

Use of Council Seal

Record No: 16/16841

Adopted: 20 August 2019



Document Title	Use of Council Seal
Council Adopted	20 August 2019
Council Resolution No	274/19FC
Version Number	3
Responsible Department	Director Corporate and Community
Date to be Reviewed	7 September 2020

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1. Purpose

The purpose of this policy is to provide an outline for the use and safe keeping of the Council Seal.

2. Background

A council must comply with any relevant acts of legislation in addition to the Local Government Act 1993. Section 50 of the Interpretation Act 1987 requires a statutory corporation to have a seal.

3. Scope

The General Manager is to arrange safekeeping of the Council Seal. The seal is to be kept under lock except when it is required for affixing to a document.

4. Applications

- 4.1 The council seal must be kept in a secure location by the general manager, other than when it is required for affixing to a document.
- 4.2 The council seal may be affixed to a document only in the presence of:
 - (a) the mayor and the general manager, or
 - (b) at least one councillor (other than the mayor) and the general manager, or
 - (c) the mayor and at least one other councillor, or
 - (d) at least 2 councillors other than the mayor.
- 4.3 The affixing of the council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in paragraph 4.2) attest by their signatures that the seal was affixed in their presence.
- 4.4 The council seal must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- 4.5 For the purposes of paragraph 4.4, a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.
- 4.6 Council's seal will be used only for documents that relate to the business of Council, and without limiting the use of the seal, will normally only include specifically:
 - the exercise by Council of its functions in relation to the purchase, exchange, leasing, disposal of, and otherwise dealing with, real property, or
 - executing a contract of employment for the General Manager, or
 - completing agreements or contracts from state or federal government departments where they have requested the completing agreements or contracts be under seal, or
 - entering into planning agreements.

5. References & Associated Documents

5.1 Relevant Legislation

Section 22 of the Local Government Act 1993

Part 13, Division 1, s.400 Local Government (General) Regulation 2005

Section 50 of the Interpretation Act 1987

Crimes Act 1900

5.2 Relevant Council Policies

Federation Council Model Code of Conduct

Federation Council Code of Meeting Practice

6. Policy History

Version	Date	Changes / Amendments
1	7 June 2016	Policy developed for Federation Council (09/16FC)
2	10 October 2017	New template applied. Removal of reference to Administrator. Change review period to every 3 years.
3	18 July 2019	Addition of Clause 4.6 which provides further clarity on the types of documents where a seal is to be used.

7. Reviews

The policy will be reviewed every three years or sooner as required.

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