



Common Seal Policy

**IS – Gov – 01
Governance**

**BALLARAT CITY COUNCIL
Town Hall
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1 DOCUMENT CONTROL INFORMATION

DOCUMENT CONTROL

Policy Name	<i>Common Seal Policy</i>
Business Unit	Governance
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Document status	<i>Adopted</i>
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	Version	Date	Author
Initial Draft	1	6/02/2013	Melanie Harrison
Final Draft	1	25/03/2013	Annie De Jong
Approved	1	10/4/2013	Council
Review Draft			
Review Final			
Approved			

2 POLICY STATEMENT

Intent:-

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 as required by Section 5(3)(C) of the *Local Government Act 1989*.

Objectives:

- To protect the integrity of Council's Common Seal and authorise its use.
- Describe when the Common Seal may be affixed to documents.

Statement:

1. Council's Common Seal will be kept by the Chief Executive Officer.
2. The Common Seal shall not be removed from the Town Hall without the authority of the Chief Executive Officer.
3. The Seal will only be used when authorised by a resolution of Council.

3 OWNER

The owner of this policy is the Chief Executive Officer.

All enquiries regarding this policy should be directed to the Administrative Services Manager, Governance.

4 APPLICABILITY

The Policy applies to all full-time and part-time employees, and may apply to contract, temporary and casual employees engaged by the Council.

5 DEFINITIONS

Common Seal - is a device which formally and solemnly records the collective will of Council.

6 PROCEDURE AND GUIDANCE NOTES

Authority for Use

The Common Seal is to be used only on the authority of the Council in respect of any legal matter (contract, mortgage, loan, etc.) and in respect to any reference (or other ceremonial matter). Such authority may take the form of direction or confirmation resolution.

Apart from the official use of the Seal, no person may use the Common Seal or any device resembling the Common Seal without the authority of the Council. Any person or organisation who wishes to seek the authority of the Council shall do so in writing.

The Common Seal may be affixed to any document deemed appropriate by the Chief Executive Officer up to the value of the Chief Executive Officer's financial delegation and duly signed in accordance with Part C of the Local Law No. 18 – Meeting Procedure.

Keeping the Common Seal

The Chief Executive Officer must ensure the security of Council's Common Seal at all times.

Affixing the Common Seal

The Seal can only be affixed to any document by the attest of three signatures. The three signatures shall be that of:

1. The Mayor, one Councillor and the Chief Executive Officer; or
2. In the absence of the Mayor; by two Councillors and the Chief Executive Officer or any other member of staff authorised by Council.

In respect of ceremonial matters, the Mayor will be accorded the position of prime witness.

Guidelines for the Use of the Common Seal

The Seal shall be appended to any of the following documents:

- Contract for sale or purchase of land;
- Contracts that have been endorsed by the Contracts Committee and/or Council;
- Tenders that have been endorsed by the Contracts Committee and/or Council or in excess of \$250,000;
- Any contract documentation (supplied by a tender) which includes terms and conditions of trade, and any formal deed;
- Ceremonial documents (such as Citizen of the Year Award);
- Where the funding body/agreement requires the Council Seal;
- Any document that changes Council's legal position including:
 - Borrowings (including changes to overdraft facilities); or
 - Significant contract variations.
- Delegations from Council to Chief Executive Officer, delegate or to officers where required by other legislative authorities (i.e. on certification of residency for overseas pension).
- Any other legal document Council is required to affix the Seal to from time to time.

Register

A record shall be kept detailing circumstances whenever the Seal is used. The record shall contain a description of the document, the date the Seal was affixed, the date Council resolved to affix the Seal and the name of the person affixing the Seal.

This document may be either in hard copy or electronic form and is the responsibility of the Governance Unit.

Resolution of Council

When the Chief Executive Officer has directed that documents require the Seal of Council, recommendations should include the words:

- 'The Ballarat City Council Common Seal be affixed to the ...'

7 COMPLIANCE RESPONSIBILITIES

Managers/Supervisors
Employees
Chief Executive Officer

Councillors

A person must not use the Common Seal or any device resembling the Common Seal without the authority of Council.

8 CHARTER OF HUMAN RIGHTS COMPLIANCE

It is considered that this policy does not impact on any human rights identified in the Charter of Human Rights Act 2007.

9 REFERENCES AND RELATED POLICIES

	Include - Name, Reference and location of reference
Acts	Local Government Act 1989
Regulations	Local Law No.18 – Meeting Procedure
Codes of Practice	
Guidance notes	
Australian Standards	
Related Policies	Employee Code of Conduct