

STRATEGIC POLICY

INSTALLATION OF AN ELECTION ADVERTISING DEVICE

Corporate Plan Reference:	4. Health and well-being 4.1 Safe and healthy communities 4.1.2 Provide community safety and regulatory programs that ensure the well being of residents and visitors
Endorsed by Council on:	22 February 2012
Policy Owner and Department:	Manager Corporate Governance, Finance and Business

POLICY PURPOSE

This policy has been prepared in respect of *Local Law No. 1 (Administration) 2011* and *Subordinate Local Law No. 1 (Administration) 2011* for the purpose of identifying requirements which are considered appropriate to be imposed as a condition upon an approval for the installation of an election advertising device.

POLICY OUTCOME

The outcome sought from this policy is to protect community health, safety and amenity by establishing a consistent regulatory framework across the local government area to manage the installation of an election advertising device.

POLICY SCOPE

This policy applies to the determination of an approval by council for the installation of an election advertising device under *Local Law No. 1 (Administration) 2011*.

POLICY STATEMENT

This policy applies to the installation, erection or display on all land within council's local government area, including a private place and a public place, of an election advertising device that is visible from a road or other public place for which an approval is required under *Local Law No. 1 (Administration) 2011*.

This policy identifies requirements across the local government area for the installation of an election advertising device that are considered appropriate to be imposed as a condition upon an approval for the installation of an election advertising device.

GUIDING PRINCIPLES

This policy is guided by the following principles:

- (a) to respect the rights of a person to install an election advertising device consistent with section 36 (Election advertising) of the *Local Government Act 2009*;
- (b) to ensure the application of requirements across the local government area for the installation of an election advertising device;

- (c) to ensure a level of protection of community health, safety and amenity across the local government area.

FORM OF APPLICATION

For the purposes of section 8 (Form of application) of *Local Law No. 1 (Administration) 2011*, an approved application form for the installation of an election advertising device will be available on council's website or from council offices.

CONDITIONS OF APPROVAL

For the purposes of section 10 (Conditions of approval) of *Local Law No. 1 (Administration) 2011*, the following requirements are considered appropriate to be imposed as conditions upon an approval for the installation of an election advertising device—

- (a) The total number of election advertising devices that may be exhibited in the local government area, excluding the areas identified within **Divisions 11 and 12**, is not to exceed, in the case of—
- (i) a mayoral candidate in a local government election, 20 devices in each electoral division; and
 - (ii) a candidate (other than a mayoral candidate) in a local government election, 20 devices in the electoral division for which they have nominated; and
 - (iii) a candidate in a Federal or State government election, 40 devices in the Sunshine Coast local government area.
- (b) The total number of election advertising devices that may be exhibited in **the areas defined within Divisions 11 and 12** is not to exceed, in the case of—
- (i) a mayoral candidate in a local government election, 2 devices in each electoral division; and
 - (ii) a candidate (other than a mayoral candidate) in a local government election, 2 devices in the electoral division for which they have nominated; and
 - (iii) a candidate in a Federal or State government election, 2 devices in the Sunshine Coast local government area.
- (c) For the purpose of determining the number of election advertising devices—
- (i) an election advertising device included on an advertising device approved under a planning scheme is to be included in the calculation of the total number of election advertising devices;
 - (ii) an election advertising device relating to more than one candidate for a government election is to be considered to be an election advertising device for each candidate.
- (d) The content of an election advertising device is to be limited to the following—
- (i) the name of the candidate;
 - (ii) one or more photographs or pictures of the candidate;
 - (iii) a slogan or message of the candidate;
 - (iv) text and a logo that identifies the political party, and division or electorate, of the candidate;
 - (v) the contact details for the candidate or authorised representative.
- (e) An election advertising device is to display the name and address of both the applicant and the printer of the device, along with a telephone number of the applicant.
- (f) An election advertising device is not to contain third party advertising sponsorship details.
- (g) An election advertising device is not to be illuminated or animated.
- (h) An election advertising device may contain content on both sides of the advertising device.
- (i) An election advertising device is not to be installed—
- (i) on a structure (other than a fence or a post) on the site; or
 - (ii) on or in a road or a local government controlled area.

- (j) An election advertising device can be erected on private property with the prior approval of the property owner.
- (k) An election advertising device is to be kept in good order and repair.
- (l) An election advertising device is not to be exhibited so as to cause a nuisance under *Local Law No. 3 (Community Health and Environmental Management) 2011*.
- (m) An election advertising device is to be positioned on the site so as to not result in a loss of amenity in the neighbourhood, constitute a risk to road safety or impose a threat to pedestrians (i.e abutting a fence such that space between the fence is non-accessible by person).
- (n) An election advertising device is not to exceed an area of 1.5m².
- (o) An election advertising device is not to be erected prior to twenty-eight (28) days before the day of the government election.
- (p) An election advertising device is to be removed within seven (7) days after the day of the government election.

DEFINITIONS

- (1) In this policy—

Council means the Sunshine Coast Regional Council.

election advertising device means a sign or poster 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.

installation includes in relation to an election advertising device the painting, writing, drawing, depiction, making, erection, affixing, putting up of an election advertising device.

government election means an election for a local, State or Commonwealth government.

local government controlled area:

- (a) means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

Examples of local government controlled areas—

- Parks, reserves and gazetted foreshores
- Camping grounds or caravan parks on land owned or controlled by the local government
- Local government swimming pools
- Cemeteries
- Council Chambers and local government offices
- Jetties

- (b) includes part of a local government controlled area.

private place means premises which is not a public place.

public place means a place, or that part of a place, that—

- (a) is open to the public; or
- (b) is used by the public; or
- (c) the public is entitled to use;

whether or not on payment of money.

Example—

A person uses a room at the front of their home as a business office. While the business office is open to the public it is a public place. However, the home is private property and not part of the public place.

road:

- (a) means an area of land that is dedicated to public use as a road; or
 - (b) means an area of land that –
 - (i) is developed for, or has as one of its main uses, the driving or riding of motor vehicles; and
 - (ii) is open to, or used by the public; or
 - (c) means a footpath or bicycle path; or
 - (d) means a bridge, culvert, ford, tunnel or viaduct.
 - (e) means a State-controlled road –
 - (i) prescribed under a subordinate local law for this subparagraph as a road to which a stated local law applies unless otherwise provided; and
 - (ii) in respect of which the chief executive has given written agreement under the TORUM Act, section 66(5)(b).
 - (f) does not include a public thoroughfare easement.
- (2) Words not defined in this policy have the meaning given in *Local Law No. 1 (Administration) 2011, Schedule 1 (Dictionary)*.

RELATED POLICIES AND LEGISLATION

The following legislation is relevant to the application of this policy.

Legislation:**Local Government**

- *Local Law No. 1 (Administration) 2011*
- *Subordinate Local Law No. 1 (Administration) 2011*

State Government

- *Local Government Act 2009*
- *Electoral Act 1992*
- *Local Government Electoral Act 2011*

Commonwealth Government

- *Commonwealth Electoral Act 1918*

Other documentation:

- Memorandum of Understanding between Sunshine Coast Regional Council and Department of Transport and Main Roads

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Eg. Create new			DD/MM/YYYY
	Eg. Review			