

CONTROL OF ELECTION SIGNS POLICY

1. PURPOSE

The purpose of this policy is to provide guidance to candidates and sets out Council's position in regard to the placement of electoral advertising within the City. The existence of this policy will assist to minimise any negative impact on the overall amenity and atmosphere of the City, by ensuring that election Signs which may be approved are appropriate, of good quality and placed in the correct manner.

The requirements established in this policy will be applied consistently and equitably to all political parties and candidates.

By operation of Section 115(2a) of the Electoral Act 1985 ("Electoral Act") and Sections 226 and 226A of the Local Government Act 1999 ("LG Act"), the display of electoral advertising posters (as defined) on a public road (in respect of a Commonwealth, State or Local Government election) or road-related area (for a Commonwealth or State election), including any structure, fixture or vegetation on the public road or road-related area, is generally prohibited.

The display of election signs on structures on local government land (that does not comprise a road related area if related to a Commonwealth or State election, or in any respect for a Local Government election) requires Council's consent as the owner of the land/structure and is regulated under the Council's Local Government Land By-law 2021. Specific permission is generally required under paragraph 4.4.4 of that by-law to change or interfere with any structure on local government land by affixing an election sign to the structure.

This policy does not apply to free standing moveable Signs that are placed on a public Road relating to a State or Federal Election, since such Signs may be placed without authorisation.

2. POLICY

2.1. Public Roads and Road Related Areas

While there are general prohibitions in these areas, there are a number of exceptions to these general prohibitions set out in the Electoral Act and LG Act. Those exceptions vary depending on whether the particular election is a Commonwealth, State, or Local Government Election.

Commonwealth Elections

A Commonwealth election is an election held under the *Commonwealth Electoral Act 1918*.

The display of electoral advertising posters in respect of a Commonwealth election on a public road or road related area (including any structure, fixture or vegetation on a public road or road-related area) is **generally prohibited**.

Section 226A(2) of the LG Act provides however that a person may display a designated electoral advertising poster – being a poster, notice or sign containing matter calculated to affect the result of a Commonwealth election – on a road or road-related area in the following circumstances:

- (a) the person is holding the poster, notice or sign (either directly in their hands or by holding an implement or device to which the poster, notice or sign is attached); or
- (b) the poster, notice or sign:
 - (i) is **not attached** to a building, hoarding or other structure or fixture on a road or road-related area; and
 - (ii) the poster, notice or sign is exhibited at, or in the vicinity of, a place at which a designated event or activity is being held and is exhibited immediately before, during or immediately after the designated event or activity, provided that the poster, notice or sign is not exhibited at, or in the vicinity of, the place for more than 6 hours.

A designated event or activity means any of the following:

- an assembly within the meaning of the *Public Assemblies Act 1972*; or
- an organised gathering, meeting, function or event relating to a Commonwealth election; or
- a person canvassing for votes relating to a Commonwealth election; or
- any other prescribed gathering, meeting, function or event, or class of gathering, meeting, function or event.

State Elections

A State election is an election held pursuant to the Electoral Act.

The display of electoral advertising posters – being a poster, notice or sign containing matter calculated to affect the result of a State election – in respect of a State election on a public road or road related area (includes any structure, fixture or vegetation on a public road or road-related area) is **generally prohibited**.

Section 226(3)(caa) of the LG Act provides however that an electoral advertising poster related to a State election may be exhibited on a road during the election period for an election where the poster is not prohibited from exhibition pursuant to the Electoral Act or the sign is identical to a sign approved by the State Electoral Commissioner for exhibition during the election period for the purpose of notifying electors of the election.

Section 115(2)(b) of the Electoral Act enables a person to display a poster, notice or sign displaying an advertisement containing matter calculated to affect the result of a State election on a public road or road related area where:

- (a) the person is holding the poster, notice or sign (either directly in their hands or by holding an implement or device to which the poster, notice or sign is attached); or
- (b) the poster, notice or sign:
 - (i) is **not attached** to a building, hoarding or other structure or fixture on a road or road-related area; and
 - (ii) the poster, notice or sign is exhibited at, or in the vicinity of, a place at which a designated event or activity is being held and is exhibited immediately before, during or immediately after the designated event or activity, provided that the poster, notice or sign is not exhibited at, or in the vicinity of, the place for more than 6 hours; or
- (d) the poster, notice or sign is of a kind and exhibited in circumstances prescribed by the *Electoral Regulations 2024* (see in particular, Regulation 22 of the *Electoral Regulations 2024*).

