

Council Policy (WCC.003)

Use of the West Coast Council Common Seal

Responsible Officer:

General Manager

Date of Issue:

February 2024

Review Date:

June 2026



Version	Document produced	Approved by GM	Policies Repealed	Approved by Council
1	August 2019	12 August 2019	Nil	27 August 2019
2	July 2021	July 2021	WCC.018 Use of the West Coast Council Common Seal V1	27 July 2021
3		Note: New policy review process implemented. Result – new policy numbering & modified review dates.	WCC.018 Use of the West Coast Council Common Seal V2	26 October 2021
4	January 2022	May 2022	WCC.003 Use of the West Coast Council Common Seal V3	24 May 2022
5	February 2024	February 2024	WCC.003 Use of the West Coast Council Common Seal V4	27 February 2024

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1 Purpose

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

The Council Common Seal is the signature of Council. Affixing the Seal demonstrates approval of the content of a document.

2 Scope

This policy is applicable to all Councilors and Council staff in relation to the use of the West Coast Council Common Seal.

3 Policy

3.1 Procedures for the secure use of the Common Seal

- The Common Seal can be used where authorised by a resolution of Council; or by the General Manager exercising statutory or delegated authority;
- Under delegation from Council; the Common Seal must be applied and authorised by the General Manager;
- The use of the Common Seal can also be authorised by the General Manager in relation to matters for which they are delegated;
- The General Manager is always to ensure the security of the Common Seal;
- Under the authority of the General Manager, the Common Seal is to be held in safe custody by the Executive Officer to the General Manager;
- The Common Seal is not to be loaned out or applied by any Officers other than the above custodians;
- The Common Seal of the Council may be affixed to a document in the presence of: -
 - The Mayor and the General Manager (including those acting in that capacity); or
 - The General Manager; or
 - A delegated Council Officer affirming a decision of Council.
- The affixing of the Council's Seal will have no effect unless the persons who were present when the Seal was affixed (being persons referred to above) attest by their signatures that the Seal was affixed in their presence.
- The General Manager will not witness the affixing of the Council's Seal to the contract of employment for the General Manager.
- The custodian must record in the Common Seal Register usage of the Common Seal.

- The following details must be recorded in the Common Seal Register each time the Common Seal is affixed.
 - Date the document is Sealed; and
 - Council Resolution Number; and
 - Document details; and
 - Signed by.
- A report listing the past months activities for the usage of the Common Seal, is to be presented to Council at the next Ordinary Meeting of Council;

3.2 Council documents for which the Common Seal is to be affixed

- The Common Seal will only be used for documents that relate to the business activities of Council.
- The Common Seal will be used by Council in its function in relation to land and property activities, including but not limited to purchase, sale, exchange, leasing, sub-leasing, surrenders, transfers lodgments, disposal and withdrawal of caveats.
- Council By-Laws.
- Contracts that have been endorsed by Council.
- Tenders that have been endorsed by Council.
- Any contract documents (supplied by a tender) which includes terms and conditions of trade, and any formal deed.
- Executing a contract of employment for the General Manager.
- Completing agreements or contracts from State or Federal Government Departments where they request the agreement or contract be under seal.
- Entering into Planning Agreements.
- Any other legal document that states the Common Seal it to be affixed.

4 Legislation and Related Documents

Local Government Act 1993