



EXECUTION OF DOCUMENTS AND APPLICATION OF COMMON SEAL POLICY

POLICY NUMBER: EXEC-CEO-021

PURPOSE

To establish protocols for:

1. Affixing the City's Common Seal;
2. Determining whether a document is to be executed by way of common seal; and
3. Determining which officers are authorised to sign documents on behalf of the City when a Common Seal is not required.

SCOPE

This policy applies in respect of all documents signed on behalf of the City.

DEFINITIONS

CEO means the Chief Executive Officer of the City.

City means the City of Kalgoorlie-Boulder.

Common Seal means the City's official embossed seal used as its signature on official documentation in accordance with the Local Government Act, the City's Standing Orders Local Laws 2013 and this policy.

POLICY STATEMENT

Section 9.49A of the *Local Government Act 1995* provides that a document is duly executed by a local government if:

1. The Common Seal is affixed to it; or
2. The document is signed by an officer authorised to do so.

This policy is established to achieve a balance between operational efficiencies and good governance principles of legislative compliance, clarity, consistency and transparency.

POLICY DETAILS



Part 1: USE OF COMMON SEAL

1. Signatories to the Common Seal

To supplement section 9.49A of the *Local Government Act 1995*, Part 19.1 of the City's-Standing Orders Local Law 2013 provides:

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-

- a. *the Mayor and the CEO or an appropriate officer authorised;*
- b. *the Deputy Mayor and the CEO or an appropriate officer authorised; or*
- c. *the CEO and an appropriate officer authorised.*

2. Execution clause for affixation of the Common Seal

The wording to accompany the application of the City's Common Seal should be as follows:

Dated this (date) day of (month) (year)
 The Common Seal of the City of Kalgoorlie-)
 Boulder was hereunto affixed pursuant to)
 to Council resolution dated)
 in the presence of:)

| | |
|---------------------------|-------------------------|
| | |
| <i>Signature of Mayor</i> | <i>Signature of CEO</i> |
| | |
| <i>Full name of Mayor</i> | <i>Full name of CEO</i> |

3. Common Seal register to be kept

Details of all transactions where the Common Seal has been affixed shall be recorded in a register kept by the CEO. The register will record:

- a. the date of Council meeting;
- b. agenda item number where the affixing of the common seal was resolved;
- c. the nature of the document;
- d. the number of copies of the relevant document(s) on which the Common Seal was affixed; and
- e. the reference number for the document within the City's record keeping system.

4. Safe custody of Common Seal

The CEO is to have charge of the Common Seal and is responsible for the safe custody and proper use of it.

5. Reporting use of Common Seal to Council

Council will receive a copy of the register of all Common Seals affixed for the previous month in the monthly Information Bulletin provided to Councillors or such other means as deemed appropriate by the CEO.

Part 2: AUTHORITY FOR OFFICERS TO SIGN DOCUMENTS



6. Resolution of Council required for officer to have authority to sign

- a. Pursuant to section 9.49A(4) of the *Local Government Act*, Council may, by resolution, authorise the CEO, an employee or an agent to sign documents on behalf of the City, either generally or subject to restrictions or conditions.
- b. Unless a person acts in a role that has been authorised by Council specifically or through its adoption of this policy, that person must not sign any documents on behalf of Council.
- c. Where a person is acting in a role that has been authorised by Council to sign documents, that person may sign documents during the period of time that they are acting or have related higher duties responsibilities.

7. Authorised employees

- a. Employees authorised under section 9.49A of the *Local Government Act* may sign documents identified for that purpose as set out in Attachment 1 of this policy.
- b. The authority set out in Attachment 1 is subject to the limitations and conditions listed in Part 3 of this policy.

Part 3: LIMITATIONS ON AUTHORITY TO SIGN DOCUMENTS

8. Subject to delegated authority

The authority set out in this policy and Attachment 1 is subject always to:

- a. any delegated authority that may from time-to-time be adopted by Council and/or endorsed by the CEO; and
- b. the City's operational Purchasing Procedure (which sets out financial limits).

Where a Council-adopted or CEO-endorsed delegation of authority provides inconsistent, greater or lesser authority to an officer in relation to the execution of documents on behalf of the City, the following applies in descending order of priority:

- a. relevant delegated authority;
- b. this policy; and
- c. operational Purchasing Procedure.

9. Authority for CEO to sign documents

The CEO's authority is subject to:

- a. Unlimited \$ value; and/or
- b. Commitment period is specifically resolved by Council or in any other case, no greater than a 5 year period; and/or
- c. Moderate or lesser financial risk, legal complexity or political sensitivity assessed by the CEO unless otherwise specifically resolved by Council.



10. Authority for Directors to sign documents

Directors' authority is subject to:

- a. Directors may only execute documents relevant to matters within the scope of the activity of their Directorate; and
- b. Documents relevant to the activities of multiple Directorates may only be executed by the CEO; and
- c. <\$250,000 per annum or such other amount specified in a relevant CEO Sub-Delegation of Authority; and/or
- d. Commitment is no greater than 3 years; and/or
- e. Moderate or lesser level of financial risk, legal complexity or political sensitivity assessed by the Director (within their area of expertise and delegated authority).

11. Authority for Executive Managers to sign documents

Executive Managers' authority is subject to:

- a. Executive Managers may only execute documents relevant to matters within the scope of activity of their business unit;
- b. Documents relevant to the activities of multiple business units within a Directorate may only be executed by the relevant Director;
- c. Documents relevant to the activities of multiple business units across multiple Directorates may only be executed by the CEO; and
- d. <\$100,000 per annum or such other amount specified in a relevant CEO Sub-Delegation of Authority; and/or
- e. Commitment is no greater than 3 year period; and/or
- f. Minor or lesser level of financial risk, legal complexity or political sensitivity assessed by the Executive Manager (within their area of expertise and delegated authority).

