

Council Policy: Use of the Common Seal

1. Policy Statement

- (1) In compliance with Section 9.49A of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996* the following applies to the use of the Common Seal:
- (a) All legal documents shall be executed under the City of Albany's Common Seal with the signatures of the Mayor and the Chief Executive Officer.
 - (b) An Agreement for the procurement of goods or services for a lump sum consideration in excess of \$250 000, is to be executed under the City of Albany's Common Seal affixing the signatures of the Mayor and the Chief Executive Officer.
 - (c) The Chief Executive Officer is to have charge of the Common Seal of the Local Government, and is responsible for the safe custody and proper use of it.
 - (d) The Common Seal of the City of Albany may only be used on the authority of the Council given either generally (including through delegated authority) or specifically and every document to which the Seal is affixed must be signed by the Mayor (where applicable) and the Chief Executive Officer.
 - (e) The Common Seal of the City of Albany is to be affixed to any local law, which is made by the City of Albany.
 - (f) The Chief Executive Officer is to record in a Register and report to the Council each date on which the Common Seal of the City of Albany was affixed to a document, the nature of the document

2. Objective

To provide a policy for the use of the Common Seal.

3. Scope

Applies to employee's delegated authority to apply the Common Seal.

4. Legislative and Strategic Context

Local Government Act 1995:

- Section 2.5 (Local governments created as bodies corporate);
- Section 5.42 (Delegation of some powers and duties to CEO)
- Section 5.43 (Limits on delegations to CEO)
- Section 9.49 (Documents, how authenticated)
- Section 9.49A (Execution of documents)
- Section 9.49B (Contract formalities)

5. Review Position and Date

Chief Executive Officer to review annually.

6. Associated Documents

- Authorisation Form

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