



# COUNCIL POLICY

## GUIDELINES FOR CONTROL OF ELECTION SIGNS – FOR FEDERAL, STATE AND LOCAL GOVERNMENT ELECTIONS REFERENDA AND POLLS

*Agriculturally rich – Naturally beautiful*

<b>Policy Number:</b>	PO044		
<b>Strategic Plan Objective</b>	Meet all Legislative and compliance responsibilities		
<b>Policy Owner:</b>	Director Development Services	<b>File Number:</b>	16/13962[V7]
<b>Responsible Officer:</b>	Senior Compliance Officer	<b>Minute Reference:</b>	183/2018(11/07/2018)
<b>Date Adopted:</b>	11 July 2018	<b>Next Review Date:</b>	June 2023

### 1. POLICY OBJECTIVES

The objectives of these Guidelines are to:

- provide clarity regarding the legal position with respect to the placement of election signs on roads and road-related infrastructure in the Council's area and to provide a General Approval for the placement of election signs on roads and road infrastructure during an election period, provided the signs comply fully with all conditions;
- establish, with the relevant consents of SA Power Networks and Transport Services Division of the Department of Planning, Transport and Infrastructure (DPTI) conditions of General Approval for the display of such election signs on infrastructure on a road (provided that the conditions are fully met);
- ensure a consistent and equitable approach to the management of election signs for all parties and candidates in an election irrespective of political persuasion or other platform; and
- minimise any threat to public safety from the placement of the election signs.

### 2. SCOPE

This Policy applies to all election signs for Federal, State, Local Government elections, Referenda and Polls within the Yorke Peninsula Council.

### 3. DEFINITIONS

Infrastructure	Includes (but is not limited to) poles, light poles, traffic signs, traffic lights, traffic control boxes, and other traffic control devices, transformer boxes, trees, fences, bridges whether owned or under the care, control or management of SA Power Networks, DPTI or the Council.
Moveable sign	Means a moveable election advertisement or election sign – i.e. one that can be moved or removed without causing any damage to the object or land upon which it is placed or attached, whether free-standing or not.
Pole	Is to be interpreted to include (but is not limited to) stobie poles, light poles and poles upon which traffic control devices or road name signs are affixed, whether

	owned or under the care, control or management of SA Power Networks, DPTI or the Council.
Road	Is to be interpreted within the definition of road under the Local Government Act 1999 – i.e. 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) a bridge, viaduct or subway; or (b) an alley, laneway or walkway; and for the purposes of clarification extends from property boundary to property boundary. This definition encompasses footpath areas.
Signs	In these Guidelines includes moveable election signs where appropriate and also includes election posters that comprise an advertisement for a candidate or party in an election, or for a referendum or poll
General Approval	The approval or permission of the Relevant Authority that operates these guidelines to allow moveable signs to be affixed to infrastructure installed on a road subject to the conditions stated therein
Election	Any elections, referenda and/or polls as they relate to Federal, State or Local Governments
Relevant Authority	Means SA Power (SAPN) or Department of Planning, Transport and Infrastructure (DPTI) or Commissioner for Highways

#### 4. POLICY STATEMENT

A moveable sign may be placed on a road at any time without the permission of the council provided that it

complies with the council's by-laws (section 226(1) of the Local Government Act)

Signs such as corflutes that are advertising candidates for election and which do not comply with council's by-laws, may be placed on a road without the Council's permission provided that:

1. the sign is related to a State or Commonwealth election and is displayed during the period commencing at 5pm on the day before the day of the issue of the writ or writs for the election and ending at the close of polls on polling day; or
2. the moveable sign is related to an election held under this Act or the Local Government (Elections) Act 1999 and is displayed during the period commencing 4 weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day – and, the moveable sign does not unreasonably:
  - a. restrict the use of the road; or
  - b. endanger the safety of members of the public.<sup>2</sup>

If a moveable sign displayed on a road does not satisfy the above requirements, an authorised person of the Council may order the owner 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.

<sup>1</sup> 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 209(1) of the Local Government Act 1999).

<sup>2</sup> This is consistent with sections 226(3) and 227(1)(d) of the Local Government Act 1999.

An election sign cannot lawfully be placed on, or affixed to, infrastructure on a road without the permission of the owner of that infrastructure.

