

## POLICY

<b>TITLE:</b>	Common Seal Policy		
<b>DIRECTORATE:</b>	Finance		
<b>ADOPTED BY:</b>	Chief Executive Officer OMC-24/355		
<b>DATE OF ADOPTION:</b>	29 November 2024	<b>DATE OF REVIEW:</b>	29 November 2026
<b>POLICY NUMBER:</b>	113		
<b>LEGISLATIVE REF:</b>	<i>Local Government Act 2019; Section 38</i> <i>Local Government (General) Regulations; Section 55</i>		

### 1. INTRODUCTION

#### 1.1. Purpose

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

#### 1.2. Definitions

**Common Seal** means the seal which represents the equivalent of a legal authority from BRC 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" and the words "Barkly Regional Council" and Council's Australian Business Number (ABN).

#### 1.3. Responsibilities

All persons within scope of this Policy are required to adhere to this Policy and its associated procedures.

The CEO (or authorised delegate) is responsible for the use and security of the Common Seal.

### 2. POLICY STATEMENT

#### 2.1 Policy

- 1) The Council's Common Seal may only be affixed following a resolution of Council.
- 2) Subject to the above Clause, the use of Council's Common Seal may only be used without resolution of Council for extremely urgent matters which both the CEO and delegated Elected Member reasonably believe could not wait for a resolution of Council.
- 3) The CEO and the Mayor (or Elected Member) are duly designated as signatories of the Common Seal.
- 4) Any two persons holding the following positions are required as authenticating witnesses to the affixing of the common seal:
  - a. Director level position (or duly appointed in an Acting capacity)
  - b. Elected Members.
- 5) 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:
  - a. real estate transactions
  - b. where another party requires an agreement to be by formal deed
  - c. where a funding agreement requires the common seal

- d. for high value contracts. (Dollar amount considered a higher value contract requiring a common seal must be determined by Council resolution)
- e. where legal advice to Council recommends that a common seal be used.

### 3. COMMON SEAL REGISTER

- 1) The CFO (or authorised delegate) must maintain the *Common Seal Register*, which identifies all documents executed with the Common Seal affixed.
- 2) 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 parties to agreement to which the common seal was affixed.
- 3) Where the Council's Seal has been used without Council resolution and requires ratification, the register must include the reason why affixing it without Council resolution was the only reasonable solution.

### 4. SECURITY OF THE COMMON SEAL

- 1) The Common Seal shall remain in the safe at Council's Head Office, to be removed only by the CEO or their Executive Manager or Authorised Delegate for the purpose of signing and sealing Council contractual documents.

### 5. RELEVANT POLICIES

Policies and procedures to be read in conjunction with this policy are:

- 1) Common Seal Register
- 2) Codes of Conduct
- 3) Records Management Policy

### 6. BREACH OF POLICY

- 1) Any serious breach of this Policy will constitute serious misconduct, which is subject to termination of employment.

### 7. IMPLEMENTATION AND REVIEW

#### 7.1. Implementation

Relevant personnel will be made aware of this Policy. It is not a requirement of the Act for this Policy to be published on the Barkly Regional Council website.

#### 7.2. Review

This policy will be reviewed on or before 29 Nov 2026.

### 8. VARIATIONS, REVOCATIONS AND/OR CHANGES

Barkly Regional Council reserves the right to revoke and/or amend this policy from time to time as is considered necessary to better manage its business and/or to comply with any legislative requirements.

### 9. APPROVAL

This policy is approved.

Chris Kelly  
Chief Executive Officer

  
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Signature

29 Nov 2024  
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Dated

**END**