



Use of the Common Seal Policy

Objective

To provide a policy for the use of the Common Seal.

Policy Statement

In compliance with Section 9.49A of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996* the following applies to the use of the Common Seal:

- All legal documents shall be executed under the City of Albany's Common Seal with the signatures of the Mayor and the Chief Executive Officer.
- An Agreement for the procurement of goods or services for a lump sum consideration in excess of \$250 000, is to be executed under the City of Albany's Common Seal affixing the signatures of the Mayor and the Chief Executive Officer.
- The Chief Executive Officer is to have charge of the Common Seal of the Local Government, and is responsible for the safe custody and proper use of it.
- The Common Seal of the City of Albany may only be used on the authority of the Council given either generally (including through delegated authority) or specifically and every document to which the Seal is affixed must be signed by the Mayor (where applicable) and the Chief Executive Officer.
- The Common Seal of the City of Albany is to be affixed to any local law, which is made by the City of Albany.
- The Chief Executive Officer is to record in a Register and report to the Council each date on which the Common Seal of the City of Albany was affixed to a document, the nature of the document

Scope

Applies to employee's delegated authority to apply the Common Seal.

Legislative and Strategic Context

Local Government Act 1995:

- Section 2.5 (Local governments created as bodies corporate);
- Section 5.42 (Delegation of some powers and duties to CEO)
- Section 5.43 (Limits on delegations to CEO)
- Section 9.49 (Documents, how authenticated)
- Section 9.49A (Execution of documents)
- Section 9.49B (Contract formalities)

Review Position and Date

Document Owner to review annually.

Associated Documents

- Authorisation Form

| Document Approval | | | |
|--------------------------------------|--|--|-----------------------|
| Document Development Officer: | | Document Owners: | |
| Manager Governance & Risk (MGR) | | Chief Executive Officer, Executive Director Corporate Services | |
| Document Control | | | |
| File Number - Document Type: | CM.STD. 7 – Council Policy | | |
| Document Reference Number: | NP1767126 | | |
| Meta Data: Key Search Terms | Signature, Execution, Common Seal, Delegated Authority | | |
| Status of Document: | Council decision: Adopted & Revised. | | |
| Quality Assurance: | Chief Executive Officer, Manager Governance & Risk | | |
| Distribution: | Public Document | | |
| Document Revision History | | | |
| Version | Author | Version Description | Date Completed |
| 1.0 | MGR | Adoption Reference: OCM 15/03/2011 Report Item 4.6. | 15/03/2011 |
| 1.1 | MGR | Revised by Chief Executive Officer. Formatting and application of new document revision history and version control. | 12/03/2014 |
| 1.2 | MGR | Minor formatting changes. No change to content. Synergy Ref: NP1124612 | 30/10/2015 |
| 2.0 | MGR | Reviewed under delegated authority. Associated delegation: 2017:006 - SIGN DOCUMENTS ON BEHALF OF THE CITY OF ALBANY. NP1764968. | 30/10/2015 |
| 3.0 | MGR | Revision Ref: OCM 23/05/2017 Resolution CCCS028. | 21/06/2017 |