

Legislative Authority:

Local Government Act 2009

Whitsunday Regional Council Local Law No. 1 (Administration) 2014

Introduction:

The placement of an election sign cannot be prohibited by the local government. However, the local government may prescribe conditions to be met, associated with an election sign placed on a road, Council controlled area, or private land within its area. The prescribed conditions are to ensure public safety and maintain the visual amenity of the local government area. Should the prescribed conditions not be met, the local government may remove the election sign.

Definitions:

In accordance with the *Local Government Act 2009*—

Election sign: is a sign that is able, or is intended, to—

- (a) influence a person about voting at any government election; or
- (b) affect the result of any government election.

Government Election: is an election for a Local, State or Commonwealth government.

Road: defined by the *Transport Operations (Road Use Management) Act 1995* Schedule 4 Dictionary.

Council controlled area: any area or land owned or controlled by Council.

Private land: Land owned by a non-governmental legal entity.

Conditions that will ordinarily be imposed on an election sign:

The election sign must:

- (a) meet the requirements of the Electoral Commission of Queensland and the *Electoral Act 1992*;
- (b) meet the requirements of the Department of Transport and Main Roads (TMR);
- (c) be no greater than 0.6 square metres in area advertising candidates for election in a local electorate of the Commonwealth, State or Local Government or for an officially sanctioned referendum, poll or plebiscite;
- (d) if greater than 0.6 square metres in area advertising candidates for election in a local electorate of the Commonwealth, State or Local Government or for an officially sanctioned referendum, poll or plebiscite; will each require an approval granted by the local

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- government prior to placement. (A fully completed application to be lodged and prescribed fees paid to Council);
- (e) be stand alone; attached to a post and inserted into the ground unless otherwise approved by the local government;
 - (f) not be fastened to trees or road infrastructure;
 - (g) be placed on private land with the consent of the property owner;
 - (h) be limited to two standard sized signs butted together forming a v-shape or one single standard sized sign placed on private property or as close as possible to the private property boundary;
 - (i) not be an illuminated sign;
 - (j) not be placed in a position that is likely to distract motorists, restrict the visibility of other authorised signs or otherwise impact on safety;
 - (k) comply with the Roadside Advertising Manual issued by the Department of Transport and Main Roads if placed on a State controlled road e.g. highway (An information sheet for placing election signs on State roads is available on the Transport and Main Roads website www.tmr.qld.gov.au);
 - (l) not contain explicit, inappropriate, offensive or irrelevant content;

N.B.

- Conditions apply to election signs/political signs unless previous approval has been granted by other legislation e.g. Billboards along highway & bus stops.

Display period:

An election sign must:

- (a) not be placed until the election date has been officially announced. For state and federal elections this is called the 'issuing of the writ'; for local government elections this is called the 'notice of election'; and
- (b) be removed within seven (7) days after the election polling day.

Removal without notice:

An election sign may be removed without notice and confiscated by the local government if:

- (a) the sign is exhibited in breach of the conditions ordinarily imposed by the local government and in the opinion of an authorised person, adequate reasons exist for removing the advertisement immediately; or
- (b) the sign creates, in the opinion of an authorised person, a risk to public safety or damage to property.

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An authorised person acting on the local government's instructions may carry out confiscation, demolition or other work that may be necessary to remove the election sign.

Damages and disposal of election signs:

The local government will not be responsible for damage associated with the authorised removal of an election sign or liable for compensation for election signs lawfully removed and disposed of.