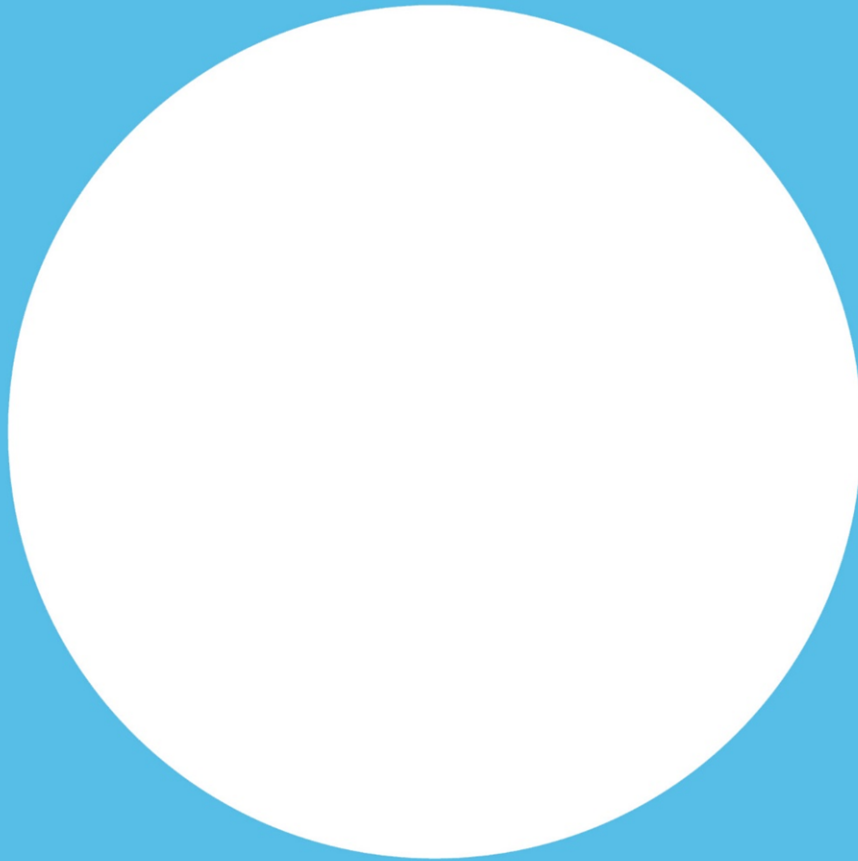


Helping local government
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Election Signs

Commonwealth, State and Local Government Guideline

February 2026

1. Background

This Guideline has been prepared by the LGA South Australia (LGA) with input from Norman Waterhouse Lawyers for the guidance of and use by member Councils. LGA is the statutory peak body for local government in South Australia.

This Guideline combines Commonwealth, State and Local Government Election Signs guidance for councils.

This Guideline provides an overview of the legal framework governing the display and removal of election signs placed on roads and road-related areas with respect to Commonwealth, State and Local Government elections. The guidance outlines when election signs may be lawfully placed on roads and road-related areas, the circumstances in which election signs may be removed, and the powers of councils to remove election signs which have been displayed unlawfully.

The *Local Government Act 1999* (SA) (**LG Act**) and the *Electoral Act 1985* (SA) (**State Electoral Act**) are relevant to this guidance for State Government election signs.

The *Local Government Act 1999* (SA) (**LG Act**) is relevant to this guidance for Commonwealth and Local Government election signs..

2. Relevant Legislative Definitions

Commonwealth election signs	State election signs	Local Government election signs
In relation to Commonwealth election signs, the following definitions are relevant: Commonwealth election sign — For convenience, in this document, the term ‘Commonwealth election sign’ is used interchangeably with the legislatively-defined term ‘designated electoral advertising poster’. designated electoral advertising poster means a poster, notice or sign containing matter calculated to affect the result of a Commonwealth election; designated event or activity is defined in s226A(3) of the LG Act to mean— a) an assembly within the meaning of the <i>Public Assemblies Act 1972</i>; or b) an organised gathering, meeting, function or event relating to a Commonwealth election; or	In relation to State election signs, the following definitions are relevant: designated event or activity is defined in section 115(4) of the State Electoral Act to mean: a) an assembly within the meaning of the <i>Public Assemblies Act 1972</i>; or b) an organised gathering, meeting, function or event relating to an election; or c) a person canvassing for votes relating to an election; or d) any other gathering, meeting, function or event, or class of gathering, meeting, function or event, prescribed by the regulations. electoral advertising poster is defined in section 115(4) of the State Electoral Act to mean a poster, notice or sign displaying an ‘electoral advertisement’. Under section 4(1) of	In relation to Local Government election signs, the following definitions are relevant: designated event or activity is defined in section 226(5) of the LG Act to mean— a) an assembly within the meaning of the <i>Public Assemblies Act 1972</i>; or b) an organised gathering, meeting, function or event relating to an election under [the LG Act] or the <i>Local Government (Elections) Act 1999</i>; 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 the regulations. local electoral poster is defined in section 226(2a) of the LG Act to mean a poster, notice or sign displaying electoral material relating to

