



CITY OF  
MITCHAM

MITCHAM

## ELECTION SIGNS POLICY

*Endorsed by Council: 22 May 2018*

**public policy**

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## 1. PREAMBLE

Election signs are an acknowledged component of election campaign advertising. Their status is legislated in Section 226 of the *Local Government Act 1999* (the Act) and Council *By-Laws No.2 – Moveable Signs, No.3 – Local Government Land and No.4 - Roads* reference the Act. Guidelines are required to assist in the control of the placement of signs and in monitoring the length of time signs are in place.

## 2. PURPOSE

The General Approval Guidelines and a City of Mitcham Election Signs Policy that applies to all elections - local, state and federal, which provides clear directions to candidates wishing to erect campaign material on Council, SA Power Networks and Department of Planning Transport and Infrastructure (DPTI) property within the City of Mitcham which can be consistently and equitably applied to all political parties and candidates.

## 3. SCOPE

The policy covers Local, State and Federal election signs placed within the City of Mitcham.

## 4. DEFINITIONS

**Election** is to be interpreted to include periodic and general elections, by-elections and supplementary elections, referenda and polls as far as they relate to Federal, State or Local Government elections.

**General Approval Guidelines** is an instrument of General Approval to authorise the placement or affixation of moveable signs, advertising candidates for election, on a road or onto infrastructure on a road owned by the Relevant Authorities.

**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** in these Guidelines 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.

**Public Place** is to be interpreted within the definition of *public place* under the *Local Government Act 1999* – i.e. a place (including a place on private land) to which the public has access, but does not include any part of a community parcel divided by a plan of community division under the *Community Titles Act 1996*.

**Public Road** is to be interpreted within the definition of *public road* under the *Local Government Act 1999* – i.e.

- (a) any road or land that was, immediately before 1 January 2000, a public street or road under a repealed Act;
- (b) any road –
  - (i) that is vested in a council under any Act; or
  - (ii) that is placed under a council's care, control and management as a public road from 1 January 2000 to the present,but not including an alley, laneway, walkway or other similar thoroughfare vested in a council; or
- (c) any road or land owned by a council, or transferred or surrendered to a council and which, subject to the Local Government Act 1999 is declared by the council to be a public road; or
- (d) any land shown as a street or road on a plan of division deposited in the Lands Titles Registration Office or the General Registry Office and which is declared by the council to be a public road; or
- (e) any land transferred or surrendered to the Crown for use as a public road that was, immediately before the transfer, held by a person in fee simple or under a lease granted by the Crown,  
  
(and includes any such road which is within the boundaries of a public square)

**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.

**Signs** in these Guidelines include 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.

## 5. PRINCIPLES

- 5.1 Safety of the community is paramount when considering placement of signs.
- 5.2 adherence to legislation where relevant regarding the timing of the placement and removal of signs
- 5.3 Responsibility for signs remains with the candidate responsible for installing the sign.

## 6. POLICY STATEMENT

Election signs which are posted, affixed or erected on property under the care and control of Council, SA Power Networks or DPTI for the purposes of candidate promotion in Federal, State or Local Government Elections will be monitored as follows:

### 6.1 Signs must:

- 6.1.1 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. (For private fences a larger area is permissible – please refer to point 4 below).

*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.*

- 6.1.2 only be displayed, in the case of State and Commonwealth elections during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day, and in the case of Council elections, during the period commencing 4 weeks prior to polling day (12 October 2018) and ending at the close of voting on polling day (9 November 2018). Should they not be removed within two days (48 hours) they will be considered illegal signs/posters.

- 6.1.3 be securely fixed or posted and maintained in good repair and condition at all times;

- 6.1.4 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);

- 6.1.5 contain clear and legible writing or symbols (as determined by Authorised Officers).

- 6.1.6 contain the name and email/address of both the person authorising the promotional material (the publisher) and the printer of it, and

- 6.1.7 be fastened securely so that they cannot become detached in high winds and endanger Council, SA Power Networks or DPTI property or equipment or pose a danger to the public.

- 6.1.8 Reference to Council's by-law No. 2 - Moveable signs also provides guidance on the placement of signs.

### 6.2 Signs must not:

- 6.2.1 be illuminated (internally or indirectly), move, flash, rotate, or reflect so as to be an undue distraction to drivers;

- 6.2.2 be self adhesive. All individual promotional material 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);

- 6.2.3 be affixed under any circumstances to trees, shrubs, or other plants or at any location that may cause damage to Council, SA Power Networks or DPTI property;

- 6.2.4 be placed on a carriageway, dividing strip, traffic island, roundabout, within 50 metres of a signalised intersection, roundabout or pedestrian activated crossing, or on the South-Eastern Freeway, Southern Expressway, the Port River Expressway or the Northern Expressway;
  - 6.2.5 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;
  - 6.2.6 be attached to any traffic control device, street name, traffic direction or parking sign or to the associated pole;
  - 6.2.7 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);
  - 6.2.8 be attached to SA Power Networks pad mounted transformers or switching cubicles;
  - 6.2.9 be attached to the fences of any fenced SA Power Networks equipment including substations, transformer stations and regulator stations;
  - 6.2.10 be placed so as to cover any Council, SA Power Networks or DPTI signs or markings;
  - 6.2.11 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.
  - 6.2.12 be placed in a location on a pole or fence so as to aid the climbing of the pole or fence.
  - 6.2.13 be placed so as to restrict the sight distance for road users and pedestrians crossing the road;
  - 6.2.14 compete with or reduce the effectiveness of other signs and traffic control devices;
  - 6.2.15 resemble a traffic control device, or reasonably be capable of being mistaken by road users as a traffic control device (that is, must not be affixed on the diagonal);
  - 6.2.16 advertise any organisation other than a registered political party or candidate.
- 6.3 Where signs are fixed or posted on poles adjacent to footpaths or roadways such signs shall only be between a height of 2 to 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 to any point higher than 3 metres from the ground.
- 6.4 Signs on private fences, including those adjoining Council land, shall have a total advertisement area of not more than 2 square metres and be limited to one sign per candidate/party per site/location. [NOTE: signs outside a property fenceline are accepted as being on Council property].
- 6.5 The person and/or party responsible for the sign must maintain the sign. The person and/or party is also responsible for ensuring that safety is maintained

