

Post-election guide

for councils, county councils
and joint organisations

August 2024

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Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past and present through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Introduction

This post-election guide (Guide) has been prepared by the Office of Local Government (OLG) to provide comprehensive guidance to councils, county councils and joint organisations on key tasks that need to be completed following the 2024 Local Government elections. Specifically, the Guide covers tasks to be completed at the first ordinary meeting and then at key dates following the elections.



At the first meeting after the elections

It is a matter for each council and joint organisation to set the agenda for their first meeting following the elections.

There are a range of matters that councils, county councils and joint organisations may wish to include in the agenda for consideration at the first meeting.

However, there are several key items of business that must be dealt with at the first meeting.

For councils, these include the following:

- the administration of councillors' oath or affirmation of office
- a resolution declaring that casual vacancies in the office of councillors will be filled using a countback in the first 18 months following the election where the council wants to fill vacancies this way instead of a by-election, and
- the election of the mayor where the mayor is elected by councillors and a deputy mayor where the council has one.

For county councils, these include the following:

- the administration of members' oath or affirmation of office, and
- the election of a chairperson.

Joint organisations must elect a chairperson at their first meeting after the elections.

Oaths and affirmations of office

Under the [Local Government Act 1993](#)¹ (the Act) councillors (including mayors) are required to take an oath or make an affirmation of office².

The prescribed words of the oath and affirmation are provided below.

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."

1 <https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030>

2 section 233A of the Act

Oaths or affirmations of office must be taken or made by each councillor at or before the first meeting of the council after being elected.

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.

Councillors need to be physically present before the general manager, legal practitioner or justice of the peace when taking their oath or making their affirmation of office.

Councils will need to make arrangements for the oath or affirmation to be taken or made by each councillor at the first meeting.

Councillors should be made aware of this requirement prior to the first meeting.

An oath or affirmation should be taken or made by each councillor as the first item of business for the first meeting.

The general manager must ensure that a record is kept of the taking of the oath or making of the 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 making of the affirmation by each councillor in the minutes of the council meeting.

If a councillor is not able to attend the first council meeting, they may take the oath or affirmation of office at another location in front of the general manager.

As noted above, 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 making an affirmation of office outside a council meeting must be publicly recorded by the council.

Where an oath or affirmation is taken or made outside a council meeting, a council staff member should also be present to ensure that an accurate record can be kept by the council.

A councillor who fails, without a reasonable excuse, to take the oath or make an 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 or countback must be held.

These requirements also apply to members and chairpersons of county councils.

Decision on using countbacks to fill casual vacancies

Councils have the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the offices of councillors in the first 18 months after the election.

This will allow councils to use a countback to fill vacancies at a lower cost than the cost of holding a by-election.

To exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the election, councils must resolve, at their first meeting after the election, to use a countback to fill casual vacancies.

If councils do not resolve this at the first meeting after the election, they will be required to fill casual vacancies through a by-election.

It is recommended that councils use the following resolution to exercise the option to use a countback to fill casual vacancies:

“Pursuant to section 291A(1) (b) of the *Local Government Act 1993* (the Act) **[name of council]** declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on **[insert date of election]** are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the general manager to notify **[insert name of election manager]** of the Council’s decision within 7 days of the decision.”

Where a council resolves³ to fill casual vacancies using a countback in the first 18 months of its term, the general manager is required under the [Local Government \(General\) Regulation 2021](#)⁴ (the Regulation) to notify the election manager of its ordinary election of its resolution within 7 days of the resolution⁵.

For all councils other than Fairfield and Liverpool City Councils, the election manager is the NSW Electoral Commissioner.

Countbacks are not available to fill casual vacancies in the office of a councillor where:

- the councillor who vacated office was elected at an election using the optional preferential voting system (i.e. elections where only one civic office is required to be filled such as the election of popularly elected mayors), or
- the councillor was elected at an uncontested election.

A by-election must be used to fill these vacancies.

Mayoral elections

Under the Act⁶, the civic offices of mayors elected by councillors expire on the day of the council’s ordinary election.

Except for those councils coming out of administration, councils that elect mayors must hold a mayoral election at a council meeting within 3 weeks of the declaration of the ordinary election⁷.

For the councils coming out of administration that elect mayors, a mayoral election must be held within 14 days of the declaration of the ordinary election⁸.

Councillors may also elect a deputy mayor.

The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with Schedule 7 of the Regulation.

