

Urgent decision: Albert-Eden Local Board

Amendment of the Auckland Transport Election Signs Bylaw 2013 and its impact on local parks

Wednesday, 8 November 2017

Background

1. On 1 August 2017 the Auckland Transport Board amended the Auckland Transport Election Signs Bylaw 2013 ("the Bylaw") which removed the 9-week time restriction on the display of election signs. This change came about due to concerns that the time restrictions may limit the right to freedom of expression in the New Zealand Bill of Rights Act 1990 ("BoRA").
2. Due to the Bylaw amendment, public sites, including those in local parks and reserves, can now be used for election signs for longer than 9-weeks. Signs must relate to a specific election, and must be removed prior to the day of the election. However, there is no limit on the length of time that they can be erected prior to the election.
3. Under section 14 (freedom of expression) of the BoRA everyone has the right to freedom of expression. Under section 5 (justified limitations) of the BoRA the rights and freedoms contained in the Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.
4. Local boards must balance the need to provide adequate advertising locations to allow the democratic process to run smoothly, while ensuring that parks and reserves are not overly encumbered with election signage.
5. Election signs restrict the public use of parks, have an impact on amenity and create potential safety issues. Increasing the amount of time that election signs can be erected for will lead to additional compliance and maintenance costs.
6. Staff recommend that local boards limit the time period for election signs on parks and reserves to a 9-week period. This option would still provide for election signs in parks and reserves and meet community expectations. These changes would apply to the upcoming by-elections in February 2018 and any future elections, unless the decision is revisited.
7. A 9-week period is also consistent with the Electoral Act 1993, which provides that no limitation contained in a bylaw restricts election advertising for a period of 9-weeks prior to a general election. This legislation contemplates that local authorities may seek to limit the display of election signs, but provides an override for a 9-week period. Further, a 9-week restriction for public sites has been in place in Auckland since the bylaw was made in 2013, and therefore continuation of this restriction is in line with community expectations. The complaint to the Minister of Transport in 2016 concerned private sites, which are not affected by the proposal to reintroduce a time restriction on public sites.

Reason for urgency

1. The case for an urgent decision is made due to the need for all local board resolutions / decisions to be provided to Auckland Transport by Thursday, 16 November 2017. The

Albert-Eden Local Board's next business meeting is scheduled for Wednesday, 22 November 2017.

2. Local Board Services Department staff have produced a report titled 'Amendment of the Auckland Transport Election Signs Bylaw 2013 and its impact on local parks', outlining the background, existing issues and recommendations to the board. The report is attached to this urgent decision document.
3. The urgent decision will be reported to the full board during the next scheduled meeting on Wednesday, 22 November 2017.

Delegation

At the Albert-Eden Local Board 7 December 2016 meeting the board resolved as follows in relation to an urgent decision process:

19 Urgent decision-making process

Resolution number AE/2016/225

MOVED by Deputy Chairperson G Fryer, seconded by Member J Rose:

That the Albert-Eden Local Board:

- a) **adopts the urgent decision-making process for matters that require a decision where it is not practical to call the full board together and meet the requirement of a quorum.**
- b) **delegates authority to the chair and deputy chair, or any person acting in these roles, to make urgent decisions on behalf of the local board.**
- c) **agrees that the relationship manager, chair and deputy chair (or any person/s acting in these roles) will authorise the urgent decision-making process by signing off the authorisation memo.**
- d) **notes that all time-critical urgent decisions will be reported to the next ordinary meeting of the local board.**

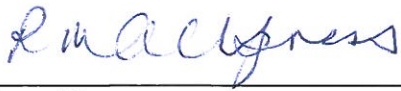
CARRIED

Recommendation

That the Albert-Eden Local Board:

- a) Amends landowner approvals for election signs to provide a 9-week time restriction on local parks and reserves identified in the List of Election Sign Sites.
- b) Requests that Auckland Transport's Traffic Control Committee provide a 9-week time restriction for election signs on road reserve to provide a consistency for public sites across Auckland.
- c) Requests that Auckland Transport's Traffic Control Committee update their List of Election Sign Sites to reflect these time restrictions in accordance with clause 6 of the Election Signs Bylaw 2013.
- d) Requests that Auckland Transport's Traffic Control Committee include the corner of Carrington Road and Great North Road as an election site, noting it was one during the 2010 elections.
- e) Supports local elections signs being erected up to 200 metres beyond the local board boundary.

Authorised for release:

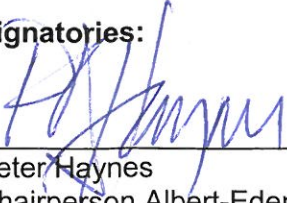


Robyn Allpress
Acting Relationship Manager
Senior Local Board Advisor

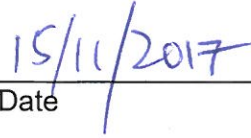


Date

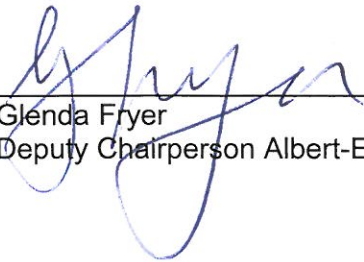
Signatories:



Peter Haynes
Chairperson Albert-Eden Local Board



Date



Glenda Fryer
Deputy Chairperson Albert-Eden Local Board



Date