

Aligned City Value/s	Approachable	Responsive	Transparent	Innovative
Responsible Directorate	Office of the Chief Executive Officer			
Responsible Business Unit/s	Governance			
Responsible Officer	Manager Governance			
Affected Business Unit/s	All			

Objective

This policy establishes, in accordance with the requirements of section 9.49A of the *Local Government Act 1995* (the Act) authorisations to:

1. affix the City's Common Seal;
2. sign documents on behalf of the City; and
3. execute Deeds on behalf of the City.

Scope

This policy applies to all City employees preparing documents for execution and/or who have been authorised through the provisions of this policy to execute documents on behalf of the City.

Policy

1. Overview

Documents executed by the City will be executed in accordance with the Act and the provisions set out in this policy. Section 9.49A(1) of the Act provides that a Document is considered duly executed by a local government if:

- (a) the common seal is validly affixed to it in accordance with section 9.49A(2) and 9.49A(3) of the Act; or
- (b) it is signed by an employee or other person authorised by the Council to do so in accordance with section 9.49A(4) of the Act.

Pursuant to section 9.49A(4) of the Act, a local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

2. Affixing the Common Seal

The Common Seal may be applied to Documents that give effect to decisions of Council.

The Common Seal is to be applied in the presence of both the Mayor (or in the Mayor's absence the Deputy Mayor) and the CEO (or an Acting CEO) each of whom are to sign the Document to attest that the Common Seal was affixed.

Where possible, Documents requiring the Common Seal must be duly executed by the other counterparties prior to being submitted to the City for execution.

3. Custody of the Common Seal

The CEO is to be:

- (a) responsible for the safe custody and proper use of the Common Seal; and
- (b) maintain a record of each time the Common Seal is used in the Document Execution Register.

4. General Document Signing (Execution) Authorities

Where an employee has the written authority to make a decision (“written decision-making authority”) or the decision is within the roles and responsibilities of the employee that employee also has the authority to sign documents which give effect to that decision.

Written decision-making authorities are:

- (a) Delegated Authority;
- (b) Statutory Authority; or
- (c) Operational Authorisation.

Directors may only sign (execute) Documents relevant to matters within the scope of activity of their Directorate. Documents relevant to the activities of multiple Directorates may only be signed (executed) by CEO.

Managers may only sign (execute) Documents relevant to matters within the scope of activity of their Unit. Documents relevant to the activities of multiple Units, may only be signed (executed) by the relevant Director, or where Units within multiple Directorates are affected, the CEO.

Digital and electronic signatures may be applied to a Document.

Where considered appropriate by the CEO, the Mayor may be requested to execute documents as a co-signatory with the CEO.

5. Specific Document Signing (Execution) Authorities

For the purposes of this policy, Documents commonly executed by the City are grouped into three categories. The way in which a document is to be executed and who has the authority to execute a Document is based upon its category.

This policy defines those categories and the City employees who are authorised to execute listed documents (as detailed in Attachment 1 of this policy). Employees who sign documents are also restricted to any applicable delegations of authority as listed in the City’s *Delegated Authority Register*.

(a) Category 1 Documents:

- (i) Category 1 Documents require the City’s Common Seal to be validly affixed in accordance with section 9.49A(2) – (3) of the Act, and requires that Council has specifically authorised by resolution:
 - (I) the execution of the document by the City; and
 - (II) the affixing of the Common Seal to the document in accordance with section 9.49A(2).
- (ii) The Common Seal is affixed to the Document in accordance with this policy.
- (iii) Documents are to be recorded in the Document Execution Register referred to in this Policy.

(b) Category 2 Documents:

- (i) Council authorises, by this policy, the CEO, other employees and agents to sign Category 2 Documents on behalf of the City in accordance with section 9.49A(4) of the Act.
- (ii) A Council resolution authorising execution of the Document, or a decision made under delegated authority, or a legislative provision is required prior to the execution of any Document(s) listed under Category 2 by an authorised signatory.
- (iii) This policy does not prevent the execution of any Category 2 Document by affixing of the Common Seal in accordance with section 9.49A(1)(a) of the Act.

(c) Category 3 Documents:

- (i) Category 3 Documents are documents that are generally created in the normal course of business to discharge the duties of an employee's position in a manner consistent with City policies and Management Practices.
- (ii) Category 3 Documents and correspondence that are created in the normal course of business to discharge the duties of an employee's position, in a manner consistent with section 5.41(d) of the Act, do not require specific authorisation through this policy.
- (iii) Such duties may be undertaken by employees where the authority and accountability has been extended through an authorisation, delegation, policy, CEO Instruction, lawful direction, position description or 'acting through' arrangement under the *Local Government Act 1995*.
- (iv) Attachment 1 to this policy does not contain an exhaustive list of Documents that can be signed by employees but those Documents that are more significant in terms of the City's operations.

6. Execution of Documents by Lawyers on behalf of the City

Lawyers appointed by the City to act on its behalf for a matter may, where so instructed:

- (a) correspond with third parties on behalf of the City;
- (b) sign and lodge Court Documents on behalf of the City;
- (c) electronically sign land transaction Documents identified in Attachment 1 to this policy in accordance with the Property Exchange Australia (PEXA) process;
- (d) only electronically sign land transaction Documents identified in Attachment 1 to this policy in accordance with the PEXA process that relate to easements, notifications affecting land under section 70A of the *Transfer of Land Act 1893*, and restrictive covenants;
- (e) only electronically sign other land transaction Documents identified in Attachment 1 to this policy in accordance the PEXA process where Council has specifically resolved to provide authority; and
- (f) sign such other documents as instructed by the City from time to time.

