Tweed/Byron Local Emergency Management Committee will fulfil the following functions:

(1) A Local Emergency Management Committee is responsible for the preparation and review of plans in relation to the prevention of, preparation for, response to and recovery from emergencies in the local government area for which it is constituted.

(1A) Without limiting subsection (1), any such Committee may:

(a) give effect to and carry out emergency management policy and practice, consistent with information on that policy and practice disseminated by the State Emergency Management Committee, and

(b) review and prepare plans in respect of the relevant local government area that are, or are proposed to be, subplans or supporting plans established under the State Emergency Management Plan, and

- (c) make recommendations about and assist in the co-ordination of training in relation to emergency management in the relevant local government area, and
 - (d) develop, conduct and evaluate local emergency management training exercises, and
 - (e) facilitate local level emergency management capability through inter-agency co-ordination, co-operation and information sharing arrangements, and
 - (f) assist the Local Emergency Operations Controller for the relevant local government area in the Controller's role under section 31, and
 - (g) such other functions as are:
 - (i) related to this Act, and
 - (ii) assigned to the Committee (or to Local Emergency Management Committees generally) from time to time by the relevant Regional Emergency Management Committee or by the State Emergency Management Committee.
- (2) In the exercise of its functions, any such Committee is responsible to the relevant Regional Emergency Management Committee.

Area of Coverage of the Committee

The Tweed/Byron Local Emergency Management Committee area of coverage comprises of the Local Government Areas of Tweed Shire and Byron Shire.

The Committee Membership

The Committee consists of:

- a) the General Manager (or delegate) of the council of the relevant local government area (defined as per section 27), who is to be the Chairperson of the Committee, and
- b) the Local Emergency Operations Controller (LEOCON), and
- c) the Local Emergency Management Officer (LEMO) of each Council area, and
- d) a senior representative of each of the emergency service organisations operating from each Local Government Area. These are:
 - i. NSW Police Force,
 - ii. Fire and Rescue NSW,
 - iii. NSW Rural Fire Service,
 - iv. Ambulance Service of NSW,
 - v. NSW State Emergency Service,
 - vi. Volunteer Rescue Association of NSW,
 - vii. Marine Rescue NSW,
 - viii. And any other agency which manages or controls an accredited rescue unit, and
- e) a representative of each organisation providing services in a functional area within the Local Government Area as determined by the council. These are:
 - i. Agriculture and Animal Services,
 - ii. Telecommunications,

- iii. Energy and Utilities,
 - iv. Engineering Services,
 - v. Environmental Services,
 - vi. Health Services,
 - vii. Maritime Services,
 - viii. Public Information Services,
 - ix. Transport Services,
 - x. Welfare Services, and
- f) a representative of any other agency or organisation as determined by the Committee.

The representative of the relevant organisation is to be nominated in accordance with arrangements determined by the Minister [the Act, Section 28(5)].

Deputy Members

A member may, from time to time, appoint a person to be the member's deputy, and the member may revoke any such appointment.

In the absence of a member, the member's deputy:

- a) may, if available, act in the place of the member, and
- b) while so in acting, has all the functions of the member and is to be taken as a member.

To provide for continuity, members are encouraged to nominate a deputy on an ongoing basis but may notify a change for any particular occasion or period of time.

Persons not nominated by the member as the member's deputy, to the Chairperson, prior to the commencement of a meeting, will not be recognised as a member's deputy at that meeting.

Member's deputies may attend meetings at which the member is present, but on such occasions will only have Observer status and will not be entitled to vote.

Terms of office

A member (other than an ex-officio member) holds office until a successor is appointed.

Vacancy in office

The office of a member (other than an ex-officio member) becomes vacant if:

- a) the member dies, or
- b) a successor to the member is duly appointed, or
- c) the member resigns the office by instrument in writing addressed to the person who appointed the member, or
- d) the member is removed by office by the person who appointed the member.
- e) If the office of any member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

Absence of the Chairperson

The General Manager may appoint a Deputy who will, if present, act as the Chairperson in the absence of the General Manager.

