



Policy

USE OF COUNCIL'S SEAL

Responsible Officer: General Manager

Date Commenced: 16 April 2024

Review Date: 16 April 2028

1. Objectives

The objectives of this Policy are to regulate the use of Council's Common Seal and to prevent its unauthorised use.

2. Background

Section 19, Corporation of Councils, of the Local Government Act, 1993 provides inter alia:

- (1) A council is a body corporate with perpetual succession and a common seal.*
- (2) ******
- (3) The common seal is to be kept and used as authorized by the council.*
- (4) ******
- (5) The execution of a document sealed by a council is to be attested by such persons as the council determines.*
- (6) All courts and persons acting judicially must take judicial notice of the imprint of the common seal on a document and presume that it was duly sealed by a council.*

3. Scope

This policy applies to all councillors and staff in relation to the use of the King Island Council Common Seal.

4. Policy

- The General Manager is to always ensure the security of the Council's Common Seal.
- 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:-



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- 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;
 - 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;
 - Completing agreements or contracts from State or Federal Government Departments where they have requested the agreements or contracts be under seal;
 - Entering into Planning Agreements;
 - Other legal documents 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.
 - The General Manager has been delegated the authority to execute documents on behalf of Council under the Common Seal in accordance with the Local Government Act and applicable Council policies.
 - 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.

RELATED KING ISLAND COUNCIL POLICIES/PROCEDURES

LEGISLATION

Local Government Act 1993



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AMENDMENT

Council retains the sole discretion to vary, terminate or replace this Policy from time to time, based on the required legislative requirements. Council will consult before amendments are made and will notify and train those the amendments apply to.

POLICY VERSION AND REVISION INFORMATION

Title: Use of Council's Seal Policy

Policy Maintained by: General Manager

Policy Commencement: 16 April 2024

Policy Review: 16 April 2028

Version No	Date	Resolution No	Responsible Officer
1.0	16.4.2024	100/24	General Manager



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