

Election Signs Policy

| | |
|----------------------------------|---|
| Responsible Division | Office of the CEO |
| Responsible Business Unit | Governance and Strategy |
| Responsible Officer | Manager, Governance and Strategy |
| Affected Business Units | Rangers and Security Statutory Planning and Compliance |
| ECM Document Set ID | 4908516 |

Purpose

1. This policy sets out the requirements for election signs displayed during Federal, State and Local Government elections.

Scope

2. This policy applies to an election sign displayed during Federal, State and Local Government election periods on private property and on property under the care, control and management of the City.
3. This policy does not apply to signs that are not election signs, or signs that may be displayed outside of the election period.

Definitions

For the purpose of this policy —

Election period means from the issue of the writs (for State and Federal elections) or from the close of nominations day (for Local Government elections) up until 48 hours after the election day.

Election sign means an advertising sign or poster, which advertises any aspect of a forthcoming Federal, State or Local Government election or referendum.

Thoroughfare means the whole road reservation, including the verge and the carriageway (the part of the road primarily used for vehicular traffic).

Policy Statement

4. This policy is based on the decisions of the High Court of Australia and the Supreme Court of Western Australia which protect the display of election signs that exercise the implied freedom of political communication within the Australian Constitution.
5. The City will apply reasonable restrictions on election signs that are no more onerous than on a comparable sign that has no political connection.
6. The responsibility for complying with election sign requirements is that of the candidate, even if someone else erects or places a sign on their behalf.

Signs on private land

7. During an Election Period, election signs may be placed on private property, without approval from the City, provided that the signs:
- Have the consent of the property owner;
 - Do not pose a health or safety risk;
 - Are temporary in nature and displayed only during the election period; and
 - Meet the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*, including that the signs not be erected within 1.5m of any part of a crossover or street intersection.

Signs on thoroughfares

8. During an Election Period, election signs may be placed on thoroughfares, without approval from the City, provided that the signs:
- Be erected at least 30 m from any intersection;
 - Be free standing and not affixed to any existing sign, post, power or light pole, or similar structure;
 - Be placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
 - Be placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
 - Be maintained in good condition;
 - Be erected during the election period (i.e. not prior to the commencement of the election period);
 - Be removed within 48 hours of the close of polls on voting day;
 - Be at least 100 m away from any works on a thoroughfare;
 - Be securely installed;
 - Not be an illuminated sign;
 - Not incorporate reflective or fluorescent materials;
 - Not display only part of a message which is to be read with other separate signs in order to obtain the whole message;
 - Not be within 30 m of another election sign promoting the same candidate; and
 - If a sign is erected on a verge outside a private residence, approval of the owner or occupier must be obtained.

Signs on Council owned or managed land

9. Election signs are not permitted on any other Council owned or managed land (other than thoroughfares in accordance with clause 8). This includes City occupied facilities, City leased facilities, and City parks and reserves.

Signs at election polling stations

10. The placement of election signs at a polling place must comply with the relevant legislation and any instructions of the Returning Officer, or any other person in charge of the polling place.
11. The City will not remove election signs on City land or facilities that are used as a polling place on the day of an election. That is, on the day of an election, an election sign may be displayed on land or facilities owned or controlled by the City that is used as a polling place.

State Road Reserves

12. Candidates who wish to place an election sign on a State road reserve will need to follow the requirements of Main Roads Western Australia.

Electoral requirements

13. Election signs must comply with the requirements of the *Local Government Act 1995* and the *Electoral Act 1907 (WA)* and ensure that the name and address of the person authorising the sign and the relevant name and address of the printer is on the sign. Similar provisions apply in relation to State and Federal elections.
14. Any breaches of these requirements will be referred to the relevant Returning Officer.
15. The use of the City's logo or crest on an election sign is not permitted.

Communication with Candidates

16. Following the issue of the writs for a State or Federal Election, or the close of nominations day for a Local Government Election, the CEO is to write to all known candidates campaigning in the City of Bayswater area providing a copy of the Council's Election Signs Policy and a copy of any relevant guidance from Main Roads Western Australia in relation to the erection of election signs.

Complaints and Enforcement

17. Where an election sign is non-compliant with this policy or the *City of Bayswater Activities in Thoroughfares and Public Places and Trading Local Law 2020*, the City may take enforcement action. This may include:
 - Issuing a caution
 - Requesting the sign be moved or altered;
 - Impounding or confiscating the sign; and/or
 - Issuing an infringement or prosecution.
18. In exercising this power, the City will adopt the following approach:

- Complaints must be made in writing to the Manager, Rangers and Security by a resident or ratepayer of the City of Bayswater.
- City officers may not respond to complaints about election signs that are deemed vexatious or unreasonable.
- In response to a valid complaint, the City will give the candidate 24 hours' notice of the non-conforming sign, after which time it may be impounded, and made available for collection by the candidate or their nominee;
- The City will give priority to complaints that, in the opinion of a City officer, involve an election sign that poses a health or safety hazard;
- Where an election sign poses a health or safety hazard, it may be removed without notice;
- A candidate may appeal a City Officer determination through the Office of the CEO.

Removal of signs following elections

19. Signs that are not removed within 48 hours after the election period ends may be impounded. The candidate will be given an opportunity to collect them within 10 working days or they may be destroyed without further warning.

Related Legislation

Commonwealth of Australia Constitution Act

Constitution Act (WA)

Electoral Act 1918 (Commonwealth)

Main Roads Act 1930

Local Government Act 1995

Electoral Act 1907

Local Government (Elections) Regulations 1997

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

City of Bayswater Activities in Thoroughfares and Public Places and Trading Local Law 2020

Related Documentation

Town Planning Scheme No.24

City of Bayswater Signage Policy

Document details

Relevant delegations LL-D01 Local Laws – General Administration

Risk evaluation Low

| | | | |
|--------------------------|---------------------------|-------------------|----------|
| Strategic link | Leadership and Governance | | |
| Council adoption | 25 March 2025 | Resolution | 10.5.1.5 |
| Next review due | February 2027 | | |
| Reviewed/modified | N/A | Resolution | N/A |
| Revision details | N/A | | |