Commonwealth election signs	State election signs	Local Government election signs
c) a person canvassing for votes relating to a Commonwealth election; or d) any other gathering, meeting, function or event, or class of gathering, meeting, function or event, prescribed by the regulations; relevant road means a public road within the meaning of the <i>Road Traffic Act 1961</i>; road-related area has the same meaning as in the <i>Road Traffic Act 1961</i>. Note: The definition of 'relevant road' refers to the concept of a 'public road' which is a term that is also defined in section 4(1) of the LG Act; however, the LG Act definition of 'public road' is not the definition which applies for the purposes of these provisions. A 'relevant road' for these purposes will be a 'road' as defined in the <i>Road Traffic Act 1961</i> that is open to or used by the public and is developed for, or has as one of its main uses, the driving of motor vehicles.	the State Electoral Act, electoral advertisement means an advertisement containing 'electoral matter', and electoral matter means matter calculated to affect the result of an election. Note: Electoral advertising poster is also defined in section 226(5) of the LG Act; however, that definition only applies with respect to a local government election. moveable sign is defined in section 4 of the LG Act and means a moveable advertisement or sign. This can include a State election sign. public road means a road within the meaning of the <i>Road Traffic Act 1961</i> and road-related area has the same meaning as in the <i>Road Traffic Act 1961</i>. Note: Public road is also defined in section 4(1) of the LG Act; however, that definition is not the definition which applies in the State Electoral Act. State election sign — For convenience, in this document, the term 'State election sign' is used to mean an electoral advertising poster	an election held under the LG Act or the <i>Local Government (Elections) Act 1999</i> (SA). public road means a public road within the meaning of the <i>Road Traffic Act 1961</i> and road-related area has the same meaning as in the <i>Road Traffic Act 1961</i>. Note: Public road is also defined in section 4(1) of the LG Act; however, that definition is not the definition which applies for the purposes of these provisions. A 'public road' for these purposes will be a 'road' as defined in the <i>Road Traffic Act 1961</i> that is open to or used by the public and is developed for, or has as one of its main uses, the driving of motor vehicles.

Commonwealth election signs	State election signs	Local Government election signs
	as defined in the State Electoral Act displayed in connection with any election to elect one or more members to the South Australian House of Assembly or Legislative Council.	

3. When can election signs be displayed

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Section 226(3)(c) of the LG Act Pursuant to section 226(3)(c) of the LG Act, a moveable sign that is related to a Commonwealth election (i.e. a Commonwealth election sign) may be placed on a road without an authorisation or permit and without any requirement to adhere to council by-laws if the sign: 1) is not prohibited from exhibition under section 226A of the LG Act (discussed below); and 2) is displayed between 5:00pm on the day before the day a writ/writs are issued for an election and the close of polls on polling day. Pursuant to these sections, a moveable sign that is a designated electoral advertising poster related to a Commonwealth election (i.e. a Commonwealth election sign) may be placed on a road without an authorisation or permit and without any requirement to adhere to council by-laws if that sign is not	Section 226(3)(caa) of the LG Act Pursuant to section 226(3)(caa) of the LG Act, a moveable sign that is an electoral advertising poster related to a State election (i.e. a State election sign) may be placed on a road without an authorisation or permit and without any requirement to adhere to council by-laws if 1) the sign is exhibited during the <i>'election period'</i> for the election; and 2) the sign is <u>not prohibited</u> from exhibition by section 115(2a) of the State Electoral Act. The State Electoral Act defines <i>'election period'</i> for a State election as <i>'the period commencing on the issue of the writ for the election and expiring at 6 p.m. on polling day'</i>. Section 115(2a) of the State Electoral Act has the effect of <u>generally prohibiting</u> the display of an electoral advertising poster on a public road or road-related area (which includes any structure, fixture or vegetation on a public road or road-related area).	Sections 226(2a) and 226(2b) of the LG Act Section 226(2a) of the LG Act has the effect of <u>generally prohibiting</u> the display of a local electoral poster on a public road or road-related area (which includes any structure, fixture or vegetation on a public road). However, section 226(2b) of the LG Act contains the following exemptions to the application of section 226(2a) of the LG Act (i.e. the following is <u>not prohibited</u>): 1) a local electoral poster held by a person in their hands or in a device to which the poster is attached; 2) a local electoral poster that: a) is not attached to a building, hoarding or other structure or fixture on a public road, or road-related area; b) is exhibited at or in the vicinity of a place at which a designated event or activity is being held (see