Employees are to ensure an appropriate level of authority is obtained prior to instructing lawyers to act.

Definitions

CEO means the Chief Executive Officer of the City.

City means the City of Stirling.

Director means a City employee appointed as a Director of the City that is designated senior employee.

Document means any paper or electronic document, including communications such as letters and emails, which:

- (a) conveys a decision; or
- (b) establishes an obligation on the City; or
- (c) is ceremonial.

Manager means a City employee appointed to the position of Manager of the City.

Relevant management practices/documents

- Delegated Authority Register
- Signature Authority Management Practice
- Legal Services Management Practice
- Request for CEO and Mayor Signature Form
- Requesting CEO and Mayor Signature Procedure
- Right to Sign an Application for Planning Approval, Building Permit and Notices of Consent Management Practice

Legislation/local law requirements

Local Government Act 1995

Office use only			
Relevant delegations	As per the City's Delegated Authority Register		
Initial Council adoption	Date	26 August 2025	Resolution # 0825/044
Last reviewed	Date		Resolution #
Next review due	Date	2027	

Attachment 1 - Specific Authorities in accordance with Section 9.49A(4) of the Local Government Act 1995

Document Type	Category	Common Seal	Execution by Signature Only (Authorised Employees)			
			Mayor	CEO	Director	Manager
Local Laws – Made and Amended	1	✓				
Local Planning Scheme and Amendments	1	✓				
Restrictive Covenants - under Section 129B of the <i>Transfer of Land Act 1893</i> and any discharge or modifications of covenant	1	✓				
Mortgages, Loans and Debentures	1	✓				
Debenture documents for loans which Council has resolved to raise	1	✓				
Conditions of subdivision, survey strata, strata title or development approvals or provisions of a Structure Plan or Detailed Area Plan	1	✓				
Any other documents where the law requires the Common Seal of the City of Stirling is to be affixed	1	✓				
Power of Attorney to act for the City	2		✓	✓		
Lodgement, modification and withdrawal of Memorials	2			✓	✓	
Leases where Council has previously resolved to enter into including, renewals, extensions or modifications of leases	2	<div>✓</div> <div>Common Seal only to be applied where specified in a document</div>		✓		

Document Type	Category	Common Seal	Execution by Signature Only (Authorised Employees)			
			Mayor	CEO	Director	Manager
Deeds of Agreement, Development Contribution Deeds, Deeds of Surrender, Heads of Agreement	2	✓ Common Seal only to be applied where specified in a document		✓	✓	
Memoranda of Understanding between the City and third parties	2	✓ Common Seal only to be applied where specified in a document		✓	✓	✓
Licenses	2	✓ Common Seal only to be applied where specified in a document		✓	✓	
Withdrawal and replacement of a Caveat	2			✓	✓	✓
Permanent Withdrawal of a Caveat	2			✓	✓	✓
Covenants and any discharge or modification of covenants	2	✓				
Easements and the surrender or modification of easements	2			✓	✓	✓
Notifications on title and withdrawal or modification of notifications	2	✓				
Rights of Carriageway agreements and withdrawal or modifications of Rights of Carriageway agreements	2	✓				
Reciprocal Access agreements and withdrawal or modification of Management Statements	2	✓				

Document Type	Category	Common Seal	Execution by Signature Only (Authorised Employees)			
			Mayor	CEO	Director	Manager
Transfer of land documents where Council has previously resolved to either purchase or dispose of land or land being transferred to the City for public purpose	2	✓				
New Funding, Grant or Contracts of Agreement between Council the City and State or Commonwealth Governments or Private Organisations for programs to which Council has previously adopted, or additions to existing programs	2	✓ Common Seal only to be applied where specified in a document		✓	✓	✓
Sponsorship Agreements, Memorandums or Contracts between the City and third parties including any required extensions	2	✓ Common Seal only to be applied where specified in a document		✓	✓	✓
Contracts and legal instruments, including contract variations, related to: <ul style="list-style-type: none"> • Procurement Contracts • Service Agreements (incoming or outgoing services) • Heritage Agreements • Acquittal of planning conditions • Maintenance of the public realm 	2	✓ Common Seal only to be applied where specified in a document		✓	✓	✓
Development, building, occupancy, subdivision and strata-title applications for City Land * Refer to conditions within the Right to Sign an Application for Planning Approval, Building Permit and Notices of Consent Management Practice	2			✓	✓ * (Director Corporate Services & Director Infrastructure Services only)	✓ * (Manager Facilities, Projects & Assets & Manager Commercial Portfolio only)

Document Type	Category	Common Seal	Execution by Signature Only (Authorised Employees)			
			Mayor	CEO	Director	Manager
Deeds of Settlement – Employee matters	3			✓		
Enterprise Bargaining Agreements	3			✓		
Employment Contracts and Variations to Employment Contracts	3		✓ (CEO Contract only)	✓ (Any Employment Contract)		✓ (Chief People Officer only)
Documents that fulfil a statutory local government duty or power, for which there is no power of delegation or authorisation and is a matter which constitutes a potential risk to the City	3			✓	✓	✓
Ceremonial Certificates (Common Seal may be affixed at the Mayor's discretion) such as: <ul style="list-style-type: none"> • Honorary Freeman; and • Honorary Citizenship 	3		✓	✓		
Communications on behalf of the City, with: <ul style="list-style-type: none"> • Commonwealth or State Ministers • International counterpart political or government leaders 	3		✓	✓		
Communications on behalf of the City, with CEO's / Directors General of: <ul style="list-style-type: none"> • Commonwealth or State Departments; or • Industry representative bodies 	3			✓	✓	
Project designs, concepts, schematic diagrams and technical plans	3				✓	✓