

Circular Details	Circular No 16-32 / 9 September 2016 / A511602
Previous Circular	16-30 <i>Local Government Amendment (Governance and Planning) Act 2016</i>
Who should read this	Councillors / General Managers
Contact	Council Governance 02 4428 4100 olg@olg.nsw.gov.au
Action required	Oaths and affirmations of office to be taken at the first meeting

Oath or affirmation of office by councillors

What's new or changing

- As a result of the recent amendments to the *Local Government Act 1993*, councillors (including mayors) are now required to take an oath or affirmation of office. The prescribed words of the oath and affirmation are contained in the attachment to this Circular.
- Oaths or affirmations of office must be taken by each councillor at or before the first meeting of the council after being elected.

What this will mean for your council

- Each council will need to make arrangements for the oath or affirmation to be taken by each councillor at the first meeting of a newly-elected council or at a newly-elected councillor's first meeting following a by-election.
- Councillors should be made aware of this requirement prior to the first meeting of a newly-elected council or the newly-elected councillor's first meeting following a by-election.
- An oath or affirmation should be taken by each councillor as the first item of business for the meeting.
- The general manager must ensure that a record is kept of the taking of the oath or affirmation. This can be done by way of a signed statement containing the oath or affirmation or by recording the taking of the oath or affirmation by each councillor in the minutes of the council meeting.
- If the councillor is unable to attend the first council meeting, he or she may take the oath or affirmation of office at another location in front of the general manager.
- The oath or affirmation of office may also be taken before an Australian legal practitioner or a Justice of the Peace.
- The taking of the oath or affirmation outside a council meeting must be publically recorded by the council.
- Where an oath or affirmation is taken outside a council meeting, a council staff member should also be present to ensure that an accurate record can be kept by the council.

Key points

- A councillor who fails, without a reasonable excuse, to take the oath or affirmation of office, will not be entitled to attend council meetings until they do so and will be taken to be absent without leave.
- If a councillor is absent without leave for three consecutive ordinary council meetings their office is automatically declared vacant and a by-election must be held.

Where to go for further information

- For further information contact the Office of Local Government's Council Governance Team on 02 4428 4100.



Tim Hurst
Acting Chief Executive

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Attachment

Oath

I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Affirmation

I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.