A designated event or activity means any of the following:

- an assembly within the meaning of the *Public Assemblies Act 1972*; or
- an organised gathering, meeting, function or event relating to a State election; or
- a person canvassing for votes relating to a State election; or
- any other prescribed gathering, meeting, function or event, or class of gathering, meeting, function or event.

Local Government Elections

A Local Government Election is an election held under the LG Act or the *Local Government (Elections) Act 1999* (SA).

The display of electoral advertising posters in respect of a local government election on a public road (including any structure, fixture or vegetation on a public road) is **generally prohibited**.

An electoral advertising poster is a poster displaying electoral advertising and made of corflute, plastic or any other prescribed material or kind or material.

There are limited exceptions for signs published by or on behalf of the Electoral Commissioner, the LGA or the Council.

Other types of election signs (which are not electoral advertising posters), can only be displayed in accordance with the Department for Infrastructure and Transport's *General Approval Election Signs: Local, State and Federal Government Elections* and *NICC210: Signage, Banners and Temporary Equipment on SA Power Networks Assets* published by SA Power Networks.

2.2. Local Government Land

Where local government land constitutes a 'road related area' as defined in the *Road Traffic Act 1961*, the display of State and Commonwealth electoral advertising posters is **generally prohibited**, subject to the exemptions set out at paragraph 2.1 of this Policy.

In other circumstances (including for Local Government Elections), where election signs are to be proposed to be erected or installed on structures on local government land, permission of Council must be obtained as the owner of those structures.

Paragraph 4.4.4 of Council's *Local Government Land By-law 2021* also provides that permission of the Council must be obtained to change or interfere with any structure on local government land by affixing an election sign to the structure. Local government land includes land owned by or under the Council's care, control and management.

Council's By-laws may be accessed on the Council's website.

Local Nuisance and Litter Control Act 2016

In addition to the above legislative regimes, Section 23(1) of the *Local Nuisance and Litter Control Act 2016* makes it an offence for a person to post a bill on property without the consent of the owner or occupier of the property. This includes the Council in respect of all structures, land and buildings owned by, or under the Council's care management and control.

2.3. Standard Conditions for Display of Election Signs

Council will consider all applications for display of election signs on a case-by-case basis, where such display may be subject to approval in accordance with (and it is not otherwise prohibited by) the LG Act, the Electoral Act, Council's *Local Government Land By-law 2021* and the *Local Nuisance and Litter Control Act 2016*.

While permission for applicants will be considered on a case-by-case basis, the following standard terms and conditions will generally be imposed as part of any grant of permission.

Approved signs shall:

1. Not be more than one (1) square metre in area, except at a place designated as a polling place for a Federal or State Election or Referenda on polling day only
2. Only be displayed, in the case of local government Elections, during the period commencing four (4) weeks immediately before the date set for polling day and ending at the close of voting on polling day.
3. Comply with all legislative requirements relating to the publication of 'electoral material' as defined in the relevant legislation
4. Be securely fixed or posted and maintained in good repair and condition at all times
5. Be designed, made, and presented in a quality manner (the intent is that Signs will remain intact and not become a danger to Road users or end up as litter)
6. Contain clear and legible writing or symbols. An authorised officer will determine whether a sign is clear and legible for these purposes
7. Contain on the face of the Sign, the name, phone/email and address of both the person authorising the electoral material and the printer of it, along with a phone contact number of the authorising person or party
8. Be fastened securely so that they cannot become detached in high winds and endanger Council property or equipment or pose a danger to the safety of the public
9. Be installed, maintained and removed in a safe manner without endangering personal and community safety.

