



# Council Meeting Draft Agenda

**2024/CM15**

**Wednesday, 20 November 2024**



# THE COUNCIL MEETING

## Welcome to this Meeting of the Frankston City Council

The Council appreciates residents, ratepayers and other visitors taking their places in the Public Gallery, as attendance demonstrates an interest in your Council and community affairs. Community spirit is encouraged.

This information sheet is designed to help you to understand the procedures of Council and help you to gain maximum value from your attendance.

The law regarding the conduct of Council meetings enables the public to observe the session. However, to ensure the manageability of Council meetings, opportunities for public participation are limited to Question Time and registered submissions in accordance with Council's guidelines, which are available from Council's Councillors Office (call 9768 1632) and on our website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au). It is not possible for any visitor to participate in any Council debate unless specifically requested by the Chairperson to do so.

If you would like to have contact with Councillors or Officers, arrangements can be made for you to do so separately to the meeting. Call the Councillors Office on 9768 1632 and ask for the person you would like to meet with, to arrange a time of mutual convenience.

## When are they held?

Generally speaking, the Council meets formally every three (3) weeks on a Monday and meetings start at 7.00 pm, unless advertised otherwise. **This Council Meeting will be held in the Council Chambers, Frankston Civic Centre, 30 Davey Street (entry via Young Street).** Livestream footage can be viewed via our website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au).

Council meeting dates are posted at Young Street entrance to the Civic Centre (upper level) and also on our website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au).

## **Frankston City Council Governance Rules (adopted 31 August 2020 and amended 5 September 2022)**

### **25. Chair's Duty**

Any motion which is determined by the *Chair* to be:

- 25.1 *defamatory of or embarrassing to any Councillor, member of Council staff or other person;*
- 25.2 *abusive or objectionable in language or nature;*
- 25.3 *a direct negative of the question before the Chair;*
- 25.4 *vague or unclear in intention;*
- 25.5 *outside the powers of Council; or*
- 25.6 *irrelevant to the item of business on the agenda and has not been admitted as*

**79. Chair May Remove**

79.1 *The Chair may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 78.2, or cause the removal of any object or material that is deemed by the Chair as being objectionable or disrespectful.*

79.2 *Any person removed from the meeting under sub-Rule 79.1 must not return to the meeting without the approval of the Chair or Council.*

*It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her authority in chairing the meeting.*

The Governance Local Law 2020 creates the following offences in relation to behaviour at Council meetings:

- Refusing to leave a meeting when requested to do so by the Chair (following improper or disorderly conduct)
- Failing to comply with a direction of the Chair

Each of these offences carries a penalty of 2 penalty units.

## **Live Streaming of Council Meetings**

Frankston City Council is now Live Streaming its Council Meetings.

### **Council is encouraging residents to view the meetings via the live streaming.**

Live Streaming allows you to watch and listen to the meeting in real time, giving you greater access to Council decision making and debate and improving openness and transparency.

Every care will be taken to maintain privacy and, as far as practically possible, it is not intended that there be either live or recorded footage of the public or Media personnel, however, there might be incidental capture; for example footage of a person exiting the building depending on which camera is being used at the time, or audio recording of a person who interjects the meeting. Council officers who address Council will be heard on the live audio stream, and audio of them speaking will be recorded.

As per Council's Governance Rules 77.2 – the proceedings will be live streamed and recordings of the proceedings will be retained and will be published on Council's website within 24 hours from the end of the meeting.

Council will make every reasonable effort to ensure that a live stream and recording is available. However technical difficulties may arise in relation to live streaming or access to Council's website.

Appropriate signage will be placed at the entrance to the meeting location notifying all attendees that the meeting will be streamed live and recorded. Please note that it is not intended that public speakers will be visible in a live stream of a meeting and care is taken to maintain a person's privacy as an attendee in the gallery, however they may be unintentionally captured in the recording. If public speakers do not wish to be audio recorded they will need to contact the Councillors Office on telephone (03) 9768 1632 or via email [councillors.office@frankston.vic.gov.au](mailto:councillors.office@frankston.vic.gov.au) to discuss alternative options prior to the meeting.

## ***The Council Meeting cont.....***

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In the event Council encounters technical issues with the livestreaming, the meeting will be adjourned for up to 30 minutes until the matter is resolved. If the matter cannot be resolved, the meeting will be postponed to another evening.

