

Use of Council Common Seal Policy

Policy – CP011

Prepared	Reviewed	Approved	Date	Council Minute No.
Chief Executive Officer	ELT	Council	April 2026	
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Document Owner: Chief Executive Officer		Review Frequency: Three years		

1. The purpose of this policy is

To establish the circumstances under which the official Council Common Seal may be affixed to documents.

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 and as the need arises, to minimise delays in dealing with urgent documentation.
- To provide guidelines for the use of the Common Seal.

3. Principles

- *Local Government Act 2020* – Division 2, Sect 14, (1b) states that a Council must have a Common Seal.
- *Local Government Act 2020* – Division 2, Sect 14, (2b and 2c) states the Common Seal of a Council must:
 - (b) be kept at the Council office; and
 - (c) be used in accordance with any applicable local law.

Note: Mildura Rural City Council does not have an applicable Local Law that governs Common Seal Usage.
- Define use of the Common Seal
- Provide alternatives for signing of documents electronically.

4. Who is responsible for implementing this policy?

Guidelines and Responsibilities

Executive Services Department are responsible for:

- Safekeeping of the Common Seal (physical and electronic) on behalf of the Chief Executive Officer.
- Affixing the Common Seal following appropriate authorisation.
- Keeping a register of the use of the Common Seal.
- Compile a list of the documents sealed in accordance with this policy during the preceding month and provision of this information for inclusion to quarterly reporting.
- If for any reason the Councillors refuse to execute a document under this policy, the CEO is to bring the matter to Council's attention.

Signatories for the use of the Common Seal:

- Prior to affixing the Common Seal, the authorised document must be signed by the delegation of the position of the Chief Executive Officer and two Councillors.
- The Common Seal and signatures will be affixed in one method only. (Either all physical or all virtual).

Authorisation to Affix the Common Seal:

- Affixing of the Common Seal must be applied as per the signing clause specified below.

THE COMMON SEAL of the MILDURA RURAL CITY)

COUNCIL was affixed hereto by authority of the)

Council in the presence of:)

)

..... COUNCILLOR

..... COUNCILLOR

..... CHIEF EXECUTIVE OFFICER

DATE:

- The Common Seal is not required for documents that have not been adopted by Council resolution, unless the CEO determines that sealing is otherwise appropriate.
- Under the *Land Act 1958* – Sect 350, affixation of Council's Common Seal is required for documents setting aside parts of roads for plantation purposes where roads are vested in the Crown and are at least 60 meters wide.

- Unauthorised access or use of the Common seal will be considered misconduct.

Document signing:

- Signatories for electronic documents are to be based on the financial delegation authorisations. This is to expedite the signing process without the need to wait for a council resolution unless specifically required.
- Affixing electronic signatures in this manner requires written authorisation from the person whose signature is to be affixed.
- The Common Seal is ordinarily applied in its physical (wet) form due to the nature of documents requiring its use, however on specific request only and by approval of the Chief Executive Officer, electronic affixation of the Common Seal may occur.
- Executive Service Department have access to an electronic seal (secured) for affixing in this manner.

5. Definitions

<i>Council or Common Seal</i>	Means the official Common Seal of Council be it in embossed, printed form or electronic form.
<i>Document(s)</i>	Can mean, agreements, contracts, letters, deeds, delegation documents etc.
<i>Electronic document</i>	Means a document in electronic form to be signed through Councils electronic system (EDRMS approval comments, other commonly used signing portals such as DocuSign, etc)

6. Legislation and other references

6.1 Legislation

For further information related to this policy see:

- *Local Government Act 2020*; and
- *Land Act 1958*

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