

# Common Seal Regulations 2016

## Part 1 - Preliminary

### 1. Objective

The objective of these Regulations is to make provision relating to keeping and 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 \(Vic\)](#).

### 3. Previous Council resolutions or directions

(1) The Common Seal Regulations 2013 is revoked.

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

### 4. Commencement

This Regulation comes into operation on the date that it is sealed.

## Part 2 - Use of the Common Seal

### 5. Custody of the common seal

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

Note:

Section 7 of the [Victoria University Act 2010 \(Vic\)](#) 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.

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;
- c. Deputy Vice-Chancellor; or
- d. the Provost

## **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 Vice-Chancellor, or such other person authorised by the Vice-Chancellor, 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. the Chief Operating Officer
- b. the Provost
- c. a Pro-Vice Chancellor;
- d. a Vice-President;
- e. a Senior Lawyer

## **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.

Note:

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.

Note:

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 is the preferred wording:

Dated:

THE COMMON SEAL of VICTORIA )

UNIVERSITY was affixed to this )

document at the direction of the )

[INSERT )

POSITION\*]] )

in the presence of )

.....

[Authorised person] [Authorised person]

\_\_\_\_\_

\*Insert the position of the directing person who must be authorised to attest to the affixing of the common seal.

Note:

Section 64(1) of the [Governance, Academic and Student Affairs Statute 2013](#) provides that regulations may prescribe a sealing clause to be used when the common seal is affixed to a document.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	3rd May 2016
<b>Review Date</b>	30th April 2026
<b>Approval Authority</b>	University Council
<b>Approval Date</b>	16th February 2016
<b>Expiry Date</b>	25th May 2023
<b>Accountable Officer</b>	Adam Shoemaker Vice-Chancellor +61 3 9919 4011
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