



G7 Common Seal and Document Signing Authority

Policy Objective

To establish, in accordance with the requirements of section 9.49A of the *Local Government Act 1995 (Act)*:

1. Protocols for affixing and administration of the Shire of Ravensthorpe Common Seal; and
2. Authority for the Chief Executive Officer (CEO) and other nominated officers to sign (execute) documents on behalf of the Shire of Ravensthorpe.

Policy

Definition of Document

For the purposes of this policy, document means any paper or electronic document, including communications such as letters and emails, which:

- (a) conveys a decision; or
- (b) establishes an obligation on the Shire; or
- (c) is ceremonial.

G7.1 Common Seal

Affixing the Common Seal

- (a) The Common Seal may be applied to documents that:
 - i) give effect to decisions of Council; or
 - ii) as detailed in clause G7.3 of this policy.
- (b) The Common Seal is to be applied in the presence of both:
 - i) the Shire President (or in the Shire President's absence the Deputy Shire President); and
 - ii) the CEO (or an Acting CEO or senior employee authorised by the CEO).

Note: For most documents, there is no legal requirement for the Common Seal to be affixed if Council has resolved to authorise a person to sign the document [s.9.49(1)(b); s.9.49A(4)]. Exceptions include local laws and planning schemes.

G7.2 Administration of the Common Seal

The CEO is to:

- (a) be responsible for the safe custody and proper use of the Common Seal;
- (b) maintain a register of each time the Common Seal is used; and
- (c) provide a report to Council Members via the Monthly Report listing the documents that the Common Seal has been applied to.

G7.3 Authority to Sign (Execute) Documents on Behalf of the Shire

General Document Signing (Execution) Authorities

Where a person has the written authority to make a decision ("written decision-making authority") that person also has the authority to sign documents which give effect to that decision.



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Written decision-making authorities are:

- (a) Delegated Authority;
- (b) Statutory Authority; or
- (c) Operational Authorisation.

Where considered appropriate by the CEO, the Shire President may be requested to execute documents as a co-signatory with the CEO.

[G7.4 Specific Document Signing \(Execution\) Authorities in Accordance with Section 9.49A of the Act.](#)

Document Categories

The following document categories have been established to assist in determining appropriate signing authorities, detailed in clause G7.4 A:

| Category | Description |
|----------|--|
| 1. | <ul style="list-style-type: none">• The matter is specifically resolved by Council, inclusive of a resolution to execute the resulting document under the Common Seal; or• is identified under this policy as a matter requiring the Common Seal, commonly due to an internal or external historical practice. |
| 2. | <ul style="list-style-type: none">• The matter is specifically or generally resolved by Council; and• is strategic and / or carries a major or lesser level of financial risk, legal complexity or political sensitivity. |
| 3. | <ul style="list-style-type: none">• The matter may be specifically or generally resolved by Council or may be subject of a Council policy or day-to-day operations at the determination of the CEO only; and• is strategic and / or carries a moderate or lesser level of financial risk, legal complexity or political sensitivity. |
| 4. | <ul style="list-style-type: none">• The matter is mandated in the Corporate Business Plan or relates to the day-to-day operations of the Shire under the direction of the CEO / Executive Managers; and• carries a minor or insignificant level of financial risk, legal complexity or political sensitivity. |
| NOTE: | <ul style="list-style-type: none">• Documents and communications which relate to day-to-day routine communications or transactions do not require specific authorisation through this policy as they are the subject of Section 5.41(d) of the Act prescribing the CEO's duty to manage the day to day operations of the Shire. Such duties are undertaken by "acting through" Officers. |



