

5.8 OUTCOME OF ADVERTISING AND ADOPTION OF NEW ELECTION SIGNS POLICY

- Attachments:**
1. **Election Signs Policy (for adoption)**
 2. **Election Signs Policy (marked up)**

RECOMMENDATION:

That Council ADOPTS the Election Signs Policy at Attachment 1.

PURPOSE OF REPORT:

To present the outcome of public consultation and seek approval of the proposed Election Signs Policy at **Attachment 1**.

BACKGROUND:

At its 28 July 2020 Meeting, Council approved conducting community consultation on the proposed new Election Signs Policy (Policy) and draft *City of Vincent Local Government Property Local Law 2020*. (draft Local Law).

Community consultation of the Policy occurred between 11 August 2020 and 1 October 2020, which is in excess of the 21 days required. The draft Local Law was advertised at the same time as the Policy.

The Policy was advertised on the City of Vincent website, social media and through the following public notices:

- Imagine Vincent website – 11 August 2020;
- Vincent Reporter – 13 August 2020;
- Perth Voice – 13 August 2020; and
- exhibited on the notice board at the City's Administration building and Library and Local History Centre.

No public submissions on the Policy were received.

Following the close of the public notice period, Administration received comments on the draft Local Law from the Department of Local Government, Sports and Cultural Industries. As a result of these comments further amendments to the draft Local Law were made by Administration. Following the adoption of the City's Public Health Plan in late 2020 provisions relating to smoke free areas were also added to the draft Local Law.

Due to the extent of the amendments to the draft Local Law it was necessary for Council to approve the re-advertising of the Local Government Property Local Law 2021 (new Local Law), which was subsequently adopted at by Council at its Meeting on 16 November 2021.

The adoption of the Policy was put on hold to align with the re-advertising and subsequent approval of the new Local Law.

DETAILS:

Minor amendments to the Policy (as advertised) have been made to reflect the adoption of the new *City of Vincent Local Government Property Local Law 2021*. A copy of the Policy showing the minor amendments is at **Attachment 2**.

The Policy does not prohibit or restrict the display of political signs on private land as that would likely breach the constitutional right of freedom of political communication. The Policy does not include onerous restrictions on the display of political signs on local government property, if those restrictions do not serve a legitimate purpose.

The Policy prescribes requirements regarding the placement of election signs on City properties as follows:

- (a) to ensure the amenity and safe use of City parks and reserves, election signs are not permitted to be displayed on or within any City parks and/or reserves; and
- (b) to reduce the risk that a sign on City facilities or a City property is interpreted as having the endorsement of the City, election signs are not permitted on or adjacent to municipal buildings, including Beatty Park Leisure Centre, Loftus Recreation Centre, Library, Civic Centre and Administration Building.

Paragraph (b) above does not apply on an election day to any City property or facility that is used as a polling place.

The enforcement provisions of the Policy allow for the removal and impounding of any signs that:

- (a) pose a health or safety risk;
- (b) are displayed in a City park, reserve or on or adjacent to City municipal buildings; or
- (c) are displayed on City property and are not free standing.

Administration recommends the adoption of the Policy (including the minor amendments) at **Attachment 1** prior to the 2022 Federal elections.

CONSULTATION/ADVERTISING:

No further consultation on the Policy is required.

The Election Sign requirements will be displayed on the City's website.

LEGAL/POLICY:

Section 2.7(2)(b) of the Act provides Council with the power to determine policies.

The City's Policy Development and Review Policy sets out the process for repealing and adopting policies.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for the Council to adopt the Policy with the proposed minor amendments.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any specific sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

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Legislation / local law requirements	<i>Local Government Act 1995 (WA)</i> <i>Land Administration Act 1997 (WA)</i> <i>Commonwealth of Australia Constitution Act</i> <i>Electoral act 1907 (WA)</i>
Relevant delegations	Nil.
Related policies, procedures and supporting documentation	<i>City of Vincent Local Government Property Local Laws 2021</i> Clause 3 (vi) of City's Signs and Advertising Policy (7.5.2) Local Planning Scheme No. 2

PART 1 – PRELIMINARY

PURPOSE

This Election Signs Policy (**Policy**) governs how election signs may be displayed within the boundaries of the City of Vincent (**City**) during Federal, State or local elections. The Policy establishes a clear framework regulating how, where and for what period of time an election sign may be displayed.

