

Urgent Decision Memo

14 November 2017

To: Rex Hewitt, Papakura Local Board Relationship Manager
cc: Papakura Local Board Chair and Members
From: Trish Wayper (Democracy Advisor)

Subject: Urgent decision request of the Papakura Local Board – request amend Auckland Transport Election Signs Bylaw 2013

Purpose:

An urgent decision is being sought to request an amendment to the Auckland Transport Election Signs Bylaw 2013 to amend the landowner approvals for election signs to provide a nine week time restriction on local parks and reserves.

Reason for the urgency:

- The Papakura Local Board next meet on Wednesday, 22 November 2017.
- Auckland Transport will be reporting on the request to amend Auckland Transport Election Signs Bylaw 2013 and their impacts on local parks to their Auckland Transport Traffic Control Committee on 17 November 2017.
- The resolutions of the three local boards where a by-election will be taking place in February, and those directly adjacent, are required for consideration by the committee to ensure the outcome is included in the candidate information.
- Information will be provided to candidates in November 2017 for the upcoming by-election in February 2018. This will include the location of public sign sites and time restrictions agreed by local boards and Auckland Transport.
- Staff request that local boards are consistent across the region and all have a nine-week restriction on parks and reserves – this will be easier to administer, and be clearer for candidates, the public and staff.
- The local board has the decision-making authority to approve and apply conditions on landowner consents for parks and open spaces.

Decision sought from the chair and deputy chair (or any person acting in these roles)

That the Papakura Local Board:

- a) amend landowner approvals for election signs to provide a nine week time restriction on local parks and reserves identified in the List of Election Sign Sites.**
- b) request that Auckland Transport's Traffic Control Committee provide a nine week time restriction for election signs on road reserve to provide a consistency for public sites across Auckland.**

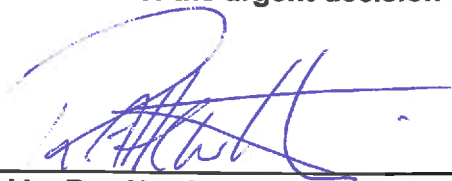
- c) **request that Auckland Transport's Traffic Control Committee consider updating their List of Election Sign Sites to reflect these time restrictions in accordance with clause 6 of the Election Signs Bylaw 2013.**

Background

- On 1 August 2017 the Auckland Transport Board amended the Auckland Transport Election Signs Bylaw 2013 (the bylaw) which removed the nine week time restriction on the display of election signs. This change came about due to concerns that the time restrictions may limit the right of freedom of expression in the New Zealand Bill of Rights Act 1990 ("BoRA").
- Due to the Bylaw amendment, public sites, including those in local parks and reserves, can now be used for election signs for longer than nine 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.
- 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.
- 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.
- 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.
- Staff recommend that local boards limit the time period for election signs on parks and reserves to a nine 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.
- A nine 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 nine 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 nine week period. Further, a nine 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.
- The Papakura Local Board provided feedback on the Auckland Transport Election Signs Bylaw on 21 June 2017. The following paragraph is the board's feedback in relation to the time restrictions for the erection of election signage. Auckland Transport were proposing deleting the clause.

"The Papakura Local Board does not agree that this entire paragraph should be deleted. The paragraph should be amended to reflect the regulated period provided for in the Electoral Act 1993. It is helpful for candidates to have all related information in the one location."

Authorisation of the urgent decision-making process



Signed by Rex Hewitt
Relationship Manager, Papakura Local Board

15-11-2017
Date



Brent Catchpole
Chairperson, Papakura Local Board

15-11-2017
Date



Felicity Auva'a
Deputy Chairperson, Papakura Local Board

15-11-2017
Date