Schedule 7 prescribes three methods of election of mayors:

- open ballot (e.g. a show of hands)
- ordinary ballot, or
- preferential ballot.

3 section 291A(1)(b) of the Act

4 <https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460>

5 section 393C(3) of the Regulation

6 sections 234(5) and 233(2)(b) of the Act

7 section 290(1)(a) of the Act

8 section 290(1)(d) of the Act

OLG has prepared guidance to assist councils to conduct mayoral and deputy mayoral elections which is available on OLG's website under [Mayoral Elections](#)⁹.

Councillors need to be present at the meeting in person to participate in voting by means other than an open ballot.

Mayors elected by councillors normally hold their office for 2 years (unless a casual vacancy occurs)¹⁰.

Councils that elect their mayors are required under the Act¹¹ to hold mid-term mayoral elections in the month of September. This means that the mid-term mayoral elections will need to be held in September 2026. The mayor elected at the mid-term mayoral elections will hold their office until the day of the council's next ordinary elections in September 2028 when their civic office as a councillor and mayor will expire.

Deputy mayors hold their office for the term specified in the council's resolution.

Elections of chairpersons of county councils

Under the Act¹², the civic office of chairpersons of county councils expires on the election day for the constituent council they are a councillor on.

County councils will need to elect a chairperson at their first meeting after the ordinary elections¹³.

The election of the chairperson of a county council must be conducted in accordance with Schedule 8 of the Regulation.

The process for electing chairpersons of county councils is the same as the process for electing mayors of councils. County councils can adapt OLG's guidance on mayoral elections for this

purpose, available on OLG's website under [Mayoral Elections](#)¹⁴.

County council members need to be present at the meeting in person to participate in voting by means other than open voting.

As with mayors elected by councillors, chairpersons of county councils hold their office for 2 years (unless a casual vacancy occurs)¹⁵.

Elections of chairpersons of joint organisations

Under the Act¹⁶, the civic office of chairpersons of joint organisations also expires on the election day for the member council they are a councillor on.

Joint organisations will need to elect a chairperson at their first meeting after the ordinary elections¹⁷.

The election of the chairperson of a joint organisation must be conducted in accordance with Schedule 7A of the Regulation.

OLG has provided guidance to assist joint organisations to conduct elections for the chairperson in part 2.3 of the [Joint Organisation Implementation Guidelines](#)¹⁸.

Voting representatives of the board need to be present at the meeting in person to participate in voting by means other than open voting.

As with mayors elected by councillors, chairpersons of joint organisations hold their office for 2 years (unless a casual vacancy occurs)¹⁹.

9 <https://www.olg.nsw.gov.au/councils/councillors/mayoral-elections/>

10 section 230(1) of the Act

11 section 290(1)(b) of the Act

12 section 391(3)(b)(iii) of the Act

13 clause 1(b) of Schedule 8 of the Regulation

14 <https://www.olg.nsw.gov.au/councils/councillors/mayoral-elections/>

15 section 391(2) of the Act

16 section 400V(4)(b)(iii) of the Act

17 clause 1(b) of Schedule 7A of the Regulation

18 <https://www.olg.nsw.gov.au/wp-content/uploads/Joint-Organisation-Implementation-Guidelines.pdf>

19 section 400V(2) of the Act



Audit, Risk and Improvement Committees

The initial term of a councillor member of an Audit, Risk and Improvement Committee is 4 years, coinciding with the term of the council.

The councillor member can be reappointed for another term (i.e. 4 years), if re-elected at the council's next ordinary elections, but the total period of continuous membership on the committee cannot exceed 8 years (two council terms).

The councillor member is to be appointed by the governing body at the first meeting of the council after the elections.

Note, councils are not required to appoint a councillor member to an Audit, Risk and Improvement Committee.

The councillor member's term ends at the end of the council term.

OLG has issued [Guidelines for Risk Management and Internal Audit for local government in NSW](https://www.olg.nsw.gov.au/wp-content/uploads/2023/12/Guidelines-for-Risk-Management-and-Internal-Audit-updated-November-2023.pdf)²⁰.

²⁰ <https://www.olg.nsw.gov.au/wp-content/uploads/2023/12/Guidelines-for-Risk-Management-and-Internal-Audit-updated-November-2023.pdf>



At the second meeting after the elections

Endorsement of the State of our City Report

At the second meeting after the elections, the State of our City Report must be presented to and endorsed by the council²¹.