OBJECTIVE

This Policy recognises the need for election signs to be displayed within the City during election periods while working to minimise health and safety hazards and ensuring the amenity of City Land is retained at all times.

SCOPE

This Policy applies to political parties and candidates promoting a party or individual participating in a State, Federal or local government election. The Policy does not apply to individuals, companies and businesses promoting or advertising a commercial business, trade, service or goods (see Local Planning Policy No. 7.5.2 Signs and Advertising).

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PART 2 – POLICY PROVISIONS

DEFINITIONS

Carriageway means the bitumen or paved portion of a thoroughfare used or intended for use by vehicles.

City Land means all land held in fee simple or under the care, control or management of the City and includes road reserves.

Election day means the date of voting or polling for a Federal, State or local government election (as the case may be).

Election period means the period of sixty (60) days prior to a State or Federal election, or from the close of candidate nominations for a local government election (which occurs 37 days prior to the local government election day), and two (2) days after that election day.

Election sign means any sign which advertises any aspect of a forthcoming Federal, State or local government election and may include promoting a registered candidate or political party.

Footpath means a path set aside for use by pedestrians and cyclists that is on or runs through a road reserve, park, reserve or thoroughfare, and includes all that part of a thoroughfare lying between the edge of the carriageway and the property boundary nearest to that edge on the same side of the thoroughfare.

Private land means land within the boundaries of the City that is not City Land.

Sign includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols.

Thoroughfare means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits such as a footpath.

POLICY

1. Election signs on private land

Signs on private land are subject to the objectives and requirements of the Local Planning Scheme and Local Planning Policy No. 7.5.2 Signs and Advertising Policy. The City **may** require the removal of a sign on private property if it poses a health or safety hazard.

2. Election signs on City Land

- (a) The City's *Local Government Property Local Law 2021 (Local Law)* generally requires a permit for signs on or within City Land.
- (b) Subject to the terms of this Policy, a permit for an election sign to be displayed on City Land will not be required under the Local Law where the sign is:
 - (i) only displayed during the election period and removed within 48 hours after the election day;
 - (ii) free standing and not affixed to any existing tree, sign, post, power or light pole, or similar structure;

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- (iii) at least 3 metres from the edge of the carriageway and 0.5 metres from the footpath;
- (iv) erected at least 50 metres from any intersection of thoroughfares
- (v) not closer than 120 metres to a signalised intersection or 70 metres before any speed indicator sign;
- (vi) not placed on a median strip, roundabout or other traffic control device;
- (vii) not placed within an intersection;
- (viii) not located in, or within 150 metres of, a 40kph school zone;
- (ix) not placed so as to obstruct or impede:
 - (A) a footpath, thoroughfare or carriageway;
 - (B) the reasonable and/or safe use of City Land; or
 - (C) access to a place by any person;
- (x) placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing; and
- (xi) not placed within 100 metres of any works on the City Land;
- (xii) maintained in good condition;
- (xiii) securely installed;
- (xiv) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message; and
- (xv) not located in a position which would suggest that the sign has the endorsement of the City, including on premises leased from the City by third parties.

3. Dimensions, materials and content of election signs

All election signs must not:

- (a) be more than 1.5 square metres in area and no higher than 1.2 metres from the top of the sign to the natural ground level;
- (b) be illuminated (externally or internally), move, flash, be reflective, be fluorescent, rotate or otherwise cause a distraction to road users;
- (c) be self-adhesive;
- (d) advertise any organisation or person other than a political party or a registered candidate; or
- (e) use the City's logo or crest.

