




Display of Election Signage in the City of Burnside for the 2022 Local Government Elections

Recent changes to the *Local Government Act 1999* have changed the rules around where you can place election signage and is now based on what your signs are made of.

Election signs made of plastic or corflute (electoral advertising or posters)	 Cannot be exhibited on a <i>public road</i> including any structure or fixture.
	<ul style="list-style-type: none">• If displayed on a public road, they will be removed by the Council as they are prohibited by the <i>Local Government Act 1999</i>.• The maximum penalty for exhibiting election signage made of plastic or corflute is a fine of \$5,000.
	 Cannot be exhibited on <i>council land</i> without Council's express written permission.
	 Can be exhibited on <i>private land</i>:
	<ul style="list-style-type: none">• From Thursday 13 October 2022 until 5 pm on Polling Day Thursday 10 November 2022¹.• With permission from the landowner.• The sign does not require development approval if the total area of signage on each site is less than 2m². If the total area of signage is greater than 2m² you will need to seek and be granted development approval.

¹ Electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period commencing four 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. For the election Polling Day is 10 November 2022.

**Election signs
made of
other materials**
**(not plastic or
corflute)**

(local government
election signs)



Cannot be exhibited on *council land* without Council's express written permission.



Can be exhibited on a *public road* on:

- SA Power Networks and Department for Infrastructure and Transport infrastructure, if they meet the requirements of the General Approval granted by SA Power Networks and the Department for Infrastructure and Transport (General Approval); or
- Council infrastructure, if it does not unreasonably restrict the use of the road or endangers members of the public; and
- They are exhibited for the period four weeks prior to polling day which is the period **from Thursday 13 October 2022 until 5 pm on Polling Day Thursday 10 November 2022.**

Can be exhibited on *private land*:

- **From Thursday 13 October 2022 until 5 pm on Polling Day Thursday 10 November 2022.**
- With permission from the landowner.
- The sign does not require development approval if the total area of signage on each site is less than 2m². If the total area of signage is greater than 2m² you will need to seek and be granted development approval.

The following requirements apply to the display of election signs within the City of Burnside between 13 October 2022 to 10 November 2022:

- Display of election signs made of plastic or corflute (electoral advertising posters) on public roads (including any structure, fixture or vegetation on a public road) is prohibited. Maximum penalty: \$5,000.
- Any election sign (not made of corflute or plastic), may be displayed on council infrastructure on a road providing it does not unreasonably restrict the use of the road or endangers members of the public. Signage that is insufficiently durable (i.e. liable to destruction by weather events) should not be displayed.
- Candidates must comply with the requirements of the General Approval in order to display election signs (not made out of corflute or plastic) on infrastructure owned by SA Power Networks (SAPN) and the Department for Infrastructure and Transport (DIT).
- Candidates must obtain permission from private property owners for the placement of election signs on private property. Candidates must obtain permission from Council as land owner for the exhibition of election signs on infrastructure or assets on

Council land (other than public roads). It is the responsibility of the candidate to consider if development approval is required for each site and make the necessary applications to the Council.

The Council Officers are authorised to:

- Remove any election signage placed outside of the period allowed in the Council by-laws and issue expiations (\$315) under the *Local Nuisance and Litter Control Act 2016* (section 23 – *Bill Posting*).
- Take action that may lead to the removal and disposal of election signs if they have been affixed or displayed in a manner that restricts the use of a road, endangers the safety of the public, or if a sign has been affixed or displayed contrary to the General Approval or otherwise without the SAPN's or DIT's consent.
- Remove election signage if it is causing a risk to public safety.
- Request removal of election signs within 24 hours, and if not removed within this timeframe remove the offending sign.
- Issue expiation notices or take other enforcement action where the *Local Government Act 1999*, the *Local Nuisance and Litter Control Act 2016*, the *Planning, Development and Infrastructure Act 2016* or Council's By-laws are contravened.

