

Council Policy 4.5.3 – Election Signage

Responsible Directorate	Development Services
Responsible Business Unit/s	Community Safety
Responsible Officer	Coordinator Community Safety
Affected Business Units	Community Safety Community Services Governance

Objective

The objective of this Policy is to summarise the Shire of Serpentine Jarrahdale's (the Shire's) position in relation to the placement of election signs for Federal, State and Local Government elections on private and public property within the district.

Scope

This Policy applies to political parties, candidates promoting a party, and/or individuals participating in a State, Federal or Local Government election.

Policy

Introduction

In accordance with s.61(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, development approval is not required for election signs, providing the conditions within the legislation are satisfied. However, all signs, whether election signs or otherwise, are required to comply with the Shire's Local Laws.

This Policy supports the implied freedom of political communication, whilst summarising the conditions applicable to the placement of election signage on private and public property (that is, property that is owned by the Shire freehold or which is under the care, control or management of the Shire).

The Shire maintains an apolitical position with regard to election signage and application of this Policy is based on the principle that election sign standards are applied consistently and equitably to all political parties and candidates, whilst ensuring public safety.

The party and/or individuals participating in a State, Federal or Local Government election are responsible for their own election signage and the placement of it in accordance with this Policy.

Shire of Serpentine Jarrahdale's election signage conditions

Where election signage is on private property, consent from the property owner should be obtained prior to placement.

Prior consent from the Shire to place election signage on public property is not required, providing the criteria within this Policy is adhered to. As election signage and its placement is the responsibility of the party and/or individuals participating in a State, Federal or Local Government election, the Shire



Council Policy 4.5.3 – Election Signage

will not intervene unless the election signage poses a safety risk, is placed directly on or within Shire facilities or buildings and therefore may be interpreted as having endorsement of the Shire, or otherwise impacts the apolitical conduct of the Shire's functions.

Criteria applicable to election signage on public property

The below criteria apply to election signs placed on public property, meaning property that is owned by the Shire freehold or which is under the care, control and/or management of the Shire.

- signs are not to be placed on or within Shire facilities and/or municipal buildings
- signs are not to be placed on verges of Shire facilities and/or municipal buildings. The only exclusion to this is where the facility / municipal building is being used as a polling place, provided the signage is placed in accordance with statutory requirements, and is not placed on or within Shire facilities and/or municipal buildings
- signs are not be affixed to any tree or regulatory sign (e.g., street sign, traffic direction sign or parking sign)
- signs are temporary in nature and not permanently attached to a structure or fixed to the ground or pavement
- signage on thoroughfares and road reserves complies with the Safe System Approach to Road Safety. That is, signs should:
 - be frangible
 - not be located within a clear zone
 - not obstruct or restrict the sight distance of other signs and traffic control devices
 - have a 2.5m vertical clearance to an obstruction
- placement does not cover or obstruct Shire signs or markings.

Signs can be placed on verges if compliant with all other conditions of this Policy.

Election signage on main roads

Various main arterial roads within the Shire, including Tonkin Highway, South Western Highway, Thomas Road and Nicholson Road) are under the care and control of Main Roads WA under the *Main Roads Act 1930* and *Main Roads (Control of Advertising) Regulations 1996 (WA)*. Main Roads should be contacted before placing a sign on a main road.

Main Roads WA may remove unauthorised signs at their discretion and any queries regarding election signage on main roads should be made directly with them.

Authority to remove non-compliant signs on public property

In accordance with the Shire's guiding principal of apolitical conduct and respecting the implied freedom of political expression, the Shire will explore avenues for candidates to rectify non-compliance with this policy prior to removal of non-compliant signage.

When these options have been exhausted, or in situations where signage is a hazard requiring immediate rectification, the Shire may take action in accordance with its statutory powers as a regulator and property owner.

Election signage content

The Shire does not have the power to regulate the content of electoral signs. Queries in relation to State or Local Government elections should be directed to the Western Australian Electoral Commission. Queries in relation to Federal elections should be directed to the Australian Electoral Commission.



Council Policy 4.5.3 – Election Signage

Local Government Election Signage Complaints

The Shire contracts the Western Australian Electoral Commission (WAEC) to conduct the local government elections. All complaints regarding election signs should be directed to the Shire's Returning Officer, appointed by the WAEC.

Contact details for the Western Australian Electoral Commission's appointed Returning Officer are available on the Shire's website during the election period.

Definitions

Clear zone means a carriageway, dividing strip, traffic island, roundabout, within 10 metres of an intersection or within 50 metres of a signalised intersection or pedestrian activated crossing.

Elections means periodic and General Elections, By-elections and Referenda.

Election sign means any advertisement for a candidate or party in the election, or for a referendum whether held for Federal, State or Local Government purposes.

Municipal Building means any building that is owned or held under a management order or control of the Shire, and includes any recreation centre, library and alike.

Private Property means any land that has a separate certificate of title and is in private ownership or is the subject of a lease or agreement with a person enabling its use for private purposes and includes any building or structure on that land.

Road means any thoroughfare, highway or road that the public is entitled to use and any part thereof, and all bridges, viaducts, tunnels, culverts, grids, approaches and other things belonging or used in connection with the road.

Returning Officer means a person appointed by the Electoral Commission who is responsible for the management of polling places, polling place staff, candidate nominations and supervising the election on polling day.

Safe System Approach to Road Safety is a collaborative multi-agency framework to manage interactions between the road user, travel speed and the vehicle.

Relevant Policies/Council Documents

- Nil

Legislation/Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Elections) Regulations 1997*
- *Electoral Act 1907 (WA)*
- *Electoral Act 1918 (Commonwealth)*
- *Main Roads Act 1930*
- *Main Roads (Control of Signs) Regulations 1983*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Public Places and Local Government Property Local Law



Continued

Council Policy 4.5.3 – Election Signage

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	29/09/2015	Resolution #	OCM187/09/15
Reviewed/Modified	Date	18/12/2017	Resolution #	OCM179/12/17
Reviewed/Modified	Date		Resolution #	
Next review due	Date			