



EAST GIPPSLAND SHIRE COUNCIL

PROCESSES OF MUNICIPAL GOVERNMENT (COMMON SEAL) LOCAL LAW

Local Law No. 2

PART 1

INTRODUCTION

L.1.1 TITLE

This local law is known as the Processes of Municipal Government (Common Seal) Local Law No 2.

L.1.2 PERIOD OF OPERATION

This local law commences to operate on 12 December 2017 and ceases to operate on 11 December 2027, unless revoked earlier.

L.1.3 OBJECTIVES OF THIS LOCAL LAW

The objectives of this local law are to:

- (a) Revoke Local Law No 2 of 2014;
- (b) Regulate the use and control of Council's Common Seal;
- (c) Prohibit unauthorised use of the Common Seal or any device resembling the Common Seal; and
- (d) Provide penalties for non-observance of the provisions of this local law.

L.1.4 AUTHORISING PROVISIONS

This local law is made by East Gippsland Shire Council under the provision of Part 5 of the *Local Government Act 1989* (the Act) and the power conferred by section 111(1) of the Act, in furtherance of its purposes and objectives and in performance of its functions and powers under the Act.

L.1.5 AREA OF OPERATION

This local law operates throughout the whole of the municipal district.

L.1.6 DEFINITIONS

Unless inconsistent with the subject matter, the following words have the meaning indicated:

WORD(S)	MEANING
Chief Executive Officer	Chief Executive Officer of East Gippsland Shire Council and includes a person acting as the Chief Executive Officer.
Councillor	Councillor of East Gippsland Shire Council.
Offence	A wilful act or default contrary to the local law.
Council officer	An employee of East Gippsland Shire Council.
Penalty Unit	A penalty unit as defined in the <i>Monetary Units Act 2004</i> .

PART 2

THE COMMON SEAL

L.2.1 FORM AND USE OF THE COMMON SEAL

East Gippsland Shire Council must have a common seal (LGA 5(2)(b)). The Common Seal of Council must be in a form specified by Council resolution that must have in it the words "East Gippsland Shire Council" (LGA 5(3)(a)).

The Common Seal must be used only on the authority of Council or the Chief Executive Officer.

A register of all documents that have the Common Seal affixed will be maintained by the Chief Executive Officer.

L.2.2 AUTHORITY FOR USE OF COMMON SEAL

The Common Seal must be affixed to a document only for the purpose of giving effect to a decision that has been:

- (a) Made by Council resolution;
- (b) Made by resolution of a Special Committee composed solely of Councillors to which the power to use the Common Seal has been delegated;
- (c) Made by resolution of a Special Committee to whom power to use the Common Seal has been delegated; or
- (d) Made by the Chief Executive Officer to whom power to use the Common Seal has been delegated.

L.2.3 KEEPING OF THE COMMON SEAL

The Chief Executive Officer or delegated Council officer must keep the Common Seal in safe custody at the Council office (LGA 5(3)(b)).

L.2.4 SIGNATURE TO ACCOMPANY THE COMMON SEAL

Every document to which the Common Seal is lawfully affixed by the authority of a resolution of Council must be signed by one Councillor and the Chief Executive Officer in the form of the following attestation clause:

"The Common Seal of East
Gippsland Shire Council was
affixed on the ____ day
of _____, in the presence of:

_____ Councillor

_____ Chief Executive Officer"

Every document to which the Common Seal is lawfully affixed by an authorised Council officer acting in accordance with an Instrument of Delegation must be signed by the Chief Executive Officer and a witness in the form of the following attestation clause:

“The Common Seal of East Gippsland Shire Council was affixed on the ___ day of _____, in the presence of:

_____ Chief Executive Officer

_____ Witness”

L.2.5 UNAUTHORISED USE OF THE COMMON SEAL

Any person who uses the Common Seal or any device resembling the Common Seal without authority is guilty of an offence.

PENALTY: 20 PENALTY UNITS