



Glamorgan Spring Bay Council

Use of Council's Common Seal

Version 2

Adopted: 28 April 2020
Minute No.: 142/20

Document Control

Use of Council's Common Seal	
First issued/approved	-
Source of approval/authority	Council
Last reviewed	28 April 2020
Next review date	As required, but no later than 2023
Version number	2
Responsible Officer	General Manager
Department responsible for policy development	Governance
Related policies	<ul style="list-style-type: none">•
Publication of policy	Website

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1 Introduction

1.1 Objective

The purpose of this policy is to regulate the use of Council's Common Seal.

1.2 Scope

Section 19(1), Section 19(3) and Section 19(5) of the Local Government Act 1993 provides as follows;

19. Corporation of councils

(1) *A council is a body corporate with perpetual succession and a common seal.*

(3) *The common seal is to be kept and used as authorised by the council.*

(5) *The execution of a document sealed by a council is to be attested by such persons as the council determines.*

1.3 Related Policies and Legislation

This policy relates to and depends on other Council policies, as well as legislation, including:

- Section 19(1), Section 19(3) and Section 19(5) of the *Local Government Act 1993*

1.4 Policy Review and Update Cycle

This policy is to be reviewed as required, but no later than 2023.

2 Procedure

- The General Manager is to ensure the security of the Councils Common Seal at all times.
- The Council Common Seal will only be used for documents that relate to the business of Council.
- The General Manager is authorised to use the Council Common Seal for the following purposes;
 - To execute documents and attest the Council seal pursuant to a decision of Council
 - To execute documents and attest the Council seal pursuant to a decision of Council or for the following express purposes:
 - Grant funding applications/agreements;
 - funding agreements with all other tiers of Government;
 - contracts for goods and services sourced through the application of the Council's Procurement Policy;
 - agreements and deeds of release or compromise in respect to insurance claims (including under excess claims);
 - Part 5 Agreements under the Land Use Planning and Approvals Act 1993 arising through agreements reached with individual property owners or arising out of planning conditions requiring a Part 5 Agreement to be entered into;
 - securing the Council's tenure in respect to recognised public land within the municipal for which the Council has assumed responsibility; and
 - to otherwise give effect to or complete an action or outcome following the Council's decision.
 - to execute employment documents (including deeds of release or compromise) to carry out the role of the General Manager under Section 63 of the Local Government Act 1993 to do all things necessary in relation to staff employment and the arrangements for that employment to be altered, or terminated.

- to execute title documents submitted under a valid planning permit under Council's Planning Scheme.
- to execute documents submitted under Part 3 of the Local Government (Building and Miscellaneous Provisions) Act 1993.
- to amend Part 5 Agreements under the Land Use Planning and Approvals Act 1993 arising through agreements reached with individual property owners or arising out of planning conditions requiring a Part 5 Agreement to be entered into;
- a monthly report detailing the use of Council's seal is to be made available to Councillors.

Please Note: That a reference to General Manager in this Policy includes a person undertaking the role of Acting General Manager.

3 Implementation

Implementation of this Policy rests with the General Manager.