



Use of the Derwent Valley Council Common Seal Policy

Approved By: Council
 Doc Controller: General Manager
 File: 126

Document Code: DVC-POL-012
 Version: 01
 Approved Date: 20/09/2018
 Next Review Date: 20/09/2022

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.

A Council common seal is like the signature of a Council. Affixing the seal demonstrates approval of the content of a document and shows what Council has done or agreed to do.

2. SCOPE

This policy is applicable to all Councillors and Council staff in relation to the Use of the Derwent Valley Council common seal.

3. LEGISLATION

Local Government Act 1993

4. DEFINITIONS

For the purpose of this policy the below terms are applicable

| Term | Meaning |
|------------------------|---|
| Council or Common Seal | Means the official Common Seal of Council be it in embossed or printed form as approved by Council from time to time. |

5. POLICY

The General Manager is to ensure the security of the Council's Common Seal at all times.

The Council's seal will be used only for documents that relate to the business of the Council, and without limiting the use of the seal, will normally only include specifically:-

- The exercise by the Council of its functions in relation to contracts for the purchase, exchange, leasing, disposal of, and otherwise dealing with, real property; or
- Contracts that have been endorsed by the Council;
- Tenders that have been endorsed by the 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; or



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- Completing agreements or contracts from State or Federal Government Departments where they have requested the agreements or contracts be under seal; or
- Entering into Planning Agreements; or
- Any other legal document the Council is required to affix the Seal to from time to time.

The Council's seal will not be used for documents such as references or certificates of service for Council employees.

Miscellaneous Powers and Functions to the General Manager

The General Manager has been delegated via the Instrument of the delegation by the Council:

To authorise the affixing of the Common Seal to any document, including final plans or survey complying with all relevant statutes.

The General Manager will not witness the affixing of the Council's seal to the contract of employment for the General Manager.

The common seal of the Council may be affixed to a document only in the presence of:-

- The Mayor and the General Manager (including those acting in that capacity); or
- The General Manager and a delegated Council Officer; or
- A delegated Council Officer affirming a decision of Council.

The affixing of the Council's seal to a document has 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.

Details of the use of Council's seal must be recorded in the Use of Seal Register and to include the following:-

- Date Document Sealed; and
- Council Resolution No; and
- Document Details; and
- Signed by

6. RELATED DOCUMENTS

Use of Common Seal Register

Delegations Register