The State of our City Report (formerly referred to as the End of Term Report) assesses progress with respect to the implementation and effectiveness of the Community Strategic Plan.

OLG has provided guidance on the State of Our City Report in its [Integrated Planning and Reporting Guidelines](#)²².



Within 3 months of the elections

Lodgement of written returns of interests

Under the [Model Code of Conduct for Local Councils in NSW](#)²³ (Model Code of Conduct) 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) within 3 months of their election or appointment unless they have submitted a return within the previous 3 months²⁴.

Returns of interests are an important accountability mechanism for promoting community confidence in decision making by councillors and others and for ensuring that they disclose and appropriately manage conflicts of interest they may have in matters dealt with by the council or joint organisation.

Among other things, councillors and others who are required to complete returns of interests must disclose the following types of interests in their returns:

- interests in real property
- gifts
- contributions to travel
- interests and positions in corporations
- whether they are a property developer or a close associate of a property developer
- positions in trade unions and professional or business associations
- dispositions of real property
- sources of income, and
- debts.

It is important that councillors and others complete their returns of interests correctly and disclose all relevant interests.

²¹ section 428(2) of the Act

²² <https://www.olg.nsw.gov.au/wp-content/uploads/2021/09/Integrated-Planning-and-Reporting-Guidelines.pdf>

²³ <https://www.olg.nsw.gov.au/councils/governance/model-code-of-conduct/>

²⁴ clause 4.21(a) of the Model Code of Conduct

OLG has issued a [Guide to Completing Returns of Interest](#)²⁵ to assist in the completion of returns.

Under the Model Code of Conduct²⁶, general managers and executive officers must maintain a register of returns of interests and returns must be tabled at the first meeting of the council or board of the joint organisation after they are required to be lodged.

Returns of interests must also be made publicly available free of charge on councils', county councils' and joint organisations' websites, unless there is an overriding public interest against disclosure of the information contained in them or to do so would impose unreasonable additional costs on the council, county council or joint organisation.

For more information, see the Information and Privacy Commission's [Guideline 1: For local councils on the disclosure of information contained in the returns disclosing the interests of councillors and designated persons](#)²⁷.

Endorsement of the Annual Report

The Annual Report is a key point of accountability between a council and its community.

Its main focus is to report on the council's progress in delivering the commitments made in the Delivery Program and Operational Plan, as well as other mandatory and statutory requirements.

The Annual Report published in the year of each ordinary election must contain the State of our City Report (formerly referred to as the End of Term Report). The council must prepare and endorse the Annual Report within 5 months of the end of each financial year, i.e. by 30 November²⁸.

Further guidance on the Annual Report is available on OLG's website under [Council Annual Reporting Requirements](#)²⁹.

Review the Community Engagement Strategy

Councils and county councils are required to review the Community Engagement Strategy within 3 months of the ordinary elections³⁰. It supports the development of all their plans, policies, programs, and key activities - including those relating to Integrated Planning and Reporting, as well as strategic plans and programs required under other legislation.

Councils have a vital role to play in opening opportunities for community members to be involved in the strategic planning process. The Community Engagement Strategy outlines the guiding principles and approach for ensuring the community has an opportunity to have their say in a meaningful way.

In the case of a county council, a Community Engagement Strategy is to be prepared, adopted, and implemented for engagement with constituent councils and other relevant stakeholders.

Further guidance on the Community Engagement Strategy is available in OLG's [Integrated Planning and Reporting Guidelines](#)³¹.

25 <https://www.olg.nsw.gov.au/wp-content/uploads/2020/08/Model-Code-of-Conduct-Completing-returns-of-interest-updated-August-2020.pdf>

26 clauses 4.24 and 4.25 of the Model Code of Conduct

27 <https://www.ipc.nsw.gov.au/information-access-guideline-1>. The IPC has also developed a range of resources on this topic as per Circular 23-13, available on OLG's website.

28 section 428 of the Act

29 <https://www.olg.nsw.gov.au/councils/policy-and-legislation/guidelines-and-policy-information-resources-for-councils/council-annual-reporting-requirements/>

30 section 402 of the Act

31 <https://www.olg.nsw.gov.au/wp-content/uploads/2021/09/Integrated-Planning-and-Reporting-Guidelines.pdf>



Within 6 months of the elections

Completion of induction and refresher training for mayors and councillors

Under the Regulation³², the general manager must ensure that induction training is delivered to each councillor who has been elected for the first time and refresher training to each councillor who is re-elected within 6 months of their election.

