



Shire of **Ngaanyatjaraku**
ON A JOURNEY

Council Policy

Policy 1.17 – Use of Common Seal

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Council Policy 1.17 – Use of Common Seal

Policy Objective

To establish protocols for the affixing of the Shire's Common Seal in accordance with Section 9.49A *Local Government Act 1995*.

Documents Requiring the Common Seal

Documents requiring the Common Seal may include, but shall not be limited to:

- a) Sale of Shire owned land for which a Council resolution is required expressly stating that the final document is signed and sealed and the transaction finalised.
- b) Legal Agreements
- c) Contractual Agreement
- d) A Town Planning Scheme and any Town Planning Scheme Amendments;
- e) Documents relating to land matters including the lodgement of caveats, memorials, leases, transfers, deeds, licences, covenants, easements and withdrawal of instruments;
- f) Local Laws
- g) Service Agreements
- h) New Funding or Contracts of Agreement between the shire and State or Commonwealth Governments for programs to which the Shire has previously adopted, or additions to existing programs, which in the view of the Chief Executive Officer are in accordance with the original intent of the Shire endorsed program; and
- i) Any other documents stating that the Commons Seal of the Shire is to be affixed.
- j) The following documentation unless otherwise specified or expressly stated by Council resolution that the final document be signed and sealed and the transaction finalised, generally do not require affixation of the common seal:
 - k) Withdrawal of caveats;
 - l) Purchase of land by the Shire;
 - m) Sale of Shire owned land;
 - n) Subdivision of Shire owned land

Authorised Signatures

The President and Chief Executive Officer are authorised to affix and sign all documents to be executed under the common seal; however, in the absence of the President and/or the Chief Executive Officer, as the case may be, the Deputy President and the Acting Chief Executive Officer are authorised to affix the common seal.

Witnessing of Signature

The common seal may only be affixed in the presence of both the President and the Chief Executive Officer (or the Deputy President and/or the Acting Chief Executive Officer, as the case may be), each of whom is to sign the document to attest that the common seal was so affixed.

Register to be Maintained

Details of all transactions where the common seal has been affixed shall be recorded in a register, with such register to record each date on which the common seal was affixed to a document, the nature of the said document, and the parties to any agreement to which the common seal was affixed.

The register is to record each transaction with an identifying number that is to be recorded against the common seal as it is affixed.

Reporting to Council

Council will receive a copy of details from the register of all Common Seals affixed for the previous month at the first Ordinary Council Meeting of each month.

Policy History

Amendments to this Policy

Amendments to this policy require a simple majority decision of Council.

History

Policy reviewed: 24 June 2020

Policy amended: 24 June 2020

Policy reviewed: 28 June 2023

Previous Policy

Policy 1.18