

Council Policy 704

Execution of Documents

Strategic Direction	Leadership
Responsible Business Unit/s	Office of the CEO
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All Business Units

Policy Objectives

The objectives of this policy are to ensure that the City's common seal is used, and documents are executed in a consistent and transparent manner, in accordance with the provisions of the *Local Government Act 1995* (Act).

Policy Scope

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

The following will take precedent over this policy:

- Legislation
- Formal requirements of any Government department, authority or agency
- Council decision.

Policy Provisions

Section 9.49A of the Act provides a document is considered duly executed by a local government if:

- a) the common seal is affixed to it in accordance with section 9.49A; or
- b) it is signed on behalf of the City by an officer authorised by the Council to do so.

Common Seal

In accordance with section 9.49A(3) of the Act, the common seal is to be affixed to a document in the presence of the Mayor and CEO, each of whom is to sign the document to attest that the common seal was so affixed.

The CEO is to have charge of the common seal and is responsible for:

- The safe custody and proper use of the common seal.
- Maintaining a register of each time the common seal is used.

Execution of Documents

Documents commonly executed by the City are grouped into three categories to provide guidance on the appropriate authority for the execution of documents.

Employees may only execute documents relevant to matters within the scope of their business area. Documents relevant to the activities of multiple Business Units, may only be signed by the relevant Director, or Business Units within multiple Directorates, the CEO.

Category 1 Documents

All Category 1 documents:

- a) Require the City's common seal to be validly affixed in the presence of the Mayor and CEO in accordance with section 9.49A(3) of the Act; and
- b) Are to be recorded in the Common Seal Register referred to in this Policy.

Category 1A Documents

These documents require a specific resolution of Council to:

- a) Do the act or enter into the agreement; and
- b) Execute the document related to the approval above in accordance with this Policy.

The following is a non-exhaustive list of Category 1A documents:

- a) Local Laws
- b) Local Planning Schemes and associated amendments
- c) Land transaction documents where the value of the land exceeds the amount determined by Council for the purpose of section 5.43(d) of the Act
- d) Lease and licence documents except for those granted under delegated authority
- e) Documents requested by the other party to be duly executed by Common Seal.

Category 1B Documents

Documents in this category are authorised by Council to be executed under Common Seal without a specific Council resolution to affix the Common Seal.

- a) Mortgages, loans and debentures for which Council has resolved to raise.
- b) Extensions of Lease under original lease provision.
- c) General legal and service agreements not already listed in this policy.
- d) Agreements relating to grant funding, where the funder requires the agreement be signed under Common Seal.
- e) Any other documents requested to be duly executed under Common Seal.

Category 2 Documents

Category 2 documents do not require the City's common seal to be affixed.

In accordance with section 9.49A(4) of the Act, the CEO is authorised to execute any document that is necessary or appropriate to enable them to carry out their functions under any written law.

Further, the Employees listed in the table below are authorised to execute Category 2 documents on behalf of the City. Employees may only execute documents relevant to the scope of their responsibility and within their purchasing authority limit.

A Council resolution authorising execution of the document, a decision made under delegated authority or legislative provision is required prior to the execution of any Category 2 document.

Description	Examples	Authority to Execute
Offer and Acceptance forms and associated documents required to enact a decision of Council to purchase or sell land	• Standard REIWA terms • Special conditions of offer • Contracts of sale	Chief Executive Officer
Documents required to enact a decision to award a tender	• Contractual documents resulting from a tender process • Letter of award	Chief Executive Officer Responsible Director
General deeds, legal and service agreements	• Settlements and releases • Confidentiality and non-disclosure agreements •	Chief Executive Officer

Documents required in the management of land as landowner or under a management order	• Development Applications • Building Applications • Subdivision Applications • Agreements for access and indemnity • Lessor's consent	Chief Executive Officer
Documents prepared for registration at Landgate other than Category 1 documents	• Covenants • Caveats • Memorials • Easements • Rights of carriageway • Notification on title	Chief Executive Officer
Documents required to enact a decision of Council other than Category 1 documents	• Contractual documents • Transfer of land forms • Development approval • Letters of correspondence	Chief Executive Officer Responsible Director Responsible Manager
Documents required to enact a decision made under delegated authority or as a condition of approval given under delegated authority	• Development approvals • Building approvals • Food business registration	CEO or the Employee exercising the delegated authority

Category 3 Documents

Category 3 documents are documents created in the normal course of business of an officer's duties and are consistent with the City's policies and procedures

Category 3 documents are to be executed where the authority has been extended to that officer through a City policy, procedure or position description. These documents include but are not limited to:

- a) Agreements in the normal course of business for the purchase of goods or services (other than for tenders) and conforming to the requirements of the City's Purchasing Policy and other relevant policies and procedures.
- b) General correspondence created in the normal course of business consistent with City policies and procedures.
- c) Regular facility/event/asset/equipment hire arrangements.
- d) Grant agreements and sponsorship agreements.
- e) Memorandum of Understanding (MOU) agreements.

Contracts of Employment and Variations to Contracts of Employment

Contracts of employment and associated documents relating to an officer's employment, including variations of contract may be signed on behalf of the City by the following authorised signatories, according to the level of the position concerned:

Level of Position	Signatory
CEO	Mayor
Director and Manager	CEO
All other employees	CEO Manager People and Performance

Execution of Documents 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 Category 2 to this policy in accordance with the Property Exchange Australia (PEXA) process; and
- (d) 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 in accordance with M675 Engaging Legal Advisors.

Policy Definitions

CEO means the Chief Executive Officer of the City of South Perth

City means the City of South Perth

Director means a City employee appointed as a Director at the City

Document(s) 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 at the City

Document Control Box			
Legislation	Local Government Act 1995		
Organisational:	Designated Authority Register Common Seal Register		
Version #	Decision:	OCM Date:	Resolution Number:
1	Initial Adoption	30 July 2026	0726/163