In general terms, a person does not have the right to interfere with another person's property. This extends to a person interfering with infrastructure (i.e. such as by affixing an election sign to it) that is owned by another person.

### **General Approval for Display of Signs on Road Infrastructure**

The general approval is given for elections signs to be posted, affixed or erected on infrastructure that is owned by SAPN and DPTI and installed on a road owned by the Relevant Authority subject to compliance with the following conditions.

#### **Election Signs must:**

1. **be no more than 1 square metre in area. A back-to-back sign facing two directions is considered to be one sign for this purpose.**
  - a. **Note: Places designated as polling booths/places for Federal and State Elections and Referenda will not be subject to this requirement on polling day only;**
2. **only be displayed, in the case of State and Commonwealth elections during the period commencing at 5pm on the day before the day of 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;**
3. **only be displayed, in the case of Local Government elections, during the period commencing 4 weeks immediately before the date set for polling day and ending at the close of voting on polling day. Should they not be removed within 2 days (48 hours of the close of voting) they will be considered illegal signs/posters;**
4. **comply with all legislative requirements relating to the publication of 'electoral material' as defined in 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 must not tear apart and become a danger to road users and 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 promotional material (the publisher) and the printer of it; and**
9. **be fastened securely so that they cannot become detached in high winds and endanger Council, SAPN or DPTI property or equipment or pose a danger to the public.**
10. **be installed, maintained and removed in a safe manner without endangering personal and community safety.**

#### **Election Signs must not:**

1. **be illuminated (internally or indirectly), move, flash, rotate, or reflect so as to be an undue distraction to drivers;**
2. **be self-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. If a paste is to be used, it must be of a water based/wallpaper type (or similar);**

3. be affixed under any circumstances to trees, shrubs, or other plants or at any location that may cause damage to Council, SAPN or DPTI property;
5. be placed on a carriageway, dividing strip (median), traffic island, roundabout, or within 50 metres of a signalised intersection, level crossing, roundabout or pedestrian activated crossing. or on the South-Eastern Freeway, the Southern Expressway, 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;
6. be attached to any traffic control device, street name, traffic direction or parking sign or to the associated pole;
7. 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);
8. be attached to SAPN pad-mounted transformers or switching cubicles;
9. be attached to the fences of any fenced SAPN equipment including substations, transformer stations and regulator stations;
10. be placed so as to cover any Council, SAPN or DPTI numbering, signs or other markings;
11. be placed on DPTI structures with the exception of “gooseneck” light poles belonging to DPTI. Structures which belong to DPTI, include road bridges on arterial roads, traffic control boxes, traffic signal poles, signal boxes, traffic signs, directional and information signs, and other traffic control devices, guide posts, traffic barriers and pedestrian fences located within the road reserve;
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 (must not be affixed on the diagonal);  
or
16. advertise any organisation other than a registered political party or candidate.

Where signs are fixed or posted on poles adjacent to footpaths or roadways such signs must not be lower than 2 metres and a maximum height of 3 metres from the ground with nothing above the sign to affix it or anything else to the pole. Signs must have a minimum clearance of 3 metres from any overhead mains. There is a total prohibition on any part of the sign being higher than 3 metres from the ground.

The person (including as necessary, the 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.

The person(s) responsible for the sign and/or any persons acting on their behalf, including by way of causing the sign to be displayed:

- accepts(s) that the display of the election sign must be in accordance with this General Approval and by displaying the sign, agrees to comply with the terms of this General Approval;
- 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 signs; and
- acknowledge(s) that the Council, SA Power Networks or DPTI have no liability or responsibility in relation to such matters whatsoever; and

- **such person(s) agree(s) to indemnify the Council, SAPN and DPTI against any such personal injury or property damage or other loss incurred by the Council, SA Power Networks or DPTI and against any third party claims arising out of or consequent upon the erection, removal or display of signs.**

**SAPN may direct the immediate removal of any signs or remove or cause to be removed any signs without notice from any poles or structures owned or managed by SAPN.**

**DPTI may direct the immediate removal of any signs or remove or cause to be removed any signs without poles or structures owned or managed by DPTI.**

**If SAPN or DPTI removes any signs under the General Approval, SAPN and DPTI may dispose of the signs as it sees fit.**

**The person or party responsible for the sign must remove all parts of the sign and fixtures from the site within 48 hours from the close of voting in the relevant election;**

