

Circular

No. 2016/10

August 2016

Signing of dealings and plans by Councils

Land and Property Information (LPI) has been asked by various parties to provide clarification of LPI requirements for the signing of plans and dealings by Councils. Accordingly the following guidelines are set out.

There are three main ways that Councils sign dealings and plans that are lodged at LPI. These are:

- Signing under Common Seal
- Signing under Power of Attorney
- Signing by an Authorised Delegate.

How does Council sign under Common Seal?

The following execution clause is suggested:

The common seal of *(name of Council)* was affixed on *(date)* in the presence of *(full name and title)* and *(full name and title)*

Seal of Council

Signature

(name of signatory and title)

Signature

(name of signatory and title)

Clause 400 of the Local Government (General) Regulation 2005 states that the seal of a Council may be affixed to a document only in the presence of:

- the mayor and the general manager, or
- at least one councillor (other than the mayor) and the general manager, or
- the mayor and at least one other councillor, or
- at least 2 councillors other than the mayor.

How does Council sign under a Power of Attorney?

A suggested form of words is:

(name of Council) by its Attorney (name of Attorney) pursuant to Power of Attorney Book.....
Number..... in the presence of:

(Signature of Attorney)

(Name of Attorney)

I certify that I am an eligible witness and that the Attorney signed in my presence

(Signature of Witness)

(Name of Witness)

(Address of Witness)

How does Council sign by an Authorised Delegate?

A suggested form of words is:

(name of Council) by its authorised delegate pursuant to s.377 Local Government Act 1993
(name of delegate)

(Signature of delegate)

(Name of delegate)

I certify that I am an eligible witness and that the delegate signed in my presence

(Signature of Witness)

(Name of Witness)

(Address of Witness)

An eligible witness is a person who has known the authorised delegate for more than 12 months or who has sighted identifying documentation.

It is a matter for Council to make sure that an authorised delegate actually has the requisite authority to sign on behalf of Council. The Registrar General is entitled, under section 36(3) of the Real Property Act 1900, to assume that the signature by the authorised delegate is properly authorised by Council.

More information

For more information see [Who can sign a plan or instrument?](#) on the Registrar General's Directions website or contact LPI on T: 1300 052 637 or E: GeneralEnquiry@lpi.nsw.gov.au