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prohibited from exhibition by section 226A of the LG Act. Section 226A(1) of the LG Act has the effect of <u>generally prohibiting</u> the display of a designated electoral advertising poster on a public 'relevant road' or 'road-related area' (see above definitions). (which includes any structure, fixture or vegetation on a public road or road-related area). However, section 226A(2) of the LG Act contains the following exemptions to the application of section 226A(1) of the LG Act (i.e. the following is <u>not prohibited</u>): 1) a 'designated electoral advertising poster' held by a person in their hands or in a device to which the poster is attached; or 2) a 'designated electoral advertising poster' that: a) is not attached to a building, hoarding or other structure or fixture on a public road, or road-related area; b) is exhibited at or in the vicinity of a place at which a designated	However, section 115(2b) of the State Electoral Act contains the following exemptions to the application of section 115(2a) of the State Electoral Act (i.e. the following is <u>not prohibited</u>): 1) an electoral advertising poster held by a person in their hands or in a device to which the poster is attached; or 2) an electoral advertising poster that: a) is not attached to a building, hoarding or other structure or fixture on a public road, or road-related area; b) is exhibited at or in the vicinity of a place at which a designated event or activity is being held (see definition of designated event above); and c) is exhibited immediately before, during or immediately after the designated event or activity, provided the electoral advertising poster is not exhibited for more than six hours; or	definition of designated event above); and c) is exhibited immediately before, during or immediately after the designated event or activity, provided the electoral advertising poster is not exhibited for more than six hours; or 3) a local electoral poster of a kind prescribed by the regulations or exhibited in circumstances prescribed by regulation. As of the time of writing, no regulations made under the LG Act specify the kinds of local electoral posters that section 226(2a) of the LG Act does not apply to, or circumstances in which section 226(2a) of the LG Act does not apply to local electoral posters. Aside from the above specific exceptions, the display of a local electoral poster on a road or road-related area is now prohibited. Section 226(1) of the LG Act In addition to the above requirements (which are specific to Local electoral posters), it is also

Commonwealth election signs	State election signs	Local Government election signs
event or activity is being held (see definition of designated event above); and c) is exhibited immediately before, during or immediately after the designated event or activity, provided the electoral advertising poster is not exhibited for more than six hours. Aside from the above specific exceptions, the display of a Commonwealth election sign on a road or road-related area is now prohibited.	3) an electoral advertising poster of a kind prescribed by the regulations or exhibited in circumstances prescribed by regulation, namely (see regulation 16(2) of the <i>Electoral Regulations 2009</i> (SA)): a) the exhibition of an electoral advertising poster that is attached to an office or committee room of a political party, member of Parliament or candidate in an election, provided that the place of exhibition is more than 100 metres from the entrance to a polling booth open for polling; b) the exhibition of an electoral advertising poster that is adhered to a vehicle or exhibited on the roof of, or a trailer (within the meaning of the <i>Motor Vehicles Act 1959</i>) attached to, a vehicle; c) the exhibition of an electoral advertising poster that is attached to fencing or fixtures in or around the following:	the case pursuant to section 226(1) of the LG Act that a local electoral poster, just like any other moveable sign, must (unless an authorisation or permit is obtained): a) comply with the requirements of the Council's by-laws regarding design and structure; b) be placed in a position that complies with the requirements of the Council's by-laws; and c) comply with any other relevant requirements of the Council's by-laws; and d) not unreasonably— i. restrict the use of the road; or ii. endanger the safety of members of the public.