The induction training must provide councillors with information about the functions and obligations of councils and councillors and the administrative procedures and operations of the council³³.

The general manager must also ensure that supplementary induction training is delivered to the mayor in addition to the training they receive as a councillor within 6 months of their election³⁴.

Councillors and the mayor must make all reasonable efforts to participate in any induction, refresher or supplementary training offered to them.

Councils will be required to report in their annual reports the names of the mayor and councillors who completed induction, refresher and, in the case of mayor, supplementary training during the year³⁵.

³² section 183 of the Regulation

³³ section 183(2) of the Regulation

³⁴ section 184 of the Regulation

³⁵ section 186 of the Regulation

The general manager must also ensure that an ongoing professional development program is delivered to the mayor and each other councillor over the course of their terms on council.

Ongoing professional development programs delivered to the mayor and councillors must provide support and assistance to them in the development of the skills necessary to perform their roles and ensure that they maintain those skills over the course of their terms of office³⁶.

The content of the ongoing professional development program delivered to the mayor and each councillor must be developed in consultation with them, having regard to the specific skills required by the mayor and each individual councillor and the governing body to perform their roles effectively.

As with induction, refresher and supplementary training, the mayor and each councillor must make all reasonable efforts to participate in any ongoing professional development program delivered to them.

Councils must report the names of the mayor and councillors who participated in any ongoing professional development program in their annual reports and the number of seminars, circulars and other activities delivered as part of the ongoing professional development program³⁷.

OLG has issued [Councillor Induction and Professional Development Guidelines](#)³⁸ to assist councils to deliver induction, refresher and supplementary training for the mayor and councillors and to design and deliver an ongoing professional development program for them.

These requirements also apply to county councils but not to joint organisations.

Those guidelines provide specific guidance to county councils on how they can comply with these requirements.

To assist councils in the delivery of their councillor induction and refresher training, OLG will be holding a series of webinars following the elections. Councillors will receive a certificate of attendance to provide to their councils for each webinar attended.

OLG will also issue an updated version of the Councillor Handbook which will be available on OLG's website at www.olg.nsw.gov.au.



³⁶ section 185 of the Regulation

³⁷ section 186 of the Regulation

³⁸ <https://www.olg.nsw.gov.au/councils/councillors/councillor-induction-and-professional-development-guidelines/>