### **The Formal Council Meeting Agenda**

The Council meeting agenda is available for public inspection immediately after it is prepared, which is normally on the Thursday afternoon two (2) business days before the meeting. It is available from the Reception desk at the Civic Centre (upper level), on our website [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au) or a copy is also available for you in the chamber before the meeting.

The following information is a summary of the agenda and what each section means:-

- **Items Brought Forward**

These are items for discussion that have been requested to be brought forward by a person, or a group of people, who have a particular item on the Agenda and who are present in the Public Gallery.

- **Presentation of Written Questions from the Gallery**

Question Time forms are available from the Civic Centre and our website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au).

“Questions with Notice” are to be submitted before 12 noon on the Friday before the relevant Ordinary Meeting either in person at the Frankston Civic Centre, online using the Question Time web form or via email to [questions@frankston.vic.gov.au](mailto:questions@frankston.vic.gov.au).

“Questions without Notice” are to be submitted between 12 noon on the Friday before the relevant Ordinary Meeting up until 4pm on the day of the relevant Council Meeting either in person via the designated Question Time box located at the Frankston Civic Centre front reception or the after-hours mail box or via email to [questions@frankston.vic.gov.au](mailto:questions@frankston.vic.gov.au).

A maximum of 3 questions may be submitted by any one person at one meeting. There is no opportunity to enter into debate from the Gallery.

More detailed information about the procedures for Question Time is available from Council’s Councillors Office (call 9768 1632) and on our website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au).

- **Presentation of Petitions and Joint Letters**

These are formal requests to the Council, signed by a number of people and drawing attention to matters of concern to the petitioners and seeking remedial action from the Council. Petitions received by Councillors and presented to a Council meeting are usually noted at the meeting, then a report is prepared for consideration at the next available meeting.

- **Presentation of Reports**

Matters requiring a Council decision are dealt with through officer reports brought before the Council for consideration. When dealing with each item, as with all formal meeting procedures, one Councillor will propose a motion and another Councillor will second the motion before a vote is taken. If the members of the public wish to clarify any of the items on the Agenda, please contact the relevant manager by phoning 1300 322 322.

- **Presentation of Delegate Reports**

A Councillor or member of Council staff who is a delegate may present to Council on the deliberations of the external body, association, group or working party in respect of which he or she is a delegate or an attendee at a Council approved conference / seminar.

- **Urgent Business**

## ***The Council Meeting cont.....***

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These are matters that Councillors believe require attention and action by Council. Before an item can be discussed, there must be a decision, supported by the majority of Councillors present, for the matter to be admitted as "Urgent Business".

- **Closed Meetings**

Because of the sensitive nature of some matters, such as personnel issues, contractual matters or possible legal action, these matters are dealt with confidentially at the end of the meeting.

### **Opportunity to address Council**

Any person who wishes to address Council must pre-register their intention to speak before 4.00pm on the day of the meeting, by telephoning Council's Councillors Office (call 9768 1632) or by submitting the online web form or by using the application form both available on the website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au).

The submissions process is conducted in accordance with guidelines which are available from Council's Councillors Office and on our website. All submissions will be limited to 3 minutes in duration, except for Section 223 submitters, who have a maximum of 5 minutes. No more than ten (10) members of the public are to be permitted to address the Council. Further speakers will be permitted to address the meeting at the discretion of the Chair. All speakers need to advise if they are speaking on behalf of an organisation and it is deemed that they have been appropriately authorised by that said organisation.

Public submissions and any subsequent discussion will be recorded as part of the meeting. The proceedings will be live streamed and recordings of Council meetings will be made available to members of the public within 24 hours of the meeting.

Members of the public who address the Council will be heard on the live stream and audio of them speaking will be recorded. It is not intended that submitters or members of the public in the gallery will be visible in the live streaming or recording of the meeting. If a submitter does not wish to be recorded they must advise the Chair at the commencement of their public submission or prior to the Council Meeting.

### **Disclosure of Conflict of Interest**

If a Councillor considers that they have, or might reasonably be perceived to have, a direct or indirect interest in a matter before the Council or a special committee of Council, they will declare their interest and clearly state its nature before the matter is considered. This will be done on every occasion that the matter is considered by the Council or special committee.