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	i. an enclosed area of land commonly used for playing sports or games, or accommodating the spectators at any sport or game; ii. an enclosed area of land contiguous to, and used in connection with, land referred to in subparagraph 3(c)(i), if the poster is exhibited as part of a paid sponsorship in relation to sports or games played on the land; d) the exhibition of an electoral advertising poster at a show or fair by a political party or member of Parliament, or a candidate or group in an election (the exhibitor), if— i. the show or fair is organised by a person or body that is not—	

Commonwealth election signs	State election signs	Local Government election signs
	1. a political party, associated entity (within the meaning of section 130A of the State Electoral Act) or member of Parliament; or 2. a candidate or group in an election; and 3. the exhibitor holds or sponsors a stall at the show or fair (whether involving the payment of a fee or otherwise) or pays money in sponsorship of the show or fair; e) the exhibition of an electoral advertising poster that is adhered to a person's rubbish bin if the bin is placed on the kerbside by the person in the usual way for the purposes of a regular roadside rubbish collection service. The display of a State election sign at a polling booth in a manner	

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	permitted by section 125 of the State Electoral Act is also not prohibited section 115(2a) of the State Electoral Act, even if that sign is on a road or road-related area. However, aside from the above specific exceptions, the display of a State election sign on a road or road-related area is now prohibited.	

4. When can election signs be removed?

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Section 227(3) of the LG Act If a Commonwealth election sign is displayed in a manner inconsistent with section 226(3)(c) of the LG Act (i.e. inconsistent with the requirements above), an authorised person of the Council may order the person who authorises exhibition of the sign to remove the sign from the road. The person who authorises exhibition of the sign should be printed on the sign itself. That person may be a political party or other corporate entity. If the authorised person cannot find the person who authorises exhibition of the sign, or that person fails to comply immediately with the order, the authorised person may remove and dispose of the sign. Practically speaking, an authorised person must first make some attempt to ascertain the identity of the person who authorised exhibition of the sign and, if that can be ascertained, must make some attempt to	Section 227(3) of the LG Act If a State election sign is displayed in a manner inconsistent with section 226(3)(caa) of the LG Act (i.e. inconsistent with the requirements above), an authorised person of the Council may order the person who authorises exhibition of the sign to remove the sign from the road. The person who authorises exhibition of the sign should be printed on the sign itself. That person may be a political party or other corporate entity. If the authorised person cannot find the person who authorises exhibition of the sign, or that person fails to comply immediately with the order, the authorised person may remove and dispose of the sign. Practically speaking, an authorised person must first make some attempt to ascertain the identity of the person who authorised exhibition of the sign and, if that can be ascertained, must make some attempt to	Section 227(3) of the LG Act If a Local electoral poster is displayed in a manner inconsistent with sections 226(2a) and (2b) of the LG Act (i.e. inconsistent with the requirements above), an authorised person of the Council may order the person who authorises exhibition of the sign to remove the sign from the road. The person who authorises exhibition of the sign should be printed on the sign itself. That person may be a political party or other corporate entity. If the authorised person cannot find the person who authorises exhibition of the sign, or that person fails to comply immediately with the order, the authorised person may remove and dispose of the sign. Practically speaking, an authorised person must first make some attempt to ascertain the identity of the person who authorised exhibition of the sign and, if that can be ascertained, must make some attempt to

Commonwealth election signs	State election signs	Local Government election signs
contact that person (which may for example be by telephone to a head office). If the authorised person cannot ascertain the identity of the person, or cannot reasonably get in contact with that person immediately, or does make contact but it is apparent that the person cannot immediately remove the sign, then the authorised person may proceed to remove and dispose of the sign without further notice. Section 227(1)(d) of the LG Act Even if a Commonwealth election sign is displayed in accordance with section 226(3)(c) of the LG Act, an authorised person of the Council may order the owner of the sign to remove the sign from the road if it unreasonably: (i) restricts the use of the road; or (ii) endangers the safety of members of the public. The 'owner' of a Commonwealth election sign can generally be assumed (unless there is some indication to the contrary) to be the same as the person who authorises exhibition	contact that person (which may for example be by telephone to a head office). If the authorised person cannot ascertain the identity of the person, or cannot reasonably get in contact with that person immediately, or does make contact but it is apparent that the person cannot immediately remove the sign, then the authorised person may proceed to remove and dispose of the sign without further notice. Section 227(1)(d) of the LG Act Even if a State election sign is displayed in accordance with section 226(3)(caa) of the LG Act, an authorised person of the Council may order the owner of the sign to remove the sign from the road if it unreasonably: (i) restricts the use of the road; or (ii) endangers the safety of members of the public. The 'owner' of a State election sign can generally be assumed (unless there is some indication to the contrary) to be the same as the person who authorises exhibition of the sign, which again should be printed on the	contact that person (which may for example be by telephone to a head office). If the authorised person cannot ascertain the identity of the person, or cannot reasonably get in contact with that person immediately, or does make contact but it is apparent that the person cannot immediately remove the sign, then the authorised person may proceed to remove and dispose of the sign without further notice. Section 227(1) of the LG Act Section 227(1) of the LG Act empowers an authorised person of a council to order the owner of a moveable sign (including a local electoral poster) to remove that sign if: a) the design or construction of the sign 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

