

EC9 – Oath of Office

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TRIM 3745-3

EXECUTIVE SUMMARY

- The purpose of this report is to notify Councillors of the requirements for an elected candidate to take an Oath of Office or Affirmation of Office as outlined in the body of this report.
- Cr Matt Smith took the Oath of Office on 2 November 2017 and will reaffirm his Oath of Office publically at this meeting.

REPORT

A By-election was held on the 28 October 2017 to fill a vacancy in the East Ward, following the resignation of former Councillor, Ray Law.

The NSW Electoral Commission, on behalf of Wollondilly Shire Council, conducted the By-election.

Matt Smith was declared the elected candidate by the NSW Electoral Commission on Wednesday 1 November 2017.

Section 233A of the Local Government Act 1993 provides the following:

233A Oath and affirmation for councillors

- (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

Cr Matt Smith took the Oath of Office with the General Manager and Mayor on 2 November 2017. The General Manager will invite Cr Smith to reaffirm the Oath of Office at this meeting.

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 Wollondilly Shire and the Wollondilly Shire 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.

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The Act goes further to provide:

- (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.
- (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).

CONSULTATION

Nil

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates.

ATTACHMENTS

Nil

RECOMMENDATION

That Cr Matt Smith reaffirm his Oath of Office in accordance with the requirements of the Local Government Act 1993.