



Policy Manual

POLICY NUMBER	- 3.13
POLICY SUBJECT	- 3.13 Use of Common Seal
ADOPTED	- 19 April 2005 (CMRef 27884)
REVIEWED	- 21 September 2010 (CMRef 30430)
REVIEWED	- 19 February 2013 (CMRef 31058)

The Shire President and the CEO be jointly authorised to affix the Shire's Common Seal to documents for dealings initiated by Council resolution in accordance with Clause 19.1 of the Shire of Merredin Standing Orders Local Laws:

19.1 The Council's Common Seal:

1. *The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.*
2. *The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Shire President and the CEO or a senior employee authorised by him or her.*
3. *The common seal of the Local Government is to be affixed to any Local Law which is made by the Local Government.*
4. *The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.*
5. *Any person who uses the common seal of the Local Government of a replica thereof without authority commits an offence.*

With regard to Clause 19.1(2), reference to "authority of Council given either generally or specifically" includes:

1. Grant agreements entered into whereby Council has allocated provision in the Annual Budget and the grant funds will reduce or offset Council's financial commitment to capital or operating expenditure;
2. Land transactions whereby there is a financial allocation in the Annual Budget and there is a express requirement that final documents be signed and sealed for the transaction to be finalised;
3. Agreements entered into whereby in the opinion of the Shire President and the CEO such action is necessary to protect Council's interest; i.e. lodging of caveats and easements.