

GOV11	Use of Common Seal Policy
Approval Date:	01/03/2024
Council Decision Reference:	OCM-2024/16
Policy Type:	Governance
Policy Custodian:	CEO
Review Date:	01/03/2027
Version (Revision Number):	2.1
Document Number	24809

Purpose

The purpose of this policy is to regulate the use of the Council's Common Seal as required by the *Local Government Act 2019* ('Act').

Scope

This policy applies to Elected Members and Council staff with responsibility for the use and administration of the Common Seal and associated functions.

Definition

Term	Explanation
Common Seal	The Common Seal is to contain the words "The Common Seal of West Daly Regional Council"
	Common Seal is a device that formally and solemnly records the collective will of the West Daly Regional Council ('Council').
	Definitions are taken as those detailed in the <i>Act</i> and associated legislation

Policy Statement

1. Policy Principles *(section 37 and 38 of the Act)*

- 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 demonstrates that the Council is dedicated to building a strong professional brand image. The Common Seal indicates that documents are authentic and resolved by the Council.

2. Application of the Common Seal *(section 38 of the Act)*

- 2.1. The affixing of the Common Seal must be authorised or ratified by resolution of the Council;



- 2.2. One member of the Council and the Chief Executive Officer (CEO) or the person acting in that position are authorised to affix the Common Seal to documents, or any Council officer authorised by the CEO is permitted to affix the Common Seal to documents during document preparation; and
- 2.3. Must be attested by the signatures of the CEO and at least one member of the Council.

3. Common Seal register *(LGR R60, R54(1)(i) and 55(1))*

The CEO is assigned to the management of the Common Seal and is accountable for its secure storage and appropriate use.

- 3.1. The CEO is responsible for maintaining a register documenting the date of each instance when the Common Seal was applied to a document, along with the corresponding Council resolution number, the document's nature, and the involved parties in any agreement where the Common Seal was affixed.
- 3.2. Common Seal Register is a permanent document.

4. Document that may require the Common Seal *(section 37,38 and 260 of the Act)*

The Common Seal is exclusively applied when the Council considers a document to be significant, indicating its enduring importance to either the Council or the community in administrative, financial, environmental, social, or cultural aspects. Documents that may require the Common Seal to be applied are:

- 4.1. Deeds of agreement and release pertaining to the sale, purchase, or development of Council land, as well as equitable interests or land transactions, such as sales, assignments, mortgage consents, surrenders, and transfers, are executed based on Council resolutions;
- 4.2. Significant agreements, contracts and tenders;
- 4.3. Government funding agreements, including grant funding, necessitate the application of the Common Seal by the funding authority.
- 4.4. Any document indicating the application of the Council's Common Seal.

References and Related Legislation

[Local Government Act 2019 \(NT\)](#)

[Local Government \(General\) Regulations 2021 \('LGR'\)](#)

Signature of Endorsement:	
Position:	Chief Executive Officer