

Policy

Affixing the Council Seal

Responsible Manager (Title)	Director Corporate and Governance		
Adopted by Council	Date 13 December 2022	Minute Number 07.22.286	
File Reference Number	ECM: 2429132	Version 2.0	Review Due: December 2026
Document(s) this policy Supersedes	V1.0 – 20/11/2018 – 15.203/18		
Community Plan Linkage	Leadership – We will have a strong, accountable and representative government		

1 Purpose

The Council Seal is the signature of the Council. Affixing the Seal demonstrates approval of the content of a document and shows what Council has done or agreed to do. Council's seal can only be used following a resolution of Council.

However, not all documents created to implement decisions of Council require the affixing of a Seal. This policy sets out the situations in which a Seal is required and how the Seal is to be used.

2 Definitions

N/A.

3 Background/legislative requirements

Section 220 of the Local Government Act 1993 states that Council is a body corporate.

Section 50 of Part 8 of the Interpretation Act 1987 requires body corporates to have a Seal.

In addition, it requires that the Seal be kept by the President, Chairperson or another principal officer of the corporation and affixed to a document only in the presence of at least two members of the corporation and with an attestation by the signatures of those members of the fact of the affixing of the Seal.

Clause 400 of the Local Government (General) Regulation 2021 provides the procedural elements of affixing the Council Seal.

4 Policy statement

The Council Seal will be affixed to documents that relate to the business of Council and that require the affixing of the Council Seal, following a resolution of Council authorising affixing of the Council Seal concerning the specific document, in accordance with legislative requirements.

5 Implementation

The Seal of a Council must be kept by the Mayor or the General Manager, as the Council determines. The Seal of a Council may be affixed to a document only in the presence of:

- the Mayor and the General Manager, or
- at least one Councillor (other than the Mayor) and the General Manager, or
- the Mayor and at least one other Councillor, or
- at least 2 Councillors other than the mayor.

The affixing of a Council Seal to a document has no effect unless the persons who were present when the Seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the Seal was affixed in their presence.

The Seal of a Council 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.

For the purposes of subclause (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.

6 Appeal/objections process

Nil.

7 Related Documents

Nil.

8 Attachments

Nil.