

Use of Common Seal Policy

Policy – CP011

Prepared	Reviewed	Approved	Date	Council Minute No.
Chief Executive Officer	ELT	Council	24 July 2019	2019/0146
Trim File: 18/02/01		To be reviewed: July 2022		
Document Owner: Chief Executive Officer		Review Frequency: Three years		

1. The purpose of the this policy is

To establish the circumstances under which the official Council (Common) Seal may be affixed to documents and allow for the signing of electronic documents without the Common Seal.

2. Policy Statement

- to ensure the Council Seal is only affixed to appropriate documents;
- to allow for electronic documents to be signed without the need for the Council Seal to be affixed;
- to enable the Council seal to be affixed in accordance with the direction of Council as the need arises rather than waiting for the next Council meeting;
- to minimise delays in dealing with urgent documentation requiring the Council Seal to be affixed; and
- to provide for the safe keeping of the Common Seal.

3. Principles

- the Council Seal be affixed to any document deemed appropriate by the Chief Executive Officer (CEO) and duly signed in accordance with Part 12 of Local Law No 1 (Conduct of Council Meetings);
- the CEO will on a monthly basis compile and distribute to Councillors, a list of the documents sealed in accordance with this policy during the preceding month;
- if for any reason the Councillors refuse to execute a document under this policy then the CEO is to bring the matter to Council's attention at the next Ordinary meeting of Council;
- electronic documents do not require the seal to be affixed, however the CEO can deem it appropriate if they so choose. Signatories on electronic documents will otherwise be based on the financial delegations as approved by the CEO. Where the document exceeds the CEOs financial delegation it will be signed by the CEO and the Mayor (or Deputy Mayor if the Mayor is absent)

- the Common Seal shall be kept in a secure location under the delegation of the CEO.

4. Who is responsible for implementing this policy?

Rights and Responsibilities

- Pursuant to Clause 5(3)(c) of the Local Government Act 1989 and in accordance with Local Law No 1 Part 12, “The Common Seal must be used in accordance with the local laws of the municipality”.

Also in accordance with the Local Law, Part 12 58(h), “Every document to which the seal is affixed must be signed by two Councillors and the Chief Executive Officer.”

5. Definitions

<i>Council or Common Seal</i>	Means the official Common Seal of Council be it in embossed or printed form as approved by Council from time to time.
<i>Document(s)</i>	Can mean maps, photographs, computer printouts, agreements, contracts, letters, etc.
<i>Electronic document</i>	Means a document in electronic form to be signed through Councils electronic system (DocuSign)

6. Legislation and other references

6.1 Legislation

For further information related to this policy see:

- Local Government Act 1989; and
- Local Law 1 (Conduct of Council Meetings).

6.2 Documents

This Policy is implemented in conjunction with the following documents:

- Execution of Documents process.

6.3 Risk Assessment Reference

Risk Category		Risk Category	
Asset Management Committees Compliance – Legal & Regulatory Contract Management Contract Tendering & Procurement Corporate Governance Environmental Sustainability	✓ ✓	Financial Sustainability Human Resource Management Leadership & Organisational Culture Occupational Health & Safety Organisational Risk Management Project Management Public Image and Reputation	