



V1

## COMMON SEAL POLICY

Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Director, Corporate Services		
Approval Date:	22/11/2022	Next Review:	1 October 2026
Records Number:	170717	Council/CEO Decision:	Council
Legislation Reference:	Section 38 of the <i>Local Government Act 2019</i>		

### 1 PURPOSE

A common seal is a the 'signature' of Katherine Town Council that is used in certain circumstances to execute documents such as leases, contracts, land contracts, property transfers, loan documents, mortgages and guarantees.

The purpose of this Policy is to regulate the use of Council's Common Seal and prohibit unauthorised use of the Common Seal or any device resembling the Common Seal.

### 2 SCOPE

This policy applies to elected members and employees of Katherine Town Council.

### 3 DEFINITIONS

**Common Seal** means the seal which represents the equivalent of a legal authority from Katherine Town Council to execute documents, and which is stored in a secure place. In its physical manifestation, it is a rubber stamp carrying the words "Common Seal", the words Katherine Town Council and Council's Australian Business Number (ABN).

### 4 DETAILS

#### LOCATION OF THE COMMON SEAL

The Common Seal shall remain in the safe at Katherine Town Council Office, to be removed only by the Chief Executive Officer or their delegate for the purpose of signing and sealing Council contractual documents.

## AFFIXING THE COMMON SEAL

Council's Common Seal can only be affixed following a resolution of Council.

The Mayor and Chief Executive Officer (or those duly appointed to act in these roles, as occurs from time to time) are designated as signatories with regard to the Common Seal. A permutation of any two persons holding the following positions is required as authenticating witnesses to the affixing of the common seal:

- Chief Executive Officer (or their delegate who has been properly appointed as the Acting Chief Executive Officer)
- Mayor
- Deputy Mayor, and
- Acting Mayor in the absence of the Mayor and Deputy Mayor.

To avoid overusing the common seal and having more items on meeting agendas than necessary, Council will affix the common seal in the following types of circumstances:

- real estate transactions
- where another party requires an agreement to be by formal deed
- where a funding agreement requires the common seal
- for high value contracts (e.g. over \$500,000), and
- where legal advice to Council recommends that a common seal be used.

## COMMON SEAL REGISTER

Council must maintain a register identifying all documents executed with the Common Seal affixed.

Register entry details whereby the common seal has been affixed, shall be recorded in an electronic common seal register. Each entry must record the date on which the common seal was affixed to a document, Council resolution number, the nature of the document, and all parties to any agreement to which the common seal was affixed. The register must record the document identifier number which is generated from Council's electronic document record management system (eDRMS).

## 5 ASSOCIATED POLICIES/DOCUMENTS

## 6 REFERENCES AND RELATED LEGISLATION

*Local Government Act 2019*

### Revision History

Version	Approval date	Details of change	Responsible officer
1	XXXX	Created	CEO