

Control of Election signs Policy



Record number	D22/49631
Responsible Manager	Manager Community Safety
Other key internal stakeholders	Director Community & Cultural Development
Last reviewed	23 August 2022
Adoption reference	Council
Resolution number	1301
Previous review dates	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	2025

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1. PURPOSE

The purpose of this policy is to state Council's position in regard to the placement of election Signs 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 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.

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 Election Signs on SA Power Networks (SAPN) or Department for Infrastructure and Transport (DIT) equipment or infrastructure

SA Power Networks (SAPN) and the Department for Infrastructure and Transport (DIT) (the Relevant Authorities) own the infrastructure installed on public Roads (i.e., light poles, stobie poles).

This means that the permission of the Relevant Authorities is required to display any moveable sign on their infrastructure. The Relevant Authorities have, by way of adopting Instruments of General Approval, determined to grant their permission for moveable signs to be affixed to their infrastructure subject to various conditions. The Relevant Authorities have authorised SA Councils (including Council) to regulate the display of moveable signs on their infrastructure (including by way of enforcing compliance with these conditions). Accordingly, the Instruments of General Approval apply throughout the Council's area.

Provided that the requirements of the Instruments of General Approval are fully complied with, it is not necessary to make application to the Council or Relevant Authorities for permission to display election Signs related to State and Federal elections or referenda. This does not apply to electoral advertising posters in relation to local government elections as they are prohibited from being displayed on public roads, or on equipment or infrastructure on public roads.

Election signs in relation to Local Government Elections (which are not electoral advertising posters) are dealt with in Part 2.2 of this Policy.

2.2 Election Signs on Council equipment or infrastructure

For State and Federal Elections written Council consent is required before an election sign may be displayed on a structure or infrastructure on land that is either owned or under the care and control of Council (other than a Public Road).

For Local Government Elections:

- election signs (which are not electoral advertising posters) may be displayed on a Public Road, provided the sign or signs do not unreasonably restrict the use of the road or endanger the safety of members of the public. The provisions of Part 2.3, 2.4 and 2.5 of this Policy will guide assessments made by Council's authorised officers in this regard;
- written Council consent is required before an election sign may be displayed on a Council structure or infrastructure on land that is either owned or under the care and control of Council (other than a public Road).

A person who posts a bill (including a Sign for an Election) on such Council property without Council's consent commits an offence against Section 23(1) of the *Local Nuisance and Litter Control Act 2016*.

Where Council consent is given for Signs in Elections, the following terms and conditions must be complied with.

2.3 Signs must:

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 State and Federal Elections during the 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. Should they not be removed within two days (48 hours of the close of voting) they will be considered illegal Signs/posters and Council will implement the provisions of this policy (refer to section "Illegal Signs")
3. 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. Signs are to be removed within two (2) days (48 hours of the close of voting) otherwise they will be considered illegal Signs/posters and Council will implement the provisions of this Policy (refer to section "Illegal Signs") (noting that, electoral advertising posters relating to local government elections are prohibited from being displayed on public roads or assets or infrastructure on public roads)
4. Comply with all legislative requirements relating to the publication of 'electoral material' as defined in the relevant legislation
5. Be securely fixed or posted and maintained in good repair and condition at all times
6. 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)
7. Contain clear and legible writing or symbols. An authorised officer will determine whether a sign is clear and legible for these purposes
8. 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

9. 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
10. Be installed, maintained and removed in a safe manner without endangering personal and community safety.

2.4 Signs must not:

1. 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
2. Be illuminated (internally or indirectly), move, flash, rotate, or reflect so as to be an undue distraction to drivers
3. 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.
4. Be affixed under any circumstances to trees, shrubs, or other plants or at any location that may cause damage to Council property
5. Be placed on a carriageway, dividing strip (median), traffic island, roundabout, or within 50 metres of a signalised intersection, roundabout or pedestrian activated crossing
6. 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
7. Be attached to any traffic control device, street name, traffic direction or parking sign or to the associated pole
8. 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)
9. Be attached to SAPN pad-mounted transformers or switching cubicles
10. Be attached to the fences of any fenced SAPN equipment including substations, transformer stations and regulator stations on Council land
11. Be placed so as to cover any Council, SAPN or DIT numbering, signs or markings
12. Be placed in a location on a pole or fence so as to aid the climbing of the pole or fence
13. Be placed so as to restrict the sight distance for Road users and pedestrians crossing the Road
14. Compete with or reduce the effectiveness of other Signs and traffic control devices
15. Resemble a traffic control device, or reasonably be capable of being mistaken as a traffic control device
16. Advertise any organisation other than a registered political party or candidate.

