



2.08 – COUNCIL SEAL POLICY

1. INTRODUCTION

The purpose of this policy is to ensure legislative compliance relating to the Council's Seal.

2. POLICY OBJECTIVE

The policy objective is to protect Council's Seal.

3. POLICY SCOPE

This policy covers documents that require the use of the Council Seal. Affixing the seal demonstrates approval of the content of a document and shows what Council has done or agreed to do. Council's Seal can only be used following a resolution of Council. It is important to note however, not all documents created to implement decisions of Council require the affixing of a seal. This policy and the Council Seal Procedure sets out the situations in which a seal is required, and how the seal is to be used.

4. DEFINITIONS

Council Seal – is a stamped insignia affixed to a document to validate it as a Council document. This policy uses the word 'Seal' or 'Council Seal' to describe both the instrument used to stamp the insignia and the insignia once affixed.

5. LEGAL AND POLICY FRAMEWORK

The Council Seal design was adopted at the 19 April 2017 Ordinary Council Meeting by resolution 2017/55, the resolution also stated that the Council Seal stamp is to be kept securely by the General Manager.

The *Local Government Act 1993 (NSW)(NI)* in the note at Chapter 5 Section 22 reminds Councils that as a statutory corporation section 50(1)(b) of the *Interpretation Act 1987 (NSW)(NI)* requires Council to have a seal.

The *Local Government (General) Regulation 2005 (NSW)(NI)* at clause 400 states how the Seal is to be kept and how to affix the Seal:

(1) *The seal of a council must be kept by the mayor or the general manager, as the council determines.*

(2) *The seal of a council may be affixed to a document only in the presence of:*

(a) *the mayor and the general manager, or*

(b) *at least one councillor (other than the mayor) and the general manager, or*

(c) *the mayor and at least one other councillor, or*

(d) *at least 2 councillors other than the mayor.*

(3) *The affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.*

(4) *The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.*

(5) *For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.*

6. IMPLEMENTATION

6.1 Communication

Following adoption by Council, this Policy will be communicated to all staff as well as made available on Councils public website.

6.2 Associated Documents

Council Seal Procedure

7. POLICY

7.1 The Seal will not be removed from Council’s administration building without the authority of the Mayor or General Manager. The Council’s Seal will be kept securely by the General Manager.

7.2 The Seal can only be affixed to documents relating to the business of the Council that have been the subject of a resolution of Council. The resolution must specifically refer to the document. A document in the nature of a reference or a certificate of service for an employee of the Council does not relate to the business of the Council.

7.3 The General Manager will ensure that procedures are in place to provide adequate guidance to Councillors and staff in regards to their legal obligations for the use and affixing of the Council Seal.

8. REVIEW AND VERSION CONTROL

Policy Number	2.08		Responsible Officer	Program Manager
Effective Date	16 August 2017		Next Review Date	2020
Version Number	Version	Resolution No.	Effective Date	Version description
	V1	2017/125	16 August 2017	Developed and Adopted