Commonwealth election signs	State election signs	Local Government election signs
of the sign, which again should be printed on the sign itself. That person may be a political party or other corporate entity. If the authorised person cannot find the owner of the sign, or that person fails to comply immediately with the order, the authorised person may remove and dispose of the sign. Practically speaking, an authorised person must first make some attempt to ascertain the identity of the owner of the sign and, if that can be ascertained, must make some attempt to contact that person (which may for example be by telephone to a head office). If the authorised person cannot ascertain the identity of the person, or cannot reasonably get in contact with that person immediately, or does make contact but it is apparent that the person cannot immediately remove the sign, then the authorised person may proceed to remove and dispose of the sign without further notice.	sign itself. That person may be a political party or other corporate entity. If the authorised person cannot find the owner of the sign, or that person fails to comply immediately with the order, the authorised person may remove and dispose of the sign. Practically speaking, an authorised person must first make some attempt to ascertain the identity of the owner of the sign and, if that can be ascertained, must make some attempt to contact that person (which may for example be by telephone to a head office). If the authorised person cannot ascertain the identity of the person, or cannot reasonably get in contact with that person immediately, or does make contact but it is apparent that the person cannot immediately remove the sign, then the authorised person may proceed to remove and dispose of the sign without further notice.	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. The 'owner' of a local electoral poster can generally be assumed (unless there is some indication to the contrary) to be the same as the person who authorises exhibition of the sign, which again should be printed on the sign itself. That person may be a political party or other corporate entity. If the authorised person cannot find the owner of the sign, or that person fails to comply immediately with the order, the authorised person may remove and dispose of the sign. Practically speaking, an authorised person must first make some attempt to ascertain the identity of the owner of the sign and, if that can be ascertained, must make some attempt

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By-laws Previously, the questions of whether and pursuant to which powers a Council could remove a Commonwealth election sign depended upon the precise wording of Council by-laws. However, recent amendments have the effect that the regulation of Commonwealth election signs and the power to remove such signs are now matters which may be determined purely by reference to legislation. These recent amendments also mean that some Council by-laws may now contain outdated legislative references and/or purported requirements which are inconsistent with the legislative scheme. Councils ought to disregard any provisions of their by-laws which are inconsistent with the statutory scheme for regulation of Commonwealth election signs.	By-laws Previously, the questions of whether and pursuant to which powers a Council could remove a State election sign depended upon the precise wording of Council by-laws. However, recent amendments have the effect that the regulation of State election signs and the power to remove such signs are now matters which may be determined purely by reference to legislation. These recent amendments also mean that some Council by-laws may now contain outdated legislative references and/or purported requirements which are inconsistent with the legislative scheme. Councils ought to disregard any provisions of their by-laws which are inconsistent with the statutory scheme for regulation of State election signs.	to contact that person (which may for example be by telephone to a head office). If the authorised person cannot ascertain the identity of the person, or cannot reasonably get in contact with that person immediately, or does make contact but it is apparent that the person cannot immediately remove the sign, then the authorised person may proceed to remove and dispose of the sign without further notice.

5. Electoral Commissioner Signs

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N/A	The above guidelines do not deal with signs approved by the Electoral Commissioner. Those signs are now dealt with in this part of these guidelines. The Electoral Commissioner may, pursuant to sections 226(3)(caa)(ii) and (3a) of the LG Act, approve signs for exhibition during the election period for the purpose of notifying electors of the election. Such signs will contain white text on a black background and must be identical to the examples published on the Electoral Commissioner's website. Provided such a sign is displayed during the election period (meaning <i>'the period commencing on the issue of the writ for the election and expiring at 6 p.m. on polling day'</i>), the only basis upon which the sign may be removed from a road or road-related area by a Council authorised person is that it unreasonably: (i) restricts the use of the road; or	N/A

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	(ii) endangers the safety of members of the public. In such cases, an authorised person of the Council may use the power in section 227(1)(d) of the LG Act to order the owner of the sign to remove it and, if that person cannot be found or fails to comply immediately with the order, the authorised person may remove and dispose of the poster themselves	

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