

## Objective

To establish, in accordance with the requirements of section 9.49A of the *Local Government Act 1995* (the Act):

1. Authorisations for the City of Mandurah (the 'City') to:
  - a) affix the Common Seal;
  - b) sign documents on behalf of the City; and
  - c) execute Deeds on behalf of the City.
2. Protocols on the appropriate method of execution for the City's documents.

## Statement

The Act provides local governments with the ability to authorise its Chief Executive Officer (CEO) and other employees to execute documents on behalf of the City.

Under the Act, a document is duly executed by the City if:

- a) the City's Common Seal is validly affixed to it; or
- b) it is signed by an employee authorised by Council to do so.

This policy sets out who is authorised for the above purposes.

### 1. AUTHORISATION TO SIGN DOCUMENTS

#### 1.1 Signing Documents under Delegated or Statutory Authorisation

Subject to compliance with clause 2 of this Policy, employees who carry out duties and functions on behalf of the City under delegated authority or statutory authority are authorised to sign any document required to exercise those duties and functions.

#### 1.2 Signing Documents as an 'Acting Through' Officer

Subject to compliance with clause 2 of this Policy, employees who carry out duties and functions on behalf of the City on an 'acting through' basis are authorised to sign documents required to exercise those duties and functions, where the document is routine or administrative in nature.

#### 1.3 Signing Documents pursuant to Council Resolution or Council Policy

An employee may sign a document if expressly authorised by Council Resolution, or if there is a Council Policy or CEO Policy in force which governs the relevant document, and that Policy is complied with by the employee.

#### 1.4 Signing Documents pursuant to this Policy

The persons listed in the Appendix of this Policy are authorised to sign the specific documents set out therein, subject to their compliance with clause 2 of this Policy.

## 2. CONDITIONS FOR SIGNING DOCUMENTS

### 2.1 Conditions

Any person authorised to sign a document on behalf of the City is responsible for ensuring the following conditions are met before proceeding to sign the document:

- a) fully inform themselves of the matter to which the document relates;
- b) ensure any necessary legislative requirements are met (for example, approved by Council resolution, if required);
- c) ensure that all applicable Council policies, CEO policies and internal procedures have been followed;
- d) ensure that sufficient records, including document versions and decision-making processes, leading to the creation of the document are maintained in accordance with the City's record keeping obligations;
- e) ensure the document is relevant to matters within the scope of their position and job instruction guides;
- f) seek guidance from, or request a document review by, Governance and Legal Services, as required;
- g) consider referring the document to their Director or the CEO, if the document is deemed high risk to the City due to political, economic, or legal reasons, or has impacts to other teams;
- h) confirm that any document of a financial nature complies with the City's Annual Budget or Long Term Financial Plan; and
- i) ensure that, if the document is a procurement contract for the supply of goods or service, they hold the relevant Financial Authorisation Listing.

### 2.2 Signing on behalf of another person

An employee may sign a document if they have been approved to act in the authorised position via the City's formal approval processes.

## 3. AUTHORITY TO AFFIX THE COMMON SEAL

### 3.1 Affixing of the Common Seal

The City's Common Seal may only be affixed to a document if authorised by Council:

- a) Under this Policy; or
- b) By way of Council resolution.

### 3.2 Witnessing and signing

The City's Common Seal may only be validly affixed to a document, in the presence of, and signed by the Mayor and the CEO.

## 4. DEFINITIONS

### 4.1 Document

A 'document' is defined (but is not limited to) any deed, agreement, letter, notice, permit, infringement, memorandum of understanding, contract, service legal agreement, funding agreement, and terms and conditions.

### 4.2 Routine or administrative in nature

A function is deemed 'routine or administrative in nature' if:

- (a) it does not involve a discretionary decision being made that may affect individual rights;
- (b) it does not commit the City to a long-term financial or operational commitment; and
- (c) it is not politically significant or high-risk in nature.

