



LOCAL LAW NO.8

Use of the Common Seal

To be adopted by Council: 19 August 2020

West Wimmera Shire Council Local Law No.8

Use of the Common Seal

Part 1 – Preliminary Provisions

1. Title

This Local Law is the West Wimmera Shire Council Local Law No.8 of 2020 – Use of the Common Seal.

2. Objectives

The objectives of this Local Law are to:

- a) Regulate the use of the Common Seal; and
- b) Prohibit unauthorised use of the Common Seal or any device resembling the Common Seal.

3. Authorising Provisions

This Local Law is made under sections 5, 91 and 111 of the Local Government Act 1989.

4. Period of Operation

This Local Law:

- a) Commences on 19 August 2020; and
- b) Unless it is revoked sooner, ceases to operate on 19 August 2030.

5. Revocation of other Local Laws

From the date of operation of this Local Law, the Meeting Procedure and Common Seal Law No.7 of 2017 will cease to operate and is revoked.

6. Application and Scope of the Local Law

This Local Law applies to Council Meetings called by the Mayor or Council, at which resolutions regarding affixing of the Common Seal are made.

7. Definitions

Unless the contrary intention appears in this Local Law, the following words are defined to mean:

"the Act" means the Local Government Act 1989.

"Chief Executive Officer" means the Chief Executive Officer of the Council.

"Council" means West Wimmera Shire Council.

Part 2 – The Common Seal

8. Use of the Common Seal

The Common Seal may only be used on the authority of the Council, upon Council passing a specific resolution each time the Common Seal is to be used.

9. Custody of the Common Seal

The Chief Executive Officer must keep the Common Seal in safe custody.

10. Signatures to accompany the Common Seal

Every document to which the Common Seal is affixed must be signed as required by:

- a) Two Councillors and the Chief Executive Officer or, in the absence of the Chief Executive Officer, by two Councillors and any other member of staff authorised by Council.
- b) The Chief Executive Officer or an officer nominated by the Chief Executive Officer where the document is not required to be signed by Councillors.

11. Unauthorised Use of the Common Seal

- a) A person must not use the Common Seal or any device resembling the Common Seal without the authority of Council.
- b) Any person who fraudulently uses the Common Seal is guilty of an offence.

Unauthorised use of the Common Seal will attract up to 10 penalty units.

12. Delegation

Council delegates to the Chief Executive Officer the power to authorize the use of the Common Seal on behalf of Council subject to the following:

- a) The seal must not be used for matters for which the Chief Executive Officer is not delegated power, as detailed in the conditions and limitations of the Instrument of Delegation from Council to the Chief Executive Officer.
- b) The Chief Executive Officer is first satisfied that any provisions of the Act required to be complied with in relation to the subject matter of the document have been complied with.

The resolution for making this Local Law was agreed to by West Wimmera Shire Council on 19 August 2020.

The resolution to sign and seal this Local Law was agreed to by West Wimmera Shire Council on 19 August 2020.

**THE COMMON SEAL of WEST WIMMERA
SHIRE COUNCIL was hereunto affixed in the
presence of:**

_____ Councillor

_____ Councillor

_____ Chief Executive Officer

Public Notices of the proposal to make and confirmation of the making of this Local Law were published in the:

1. West Wimmera Shire Council Website on
2. West Wimmera Advocate on
3. Kaniva Times/Nhill Free Press on
4. Wimmera Mail Times on

Notices of the proposal to make and confirmation of the making of this Local Law were published in the Victorian Government Gazette dated

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A copy of this Local Law was sent to the Victorian Minister for Local Government on

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