

Election Signs and Events Policy

Adopted 1 October 2018

(A3694107)



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1. Policy statement

Whilst acknowledging the importance of freedom of political expression, Council is committed to ensuring that public land is not dominated by election signs, and that election campaign activities do not override the objective of Council events.

2. Reason for Policy

The purpose of this policy is to provide clarity regarding permissible election signs and election campaign activities at Council events, so that the principles can be applied in a consistent and equitable manner to all candidates and political parties.

3. Scope

This policy applies at all times throughout the Frankston municipal district, but will be particularly relevant in the lead up to a State, Federal or Council election.

4. Principles

Council acknowledges the rights to freedom of expression, peaceful assembly and freedom of association. All candidates are entitled to a fair opportunity to conduct their election campaign within the Frankston municipal district. However, these rights must be balanced against the need for Council to ensure that election signs do not unduly compromise public amenity or safety, and that the focus of Council events is not shifted from community objectives to political purposes. Accordingly, the following restrictions apply:

4.1 Election signs on private land

Election signs are allowed to be displayed on private land with permission from the owner and without the need for a planning permit, provided that the following requirements of clause 52.05-10 of the Frankston Planning Scheme are complied with:

- The advertisement area of the sign must not exceed 5 square metres;
- Only one sign may be displayed on the land;
- The sign must not be animated or internally illuminated; and
- The sign must not be displayed longer than 14 days after the event is held or 3 months (whichever is sooner).

4.2 Election signs on public land

Council's General Local Law provides that a permit is required to place any advertising sign

(including an election sign) on any road or public land. This provision will not be interpreted as requiring a permit or consent to park any vehicle on any road or public land, legally and in accordance with relevant parking restrictions.

Due to amenity considerations and Council's desire to avoid perceived partisanship, generally permission will not be given to place an election sign on public land.

Existing election signs on public land should be removed or covered over during the election period (ie from the close of nominations until the close of voting/polling).

4.3 Conduct at Council events

Council events must not be used for election campaign activities. Whilst candidates are encouraged to attend and participate in Council events, the focus of these community events must not be diverted to politics.

5. Roles and responsibilities

Authorised officers of Frankston City Council will respond to breaches of this policy as appropriate in the circumstances.

Where there is uncertainty, the Chief Executive Officer will determine what constitutes an "election sign", an "election campaign activity", and any other relevant matter.

The Victorian Electoral Commission manages compliance with the Victorian Electoral Act 2002, and the Australian Electoral Commission manages compliance with the Commonwealth Electoral Act 1918.

Alleged offences in relation to interference with election signs will be referred to Victoria Police for investigation.

6. Policy non-compliance

In response to a failure to comply with this policy, an authorised Council officer may:

- remove and dispose of any election sign placed contrary to this policy;
- issue infringements as appropriate, in accordance with applicable laws;
- direct a person who is conducting election campaign activities at a Council event to cease those activities or to leave the event.

7. Related documents

The requirements set out in this policy should be read in conjunction with Council local laws, policies and guidelines, and relevant State and Federal legislation, including the Frankston City Council General Local Law No. 8 of 2016; the Frankston Planning Scheme; the Frankston City Council Major Events Terms and Conditions; the Frankston City Council Election Period Policy; the Electoral Act 2002 (Vic); the Local Government Act 1989 (Vic); the Road Safety Act 1986 and Road Safety Road Rules 2017 (Vic); the Charter of Human Rights and Responsibilities Act 2006 (Vic); and the Commonwealth Electoral Act 1918 (Cth).

8. Implementation of the Policy

This policy will be published on Council's website and election candidates will be responsible for their own compliance with the policy.

9. Definitions

In this policy:

<i>Candidate</i>	includes an endorsed candidate of a registered political party, a person who has publically expressed an intention to run as a candidate, and a person who has nominated with the relevant electoral commission as a candidate for a State, Federal or Council election.
<i>Council event</i>	means a function or event that is organised, hosted and/or funded by Council. It includes a gathering of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community.
<i>Election</i>	includes any election, by-election, referendum or poll in relation to Federal or Victorian State Government, or to Frankston City Council.
<i>Election campaign activities</i>	includes activities which seek to influence voters in an election, such as distributing leaflets or information and making speeches.
<i>Election sign</i>	means an advertising sign that is intended or likely to affect voting in an election. It includes a poster, billboard, corflute, placard, flag, banner, A-frame structure or similar, being of a fixed or transient nature (including being affixed to a vehicle, trailer, bicycle, tricycle, trolley or other object), but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election. Matter is taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on the election; or a candidate in the election; or an issue submitted to, or otherwise before, the voters in connection with the election.
<i>Public land</i>	means land that is owned, vested in, occupied, managed or controlled by Council, including but not limited to recreation reserves, halls, facilities, nature strips, median strips, roads, road reserves and Crown land.

10. Authorisation

This policy is managed by the Administration and Corporate Projects Department, and is authorised by a resolution made by Council at its ordinary meeting on 1 October 2018.

11. Revision date

This policy will be reviewed and presented to Council as deemed necessary by the CEO.