

## 1 Purpose

The objective of this policy is to outline Council's approach to the management of election signage during an election period. The policy aims to facilitate electoral advertising as a necessary part of the democratic process while mitigating adverse impacts in particular:

- structural integrity;
- distraction to road users; and
- potential safety issues.

## 2 Scope and applications

This policy applies to elections signs for Local, State and Federal elections during the respective election periods.

## 3 Principles

Council's Corporate Plan Goals (2019 – 2024):

- 5.1.3 Ensure leadership and decision making is transparent, accountable and represents the current and future interests of the region.
- 5.1.4 Develop, implement and communicate local laws, policies, standards and codes to achieve regulatory compliance.

are the underlying principles of this policy.

In addition to upholding the Corporate Plan principles outlined above, Council is committed to upholding the obligations in the *Human Rights Act 2019*.

## 4 Content

### 4.1 Regulation of election signs generally

The publication and display of election and electoral matter may be regulated by *the Local Government Act 2009*, *Local Government Electoral Act 2011*, *Electoral Act 1992 (Qld)* and *Commonwealth Electoral Act 1918*.

The *Local Government Act 2009* (LGA) states that a local government must not prohibit the placement of election signs or posters. Regulation of such signage is necessary in order to protect public health and safety and is considered appropriate, provided it is not undertaken in a way that unreasonably impedes a candidate's right to freedom of political communication.

### 4.2 Regulation of election signs under the Local Laws of Council

Council regulates the placement of election signage under:

- the Planning Scheme;
- Local Law No. 1 (Administration) 2011 (the "Administration Local Law"); and
- Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011 (the "Advertising Subordinate Local Law").

The placement of an election sign on land, including a local government controlled areas, facilities or roads may be characterised as the installation of an advertising device contrary to the prescribed activity identified in

the Administration Local Law and the Advertising Subordinate Local Law. A person must not undertake a prescribed activity identified in the Administration Local Law without a current approval granted by Council.<sup>1</sup>

#### 4.3 Exemption from requirement to obtain a permit

An exemption from permit requirements exists to minimise the impact on a candidate's right to freedom of political communication for the following signs:

- Any temporary election signs on private land provided that they are not erected prior to the 'election period' and are removed within seven days of the conclusion of the election; and
- Small corflute type signage (up to 0.54m<sup>2</sup> or 600x900mm) placed on local government controlled areas, facilities or roads providing such signs:
  - Do not compromise public/road safety;
  - Are not located on roundabouts or traffic islands;
  - Are not affixed to trees, picnic shelters or traffic signs or signals;
  - Do not impede pedestrian access; and
  - Are not to be erected prior to the 'election period' and must be removed within seven days of the conclusion of an election.

The following conditions must be complied with in order for signs to be exempt and not require an application for a permit must:

1. be non-rotating and not be illuminated or incorporate reflective or fluorescent materials;
2. not project over the carriageway or any surface used by motor vehicles;
3. not restrict sight distances on approaches to intersections or restrict the visibility of authorised signs;
4. for urban areas, be located as close as practicable to a property boundary and parallel to it;
5. for rural areas where the speed limit is 80K/h or less, be located at least 3.5 metres from the edge of the nearest traffic lane;
6. for rural areas where the speed limit is greater than 80K/h, be located at least 6 metres from the edge of the nearest traffic lane; and
7. not be fastened to trees or road infrastructure (e.g. road signs, guardrails).

#### 4.4 Election Signs which create a danger to traffic

The *Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015* (section 139) provides that the chief executive (Queensland Transport) or the Commissioner (Queensland Police Service) may give the owner of a light or sign which is in, on or near a road, or attached to a building or other structure in the vicinity of a road, in a manner which may create a danger to traffic, a written notice requiring the owner, within the time stated in the notice, to:

- remove the light or sign; or
- modify the light or sign, in the way stated in the notice, so it does not create a danger to traffic.

#### 4.5 Election sign on any existing Advertising Device

An election sign may be placed on an existing advertising device, for example, a billboard, which is the subject of:

- a development approval under Council's Planning Scheme; or
- an approval under a local law of Council.

#### 4.6 Election Signs on State Controlled Roads

Election signs placed on State controlled roads must comply with the current Department of Transport and Main Roads, Queensland requirements (<https://www.qld.gov.au/transport/safety/signs/election-signs>).

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<sup>1</sup> See section 6(2) of the Administration Local Law.

- The Ancillary Works and Encroachment Notice (No. 1) 2009; and
- Roadside Advertising Manual of the Department of Transport and Main Roads, Queensland
- (<https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Roadside-advertising-manual>).

#### 4.7 Carrying election signs on roads

Sections 126 and 126B of the *Traffic Regulation 1962* regulate the carrying of a placard, board, notice or sign upon a road, and relevantly prohibit these activities other than by the holder of a permit issued by the chief executive (Queensland Transport) or the Commissioner (Queensland Police Service).

