



1.14 COMMON SEAL

Distribution:	Elected Members, Executive Management, Council Staff
Responsible Officer:	Chief Executive Officer
Date Adopted:	2015 – Version 1 – Resolution 8.1.4 032017.OM
Last Review:	March 2024 – Version 4 – Resolution Resolution 032024 767 (Formerly 4.19)

Purpose

To satisfy the legal requirements regarding the validation of documents and contracts, resulting from amendments to the Local Government Act 1995.

Scope

Elected Members, Executive Management, Council Staff

Standard

1. *The Shire President and Chief Executive Officer are authorised to sign and/or affix the common seal to the following documents, where such documents result from the following transactions:*
 - 1.1 *Where land is acquired pursuant to s. 3.59 of the Local Government Act 1995 (as amended).*
 - 1.2 *In respect of leases for the purchase of plant and equipment approved by Council.*
 - 1.3 *In respect of borrowings approved by Council.*
 - 1.4 *In respect of contracts of employment approved by Council.*
 - 1.5 *In respect of documents of a ceremonial nature, where the affixing of the common seal is for prosperity and not a legal requirement.*
 - 1.6 *In respect of the adoption of local laws.*
 - 1.7 *Any document stating that the common seal of the Shire is to be affixed.*
2. *In relation to 1. above, in the absence of the Shire President and/or Chief Executive Officer, as the case may be, the Deputy Shire President and the Acting Chief Executive Officer are authorised to affix the common seal.*
3. *The procedure to be adopted for the use of the common seal is as follows:*
 - 3.1 *The Chief Executive Officer is responsible for the security and proper use of the common seal.*
 - 3.2 *The common seal is not to be affixed to any documents except as authorised by Council.*



POLICY MANUAL GOVERNANCE

- 3.3 *The common seal is to be affixed to a document in the presence of:*
- *The Shire President, or in his absence, the Deputy Shire President; and*
 - *The Chief Executive Officer or Acting Chief Executive Officer; Each of whom is to sign the document to attest that the common seal was so affixed.*

- 3.4 *Details of all transactions where the common seal has been affixed must be recorded in a register kept by the Chief Executive Officer.*

The register is to record:

- *The date on which the common seal was affixed;*
- *The nature of the document; and*
- *The parties to any agreement to which the common seal was affixed.*

4. *The wording to accompany the application of the common seal to be as follows:*

4.1 *“The common seal of the Shire of Goomalling was hereto affixed by the Authority of Council.”; or*

4.2 *“The common seal of the Shire of Goomalling was affixed by authority of a resolution of Council in the presence of the Shire President and the Chief Executive Officer.”*

5. *Authority is provided to the Chief Executive Officer or the person acting in the position of Chief Executive Officer to sign documents that do not require the affixing of the common seal.*

Roles and Responsibilities

Shire President and/or Deputy President

- Ensure common seal is affixed according to the policy.

Chief Executive Officer and/or Deputy Chief Executive Officer

- Ensure the policy is adhered to.

Council Staff

- Ensure that the common seal is affixed in accordance with the policy.

Legislation

Local Government Act 1995 s. 9.49A and s. 9.49B

Resource Documents

Local Law

Nil

Delegation

Not Applicable