



Glamorgan Spring Bay Council

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# Use of Council's Common Seal

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Version 2

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## Document Control

<b>Use of Council's Common Seal</b>	
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Department responsible for policy development	Governance
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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 Definitions

**Common Seal** is a rubber stamp carrying the words 'Common Seal' and the name of the organisation.

## 1.4 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*

## 1.5 Policy Review and Update Cycle

This policy is to be reviewed as required, or every four years.

# 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 report detailing the use of Council's seal is to be made available to Councillors through the quarterly Information Briefing Document.

*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.