

DOCUMENT ON EXHIBITION

Policy: Electoral Matter in Public Places

**Exhibition period: 28 days
18 November – 16 December 2022**

**Please address any queries to;
Manager Customer Services & Governance**

**Please submit your feedback in writing
addressed to the General Manager**

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ADOPTED	VERSION NO
COUNCIL MEETING MIN NO	REVIEW DATE
DATE:	FILE NUMBER GOV400047

Objective

To clarify for both candidates of Elections and residents of the Mid-Western Regional Council limitations and enforcement powers that apply to election material (posters) being displayed in public places within the Local Government Area.

Legislative requirements

Commonwealth Electoral Act 1918

Parliamentary Electorates and Elections Act 1912

NSW Electoral Act 2017

Local Government Act 1993

Public Spaces (Unattended Property) Act 2021

Related policies and plans

- State Environment Planning Policy 2008
- State Environment Planning Policy No 64
- Local Environment Plan 2012
- Development Control Plan 2013

Policy

Both State and Federal laws for the conduct of elections lays down the requirements of registering and identifying electoral matter. Candidates of elections are informed of these requirements when enrolling as a candidate. The laws also provide for the display of electoral matter in public places 5 weeks immediately preceding the day on which the election is held and at polling places on the day of polling.

The control and management of electoral posters in public places other than at polling places on polling day, Councils in NSW are the responsible local authority for compliance.

It is unlawful for a person to post up, permit, or cause to be posted up, electoral matter on any premises under the control or management of a local authority (Council).

Election Signage – Polling Place

The display of an election poster is lawful in relation to posters being posted up at polling places, in the grounds of polling places and on the boundaries of polling places 5 weeks preceding the day on which the election is held only.

Election Signage – On or within any Local Authority Managed Premises

A person must not post up, or permit or cause to be posted up a poster on or within any premises under the control or management of any local authority. The definition of premises under NSW legislation includes any structure, building, vehicle or vessel or any place, whether built on or not, and any part thereof. Posters are not permitted to be posted up within a road reserve or any public space including; being fixed to trees, fixed to power or telegraph poles, fixed road signage or attached to approved advertising signage erected within road reserves.

Election Signage – Posters displayed on trailers

State Environmental Planning Policy number 64 makes it unlawful to advertise on trailers parked on (or visible from) roads or road related areas.

Election Signage – Notification of Council requirements

Council will notify election candidates in writing of this policy. Breaches of this policy will be rectified by council staff removing the offending electoral material and notifying the candidate.. Breaches may result in a fee being charged and penalty infringement notices being issued. Council also have the right to dispose of posters if not collected within 28 days.

Penalty

Under NSW legislation noncompliance may incur a penalty not exceeding 5 penalty units per offence. Council also have the right to charge a fee for the impounding, holding and disposing of posters.