

## **POLICY NO: 4.1.10**

### **EXECUTION OF DOCUMENTS POLICY**

#### **OBJECTIVES**

To execute documents in a consistent and transparent manner.

#### **APPLICATION**

This Policy applies to all City of Vincent Officers who have been authorised through the provisions of this policy to execute documents on behalf of Council.

This Policy ensures that the City's common seal is utilised and documents executed in accordance with the provisions of the *Local Government Act 1995* (the Act).

According to the Act, s9.49A, a document is duly executed by a local government if the common seal is affixed to it or it is signed by an officer authorised to do so.

Executing documents through the use of the common seal or by signing a document does not constitute the decision to undertake a particular course of action. A Council resolution or a decision under delegated authority is required prior to executing documents pertaining thereto.

In the case of:

1. Legislation;
2. The formal requirements of a Commonwealth or State department, authority or agency (as described in a Policy or procedure); or
3. A Council decision;

expressly specifying a particular way in which a document is to be executed, that course of action is to take precedence over this policy.

#### **Category 1(A) Documents**

Category 1(A) documents require a specific resolution of Council to sell, lease or enter into an agreement as well as an authority to affix the seal.

These documents will be executed by having the common seal affixed under the authorisation of Council with the affixing of the seal in the presence of and being attested to by the Mayor and CEO or pursuant to s9.49A(3)(b) of the Act, the Mayor and a senior employee authorised by the CEO to do so.

The following is a list of documents of Category 1(A) documents:

1. Deeds of Agreement and Release in respect to sale, purchase or other commercial dealing relating to City assets including equitable interests;
2. Local Planning Schemes and Amendments;
3. Lease documents. This category includes, but is not limited to:
  - Variation of Lease;
  - Assignment of Lease; and
  - Surrender of Lease;except where granted under delegated authority;
4. Local Laws; and
5. Licence documents.

### **Category 1(B) Documents**

Category 1(B) documents are those of a general form or category and which may be subject to time constraints for execution. These documents are to be sealed as part of a “class of documents” authorised by Council to be executed under the common seal without a specific Council resolution to affix the seal. Please note that the document may not require a Council resolution (being a Category 1(B) document) however the decision to undertake a particular course of action may still require Council approval.

The following list of documents are Category 1(B) documents.

1. Agreements relating to grant funding, when the funder requires that the agreement be signed under seal;
2. Debenture documents for loans which Council has resolved to raise;
3. General Legal and Service Agreements not already listed in this policy; and
4. Extension of Lease under original lease clause or provision;
5. Sub Lease of a portion of the premises by the Lessee;
6. Minor Variation of Lease provided it does not alter the substantive terms of the Lease approved by Council (for example, changes a process within the lease).

### **Category 2 Documents**

Category 2 documents do not require the seal to be affixed.

Under section 9.49A(4) Council authorises the Officers listed in the Table below to sign documents on behalf of the City of Vincent. Directors only have authority where the documents are related to their area of responsibility.

The following is a list of Category 2 documents:

Description	Authority to Execute
Documents required in the management of land as a landowner.	CEO; Director Corporate Services.
Documents required to enact a decision of Council or the Development Assessment Panel (i.e. contractual documents resulting from a tender process, transfer of land forms, notification on title as required by a condition of approval, memorandum of understanding etc.).	CEO; The Responsible Director.
Documents required to enact a decision made under delegated authority or as a condition of approval given under delegated authority.	CEO; The Responsible Director; The City Officer exercising the delegated authority.

### Category 3 Documents

Category 3 documents are created in the normal course of business and are consistent with the City's policies and procedures. Category 3 documents are to be executed by a Director or Manager, or a City officer where the authority has been extended through a policy or procedure.

These documents include but are not limited to the following:

1. Agreements in the normal course of business for the purchase of goods or services identified within the service unit's budget (other than for tenders) and conforming to the requirements of the City's Purchasing Policy and other relevant policies.
2. General correspondence required to discharge the duties of your position;
3. Contracts for grant funding conducted in accordance with the City's Policies;  
and
4. Regular Hire Arrangements.

<b>Date Adopted:</b>	<b>4 November 2003</b>
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