Before 30 June 2025

Integrated Planning and Reporting

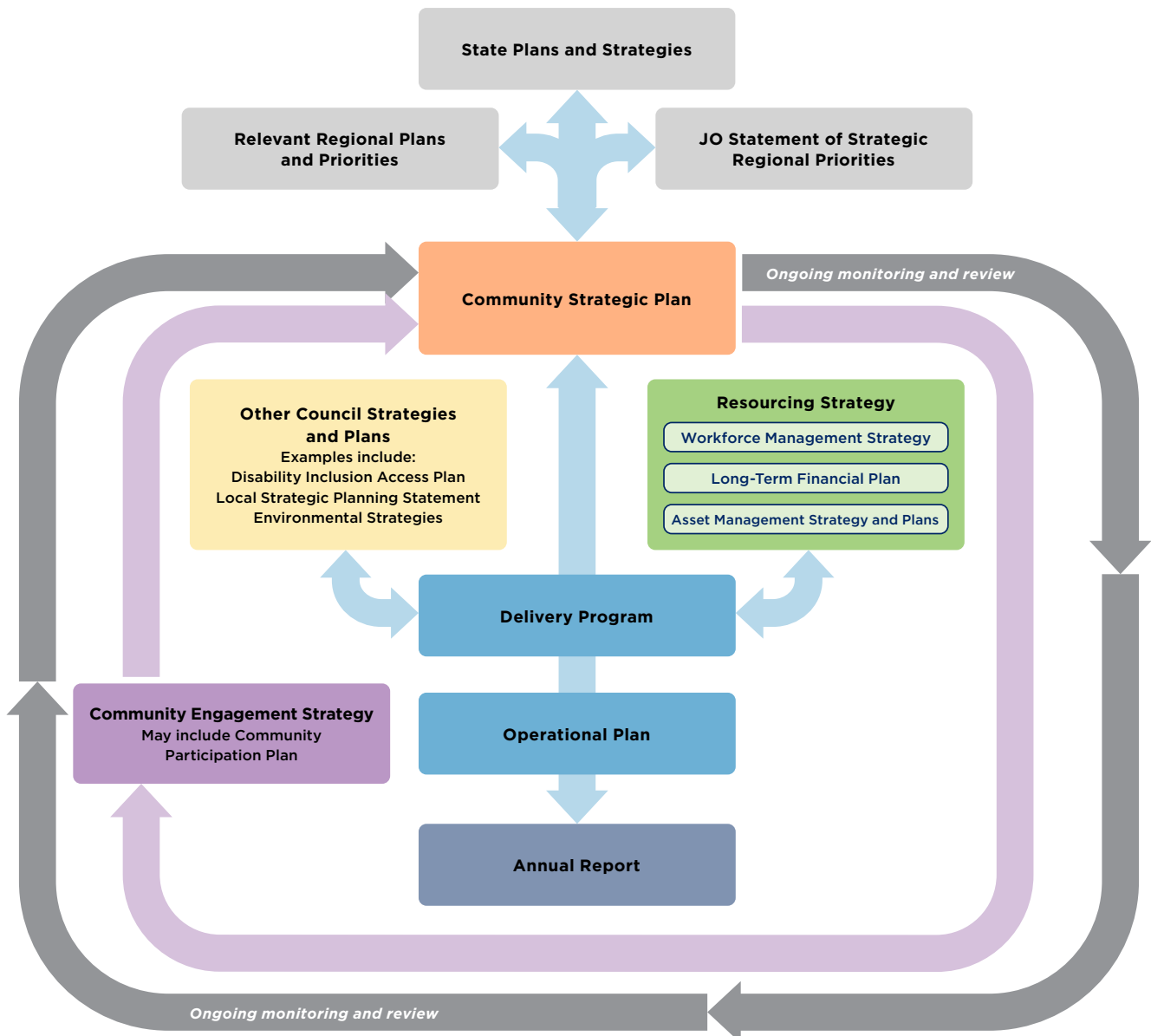
The Integrated Planning and Reporting (IP&R) Framework allows councils to bring plans and strategies together in a way that supports a clear vision for the future and provides an agreed roadmap for delivering community priorities and aspirations. A summary of the IP&R Framework is available on OLG's website under [Integrated Planning and Reporting](#)³⁹.

Following the ordinary elections of councillors, the council must review the:

- Community Strategic Plan
- Resourcing Strategy
- Delivery Program, and
- Operational Plan.

County councils must review the:

- Business Activity Strategic Plan
- Resourcing Strategy
- Delivery Program, and
- Operational Plan.



39 <https://www.olg.nsw.gov.au/councils/integrated-planning-and-reporting/>

Endorsement of the Community Strategic Plan

Councils must review and endorse the Community Strategic Plan before 30 June 2025.

The Community Strategic Plan is council's highest-level plan. It reflects the main priorities and aspirations of the community and is reviewed after every ordinary election.

Under the Act⁴⁰, councils may endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new Community Strategic Plan.

Councils must ensure that the Community Strategic Plan:

- addresses civic leadership, social, environmental, and economic issues in an integrated manner
- is based on social justice principles of equity, access, participation, and rights
- is informed by information that identifies key issues and challenges for the local government area, or surrounding region, and
- is developed having due regard to the State Government's State Plan and other relevant State and regional plans.

While the council plays a custodial role in initiating, preparing, and maintaining the Community Strategic Plan on behalf of the community, it is not wholly responsible for its implementation.

A draft Community Strategic Plan (including any amendments) must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered before the plan is endorsed by the council.

Within 28 days after endorsing a Community Strategic Plan, the council must post a copy of the plan on its website and provide a copy or a link to the plan on the council's website to OLG.

Further guidance on reviewing and endorsing a Community Strategic Plan is available on OLG's website under [Community Strategic Plan](#)⁴¹.

Endorsement of the Business Activity Strategic Plan

County councils must review and endorse the Business Activity Strategic Plan before 30 June 2025⁴².

The Business Activity Strategic Plan identifies the main business activity priorities of the county councils and must be reviewed after every ordinary election.

County councils must ensure that the Business Activity Strategic Plan:

- identifies the main business activity priorities of the council covering a period of at least 10 years from when the plan is endorsed
- establishes strategic objectives together with strategies for achieving those objectives, and
- has been developed having due regard to the community strategic plans of the county council's constituent councils and in consultation with those councils.