#### 4.8 Compliance Notice

If an authorised person is satisfied on reasonable grounds that: -

- a person is contravening this policy; and
- a matter relating to the contravention can be remedied; and
- it is appropriate to give the person an opportunity to remedy the matter.

the Authorised Person may give a compliance notice to require the person to remedy the contravention<sup>2</sup> within a period considered reasonable in all the circumstances<sup>3</sup>. For the purpose of this policy, 24 hours is reasonable notice.

#### 4.9 Seizure without Notice

If in the opinion of an Authorised Person, the placement of a sign/s on council controlled roads and lands gives rise to immediate safety concern or the owner has not complied with a compliance notice, the sign/s may be seized without notice pursuant to s28 of the Administration Local Law.

#### 4.10 Recovery of seized and Impounded Election Sign

Signs seized and impounded may be recovered by the owner upon payment of a \$20 per sign release fee. The release fee is to reimburse Council for the cost of seizing and removing the sign.

#### 4.11 Unclaimed Election Signs

Council will retain seized and impounded signs for a period of 1 month after which unclaimed signs may be destroyed.

#### 4.12 Election Signs requiring Council Approval

Council approval is required for signs that do not comply with the requirements outlined in this policy. Applications are assessed on their merits.

### 5 Responsibilities/accountabilities

**Authorised Person** may give a compliance notice to require the person to remedy the contravention of this policy and may seize a sign without notice pursuant to s28 of the Administration Local Law

**Chief Executive (Queensland Transport)** or the **Commissioner (Queensland Police Service)** may give the owner of a light or sign a notice to:

- remove the light or sign; or

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<sup>2</sup> See section 26 of the Administration Local Law.

<sup>3</sup> See section 26 of the Administration Local Law.

modify the light or sign, in the way stated in the notice, so it does not create a danger to traffic.

**Environmental and Regulatory Services Branch** are responsible for assessing applications for signs as per the applicable Local Law and/or Subordinate Local Law.

## 6 Relevant laws

### 6.1 Legislation

*Commonwealth Electoral Act 1918*

*Electoral Act 1992 (Qld)*

*Local Government Act 2009*

*Local Government Regulation 2012*

*Local Government Electoral Act 2011 (Qld)*

### 6.2 Local Laws

*Local Law No. 1 (Administration) 2011 (the "Administration Local Law")*

*Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011 (the "Advertising Subordinate Local Law")*

## 7 Related policies/documents

Members of the public can access Council policies on Council's website. If a policy listed below does not appear on the website please contact 131 872 or email [info@tr.qld.gov.au](mailto:info@tr.qld.gov.au) to request a copy. Staff may access policies via the [Policy Register and Review Schedule](#).

### Council policies

Not applicable

### Other documents

*Council's Planning Scheme (the "Planning Scheme");*

[Corporate Plan 2019 - 2024](#)

## 8 Related forms

Local Law Approval Application Form Installation of Advertising Devices – Signs (DM# 8354402)

## 9 Definitions

**Authorised Person** - A person appointed by the Chief Executive Officer under section 202 of the Local Government Act 2009 as an Authorised Person under the Act and Council's Local Laws.

**Election Period** - For a Local Government election, means the period:

- starting on the day when public notice of the holding of the election is given; and
- ending on the close of the poll for the election.

- For a State or Federal Government election, means the period:

- starting on the day that the Governor-General or Governor issues the election writ; and
- ending on the close of the poll for the election.

**Election Sign** - Any sign intended to influence an elector about voting at an election or affect the result of an election, including promotion of a political party or candidate. Election signs include temporary corflute signs.

**Immediate Safety Concern** - Determined by the Authorised Person acting reasonable is likely to cause harm to human health and safety.

## 10 Policy details

<b>Policy category:</b>	Council Policy	<b>Policy version number<sup>4</sup>:</b>	5.00
<b>Date adopted/approved:</b>	15 February 2023	<b>Effective date:</b>	15 February 2023
<b>Approval authority:</b>	Council		
<b>Policy Owner:</b>	Governance and Legal Services Branch – Office of the CEO		
<b>Contact officer:</b>	Manager Governance and Legal Services		
<b>Review date:</b>	February 2026		

## 11 Revision history

Policy version	Approval date	DM Reference
1.00	21 February 2012	4969688v1A
2.00	13 December 2016	6899202v2
3.00	17 December 2019	7413207v2
4.00	15 February 2023	10615019v2

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<sup>4</sup> Printed copies are uncontrolled. It is the user's responsibility to ensure that any copies of policy documents are the current issue. Any delegations should be verified via the relevant Delegation Register as it takes precedence if there is a conflict. The Chief Executive Officer will, if necessary, be the sole arbiter in resolving any issues of conflict