

---

### Purpose

The purpose of this Policy is to establish protocols for affixing and administering the Shire of Boddington (Shire) Common Seal and authority for the Chief Executive Officer (CEO) and other nominated officers to sign (execute) documents on behalf of the Shire of Boddington, in accordance with the requirements of section 9.49A of the Local Government Act 1995.

---

### Scope

This Policy applies to the Shire President, CEO and other nominated officers authorised to sign (execute) documents on behalf of the Shire.

---

### Definitions

Term	Meaning
Policy	Is the Shire of Boddington policy titled "Use of the Common Seal and Execution of Documents".
Document	Any paper or electronic documents including communications such as letters and emails that convey a decision of Council, establishes an obligation on the Shire or is ceremonial.
Common Seal	Is the official seal used by the Shire of Boddington for the purposes of authentication and executing legal and other documents specified within this Policy.

---

### Policy Statement

A document can be executed in one of the following ways:

- By affixing the Common Seal of the Shire of Boddington, in the presence of the Shire President and Chief Executive Officer in accordance with s.9.49A(3) of the Act; or
- Without affixing the Common Seal, signed by the Chief Executive Officer, another employee or an agent of the Shire who has been authorised to do so in accordance with s.9.49A(4) of the Act.

#### Common Seal

The Common Seal may be applied to documents that:

- Give effect to decisions of Council; or
- As detailed in this Policy in the section Specific Document Signing (Execution) Authorisations in accordance with s.9.49A (4) of the *Local Government Act 1995*.

The Common Seal is to be applied in the presence of both the Shire President and the CEO (or Acting CEO or other senior employee authorised by the CEO).

The CEO is to be responsible for the safe custody and proper use of the Common Seal, and the maintenance of a register of each time the Common Seal is used.

## General Document Signing (Execution) Authorities

Where a Shire officer has the written authority to make a decision ('written decision making authority') the officer has the authority to sign documents which give effect to that decision. Written decisions of authority are:

- a) Delegated Authority;
- b) Statutory Authority; or
- c) Operational Authorisation.

Where considered appropriate by the CEO, the Shire President may be requested to execute documents as a co-signatory with the CEO.

## Specific Document Signing (Execution) Authorisations

The Shire has established the following categories to assist in determining appropriate signing authorities:

Category	Description
1	<ul style="list-style-type: none"> <li>The matter is specifically resolved by Council, which may be inclusive of a resolution to execute the resulting document under the Common Seal.</li> <li>It is identified under this Policy that the matter requires the affixing of the Common Seal, commonly as a result of a historical internal or external practice.</li> </ul>
2	<ul style="list-style-type: none"> <li>The matter is specifically or generally resolved by Council.</li> <li>The matter is strategic and/or carries a significant (or lesser) level of financial or other risk, legal complexity of is politically sensitive.</li> </ul>
3	<ul style="list-style-type: none"> <li>The matter is specifically or generally resolved by Council or may be subject to a Council policy or day to day operations at the determination of the CEO only.</li> <li>The matter is strategic and/or carries a moderate (or lesser) level of financial or other risk, legal complexity of political sensitivity.</li> </ul>
4	<ul style="list-style-type: none"> <li>The matter is mandated in the Shire's Council Plan or relates to the day to day operations of the Shire under the direction of the CEO or Executive.</li> <li>The matter carries a minor or insignificant financial or other risk, legal complexity or political sensitivity.</li> </ul>
<i>Notes:</i>	<i>Other documents and communications that relate to day to day, routine communications or transactions do not require specific authorisation under this Policy as they are subject to S5.41(d) of the Local Government Act 1995 which prescribes the CEO's duty to manage the day to day operations of the Shire.</i>

The table below provides authorisations for the signing (execution) of specific types of documents in accordance with s9.49(A) of the *Local Government Act 1995*. The specific authorities established in the table below are limited in accordance with the Shire's Register of Delegations.

Document Type	Category	Common Seal	Execution by Signature Only		
			Shire President	CEO	Executive Manager
(1) <b>Local Laws</b> – adoption, amendment or repeal.	1	✓	x	x	x
(2) <b>Local Planning Schemes and Amendments</b>	1	✓	x	x	x
(3) Any document relating to a disposition in property where that disposition is undertaken in accordance with s3.58 of the <i>Local Government Act 1995</i> .	1	(✓)	x	✓	x

(4) Any document required under a Development Approval or Subdivision condition that may also be required to be lodged with the Registrar of Titles (Landgate), including but not limited to: <ul style="list-style-type: none"> <li>Vesting documents.</li> <li>Caveats.</li> <li>Easements.</li> <li>Restrictive Covenants.</li> <li>Bonds and Contribution Agreements.</li> </ul>	1	(✓)	x	✓	x
(5) Mortgages, Loans and Debentures.	1	✓	x	x	x
(6) State or Commonwealth Governments Funding Agreements.	2	x	x	✓	x
(7) Grants and Funding Agreements with non-Government entities.	2	x	x	✓	✓
(8) Memorandum of Understanding	2	x	x	✓	x
(9) Contracts, contract variations and other legal instruments, related to: <ul style="list-style-type: none"> <li>Procurements Contracts</li> <li>Service Agreements</li> <li>Hire Agreements</li> <li>Heritage Agreements</li> <li>Acquittal of planning conditions</li> <li>Maintenance of the public realm</li> </ul>	2	x	x	✓	✓
(10) Development, building, occupancy, subdivision and strata title approvals for Shire land.	3	x	x	✓	✓
(11) Applications to other Government Agencies on behalf of the Shire <i>Examples include Clearing Permits and commercial activity applications</i>	2	x	x	✓	✓
(12) Documents that fulfil a <b>statutory local government duty or power</b> , for which there is no power of delegation or authorisation and is a matter which constitutes a potential risk to the Shire.	4	x	x	✓	x
(13) Communications on behalf of the Shire with Commonwealth or State Ministers, Members of Parliament	2/3	x	✓	✓	x
(14) Communications on behalf of the Shire, relevant to the day to day operations of the Shire and subject to a level of political sensitivity or risk. <i>Examples include Directors General, Commissioners or CEOs of Commonwealth or State Government Departments or CEOs of industry lead bodies.</i>	3/4	x	x	✓	✓
(15) Ceremonial Certificates	3/4	x	✓	✓	x
(16) Employee Matters <i>Examples includes Enterprise Bargaining Agreements or Deeds of Settlement</i>	4	x	x	✓	x
(✓) Common Seal only to be applied where it is a legal requirement or is specified in the relevant document.					

<b>Responsible Officer</b>	Chief Executive Officer
<b>History</b>	Adopted 20 May 2021 (Resolution 49/21) Amended 23 March 2023 (Resolution 25/23) Amended 28 August 2024 (Resolution 128/24)
<b>Delegation</b>	
<b>Relevant Legislation</b>	S9.49A <i>Local Government Act, 1995</i>
<b>Related Documentation</b>	Procedure : Purchasing Authorisation limits Forms & Templates :