Under the Regulation⁴³, county councils may endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new Business Activity Strategic Plan.

Within 28 days after endorsing a Business Activity Strategic Plan, the county council must post a copy of the plan on its website and provide a copy of the plan to the Secretary of the Department of Planning, Housing and Infrastructure or a link to the plan on the county council's website can be provided to the Minister for Local Government.

40 section 402 of the Act

41 <https://www.olg.nsw.gov.au/councils/integrated-planning-and-reporting/framework/community-strategic-plan/>

42 section 219 of the Regulation

43 section 219(2) of the Regulation

Adoption of the Resourcing Strategy

The Resourcing Strategy details how the council and county council will allocate resources – money, assets, and people – to deliver the aspirations of the Community Strategic Plan or Business Activity Strategic Plan, as relevant.

The Resourcing Strategy consists of 3 components:

- Long-Term Financial Planning
- Workforce Management Planning, and
- Asset Management Planning.

Further guidance on the Resourcing Strategy is available on OLG’s website under [The Resourcing Strategy](#)⁴⁴.

Adoption of the Delivery Program

Under the Act⁴⁵, councils and county councils must establish a new Delivery Program to cover their principal activities for the 4-year period commencing on 1 July 2025.

The Delivery Program is a statement of commitment to the community from the newly elected council, that translates the community’s strategic goals into clear actions.

It allows the council and county council to determine what is achievable over the next 4 years, what the priorities are, and how programs will be resourced and scheduled.

The Delivery Program must include a method of assessment to determine the effectiveness of its implementation.

Before the Delivery Program is adopted by the council, 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 it.

Further guidance on developing and adopting a new Delivery Program is available on OLG’s website under [The Delivery Program](#)⁴⁶.

Adoption of the Operational Plan

Under the Act⁴⁷, councils and county councils must prepare and adopt an Operational Plan each year.

The Operational Plan is council’s and county council’s action plan for achieving the community priorities outlined in the Community Strategic Plan or Business Activity Strategic Plan, as relevant, and Delivery Program.

It is prepared each year, and identifies the projects, programs, and activities that council will conduct to achieve the commitments of the Delivery Program.

Before the Operational Plan is adopted by the council, the draft Operational 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 it.

Within 28 days after the adoption of an Operational Plan, the council must post a copy of the plan on the council’s website and provide a copy to OLG.

Further guidance on developing and adopting a new Operational Plan is available on OLG’s website under [The Operational Plan](#)⁴⁸.

44 <https://www.olg.nsw.gov.au/councils/integrated-planning-and-reporting/framework/the-resourcing-strategy/>

45 section 404 of the Act

46 <https://www.olg.nsw.gov.au/councils/integrated-planning-and-reporting/framework/the-delivery-program/>

47 section 405 of the Act

48 <https://www.olg.nsw.gov.au/councils/integrated-planning-and-reporting/framework/the-operational-plan/>



Within 12 months of the elections

Review and adoption of local approvals and orders policies

Under the Act⁴⁹, councils' and county councils' local approvals and orders policies are automatically revoked 12 months after each ordinary election unless adopted after the elections.

If councils and county councils have adopted local approvals and orders policies, they should review them after the elections to ensure they are current and fit for purpose.

If the policies are still required and the council proposes to adopt them with or without amendment, it must first exhibit the draft policy for at least 28 days and invite submissions for a period of at least 42 days⁵⁰.

After considering submissions, councils may decide to amend the policy, adopt the policy without amendment or not to adopt the policy.

If the council decides to amend the draft policy, it may publicly exhibit the amended draft local policy or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft policy without further public exhibition.

Adoption of councillors' expenses and facilities policy

Under the Act⁵¹, councils, county councils and joint organisations must adopt a new policy on the payment of expenses and the provision of facilities to the mayor (or chairperson) and councillors (a section 252 policy) within 12 months of the elections.

Before adopting a new section 252 policy, councils and joint organisations should review their existing policy to ensure it continues to be appropriate.

The Regulation requires policies adopted under section 252 to provide for the making of payment of expenses associated with carer responsibilities that are adequate or reasonable⁵².

Councils should ensure when reviewing their policies that the policy makes adequate provision for meeting councillors' carer expenses.

Before adopting a new section 252 policy, councils must give public notice of their intention to adopt the policy and allow at least 28 days for the making of public submissions⁵³.

Councils must comply with this requirement even if they propose to adopt the same policy as the existing policy.

