

1.62 Common Seal Policy & Guidelines

Document Owner	Executive Director Corporate & Commercial Services
Responsible Officer	Manager Governance & Risk
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Objective

To provide clear and compliant guidelines for the affixing of the Common Seal of the City of Albany to official documentation, ensuring alignment with legislative requirements and best practice governance.

Scope

This policy applies to employees with delegated authority to apply the Common Seal under the direction of the Chief Executive Officer (CEO).

Policy Statement

The Common Seal of the City of Albany must be affixed in the presence of:

- The Mayor, or in their absence, the Deputy Mayor; and
- The Chief Executive Officer (CEO), or a person acting in that position.

Where the Common Seal is not required, documents may be authenticated by the CEO or an authorised employee under **Section 9.49** of the *Local Government Act 1995 (WA)*..

A register of documents to which the Common Seal has been affixed must be maintained and reported to the next Ordinary Council Meeting.

Responsibility for implementation rests with the CEO and the Executive Management Team

Legislative and Strategic Context

This policy is governed by the following legislative provisions:

- **Local Government Act 1995 (WA):**
 - **Section 2.5(2)** – Establishes local governments as bodies corporate with perpetual succession and a Common Seal.
 - **Section 5.42–5.43** – Delegation of powers and limits to the CEO.
 - **Section 9.49** – Documents may be authenticated without the Common Seal if signed by the CEO or an authorised employee.
 - **Section 9.49A–9.49B** – Execution and formalities of documents.
“A document is sufficiently authenticated without the Common Seal if signed by the CEO or an authorised employee, unless the Act requires otherwise.” – Section 9.49
- **Local Government (Functions and General) Regulations 1996:**
 - Regulation 30 – Prohibits unauthorised use of the Common Seal.

Strategic Context

City of Albany Community Strategic Plan 2032

- **Pillar: Leadership** - A well-governed city that uses resources wisely to meet local needs.

Review Position and Date

This document is to be reviewed annually.

Associated Documents

- **Authorisation Form** – Required for affixing the Common Seal.

Definitions

Definitions are taken as those detailed in the *Local Government Act 1995* and associated legislation.

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Documents Requiring the Common Seal

The Common Seal must be affixed to the following documents:

1. **Local Laws**
2. **Land Transactions**, including:
 - Sales
 - Leases
 - Assignments
 - Subleases
 - Consent to mortgage
 - Surrenders
 - Transfers
 - Lodgement and withdrawal of caveats
 - Amalgamations (as resolved by Council)
3. **Local Planning Schemes and Amendments**
4. **Ceremonial Documents** – Where the Seal is affixed for posterity, not legal necessity
5. **Documents explicitly requiring the Common Seal**, including:
 - Legal documents
 - Agreements for procurement of goods or services **above \$250,000**, where Council resolution requires sealing

Procedures for Secure Use of the Common Seal

1. **Custody**: The CEO is responsible for the safe custody and proper use of the Common Seal.
2. **Authority**: The Seal may only be used with Council authority, either general or specific. Each document must be signed by:
 - The Mayor (or Deputy Mayor in their absence), and
 - The CEO or a designated senior employee
3. **Register**: Administration must record:
 - Date of affixing
 - Purpose of the document
 - Number of copies sealed
4. **Reporting**: A report listing all documents sealed must be presented at the next Ordinary Council Meeting.
5. **Wording**: The following wording must accompany the affixing of the Seal:

The Common Seal of the City of Albany was hereunto affixed in the presence of:

.....
(Insert name of Mayor) | Mayor

.....
(Insert name of CEO) | Chief Executive Officer