

Common Seal Regulation 2013

Part 1 - Preliminary

1. Objective

The objective of these Regulations is to make provision relating to use of the common seal in accordance with the Act and the Governance, Academic and Student Affairs Statute 2013.

2. Authorising provision

These Regulations are made under the Governance, Academic and Student Affairs Statute 2013 and sections 28, 29 and 30 of the [Victoria University Act 2010](#).

3. Commencement

These Regulations come into operation on 1 September 2013.

(1) Note

(2) Section 26 of the [Interpretation of Legislation Act 1984](#) provides for the exercise of powers between the making and commencement of a subordinate instrument.

4. Previous Council directions

(1) These Regulations take effect notwithstanding any previous Council resolution or direction in relation to the common seal.

(2) Any resolution or direction of the Council which is inconsistent with these Regulations is, to the extent of the inconsistency, revoked.

(3) This Regulation does not limit the operation of section 7 of the [Victoria University Act 2010](#) or Division 4 of Part 11 of the Governance, Academic and Student Affairs Statute 2013.

Part 2 - Use of the Common Seal

5. Custody of the common seal

The common seal must be kept in the custody of the Deputy Vice-Chancellor, Engagement, International and Governance or such other person authorised by the Deputy Vice-Chancellor, Engagement, International and Governance, unless otherwise directed by the Council.

(3) Note:

(4) Section 7 of the Victoria University Act 2010 provides that the common seal must be kept and used as directed by the Council or in any other manner authorised by university statute or university regulation.

(5) Section 61 of the Governance, Academic and Student Affairs Statute 2013 provides that the common seal must not be used except as authorised by that Statute or the regulations.

6. Use of the common seal on Testamurs

The common seal can only be affixed to a testamur by a person authorised by-

- a. the Chancellor;
- b. the Vice-Chancellor; or
- c. Deputy Vice-Chancellor.

7. Register of use of the common seal

The register of documents to which the common seal has been affixed must be kept in the custody of the Deputy Vice-Chancellor, Engagement, International and Governance or such other person authorised by the Deputy Vice-Chancellor, Engagement, International and Governance, unless otherwise directed by the Council.

8. Deeds executed without use of the common seal

The register of documents to which the common seal has been affixed is not to include details of documents executed as deeds without the use of the common seal.

9. Additional persons who may attest to the fixing of the common seal

In addition to the persons specified in section 64(3) of the Governance, Academic and Student Affairs Statute 2013, the following persons may authenticate the affixing of the common seal to documents other than testamurs-

- a. a Pro-Vice Chancellor;
- b. a Vice-President;
- c. the University General Counsel; and
- d. the Director of Legal, Governance and Risk

10. Documents to which the common seal may be affixed

In addition to the documents specified in section 62(1) and (b) of the Governance, Academic and Student Affairs Statute 2013, the common seal may be affixed to documents which, in the Vice-Chancellor's opinion, have University wide significance.

(6) Note:

(7) Section 62 of the Governance, Academic and Student Affairs Statute 2013 provides that the Vice-Chancellor may authorise the common seal to be affixed to documents prescribed by the regulations.

11. Sealing clause for a testamur

Testamurs must be sealed with the words:

"Given under the seal of Victoria University, Australia."

The affixing of the common seal on testamurs must be authenticated by the Chancellor and Vice-Chancellor.

(8) Note:

(9) Section 28(3) of the Governance, Academic and Student Affairs Statute 2013 provides that regulations may make provision about the form and content of a testamur.

12. Sealing clause for documents other than testamurs

Except when a document is a testamur, or is executed as a deed without the use of the common seal, the following sealing clause must be used:

Dated:

THE COMMON SEAL of VICTORIA)

UNIVERSITY was affixed to this)

document at the direction of the [COUNCIL/)

CHANCELLOR/VICE-CHANCELLOR])

in the presence of)

.....

[Authorised person] [Authorised person]

Status and Details

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Responsible Officer	John Lambrick Head of Legal Services +61 3 99195280
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