**Installing, maintaining and removing signs must not be carried out between 7.00am and 10.00am or between 3.00pm and 7.00pm Monday to Friday on a peak flow traffic lane; and**

**A breach of, or non-compliance with, any of the conditions of the General Approval will invalidate the General Approval and will result in the removal of the sign.**

**No election signs may be placed on Council owned land or infrastructure or on private land or infrastructure without the permission of Council or the private land owner as the case may be.**

**Council will not approve the placement of any election sign on any Council owned land or infrastructure.**

#### **ILLEGAL SIGNS**

**Under section 23 of the Local Nuisance and Litter Control Act 2016, which commenced operation on 1 July 2017, 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. This offence applies to all election signs that are erected on roads or road infrastructure outside of the election period.**

**The ‘consent of the owner’ (ie Councils, DPTI, SAPN), under this General Approval, is limited to the period prescribed in section 226(3) of the Local Government Act 2016. Election signs erected outside of that period will be deemed to have been erected without the consent of the owner.**

**Max penalty - \$10,000, expiation fee \$315.**

**If an election sign is erected outside the election period provided for in section 226(3) of the Local Government Act, a person who distributed or authorised the distribution of the bill for posting is guilty of an offence.**

**Max penalty - \$20,000 for a body corporate, \$10,000 for an individual. If the Council determines or suspects 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 contrary to the General Approval or otherwise without the Council’s, DPTI’s or SAPN’s consent-**

**Council authorised employees may:**

3. **Notify the organisation/persons responsible for the election sign by phone/facsimile and request the removal of the sign within 24 hours.**
4. **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.**
5. **Under section 23 of the Local Nuisance and Litter Control Act, issue an expiation notice to any person who has erected an election sign without the permission of the owner**
6. **Prosecute any person who has distributed or authorised the distribution of the bill (election sign) for posting.**

**The Relevant Road Authority (DPTI, Commissioner for Highways, Council) may:**

7. **remove any sign that constitutes a hazard; and**
8. **dispose of the sign. (See section 31(2) of Road Traffic Act and section 227 of the Local Government Act)**

## **5. COMPLAINTS**

Any complaints in relation to these guidelines should be forwarded in writing addressed to the Chief Executive Officer of Council.

## **6. REVIEW**

This policy will be reviewed every five (5) years. This policy will also be reviewed as deemed necessary in consideration of any changes in legislation and relevant standards, codes or guidelines.

## **7. TRAINING**

Council is committed to supporting employees in complying with this policy.

Training needs will be reviewed annually, during individual performance reviews and as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

## **8. RELATED COUNCIL POLICIES AND DOCUMENTS**

PO 141 Enforcement Policy

## **REFERENCES AND LEGISLATION**

Local Government Act 1999

Local Government (Elections) Act 1999

Local Nuisance and Litter Control Act 2018

## **10. COUNCIL DELEGATION**

<b>Delegate:</b>	Chief Executive Officer
<b>Sub Delegate:</b>	Director Development Services

## **11. VERSION HISTORY**

<b>Archived Policy Name</b>	<b>Policy Number</b>	<b>Date Adopted</b>	<b>Last Reviewed</b>
-----------------------------	----------------------	---------------------	----------------------

PO044 – Guidelines for Control of Election Signs for Federal, State and Local Government Elections Referenda and Polls

---

LGA Model Guidelines for Control of Election Signs – for Federal, State and Local Government Elections Referenda and Polls [V1]	PO044	07/04/2003	12/05/2009
LGA Model Guidelines for Control of Election Signs – for Federal, State and Local Government Elections Referenda and Polls [V2]	PO044	09/02/2010	09/02/2010
LGA Model Guidelines for Control of Election Signs – for Federal, State and Local Government Elections Referenda and Polls [V3]			08/06/2010
LGA Model Guidelines for Control of Election Signs – for Federal, State and Local Government Elections Referenda and Polls [V4]		10/08/2010	10/08/2010
LGA Model Guidelines for Control of Election Signs – for Federal, State and Local Government Elections Referenda and Polls [V5]		10/07/2013	July 2018
LGA Model Guidelines for Control of Election Signs – for Federal, State and Local Government Elections Referenda and Polls [V6]	Draft Only		
LGA Model Guidelines for Control of Election Signs – for Federal, State and Local Government Elections Referenda and Polls [V7]		11 July 2018	