Under the Act, before adopting the policy, councils must consider any submissions and make any appropriate changes to the draft policy⁵⁴.

Joint organisations must consult with their member councils about the content of their section 252 policy before adopting it.

49 section 165 of the Act

50 section 160 of the Act

51 section 252 of the Act

52 section 403 of the Regulation

53 section 253(1) of the Act

54 section 253 of the Act

To assist councils and joint organisations in reviewing and adopting a section 252 policy, OLG has issued [Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW](#)⁵⁵ under section 23A of the Act. Councils' policies must comply with these guidelines⁵⁶.

OLG has also issued a model [Councillor Expenses and Facilities Policy](#)⁵⁷ that councils may wish to use or adapt for their own purposes.

Specific guidance for joint organisations on the adoption of a section 252 policy is provided in part 2.6 of the [Joint Organisation Implementation Guidelines](#)⁵⁸.

Review of organisation structure

Under the Act⁵⁹, councils, county councils and joint organisations must review their organisation structure within 12 months of the elections. When reviewing the organisation structure, councils and joint organisations may redetermine the organisation structure but are not required to do so.

The positions within the organisation structure of a council must be determined to give effect to the priorities set out in the community strategic plan and the council's delivery program.

The review and determination of the organisation structure and the allocation of resources to fund positions in the organisation structure should be a collaborative exercise between the governing body and the general manager or the executive officer in the case of a joint organisation.

Under the Act, responsibility for determining the positions within the organisation structure rests with the general manager or the executive officer meaning that this does not need to be done by resolution. The general manager or executive officer is required under the Act to consult with the governing body of the council or joint organisation before determining the positions within the organisation structure and to consider

the views of councillors. When consulting with councillors on the proposed organisation structure, the general manager or executive officer should provide sufficient information to allow councillors to understand what is being proposed and why and to allow them to provide input into the general manager's or executive officer's decision. The final decision on the organisation structure ultimately rests with the general manager or executive officer.

The governing body of the council or joint organisation is in turn responsible under the Act for allocating resources through the budget process towards the employment of staff in the positions identified in the organisation structure. This is a non-delegable function and must be done by resolution. The governing body is required under the Act to consult with the general manager or executive officer before making budgetary decisions on the allocation of resources towards the employment of staff.

Specific guidance for joint organisations on the determination of their organisation structure is provided in part 2.11 of the [Joint Organisation Implementation Guidelines](#)⁶⁰.

Adoption of a code of meeting practice

Under the Act⁶¹, 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](#)⁶² (Model Meeting Code) prescribed by the Regulation within 12 months of the elections.

Councils' and joint organisations' adopted codes of meeting practice must not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

Councils and joint organisations are not required to adopt the non-mandatory provisions of the Model Meeting Code and can adapt them to meet their own needs.

55 <https://www.olg.nsw.gov.au/councils/policy-and-legislation/guidelines-and-policy-information-resources-for-councils/councillor-expenses-and-facilities/>

56 section 252(5) of the Act

57 <https://www.olg.nsw.gov.au/councils/policy-and-legislation/guidelines-and-policy-information-resources-for-councils/councillor-expenses-and-facilities/>

58 <https://www.olg.nsw.gov.au/wp-content/uploads/Joint-Organisation-Implementation-Guidelines.pdf>

59 section 333 of the Act

60 <https://www.olg.nsw.gov.au/wp-content/uploads/Joint-Organisation-Implementation-Guidelines.pdf>

61 section 360 of the Act

62 <https://www.olg.nsw.gov.au/councils/governance/model-code-of-meeting-practice/>

Before adopting a code of meeting practice, councils must prepare a draft code and exhibit it for at least 28 days and invite submissions for a period of at least 42 days⁶³.

Councils must consider all submissions received and may, after considering submissions, decide to amend the non-mandatory provisions of its draft code, or to adopt the draft code.

If the council decides to amend its draft code, it may re-exhibit the amended draft or, if the council considers that the amendments are not substantial, it may adopt the amended draft code without public exhibition⁶⁴.

The Regulation⁶⁵ prescribes that a joint organisation must consult with its member councils about the content of its proposed code of meeting practice before adopting it.

Refer to the [Model Meeting Code](#) for more information.

Specific guidance for joint organisations on the adoption of a code of meeting practice is provided in part 2.8 of the [Joint Organisation Implementation Guidelines](#)⁶⁶.

