



Political & Electoral Signage Policy

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Authorisation	Policy Review Panel – 13 October 2021
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Responsible officer	Manager Community Safety
Policy owner	Coordinator Amenity Protection

1 Purpose

During campaigns for State, Federal and Local elections, political candidates and their supporters may choose to publicize their campaigns by the construction or display of electoral signage on privately-owned land. The temporary placement of signage is permitted on private land, provided the sign conforms to the requirements of the Melton Planning Scheme and the Department of Environment, Land, Water and Planning regulations (DELWP). The placement of electoral signage on roads and Council-owned or managed land is not permitted under any circumstances.

The purpose of this policy is to ensure that political candidates and campaign organisers are aware of the time limits, size requirements and construction standards regarding the erection or display of electoral signage on private land. This policy will also clarify the enforcement options available to Council in the event that a regulatory breach occurs. These enforcement options include impoundment of the sign and the issuing of infringement notices.

2 Scope

This policy applies to the following groups:

- a. Candidates and organisers of political campaigns who are considering the use of electoral signage to publicize and promote candidates or political parties
- b. Authorised Council staff responsible for enforcing this policy, Council's General Local Law 2015 and Council's Planning Scheme
- c. Council staff or contractors responsible for the removal, impoundment and storage of political signs as a result of non-compliance

3 Definitions

Word/Term	Definition
DELWP	Department of Environment, Land, Water and Planning
Electoral Signage	A sign which contains information relating to a political candidate or political party, which is being displayed as part of a State, Federal or Local election campaign
Melton City Council General Local Law 2015	Melton City Council Local Law currently in place within the Melton municipality and is authorised under Section 71(1) of the <i>Local Government Act 2020</i>

4 Policy

This policy is created in alignment with Melton City Council's General Local Law 2015 and the Melton Planning Scheme. Additional information can be obtained from the DELWP website.

4.1 Electoral signage on private land

Under Clause 52.05-10 (31/07/2018 VC148) a permit is not required to construct or put up for display-

- A sign with a display area not exceeding 5 square metres publicising a local educational, cultural, political, religious, social or recreational event not held for commercial purposes.
- Only one sign may be displayed on the land,
- it must not be an animated or internally illuminated sign,
- it must not be displayed longer than 14 days after the event is held or 3 months, whichever is sooner.
- A sign publicising a local political event may include information about a candidate for an election.

Providing the sign conforms to the above requirements, there is no application process, fee, or permit required. In the event of non-compliance, details of the potential penalties and the impoundment process can be found in Section 4.3 of this policy.

4.2 Recommended construction standards

Large signs are particularly susceptible to wind-damage and poorly-constructed signs represent a hazard to the public and road-users. Panels or entire signs can be dislodged and thrown considerable distances during storms and high winds. It is recommended that a suitably-qualified tradesperson is commissioned to install the sign according to the following guidelines:

- a. The sign should be of a solid and sound construction, erected in a secure and stable manner so that it can withstand the elements.
- b. It is the responsibility of the private land-owner to ensure that any electoral sign on their property is constructed in a way such that all fixtures and fittings are flush with the surface of the sign and that no sharp or jagged edges are exposed.

Council is not legally responsible for any material damage or personal injury caused by electoral signage which is poorly-constructed or has become dislodged. Any sign which is deemed to be a potential risk to the wellbeing or property of others may be impounded without notice.

4.3 Penalties and impoundment

a. Penalties

Where breaches are identified or suspected, an authorised officer of Council is empowered to carry out the course of action appropriate to each situation by administering a combination of the following penalties and actions:

- i. Issue a formal notice to comply in accordance with Section 102 of the General Local Law 2015
- ii. Carry out an impoundment of the sign by an authorised officer or representative of Council in accordance with Section 109 of the General Local Law 2015 (see impoundment section below)
- iii. Issue an infringement notice and fine of \$500 in accordance with Section 28 of the General Local Law 2015. A person served with an infringement notice is required to pay the penalty specified in the infringement notice to Council within 28 days of service,

failing which legal proceedings can be instituted against that Person.

- iv. In cases where a fine has not been paid in full by the specified date Council may commence legal proceedings to obtain the balance of the fine along with any other applicable costs. These costs may include (but are not limited to) sign release fees, legal fees, sign disposal fees and costs associated with the impoundment of the sign.
- v. In some cases council's planning enforcement unit may also issue infringements for unlawful signage displayed on both private and public land including Freeways, high ways and roads. The penalty for the purposes of this section for an offence against section 126 of the Planning and Environment Act 1987 is—
 - in the case of a natural person, 5 penalty units; (\$ 908.70 as of the 01/07/2021)
 - in the case of a body corporate, 10 penalty units. (\$1817.40 as of the 01/07/2021)

Any expense incurred by Council in consequence of a breach of the Melton Planning Scheme or as a result of enforcing a Local Law must be paid by the person deemed by Council to have committed the breach. Such costs will be recoverable as a debt due and payable.

b. Impoundment

In cases where the requirements specified in sections 4.1 and 4.2 are deemed not to have been met, Council will usually arrange an impoundment of the sign within 24-48 hours of the breach being identified. This impoundment may be carried out in addition to any infringements, warnings, notices or other penalties. Once the sign has been impounded the following conditions will apply as per Clause 109 of the General Local Law 2015:

- i. As soon as it is reasonably practical to do so, an authorised officer will serve a notice of impoundment on the organiser of the electoral campaign. This notice will set out the release fee payable, methods of payment and the date by which the sign must be retrieved. The retrieval date will be specified as 6 weeks from the impoundment date.
- ii. Council may refuse to release the sign until the applicable release fee has been paid. The release fee can be paid to customer service staff either in person or over the telephone.
- iii. Once the release fee has been paid, the customer service unit will process the payment, schedule the collection and provide a receipt number to be quoted when collecting the sign from the impoundment facility at 90 High Street Melton.
- iv. Collection will be scheduled from Monday to Friday during the hours of 9:00 to 17:00 and is subject to the availability of an authorised officer to release the sign.
- v. If the sign is not retrieved within the timeframe specified in the notice of impoundment, an authorised officer will take steps to dispose of the sign in the most economical way.
- vi. In cases when the identity or whereabouts of the campaign organiser is unknown, Council will hold the sign for a period of 6 weeks and then dispose of the sign in the most economical way.

4.4 Electoral signage on roads, or Council owned and managed land

Council does not permit any type of electoral signage being erected or displayed on Council land, including on:

- Public open space reserves or parks, or;
- Road reserves, including nature or median strips, traffic islands, roundabouts, or attached to trees.

Any electoral signs placed on roads or Council land may be impounded without notice, prior warnings given or infringement/s being issued. Refer ~~For more on the impoundment process refer to section 4.3b. above.~~

5 Responsibility /Accountability

Responsible Individual / Group	Responsibility
Manager Community Safety	Overall responsibility for ownership and implementation of the policy
Coordinator Amenity Protection	Responsible for actioning and enforcing the policy
Melton City Council Policy Review Panel	Responsible for review and approval of policy

6 References and links to legislation and other documents

Name	Location
Melton City Council General Local Law 2015	https://www.melton.vic.gov.au/Regulations/Local-Laws/General-local-law
Melton Planning Scheme	https://www.melton.vic.gov.au/Services/Building-Planning-Transport/Strategic-planning/Melton-Planning-Scheme