Notwithstanding the above, if the General Manager and their Deputy are both going to be absent from a meeting, the General Manager, as a member and Chairperson, may from time to time, appoint a person to act as a deputy member for that meeting and therefore the person so appointed will have all of the functions of the member and Chairperson.

If the General Manager and their Deputy are both absent from a meeting and the General Manager has NOT appointed a deputy member, the Committee shall nominate another committee member, from this members present, to act as the Chairperson and preside at that meeting, The nomination must have the agreement of the majority of the members present.

In the event that a majority of those members present cannot agree on a replacement Chairperson, the meeting will not proceed.

Quorum

The quorum for a meeting is a majority of the members (half of the membership plus 1) of the Committee for the time being.

Observers

The following may be invited to attend meetings as 'Regular Observers' to the Committee:

- a) representatives of Councils that are included in combined local committees but who are not the chairperson.

Observers may be heard at a meeting but do NOT have voting rights.

From time to time, the Chairperson or the Committee may request the attendance of a person or persons who are deemed necessary to assist with or contribute to an issue before the Committee. This requested attendance will be as a 'Temporary Observer' for a period of time, determined by the Chairperson, relative to the appropriate issues.

Local Emergency Management Officer

The Chairperson and the Committee has the services of a Local Emergency Management Officer (LEMO) to assist them with emergency management matters and to provide executive support and advice.

A LEMO is the principle Executive Officer of the Committee.

Voting

Voting may be conducted in-session or, where it is necessary to conduct urgent business, out-of-session and:

- a) each agency shall have one (1) equal deliberative vote, however, where the agency has dual representation in both Local Government Areas, the agency vested in the Local Government Area of concern will hold the voting rights;
- b) the chairperson of a meeting shall also have one equal deliberative vote and, in the event of an equality of votes, a second or casting vote.

A decision supported by a majority of votes cast at a meeting, or during an out-of-session ballot, where a quorum is established is the decision of the Committee.

Observer/s and the Executive Officer are NOT entitled to vote.

Meetings

The Committee shall normally meet on a regular basis as many times in a year as the committee deems necessary. Normally this will be four times per year, in accordance with the schedule of dates agreed by the Committee, but will meet no less than two times per year. The location of meetings will be determined by the committee.

Committee Documentation

Notices of meetings, agendas, minutes of meetings and other necessary correspondence shall be circulated, generally by electronic mail (email), to all committee members, members deputies, and regular observers as are listed in the Committee's Contact Directory at the time of dispatch. Copies of the Minutes of Meetings will also be forwarded to the Regional Emergency Management Committee if requested. Where necessary, distribution to others outside the meeting may be approved by the Chairperson.

To address the requirements of the GIPA Act 2009 the LEMC minutes generally will suffice where valid requests for information are received. However, should the Chairperson determine that there is information in the minutes that is not in the public interest it will be removed and replaced with the Chairpersons determination /decision prior to release.

Accountability

In the performance of its functions, the Committee is responsible to the Regional Emergency Management Committee.

Sub-Committees

The Committee may establish sub-committees to assist it in connection with the exercise of any of its functions.

There is no necessity for any or all of the members of a sub-committee to be members of the Committee.

The procedure for the calling of meetings of a sub-committee and for the conduct of business at those meetings is to be determined by the Committee or in the absence of any determination, by the sub-committee. Unless determined otherwise by the committee or the sub-committee the manner in which sub-committees conduct their business, will be consistent with the general arrangements herein.

Contact Information

The Committee will maintain details of Members, Deputy members and Observers to an extent that will allow the business of the committee to be conducted in an efficient and expeditious manner. This includes details sufficient to allow 24hour contact to members.

The Executive Officer of the committee is authorised to make this information available to other members of the committee or others (e.g. other LEMO's) for the purpose of conducting the business of the committee.