
Notice of Motion - Member Haynes - Enforcement of the Auckland Transport Election Signs Bylaw 2013

File No.:

Executive summary

1. Member Haynes has given notice of a motion that he wishes to propose.
2. The notice, signed by Member Haynes and Member Watson as seconder, is appended as Attachment A.

Motion

That the Albert-Eden Local Board:

- a) Notes that the Auckland Transport Election Signs Bylaw 2013 was amended on 1 August 2017 to remove the restriction limiting the display of election signs to the nine-week period preceding a general election, local election or election for the Auckland Energy Consumer Trust.
- b) Notes that the Bylaw applies to signs “for a public referendum, election, or by-election...”
- c) Notes that many political parties have started erecting signs that are not “for a public referendum, election, or by-election...”
- d) Calls on Auckland Transport to clarify that signs erected under the Auckland Transport Election Signs Bylaw 2013 must be ‘election signs’ as defined by the Bylaw and requests Auckland Council to enforce the Bylaw accordingly.
- e) Calls on Auckland Transport to reinstate by resolution the long-standing site for the display of election signs at the corner of Carrington and Great North Roads.

Background

- The Auckland Transport Election Signs Bylaw 2013 (hereafter “the Bylaw”) applies to local government elections (including licensing trusts and district health boards), parliamentary elections and referenda. It regulates the display of election signs on roads or visible from roads or public places for the purposes of the safety of the public by way of minimising the potential of election signs to cause traffic safety hazards.
- The Bylaw was amended on 1 August 2017 to remove the restriction limiting the display of election signs to the nine-week period preceding a general election, local election or election for the Auckland Energy Consumer Trust.
- The Bylaw applies to ‘election signs’, which are defined as: “a sign or any part of a sign (including the frame and supporting structure) *for a public referendum, election, or by-election*, that encourages or persuades or appears to encourage or persuade voters to vote for a party or a person standing as a candidate or to vote in a particular way on a referendum or election” (emphasis added).
- The perceived need to amend the Bylaw to remove the temporal restriction on election signage resulted from the request by an Auckland mayoral candidate in the 2016 local body election to the Minister of Transport to disallow the Bylaw under the provisions of the Land Transport Act 1998 (“LTA”). It was claimed that due to the temporal restrictions on the display of election signs, the Bylaw breached the right to freedom of expression in the New Zealand Bill of Rights Act 1990 (“BoRA”). A review of the temporal restrictions in the Bylaw revealed possible inconsistencies with the right of freedom of expression as provided in BoRA and on 28 March 2017 the Board approved the proposal to consult in adherence with the principles set out in the Local Government Act 2002 (“LGA’02”) to amend the Bylaw by removal of the temporal restriction associated with the display of election signs and to correct other minor issues in the Bylaw (“Proposal”).
- Many political parties have started erecting signs that are not “for a public referendum, election, or by-election...” Rather, the signs are to advertise public meetings and similar. This appears to be a misinterpretation of the application of the Bylaw and requires clarification by Auckland Transport.
- The long-standing hoarding site at the corner of Carrington and Great North Roads was deleted from the list of approved sites in 2015 as the site was temporarily part of the motorway construction site for the upgrade of the Waterview interchange. The motorway

works were completed two years ago, and the site is no longer required for construction purposes.

- The Bylaw does not contain a list of public sites for the display of election signs. Rather, it allows for such sites to be specified by resolution. Inclusion of this site in the of permitted sites would therefore not trigger consultation procedures.

Attachments

Signatories

Author	Peter Haynes – Member, Albert-Eden Local Board
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