12. Authority for Managers to sign documents

Managers' authority is subject to:

- a. Managers may only execute documents relevant to matters within the scope of activity of their business unit;
- b. Documents relevant to the activities of multiple business units within a Directorate may only be executed by the relevant Director;
- c. Documents relevant to the activities of multiple business units across multiple Directorates may only be executed by the CEO; and
- d. <\$50,000 per annum or such other amount specified in a relevant CEO Sub-Delegation of Authority; and/or
- e. Commitment is no greater than 3 year period; and/or
- f. Minor or lesser level of financial risk, legal complexity or political sensitivity assessed by the Manager (within their area of expertise and delegated authority).



COMPLIANCE REQUIREMENTS

RELEVANT DOCUMENTS

| DOCUMENT CONTROL | | |
|-------------------------|----------------|--|
| Responsible department | Governance | |
| Date adopted by Council | 28 August 2023 | |
| Date of last review | | |
| Date of next review | | |



ATTACHMENT 1: EXECUTION REQUIREMENTS

| Document type | Execution | | | | | |
|--|-------------|-------|-----|----------|--------------|---------|
| | Common Seal | Mayor | CEO | Director | Exec Manager | Manager |
| Local Laws – made and amended | ✓ | x | x | x | x | x |
| Planning Schemes – made and amended | ✓ | x | x | x | x | x |
| The following Land transaction documents: <ul style="list-style-type: none"> - Sale - Purchase - Vesting - Contributed assets - Notifications of factors affecting land under s70A <i>Land Transfer Act 1893</i> – lodge or withdraw - Easements – by land transfer <ul style="list-style-type: none"> - Rights of carriage way - Right of support to land burdening buildings - Rights to light and air - Rights to take water from wells or bores - Rights to install, maintain and operate oil, gas or other pipelines - Rights to install, maintain and operate electric power lines, telephone and other cable and supporting pylons - Restrictive covenants – by land transfer - Deeds – land transfer for public purposes <i>(Note: based on execution clause and land title office requirements of specific documents)</i> | ✓ | x | ✓ | x | x | x |
| Mortgages, loans and debentures | ✓ | x | x | x | x | x |
| Power of Attorney to act for the City <i>(Note: requires CEO and Mayor)</i> | x | ✓ | ✓ | x | x | x |
| The following land transaction documents: <ul style="list-style-type: none"> - Caveats – registering or removing - Leases - Easements – by deed, deposited plan or other legal instrument: <ul style="list-style-type: none"> - Rights of carriage way - Right of support to land burdening buildings - Rights to light and air - Rights to take water from wells or bores | ➤ | x | ✓ | x | x | x |



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| <ul style="list-style-type: none"> - Rights to install, maintain and operate oil, gas or other pipelines - Rights to install, maintain and operate electric power lines, telephone and other cable and supporting pylons - Restrictive covenants – lodge, modify, or withdraw (other than by land transfer) - Deeds - Legal agreements | | | | | | |
| State or Cth Government Funding Agreements <i>(Note: subject to delegated authority, any of the identified authorised officers can execute)</i> | ➤ | x | ✓ | ✓ | x | x |
| Grants and Funding Agreements with private agencies (incoming and outgoing funds) <i>(Note: subject to relevant delegated authority, any of the identified authorised officers can execute)</i> | ➤ | x | ✓ | x | x | x |
| Memorandum of Understanding | ✓ | x | ✓ | ✓ | ✓ | ✓ |
| Contracts and legal instruments, including contract variations, including but not limited to: <ul style="list-style-type: none"> - Procurement contracts - Services Agreements (incoming or outgoing services) - Heritage Agreements - Acquittal of planning conditions - Maintenance of the public realm | ✓ | x | ✓ | ✓ | ✓ | ✓ |
| Development, subdivision and strata-title approvals for City land | x | x | ✓ | ✓ | x | x |
| Memorial <ul style="list-style-type: none"> - Deed Poll Registration (change of name of a person) - Memorial of Advertisement (document lodged at land titles office evidencing that the legal requirements necessary to sell land for the non-payment of rates have been attended to) - Prohibited dealings in land (document lodged at land titles office under a number of statutes, which acts as a caveat when noted on certificate of title) | x | x | ✓ | ✓ | x | x |
| Documents that fulfill a statutory local government duty or power for which there is no power of delegation or authorisation and is a matter which constitutes a potential risk for the City | x | x | ✓ | ✓ | ✓ | ✓ |
| Communications on behalf of the City with Commonwealth or State ministers or sister city counterpart | x | ✓ | ✓ | x | x | x |



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| political or government leaders <i>(Note: officers are authorised to sign routine day to date operational communications where the recipient is of a similar organisational level as the CKB officer)</i> | | | | | | |
| Communications on behalf of the City with CEOs of Commonwealth or State departments or industry representative bodies <i>(Note: officers are authorised to sign routine day to date operational communications where the recipient is of a similar organisational level as the CKB officer)</i> | x | x | ✓ | ✓ | x | x |
| Communications on behalf of the City relevant to the day to day operations of the City and which are subject to a level of political sensitivity or potential risk to the City | x | x | ✓ | ✓ | ✓ | ✓ |
| Ceremonial Certificates – common seal may be affixed at the Mayor's discretion: - Honorary Freeman - Honorary Citizenship | ✓ | ✓ | ✓ | x | x | x |
| Deed of settlement – employee matters | x | x | ✓ | x | x | x |
| Enterprise Bargaining Agreements | x | x | ✓ | x | x | x |

- ✓ Required or authorised signatory
- Common Seal only to be applied where specified in a document prepared by an external authority
- x Not to be used/not authorised to sign