If a Councillor has an interest in a matter they will comply with the requirements of the Local Government Act, which may require that they do not move or second the motion and that they leave the room in which the meeting is being held during any vote on the matter and not vote on the matter.

If a Councillor does not intend to be at the meeting, he or she will disclose the nature of the interest to the Chief Executive Officer, Mayor or Chairperson prior to the meeting commencing.

**MAYOR**





## NOTICE PAPER

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### ALL COUNCILLORS

NOTICE is hereby given that a Council Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 20 November 2024 at 7:00 PM.

### ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

*I acknowledge the Traditional Custodians of the land on which we meet today, the Bunurong People of the Kulin Nation, and pay my respect to Elders past, present and future. I would like to extend that respect to Elders of other communities who may be here today.*

Frankston City

**BUSINESS**

- 1. APOLOGIES**
- 2. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**
- 3. CONSIDERATION OF REPORTS OF OFFICERS**
  - 3.1 Oath of Office and Model Councillor Code of Conduct Declarations .....2
  - 3.2 Adoption of term for the Office of the Mayor ..... 10
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2024-2028 ..... 16
  - 3.7 Adoption of Council Meeting Dates for 2025 ..... 19
- 4. CONFIDENTIAL ITEMS**  
Nil

Phil Cantillon

**CHIEF EXECUTIVE OFFICER**

15/11/2024

**Report for Information****3.1 Oath of Office and Model Councillor Code of Conduct Declarations**

*Enquiries: (Brianna Alcock: Corporate and Commercial Services)*

Council Plan

Level 1:	6. Progressive and Engaged City
Level 2:	6.5 Support transparent and evidenced based decision making through sharing council data and clear reporting on our measures of success to the community

**Purpose**

To meet the legislative requirements in relation to the Councillors' oath of office and Model Councillor Code of Conduct declaration processes.

That each person elected to be a Councillor:

1. Makes the oath of office by stating the prescribed words, and signing and dating the oath of office, before the Chief Executive Officer;
2. Makes a written declaration before the Chief Executive Officer, stating that they have read and will abide by the Model Councillor Code of Conduct;
3. Be given the opportunity to address the meeting.

**Report**

As per the *Local Government Act 2020*:

**Section 30: Oath or affirmation of office**

- 1) *A person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the oath or affirmation of office in the manner prescribed by the regulations.*
- 2) *The oath or affirmation of office must be—*
  - (a) *administered by the Chief Executive Officer; and*
  - (b) *dated and signed before the Chief Executive Officer; and*
  - (c) *recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting.*

**Section 31: Failure to take oath or affirmation of office**

*The office of a Councillor becomes vacant if a person elected to be a Councillor does not take the oath or affirmation of office within 3 months after the day on which the person was declared elected.*

**Section 5** of the *Local Government (Governance and Integrity) Regulations 2020* states:

*For the purposes of section 30(1) of the Act, the prescribed manner for taking the oath or affirmation of office is—*

- (a) *in accordance with the requirements of Part 2 of the **Oaths and Affirmations Act 2018**; and*
- (b) *in person or, with the approval of the Chief Executive Officer, by means of an audio visual link; and*
- (c) *In the following form:*



### 3.1 Oath of Office and Model Councillor Code of Conduct Declarations

#### Report for Information

*“I will undertake the duties of the office of Councillor in the best interests of the municipal community.*

*I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement.”*

#### A. Oath or Affirmation of Office

A person elected to be a Councillor must take the oath or affirmation of office by repeating the following words after the Chief Executive Officer:

*“I will undertake the duties of the office of Councillor in the best interests of the municipal community.*

*I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement.”*

The oath must be dated and signed before the Chief Executive Officer and recorded in the Council Minutes.

A copy of the oath of office has been prepared for signing by each person elected to be a Councillor – these are included as **Attachment A** to this report.

#### B. Model Councillor Code of Conduct

Each Councillor must make a declaration stating that they will abide by the Model Councillor Code of Conduct. The declaration must be in writing and must be witnessed by the Chief Executive Officer.

The Model Councillor Code of Conduct is included as **Attachment B** to this report. A copy of the declaration has been prepared for signing by each Councillor – these are included as **Attachment C** to this report.

#### C. Councillors’ Opportunity to Speak

The CEO will invite each Councillor to address the meeting.

