



Policy Title	DRAFT Council Seal Policy
Policy Category	Public
Number & Version	SVC-EXE-PO-004-02
Policy Owner	Executive
Approval by	Council
Effective date	
Date for review	

1. STRATEGIC PURPOSE

Snowy Valleys Council (Council) is committed to protecting the integrity of the Council Seal and ensuring that it is used appropriately in accordance with legislative requirements.

2. POLICY STATEMENT

The Council Seal is like a formal signature of a Council and its purpose is to demonstrate approval of content of a document and shows what Council has done or agreed to do. It is generally applied to legal and binding documents.

3. DEFINITIONS

Council: Snowy Valleys Council

Council Seal: A stamped or embossed insignia affixed to a document as a guarantee of authenticity as a Council-endorsed document. In this Policy the word 'Council Seal' is used to describe both the instrument used to stamp the insignia and the insignia once affixed.

4. CONTENT

Section 377 of the *Local Government Act 1993* allows Council to delegate, by resolution, any of its functions (except those enumerated in that section) to the General Manager (Chief Executive Officer) or, in certain circumstances, to any other person or body.

Pursuant to Section 220 of the *Local Government Act 1993*;

(1) The council is a body politic of the State with perpetual succession and the legal capacity and powers of an individual, both in and outside the State; and

(2) A law of the State applies to and in respect of the Council in the same way as it applies to and in respect of a body corporate (including a corporation).

Section 50 Part 8 of the *Interpretation Act 1987* relevantly provides that a statutory corporation shall have a seal. This is because Council is a body corporate.

Requirement in relation to Council's seal are further detailed in Clause 400 of the *Local Government (General) Regulation 2005* (the Regulation), which states;

400 Council Seal

- (1) *The seal of a council must be kept by the mayor or the general manager, as the council determines.*
- (2) *The seal of a council may be affixed to a document only in the presence of:*
 - (a) *The mayor and the general manager, or*
 - (b) *At least one councillor (other than the mayor) and the general manager, or*
 - (c) *The mayor and at least one other councillor, or*
 - (d) *At least 2 councillors other than the mayor.*
- (3) *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.*
- (4) *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.*
- (5) *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.*

The requirement for a seal to be affixed to a document is determined by the Solicitor, Land Titles Office, Office of State Revenue or Land and Property Information Services in accordance with Registrar General Direction for Local Councils.

Examples of Documents would include but not be limited to the following relating to the business of the Council;

- Contracts for the sale, exchange and purchase of land dealing with real property;
- Leases / Licences;
- Transfer of Title of Land;
- Section 88B Instruments to create easements;
- Deeds of Agreements or contracts from state or federal government departments where they have requested the agreements or contracts be under Council seal;
- Plans of Subdivision of Council owned land;
- Executing a contract of employment for the Chief Executive Officer; and
- Other documents as required by law.

Except in the case of emergency (as determined by the Mayor or Chief Executive Officer) or the contract of employment for the Chief Executive Officer, the seal shall be affixed only in the presence of the Mayor and the Chief Executive Officer.

The seal is to be kept under lock in the executive office at all times other than when it is required for affixing to a document.

When the seal is required by the Chief Executive Officer and/or the Administrator or Mayor, the Chief Executive Officer will request the release of the seal from the Chief Executive Officer

Executive Assistant. The seal is not to be left unattended at any time during its removal from its place of safe storage.

When the seal has been used, the Chief Executive Officer will request the Executive Assistant to immediately return the seal to its safe storage area.

5. ASSOCIATED LEGISLATION

Section 377 of the *Local Government Act 1993*

Section 220 of the *Local Government Act 1993*

Section 50 Part 8 of the *Interpretation Act 1987*

Clause 400 of the *Local Government (General) Regulation 2005*

6. ASSOCIATED COUNCIL DOCUMENTS

Affixing of Council's Seal Procedures – SVC-EXE-PR-002

7. HISTORY

Date	Action	Name	Policy Number	Resolution Date	Resolution Number
	Supersede	Use and Custody of Common Seal Policy (Former Tumut Shire Council)	Gov.10 v1.4		
	Endorsed by Policy Review Committee	Use and Custody of the Common Seal Policy	SVC-EXE-PO-004-01	28/02/2017	n/a
	Adopted by Council	Use and Custody of the Common Seal Policy	SVC-EXE-PO-004-01	23/03/2017	M29/17
26/04/2021	Review of Policy	Council Seal Policy	SVC-EXE-PO-004-02		
22/06/2021	Endorsed by Executive Leadership Team	Council Seal Policy	SVC-EXE-PO-004-02	22/06/2021	ELT144/21