

ITEM 1 OATH OR AFFIRMATION OF OFFICE

The Local Government Act 1993 requires newly-elected Councillors to take an Oath or Affirmation of Office at or before the first Council meeting.

RECOMMENDATION

- 1 Councillors elect to either take the Oath of Office, or Affirmation of Office, in accordance with the Local Government Act.
- 2 The Oath of Office, or Affirmation of Office, be individually undertaken and conducted by the General Manager.

REPORT AUTHORISATIONS

Report of: Michelle Martin, Manager Governance + Customer Service (Acting)
Authorised by: Todd Hopwood, Director Corporate Services - Connected + Engaged City (Acting)

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

Under the *Local Government Act 1993*, the Lord Mayor and Councillors are required to take an Oath or Affirmation of Office at or before the first Council meeting. Section 233A of the *Local Government Act* states -

- (1) *A councillor must take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.*
- (2) *The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace and is to be in the following form:*

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.

- (3) *A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or made the affirmation.*
 - (4) *Any absence of a councillor from an ordinary meeting of the council that the councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.*
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- (5) *Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a councillor in the exercise of the councillor's functions.*
- (6) *The general manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise)."*

PROPOSAL

It is proposed that the Oath of Office, or Affirmation of Office, be undertaken individually and conducted by the General Manager.

CONCLUSION

Section 233A of the Local Government Act requires that the Lord Mayor and Councillors take an Oath or Affirmation of Office, at or before their first Council meeting. Councillors should take the Oath or Affirmation of Office in accordance with the Act.
