

Use of Common Seal Policy

Corporate Services (Governance and Legal)

OVERVIEW:

This policy outlines guidelines and procedures for the use of the common seal. It is essential for Council to have this policy in place to ensure the integrity and appropriateness in the affixation of the common seal both by and on behalf of Council.

RESPONSIBLE MANAGER:

Manager Corporate Governance and Legal for the corporate implementation, review, and interpretation of this policy.

RESPONSIBLE DEPARTMENT:

Governance and Legal

RESOLVED BY:

COUNCIL

DATE:

27 January 2026

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1. Introduction

The Local Government Act 2020 (the Act) requires Council, as a body corporate, to have a common seal.

This Policy regulates how the common seal can be used.

2. Scope

This Policy applies to Councillors and Council staff and applies in all circumstances where the common seal is being affixed on behalf of the Monash City Council.

3. Background

A common seal, when applied to documents, acts as the formal execution of that document by the Monash City Council. It is important that its use is regulated and monitored to ensure that only documents that have been lawfully approved by Council or the Chief Executive Officer are able to affix the common seal. It is also important that there are appropriate measures in place for the witnessing and record of documents to which the common seal has been affixed.

Previously such matters were addressed in the *City of Monash Administrative Procedures (Use of Common Seal) Local Law No.2*. This local law expired on 26 April 2026.

Responsible officer Statement:

In generating this Policy, Council confirms that its development, implementation, and review comply with the overarching governance principles outlined in the Act. This Policy has considered the importance of engagement, strategic planning, financial management, transparency, and service performance.

4. Definitions

Word	Definition
Act	means the Local Government Act 2020.
Chief Executive Officer	means the Chief Executive Officer of the Council and includes any person acting in the position of Chief Executive Officer.
Common seal	means the common seal of the Council pursuant to section 14 of the Act.

5. Responsibilities and Roles

Who	Role
Chief Executive Officer	To ensure that the affixation of the common seal is only undertaken in accordance with this Policy.
Manager Corporate Governance and Legal	To ensure that the policy is implemented and complied with.

6. Use of Common Seal

- 6.1 The common seal may be affixed:
- 6.1.1 By resolution of the Council; or
 - 6.1.2 By the Chief Executive Officer on behalf of the Council, in accordance with this Policy.
- 6.2 If the common seal is affixed pursuant to clause 6.1.2, the Chief Executive Officer must, prior to sealing any document:
- 6.2.1 Consider a report relating to subject matter of the document proposed to be sealed; and
 - 6.2.2 Be satisfied that the member of Council staff who has the function of approving the subject matter of the document proposed to be sealed has recommended and approved that the document be executed by or on behalf of Council; and
 - 6.2.3 Is satisfied themselves that any provisions of the Act required to be complied with in relation to the subject matter of the document, have been complied with.
- 6.3 The Chief Executive Officer cannot exercise their powers under this Policy where:
- 6.3.1 It relates to a contract or agreement that exceeds the Chief Executive Officer's financial or other delegations.
 - 6.3.2 It relates to the employment of the Chief Executive Officer
 - 6.3.3 It is of a kind prescribed by a resolution of Council as one which can only be executed on the express authority of Council.

7. Witnessing the Common Seal

- 7.1 The affixation of the common seal must be witnessed by two authorised witnesses. The authorised list of witnesses are:
- 7.1.1 Any Councillor;
 - 7.1.2 The Chief Executive Officer;

7.1.3 Any member of the Executive Leadership Team;

7.1.4 Manager Corporate Governance and Legal.

except that not more than one of the persons described in subclauses 7.1.3 and 7.1.4 may witness the affixing of the common seal to a document.

8. Unauthorised Use of the Common Seal

8.1 Any authorised or attempted unauthorised use of the common seal is considered a significant breach of policy. Unauthorised use may result in disciplinary action and/or referral to the Victorian Police.

9. Form of Sealing

9.1 Where the document is being sealed on the authority of Council, the sealing clause must be expressed as follows:

The COMMON SEAL OF MONASH CITY COUNCIL)
was affixed this ____ day of ____ 20 in accordance) [affix seal here]
with a resolution dated _____ in the presence)
of:)
) _____
) _____

9.2 Where the document is being sealed on the authority of the Chief Executive Officer, the sealing clause must be expressed as follows:

The COMMON SEAL OF MONASH CITY COUNCIL)
was affixed on behalf of Council by the authority) [affix seal here]
of the Chief Executive Officer on the ____ day of)
____ 20__ in exercise of the power delegated)
under the Use of Common Seal Policy adopted by)
Council on _____ in the presence of:)
) _____
) _____

10. Security and Audit

10.1 Where the Chief Executive Officer authorises the common seal to be affixed to any document, the Chief Executive Officer must ensure that:

10.1.1 the sealed document is allocated a seal register number;

10.1.2 a description of the sealed document is entered into the seal register.

10.2 The Chief Executive Officer must ensure that the seal is kept at the Council Office in a safe and secure place, protected from unauthorised use.

11. No Delegation

11.1 The Chief Executive Officer must not delegate or purport to delegate the power to use the common seal on behalf of the Council.

12. Gender Impact Assessment

Council has a legislative responsibility under the *Gender Equality Act 2020* to conduct a Gender Impact Assessment (GIA) on all new policies, programs and services (and those that are up for formal review) which have a direct and significant impact on the community.

This Policy does not have a direct and significant impact on the community and therefore no GIA was considered necessary.

13. Human Rights Considerations

Council must give proper consideration to human rights when making decisions. Proper consideration to human rights must be undertaken before a decision is made and may impact on people's rights.

Council confirms that this policy has been carefully reviewed to ensure it does not affect human rights. Council is committed to respecting human rights and will continue to monitor the policy to ensure it remains compliant.

14. Administrative Amendments

From time to time, circumstance may require minor amendments be made to this Policy. Where this does not materially alter the Policy, such amendments may be made administratively by the Chief Executive Officer.

Any amendment which materially alters the Policy must be approved by Council.

15. Review

This policy will be reviewed by the Manager Corporate Governance and Legal every four years.

16. Document Version

Version Number	Date	Author	Reviewed By	Approved By	Comments
1.0	06/01/2025	Amanda Sapolu		Simone Wickes	First iteration of Policy.