

Circular Details	21-31 / 5 October 2021 / A775482
Previous Circular	21-20 Postponement of the local government elections to 4 December 2021
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

Post-Election Guide on key decisions and activities for councils, county councils and joint organisations following the local government elections

What's new or changing

- There are several key decisions and activities that need to occur at the first meetings of councils, county councils and joint organisations following the elections and in the 12 months that follow.
- The Office of Local Government (OLG) has prepared a *Post-Election Guide for Councils, County Councils and Joint Organisations* to assist them to comply with these requirements.

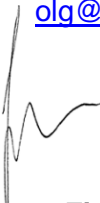
What this will mean for your council

- Councils' elections held on **4 December 2021** are likely to be declared between **21 and 23 December 2021**. Councils, county councils and joint organisations should schedule their first meetings following the elections on this basis.
- Among other things, **at the first meeting after the election:**
 - all councillors and members of county councils must take an oath or make an affirmation of office - councillors are not permitted to participate in meetings until they have done so (section 233A of the *Local Government Act 1993* (the Act))
 - councils must, by resolution, declare that casual vacancies occurring in the office of a councillor within 18 months of the election are to be filled by a countback of votes cast at the election if councils want to fill vacancies by these means – councils that do not resolve to fill vacancies using a countback at their first meeting after the election will be required to fill vacancies using a by-election (section 291A of the Act)
 - councils that elect their mayors must hold a mayoral election (section 290 of the Act) and an election for deputy mayor where they have one
 - joint organisations must elect a new chairperson (clause 1 of Schedule 7A of the *Local Government (General) Regulation 2005* (the Regulation))
 - county councils must elect a new chairperson (clause 1 of Schedule 8 of the Regulation).
- **Within 3 months of the election:**
 - all councillors, members of county councils and voting representatives of the boards of joint organisations must lodge a written return of interests with the general manager (or the executive officer in the case of joint organisations) unless they have submitted a return within the previous three months (clause 4.21(a) of the *Model Code of Conduct for Local Councils in NSW*).

- **In the first 6 months following the election:**
 - councils and county councils must provide induction training for newly elected mayors and councillors and refresher training for returning mayors and councillors (clauses 183 and 184 of the Regulation) – councils are required to report on the mayor’s and councillors’ participation in induction or refresher training in their annual reports (clause 186 of the Regulation).
- **Before 30 June 2022:**
 - councils must have reviewed the community strategic plan – the draft community strategic plan must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by the council before the plan is endorsed by it (section 402 of the Act).
 - councils must establish a new delivery program to cover the principal activities of the council for the 4-year period commencing on 1 July 2022 - the draft delivery program must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by the council before the delivery program is adopted (section 404 of the Act).
- **In the first 12 months following the election:**
 - councils’ and county councils’ local approvals and local orders policies are automatically revoked unless readopted after the ordinary election (section 165 of the Act)
 - councils, county councils and joint organisations must adopt an expenses and facilities policy following public exhibition and the consideration of submissions (section 252(1) of the Act)
 - councils, county councils and joint organisations must review and may re-determine their organisation structure (section 333 of the Act)
 - councils, county councils and joint organisations must adopt a code of meeting practice that incorporates the mandatory provisions of the *Model Code of Meeting Practice for Local Councils in NSW* following public exhibition and the consideration of submissions – councils’ adopted codes may also incorporate the non-mandatory provisions and other provisions (section.360(3) of the Act)
 - councils and county councils must review their delegations (section 380 of the Act)
 - councils, county councils and joint organisations must review their code of conduct (section 440(7) of the Act)
 - joint organisations must, in consultation with their member councils, adopt a statement of strategic regional priorities setting out the priorities for the joint organisation area and the strategies and plans for delivering them (clause 397H) of the Regulation).

Where to go for further information

- Further guidance on each of these requirements is provided in the *Post-Election Guide for Councils, County Councils and Joint Organisations*. The Guide is available on the 2021 Local Government Elections webpage on OLG’s website [here](#).
- For further information, contact the Council Governance Team on 4428 4100 or olg@olg.nsw.gov.au.



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