(and the Australian Road Rules complied with) whilst the sign is being installed or removed and no traffic disruption is to occur during the installation or removal process.

- 6.6 This Policy does not cover railway or tramline structures such as level or pedestrian crossings, bridges, stations, signalling equipment or fences adjacent to railway and tram lines. In this regard, information on the various rules and if appropriate, permission to enter or erect signs in these areas must be obtained from the relevant rail authority. In metropolitan Adelaide, this is (in most instances) either Adelaide Metro or the Australian Rail Track Corporation.
- 6.7 No election material belonging to candidates is to be displayed in the Council offices or in other Council facilities.
- 6.8 The person(s) responsible for the sign accepts full responsibility for any personal injury, damage or loss in any way arising out of or consequent upon the display of election material and acknowledge(s) that the Council, SA Power Networks or DPTI have no liability or responsibility in relation to such matters whatsoever.
- 6.9 Should the applicant propose to use property belonging to any party - other than Council, SA Power Networks or DPTI - they must firstly obtain the written consent of that third party.
- 6.10 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.
- 6.11 Installing, maintaining and removing signs must not be carried out between 7.00 am and 10.00 am or between 3.00 pm and 7.00 pm Monday to Friday on a peak flow traffic lane.

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.

### **Illegal signs**

If advice is received that signs have been affixed that restrict the use of a road or endanger the safety of the public, the signs will be removed by Council.

New penalties from 1 July 2017

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' (i.e. 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 1999*, a person who distributed or authorised the distribution of the bill for posting is guilty of an offence.

Max penalty - \$2,000 for a body corporate, \$10,000 for an individual.

If the Council determines or suspects that an election sign:

- has been affixed or displayed in a manner that restricts the use of a road or endangers the safety of the public; or
- 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:

- Notify the organisation/persons responsible for the election sign by phone/facsimile and request the removal of the sign within 24 hours.
- 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.
- Under section 23 of the *Local Nuisance and Litter Control Act 2016*, issue an expiation notice to any person who has erected an election sign without the permission of the owner
- 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:

- remove any sign that constitutes a hazard; and
- dispose of the sign. (see section 31(2) of *Road Traffic Act 1961* and section 227 of the *Local Government Act 1999*)

### **Canvassing and distributing electoral material**

In accordance with By-law 3 – Local Government Land, candidates do not require permission from Council in order to canvass for support and distribute electoral material on Council land (with the exception of roads), during the following times:

*Commonwealth and State elections:* during the period from the issue of writs for the election until the close of polls

*Local Government elections:* during the period which is four weeks before the close of voting

### **Election advertising by Council**

In addition to the public notices required to be placed by the Electoral Commission of SA (ECSA), Council will actively promote Local Government elections (including the availability of this Policy) through a structured program during an election year. This program will be designed to complement the advertising program provided by the LGA and ECSA.



**7. POLICY REVIEW**

01 June 2020

**8. VERSION HISTORY**

| VERSION | AUTHOR(S) POSITION    | CHANGES  | DATE       |
|---------|-----------------------|--|------------|
| 1       | Governance Officer    | Original document  | 22/04/2003 |
| 2       | Governance Officer    | Based on LGA model guidelines  | 24/01/2006 |
| 3       | Governance Officer    | Removal of permit/authorisation  | 24/08/2010 |
| 4       | Governance Officer    | Removal number of signs per pole<br>Reference to the contents of By-Law 3.   | 22/07/2014 |
| 5       | Mgr Corporate Affairs | Inclusion of General Approval Guidelines<br>reference and new penalties and inclusion of<br>key dates for 2018 Local Government<br>Election. | 9/5/2018   |

**9. DOCUMENT CONTROL**

|  |   |                   |           |
|--|---|-------------------|-----------|
| Responsible Department                 | Corporate Affairs   |                   |           |
| Delegations Apply                      | YES   |                   |           |
| Classification                         | Governance  |                   |           |
| Applicable legislation                 | Local Government Act 1999<br>Local Government (Elections) Act 1999<br>Development Act 1993<br>Electoral Act 1985 (State)<br>Commonwealth Electoral Act<br>Criminal Law Consolidation Act 1935 |                   |           |
| Related Policies & Corporate Documents | City of Mitcham By-law No.2 – Moveable Signs<br>City of Mitcham By-law No.3 – Local Government Land<br>City of Mitcham By-law No.4 - Roads  |                   |           |
| Additional references                  | Election Signs – General Approval Guidelines  |                   |           |
| Endorsed by Council:                   | 22 May 2018   | Item No:          | 7.4       |
| Effective Date:                        | 22 May 2018   | Next Review Date: | June 2020 |
| Policy Set ID:                         | 3831041   | Template Set ID:  | 3345084   |