

Execution of Documents

Objective

1. To provide a clear and consistent framework for the execution of documents on behalf of the Shire of East Pilbara ("the Shire"), including the use of the Common Seal of the Shire of East Pilbara and the signing of documents without the Common Seal.
2. To ensure compliance with section 9.49A of the *Local Government Act 1995* ("the Act").

Scope

This policy applies to all documents requiring execution by the Shire, whether under seal or by signature only, including but not limited to agreements, contracts, deeds, leases, statutory instruments, and other legally binding documents.

It applies to all Shire officers, Council Members, and persons authorised to execute documents on behalf of the Shire.

Definitions

Common Seal means the official seal of the Shire of East Pilbara used to formally execute certain documents in accordance with section 9.49A of the Act.

Common Seal Register means the official record maintained by the CEO detailing each instance in which the Common Seal is affixed.

Council Authorisation means a resolution of Council approving either a specific document for execution or a general delegation/class of documents for which the Common Seal may be affixed or which may be executed by authorised officers.

Delegated Authority means the authority conferred by Council to the Chief Executive Officer under section 5.42 of the Act, and any subsequent sub-delegations or authorisations by the Chief Executive Officer.

Execution is the process by which the Shire formally enters into or gives effect to a document, including affixing the Common Seal or signing under authority.

The Act means the *Local Government Act 1995*.

Policy Statement

1. The Shire executes documents in a manner that upholds legislative requirements, protects the interests of the community, and ensures transparency of decision-making.
2. The Common Seal shall only be affixed in accordance with Council authorisation and the requirements of section 9.49A of the Act.
3. **Nothing in this policy authorises the entering of an agreement or signing of a document**, which would otherwise require an express decision of Council, or which falls outside the delegated authority of the signatory or signatories. This policy only authorises the execution of such documents.

Authorisation to Affix the Common Seal

4. The Common Seal must not be affixed to any document unless authorised by the Council. Council authorisation may be granted by:
 - a. A specific Council resolution authorising execution of a particular document; or
 - b. A general Council resolution or delegation authorising the affixing of the Common Seal to a defined class of documents (listed in clause 7 below).
5. Each use of the Common Seal must be recorded in the Register of Common Seal and reported to Council at the next ordinary meeting.
6. The Common Seal must be affixed in the presence of, and attested by, the President (or Deputy President when acting in accordance with s.5.34 of the Act) and the Chief Executive Officer (or an authorised officer acting in that capacity).
7. The following classes of documents are authorised for execution under the Common Seal by general delegation:

Class	Examples / Notes
Local Laws and Local Planning Schemes	Including amendments and repeals.
Contracts and Agreements requiring execution as a deed	Where required by statute or at the reasonable request of the other party.
Leases, Licences and Easements	Relating to Shire property or where the Shire is the lessee/licensee.
Legal Instruments and Statutory Documents	Where the Shire's execution under Seal is required by law.
Documents where the other party reasonably requests execution under Seal	Provided the underlying decision to enter into the document is authorised.
Documents executed to give effect to a Council resolution	Includes, but is not limited to subdivision deeds, surrenders, or other administrative instruments.

8. In the event that a document that does not fit in a Class listed in clause 7 (above) requires urgent execution under Seal (and a meeting of Council is not due to be held), the Chief Executive Officer and President together may approve the use of the Common Seal. The Chief Executive Officer must obtain retrospective endorsement from Council as soon as practicable.

Recordkeeping and Reporting

9. A register of all documents to which the Common Seal is affixed is to be maintained, recording:
 - The date the Common Seal was affixed;
 - Title or description of the document;
 - Nature of, and parties to the document;

- Authority under which the Common Seal was affixed; and
- Name of signatories.

10. A summary of documents executed under Seal shall be presented to Council for noting at each ordinary meeting.

11. Executed documents (both sealed and signed) shall be retained in accordance with the Shire's Recordkeeping Plan and **State Records Act 2000**.

Authority to Execute Documents Without the Common Seal

12. Documents not requiring the Common Seal may be executed by signature only in accordance with section 9.49A(4) of the Act

13. The Chief Executive Officer and officers authorised under the Delegations and Authorisations Register may execute such documents where the underlying transaction or decision has been duly approved. Examples include:

- Procurement contracts executed under delegated authority;
- Minor agreements, MOUs, or consents;
- Routine administrative or regulatory documents (e.g., permits, notices, licences);
- Grants and funding agreements with government agencies and non-government organisations.
- Land transaction documents not requiring the Common Seal, including, but not limited to sale, purchase, vesting, leases, licences, transfers, contributed assets, easements, restrictive covenants, caveats, memorials, notifications, deeds and withdrawal of instruments

Authorisation Details

References:	Sections 2.5(2), 9.49, 9.49A and 9.49B <i>Local Government Act 1995</i>		
Authorised by:	Council		
Date:	27 June 2003	Item No.	9.1.3
Review/Amendment Date	9 December 2016	Item No.	9.2.4
Review/Amendment Date	27 July 2018	Item No.	9.1.2
Review/Amendment Date	28 June 2019	Item No.	10.1.3
Review/Amendment Date	17 December 2021	Item No.	11.1.3
Review/Amendment Date	28 November 2025	Minute No.	2025/264
Next Review	Every two years		
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			