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#### ATTACHMENTS

Attachment A: [↓](#) Oath / Affirmation of Office

Attachment B: [↓](#) Model Councillor Code of Conduct



# Oath / Affirmation of Office

I, [name], will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the *Local Government Act 2020* and any other Act to the best of my skill and judgement.

Signature of Councillor	
Date	

I, Phil Cantillon, Chief Executive Officer of Frankston City, confirm that I have witnessed the making of this oath/affirmation of office.

Signature of CEO	
Date	



Government  
Services

# Model Councillor Code of Conduct

Local Government (Governance and Integrity) Amendment  
Regulations 2024

# Model Councillor Code of Conduct

Schedule 1 of the Local Government (Governance and Integrity) Amendment Regulations 2024

## Definitions

In this Schedule—

**discrimination** means unfair or unfavourable treatment of a person on the grounds of an attribute specified in section 6 of the **Equal Opportunity Act 2010**.

## Standards of Conduct

### 1. Performing the role of a Councillor

A Councillor must do everything reasonably necessary to ensure that they perform the role of a Councillor effectively and responsibly, including by—

- (a) representing the interests of the municipal community by considering and being responsive to the diversity of interests and needs of the municipal community; and
- (b) being fit to perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (c) diligently using Council processes to become informed about matters which are subject to Council decisions; and
- (d) not performing or purporting to perform any responsibilities or functions of the Chief Executive Officer; and
- (e) acknowledging and supporting the Mayor in the performance of the role of the Mayor, including by—
  - (i) respecting and complying with a ruling of the Mayor as the chair of Council meetings (unless dissenting from the ruling in accordance with the Council's Governance Rules); and
  - (ii) refraining from making public comment, including to the media, that could reasonably be perceived to be an official comment on behalf of the Council where the Councillor has not been authorised by the Mayor to make such a comment.

### 2. Behaviours

- (1) A Councillor must treat others, including other Councillors, members of Council staff and members of the public, with dignity, fairness, objectivity, **courtesy and respect**, including by—

- (a) not engaging in demeaning, abusive, obscene or threatening behaviour, including where the behaviour is of a sexual nature; and
  - (b) not engaging in behaviour that intentionally causes or perpetuates stigma, stereotyping, prejudice or aggression against a person or class of persons; and
  - (c) not engaging in discrimination or vilification; and
  - (d) supporting the Council, when applying the Council's community engagement policy, to develop respectful relationships and partnerships with Traditional Owners, Aboriginal community controlled organisations and the Aboriginal community; and
  - (e) supporting the Council in fulfilling its obligation under the Act or any other Act (including the **Gender Equality Act 2020**) to achieve and promote gender equality; and
  - (f) ensuring their behaviours and interactions with children are in line with the Council's policies and procedures as a child safe organisation and obligations under the **Child Wellbeing and Safety Act 2005** to the extent that they apply to Councillors.
- (2) A Councillor, as an individual at the workplace, must take reasonable care for their own health and safety and take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons by—
- (a) adhering to applicable systems and policies put in place by the Chief Executive Officer to manage risks to health and safety in the workplace; and
  - (b) complying, so far as the Councillor is reasonably able, with any reasonable instruction that is given by the Chief Executive Officer to manage risks to health and safety.
- (3) A Councillor must act in accordance with any policies, practices and protocols developed and implemented under section 46 of the Act that support arrangements for interactions between members of Council staff and Councillors.

### 3. Good governance

A Councillor must comply with the following Council policies and procedures required for delivering good governance for the benefit and wellbeing of the municipal community—

- (a) the Council's expenses policy adopted and maintained under section 41 of the Act;

- (b) the Council's Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act, including in relation to—
  - (i) conduct in Council meetings or meetings of delegated committees; and
  - (ii) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication; and
  - (iii) the Council's election period policy included in the Council's Governance Rules under section 69 of the Act, including in ensuring that Council resources are not used in a way that is intended to influence, or is likely to influence, voting at a general election or by-election;
- (c) the Council's Councillor gift policy adopted under section 138 of the Act;
- (d) any direction of the Minister given under section 175 of the Act.

#### **4. Integrity**

- (1) A Councillor must act with integrity, exercise reasonable care and diligence and take reasonable steps to avoid any action which may diminish the public's trust and confidence in the integrity of local government, including by—
  - (a) ensuring that their behaviour does not bring discredit upon the Council; and
  - (b) not deliberately misleading the Council or the public about any matter related to the performance of their public duties; and
  - (c) not making Council information publicly available where public availability of the information would be contrary to the public interest.