G7.4 A Specific Authorities in Accordance with Section 9.49A(4) of the *Local Government Act 1995*

| Document Type (√) Common Seal only to be applied where specified in the relevant document | Category | Common Seal | EXECUTION BY SIGNATURE ONLY | | |
|--|----------|-------------|-----------------------------|-----|-------------------|
| | | | SHIRE PRESIDENT | CEO | EXECUTIVE MANAGER |
| (1) Local Laws – made and amended | 1 | √ | X | X | X |
| (2) Planning Schemes – adopted and amended | 1 | √ | X | X | X |
| (3) Land Transaction documents , including: <ul style="list-style-type: none"> • sale; • purchase; • vesting; • contributed assets; • Notifications of factors affecting land under 70A of the Land Transfer Act 1893 – lodge or withdraw; • Easements – <u>by land transfer</u> <ul style="list-style-type: none"> ○ <i>Rights of carriage way;</i> ○ <i>Rights of support to land burdened by buildings;</i> ○ <i>Rights to erect a party wall;</i> ○ <i>Rights to light and air (Property Law Act 1969);</i> ○ <i>Rights to take water from wells or bores;</i> ○ <i>Rights to install and operate drains and drainage works;</i> ○ <i>Rights to install, maintain and operate oil, gas or other pipelines;</i> ○ <i>Rights to install, maintain and operate electric power lines;</i> ○ <i>telephone and other cables and supporting pylons.</i> • Restrictive Covenants – by land transfer; • Deeds – land transfer for public purposes. | 1 | √ | √ | √ | X |
| (4) Mortgages, Loans and Debentures | 1 | √ | X | X | X |
| (5) Power of Attorney to act for the Shire | 1 or 2 | X | √ | √ | X |
| (6) Land Transaction documents , including: <ul style="list-style-type: none"> • Caveats - registering or removing • Leases • Easements – by deed, deposited plan or other legal instrument | 2 | (√) | X | √ | X |



| Document Type (√) Common Seal only to be applied where specified in the relevant document | Category | Common Seal | EXECUTION BY SIGNATURE ONLY | | |
|--|----------|-------------|-----------------------------|-----|-------------------|
| | | | SHIRE PRESIDENT | CEO | EXECUTIVE MANAGER |
| <ul style="list-style-type: none"> ○ <i>Rights of carriage way;</i> ○ <i>Rights of support to land burdened by buildings;</i> ○ <i>Rights to erect a party wall;</i> ○ <i>Rights to light and air (Property Law Act 1969);</i> ○ <i>Rights to take water from wells or bores;</i> ○ <i>Rights to install and operate drains and drainage works;</i> ○ <i>Rights to install, maintain and operate oil, gas or other pipelines;</i> ○ <i>Rights to install, maintain and operate electric power lines;</i> ○ <i>telephone and other cables and supporting pylons.</i> <ul style="list-style-type: none"> • Restrictive Covenants – lodge, modify or withdraw (other than by land transfer). • Deeds. • Legal agreements. | | | | | |
| (7) State or Commonwealth Government Funding Agreements | 2 | (√) | X | √ | X |
| (8) Grants and Funding Agreements with private agencies (incoming and outgoing) | 2 | (√) | X | √ | X |
| | 3 | (√) | X | √ | √ |
| (9) Memorandum of Understanding | 2 | (√) | X | √ | √ |
| (10) Contracts and legal instruments , including contract variations, related to: <ul style="list-style-type: none"> • Procurement Contracts • Service Agreements (incoming or outgoing services) • Heritage Agreements • Acquittal of planning conditions • Maintenance of the public realm | 2 | (√) | X | √ | √ |
| (11) Development, building, occupancy, subdivision and strata-title approvals for Shire Land | 3 | (√) | X | √ | √ |
| (12) Memorial Deed Poll Registration: A document lodged under the <i>Registration of Deeds Act 1856</i> , notifying the change of name of a person. | 3 | X | X | √ | √ |



