

Electoral Advertising Signage & Electioneering Policy 2024

<p>Purpose</p>	<p>The purpose of this policy is to provide direction on:</p> <ul style="list-style-type: none"> (a) the placement of electoral advertising signs on any Council land, municipal building or road; and (b) the requirements for candidates or their supporters electioneering in public places. <p>The purpose of the policy is to complement Council’s General Local Law No. 1 of 2015 (General Local Law), and the <i>Planning and Environment Act 1987</i> provide the community with an understanding of the requirements that will apply to ensure fair and lawful election processes, and an appropriate use of Council resources. In doing so Council wishes to ensure that it is not seen as partisan, and to prevent the amenity of the municipal district being unduly compromised by a proliferation of electoral signage being erected and displayed.</p> <p>In order to ensure Council resources (including buildings and land) are not used to support any electioneering activity, Council will not generally issue a permit for any type of candidate election signage to be erected or displayed on Council land.</p> <p>The Policy includes reference to the Darebin Planning Scheme and Local Law requirements relating to signage. It is also consistent with Council’s Election Period Policy.</p>
<p>Scope</p>	<p>This policy applies to all election signage on any Council land, buildings, and roads.</p> <p>This policy also applies to electioneering activities on Council land, buildings, and roads.</p>
<p>Definitions and Abbreviations</p>	<p>Ancillary area means an area designated as an ancillary area by the coordinating road authority under Section 18 of the <i>Road Management Act 2004</i>; Example - Any area which is a "park and ride" car park, rest stop or scenic lookout could be designated as an ancillary area.</p> <p>Council land means any land owned, or vested in, or under the control or management of Council including, but not limited to a road, municipal reserve or other reservation, watercourse, foreshore reserve, jetty or boat ramp.</p> <p>Reserve means any land which is owned, occupied or managed or controlled by Council and dedicated or used for outdoor cultural, environmental, sporting or recreational purposes.</p>

	<p>Road includes:</p> <ul style="list-style-type: none"> (a) a street; and (b) a right of way; and (c) any land reserved or proclaimed as a street or road under the Crown Land (Reserves) Act 1978 or the Land Act 1958; and (d) a public road under the Road Management Act 2004; and (e) a passage; and (f) a cul de sac; and (g) a by-pass; and (h) a bridge or ford; and (i) a footpath, bicycle path or nature strip; and (j) any culvert or kerbing or other land or works forming part of the road; (k) any public highway; (l) any ancillary area; (m) any land declared to be a road under section 11 or forming part of a public highway or ancillary area
<p>Policy Statement(s)</p>	<p>The following provisions that govern the placement of Electoral Signs apply equally to all candidates and their associated election campaigns at all times, including during the Election Period.</p> <p>The provisions are consistent with Council's General Local Law No. 1 of 2015 and the <i>Planning and Environment Act 1987</i>, <i>Environment Protection Act 2017</i> and Darebin Planning Scheme.</p> <p>Electoral material must follow the requirements of the relevant electoral legislation.</p> <hr/> <p>Electoral Signage on Public and Council controlled land</p> <p>In order to ensure Council resources (including buildings and land) will not be used to support any electioneering activity, and to ensure that:</p> <ul style="list-style-type: none"> 1) Council is seen to be independent of all candidates; and 2) the amenity of the municipal district is not unduly compromised. <p>Council will not generally grant a permit under clause 10 of the General Local Law for any type of candidate election signage to be erected on or displayed on Council land, including;</p> <ul style="list-style-type: none"> • Council owned / managed parks, municipal reserves, building, nature strips and car parks. • Roads and road dividing strips (median strips, traffic islands, roundabouts). • Trees, shrubs or plants, street signs, traffic control signs, parking signs or bicycle racks.

In general terms, this means that no Electoral Signs will ordinarily be permitted on Council roads, parkland or property. Specifically:

- (a) Mobile billboards and signs, (trailer types and signs that are placed in or on a vehicle or bicycle) are not to be left standing or stationary. This type of signage has to be mobile at all times.
- (b) Vehicles, other than trailers, that are permanently sign-written may display an Electoral Sign, provided that they meet parking legislation requirements including time limits etc.
- (c) The *Environment Protection Act 2017* prohibits the placing of any form of advertising on the windscreens of vehicles anywhere (public or private land) and
- (d) Banners and flags or similar are also prohibited and are not to be attached to any fixtures located on any of the roads or reserves or Council land.

