
EXECUTION OF CITY DOCUMENTS

Policy Owner: Corporate Strategy and Performance
Contact Person: Governance Coordinator
Date of Approval: 15/12/2011

POLICY OBJECTIVE

To provide guidance on the appropriate method of execution for the City's documents.

POLICY STATEMENT

Agreements involving the City of Wanneroo are classified in three categories for the purposes of this policy:

1. Category 1(A) and (B) - Require the Common Seal through a specific or general resolution of Council.
2. Category 2; and
3. Category 3

Refer to Appendix A for full description of documents falling within the above categories.

SCOPE***Category 1(A) Documents***

Category 1A documents are to be sealed through a specific resolution of Council. These documents will be executed with the joint signature of the Mayor and CEO (or a senior employee authorised by the CEO to do so) – See Appendix A.

Category 1(B) Documents

Category 1B is intended to make provision for documents that are fairly standard in nature and have time constraints attached to be sealed as part of a “class of documents” adopted by council without the need to be presented to Council on each occasion. These documents will be executed with the joint signature of the Mayor and CEO (or a senior employee authorised by the CEO to do so) - See Appendix A.

NOTE:

In all instances documents requiring the Common Seal must be executed by the City of Wanneroo prior to being forwarded to other parties for signature.

Category 2 Documents

Documents referred to as Category 2 Documents arising out of a matter which requires Council approval or under delegated authority from Council, (unless otherwise specified or unless expressly stated by a Council resolution that the final document be signed and sealed) generally does not require affixation of the common seal and is to be signed by either the CEO and/or Director.

Category 3 Documents

Documents referred to as Category 3 Documents: A matter that arises out of the general operation of the Directorate and requires a signature of a Director and/or Manager.

Note: The processing of the above documents is to be as per the City adopted “Signing of Documents” Management Procedure.

IMPLEMENTATION

This policy applies to any document requiring execution or sign-off by the City of Wanneroo.

ROLES AND RESPONSIBILITIES

Governance is responsible for arranging the affixing of the Common Seal to documents.

RELEVANT POLICIES/MANAGEMENT PROCEDURES/DOCUMENTS OR DELEGATIONS

Execution of Documents Management Procedure -
Council Report 26 July 2011 – CS07-07/11
Category 3 Sign-off Matrix

RESPONSIBILITY FOR IMPLEMENTATION

Corporate Strategy and Performance

Version	Next Review	Record No:
22 July 2003 CEO08-07/08		
6 April 2004 – CEO04-04/04	22 July 2005	
26 July 2011 – CS07-07/11		
15 December 2011 – <i>Administrative Change to remove “Per Delegated Authority Manual” from Cat. 2 Docs ... to enact a Council Decision”.</i>	July 2013	TRIM: 11/38732

APPENDIX A

Document		Signatures Required			
		Mayor	CEO	Director	Manager
Deeds, including Deeds of Agreement, Development Contribution Deeds, Deeds of Release; Indemnification Agreement and Memoranda of Understanding in respect to sale, purchase or other commercial dealing relating to City assets including equitable interests.	1A	X	X		
Sale of City owned land for which a Council resolution is required expressly stating that the final document is signed and sealed and the transaction finalised.	1A	X	X		
Town Planning Scheme and any Town Planning Scheme Amendments.	1A	X		Director Planning and Sustainability	
Structure Plan and Amendments to Structure Plan	1A	X		Director Planning and Sustainability	
Leases (including extensions, renewals and modifications)	1A	X		Director Corporate Strategy and Performance	
Licences which are defined as “ <i>an arrangement where a person or identity has a right to enter or use the land or premises in common with the owner, or others authorised by the owner but does not have exclusive possession of the land or premises</i> ”.	1A	X		All Directors	
Agreements relating to grant funding, when the funder requests that the agreement be signed under seal	1B	X		All Directors	
Deeds in respect to the transfer of land where Council has previously resolved to either purchase or dispose of land or land is being transferred to the City for a public purpose.	1B	X		Director Corporate Strategy and Performance	
Restrictive Covenants – under s.129BA of the <i>Transfer of Land Act 1893</i> and any discharge or modifications of covenants;	1B	X		Director Planning & Sustainability	

Lodgement, modification and withdrawal of Caveats;	1B	X		Director Planning & Sustainability	
Lodgement, modification and withdrawal of Memorials;	1B	X		Director Planning & Sustainability	
Covenants and any discharge or modification of covenants;	1B	X		Director Planning & Sustainability	
Easements and the surrender or modification of easements;	1B	X		Director Planning & Sustainability	
Subdivision, survey strata, strata title or development approvals or provisions of a Structure Plan or Detailed Area Plan.	1B	X		Director Planning & Sustainability	
Notifications on title and withdrawal or modification of notifications (Transfer of Land Act 1893, Section 70A "Factors affecting use and enjoyment of land, notification on title) ;	1B	X		Director Corporate Strategy and Performance	
Rights of Carriageway agreements and withdrawal or modification of Rights of Carriageway agreements;	1B	X		Director Planning & Sustainability	
Reciprocal Access agreements and withdrawal or modification of Reciprocal Access agreements;	1B	X		Director Planning & Sustainability	
Debenture documents for loans which Council has resolved to raise;	1B	X		Director Corporate Strategy and Performance	
New Funding or Contracts of Agreement between the Council and State or Commonwealth Governments or Private Organisations for programs to which Council has previously adopted, or additions to existing programs, which in the view of the Chief Executive Officer are in accordance with the original intent of the adopted program;	1B	X		All Directors	
Management Statements and withdrawal or modification of Management Statements;	1B	X		Director Corporate Strategy and Performance	
Local Laws	1B	X		All Directors	

General Legal and Service Agreements; Memoranda of Understanding	1B	X		All Directors
	1B	X		All Directors
Documents arising out of any matter in which Delegated Authority has been extended.	Cat. 2			CEO, Director or Manager as Per Delegated Authority Manual
Documents arising out of instances that require Administration to enact a decision of Council.	Cat 2			CEO, Director or Manager as
Documents which arise out of the general operation of a Directorate, and/or a matter an officer of a directorate has the delegated authority to deal with. (Refer to Category 3 Sign-off Approval Process	Cat. 3			CEO, Director or Manager as Per Delegated Authority Manual