

SESLHD PROCEDURE COVER SHEET



Health
South Eastern Sydney
Local Health District

NAME OF DOCUMENT	Common Seal
TYPE OF DOCUMENT	Procedure
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EXECUTIVE SPONSOR	Manager, Office of the Chief Executive
AUTHOR	Executive Services Manager
POSITION RESPONSIBLE FOR THE DOCUMENT	Executive Services Manager SESLHD-ExecutiveServices@health.nsw.gov.au
FUNCTIONAL GROUP(S)	Corporate Governance
KEY TERMS	Common seal, register, corporate governance
SUMMARY	Defines the process related to the use of the South Eastern Sydney Local Health District Common Seal and completion of the Common Seal Register.

COMPLIANCE WITH THIS DOCUMENT IS MANDATORY

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1. POLICY STATEMENT

The South Eastern Sydney Local Health District (SESLHD) shall ensure that the execution of every summons, process, demand, order, notice, statement, direction or other document by the District complies with the requirements of the *Health Services Act 1997* (NSW), including as it relates to use of the common seal of the organisation.

2. BACKGROUND

A common seal, or official seal, is a device which creates an impression upon paper or melted wax, used by government agencies, corporations and public notaries to show that a document is validly executed, acknowledged or witnessed. However, a rubber stamp is usually used instead of a wax seal since their print is easier to scan for official recording than a faint embossed impression.

Corporate seals state the name of the organisation, and may include the Australian Company Number (ACN) or Australian Business Number (ABN).

SESLHD is required by the *Health Services Act 1997* (NSW) to have a common seal. It is appropriate that a local procedure is created to outline the process for use of the common seal.

3. RESPONSIBILITIES

3.1 The Chief Executive will:

- ensure safe custody of the common seal
- provide appropriate approval for use of the common seal.

3.2 Staff supporting the Office of the Chief Executive, will:

- maintain a register of use of the common seal.

4. PROCEDURE

4.1 The common seal

In accordance with the *Health Services Act 1997* (NSW) and the SESLHD By-laws, the Chief Executive is to ensure the safe custody of the organisation's seal.

The *Health Services Act 1997* (NSW) cl. 135, notes that every summons, process, demand, order, notice, statement, direction or other document requiring authentication by a public health organisation may be sufficiently authenticated without the seal of that organisation if signed by the Chief Executive or by any employee of that organisation authorised to do so by the Chief Executive.

It should be considered whether use of the common seal is the most appropriate and efficient method to sign a document.

Where the common seal is affixed to documents on behalf of SESLHD, the Chief Executive is to sign and the signature and sealing of the document are to be formally witnessed.

4.2 Approval process

Documents that require the use of the common seal must be submitted to Chief Executive for approval to execute and affix the common seal via Executive Services. Documents requiring the use of the common seal should be accompanied by a covering brief with appropriate sign-off by the relevant Tier 2 Director.

Following Chief Executive approval of the documents, the signing and affixation of the common seal is to be witnessed.

The SESLHD Board is required to be notified when the common seal is affixed to a document of the organisation.

4.3 Signing process

The common seal for SESLHD is securely held by the Executive Assistant to the Chief Executive.

Should a document require the co-signature of the SESLHD Board Chair the same procedure should be followed and the Board Chair signature witnessed.

- 4.3.1 Documents must be signed in BLUE or BLACK ink only.
- 4.3.2 ALL alterations, insertions and deletions must be initialled.
- 4.3.3 EACH COPY of the document must be signed in the same way.
- 4.3.4 The signature must be witnessed by an individual acquainted with the Chief Executive /Board Chair and able to verify identity.
- 4.3.5 The witness cannot be a party to the document.
- 4.3.6 The officers must witness the fixing of the common seal and must complete their name and office held in the spaces below their signature.
- 4.3.7 The common seal must be clear and able to read.
- 4.3.8 The seal must be applied in BLUE or BLACK ink only.
- 4.3.9 Signature should not be through the Common Seal.

5. DOCUMENTATION

Common Seal Register

It is a legal requirement that a register be kept when a document requires the common seal to be affixed. The register is maintained by the Personal Assistant to the Chief Executive and catalogued within the Electronic Records Management System (Content Manager, see record T20/46559).

The register requires the following information to be completed:

- Date common seal affixed
- Name of document
- Name and position titles of signatories
- Document sent to
- Document sent by
- Electronic Records Management System (Content Manager) number of the document.

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6. AUDIT

The Common Seal Register will be audited in line with the District's internal audit processes.

7. REFERENCES

- [Health Services Act 1997 Section 22, 39\(1\) e, 39\(6\) and 135](#)
- [South Eastern Sydney Local Health District By-laws, Part 2](#)

8. VERSION AND APPROVAL HISTORY

Date	Version	Version and approval notes
February 2015	1	Manager Executive Services
May 2020	2	Minor review. Document updated to reflect wording used in reference documents. References to TRIM changed to Content Manager. Approved by Executive Sponsor.
11 April 2024	2.1	Minor Review - position titles updated. Content Manager reference number of Common Seal Register added. Executive Sponsor updated to Manager Office of the Chief Executive. Updates approved by Executive Sponsor