Compliance with this Policy will be monitored and enforced.

Electoral Signage on privately owned land

Electoral Signs *may* be permitted on privately owned land. A planning permit is required unless the following **mandatory requirements** are met:

Darebin Planning Scheme requirements

A planning permit is not required to display a sign with an advertisement area not exceeding 5 square metres publicising a local political event not held for commercial purposes (on private land only).

The requirements are:

- Only one sign can be displayed on the land
- The sign must not be animated
- The sign must not be internally illuminated
- The sign must not be displayed for more than 3 months and must be removed within 14 days of the event

A sign publicising a local political event may include information about a candidate for an election.

The sign can be displayed on a person's own land or another person's land if permission of the landowner has been granted.

Signs not compliant with these requirements are subject to a Council Planning Permit application.

Where Council identifies or becomes aware that election signage on private land has been defaced or graffitied with indecent or offensive material, Council will contact the property owner and request that the graffiti be removed from the sign, or, that the sign be removed within a specified timeframe. Offensive material may include symbols, words or images that are likely to be upsetting, insulting, or objectionable to some or most people, e.g. is sexually explicit, racist, or defamatory.

Electioneering

When candidates or their supporters are electioneering in public places, they must be aware of the following:

- A candidate / supporter may hand out electoral material in a public place, that is, streets and parks within the control of Council, but not within Council buildings or premises or within a 50 metre radius of a Council owned or controlled public building
- Electoral material must follow the requirements of relevant electoral legislation.
- Council will not require a fee or a permit if a candidate / supporter is standing at a small table with a sign (note planning requirements) handing out electoral material.
- Persons distributing electoral material must be aware of public safety and community amenity, and must leave a minimum 1.2-metre-wide pedestrian access on the footpath.
- Any tables placed in front of commercial or residential properties must be located with the agreement of the adjoining owner / occupier.
- Any tables must comply with the *Disability Discrimination Act 1992* and must ensure that footpaths are kept clear of obstructions for pedestrian traffic, especially the use of the property line by visually impaired people at all times.
- A-frames or other signs displaying electoral material are not permitted to be placed on Council owned or control land under any circumstances.
- No electoral material is to be posted on Council property (including buildings, noticeboards, land, fences, street lighting posts and the like). Any such postings will be subjected to a Local Laws Enforcement investigation and impounded.
- Any electoral material posted on private property without the authority of the owner may be referred to the Police for investigation.

Breach of Policy

Breaches of policies are treated seriously. Penalties are prescribed by General Local Law No. 1 of 2015 and the Planning and Environment Act 1987.

If election signage is displayed on Council land and/or buildings, Council will notify the owner of the sign to remove the sign within a specified timeframe. Failure to comply may result in a 'Notice to Comply' to be issued or removal and impounding of the sign.

In the instances of community safety and well-being, e.g. traffic hazards and pedestrian obstructions, Council may take immediate action and remove and impound signs without prior notification to the owner or candidate.

Impounded signs (or indeed any item) are held pending claim. Owners may be able to claim them and have them released at a cost (prescribed in fees & charges – currently \$100 per item).

	<p>If impounded signs are not claimed within 14 days of notice being provided, they will be destroyed without notice.</p> <p>Council will report instances of the display of election signage on Council land for a local government election to the Victorian Electoral Commission.</p>
Responsibilities	<p>City Safety and Compliance</p> <p>Governance Services</p> <p>City Development</p>
Related Documents	<p>This policy should be read in conjunction with Council's:</p> <ul style="list-style-type: none"> • General Local Law No. 1 of 2015 • Darebin Planning Scheme <p>Darebin Election Period Policy (2023)</p>
Supporting Procedures	N/A
Legislation mandating compliance	<ul style="list-style-type: none"> • General Local Law No. 1 of 2015 • Darebin Planning Scheme • <i>Planning and Environment Act 1987</i> • <i>Road Management Act 2004</i> • <i>Disability Discrimination Act 1992</i> • <i>Environment Protection Act 2017</i>
Policy Owners	<ul style="list-style-type: none"> • Manager City Safety & Compliance • Coordinator Governance Services
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