

EME032	ELECTION SIGNS		
POLICY OWNER:	Council		
DEPARTMENT:	Office of the CEO		
CREATION DATE:	23 August 2022	REVIEW SCHEDULE:	Annually
RELATED PROCEDURES:			
RELATED FORMS:			
RELATED DELEGATIONS:	1.3.1 Infrastructure Control – Activities in Thoroughfares and Public Places and Trading Local Law 1.3.8 Public Places and Local Government Property Local Law 9.1.2 Unauthorised or Non-Complying Development – Directions and Offences 12.1.1 Person in control of Local Government Property		
RELATED POLICIES:	EME001 Code of Conduct for Council Members, Committee Members and Candidates		
LEGISLATION:	Planning and Development (Local Planning Schemes) Regulations 2015, Sch. 2 (deemed provisions) cl. 61 Shire of Carnarvon Local Planning Scheme Local Government Act 1995 Commonwealth Electoral Act 1918 (Cth); Electoral Act 1907 Main Roads (Control of Advertising) Regulations 1996		
DOCUMENT CONTROL			
DATE REVIEWED:	REVIEWED BY:	CHANGES (IF ANY):	ENDORSED BY COUNCIL:
23/08/2022	Council	Nil	RESOLUTION FC7/8/22
25/06/2024	Council	Nil	OCM RESOLUTION 04/06/24
19/10/2026	Council	Addition: legislation; private property; full prohibition of signs on Shire land; State roads, enforcement and complaints provisions.	OCM RESOLUTION 10/10/26

EME032 Election signs

OBJECTIVES

The objective of this policy is to establish a framework for the controls and standards for electoral material and signs displayed during Federal, State, and local government elections.

POLICY STATEMENT/S

The Shire recognises that the implied constitutional freedom of political communication, as applied by the High Court of Australia and the Supreme Court of Western Australia, limits the extent to which the Shire may regulate the display of electoral material and signs on private property.

Electoral signs displayed on private property, with the consent of the owner or occupier, do not require development approval where the sign meets the conditions of clause 61 of the deemed provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, being that the sign:



- (a) is erected or installed in connection with an election, referendum or other poll conducted under the Commonwealth Electoral Act 1918 (Cth), the Referendum (Machinery Provisions) Act 1984 (Cth), the Electoral Act 1907, the Local Government Act 1995 or the Referendums Act 1983;
- (b) has as its primary purpose political communication in relation to the election, referendum or poll;
- (c) is not erected or installed until the writ or writs have been issued or, for an election, referendum or poll under the Local Government Act 1995, until the 36th day before the day on which it is to be held;
- (d) is removed no later than 48 hours after the election, referendum or poll is conducted; and
- (e) is not erected or installed within 1.5 metres of any part of a crossover or street truncation.

The Shire will not permit any signage (including election signs) on any facilities or land owned, managed, or controlled by the Shire..

The prohibition on facilities or land owned, managed or controlled by the Shire does not apply to:

- (a) signs placed by, or on behalf of, the Western Australian Electoral Commission or the Australian Electoral Commission to promote or conduct an election, with the consent of the Shire; and
- (b) signs displayed at a polling place located on Shire land, on the day of an election, in accordance with the relevant electoral legislation and any directions of the Returning Officer or other person in charge of the polling place. Signs must be removed on the same day after polling closes, if not removed at the time of polling closure the Shire will remove and dispose of the signs.

Signs on State roads and State road reserves are controlled by Main Roads Western Australia under the Main Roads (Control of Advertising) Regulations 1996. The Shire cannot approve signs on those roads or its reserves.

A sign that does not meet the conditions in clause 61 of the Planning and Development (Local Planning Schemes) Regulations 2015 requires development approval under the Shire of Carnarvon Local Planning Scheme. Any sign placed on facilities or land owned, managed or controlled by the Shire in breach of this policy will be removed by the Shire.

Complaints about the content of an electoral sign are to be referred to the Returning Officer for the relevant election. If no Returning Officer has yet to be appointed by the WAEC and a declaration for an Election has occurred, all complaints are to be referred to the Shire CEO. Where a sign is displayed on private property without the consent of the owner or occupier, the Shire will refer the matter to the owner or occupier.