
9.6 ELECTION SIGNAGE POLICY

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Attachments: 1. Election Signage Policy

SUMMARY

This Policy outlines Council's requirements on the positioning of election signage for Local, State and Federal elections in the Shire and how election signage erected on Council owned or managed land and in places that may cause a risk to the community will be managed and removed as required.

Council had a previously endorsed Policy (2016) on this matter and has updated it to reflect clearer guidelines for candidates in Local, State and Federal elections.

RECOMMENDATION

THAT Council endorse the Election Signage Policy.

BACKGROUND

Council endorsed the Election Period Policy in 2016 prior to the last General Election. The Policy has been refreshed to clearly outline the places that signage for State, Federal and Local elections will be permitted and not permitted and the process of removal of this signage as required.

ISSUES AND DISCUSSION

This Policy has been developed to inform Local, State and Federal election candidates and Mitchell Shire Council's staff that as landowner or manager, Council does not allow any form of election signage on any land owned/or managed by Council and as a result enforcement will occur if signage is illegally displayed.

Any election signage promoting individual candidates or parties erected on Council owned and managed land will be removed by a Local Laws Officer without notification to the owner of the sign unless permission has been granted to erect that signage e.g.: community market where a stall has been purchased.

Election signage is permitted to be erected on other private land not owned or managed by Council with the permission of the owner of that land but must be done so in accordance with the requirements of the Mitchell Shire Council Planning Scheme.

The main changes to the policy are as follows:

- Reference to legislation in relation to the *Planning and Environment Act 1987*

ELECTION SIGNAGE POLICY (CONT.)

- Clarity in relation to definitions of council land and non-council land
- Enforcement process for signage removal

CONSULTATION

This Policy is in line with requirements as set out in relevant legislation (below) which officers from Governance and Local Laws have adapted to meet the Policy requirements.

A copy of this Policy will be provided to all candidates in the election and made available on Council's website.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

There are no financial implications associated with this policy. If the Policy is enacted and Local Laws officers need to remove signage, any costs will be borne by the offender or their representative and an infringement notice issued.

POLICY AND LEGISLATIVE IMPLICATIONS

- Local Law – Local Law No.1 Community and Environment 2013 (or replacement)
- *Local Government Act 2020*
- *Environment Protection Amendment Act 2018*
- *Planning and Environment Act 1997*
- *Mitchell Shire Council Planning Scheme*

RISK IMPLICATIONS

Risk Ranking is determined using [ROHS201-G1- Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Safety concerns or damage to municipal property or underground utilities or services	Low	Signage will be removed	Yes
Council reputation	Low	All candidates will receive a copy of this Policy a copy available of Council's website	Yes

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

There are no sustainability implications.

ELECTION SIGNAGE POLICY (CONT.)

CHARTER OF HUMAN RIGHTS IMPLICATIONS

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report and it's determined that the subject matter does not raise any human rights issues.

CHILDREN AND YOUNG PEOPLE IMPLICATIONS

There are no children and young people implications.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

This Policy governs the installation of signage for electioneering purposes in local, state and federal elections and determines where signage is permitted and not permitted, and the removal of the signage as required should it be installed on council land.

ELECTION SIGNAGE POLICY (CONT.)

MITCHELL SHIRE COUNCIL

Council Meeting Attachment

GOVERNANCE AND CORPORATE PERFORMANCE

22 JUNE 2020

9.6

ELECTION SIGNAGE POLICY

Attachment No: 1

Election Signage Policy

Election Signage Policy

Policy Owner	Governance and Corporate Accountability
Department	Governance and Corporate Performance
Creation Date	June 2020
Revision Date	June 2024

PURPOSE

This Policy outlines Mitchell Shire Council's position on Local, State and Federal election signage in the Shire and how it will respond to election signage erected on council owned or managed land and in places that may cause a risk to the community.

The Policy can also be used to guide prospective election candidates on promotional signage.

OVERVIEW

This Policy has been developed to inform Local, State and Federal election candidates and Mitchell Shire Council's staff that as landowner or manager, Council does not allow any form of election signage on any land owned/or managed by council.