Approved signs shall not:

10. Be displayed for more than 48 hours following the close of polls on polling day or conclusion of the election;
11. Be located on a fence adjoining Local Government land that is owned by Council or under Council's care, control and management (other than Roads). This includes property being leased from Council
12. Be illuminated (internally or indirectly), move, flash, rotate, or reflect so as to be an undue distraction to drivers

13. Be adhesive. All individual promotional material affixed under the terms of this consent may only be affixed by non-invasive means that do not cause damage of any type to the structure to which the material is affixed.
14. Be affixed under any circumstances to trees, shrubs, or other plants or at any location that may cause damage to Council property
15. Be placed on a carriageway, dividing strip (median), traffic island, roundabout, or within 50 metres of a signalised intersection, roundabout or pedestrian activated crossing
16. Be placed within 6 metres of an intersection or junction, or in any other location that may pose a hazard to pedestrians or Road users
17. Be attached to any traffic control device, street name, traffic direction or parking sign or to the associated pole
18. Be erected on poles or towers carrying electricity transmission lines (these are generally lines utilising greater span lengths with significantly taller poles or towers supporting electrical wires)
19. Be attached to SAPN pad-mounted transformers or switching cubicles
20. Be attached to the fences of any fenced SAPN equipment including substations, transformer stations and regulator stations on Council land
21. Be placed so as to cover any Council, SAPN or DIT numbering, signs or markings
22. Be placed in a location on a pole or fence so as to aid the climbing of the pole or fence
23. Be placed so as to restrict the sight distance for Road users and pedestrians crossing the Road
24. Compete with or reduce the effectiveness of other Signs and traffic control devices
25. Resemble a traffic control device, or reasonably be capable of being mistaken as a traffic control device
26. Advertise any organisation other than a registered political party or candidate.

Other conditions:

1. The person or relevant political party responsible for the sign must maintain the sign. The person or political party is also responsible for ensuring that safety is maintained (and the Australian Road Rules complied with) whilst the sign is being installed, maintained or removed and no traffic disruption is to occur during the installation, maintenance or removal process
2. Where properties of Council are managed by others, Council may delegate to the Management Committee of that body the right to determine its own policy for election advertising, subject to relevant legislation. In such cases, written consent of that body is to be obtained. Upon request by the Council, the applicant must produce such written consent
3. The person(s) to whom consent is granted and any persons acting on their behalf, including by way of causing the sign to be displayed:
 - a. Accept(s) and agrees that the display of Signs must be in accordance with this Policy

- b. Accept(s) full responsibility for any personal injury, property damage or other loss in any way arising out of or consequent upon the erection, removal or display of election material and acknowledge(s) that the Council have no liability or responsibility in relation to such matters whatsoever
 - c. Such person(s) agree(s) to indemnify the Council against any such personal injury or property damage or other loss incurred by the Council and against any third party claims arising out of or consequent upon the erection, removal or display of Signs
- 4. It is a condition of consent that if any breach occurs which results in action by or on behalf of the Council to enforce the conditions of this policy and thereby results in costs and expenses for the Council, then such costs and expenses will be recovered by the Council from the person(s) responsible. These costs will include removal and/or destruction of the offending material by an officer or agent of the Council.

2.4. Election Signs on Private:

Signs on private fences, including those adjoining Council land, must have a total advertisement area of not more than two (2) square metres. Any sign exceeding two (2) square metres in area may require development approval under the *Planning, Development and Infrastructure Act 2016*.

For State elections, no electoral advertisement more than 1 square metre in area can be exhibited on a vehicle or vessel; or a building, hoarding or other structure (for example, fences or poles). If 2 or more electoral advertisements are placed within one metre of each other, and exhibited on behalf of the same candidate or political party, they will be taken to be a single advertisement. However, if such advertisements are displayed on different surfaces which interface at an angle of 270° or more, then they are not considered to be a single advertisement.

The consent of the owner of particular private property must be obtained.

2.5. Illegal Signs

Council is opposed to illegal Signs as a form of advertising.

If an Election Sign is erected otherwise than in accordance with the LG Act and Electoral Act, or without Council consent, an offence may be committed and the sign/s removed.

2.6. Removal and disposal of election signs

If the Council or its authorised persons or employees determine or reasonably suspect that an Election Sign:

- 1. Has been affixed or displayed in a manner that restricts the use of a Road or endangers the safety of the public; or

2. Has been affixed or displayed on any Road or Council land contrary to any legislation or otherwise without approval (as required), or
3. Remains in place for more than 48 hours following the close of polls on polling day or conclusion of the election;

Council authorised persons or employees have authorisation to:

1. Notify the organisation/persons responsible for the Election Sign by phone/email and request the removal of the sign within 24 hours
2. If the Election Sign is not removed within 24 hours, cause the offending Sign to be removed. Authorised persons also retain discretion to act immediately remove signs in accordance with the scheme provided in Section 227 of the *Local Government Act 1999*, in the exercise of their discretion, including in circumstances where urgent action is required to avoid a risk to public safety.
3. Issue an expiation notice to any person who has erected an election sign unlawfully or without consent, where Council has evidence an expiable offence has been committed;
4. If considered appropriate in the specific case, commence prosecution proceedings where an offence has been committed;
5. Recover Council's costs for removing and managing (including disposal) the sign in accordance with Council's fees and charges register or any other fee determined by the Council from time to time.

