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ELECTORAL SIGNS POLICY

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References and related Policies, Procedures and Forms: *- Local Government Act 1999 (SA)* *- Electoral Act 1985 (SA)* *- Electoral (Control of Corflutes) Amendment Act 2024* *- Commonwealth Electoral Act 1918 (Cth)* *- LGA of SA Guideline for Councils – State and Commonwealth Election Signs on Roads (March 25)* *- Road Traffic Act 1961 (SA)* *- Local Nuisance and Litter Control Act 2016 (SA)* *- Moveable Signs By-law No. 2* *- Local Government Land By-law No. 4* *- DCSB SM 18.01 Risk Management Policy* *- DCSB IFM 13.01 Records Management Policy*		

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1. Objectives

The purpose of this policy is to:

- Ensure compliance with current legislation concerning the display of State and Commonwealth election signs on public roads and other land.
- Provide clear guidance to staff, elected members, political candidates and the community.
- Mitigate public safety risks and ensure roads remain safe and accessible.
- Clarify Council's role in enforcement and referral of non-compliant signs.

2. Definitions

References in this document to:

"Designated Event or Activity" refers to any gathering or activity directly related to an election, as defined in section 115(4) of the Electoral Act 1985 (SA), section 226(5) and section 226A of the Local Government Act 1999 (SA). This includes:

- Public assemblies under the Public Assemblies Act 1972.
- Campaign rallies, candidate forums, or meetings with constituents held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999*.
- Doorknocking, street corner meetings, and canvassing for votes.
- Events specifically prescribed by electoral regulations.

Signs displayed at or near these events may be exempt from certain prohibitions, provided they are displayed immediately before, during, or shortly after the event and for no longer than six hours**.**

"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.

"**Election Sign**" for the purpose of this policy, refers to any sign, poster, notice, sticker or similar display material that contains electoral matter, as defined in the *Electoral Act 1985* (SA), which is matter calculated to affect the result of an election and includes content for the purpose of:

- Promoting or opposing the election of a candidate or group of candidates.
- Supporting or opposing a registered political party.
- Influencing public opinion on election-related issues.

This captures both State election signs (which are an ***electoral advertisement'*** *under the* Electoral *Act 1985*) and election signs for a Federal election (governed under the *Commonwealth Electoral Act 1918*).

These signs are typically displayed during campaign periods and, subject to the LG Act may be::

- hand-held by individuals.
- placed on private land with permission of the owner or occupier;
- affixed to personal or campaign property (including vehicles);
- displayed on public roads or infrastructure in limited circumstances as permitted by legislation.

“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”, as defined in section 4 of the *Local Government Act 1999* (SA), is any advertisement or signage that is not permanently fixed to a structure, building, or the ground that can be moved by an authorised officer (it does not include signage on hoardings or on vehicles). It includes A-frame boards, corflute signs tied to poles or fences, and portable banners. In the context of elections, a moveable sign often takes the form of campaign advertising positioned temporarily in public spaces.

Council’s *Moveable Signs By-law 2025* regulates the placement of moveable signs to ensure they do not obstruct roads, pose a safety risk, or interfere with community amenity.

"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” has the same meaning as 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*.

“Relevant Road and Road-related Area” refers to a public road as defined in the *Local Government Act 1999* (SA). This encompasses streets, highways, and thoroughfares to which the public has a continuous or substantially continuous right of access.

A Road-related Area includes:

- Footpaths and nature strips adjacent to roads.
- Dividing strips or medians.
- Areas open to the public designated for cyclists or animals.
- Public areas on which vehicles may be driven, even if unlawfully.

These definitions are crucial in determining where signage may or may not be legally placed and where Council has authority to regulate signage.

Council regulates election signs to ensure public safety, road user visibility, and compliance with state and federal electoral laws.

3. Summary and Purpose

This policy establishes Council's approach to managing the placement, removal, and enforcement of non-compliant State and Commonwealth election signs. It reflects recent amendments to the Local Government Act and the State Electoral Act regarding signage on roads, road-related areas, and other Council-managed land.

4. Policy Statement

The District Council of Streaky Bay recognises the importance of free political communication during election periods while maintaining public safety, amenity, and compliance with legislative requirements. The following principles and rules apply to the display and management of State and Commonwealth election signs within the Council area:

5. Legislative Context and Compliance

5.1. The placement of election signage for State and Commonwealth elections must comply with:

- Section 226, 226A and 227 of the *Local Government Act 1999 (SA)*;
- Section 115 of the *Electoral Act 1985 (SA)* (for State elections);
- *Commonwealth Electoral Act 1918 (Cth)* (for Commonwealth elections);
- The *Road Traffic Act 1961*;
- The *Local Nuisance and Litter Control Act 2016 (SA)*;
- Relevant Council by-laws (e.g., Moveable Signs, Roads, Local Government Land).

