



GOV11	Use of Common Seal
Approval Date:	24/11/2022
Council Decision Reference:	046/2022
Policy Type:	Governance
Policy Custodian:	CEO
Review Date:	24/11/2025
Version (Revision Number):	2.0

### Purpose

The purpose of this policy is to regulate the use of Councils Common Seal as required by the *Local Government Act* ('Act').

### Scope

This policy applies to all Elected Members and to all Council staff with responsibility for applying this policy.

The Act states the use of the Common Seal must be authorised or ratified by resolution of the Council.

### Policy Statement

#### 1. Policy Principles

- 1.1. The Common Seal is in legal terms, the equivalent of the signature of an ordinary individual and its use therefore has a degree of legal formality.
- 1.2. The Common Seal is to contain the words "The Common Seal of West Daly Regional Council".
- 1.3. The Common Seal demonstrates that Council is dedicated to building a strong, professional brand image. The Common Seal indicates that documents are authentic and resolved by Council.

#### 2. Application of the Common Seal

- 2.1. The Act states that one member of Council and the Chief Executive Officer (CEO) (or person acting in that position) are authorised to affix the Common Seal to documents related to the business of the Council and approved by a resolution of Council.
- 2.2. Any Council officer authorised by the CEO is permitted to affix the Common Seal to documents in the event of document preparation for an Elected Member and CEO signing.
- 2.3. The only Council officer authorised to sign on behalf of the CEO is the Chief

2.4. In accordance with section 38(2) of the Act, this can only be done in the presence of the CEO and at least one member of the Council.

2.5. The use of the Common Seal is a Council matter. As such, the sealing of a document is either approved by Council, or if urgent, noted on behalf of Council through the Finance Committee of Council, and reported to its next Ordinary Council Meeting for ratification.

### **3. Common Seal register**

3.1. The CEO is to have charge of the Common Seal and is responsible for the safe custody and proper use of it.

3.2. The CEO is to record in a register each date on which the Common Seal of was affixed to a document, the Council resolution number, the nature of the document, and the parties to any agreement to which the Common Seal was affixed.

3.3. Any person who uses the Common Seal of the Council or a replica thereof without authority commits an offence.

### **4. Document that may require the Common Seal**

4.1. The Common Seal is used only when Council deems a document to be of significance. This means it must have enduring value either to the West Daly Regional Council and/or community in either an administrative, financial, environmental, social or cultural way.

4.2 Documents that may require the Common Seal to be applied are:

- Deeds of Agreement and Release in respect to sale, purchase or development of Council land and equitable interests or Land transactions, including but not limited to sale, assignments, consent to mortgage, surrenders and transfers as resolved by Council;
- Significant agreements, contracts and tenders;
- Government funding agreements (including grant funding) requiring a Common Seal by the funder; and
- Any document stating that the Common Seal of West Daly Regional Council is to be affixed.

Signature of Endorsement:	
Position:	Chief Executive Officer