



Council Policy

Electors Meetings

Electors Meetings

Policy scope

This policy is intended to outline Council's preferences in relation to the location and format in which Annual General Meeting of Electors / Special Meeting of Electors will be held.

Legislative Requirements

This policy is to be read in conjunction with Part 5, Division 2, Subdivision 4 of the *Local Government Act 1995* and Part 3 of the *Local Government (Administration) Regulations 1996*. These statutory requirements cover the City's responsibilities when holding a General Meeting of Electors or a Special Meeting of Electors:

- Section 5.27 of the Act requires the City to hold a general meeting once every financial year. The Act specifies that this meeting is to be held no more than 56 days after the acceptance of the annual report for the previous year.
- Section 5.28 of the Act requires the City to hold a special meeting of electors after a request from 300 or more electors or 5% of the number of electors (whichever is the lesser) or 1/3 of the council members. The request is to specify the matters to be discussed and is to be in the prescribed form. The request is to be sent to the Mayor. The meeting is to be held no more than 35 days after the request is received.
- Section 5.28 (5) of the Act specifies that the Mayor may –
 - a. Decide that the special meeting is not to be held if satisfied that the substance of each matter for discussion specified in the request was discussed during the period of 12 months prior, or was or will be discussed at a special meeting that was or will be held during the period of 35 days after the day on which the Mayor received the request; or
 - b. Decide that a matter for discussion specified in the request is not to be discussed at the special meeting in whole or in part if satisfied that the substance of the whole or part of the matter was discussed during the period of 12 months prior, or was or will be discussed at a special meeting that was or will be held during the period of 35 days after the day on which the Mayor received the request.

If the Mayor makes a decision under subsection (5)(a) or (b), each matter, or the whole or part of the matter, is to be considered at the first ordinary council meeting after such decision is made, or the second ordinary council meeting if the first has already convened. The City must give local public notice of any decision

made by the Mayor under subsection (5)(a) or (b) and the reasons for the decision.

- Section 5.29 of the Act requires the CEO to convene an electors' meeting by giving at least 14 days' local public notice and each council member at least 14 days' notice of the date, time, place and purpose of the meeting.
- Section 5.30 of the Act specifies that the Mayor or Deputy Mayor may preside at electors' meetings. If both the Mayor and Deputy Mayor are unavailable then the electors present may choose one of the councillors present to preside or if no councillor able to, then the electors at the meeting choose one of themselves to preside.
- Section 5.32 of the Act specifies that the minutes of an electors' meeting must be available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.
- Section 5.33 of the Act specifies that decisions made at an electors' meeting are to be considered at the next ordinary council meeting or if that is not practicable, at the first ordinary council meeting after that meeting or at a special meeting called for that purpose. The reasons for a decision in response to one made at an electors' meeting, must be recorded in the Council minutes.
- Regulation 15 of the regulations specifies that the first matter to be discussed at a general electors' meeting is the contents of the annual report for the previous financial year, and then any other general business.
- Regulation 17 of the regulations specifies that each elector present at an Electors Meeting is entitled to one vote on each matter, but does not have to vote. Decisions made at Electors Meetings are made by a simple majority, and voting must be conducted so that no vote is secret.
- Regulation 18 of the regulations specifies that other than the first order of business as set out in regulation 15 and the voting requirements as set out in regulation 17, the procedure to be followed at an Electors Meeting is to be determined by the person presiding at the meeting.

Policy statement

While it is acknowledged that the Presiding Person, of an Annual General Meeting of Electors or a Special Meeting of Electors, is to determine the procedure to be followed at the meeting, this policy is intended to clarify Councils preferences in regard to when, where and how electors meetings will be held.

1. Major Decisions

- a. The Annual General Meeting of Electors will be held in the Council Chambers, or if this is unavailable or unsuitable, in an appropriate alternative venue.

- b. Where the matters to be discussed at a Special Meeting of Electors relate to a specific Ward of the City, the meeting will be held in the most practical venue, closest to that part of Fremantle. Where the matters to be discussed are significant to community members in more than one Ward of Fremantle the meeting venue will be as for an Annual General Meeting of Electors.

2. Notice and timing of the meeting

- a. The date for the Annual General Meeting of Electors will be set at the time of acceptance of the annual report for the previous year.
- b. The date for the Annual General Meeting of Electors will not be held in the last two weeks of December or the first two weeks of January.
- c. Local public notice of the Annual General Meeting of Electors will be given 28 days' prior to the meeting, when practicable, which is double the statutory requirement (14 days).
- d. Local public notice will be given in accordance with the *Local Government Act 1995* and precinct groups will be notified of the upcoming meeting.

3. Format of meeting

- a. Electors meetings are not meetings of Council and are held in a less formal manner. The only official attendee is the presiding person.
- b. The procedure to be followed is to be determined by the presiding person, who may refer to the City's Meeting Procedures Policy at any time if appropriate to maintain order.
- c. Councillors will be invited to attend Electors meeting (in addition to all electors of the City) in their capacity as electors.
- d. Appropriate Senior Officers will attend Electors Meetings to provide additional information as required, through the presiding member.
- e. Electors meetings will be open to all members of the public. However, only electors may move or second motions and vote at meetings.
- f. Attendees will be asked to sign an attendance register at the entry to the meeting, provide their name and address and confirm whether they are electors of the district. The City of Fremantle will accept this declaration at face value and will not require further evidence.
- g. The proceedings will be recorded and livestreamed, where possible, and speakers are requested to use the microphones each time they speak. The minutes will only record a summary of the meeting and not a verbatim account.

- h. No other audio or visual recording is to be undertaken without the permission of the presiding person.
- i. The preferred order of proceedings, where acceptable to the presiding person, will be:
 - ❖ declaration of opening,
 - ❖ welcome statement,
 - ❖ presentation of the Annual Report and Audited Financial Statements,
 - ❖ public question time (no proposed motions), and
 - ❖ acceptance of motions.

4. Role of person presiding

The person presiding at the meeting (usually the Mayor or Deputy Mayor) is entitled to move, second, speak to or vote on motions.

5. Role of Elected Members

Elected Members have no prescribed role at Electors Meetings (other than when presiding) and may move or second motions and vote or speak at meetings, in their capacity as electors. Elected Members have no obligation to attend, vote, or to declare interests at electors meetings.

6. Motions Carried at an Electors Meeting

Motions carried by a majority vote at an Electors Meeting will be considered by the Council at the next appropriate Ordinary Meeting of Council.

The Council must make a decision in response to the carried motion at that meeting.

Definitions and abbreviations

Elector – as defined in the *Local Government Act 1995*: An elector is a person who is eligible to vote in an election of the City of Fremantle. For the purpose of meetings of electors, the definition of an elector is to include ratepayers.

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