



Policy 1.1.2 – Common Seal

1. Policy Purpose

The *Local Government Act 1995* (the Act) provides for the execution of legal documents by affixing the Common Seal. A document is considered duly executed if the Common Seal is affixed in accordance with the requirements of the Act. This Policy gives authorisation to the Shire President and Chief Executive Officer to affix the Common Seal of the Shire of Harvey to relevant legal documents.

2. Policy Scope

This Policy applies to the Shire President and Chief Executive Officer.

3. Policy

The Shire President and Chief Executive Officer are authorised to sign and affix the Common Seal of the Shire of Harvey to the following legal documents without referral to Council:

- Legal documents required as a condition of a subdivision or development approval previously granted by Council.
- Grant agreements/acquittals requiring the affixing of the Common Seal for grants which have previously been approved by Council.
- Withdrawal of Caveats which have been placed on titles in relation to recovery of rates action which need to be removed to facilitate the sale and recovery of rates or in circumstances where the rates have been paid.

The Chief Executive Officer is to have charge of the Common Seal, and is responsible for the safe custody and proper use of it.

All other legal documents requiring the affixing of the Common Seal must be referred to Council for approval.

3.1 Procedure

- The Chief Executive Officer is to record in a register each date on which the Common Seal of the Shire of Harvey was affixed to a document, the nature of the document, and the parties to any agreement to which the Common Seal was affixed.

- The Common Seal register shall be held in the Chief Executive Officer's Executive Assistant's office. The Common Seal shall be stored in Council's safe at all times when not in use.

4. Strategic Objective

The Policy aligns to the following strategic objective:



Effective civic leadership

Effective civic leadership is visionary and influential. It means listening to the community, balancing competing demands, making fair decisions and acting with integrity.

5. Definitions

- Nil.

6. Legislation

- *Local Government Act 1995*
s.9.49A & s.9.49
- Local Government (Functions and General) Regulations 1996
Regulation 34

7. Related Documents

- Former Council Policy Number 10.9.

Responsible officer	Chief Executive Officer		
Responsible directorate	Executive Services		
Responsible business unit	Governance and Strategy		
Version control	Date	Resolution	Number
Version 1	21.02.2017	Resolution	17/042