

POLICY OBJECTIVE

To establish the circumstances under which the official Council (Common) Seal may be affixed to documents and to ensure the Common Seals appropriate level of safekeeping when not in use.

POLICY SCOPE

This policy applies to Council employees and Councillors.

LEGISLATION

- Local Government Act 1993 – the Act
- Local Government (General) Regulation 2005 – the Regulations

The requirements stipulated under REG 400 of the Regulations state:

- The seal of a Council must be kept by the mayor or the general manager, as the Council determines.
- The seal of a Council may be affixed to a document only in the presence of:
 - the mayor and the general manager, or
 - at least one Councillor (other than the mayor) and the general manager, or
 - the mayor and at least one other Councillor, or
 - at least 2 Councillors other than the mayor.
- The affixing of a Council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in sub clause (2)) attest by their signatures that the seal was affixed in their presence.
- The seal of a Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- For the purposes of sub clause (4), a document in the nature of a reference or certificate of service for an employee of the Council does not relate to the business of the Council.

POLICY STATEMENT

Edward River Council has created a new Council (common) Seal. The Council Seal is like a formal signature of a Council and its purpose is to demonstrate approval of content of a document and shows what Council has done or agreed to do. It is generally applied to more legal and binding documents for example contracts, grant submission agreements.

PROCESS

The seal is to be kept under lock in the strong room other than when it is required for affixing to a document.

When the seal is required by the General Manager and/or the Mayor, the General Manager will request a member of the Corporate Support Team deliver the seal to the General Manager or to the Mayor or to the General Manager's Executive Assistant.

The seal is not to be left unattended at any time.

ASSOCIATED POLICIES AND PROCEDURES

NIL

POLICY VERSION CONTROL

Policy Title	Use of Common Seal
Policy No.	5.6.5
Department	Corporate Services
Function	Governance
Policy Group	Governance & Services Policies
Responsible Officer	Senior Governance Officer
Version	1
Adopted	14 June 2017
Next revision	