

Election Signs Policy

Policy Statement

This policy protects the display of signs and electoral material which are appropriate exercises of freedom of political communication. It applies to signs and electoral materials for Federal, State and Local Government elections. The policy details what legitimate ability the Town has to control signs and electoral material.

Policy Details

1. Signs on private land

(a) In accordance with cl.61(f) and cl.61(g), Part 7, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, election signs are exempt from the requirement for development approval where:

- i. The advertisement is erected or installed in connection with an election, referendum or other poll conducted under the *Commonwealth Electoral Act 1918*, the *Electoral Act 1907* or the *Local Government Act 1995*; and
- ii. The primary purpose of the advertisement is for political communication in relation to the election, referendum or poll; and
- iii. The advertisement is not erected or installed until the election, referendum or other poll is called and is removed no later than 48 hours after the election, referendum or other poll is conducted.

(b) Signs can be displayed on private land provided the land owner or occupier of the private land has provided consent.

2. Signs on Town facilities or land owned or controlled by the Town (including parks and reserves)

There is a risk that signs displayed on the Town's facilities or land owned or controlled by the Town (including parks and reserves) will be construed as endorsing particular candidates. To mitigate this risk, the Town will remove these signs, except for those displayed on thoroughfares that comply with this policy.

3. Signs on thoroughfares

(a) The Town's Signs Hoardings and Bill Postings Local Law 1994 will not apply to a sign in a thoroughfare and a permit will not be required in the following circumstances:

- i. the sign is not in a prohibited location as detailed on the map at **Attachment 1**;

- ii. the sign is on a verge adjacent to a property with the consent of the property owner or occupier;
 - iii. the sign is on a verge adjacent to an oval, park or reserve and is not positioned in a manner that obstructs or interferes with the usual use of the oval, park or reserve, and does not present a hazard to public safety;
 - iv. the sign is displayed after the election is called and removed no later than 48 hours polling day;
 - v. the sign is not affixed to any traffic post, parking post, power or light pole;
 - vi. the sign is at least 3 metres from the edge of the carriageway and 0.5 metres from the footpath;
 - vii. the sign is not closer than 120 metres to a signalised intersection or 70 metres before any speed indicator sign;
 - viii. the sign is not placed on a median strip, roundabout or other traffic control device;
 - ix. the sign is not placed within an intersection;
 - x. the sign is not located in, or within 150 metres of, a 40kph school zone;
 - xi. the sign does not impede or obstruct the use of a road or footpath or create a health or safety hazard; and
 - xii. the sign is not located in a position which would suggest that the sign has the endorsement of the Town, including on premises leased from the Town by third parties.
- (b) Some thoroughfares within the Town are controlled by Main Roads Western Australia (MRWA) under the Main Roads (Control of Advertising) Regulations 1996. MRWA should be contacted before erecting a sign on a main road.

4. Signs at Election Polling Place

Signs displayed at a polling place by a candidate must be in accordance with the relevant electoral legislation, any instructions of the Returning Officer or other person in charge of the polling place, and in accordance with this policy.

5. Enforcement

Where a sign breaches this policy or any other relevant law, or poses a health and/or safety hazard, the Town will exercise its powers to ensure compliance.

The following will apply:

- (a) the Town will remove any sign that poses a health and/or safety hazard;
- (b) if the breach concerns a sign displayed on private land without the land owner or occupier's consent, the Town will refer the matter to the private land owner or occupier for action;
- (c) the Town will consider complaints about signs from members of the public and determine if they are valid or not;
- (d) if the Town considers a complaint to be valid, the Town will mark the sign to indicate it is non-compliant and request the candidate remove it within 48 hours;

- (e) if, within 48 hours, the sign is not removed or moved to a different location that is also non-compliant, the sign will be impounded and destroyed;
- (f) if a complaint is not considered to be valid, the Town will advise the complainant accordingly; and
- (g) if a sign is still in place 48 hours after polling day, the sign will be impounded and destroyed.

Definitions

electoral material means “any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result of an election but does not include an advertisement in a newspaper announcing the holding of a meeting”, Local Government Act 1995, s.4.87

polling place means any building or structure in which the polling at Federal, State or Local Government elections is appointed to take place, and includes a pre-polling location available for electors to cast their vote prior to election day.

private land means land not owned by the government or dedicated to public use.

sign refers to anything which presents a visual message and can attract public attention on a surface or structure, that is electoral material or otherwise represents free political communication.

Governance References

Statutory Compliance	<i>Commonwealth of Australia Constitution Act</i> <i>Constitution Act 1889 (WA)</i> <i>Electoral Act 1918 (Clth)</i> <i>Electoral Act 1907 (WA)</i> <i>Main Roads Act 1930 (WA)</i> <i>Local Government Act 1995 (WA)</i> Main Roads (Control of Advertisements) Regulations 1996 Local Government (Elections) Regulations 1997 Planning and Development (Local Planning Schemes) Regulations 2015 Town of Mosman Park Signs, Hoardings and Bill Postings Local Law 1994
Organisational Compliance	

Policy Administration

Directorate:	Officer title:
Office of CEO	Manager Governance and Risk
Next Review	Review Cycle
2024	2 years
Version	Date
	Ref

1	26 April 2022	OCM 26 April 2022 Synergy # NPP37347
2		
3		

Attachment 1 – Map of Mosman Park reserves

