

Electoral advertising and the Public Unleased Land (Movable Signs) Code of Practice 2019 (No 1)

Purpose

This fact sheet outlines roles, responsibilities and general information in relation to electoral advertising and how to comply with the *Public Unleased Land (Movable Signs) Code of Practice 2019 (No 1)* (the Code). The Code can be obtained from <https://www.legislation.act.gov.au/di/2019-41/>

What are electoral advertising signs?

Electoral advertising signs are movable signs containing any printed electoral material.

What is the *Public Unleased Land (Movable Signs) Code of Practice 2019*?

The Code outlines requirements for moveable signs such as design, placement, duration, safety and insurance. This fact sheet summarises the Code but is not a substitute for law. Candidates and interested persons are encouraged to consult the Code and any relevant legislation prior to putting any movable signs on public land.

It is an offence to place or keep a movable sign in a public place other than in accordance with the Code.

What can I put on a movable sign?

Movable signs should not display words or images likely to cause offence and must identify the responsible owner of the sign.

How long can I display a movable sign?

Electoral advertising signs may be displayed for a period of up to six weeks immediately preceding the election date. These signs are only covered by the Code for 48 hours after the official election day and must be removed within 48 hours of the close of the polling booths. Any election signs not removed within 48 hours will be considered unauthorised and the responsible owner may be fined.

Are there design restrictions for electoral advertising signs?

All movable signs placed on unleased Territory land, which includes road verges and nature strips, must not be larger than 900 mm x 1200 mm. They may be either 'A' frame or in the form of a non-metal board mounted to wooden stake(s). All movable signs must have smooth edges and no protrusions which could be a danger to the public. Signs must be stable in windy conditions. A self-adhesive sign or sticker is not a movable sign and is not included in the Code. It is an offence under the *Crimes Act 1900* to damage or deface public or private infrastructure and assets and carries penalties of up to \$1,000 for individuals and \$5,000 for businesses.

Where can electoral advertising signs be placed?

Movable signs may be placed on unleased Territory land subject to the following restrictions:

- > Signs may not be placed at roundabouts, median strips of roads, within 20 metres of traffic lights, on residential nature strips, or within 20 metres of a corner of an intersection.
- > Movable signs must be self-standing. Under no circumstances can they be attached/affixed to or obstruct government property. This includes, but is not limited to, bridges, overpasses, trees or other vegetation on public unleased land, traffic lights or streetlights, traffic control boxes and poles.
- > As per section 303(1)(c) of the *Electoral Act 1992*, electoral advertising signs are not permitted within 100 metres of a polling place during polling, unless they are authorised by the Electoral Commissioner.
- > Movable signs must not cause a danger or restrict pedestrian access to walkways or nature strips. The signs must not encroach onto or obstruct pedestrian or bicycle pathways.
- > Signs must be placed at least 1.2 metres back from the street kerb.
- > Movable signs must not be placed in emergency vehicle access routes or in a position that restricts access to fire hydrants, above-ground services and in-ground services.
- > The placement of movable signs must not impede maintenance activities, for example, the mowing of grass. In practice, this does not preclude the placement of signs in grassed areas where they are otherwise compliant.
- > Movable signs must not be placed within the light rail and associated road corridor network, including all station and layover areas. Network information is available at www.transport.act.gov.au
- > Signs cannot be placed in designated areas of the National Capital without the expressed approval from the National Capital Authority. See Section 8 of the Code for a full listing of designated areas.

Do I need insurance to place a moveable sign in a public place?

A person who places a movable sign on public land must have a current public liability insurance policy covering a minimum of \$10,000,000.

What if a sign falls over?

Fallen signs that impede maintenance or otherwise come to the attention of City Services staff will be deemed non-compliant and immediately removed. The responsible owner of the sign will be notified and advised of where they can collect their sign and any fees incurred.

Are vehicles considered movable signs?

Vehicles including trailers with promotional material affixed are not considered to be moveable signs, however, such vehicles must be parked legally. Vehicles parked illegally on public land, such as road verges, medium strips etc., will be subject to provisions of the *Australian Road Rules* or to the *Public Unleased Land Act 2013* which provide offence provision for unauthorised parking and/or unauthorised public land use. Consistent with the approach taken for vehicle-based commercial advertising, no approvals will be issued for advertising in this manner for election purposes.

What happens to signs which breach the Code?

The ACT Government's Licensing and Compliance officers will remove any electoral advertising signs placed on public unleased land where the person has failed to comply with, or the sign fails to comply with, the requirements of the Code. The person responsible for the breach may also be issued with a warning notice or penalty infringement notice, in accordance with Licensing and Compliance's Accountability Commitment.

Where a non-compliant sign is seized, a notice of seizure will be sent to the owner of the sign detailing the grounds on which the sign was seized, and the location from where the sign may be collected. If the sign is not collected within 7 days of the notice, the sign may be disposed of in accordance with the *Uncollected Goods Act 1996*. An administrative fee of \$136.70 may apply for the return of a seized sign.

The owner of the sign may apply to the ACAT for a review of a decision to remove a sign.

Non-compliant signs can be reported to TCCS Licensing and Compliance through Access Canberra on 13 22 81 or via Fix My Street at www.act.gov.au/fixmystreet

Where can I dispose of corflute signs?

The ACT Government is running a trial until the end of October 2022 to recycle corflute signs used for electoral advertising purposes. Corflute signs can be dropped off for free at the dedicated collection bins at the Resource Management Centres in [Mugga Lane, Symonston](#) and [Flemington Road, Mitchell](#). Prior to disposal, please remove all stakes, nails, bolts, plastic zip ties, glue and dirt as the corflute must be clean and free from any contamination to be recycled. Signs should be placed flat into the collection bins.

Accessibility

The ACT Government is committed to making its information, services, events and venues, accessible to as many people as possible.

If English is not your first language and you require the translating and interpreting services – please telephone 131 450 and ask to be connected to 13 22 81.

If you are deaf or hearing impaired and require the National Relay Service, phone 133 677 then ask for to be connected to 13 22 81.