



Use of Council Common Seal Policy

Policy – CP011

Prepared	Reviewed	Approved	Date	Council Minute No.
Chief Executive Officer	ELT	Council	September 2022	2022/0148
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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 Council Common Seal.

2. Policy Statement

- To ensure the Council Common Seal is only affixed to appropriate documents.
- To allow for electronic documents to be signed without the need for the Council Common Seal to be affixed.
- To enable the Council Common 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 Common Seal to be affixed.
- To provide for the safe keeping of the Council Common Seal.

3. Principles

- The Council Common Seal be affixed to any document deemed appropriate by the Chief Executive Officer (CEO) and duly signed in accordance with of Local Law No 1,(Conduct of Council Meetings), Part 12.
- 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 Council 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 the *Local Government Act 2020 (LGA 2020), Part 2, Division 2, Clause 14, (1)(b)* – the LGA 2020 states, “A Council must have a common seal”.

Also pursuant to the LGA 2020, Part 2, Division 2, Clause 14 (2), “The common seal of a Council must—

- (a) bear the name of the Council and any other word, letter, sign or device the Council determines should be included; and
- (b) be kept at the Council office; and
- (c) be used in accordance with any applicable local law.”

Further to the above, Councils’ Local Law No.1 includes Part 12 Common Seal Clause 58 and 59:

Clause 58 - Authorised Use

- (g) The Common Seal of Council is affixed at Scheduled 1;
- (h) Every document to which the Common Seal is affixed must be signed by two Councillors and the Chief Executive Officer;
- (i) It is an offence for any person to use the Common Seal of Council or any device resembling the Common Seal without the authority of Council.

Clause 59 - Keeping of the Common Seal

The Chief Executive Officer must keep the Council’s Common Seal in safe custody.

5. Definitions

<i>Council or Common Seal</i>	Means the official Common Seal of Council be it in embossed or printed form.
<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 2020*; 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	