5.2. Any sign displayed on a road that is not authorised to be displayed by legislation or a Council by-law is unauthorised and may be subject to enforcement action.

6. Permissible Election Signage

6.1. Exemptions under the State Electoral Act and LG Act permit:

- Hand-held signs by individuals or signs affixed to personal devices.
- Temporary display of signs at or near designated election events (e.g. rallies, meetings, canvassing locations), provided the sign:
    - is not attached to any structure, fixture or building on a road or road-related area; and
    - is not displayed for a period exceeding no more than six hours before, during, or after the event.
- Signs on private property with the owner's consent.
- Signs affixed to vehicles or trailers in accordance with relevant regulations.
- Specific exemptions such as signage on enclosed sports grounds as part of paid sponsorship or signs displayed at shows and fairs under approved conditions.

  Except for the specific exemptions listed above, electoral advertising signs must not be displayed on a public road or road-related area (including on verges, footpaths, structures, fixtures or vegetation)

6.2. Timeframe for Display:

- Commonwealth election signs may only be displayed from 5:00pm on the day before the issue of writs until the close of polling on election day.
- State election signs may only be displayed during the election period for the election, being the period commencing on the issue of the writ and ending at 6:00pm on polling day.

- Any signs displayed outside this period may be considered in breach of section 226 of the LG Act and subject to enforcement or removal.

7. Prohibited Locations and Restrictions

7.1. Signs must not be displayed:

- On any public road or road-related area (including on any structure, pole, tree, or fixture on public roads) unless they meet the legislated exemption criteria as set out in sections 226 and 226A of the LG Act
- In any way that obstructs traffic visibility, pedestrian access, or interferes with the safe and lawful use of the area.
- In a manner that endangers, or is likely to endanger, the safety of members of the public.
- On Council infrastructure (including shelters, fences, bins, street furniture or playground equipment) without the Council's permission (and even with Council permission, signs cannot be displayed on a public road contrary to section 226 and 226A of the LG Act).

7.2. Signs must not:

- if lawfully displayed on a road (i.e. in accordance with the legislative exemption criteria), unreasonably restrict road use or cause a hazard;
- pose a safety hazard or cause damage to public infrastructure
- contravene the bill posting provisions under the *Local Nuisance and Litter Control Act 2016*.

8. Enforcement and Powers of Authorised Officers

8.1. Under Section 227 of the LG Act, Council authorised officers may:

- Order the removal of a non-compliant sign where the sign is displayed in contravention of section 226 or 226A of the LG Act or unreasonably restricts the use of the road.
- Remove a sign where the owner cannot be identified or fails to comply with a removal order.
- Dispose of signs on any Council land that are deemed abandoned or have been unlawfully placed.

A person must comply immediately with an order of an authorised officer to remove a sign made pursuant to section 227(1) of the *Local Government Act 1999*.

8.2. Under Section 262 of the LG Act, authorised officers may:

- Issue formal orders to remedy a breach of the Act or by-laws.
- Take reasonable action to enforce compliance if an order is not followed.

8.3. Under the *Local Nuisance and Litter Control Act 2016*, Council may:

- Issue expiations for bills or posters (including election signs) placed on third party property without consent.
- Declare certain signs as illegal bills under Regulation 10 if placed without authorisation on Council roads.

8.4. Where enforcement is outside Council's jurisdiction (e.g. breaches of the Electoral Act), matters may be referred to:

- The Electoral Commission of South Australia (ECSA) for State election matters.
- The Australian Electoral Commission (AEC) for Commonwealth election matters.

9. Sign Removal, Notification and Storage

9.1. A sign may be removed by the Council where;

- the sign is displayed in contravention of the LG Act or Council by-laws; and

- where applicable, the owner/candidate fails to comply with an order of an authorised person to remove the sign

Council may remove and store non-compliant signage at a designated Council depot for up to 14 days.

9.2. Owners or candidates seeking to reclaim signs must:

- Provide identification and proof of ownership.
- Collect signs within the designated timeframe.

9.3. Unclaimed signs may be disposed of after 14 days in accordance with Council procedures.

10. Candidate and Political Party Responsibilities

10.1. Candidates and campaign teams are responsible for:

- Ensuring compliance with this policy and all applicable legislation.
- Educating volunteers and supporters regarding appropriate sign placement.
- Promptly removing signs after the election period.

