

PROCEDURE: Electors' Special Meetings



The Presiding Member has determined that the following procedures apply for the Electors' Special Meeting.

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Request for a Electors' Special Meeting

A request to the Mayor for an Electors' Special Meeting to be held must be submitted in the prescribed form (refer attachment: Form 1) with the required number of signatures. The Mayor will consider the request in accordance with section 5.28 of the *Local Government Act 1995*.

Persons wishing to submit a request to the Mayor for a Electors' Special Meeting are strongly encouraged to contact the City's Executive Manager Governance Services on 9550 3777 for advice concerning the matter.

Motion for the Meeting

The Motion is required to be submitted with the prescribed form (refer attachment: Form 1) and will be made available on the City's website and circulated with the Meeting Agenda which will be made available on the City of Mandurah website.

Notice of the Meeting

The Chief Executive Officer (CEO) will convene an Electors' Special Meeting by giving —

- (a) at least 14 days' local public notice; and
- (b) each Elected Member at least 14 days' notice,

of the date, time, place and purpose of the meeting.

Registration and sign in

Members of the public who wish to participate in the meeting are encouraged to arrive 15 minutes prior to the meeting to allow time to complete your registration.

Voting and Participation

To vote at an Electors' Special Meeting, you must be an elector of the City of Mandurah. An elector means a person who is eligible to be enrolled to vote at elections for the City of Mandurah and includes ratepayers.

Only electors can move, second, speak to and vote on motions at an Electors' Special Meetings. Electors must state their name and address prior to addressing the meeting.

Order of Business

The Presiding Member will chair the Meeting, in accordance with Section 5.30(1) of the Act.

Unless otherwise decided by the Presiding Member the order of business at any Electors' Special Meeting is to be as follows –

1. Opening
2. Attendance
3. Acknowledgement to County
4. Purpose of the Meeting and Meeting Procedure
5. Consideration of Motion(s)
 - (a) speakers “for” and “against” alternatively
 - (b) voting
6. Close of Meeting.

Motions

Any motions are required to be submitted to the CEO at the time the Form 1 is submitted.

The mover will be able to speak for up to five (5) minutes, and then the seconder will be able to speak for up to three (3) minutes.

The mover and seconder must state their name and address prior to moving or seconding a motion. City Officers will verify that they are an Elector of the district.

The Presiding Member will allow up to three speakers “for” and three speakers “against” and the mover will have the right of reply up to three (3) minutes. Each speaker is able to speak for up to three (3) minutes and must state their name and address prior to addressing the Meeting.

Where there are no speakers of the opposite view than the last preceding speaker, the Presiding Member may permit up to three (3) speakers.

Voting at meeting

Voting will only take place after that motion has been moved and seconded and debate has closed.

Each elector who is present at the Electors' Special Meeting is entitled to one vote on each motion to be decided at the meeting but voting is not compulsory.

All decisions at the Electors' Special Meeting are to be made by a simple majority of votes.

Voting at the Electors' Special Meeting is to be conducted by a show of hands. The CEO or City Officer(s) will count the vote.

Conduct of Persons at the Meeting

All members of the public attending electors' meetings must be respectful of the Presiding Member and City Officers to allow for the efficient running of the meeting.

Prevention of Disturbance

Members of the public are admitted to electors' meetings upon the understanding that no expression of dissent or approval, conversation or interruption to the proceedings shall take place.

For the purpose of this clause any expression of dissent or interruption to proceedings shall include a person who interrupts the proceedings of a meeting, whether by expressing approval or dissent, by conversing or by other means;

- (i) enters or remains in any part of where the meeting is taking place reserved for elected members and city officers;
- (ii) misconducts himself or herself;
- (iii) fails to withdraw when members of the public are directed to withdraw;
- (iv) obstructs the approaches to location where the meeting is taking place; or
- (v) creates a disturbance within the precincts of where the meeting is taking place.

In the event of any such interruption, the Presiding Member may exercise his or her discretion and require those interrupting to withdraw.

If a person or persons have been ordered by the Presiding Member to desist from such behaviour, but fails to do so, the Presiding Member can immediately adjourn the meeting to another date.

Recording

A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the meeting without the permission of the Presiding Member. If the Presiding Member gives permission, the Presiding Member must advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

Minutes

The minutes of the meeting will record a summary of the meeting and the outcome of the motion. It will not be recorded verbatim.

The CEO will:

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

Consideration by the Council

Decisions made at the Electors' Special Meeting are required to be considered in accordance with s5.33 of the *Local Government Act 1995*, which states:

s5.33 Decision made at electors' meetings

1. All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable –
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose, whichever happens first.
2. If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

It should be noted that any decisions made at the Electors' Special Meeting are not binding on the Council.

Legislation

Electors' Special Meeting are prescribed by the *Local Government Act 1995* (Sections 5.27-5.33) and *Local Government (Administration) Regulations 1996* (Regulations 16-18).

Electors' Special Meeting are prescribed by s5.28 of the Act which states:

5.28. Electors' special meetings

1. A special meeting of the electors of a district is to be held on the request of not less than –

- (a) 300 electors or 5% of the number of electors - whichever is the lesser number; or
 - (b) 1/3 of the number of council members.
- 2. The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations.
- 3. The request is to be sent to the mayor or president.
- 4. A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.
- 5. Despite subsection (4), the mayor or president may -
 - (a) decide that the special meeting is not to be held if the mayor or president is satisfied that the substance of each matter for discussion specified in the request —
 - (i) was discussed at a special meeting that was held during the period of 12 months ending on the day on which the mayor or president received the request; or
 - (ii) 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 or president 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 the mayor or president is satisfied that the substance of the whole of the matter or the part of the matter (as the case requires) —
 - (i) was discussed at a special meeting that was held during the period of 12 months ending on the day on which the mayor or president received the request; or
 - (ii) 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 or president received the request.
- 6. If the mayor or president makes a decision under subsection (5)(a) or (b), each matter, or the whole or part of the matter, is to be considered at —
 - (a) the first ordinary council meeting after the mayor or president makes the decision; or
 - (b) if, when the mayor or president makes the decision, the CEO has already convened that first ordinary council meeting under section 5.5(1) — the second ordinary council meeting after the mayor or president makes the decision.
- 7. The local government must give local public notice of any decision of the mayor or president made under subsection (5)(a) or (b) and of the reasons for the decision.