#### **Note**

See the public transparency principles set out in section 58 of the Act.

- (2) A Councillor must not, in their personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), expressly or impliedly request preferential treatment for themselves or a related person or entity.

#### **5. The Model Councillor Code of Conduct does not limit robust public debate**

Nothing in the Model Councillor Code of Conduct is intended to limit, restrict or detract from robust public debate of issues in a democracy.





**VICTORIA**  
State  
Government

Government  
Services

**Report for Information****3.2 Adoption of term for the Office of the Mayor**

*Enquiries: (Brianna Alcock: Corporate and Commercial Services)*

Council Plan

Level 1:

6. Progressive and Engaged City

Level 2:

6.2 Enhance strategy, policy and plan development and identify alignment to allow for prioritisation of services that are efficient, well planned, accessible and meet community needs

**Purpose**

To endorse the duration of the Mayoral term.

**Recommendation (Director Corporate and Commercial Services)**

That Council resolves to elect the Mayor for a 1 year term for 2024-2025 (from the date of this meeting until the date and time of the next election for the Mayor).

**Election of the Mayor**

In accordance with the *Local Government Act 2020*:

*Section 26:*

- 3) *Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.*
- 4) *If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.*
- 5) *If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.*

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**ATTACHMENTS**

Nil

**Report for Information****3.3 Election of the Mayor for 2024-2025**

*Enquiries: (Brianna Alcock: Corporate and Commercial Services)*

Council Plan

Level 1:

6. Progressive and Engaged City

Level 2:

6.5 Support transparent and evidenced based decision making through sharing council data and clear reporting on our measures of success to the community

**Purpose**

To elect the Mayor for 2024-2025.

**Recommendation (Director Corporate and Commercial Services)**

That, on the declaration of the result of the Mayoral Election by the Chief Executive Officer, the successful candidate Cr \_\_\_\_\_ is elected Mayor of Frankston City Council for 2024-25 (from the date of this meeting until the time and on the day of the next election of the Mayor).

**The Governance Rules states:****4. Election of the Mayor**

*The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.*

**5. Method of voting**

*The election of the Mayor must be carried out by a show of hands or such visual or audible means as the Chief Executive Officer determines.*

**6. Determining the election of the Mayor**

*6.1 The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and invite nominations for the office of Mayor.*

*6.2 Any nominations for the office of Mayor must be seconded by another Councillor.*

*6.3 Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor.*

Single nomination

*6.4 If there is only one nomination, the candidate nominated must be declared to be duly elected.*

Multiple nominations and candidate elected on first vote

*6.5 If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates and each of the candidates shall be allowed three minutes to speak to their nomination, which cannot be extended.*

*6.6 In the event of a candidate receiving an absolute majority of Councillors, that candidate is declared to have been elected.*

Three or more nominations and no candidate obtaining absolute majority on first vote

**3.3 Election of the Mayor for 2024-2025****Report for Information**

- 6.7 *In the event that:*
- 6.7.1 *there are three or more candidates;*
  - 6.7.2 *no candidate receives the votes of an absolute majority of Councillors; and*
  - 6.7.3 *it is not resolved to conduct a new election at a later day and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors in attendance at the meeting will then vote for one of the remaining candidates.*
- 6.8 *If one of the remaining candidates receives the votes of an absolute majority of Councillors, that candidate is duly elected. If none of the remaining candidates receives the votes of an absolute majority of Councillors and it is not resolved to conduct a new election at a later day and time, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives the votes of an absolute majority. That candidate must then be declared to have been duly elected.*
- 6.9 *For the purposes of sub-Rules 6.7 and 6.8, if no candidate can be determined to have the fewest number of votes then the candidate who is to be declared a defeated candidate will be determined by lot (a tiebreaking system where the result is determined by chance).*
- 6.10 *If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:*
- 6.10.1 *each candidate who has an equal number of votes with another candidate or candidates will draw one lot;*
  - 6.10.2 *the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and*
  - 6.10.3 *as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates until one of those candidates receives the votes of an absolute majority of Councillors).*

*Two nominations or two remaining candidates and no candidate obtaining an absolute majority on first vote*