2.7. Application for Council Consent

Any person wishing to make application for the consent of the Council to allow electoral Signs to be posted, affixed or erected on property under the care and control of Council should contact Council's Community Safety Department for an application form on 8397 7313 or fax 8397 7400 or email: customerservice@cttg.sa.gov.au.

Where any consent is granted, Council may vary the standard conditions or attach further conditions it reasonably considers appropriate in the particular circumstances.

A copy of this Policy will be provided to each approved applicant.

2.8. Alterations

The CEO may authorise minor variations to this policy during the election process in order to enhance or clarify any part of the policy.

2.9. Grievances

Any grievances in relation to this Policy should be forwarded in writing addressed to the CEO.

2.10. Promotion

The requirements within this Policy will be promoted within the community and to candidates and political parties.

2.11. Compliance with the Policy

Subject to the availability of employee resources, Council will monitor the Signs during an Election Period to ensure compliance.

Whenever Council receives a complaint in regards to a particular Sign or group of Signs the relevant employees will promptly investigate the complaint and take any necessary action.

Where breaches of the policy occur, candidates will generally be given no more than 24 hours' notice to rectify the breach.

3. DEFINITIONS

For the purposes of this policy the following definitions apply:

CEO

Refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully.

Election Period

Commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day. If it is related to a Local Government election it is during the period commencing at the close of nominations and ending at the close of voting on polling day.

Election

Means any elections, referenda and/or polls as they relate to Federal, State or Local Governments.

Public Road

For local elections, has the same meaning in the *Local Government Act 1999* and for State and Commonwealth elections, the same meaning as in the *Road Traffic Act 1961*.

Road Related Area

Has the same meaning as in the Road Traffic Act 1961.

Signs

Includes moveable Signs where appropriate and also includes posters that comprise an advertisement for a candidate or party in the election, or for a referendum or poll whether held for Federal, State or Local Government purposes.

4. LEGISLATIVE FRAMEWORK

There is no legislative requirement for Council to have a policy relating to this area.

The following legislation is relevant for the purposes of this Policy:

Local Government Act 1999

Section 209(1) - All fixtures and equipment installed in, on, across, under or over a public Road by the provider of public infrastructure are owned by the provider of that infrastructure, not by the Council.

Section 221(2)(b) & (2)(d) - It is an offence to interfere with any structure on a public Road or to erect or install a structure ("structure" includes pipes, poles, fixtures, fittings or other objects) in, on, across, over or under a public Road without authorisation from Council.

Section 226(1) - A moveable sign must not unreasonably restrict the use of the Road or endanger the safety of the public. A person may place and maintain a moveable sign on a Road without authorisation provided the design and structure, the positioning of the sign and any other relevant requirements of the Council's *Moveable Signs By-law 2021* are complied with. *Movable Sign By-law* provisions do not apply if the sign is related to a State or Federal election and is displayed during the Election Period.

Section 226(2a) – It is an offence to exhibit an electoral advertising poster relating to an election held under this Act or the *Local Government (Elections) Act 1999* on a public Road.

Section 226A - A person must not exhibit a designated electoral advertising poster (for a Commonwealth Election) on a relevant road or road-related area (including any structure, fixture or vegetation on a relevant road or road-related area).

Section 227 - If an election sign unreasonably restricts the use of the Road or endangers the safety of members of the public, a person authorised by Council may order the owner of the sign to remove the sign, or if the owner is unknown or fails to comply immediately with the order, may remove and dispose of the sign.

Section 234 - A Council may remove and dispose of any object (which includes an election sign) that has been erected, placed or deposited on a public Road without authorisation or permit or contrary to the conditions of any authorisation, permit or by-law and recover the cost of doing so from the person who erected, placed or deposited the structure or object.