The Model Meeting Code contains non-mandatory rules for conducting councillor briefings. This is an area where the Minister for Local Government may propose changes to ensure briefings are held through committees, that information is publicly available, and meetings are recorded.

Review of delegations

Under the Act⁶⁷, councils and county councils must review all their delegations within 12 months of the elections.

Councils may, by resolution, delegate to the general manager or any other person or body (but not an employee of the council other than the general manager) any of the functions of the council other than those referred to in section 377 of the Act⁶⁸.

The general manager may, in turn, sub-delegate a function delegated to them by the council to any person or body (including another employee of the council)⁶⁹.

Review of the code of conduct

Under the Act⁷⁰, councils, county councils and joint organisations must review their adopted codes of conduct within 12 months of the elections and make such adjustments as they consider appropriate.

Councils, county councils and joint organisations must adopt a code of conduct that incorporates the provisions of the Model Code of Conduct prescribed by the Regulation.

A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory committees).

A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct.

However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

In other words, councils and joint organisations can strengthen but cannot dilute the provisions of the Model Code of Conduct in their adopted codes of conduct.

Refer to the [Model Code of Conduct](#) for more information⁷¹.

Specific guidance for joint organisations on the code of conduct is provided in part 2.5 of the [Joint Organisation Implementation Guidelines](#)⁷².

63 section 361 of the Act

64 section 362 of the Act

65 section 397C of the Regulation

66 <https://www.olg.nsw.gov.au/wp-content/uploads/Joint-Organisation-Implementation-Guidelines.pdf>

67 section 380 of the Act

68 section 377 of the Act

69 section 378 of the Act

70 section 440(7) of the Act

71 <https://www.olg.nsw.gov.au/councils/governance/model-code-of-conduct/>

72 <https://www.olg.nsw.gov.au/wp-content/uploads/Joint-Organisation-Implementation-Guidelines.pdf>



Reforming the councillor conduct framework is a priority for the Government. During the next term of council, reforms will be proposed to ensure there are clear expectations on councillors about their conduct as well as proposals to ensure an effective process for genuine complaints and minimisation of the ‘weaponisation’ of complaints.

Adoption of a statement of strategic regional priorities

Joint organisations must adopt a statement of strategic regional priorities within 12 months of the elections for their member councils⁷³.

The statement of regional priorities must set out the strategic regional priorities for the joint organisation’s area and the strategies and plans for delivering them.

Joint organisations must consult with their member councils about the content of the proposed statement of strategic regional priorities.

Once adopted, the statement of regional priorities must be published on the joint organisation’s website.

Specific guidance for joint organisations on the preparation of a statement of strategic regional priorities is provided in part 2.9 of the [Joint Organisation Implementation Guidelines](https://www.olg.nsw.gov.au/wp-content/uploads/Joint-Organisation-Implementation-Guidelines.pdf)⁷⁴.

⁷³ section 397H of the Regulation

⁷⁴ <https://www.olg.nsw.gov.au/wp-content/uploads/Joint-Organisation-Implementation-Guidelines.pdf>

Post-election checklist



At the first meeting

- Oaths and affirmation of office (councils and county councils)
- Decision on using count-back to fill casual vacancies (councils)
- Mayoral elections (if council elects a mayor)
- Elections of chairpersons (county councils and JOs)
- Elect councillor member to Audit, Risk and Improvement Committee (if council, county council or JO elects a councillor member)



Before 30 June 2025

- Endorsement of the Community Strategic Plan (councils)
- Endorsement of the Business Activity Strategic Plan (county councils)
- Adoption of the Resourcing Strategy (councils and county councils)
- Adoption of the Delivery Program (councils and county councils)
- Adoption of the Operational Plan (councils and county councils)



At the second meeting

- Endorsement of the State of our City Report (councils)



Within 12 months

- Review and adoption of local approvals and orders policies (councils and county councils)



Within 3 months

- Lodgement of returns of interests (councillors, members of county councils, voting representatives of board of JOs)
- Endorsement of the Annual Report (councils)
- Review Community Engagement Strategy (councils and county councils)

- Adoption of councillors' expenses and facilities (all)

- Review of organisation structure (all)

- Adoption of a code of meeting practice (all)

- Review of delegations (councils and county councils)

- Review of code of conduct (all)

- Adoption of a statement of strategic regional priorities (JOs)



Within 6 months

- Completion of induction and refresher training for mayors and councillors (councils and county councils)