- 6.11 *In the event of two candidates being nominated or remaining, and neither candidate receiving the votes of an absolute majority of Councillors, the Councillors in attendance at the meeting will consider whether to resolve to conduct a new election at a later date and time.*
- 6.12 *If:*
- 6.12.1 *it is resolved to conduct a new election at a later date and time a new election will take place at on the date and at the time resolved upon. In the event the provisions of this Rule 6 will continue to*

**3.3 Election of the Mayor for 2024-2025****Report for Information**

*govern the election of the Mayor, and ultimately any candidate whose nomination is the sole nomination or any candidate who receives the votes of an absolute majority of Councillors will be declared duly elected; and*

- 6.12.2 *it is not resolved to conduct a new election at a later date and time Councillors must continue to vote until one of the candidates receives the votes of an absolute majority of Councillors, at which point that candidate will be declared duly elected. If, after two or more further votes are taken neither candidate receives the votes of an absolute majority of Councillors, the provisions of sub-Rule 6.11 and this sub-Rule 6.12 must again be followed.*

*Note: The election should be confined to the acceptance of nominations and no discussion or debate should be permitted.*

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**ATTACHMENTS**

Nil

**Report for Information****3.4 Adoption of term for the Office of the Deputy Mayor**

*Enquiries: (Brianna Alcock: Corporate and Commercial Services)*

Council Plan

Level 1:

6. Progressive and Engaged City

Level 2:

6.2 Enhance strategy, policy and plan development and identify alignment to allow for prioritisation of services that are efficient, well planned, accessible and meet community needs

**Purpose**

To endorse the duration of Deputy Mayoral term.

**Recommendation (Director Corporate and Commercial Services)**

That Council:

1. Resolves to establish the position of Deputy Mayor; and
2. Resolves to elect the Deputy Mayor for a 1 year term for 2024-2025 (from the date of this meeting until date of the next election for the Deputy Mayor).

**Election of the Deputy Mayor**

In accordance with the *Local Government Act 2020*:

*Section 20A - Office of Deputy Mayor:*

- (1) *A Council may establish an office of Deputy Mayor.*
- (2) *If the Council has established an office of Deputy Mayor, the provisions of this Act relating to the office of Deputy Mayor apply.*
- (3) *If a Council has not established an office of Deputy Mayor, section 20B applies.*

*Section 26:*

- 3) *Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.*
- 4) *If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.*
- 5) *If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.*

*Section 27:*

- 2) *Section 26 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.*

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**ATTACHMENTS**

Nil



**Report for Information****3.5 Election of the Deputy Mayor for 2024-2025**

*Enquiries: (Brianna Alcock: Corporate and Commercial Services)*

Council Plan

Level 1:

6. Progressive and Engaged City

Level 2:

6.2 Enhance strategy, policy and plan development and identify alignment to allow for prioritisation of services that are efficient, well planned, accessible and meet community needs

**Purpose**

To elect Deputy Mayor for 2024-2025.

**Recommendation (Director Corporate and Commercial Services)**

That, on the declaration of the result of the Deputy Mayoral Election by the Chair, the successful candidate Cr \_\_\_\_\_ is elected Deputy Mayor of Frankston City Council for 2024-25 (from the date of this meeting until the time and on the day of the next election for the Deputy Mayor).

**The Governance Rules state the following:****7. Election of Deputy Mayor and Chairs of Delegated Committees**

*Any election for:*

*7.1 any office of Deputy Mayor; or*

*7.2 Chair of a Delegated Committee*

*will be regulated by Rules 4-6 (inclusive) of this Chapter, as if, in the case of any election for Deputy Mayor, the reference to the:*

*7.3 Chief Executive Officer is a reference to the Mayor; and*

*7.4 Mayor is a reference to the Deputy Mayor or the Chair of the Delegated Committee (as the case may be).*

*7.5 The role of the Deputy Mayor is to perform the duties ascribed to the Mayor where the Mayor is absent, unless the Deputy Mayor has a conflict or is unavailable.*

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**ATTACHMENTS**

Nil

## Executive Summary

### 3.6 Setting of Mayoral, Deputy Mayoral and Councillor Allowances 2024-2028

*Enquiries: (Brianna Alcock: Corporate and Commercial Services)*

#### Council Plan

Level 1:	6. Progressive and Engaged City
Level 2:	6.5 Support transparent and evidenced based decision making through sharing council data and clear reporting on our measures of success to the community

#### **Purpose**

To set the Mayoral and Councillor allowances, in accordance with section 39 of the *Local Government Act 2020*.

