

Election Signage Protocol 2016

Guiding Policy

The Conduct During Elections Policy is the overarching policy for this protocol.

The purpose of the policy is to ensure the transparency and accountability of Councillors, Council officers, and candidates (and their supporters) during an election period.

The policy complies with the *Local Government Act 1989*, which requires councils to have an election period policy that sets out requirements relating to conduct, decision making, transparency and equity, and use of Council resources during an election period.

Purpose

To provide transparent and consistent processes for management of election signage and stalls in the City of Brimbank for Federal, State and Local elections.

Overview

There are a number of considerations in relation to the safe, fair and effective conduct for election activities in a municipality.

Under the *Charter of Human Rights and Responsibilities Act 2006*, people have a right to freedom of expression. However this right may be limited to ensure both public safety, and the perceived impartiality of Council is maintained. It is important that Council resources are not used, or perceived to be used, to support a candidacy, including Council venues and land.

Council's General Purposes Local Law 2008 (clause 8.1) prohibits placement of goods, advertising signs or obstructions on or over Council property. The Brimbank Planning Scheme limits the size and placement of signage on private land.

Council's Conduct During Election Policy 2016 states:

Candidates wishing to conduct electioneering activities in public space, for example, a stall at a shopping strip or park, must apply for a permit, in accordance with Council's local laws and procedures.

No other promotional material, including signage, posters, flyers or banners, for any political candidacy is permitted on Council land or in its facilities at any time. It is an offense under Council's local laws to display this material on Council land, and penalties apply. The Brimbank Planning Scheme sets out the requirements relating to display of candidacy information on private land in the City of Brimbank.

Election Signage on Council land

Council prohibits any type of candidate election signage being erected or displayed on Council land, including:

- Council owned/managed parks, reserves, buildings (exteriors) and nature strips
- Road dividing strips (median strips, traffic islands, roundabouts)
- Trees, shrubs or plants
- Street signs, traffic control signs, parking signs.

If a candidate has hired a Council facility outside of an election period, the requirements of the Conduct During Elections Policy apply.

Process

If election signage is displayed on Council Land:

1. Council may request the immediate removal of the signage by the owner or candidate, or may remove the signage without notification to the owner or candidate.
2. An infringement notice and fine may be issued to the candidate, in accordance with the General Purposes Local Law.
3. Any costs incurred by Council to remove signage, and/or any costs caused by the signage, for example, damage to trees, will be charged to the candidate.
4. If election signage is displayed on Crown, Federal or State land in the City of Brimbank, Council contact the relevant land manager to request the sign be removed.
5. Victoria Police will be contacted in the event of any one attempting to obstruct Council officers removing signage.
6. Council will report all instances of the display on Council land of candidate election signage for a local government election, to the Victorian Electoral Commission.

Election Signage on Private Land

1. Under the Brimbank Planning Scheme, election signage is permitted on private land, with restrictions. Council prohibits election signage exceeding five (5) square metres to be displayed on private property without a planning permit. No more than one (1) sign can be displayed on the land, and any signage must be removed within 14 days of the election being held.
2. Council will take compliance action against the land owner and individual candidates and/or parties displaying any sign that is in breach of the Brimbank Planning Scheme. Council will immediately notify the land owner and/or candidate of the requirement for the sign to be removed immediately, and undertake further action if the signage is not removed.
3. A planning infringement notice and fine may be issued to the candidate, in accordance with the Brimbank Planning Scheme.
4. Council will report all instances of breaches of the Brimbank Planning Scheme in relation to candidate election signage to the Victorian Electoral Commission.

Election Stalls on Public Land

1. Under the General Purposes Local Law, stalls are not permitted on Council land (including shopping strips) for an activity, as they create an obstruction.
2. Candidates may contact private land owners and businesses to request space for their stalls.

Some potential locations are:

Major Shopping Centres

- Sunshine Market Place - 80 Harvester Road, Sunshine
 - Brimbank Central Shopping Centre - Corner Neal road & Station road, Deer Park
 - Keilor Downs Centro Shopping Centre - 80 Taylors Road, Keilor Downs
 - Watergardens Town Centre - 399 Melton Highway, Taylors Lakes
 - Sunshine Plaza Shopping Centre - 324 Hampshire Road, Sunshine
 - Train Stations – VicTrack - 1300 842 872, Metro Trains - 9610 2400.
3. Candidates handing out flyers in public spaces are not permitted within 5 metres of the entrance of a Council facility, and must comply with all laws for example, littering.

RELATED DOCUMENTS

- *Local Government Act 1989*
- Councillor Code of Conduct Major Policy
- Conduct During Elections Policy
- General Purposes Local Law No.1
- Brimbank Planning Scheme

Amendment of Protocol Internal Protocol – Approved by EMT

Rev	Reviewed Date	Reason for Amendment	Next Review Date
A	June 2016	New Protocol	10/06/2018
Date Approved by EMT – 13 July 2016			