

## EXECUTING DOCUMENTS

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### Policy Statement

The Town recognises its customers are best served by minimising bureaucratic process so local government business can be transacted quickly and efficiently. Through this policy Council authorises the scope of documents that can be executed to give effect to Council decisions or those made under delegated authority. **Attachment 1** sets out the scope of documents, whether they can be duly executed by common seal or an authorised officer's signature.

Executing documents by affixing the common seal or by an authorised person's signature does not constitute the decision to undertake a course of action. They can only be executed after a Council resolution, exercise of delegated authority, or as authorised by a Council policy.

### Policy Details

A local government can duly execute a document by affixing the common seal to it, or by an authorised officer signing it.

#### 1. Authorisation to execute documents by affixing common seal

The Town is a body corporate with perpetual succession and a common seal (s2.5).

Council hereby authorises the common seal to be affixed to documents in **Attachment 1** in accordance with the requirements of the Act (s9.49A(2)and(3)):

- in the presence of (a) the mayor; and (b) the chief executive officer or a senior employee authorised by the CEO; and
- each must sign the document to attest that the common seal was so affixed.

#### 2. Authorisation to execute documents by signature

A local government may authorise the CEO or another employee/agent of the local government to sign documents on behalf of the local government (s9.49A(4)).

Council hereby authorises the CEO and senior employees to execute by signature the documents listed in **Attachment 1**.

#### 3. Signing on Behalf of Another Person

Officers acting up in roles authorised by this policy to sign documents, may sign those documents for the duration of the acting up appointment.

#### 4. Reporting

Details of documents executed pursuant to this policy must be recorded in an Execution of Documents Register, recording the date the document was executed; method of execution; type of document; and parties mentioned in the document.

The CEO will report bi-annually to Council on execution of documents by common seal or signature.

### Definitions

**Act** means *Local Government Act 1995*. (Sections being referenced as s9.49A for example.)

**CEO** means the Chief Executive Officer of the Town of Mosman Park

**Council** means the Council of the Town of Mosman Park

**Town** means Town of Mosman Park

### Governance References

Statutory Compliance	<i>Local Government Act 1995, s9.49A</i>
Organisational Compliance	Execution of Documents Register

### Policy Administration

Directorate:		Officer title:
Office of Chief Executive Officer		Governance Officer
Next Review		Review Cycle
2022		2 year cycle
Version	Date	Ref
1	February 2020	OCM-019-2020
2		
3		

No	DOCUMENT TYPE	COMMON SEAL (MAYOR/CEO SIGN TO ATTEST SEAL AFFIXED)	MAYOR	EXECUTION BY SIGNATURE	
				CEO	SENIOR EMPLOYEE
1	Land transaction documents: <ul style="list-style-type: none"> <li>Leases (including agreements to vary, assign and surrender);</li> <li>Caveats - lodgement and withdrawal;</li> <li>Easements;</li> <li>Restrictive covenants; and</li> <li>Deeds and legal agreements.</li> </ul> <p>Note: Method of execution is based on requirements of specific documents.</p>	✓	✗	✓	✗
2	Documents where the Town of Mosman Park is required to sign as landowner.	✗	✗	✓	✗
3	Licences	✓	✗	✓	✗
4	Mortgages, loans, debentures	✓	✗	✗	✗
5	Memorandum of Understanding	✗	✗	✓	✗
6	Contract documents arising from tenders	✗	✗	✓	✗
7	Contracts and legal documents, including variations to: <ul style="list-style-type: none"> <li>Procurement contracts*;</li> <li>Goods and/or service agreements*; and</li> <li>Heritage agreements.</li> </ul> <p>*Limits: Documents that arise from the exercise of purchasing authority delegated from/authorised by the CEO to the role.</p>	✗	✗	✓	Executive Managers
8	Documents that enable compliance with a local government statutory obligation which, if not signed, constitutes a possible risk to the Town.	✗	✗	✓	✗
9	Documents of a ceremonial nature (where affixing the common seal is for posterity rather than a legal requirement).	✓	✗	✗	✗
10	Documents prepared for the common seal to be affixed.	✓	✗	✗	✗
11	Authority to sign documents on behalf of the Town of Mosman Park: <ul style="list-style-type: none"> <li>that are within the scope of a role's position description; or</li> <li>that has been extended through a council decision; authorised officer/person appointment; delegated authority; or policy.</li> </ul>	✗	✗	✓	Executive Managers
12	Local Planning Schemes and Amendments	✓	✗	✗	✗
13	Documents related to approvals to develop, subdivide and strata title land within the district.	✗	✗	✓	Executive Mgr Planning & Regulatory Services
14	State or Commonwealth government funding agreements	✓	✗	✓	✗
15	Grants and funding agreements	✓	✗	✓	✗
16	Communications on behalf of the Town: <ul style="list-style-type: none"> <li>To government ministers;</li> <li>To government department heads; and</li> <li>Concerning day-to-day operations that are politically sensitive or a potential risk to the Town</li> </ul>	✗ ✗ ✗	✓ ✗ ✓	✗ ✓ ✓	✗
17	Deeds of Settlement – employee matters	✗	✗	✓	✗
18	Local laws – made or amended	✓	✗	✗	✗
19	Prosecution notices and court documents	✗	✗	✓	Executive Managers