2.5 Other:

1. Where Signs are fixed or posted on poles adjacent to footpaths or Roadways such Signs must not be lower than two metres and a maximum height of three metres from the ground with nothing above the sign to affix it or anything else to the pole. For safety reasons, there is a total prohibition to any point higher than three metres from the ground
2. 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
3. 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
4. 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
5. 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.
6. The person or party responsible for the sign must remove all parts of the sign and fixtures from the site when required to do so in complying with this policy.
7. Installing, maintaining and removing Signs must not be carried out between 7am and 10am or between 3pm and 7pm Monday to Friday on a peak flow traffic lane.
8. When installing election signs upon SA Power Networks poles and columns “Stobie poles” on Council land, both the method used to secure the election sign to the Stobie pole (e.g. straps or ties) and the ladder used must be non-conductive. No ladders or operating plant are to be leant against light columns or Stobie poles during installation or removal of election signs. Ladders used must be self-supporting only.

2.6 Election Signs on Private or Third Party Property:

For Signs on private fences, including those adjoining Council land, must have a total advertisement area of not more than two (2) square metres for all advertisements of that kind at that site without *Planning, Development and Infrastructure Act 2016* approval.

Should the applicant propose to use property belonging to any party (other than Council for fences on public Road boundaries) they should firstly obtain the written consent of the owner of that property. Upon request by the Council, the applicant must produce such written consent.

2.7 Illegal Signs

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

With respect to Public Roads, the 'consent of the owner' (i.e., SAPN or DIT), under the Instruments of General Approval, is limited, for State and Federal Elections, to the period prescribed in section 226(3) of the *Local Government Act 1999*. For Council equipment, assets and infrastructure on Council land, individual consent must be obtained in all cases in accordance with this Policy.

If an Election Sign is erected outside the election period provided for in section 226(3) of the 1999 or contrary to the terms of Council's consent, a person who distributed or authorised the distribution of the bill for posting is guilty of an offence.

Maximum penalty: \$20,000 for a body corporate, \$10,000 for an individual.

2.8 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 the Instruments of General Approval, or otherwise without SAPN, DIT or Council's consent (as required),
3. Has been erected before or remains in place on a public road outside the permitted period for the relevant 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. If urgent action is required to avoid a risk to public safety the Council may remove the offending Election Sign without first requesting its removal
3. Under section 23 of the *Local Nuisance and Litter Control Act 2016*, if considered appropriate in the specific case, issue an expiation notice to any person who has erected an election sign without the permission of the owner
4. If considered appropriate in the specific case, prosecute any person who has distributed or authorised the distribution of the bill (election sign) for posting
5. Will recover Council's costs for removing and managing (including disposal) of the sign in accordance with Council's fees and charges register. (*consider a scale of fees rather than one standard fee of \$30 per sign*)

The Relevant Road Authority (DIT, Commissioner for Highways or Council) may remove and dispose of any sign that constitutes a hazard or does not comply with legislative requirements.

2.9 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.

In issuing consent under this part, Council may attach further conditions to any consent issued such as limiting the number of signs per site, stipulating a required distance between signs etc.

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

2.10 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.

2.11 Grievances

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

2.12 Promotion

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

2.13 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 be given no more than 24 hours' notice to rectify the breach.

4. 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.

DIT

Department for Infrastructure and Transport.

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.

Electoral advertising poster

A poster displaying electoral advertising made of:

- corflute;
- plastic; or
- any other material, or kind of material, prescribed by the regulations under the Local Government Act 1999.

Instruments of General Approval

See those provisions of the *Local Government Association's Election Signs: State and Federal Government Elections Guidelines and General Approval for placement or affixation of election signs* relating to the placement of Election Signs on Road infrastructure.

Road

Has the same meaning as set out in the Local Government Act 1999 – being: a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes - • a bridge, viaduct or subway; or • an alley, laneway or walkway; and for the purposes of clarification extends from property boundary to property boundary. Note: this definition encompasses footpath areas.

SAPN

SA Power Networks.

SAPOL

South Australia Police.

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 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 239 - A Council can make a by-law to regulate moveable Signs (defined in the Act as a moveable advertisement or sign).

[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

Clause 10.2 – provides exemptions to parts of the by-law relating to specific electoral matters

Moveable Signs By Law 2021

4.1 Other references

Council's document including:

- a. Fees and Charges Register

External document including:

- a. Guidelines & General Approval for the Placement or Affixation of Election Signs – For Federal, State and Local Government Elections Referenda and Polls

5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this report:

Objective	Comments
Leadership	
<i>Decision making is informed, based on evidence and is consistent</i>	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 director and managed in accordance with Council's scheme of delegations.