

USE OF COUNCIL SEAL

ES60



NARRANDERA SHIRE COUNCIL POLICY

USE OF COUNCIL SEAL

Policy No:	ES60
Policy Title:	Use of Council Seal
Section Responsible:	Executive Services
Minute No:	14/186
MagiQ No:	8365
Next Review Date:	As required

Objective

This policy sets out the conditions under which the Council Seal may be affixed to documents and the procedure for affixing the Seal.

Scope

This Policy is applicable to all Councillors and Council staff, delegates, volunteers, agents and contractors in relation to the use of the Seal.

Documents that must have Council's Seal Affixed

Documents relating to the business of the Council that have been the subject of a resolution of Council to affix the seal.

Definitions

In this policy, except as otherwise provided, expressions used are defined in the Dictionary in the Local Government Act 1993 (NSW) (Act) and have the meaning set out herein.

The seal is the official stamp of Narrandera Shire Council, indicating Council's formal acceptance of the contractual document/s and or obligations.

In the event of any inconsistency between this Policy and the Act or the Local GOVERNMENT (General) Regulation 2005 (Regulation), the Act or the Regulation (as the case may be) shall prevail to the extent of the inconsistency.

The Electronic Document Management System (EDMS) is an information system which captures, maintains and provides access to records in various formats over time. Narrandera Shire Council's EDMS is TRIM.

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Content

The Council seal will be held by the General Manager.

Council must affix the Seal in relation to the following:

- (a) The execution of documents for the disposal of land;
- (b) The execution of documents for the acquisition of land;
- (c) If a funding agreement or contract between Council and the NSW Government or Commonwealth Government expressly requires the affixing of the Seal; and
- (d) As otherwise required by law.

The Council seal must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved that the seal is to be affixed. A document which is a reference or certificate of service for an employee does not relate to the business of Council.

Where resolutions of Council involve contractual obligations, the following must be included in the wording of the resolution:

"Council hereby authorises its Official Seal to be affixed to the Plans/Lease Documents/Contract Documents, under the signature of the Mayor and the General Manager"

The Council seal may be affixed to a document only in the presence of:

- the mayor and the general manager and witnessed by a member of the Executive Office staff, or
- at least one councillor (other than the mayor) and the general manager, or
- the mayor and at least one other councillor, or
- at least 2 councillors other than the mayor.

The affixing of the Council seal will have no effect unless the persons who were present when the seal was affixed sign that the seal was affixed in their presence.

A document which is a reference or certificate of service for an employee of the Council does not relate to the business of the Council (refer provisions paragraph 2 above).

Procedure for Affixing Council's Seal

The Seal shall not be affixed to any document unless Council has:

1. listed the document under the Documents for Sealing section of the Ordinary Council Meeting Agenda; or
2. resolved to affix the Seal to a specific document with a specific resolution.

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1. Listing of Documents for Sealing on Council Agenda

Council officers will be responsible for forwarding documents to Executive Services for listing on the Ordinary Council Meeting Agenda with the following information:

- Purpose of legal document
- Contact officer
- Date of Council Meeting when sealing is to be considered
- EDMS File No.

These details will be entered into the Documents for Sealing Register. Executive Services staff will provide details of all documents from the register that have been requested to be sealed by Council each month for listing on the Ordinary Council Meeting Agenda.

2. Specific Documents Requiring a Council Resolution

The suggested wording for documents that require a resolution of Council is as follows:

“Council hereby authorises its Seal to be affixed to [identify the document/s and the value including GST if a contract] in the presence of two signatories authorised to affix the Seal pursuant to Regulation 400 of the Local Government (General) Regulation 2005 and the Use of the Council Seal Policy.”

Council officers are responsible for ensuring that the wording of resolutions relating to the affixing of the Seal complies with this Policy.

Once a Council resolution has been made to affix the Seal, Council officers will be responsible for forwarding the documents to Executive Services for sealing with the following information:

- Purpose of legal document
- Contact officer
- Date of Council Meeting when sealing is to be considered
- EDMS File No.

3. Attesting to Witness of Sealing

The persons who witnessed the sealing in accordance with 3 above, must attest that the Seal was affixed in their presence and was done so in accordance with a resolution of Council. The attestation should read: THE SEAL of NARRANDERA SHIRE COUNCIL ABN 96 547 765 569 was affixed in accordance with Reg 400 Local Government (General) Regulation 2005 pursuant to a resolution made on [insert date] and attested to by:

.....
[Print name and position of signatory one) **[Print name and position of signatory two)**
.....

4. Execution of Documents

Once Council has approved documents to be sealed, the Mayor and the General Manager (or such other Councillors as indicated in 3 above) are responsible for executing the document to which the Seal is to be affixed.

The Mayor and the General Manager (or such other Councillors) are responsible for ensuring that they do not affix the Seal to any document for which a resolution has not been adopted relating to the affixing of the Seal.

Details of the signatories to the sealing, the date the document was signed and sealed, and the date Council resolved to affix the Seal are entered into the Documents for Sealing Register.

All executed documents are then forwarded to Records staff by the authorised Council officer where Records staff will scan the documents to the EDMS as required by the State Records Act 1998.

Related Legislation/Guidelines/Narrandera Policies and Associated Procedures

The Policy should be read in conjunction with:

- Regulation 400 of the Local Government (General) Regulation 2005.
- Narrandera Shire Council Code of Meeting Practice
- Mayoral and General Manager Delegations



General Manager

Dated: 17 September 2014

Policy History

Policy History

Endorsed by relevant Committees (name) and date

Adopted by MANEX	30 June 2014
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