

The logo for Benalla Rural City Council features the name 'BENALLA' in large, bold, white capital letters, with 'RURAL CITY COUNCIL' in smaller, blue capital letters below it. The text is set against a dark blue background that has a curved bottom edge. Three horizontal, wavy lines in shades of blue sweep across the bottom of the dark blue area.

BENALLA
RURAL CITY COUNCIL

Common Seal

Local Law 2020





Contents

COMMON SEAL LOCAL LAW	3
1. Introduction	3
2. Authorising provision	3
3. Definitions	3
4. Commencement	3
5. Revocation of Governance Local Law 2016	3
6. Sunset	3
7. Keeping the Common Seal	3
8. Use of the Common Seal	4
9. Offences	4
10. Register	4
11. Resolution of the Council	6

Common Seal Local Law

This Local Law will be known as the “Benalla Rural City Common Seal Local Law”.

1. Introduction

A Council must have a common seal which is kept at the Council offices and is used in accordance with the Local Laws of the Council. The common seal is a device which formally and solemnly records the collective will of the Council.

The purpose of this Local Law is to protect the integrity of the common seal and to prohibit the use of the common seal or any device resembling the common seal and describe when it may be affixed to a document.

2. Authorising provision

This Local Law is made under section 111(1) of the *Local Government Act 1989*.

3. Definitions

In this Local Law:

‘Chief Executive Officer’ means the Chief Executive Officer of the Council;

‘the Council’ means Benalla Rural City Council; and

‘Governance Unit’ means that unit or area of operation primarily responsible for the governance of the Council.

4. Commencement

This Local Law

4.1 comes into operation on 29 August 2020; and

4.2 operates throughout the municipal district of the Council in accordance with section 121(1) of the *Local Government Act 1989*.

5. Revocation of Governance Local Law 2016

On the commencement of this Local Law, the Council’s Governance Local Law 2016, adopted by the Council on 17 August 2016, is revoked.

6. Sunset

This Local Law will cease to operate on 29 August 2030, unless revoked sooner by Council resolution.

7. Keeping the Common Seal

The Chief Executive Officer must ensure the security of the common seal at all times.

8. Use of the Common Seal

- 8.1 The common seal must be affixed to a document only for the purpose of giving effect to a decision which has been:
 - 8.1.1 made by Council resolution;
 - 8.1.2 made by resolution of a Delegated Committee to which the power to use the common seal has been delegated; or
 - 8.1.3 made by the Chief Executive Officer or a senior officer of the Council to whom power to use the common seal has been delegated.
- 8.2 In respect of ceremonial matters, the Mayor will be accorded the position of prime witness.
- 8.3 The common seal may be affixed to any of the following documents:
 - 8.3.1 contracts for sale or purchase of land;
 - 8.3.2 other contracts that have been endorsed by the Council;
 - 8.3.3 tenders that have been endorsed by the Council or are for a value in excess of \$250,000;
 - 8.3.4 any contract documentation (supplied by a tender) which includes terms and conditions of trade, and any formal deed;
 - 8.3.5 ceremonial documents (such as Citizen of the Year Award);
 - 8.3.6 funding agreements where the funding body/agreement requires the common seal to be affixed;
 - 8.3.7 any document that significantly changes the Council's legal position, including:
 - borrowings (including changes to overdraft facilities); or
 - significant contract variations;
 - 8.3.8 instruments of delegation from the Council to the Chief Executive Officer, instruments of delegation to members of Council staff or where required by other legislative bodies (i.e. on certification of residency for overseas pension); and
 - 8.3.9 any other legal document the Council is required to affix the seal to from time to time.

9. Offences

Any person who uses the common seal without authority or who uses a replica of the common seal is guilty of an offence.

Penalty 20 penalty units

10. Register

10.1 A record must be kept detailing circumstances whenever the common seal is used. The record must contain a description of the document, the date the seal was affixed, the date on which the Council resolved to affix the common seal and the name of the person affixing the common seal.

10.2 This document may be either in hard copy or electronic form and is the responsibility of the Council's Governance Unit.

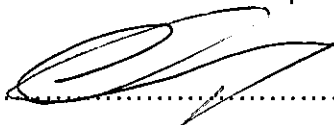
11. Resolution of the Council

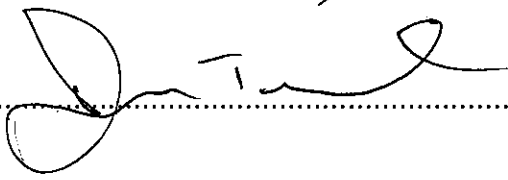
The Council's sealing clause that must appear on any document to which the common seal is affixed must be as follows:

The **COMMON SEAL** of the **BENALLA RURAL CITY COUNCIL**)
)
)



was affixed by authority of the Council on the26.....day of
August.....2020..... in the presence of:

..........Mayor / Councillor

..........Chief Executive Officer


or such words as the Council resolves.

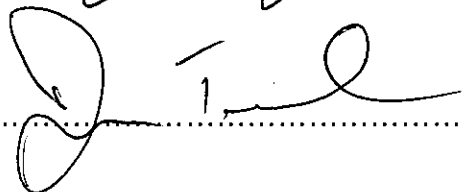
The Benalla Rural City Common Seal Local Law was adopted by the Council on

26 August 2020.

The **COMMON SEAL** of the **BENALLA RURAL CITY COUNCIL**)
)
)

was affixed by authority of the Council on the*26*.....day of
AUGUST.....*2020*..... in the presence of:

..... Mayor / Councillor

..... Chief Executive Officer

Benalla Rural City Council
2020

PO BOX 227
BENALLA VIC 3671

(03) 5760 2600
council@benalla.vic.gov.au

www.benalla.vic.gov.au