### 4.3 Planning & land interest documents

'Planning & land interest' documents include:

- a) Easements; creation of new and surrender of
- b) Restrictive Covenants; creation of new and surrender of
- c) Management Orders; the acceptance, variation or surrender of crown land vesting
- d) Caveats; creation of new and withdrawal of
- e) Section 70A Notifications; lodgement of new and removal of
- f) Memorials, creation of new and withdrawal of; and
- g) Contributed assets

For the purposes of clarity, contracts of sale, leases and licences are not 'planning and land interest documents'.

## Legislative Context

*Local Government Act 1995 s 9.49A*

## Related Documents

These documents are mandatory and required to give effect to this policy:

Delegated Authority Register  
Council Policy Manual (particularly POL-CPM 02 Procurement)  
Procedure PRO-CPM 06 - Authority to Execute Documents

# Authority to Execute Documents Policy

## POL-CPM 06



**Responsible Directorate:** Business Services

**Responsible Department:** Governance, Procurement & Land

**Reviewer:** Manager Governance, Procurement & Land

**Creation date and reference:** 22 May 2018, Minute G.17/5/2018

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Amendments			
Version #	Council Approval Date, Reference	Date Document In force	Date Document Ceased
2	Minute G.11/7/18	24/07/2018	23/07/2019
3	Minute G.12/7/19	23/7/2019	23/06/2020
4	Minute G.20/6/20	23/06/2020	27/05/2026
5	Minute OCM26/46	27/05/2026	-

### APPENDIX

Under section 9.49A of the *Local Government Act 1995*, Council authorises the persons designated to the positions listed in the Appendix table below, to sign certain documents on behalf of the City, in compliance with the conditions outlined in clause 2 of this Policy.

Note: If a document falls under more than one category, the higher category will apply.

Category	Signatories	Documents
<b>Common seal</b>	Mayor and CEO	Local Planning Schemes and amendments
		Local laws and amendments
		Mortgage and loan documentation
		Any other document, upon specific request by Council or the CEO. For example a document that is: <ul style="list-style-type: none"> <li>• significant and important to the City;</li> <li>• a significant land transaction;</li> <li>• a ceremonial certificate or award (e.g. Honorary Freeman and Honorary Citizenship); or</li> <li>• of a nature to warrant the common seal.</li> </ul>
<b>Category 1 documents</b>	CEO	Documents that: <ol style="list-style-type: none"> <li>a) are of a high-risk, political or strategic nature;</li> <li>b) have a significant commitment or obligation from the City;</li> <li>c) are between the City and State or Federal Governments;</li> <li>d) have a long-term (5+ years) operational commitment from the City;</li> <li>e) a long-term (5+ years) financial commitment from the City; or</li> <li>f) have a financial contribution by the City up to \$250,000 (in accordance with Council resolution or has been included in the adopted Annual Budget or the Long Term Financial Plan).</li> </ol>
<b>Category 2 documents</b>	CEO or Director	Documents that are: <ol style="list-style-type: none"> <li>a) of moderate risk,</li> <li>b) with a moderate commitment or obligation from the City,</li> <li>c) of a medium-term (1-5 year) financial and operational commitment from the City,</li> <li>d) a financial contribution by the City up to \$150,000 (in accordance with Council resolution or has been included in the adopted Annual Budget or the Long Term Financial Plan), or</li> <li>e) 'planning and land interest documents'.</li> </ol>
<b>Category 3 documents</b>	CEO or Director or Executive Manager/Manager	Documents that are: <ol style="list-style-type: none"> <li>a) of low risk,</li> <li>b) of an operational nature,</li> <li>c) minimal, short term (&lt;1 year) financial and operational commitments from the City, or</li> <li>d) a financial contribution by the City up to \$50,000 (in accordance with Council resolution or has been included in the adopted Annual Budget or the Long Term Financial Plan).</li> </ol>