A summary of the relevant sections of the different acts and by-laws is provided overleaf for your information. It is the responsibility of each candidate to be aware of all the legislative requirements for the placement of election signage and the General Approval. It is recommended, candidates should seek their own independent advice regarding election signage.

Local Government Act 1999

226—Moveable signs

- (2a) A person must not exhibit an electoral advertising poster relating to an election held under this Act or the *Local Government (Elections) Act 1999*, on a public road (including any structure, fixture or vegetation on a public road), except in circumstances prescribed by the regulations.

Maximum penalty: \$5 000.

- (5) In this section—

electoral advertising poster means a poster displaying electoral advertising made of—

- (a) corflute; or
- (b) plastic; or
- (c) any other material, or kind of material, prescribed by the regulations.

Note: There are no other materials prescribed by the regulations.

227—Removal of moveable sign

- (1) If—
- (a) the design or construction of a moveable sign that has been placed on a road does not comply with a requirement of the council's by-laws; or
 - (b) the positioning of the sign does not comply with a requirement of the council's by-laws; or
 - (c) any other relevant requirement of the council's by-laws is not complied with; or
 - (d) the sign unreasonably—
 - (i) restricts the use of the road; or
 - (ii) endangers the safety of members of the public, an authorised person may order the owner of the sign to remove the sign from the road.¹
- (2) If the authorised person cannot find the owner, or the owner fails to comply immediately with the order, the authorised person may remove and dispose of the sign.

Note—

¹ Any breach of a relevant by-law may also constitute an offence under Chapter 12.

City of Burnside By-Laws

Moveable Signs By-Law No 2 of 2018:

10. Specified Exemptions

10.1 This by-law does not apply to a moveable sign which:

10.1.1 is a moveable sign that is placed on public road pursuant to an authorisation under the *Local Government Act 1999* or another Act;

10.1.6 is related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* and is displayed during the period commencing four weeks immediately before the date that has been set for polling day and ending at the close of voting on polling day;

Local Government Land By-Law No 3 of 2018

3. Interpretation

In this by-law:

3.3 ***electoral matter*** has the same meaning as in the *Electoral Act 1985*;

10. Exemptions

10.3 The restrictions in paragraph 4.2 (Amplification), 4.7 (Attachments to Trees), 4.9 (Canvassing and Preaching), 4.14 (Distributing) and 5.6 (Solicitation) of this by-law do not apply to:

10.3.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period commencing four 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;

*NB, permission is required from Council as landowner to exhibit election signs on Council infrastructure local government land. Exhibition of election signs on local government land without Council's express written permission is prohibited.

Roads By-Law No 4 of 2018

3. Interpretation

In this by-law:

3.2 ***electoral matter*** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;

7. Exemptions

7.2 The restrictions in paragraph 4.2 (Amplification), 4.6 (Exhibition or Display) and 4.7 (Preaching) of this by-law do not apply to:

7.2.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period commencing four 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.

Planning, Development and Infrastructure Act 2016 and General Regulations

Schedule 4, Planning, Development and Infrastructure (General) Regulations 2017

Note—

An act or activity specified in this Schedule is declared not to constitute development for the purposes of the Act, subject to the limitations set out in regulation 3C. For example, that regulation provides that an exclusion under Schedule 4 does not apply in respect of a State heritage place.

1—Advertising displays

The commencement of an advertising display containing an advertisement—

- (f) that announces a local event of a religious, educational, cultural, social or recreational character, or that relates to an event of a political character, subject to the following conditions:
 - (i) that the total advertisement area of all advertisements of that kind displayed on 1 building or site is not more than 2 m²;
 - (ii) except for an advertisement that relates to a federal, State or local government election, that the advertisement is displayed for a period not exceeding 1 month prior to the event and 1 week after the conclusion of the event;
 - (iii) that the advertising display—
 - (A) does not move; and
 - (B) does not flash; and
 - (C) does not reflect light so as to be an undue distraction to motorists; and
 - (D) is not internally illuminated.