This position has been taken to ensure there is no perception of bias or providing an unfair competitive advantage to individuals or political parties.

It is the intent of this Policy for council to remain impartial during the conduct of any election ('election period') that affects residents within Mitchell Shire.

SCOPE

- Candidates and political parties contesting State, Federal or Local government elections that fall within the municipality boundaries of the Mitchell Shire Council.

POLICY

1. Council prohibits election signage being erected on council owned or managed land that promotes individual candidates or parties in any election that affects residents within Mitchell Shire.
2. Signage is not permitted to be erected on or within:
 - Council's owned or managed parks, reserves facilities and buildings
 - Council owned, leased or licenced buildings
 - dividing strips (median strips, traffic islands, roundabouts)
 - within 10 metres of an intersection or junction, or in any other location that may pose a hazard visually or otherwise to pedestrians or road users at the discretion of Authorised Officers of council

In any area as defined as a municipal place or council owned or managed land including:

- on any trees, shrubs or plants
- on any street signs, traffic control signs, parking signs

- any place that causes sight obstructions.

Note: This includes land not owned or managed by Council.

ENFORCEMENT

Council reserves the right to request the immediate removal of any election signage that are considered unacceptable or in an unsuitable location.

1. Any election signage promoting individual candidates or parties erected on council owned and managed land will be removed without notification to the owner of the sign unless permission has been granted to erect that signage e.g.: community market where a stall has been purchased.
2. Signs installed in prohibited areas will be removed by Council Authorised Local Laws Officers.
3. Where there are immediate safety concerns or damage to municipal property, Council Authorised Local Laws Officers will immediately remove the signs and impound the item in accordance with the Mitchell Shire Council Local Law.
4. Council will assume no responsibility for any damage to election signs when they are removed by Council Authorised Officers in prohibited locations.
5. Any damage and associated costs to underground utilities or services as a result of election signs being placed on municipal property is the responsibility of the candidates and their agents.
6. Candidates and their agents are liable for any damage done to property in placement of election signs on municipal property.
7. Any election signage promoting individual candidates or parties erected on Council owned and managed land and/or private land shall be in accordance with the requirements of the *Planning and Environment Act 1997*.
8. Breaches of this Policy will result in an infringement notices being issued to individual candidates and/or parties under the *Environment Protection Amendment Act 2018*.
9. This Policy does not stop individual candidates or parties from erecting electioneering signage on other private land not owned or managed by council in accordance with the requirements of the Mitchell Shire Council Planning Scheme except in line with point 2 (policy section).
10. All electioneering signage on both council and private land must be removed within 7 days of the election being held. Failure to do so will result in enforcement action being initiated by council.
11. Removal of the sign by council on both council and private land will be at a cost to the individual candidates and/or parties.

DEFINITIONS

Election Period - also known as the caretaker period is relevant for the Federal, State and Local Government elections and means the period that starts on entitlement date and ends at 6.00pm on Election Day

Council: means Mitchell Shire Council

Municipal place: means any place within the municipal district which is owned or occupied by the Council or in respect of which the Council has the control or management, to which the public may or may not have access (whether an admittance fee is required or not), and includes a municipal reserve, library or building, footpath and road

Council owned or managed land – means any land, including a road, which Council owns, occupies, manages or otherwise controls

Advertising sign - means any placard, board, sign, card or banner, whether portable or affixed or attached to any land, which is being used for electioneering purposes

Election sign - any freestanding advertising device (including fixed signage) identifying candidates promoting themselves and/or a political party at local, state or federal government election

RESPONSIBILITIES

- Governance and Corporate Accountability
- Local Laws Unit

RELATED DOCUMENTS

- Local Law – Local Law No.1 Community and Environment 2013 (or replacement)
- Local Government Act 2020
- Environment Protection Amendment Act 2018
- *Planning and Environment Act 1997*
http://www5.austlii.edu.au/au/legis/vic/consol_act/paea1987254/
- Mitchell Shire Council Planning Scheme

REVIEW

This policy is reviewed every four years or within six months of a Local Government General Election.