

POL-C-161 Election Signs

1. Objective

The objective of POL-C-161 Election Signs (Policy) is to establish a framework for the controls and standards for signs and public electoral material displayed during Federal, State and Local Government elections.

2. Definitions

Electoral Materials is defined in section 4.87 of the **Local Government Act 1995** (the Act) as follows:

'electoral material means any advertisement, handbill, pamphlet, notice, letter or article 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.'

Section 4.87 of the Act requires the name and address of the person authorising the material appears at the end of the material, together where relevant, with the name and address of the printer. Similar provisions apply in relation to State and Federal elections.

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

3. Policy statement

The City of Swan (the City) recognises that decisions of the High Court of Australia and the Supreme Court of Western Australia which protect the display of signs and electoral material that are an appropriate exercise of free political communication.

The City will implement the controls and standards set out in this policy to recognise the extent of the City's legitimate ability to control signs and electoral material.

The onus on complying with election sign requirements rests with the candidate even if someone else erects or places a sign on their behalf.

Election signs must not:

1. Be more than 5 square metres in area.
2. Move, flash, rotate or cause a reflection or otherwise to cause a distraction to road users.
3. Be constructed of materials or installed in a manner that may have an adverse effect on the health, safety or convenience of a person, traffic, or land.

3.1 Signs on private land

- a) For signs displayed on private land with the consent of the landowner or occupier, the City will intervene if the sign poses a health or safety hazard only.
- b) For signs displayed on private land without the consent of the landowner or occupier, the City will refer the matter to the landowner or occupier for action and the City will intervene if the sign poses a health or safety hazard only.

3.2 Signs on thoroughfares

- a) The City's Consolidated Local Law generally requires a permit for signs within thoroughfares with the exception of electoral signs erected per this Policy.
- b) The Consolidated Local Law will not apply to a sign in a thoroughfare and a permit will not be required in the following circumstances:
 - i. The sign is displayed with the consent of the landowner or occupier immediately adjacent to the portion of the thoroughfare on which the sign is located.
 - ii. If the sign relates to an election, the sign is displayed no earlier than 60 days before the polling day and no later than seven days after the polling day.
 - iii. The sign is not affixed to any parking post, power or light pole so as to cause a safety hazard with the exception of traffic posts and Signalised Traffic Lights to which no election signs are permitted.
 - iv. The closest edge of a sign is at least 1 metre from the edge of the carriageway and so as to not obstruct a footpath.
 - v. The sign is not closer than 100 metres to a signalised intersection or 50 metres before any speed indicator sign.
 - vi. The sign is not placed within a median strip, roundabout or other traffic control device.
 - vii. The sign is not placed within an intersection.
 - viii. The sign is not located 100 metres before a 40kph school zone.
 - ix. A sign within a school zone shall not be any more than 50m after a school zone sign.

3.3 Signs on facilities or land owned or controlled by the City of Swan

The City will remove signs on facilities or land owned or controlled by the City, other than thoroughfares.

The City will not remove election signage on City land or facilities that is used as a polling place on the day of an election. That is, a sign may be displayed on land or facilities owned or controlled by the City that is used as a polling place on the day of an election.

3.4 Signs at election polling stations

The placement of election signs at polling places by a candidate, or the candidate's authorised person, 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.

3.5 Election signs on vehicles

Vehicles exhibiting election signs must comply with the *West Australian Road Traffic Code 2000* and the City of Swan Consolidated Local Laws.

3.6 Other provisions relating to signs

- a) Where a sign breaches this Policy 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.

In exercising its power to ensure compliance, the City will adopt the following approach.

- i. During the election period, the City will take action in response to a complaint or if a sign poses a health or safety hazard in the opinion of a City officer only.
 - ii. The candidate has the right to challenge a City officer determination to the Office of the Chief Executive Officer of the City.
 - iii. Complaints may be lodged in writing by a resident or ratepayer of the City of Swan. Complaints may not be lodged by Members or candidates or immediate family members.
 - iv. In response to a valid complaint, the City may mark the sign to indicate it is not in conformance and give the candidate 72 hours' notice of the non-conforming sign.
 - v. If the sign is not removed after 72 hours then it will be impounded and made available for collection by the candidate or their nominee.
 - vi. Signs that are not removed following 7 days after the election may be impounded. The candidate is provided an opportunity to collect them within 10 working days or they may be destroyed without further warning.
- b) Signs must comply with the requirements of the ***Local Government Act 1995*** and the ***Electoral Act 1907 (WA)*** regarding electoral material and ensure that the name and address of the person authorising the sign, and where relevant the name and address of the printer is on 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.
- c) The use of the City's logo or crest on a sign is a breach of copyright and is not permitted.
- 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*. MRWA should be contacted before erecting a sign on a main road.
- e) An election billboard sign does not require a development application if exempted by the Policy.

Document control

Document approvals:			
Version #	Council adoption		
1.	12 August 2015		
2.	16 January 2019		
3.	9 June 2021		
4.	12 July 2023		
Document responsibilities			
Custodian:	Manager, Governance	Custodian Unit:	Governance
Document management:			
Risk rating:	Medium	Review frequency:	4 Years
Next review:	2027	ECM Ref:	3329169
Compliance requirements:			
Legislation:	Commonwealth of Australia Constitution Act Constitution Act (WA) Electoral Act 1918 (Commonwealth) Main Roads Act 1930 Local Government Act 1995 Electoral Act 1907 (WA) Main Roads (Control of Advertisements) Regulations 1996 Local Government (Elections) Regulations 1997		
Industry:			
Organisational:	City of Swan Councillor Code of Conduct City of Swan Consolidated Local Law		
Strategic Community Plan:	G1 Aligned leadership and direction		