

# Execution of Documents

## Policy Objective

To ensure that the City's common seal is used and documents are executed in accordance with the *Local Government Act 1995* (WA) ('Act').

## Policy Detail

Section 9.49A of the Act provides that a document is duly executed by a local government if

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- The common seal of the local government is affixed to it in the presence of;
  - The Mayor or President; and
  - The CEO or a senior employee authorised by the CEO.each of whom must sign the document to attest the common seal was affixed.
- It is signed on behalf of the local government by a person authorised by the Council to do so.

This policy identifies documents as falling within certain categories which provides for the appropriate method of execution.

The following take precedent over this policy in the event of an inconsistency:

- Legislation;
- The formal requirements of a Commonwealth or State department, authority or agency; and
- A Council decision expressly specifying a particular way in which a document is to be executed.

This policy applies to all officers preparing documents for execution or who have been authorised under this policy to execute documents on behalf of the City.

### Category 1 documents

Category 1 documents require the City's common seal to be affixed.

Category 1 documents require at least two specific resolutions of Council:

- The decision to do the act or enter the agreement; and
- The approval to execute the document related to the above decision in accordance with this policy.

The below table lists Category 1 documents:

Category 1
Local laws and amendments to
Local planning schemes and amendments to
Mortgages, loans and debentures documents
Power of attorney to act for the City
State and Commonwealth Grants and Funding agreements (as required)
Any document, which in the opinion of the CEO or a Director, are sufficiently complex, high risk or significant in nature to warrant the affixing of the seal

### Category 2 documents

Category 2 documents do not require the City’s common seal to be affixed.

Pursuant to section 9.49A(4) of the Act, Council authorises those officers listed in the table below to sign documents on behalf of the City.

The below table lists Category 2 documents:

Category 2	Authority to Execute
Documents required to enact a decision of Council, Council Committee or Development Assessment Panel that are not Category 1 documents– for example procurement contracts, sale/purchase of land, leases and licences and memorandums of understanding	CEO or responsible Director where the documents concerns subject matter wholly within their Directorate
Documents required to enact a decision made under delegated authority – for example leases, caveats, restricted covenants and s70A notifications	CEO or officer with delegated authority
Document required in the management of land as landowner or management body – for example development application, building permit application and easement	CEO
Ceremonial certificates	CEO and Mayor (no common seal required)

Documents that are not the subject of a Council decision but are part of the ordinary operations that are not category 1 documents – for example hire agreements, procurement contracts, sponsorship agreements, memorandums of understanding	CEO or responsible Director where the documents concerns subject matter wholly within their Directorate
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### **Category 3 documents**

Category 3 documents are created in the normal course of business to discharge the duties of an officer. They do not include anything with an execution clause.

Category 3 documents are to be executed by a Director or Manager, or an Officer where the authority has been extended to that Officer through a delegation, City policy or work instruction.

## **Reference/Associated Documents**

[Local Government Act 1995](#)

## **Reference to Internal Procedure**

Work Instruction – Documents for Execution (tbc)

– Form Documents for Execution – Officer Declaration (tbc)

## **Definitions**

‘**CEO**’ means the Chief Executive Officer of the City.

‘**City**’ means the City of Belmont.

This Policy is supported by:		
Policy No:	CP63	
Strategic Community Plan:	<b>Goal 5: Responsible Belmont</b> <b>Strategy:</b> 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations	
Register of Delegations:	(Insert No. & Title) or n/a	
Service Area:	Corporate and Governance	
Policy Owner:	Manager Governance, Strategy and Risk	
Policy Stakeholder:	Legal Advisor	
Amendment Status:		
Date of Amendment	Status of Amendment	Minute Item Reference
12/12/2023	New Policy	12.10