

# Fact Sheet

## Election Signs - Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2017

Before displaying any election signage please read this fact sheet. To ensure signs in Redland City are displayed safely and are of acceptable quality, Council has in place Subordinate Local Law 1.4 - Installation of Advertising Devices.

### Relevant Regulations

Election signs are regulated using Subordinate Local Law 1.4 – Installation of Advertising Devices and may be displayed both during an election period and outside an election period.

An election period is defined as the period prior to an election once the election has been officially declared. An election sign is defined as a sign or poster that is able, or is intended to:

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

Election signs are generally considered temporary signs and usually need to be:

- mobile in nature e.g. corflute signs on stakes,
- temporary in duration, being not designed or intended for permanent display of the election sign.

When erected on private property, the land occupiers consent must be obtained prior to the display of the election sign.

### Local Government Act limits application of Subordinate Local Law 1.4 – Installation of Advertising Devices on election signs

It is important to note that the *Local Government Act 2009* limits the extent a Local Law can regulate election signs.

However, an election sign must at all times not:

- Be illuminated
- Adversely affect public safety;
- Inappropriately impact on the use and enjoyment of land;
- Excessively affect the visual amenity of an area,
- Be erected on public land – unless part of a manned information booth;
- Be erected prior to an election or referendum campaign;
- Remain greater than 7 days after such periods.

For example, public safety issues include risks to pedestrians, road users and residents, as a result of the placement, structural adequacy or design of the sign.

Council's Subordinate Local Law 1.4 - Installation of Advertising Devices – also nominates election signs as permitted when displayed in accordance with the conditions specified in schedule 3, 4 and 5 of the Local Law. These permitted provisions only apply during an official election period or referendum period.

### What parts of Subordinate Local Law 1.4 – Installation of Advertising Devices will not apply to an election sign during an official election period?

Providing the principles of public safety, visual amenity, proper use and enjoyment of land and publicly owned land are respected, election signs during an election period will:

- Not be unreasonably restricted in the number or size of signs able to be displayed, noting the building approval requirements listed below.
- Not be restricted to the candidates division or electorate.
- Not be restricted in election sign content, providing the content reasonably relates to the candidate.

It is advised that election signs at a polling booth will be regulated based on legitimate public safety concerns. All candidates must ensure pedestrian and vehicle access to a polling place is not inhibited. Signs must also be in direct control of a person providing election information at the polling place.

**Please note:** Election signs must contain appropriate authorisation as required under the relevant electoral laws. Issues with the authorisation of election signs are to be referred to the electoral commission responsible for conducting the election.



### **Can an election sign be displayed on motor vehicles?**

Signs placed on motor vehicles must comply with all requirements of the Queensland Police and Department of Transport and Main Roads. Penalties may apply if a sign makes a vehicle non-roadworthy or defective.

Council will not regulate election signs on motor vehicles, except to ensure compliance with regulated parking requirements including being parked in a position that may adversely affect public safety.

### **What rules apply to road reserves or public land?**

Council will not permit election signs to be located on road reserve or Council land, either outside or during an election period.

However, candidates are permitted to have signs associated with information booths on road sides or parks, providing the booths are manned and do not create a traffic or pedestrian hazard. Sign numbers are to be limited to a maximum of four signs located within 6 metres of the stall.

These booths are not permitted on median strips or roundabouts, or within close proximity to intersections.

### **Does a sign need a building approval?**

Certain signs may require a development permit for building works in accordance with the *Planning Act 2016* and *Building Act 1975*.

This is usually required for all sign structures that are either:

- freestanding and over 2 metres in height from ground level, or
- freestanding and greater than 1.2 metres in width, or
- signs that form a separate structure when attached to an existing building or structure.

Building works approval may be obtained from a private certifier.

### **What penalties or compliance action may apply to an election sign?**

Council may undertake compliance action should an election sign be displayed in contravention of the requirements detailed in this fact sheet, specifically should it:

- adversely affect public safety,
- inappropriately impact on the use and enjoyment of land,
- excessively affect the visual amenity of an area,
- be erected on public land – unless part of a manned information booth or polling place.

Council will investigate complaints about election signs which are alleged to conflict with the above requirements. Public safety issues will be prioritised. Compliance action could include impounding signs, issuing notices and/or issuing on-the-spot fines.