



Policy Type

Council

Policy Purpose

This policy provides guidance on the appropriate method of execution for the City's documents and ensures that the City's common seal is applied and documents executed in accordance with the provisions of the *Local Government Act 1995* (The Act).

According to the Act, s9.49A, a document is duly executed by a local government if the common seal is affixed to it or it is signed by an officer authorised to do so.

This policy establishes:

- Protocols for affixing and administration of the City of Cockburn Common Seal; and
- Authority for the Chief Executive Officer (CEO) and other Officers and Agents to execute (sign) documents on behalf of the City of Cockburn.

Policy Statement

This Policy applies to all City officers authorised to execute documents on behalf of the City. Any legislation, formal requirements of a Commonwealth or State department, authority or agency (as described in a Policy) or Council decision will take precedent over this Policy in the event of any inconsistency.

Document Categories:

For the purpose of this policy, agreements involving the Council are classified into three categories as follows:

1. Category 1 Documents:

Requiring the Common Seal to be affixed in accordance with the Act.

- 1.1 The Common Seal of the local government is to be affixed to documents appertaining to all dealings initiated by a Council resolution, in the presence of:

- 1.1.1 the Mayor, and
- 1.1.2 the CEO; or
- 1.1.3 An Executive Committee Member

In this regard the Council resolution need not refer to the sealing of documents and may express its wish for certain action which may ultimately require the affixing of the Common Seal to documents to achieve the Council's resolution.



1.2 Following is a list of documents that are Category 1 documents:

- 1.2.1 Local Planning Schemes
- 1.2.2 Local Laws
- 1.2.3 Loan documentation
- 1.2.4 Documents of a ceremonial nature
- 1.2.5 Documents which, in the opinion of the CEO, an Executive Committee Member and/or Legal Services, are sufficiently complex, high risk and/or significant in nature to warrant the affixing of the common seal: and
- 1.2.6 Funding Agreements

2. Category 2 Documents:

Do not require the common seal to be affixed under section 9.49(A) (4) of the Act.

2.1 Council authorises persons designated to the positions listed in Schedule 1 below to sign documents on behalf of the City. These authorisations do not undermine any delegations which may be in place.

Following is a list relating to matters that are Category 2 documents:

- 2.1.1 Local Planning Scheme Amendments;
- 2.1.2 Deeds, including Deeds of Arrangement, Development Contribution Deeds (only where a development contribution plan is awaiting gazettal), Deeds of Indemnity and Memorandums of Understanding in respect to sale, purchase or other commercial dealings relating to assets and equitable interests
- 2.1.3 Leases (including extensions, renewals, assignments and variations)
- 2.1.4 Licences to occupy land or premises
- 2.1.5 Restrictive Covenants - under section 129BA of the Transfer of Land Act 1893 and any discharge or variation of covenants
- 2.1.6 Lodgement, modification and withdrawal of memorials
- 2.1.7 Easements and the surrender or modification of easements
- 2.1.8 Rights of carriageway agreements and withdrawal or variation of rights of carriageway agreements
- 2.1.9 Reciprocal access agreements and withdrawal or variation of reciprocal access agreements
- 2.1.10 Notifications (and removals thereof) under section 70A of the Transfer of Land Act 1893; and
- 2.1.11 Transfer of land documents.

3. Category 3 Documents:

Created in the normal course of business to discharge the duties of an officer's position in a manner consistent with City policies and procedures.

3.1 These documents are day-to-day routine communication or transactions and do not require specific authorisation through this Policy, as they are the subject to Section 5.41(d) of the Act, prescribing the CEO's duty to manage

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the day-to-day operations of the City. Such duties are undertaken by 'acting through' Officers.

Schedule 1 – Document Categories

Document Type	Category	Mayor	CEO	Ex-Co / Employee authorised by CEO	Head	Manager
Local Planning Scheme	1	x	x	Where authorised		
Local Laws	1	x	x	Where authorised		
Loan Documentation	1	x	x	Where authorised		
Documents of a ceremonial nature	1	x	x	Where authorised		
Documents which, in the opinion of the CEO, an Executive and / or Legal Services, are sufficiently complex, high risk and / or significant in nature to warrant the affixing of the common seal	1	x	x	Where authorised		
Funding Agreements	1	x	x	Where authorised		
Local Planning Scheme Amendments	2	x	x	x	x	
Port Coogee Marina related documents; Pen Licenses	2	x	x	x	x	x
Deeds, including Deeds of Arrangement, Development Contribution Deeds (only where a development contribution plan is awaiting gazettal), Deeds of Indemnity and Memorandums of Understanding in respect to sale, purchase or other commercial dealings relating to assets and equitable interests	2	x	x	x	x	x
Property Leases (including extensions, renewals, assignments and variations)	2	x	x	x	x	x
Licences to occupy land or premises	2	x	x	x	x	x
Restrictive Covenants – under section 129BA of the Transfer of Land Act 1893 and any discharge or variation of covenants, and removal of	2	x	x	x	x	x
Lodgement, modification and withdrawal of memorials	2	x	x	x	x	x
Easements and the surrender or modification of easements	2	x	x	x	x	x
Rights of carriageway agreements and withdrawal or variation of rights of carriageway agreements	2	x	x	x	x	x

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Document Type	Category	Mayor	CEO	Ex-Co / Employee authorised by CEO	Head	Manager
Reciprocal access agreements and withdrawal or variation of reciprocal access agreements	2	X	X	X	X	X
Notifications (and removals thereof) under section 70A of the Transfer of Land Act 1893	2	X	X	X	X	X
Transfer of land documents	2	X	X	X	X	X
Subdivision, Survey Strata, Strata Title or Development Approvals or provisions of a Structure Plan, Activity Centre Plan or Local Development Plan	3	X	X	X	X	X
Documents which arise out of the general operation of a Directorate, and / or a matter an officer of Directorate has the authority to deal with	3	X	X	X	X	X

Strategic Link:	Corporate Governance Framework
Category	Governance
Lead Business Unit:	Legal and Compliance
Public Consultation: (Yes or No)	No
Adoption Date: (Governance Purpose Only)	March 2023
Next Review Due: (Governance Purpose Only)	March 2025
ECM Doc Set ID: (Governance Purpose Only)	8030199