#### **Recommendation (Director Corporate and Commercial Services)**

That Council:

1. Sets the Mayoral and Councillor Allowances for the Council term until October 2024, at the maximum amount specified in the relevant Determination of the Victorian Independent Remuneration Tribunal;
2. Notes it is up to each Mayor, Deputy Mayor or Councillor to determine if they wish to receive the entire allowance, part of the allowance or no allowance for the entire Council term; and
3. Notes the allowances will be paid monthly in advance, with the amounts being subject to any variations or adjustments made by the Victorian Independent Remuneration Tribunal during the four year Council term.

#### **Key Points / Issues**

- Section 39 of the *Local Government Act 2020* ("the Act") provides for Council to pay an allowance to the Mayor, Deputy Mayor and Councillors, at the amount specified in the relevant Determination of the Victorian Independent Remuneration Tribunal (VIRT).
- On 7 March 2022, in accordance with section 23A of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic), the Tribunal made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022.
- The Determination applies to every Mayor, Deputy Mayor and Councillor (Council member) in all 79 Councils in Victoria.
- The Determination set a base allowance for each Council member, the value of which varies according to the role (Mayor, Deputy Mayor or Councillor) and the allowance category to which the Council has been assigned.
- The Determination also provided for a remote area travel allowance and set eligibility criteria for claiming it.
- The Tribunal is required to make an annual adjustment to the values of allowances. On 27 June 2024, the Tribunal made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Annual Adjustment

**3.6 Setting of Mayoral, Deputy Mayoral and Councillor Allowances 2024-2028****Executive Summary**

Determination 2024. This Determination adjusts the values of allowances with effect from 1 July 2024.

- As of 1 July 2024, the base allowances payable to Mayors, Deputy Mayors and Councillors in Frankston City Council (Category 3 Council) are set out below:
  - Mayor can receive: \$134,954
  - Deputy Mayor can receive: \$67,477
  - Councillors can receive: \$40,769
- The payment of the Mayor, Deputy Mayor and Councillor allowances may not exceed one month in advance. Accordingly, these allowances are paid monthly in advance.
- Provisions in *the Local Government Act 2020* provide for each Mayor, Deputy Mayor or Councillor to determine if they wish to receive the entire allowance, part of the allowance or no allowance.

**Financial Impact**

Provision is made within Council's budget to fund the Mayor, Deputy Mayor and Councillors' allowances, expense entitlements and equivalent superannuation guarantee contributions.

**Consultation****1. External Stakeholders**

Not applicable

**2. Other Stakeholders**

Available guidance from Local Government Victoria has been incorporated into this report.

**Analysis (Environmental / Economic / Social Implications)**

It is important that the Mayor and Councillors are appropriately compensated for their time and efforts in fulfilling their civic commitments, and that such compensation is in keeping with community expectations.

**Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

Section 39 of the Act provides for Council to pay an allowance to the Mayor, Deputy Mayor and Councillors, at the amount specified in the relevant Determination of the VIRT.

Policy Impacts

There are no policies or protocols that will affect the decision of this report.

**Gender Impact Assessments**

No gender impact assessment was required.

**3.6 Setting of Mayoral, Deputy Mayoral and Councillor Allowances 2024-2028****Executive Summary**Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

**Risk Mitigation**

There are no risks associated with this report.

**Conclusion**

It is recommended that Council sets the Mayoral, Deputy Mayoral and Councillor allowances at the maximum amount specified in the relevant Determination of the Victorian Independent Remuneration Tribunal for the duration of the 2024-2028 Council term and that the equivalent superannuation guarantee contribution is paid directly to Councillors in lieu superannuation, or alternately directly to the Mayor and Councillor in lieu of superannuation, on a quarterly in-arrears basis.

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**ATTACHMENTS**

Nil

## Executive Summary

### 3.7 Adoption of Council Meeting Dates for 2025

*Enquiries: (Brianna Alcock: Corporate and Commercial Services)*

Council Plan

Level 1:

Level 2:

6. Progressive and Engaged City

6.5 Support transparent and evidenced based decision making through sharing council data and clear reporting on our measures of success to the community

#### Purpose

To adopt the Council meeting dates for the 2025 calendar year.