Section 262 – An authorised person may order a person who engages in conduct that is a contravention of this Act or a by-law under this Act, if the conduct is still

continuing – stop the conduct; and whether or not the conduct is still continuing – to take specified action to remedy the contravention. If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out

Local Government (Elections) Act 1999

Applicable to Local Government Elections only.

Section 27 - A person who publishes electoral material must include the name and address of the person who authorises the publication and in the case of printed material, the name and address of the printer or other person responsible for its production.

Section 28 - It is an offence to publish electoral material that purports to be a statement of fact and yet is inaccurate and misleading to a material extent.

Local Nuisance and Litter Control Act 2016

Section 23 - it is an offence to 'post a bill' (erect an election sign) on property without the consent of the owner or occupier of the property.

Planning, Development and Infrastructure Act 2016

Section 231 - If an advertisement or hoarding disfigures the natural beauty of a locality, detracts from the amenity of a locality or is contrary to the character desired from the locality under the Planning and Design Code, the Council may serve notice on the owner or occupier of the land (on which it is located) to remove or obliterate it unless it is authorised under the *Local Government Act 1999*, the *Electoral Act 1985* or the *Local Government (Elections) Act 1999*.

Planning, Development and Infrastructure (General) Regulations 2017

Schedule 4, Regulation 1 - Advertising displays - Provides that an advertisement in relation to an election/referendum is excluded from being defined as "development" (and hence does not require authorisation under the *Planning, Development and Infrastructure Act 2016*) if the total area on one building or site is not more than two square metres and the display does not move, flash, reflect light so as to cause undue distraction to motorists nor is internally illuminated.

Electoral Act 1985

Councils do not have the power to regulate the content of State electoral Signs. Queries in relation to the provisions of the *Electoral Act 1985* should be directed to the Electoral Commission of South Australia.

Commonwealth Electoral Act 1918 (Cth)

Councils do not have the power to regulate the content of Federal electoral Signs. Queries in relation to the provisions of the Commonwealth Electoral Act should be directed to Australian Electoral Commission.

Criminal Law Consolidation Act 1935

It is an offence under this Act to steal or deface an electoral sign or poster. Any alleged offence will be referred to the SAPOL for their attention.

Road Traffic Act 1961

Section 31(2) - Despite any other law, the Road authority in which the care, control or management of a Road is vested may remove from the Road and dispose of any false traffic control device, structure or thing that the Road authority is satisfied might constitute a hazard to traffic.

Summary Offences Act 1953

It is an offence under section 33(2)(c) and (d) of this Act to:

- a. Exhibit indecent or offensive material in a public place or so as to be visible from a public place
- b. Deposit indecent or offensive material in a public place.

An alleged offence will be referred to SAPOL for their attention.

Local Government Land By law 2021

Paragraph 4.4.4 – Council permission must be obtained to change or interfere with any structure on local government land by affixing an election sign to the structure.

Moveable Signs By Law 2021

Sets general requirements regarding the display of moveable signs.

4.1. Other references

- Fees and Charges Register

5. STRATEGIC PLAN/POLICY

5.1. Strategic Plan

The following strategic objectives in Council's Strategic Plan 2030 are the most relevant to this report:

Aspiration	Comments
	Our Leadership
Our planning and decision making is evidence based, consistent and focused on outcomes for the future	This policy provides clear guidelines for staff and in management of election signage issues. The policy also informs members of the public of the processes that Council staff will undertake in relation to any questions or concerns that they have in relation to election signage.

5.2. Organisation Plan

Within this policy we define the roles, powers and responsibilities within the organisation and strive to be a leader of good governance in local government. We work proactively to meet our legislative and governance obligations and the practice of good governance.

6. POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio General Manager and managed in accordance with Council's scheme of delegations.

Record number	D25/5745
Responsible Manager	General Manager Community Services
Other key internal stakeholders	
Last reviewed	11 March 2025
Adoption reference	Council
Resolution number	701
Previous review dates	23/08/22, 19/08/20, 29/08/17, 12/08/14, 08/04/14, 09/10/12, 12/08/08, 08/04/08, 23/01/07, 25/07/06, 30/05/06, 25/02/03, 13/03/01
Legal requirement	NA
Due date next review	February 2029
Delegations	Yes