

<b>Circular Details</b>	Circular No 17-22 / 25 July 2017 / A556241
<b>Previous Circular</b>	16-30 and 16-32
<b>Who should read this</b>	Councillors, General Managers and governance staff of councils with upcoming elections.
<b>Contact</b>	Council Governance   02 4428 4100   <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Oaths and affirmations of office to be taken at the first meeting

## Oath or affirmation of office by councillors

### What's new or changing

- Under 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 the presence 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 publicly 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**