10.2. Failure to comply with this policy may result in:

- Removal of signs by Council without notice.
- Referral to ECSA or AEC for further investigation.
- Issuance of penalties where applicable under South Australian law.

11. Review and Evaluation

This policy will be reviewed within six months of each general election, or earlier if required due to legislative change or operational necessity.

12. Delegations

The Chief Executive Officer has the delegation to approve, amend and review any procedures that shall be consistent with this Policy.

The Chief Executive Officer has the delegation to make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

13. Records Management

All records shall be kept and disposed of in accordance with Councils Records Management Policy & procedure and the current General Disposal Schedule.

14. Further Information and Policy Availability

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: www.streakybay.sa.gov.au

District Council of Streaky Bay
29 Alfred Terrace
Streaky Bay SA 5680

Copies will be provided to interested parties upon request. Email dcstreaky@streakybay.sa.gov.au

15. Document History

Version No:	Issue Date:	Description of Change:	Date Endorsed
1.0	5/4/2025	First Version	15 April 2025 133/25
2.0	22 May 2026	Addendum Added	19 May 2026 115/26

APPENDIX 1

LOCAL GOVERNMENT ELECTION SIGNS ANNEXURE

This annexure summarises the limited circumstances when election signs **can** be displayed on a **road** under sections 226 and 226A of the *Local Government Act 1999* (the **LG Act**) without permission or compliance with the Council's Moveable Signs By-law.

This annexure does **not apply** to signs on **private property** – such signage requires the consent of the property owner.
For further information regarding the display of election signs please contact the District Council of Streaky Bay on 8626 1001.

Type of Sign	Federal Election	State Election	Local Government Election
Hand-held signs	Permitted under section 226A(2)(a) of the LG Act where the sign is directly held in a person's hands or is in a hand-held device.	Permitted under section 115(2a) of the *Electoral Act 1985* where the sign is directly held in a person's hands or is in a hand-held device.	Permitted under section 226(2b) of the LG Act where the sign is directly held in a person's hands or is in a hand-held device.
Moveable signs on a road (including signs on structures on roads)	Permitted in accordance with section 226(3)(c) and 226A(2) of the LG Act **if** the sign 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; **and** • not attached to a building, structure or fixture on the road; **and** • exhibited or in the vicinity of a place at which a designated event or activity is held; **and** • exhibited immediately before, during or after the event and in any event, for no more than six hours.	Permitted under section 226(3)(caa) **if**: • exhibited in accordance with Section 115 or section 125 of the *Electoral Act 1985*; or • is identical to a sign approved by the Electoral Commissioner for exhibition during the election. Section 115(2b) of the *Electoral Act 1985* permits a sign to be displayed that is: • displayed during the election period; **and** • not attached to a building or other structure or fixture on the road; **and** • exhibited in the vicinity of a place at which a designated event or activity is held.	Only permitted under section 226(2b) of the LG Act **if**: • the sign: • is not attached to a building, hoarding or other structure or fixture on a road; **and** • 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 and in any event, for no more than 6 hours; **and** • is a moveable sign that complies with the Council's *Moveable Signs By-law 2025;* or

	A ***designated event or activity*** means— a) an assembly within the meaning of the *Public Assemblies Act 1972*; or b) an organised gathering, meeting, function or event relating to an election held under the LG Act or the *Local Government (Elections) Act 1999*; or c) a person canvassing for votes relating to such an election; or d) any other gathering, meeting, function or event, or class of gathering, meeting, function or event, prescribed by regulations under the LG Act ((at the date this annexure was prepared, no regulations are in force).	A ***designated event or activity*** means— a) an assembly within the meaning of the *Public Assemblies Act 1972*; or b) an organised gathering, meeting, function or event relating to an election held; or c) a person canvassing for votes relating to such an election; or d) any other gathering, meeting, function or event, or class of gathering, meeting, function or event, prescribed by regulations (at the date this annexure was prepared, no regulations are in force).	• the sign is of a kind, or displayed in circumstances that are, prescribed by regulation under the LG Act (at the date this annexure was prepared, no regulations are in force). A ***designated event or activity*** means— a) an assembly within the meaning of the *Public Assemblies Act 1972*; or b) an organised gathering, meeting, function or event relating to an election held under the LG Act or the Local Government (Elections) Act 1999; or c) a person canvassing for votes relating to such an election; or d) any other gathering, meeting, function or event, or class of gathering, meeting, function or event, prescribed by regulations under the LG Act (at the date this annexure was prepared, no regulations are in force).