#### Recommendation (Director Corporate and Commercial Services)

That Council:

1. Sets the following Council Meeting dates for 2025:

- Wednesday, 29 January 2025
- Monday, 17 February 2025
- Monday, 24 March 2025

*School holidays: 7 April to 21 April*

- Wednesday, 23 April 2025
- Monday, 12 May 2025
- Monday, 2 June 2025
- Monday, 23 June 2025

*School holidays: 7 July to 18 July*

- Monday, 21 July 2025
- Monday, 11 August 2025
- Monday, 8 September 2025

*School holidays: 22 September to 3 October*

- Monday, 6 October 2025
- Monday 27 October 2025
- Monday 17 November 2025
- Wednesday, 19 November 2025 (Meeting to elect Mayor & Deputy Mayor)
- Monday, 8 December 2025

2. Notes council matters will continue to be presented for Council's consideration at each three-weekly Council meeting;
3. Notes the meetings will be held at Frankston Civic Centre, unless advised otherwise;
4. Notes the meetings will commence at 7:00pm, unless advised otherwise; and
5. Notes the meeting dates, set out in part 1 of the recommendation, will be advertised by way of public notice and Council's website.

**3.7 Adoption of Council Meeting Dates for 2025****Executive Summary****Key Points / Issues**

- The current three weekly Council meeting cycle has been in operation since March 2014.
- The cycle was implemented to provide the Mayor with the opportunity to have input on which reports are listed on the Agenda for the forthcoming meeting.
- The cycle has provided Councillors with the opportunity to be provided with information about upcoming reports, ahead of the meeting, to ensure the Council are making well-informed decisions.
- The regular occurrence of Council meetings has also reduced the duration of meetings and the amount of items considered on each Agenda, and has largely eliminated the need for late reports.
- It is proposed to continue with the three weekly Council meeting cycle, where possible, commencing from Wednesday 29 January 2025. Council Meetings have been scheduled so as to avoid these occurring during the school holiday periods.
- The Council Meeting to elect a new Mayor and Deputy Mayor is scheduled to be held 12 months after they are elected on Wednesday, 19 November 2025.

**Financial Impact**

The costs to advertise the meeting dates can be accommodated within the existing budget.

**Consultation****1. External Stakeholders**

No external stakeholders have been consulted.

**2. Other Stakeholders**

The Councillors, Mayor and Chief Executive Officer have been consulted.

**Analysis (Environmental / Economic / Social Implications)**

A well-structured meeting schedule assists in the orderly administration of projects that require Council decisions. Setting the meeting schedule in advance and publishing its details demonstrates transparency in decision making and assists members of the public who wish to attend meetings.

**Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report; it is considered that the report is consistent with the Charter.

Legal

Under section 61 of the *Local Government Act 2020*, Council has an obligation to consider general business at Council meetings which are open to the public.



**3.7 Adoption of Council Meeting Dates for 2025****Executive Summary**

Council's Governance Rules outlines the conduct of Council meetings and makes provision for reasonable notice to be provided for each Council meeting. Council is required to fix the date, time and place of all Council Meetings.

Policy Impacts

There are no policies that impact the decision of this report.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no conflict of interest in this matter.

**Risk Mitigation**

There are no identified risk issues for Council.

**Conclusion**

It is recommended that Council continues with the three weekly meeting cycle in 2025, where suitable, for the consideration of council matters.

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**ATTACHMENTS**

Nil

**4. CONFIDENTIAL ITEMS**

Section 3(1) of the *Local Government Act 2020* enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Council business information that would prejudice the Council's position in commercial negotiations if prematurely released;
- (b) Security information that is likely to endanger the security of Council property or the safety of any person;
- (c) Land use planning information;
- (d) Law enforcement information;
- (e) Legal privileged information;
- (f) Personal information;
- (g) Private commercial information;
- (h) Internal arbitration information;
- (i) Councillor conduct panel information
- (j) Information prescribed by the regulations to be confidential information for the purposes of this definition;
- (k) Information that was confidential information for the purposes of section 77 of the *Local Government Act 2020*
- (l) A resolution to close the meeting to members of the public pursuant to section 66(2)(a).

Nil Reports

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Signed by the CEO