

EXECUTION OF DOCUMENTS

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1. OBJECTIVE

To authorise the execution of legal documents by the Mayor, Chief Executive Officer (CEO) and/or Directors.

2. PRINCIPLES

2.1 Legal Requirements

The Council is required to comply with sections 9.49A (Execution of Documents) and 9.49 (Documents, how authenticated) of the *Local Government Act 1995* (Act). This details the requirements for documents to be duly executed by a local government.

Under the Act, in order for a document to be considered duly executed, the document must be executed in one of the following ways:

- a) **By affixing the Common Seal** of the Council in the presence of the Mayor and CEO [s9.49A(3) of the Act].
- b) **Without affixing the Common Seal**, by the CEO, another employee or agent of the local government who has been authorised by resolution of the Council to sign documents on behalf of Council [s9.49A(4) of the Act].

2.2 Documents requiring the Common Seal

The affixing of the Common Seal is authorised for documents that are ceremonial in nature, where there is a statutory requirement, or where the other party requires the use of the Common Seal.

2.3 Common Seal Register

A list of documents to which the Council's Common Seal has been affixed, shall be reported to Council on a monthly basis and included within the Council's Common Seal Register.

2.4 Documents that do not require the Common Seal

The CEO and Directors are authorised to execute legal documents (including Deeds) that do not require the Common Seal, where they have functional responsibility and appropriate authority (including delegated authority in accordance with the Delegations Register adopted by Council).

3. CONSEQUENCES

This policy represents the formal policy and expected standards of the City. Appropriate approvals need to be obtained prior to any deviation from the policy. Elected Members and Employees are reminded of their obligations under the Code of Conduct to give full effect to the lawful policies, decisions and practices of the City.

4. ROLES AND RESPONSIBILITIES

It is the responsibility of the executing parties to ensure they fully understand what they are executing on behalf of the Council and any queries are addressed before this process is completed.

On the occasions where a Common Seal is required of the Council, it is the responsibility of the CEO to ensure that the Common Seal Register is updated, and Council is notified of its application at the next available Council meeting.

5. REFERENCES TO RELATED DOCUMENTS

- *Local Government Act 1995*
- Delegations Register
- Execution of Documents Operational Guidelines

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Last Review:	March 2022
Next Review:	March 2026 [Every 4 years]
Responsible Officer:	Manager Governance & Organisational Strategy

This policy takes effect from the date of adoption by Council and shall remain valid until it is amended or deleted.