

POLICY OBJECTIVE

To identify when and how the Council (Common) Seal is affixed to documents.

POLICY SCOPE

This policy applies to Council employees and Councillors.

POLICY STATEMENT

The Edward River Council Seal is a formal signature of the council. 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 documents that are legal and binding in their purpose, for example contracts, and grant agreements. However, the use of the common seal is not a modern business practice as electronic signatures are now accepted on most documents.

The common seal is only to be used if council resolves to use it, in accordance with Clause 400 of the Regulation.

PROCEDURE

The affixing of the Council Seal is determined by Clause 400 of the *Local Government (General) Regulation 2021*.

- 1) The seal of a council must be kept by the Mayor or the Chief Executive Officer as the Council determines.
- 2) The seal of a council may be affixed to a document only in the presence of:
 - a. the Mayor and the Chief Executive Officer, or
 - b. at least one councillor (other than the Mayor) and the Chief Executive Officer, or
 - c. the Mayor and at least one other councillor, or
 - d. at least 2 councillors other than the Mayor.
- 3) 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.
- 4) 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.
- 5) 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.

- 6) The Council Seal is to be stored securely.
- 7) The Council Seal must not be left unattended when removed for use.
- 8) The affixing of the Council Seal is to be documented in a Register maintained by the Executive Assistant to the Mayor and Chief Executive Officer.

DEFINITIONS

Council means Edward River Council

Council Seal means the common seal of Edward River Council

Chief Executive Officer means the General Manager

ASSOCIATED LEGISLATION

Section 377 of the *Local Government Act 1993*

Section 50 Part 8 of the *Interpretation Act 1987*

Clause 400 of the *Local Government (General) Regulation 2021*

ASSOCIATED POLICIES AND PROCEDURES

Nil

POLICY VERSION CONTROL

Policy Title		Use of Common Seal	
ECM Doc Set ID		27213	
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Council minute number			
Responsible Officer		Manager, Governance Safety and Risk	
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