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|---|--|-------------|-----------------------------|-----|-------------------|---|
| | | | SHIRE PRESIDENT | CEO | EXECUTIVE MANAGER | |
| <ul style="list-style-type: none"> Memorial of Advertisement: A document lodged at the Office of Titles by a Local Authority evidencing that the legal requirements necessary to sell land for the non-payment of rates, have been attended to. Prohibiting dealings in land: A document lodged at the Office of Titles under one of a number of statutes, which when noted on a Certificate of Title acts as a caveat. | | | | | | |
| (13) Documents that fulfil a statutory local government duty or power , for which there is no power of delegation or authorisation and is a matter which constitutes a potential risk to the Shire. | 4 | X | X | √ | √ | |
| (14) Communications on behalf of the Shire, with: <ul style="list-style-type: none"> Commonwealth or State Ministers Sister Shire counterpart political or government leaders | Note: Officers are authorised to sign routine day to day operational communications where the recipient is of a similar organisational level as the Shire of Ravensthorpe Officer. | 2 or 3 | X | √ | √ | X |
| (15) Communications on behalf of the Shire, with CEO's of: <ul style="list-style-type: none"> Commonwealth or State Government Departments Industry representative bodies | | 3 or 4 | X | X | √ | √ |
| 16) Communications on behalf of the Shire, relevant to the day-to-day operations of the Shire and which are subject of a level of political sensitivity or potential risk to the Shire. | 3 or 4 | X | X | √ | √ | |
| (17) Ceremonial Certificates - Common Seal may be affixed at the Shire President's discretion: <ul style="list-style-type: none"> Honorary Freeman | 3 or 4 | √ | √ | √ | X | |
| (18) Deeds of Settlement – Employee matters | 4 | X | X | √ | X | |
| (19) Enterprise Bargaining Agreements | 4 | X | X | √ | X | |



G7.5 Contracts of Employment and Variations to Contracts

Contracts of Employment and variation documents relating to an officer's employment with the Shire of Ravensthorpe may be signed on behalf of the Shire by the following signatories according to the level of position concerned:

| Level of Position | Signatory |
|--------------------------------------|-----------------------------------|
| CEO | Shire President |
| Executive Manager | CEO |
| Any position below Executive Manager | Relevant Executive Manager or CEO |

G7.6 Execution of Document by Lawyers on Behalf of Shire

- (a) Lawyers appointed by the Shire to act on its behalf for a matter may, where so instructed:
- i) correspond with third parties on behalf of the Shire;
 - ii) sign and lodge court documents on behalf of the Shire;
 - iii) electronically sign documents identified in category G7.4 A (6) in accordance with the Property Exchange Australia (PEXA) process;
 - iv) only electronically sign land transaction documents identified in category G7.4 A (3) in accordance with the PEXA process that relate to easements, notifications affecting land under section 70A of the *Transfer of Land Act 1893*, and restrictive covenants;
 - v) only electronically sign other land transaction documents identified in category G7.4 A (3) in accordance the PEXA process where Council has specifically resolved to provide authority; and
 - vi) sign such other documents as instructed by the Shire from time to time.
- (b) Officers are to ensure an appropriate level of authority is obtained prior to instructing lawyers to act.

G7.7 Signing Documents (other than by Common Seal) During Temporary Absence of CEO

Where the CEO;

- (a) is temporarily unavailable for executing documents requiring the CEO's signature;
- (b) no Acting CEO has been appointed; and
- (c) the CEO has advised the Executive Manager Corporate Services in writing of the temporary unavailability,

then the Executive Manager Corporate Services is authorised to sign documents that the CEO is authorised to sign by signature (under this policy or a Council resolution), except where the Manager believes the execution should await the CEO's availability.



**SHIRE OF RAVENSTHORPE
COUNCIL POLICY MANUAL**

POLICY # G7

VERSION 15.1

| DOCUMENT CONTROL BOX | | |
|--|----------------------------------|--|
| Custodian: Chief Executive Officer | | Decision Maker: Council |
| Compliance Requirements: | | |
| Legislation: Sections 9.49A, 9.49B, 9.49 and 5.43 [Execution of Documents] of the Local Government Act 1995 [record keeping requirements] State Records Act 2000 | | |
| Industry: | | |
| Organisational: Authorised PEXA Service Provider – McLeods Barristers and Solicitors | | |
| Document Management: | | |
| Risk Rating: Medium | Review Frequency: 2 Years | Next Due: |
| Version # | Decision Reference: | Description: |
| a | OCM 17/03/2020 Item 13.4 | PEXA authorisation and solicitor verification of identity. |
| b | OCM 21/07/2022 Item 13.2 | Minor amendments to formatting and spellcheck as part of Complete review of Policy Manual 2022 |
| c | OCM 19/07/2022 Item 12.1 | Minor amendments to formatting and spellcheck as part of Complete review of Policy Manual 2022 |
| d | OCM 17/12/2024 Item 12.1.2 | Policy Reconfirmed – No Amendments |