4. No election signs on City parks, reserves or City facilities

- (a) To ensure the amenity and safe use of City parks and reserves election signs are not permitted to be displayed on or within any City parks and/or reserves.
- (b) To reduce the risk that a sign on City facilities or City Land is interpreted as having the endorsement of the City, election signs are not permitted on or adjacent to municipal buildings,

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including Beatty Park Leisure Centre, Loftus Recreation Centre, Library, Civic Centre and Administration Building.

- (c) Paragraph 4(b) does not apply to any City Land or facility that is used as a polling place on an election day and signs may be displayed on City Land or City facilities that are used as a polling place on the election day.

5. Enforcement

- (a) Where a sign breaches this Policy, the Local Law or any other relevant law, or poses a health and safety hazard, the City will exercise its powers to ensure compliance and/or remove any health and safety hazard as appropriate.
- (b) In exercising its power under clause 5(a), the City will adopt the following approach:
 - (i) where an election sign is:
 - (A) displayed in a City park, reserve or on or adjacent to City municipal buildings;
 - (B) displayed on City Land and is not free standing (i.e. it is affixed to an existing tree, sign, post, power or light pole, or similar structure on City Land); or
 - (C) poses a health or safety hazard in the opinion of a City officer,

the City may immediately remove and impound the election sign or issue an infringement notice for failure to obtain an election sign permit in accordance with the Local Law;
 - (ii) notwithstanding paragraph 5(b)(i), the City may remove and impound an election sign that is not in compliance with this Policy in response to a legitimate complaint (as determined by the City in its absolute discretion) being made to the City, subject to advising the candidate that the sign has been removed and impounded;
 - (iii) the following process will apply to the removal and impounding of signs:
 - (A) before removing the sign, the City will take a photograph of the sign in situ at the location where it has been displayed and mark the sign as non-complying;
 - (B) the sign will be held by the City for 48 hours during which time it will be available for collection by the candidate;
 - (C) if the sign is not collected within the 48 hours, the sign may be destroyed by the City;
 - (D) if an impounded sign is collected by the candidate and re-displayed in a location or manner that does not conform with this Policy, the sign will be removed and destroyed by the City without further warning; and
 - (E) signs that are not removed within two (2) days after the election day will be removed and destroyed without warning,
- (c) Signs must comply with the requirements of the *Local Government Act 1995 (WA)* and *Electoral Act 1907 (WA)* in regard to electoral material and ensure that the name and address of the person authorising the sign, and where relevant the name of the printer, appear at the foot or end of the sign. Similar provisions apply in relation to State and Federal elections. The City will refer any breaches of this requirement to the relevant Returning Officer.
- (d) Some thoroughfares within the district of the City are controlled by Main Roads Western Australia (**MRWA**) under the *Main Roads (Control of Advertising) Regulations 1996 (WA)*. MRWA should be contacted before erecting a sign on a main road.

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6. Election promotion

- (a) The Australian Electoral Commission and/or the Western Australian Electoral Commission may promote an election by displaying a sign on the City Land without a permit.
- (b) This Policy does not apply to the City promoting an election by displaying a sign on City Land.

OFFICE USE ONLY	
Responsible Officer	Executive Manager Corporate Strategy and Governance
Initial Council Adoption	DD/MM/YYYY
Previous Title	Applicable if the policy has been renamed
Reviewed / Amended	DD/MM/YYYY
Next Review Date	MM/YYYY

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Legislation / local law requirements	Local Government Act 1995 (WA) Land Administration Act 1997 (WA) Commonwealth of Australia Constitution Act Electoral act 1907 (WA)
Relevant delegations	Nil.
Related policies, procedures and supporting documentation	City of Vincent Local Government Property Local Laws <u>2020</u> <u>2021</u> Clause 3 (vi) of City's Signs and Advertising Policy (7.5.2) Local Planning Scheme No. 2

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SCOPE

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2. Election signs on City Land

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- (b) Subject to the terms of this Policy, a permit for an election sign to be displayed on City Land will not be required under the Local Law where the sign is:
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 - (ii) free standing and not affixed to any existing tree, sign, post, power or light pole, or similar structure;

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