

Australian Capital Territory

# Public Unleased Land (Movable Signs) Code of Practice 2023 (No 1)

Disallowable Instrument DI2023—244

made under the

*Public Unleased Land Act 2013, section 27 (Movable signs code of practice)*

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## 1 Name of instrument

This instrument is the Public Unleased Land (Movable Signs) Code of Practice 2023 (No 1).

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Approval

I approve the code of practice about movable signs on public unleased land in the attached schedule.

## 4 Revocation

This instrument revokes the Public Unleased Land (Movable Signs) Code of Practice 2019 (No 1) (DI2019-41).

Chris Steel MLA  
Minister for Transport and City Services

30 October 2023

**CODE OF PRACTICE  
FOR THE PLACEMENT OF MOVABLE SIGNS IN PUBLIC PLACES**

**1. Interpretation**

In this Code, unless the contrary intention appears—

“arcade directory sign” means a fixed sign located outside an arcade entry that lists businesses within the arcade;

“business signs” means movable advertising signs placed by businesses;

“community signs” means movable signs placed by charities, schools and community groups to advertise temporary events;

“electoral advertising signs” means movable signs containing any printed electoral matter to which any of the following provisions apply: section 292 of the *Electoral Act 1992*, section 292 of the *Electoral Act 1992* as applied by section 17 of the *Referendum (Machinery Provisions) Act 1994*, section 321D of the *Commonwealth Electoral Act 1918* (Cwlth) or section 110C of the *Referendum (Machinery Provisions) Act 1984* (Cwlth);

“person” includes any business, charity, school, community group or political party or candidate;

“public place” means any place that is unleased Territory Land, which the public are entitled to use or which is open to, or used by, the public and includes every public road;

“real estate signs” means movable signs placed by real estate agents to advertise properties which are for sale and/or open for exhibition;

“sign” includes a notice and an advertisement.

**2. Application of code and relevant offences**

- (1) This Code of Practice is established by the *Public Unleased Land Act 2013* (the Act) and applies to movable signs including but not restricted to:
  - (a) business signs;
  - (b) real estate signs;
  - (c) community signs; and
  - (d) electoral advertising signs.
- (2) It is an offence to, without reasonable excuse, place or keep a movable sign in a public place other than in accordance with this Code of Practice.

## Schedule 1

- (3) For requirements relating to Designated Public Roads and the maximum number of electoral advertising signs, the penalty for non-compliance is 20 penalty units under section 28(2) of the Act. For all other requirements in this Code not relating to insurance, the penalty for non-compliance is 10 penalty units under section 28(1) of the Act. For requirements in this Code that relate to insurance, the penalty for non-compliance is 50 penalty units under section 28(1) of the Act. Infringement notices may apply under the Magistrates Court (Public Unleased Land Infringement Notices) Regulation 2013.

### **3. Movable sign construction and safety aspects**

- (1) All movable signs must have maximum enveloping dimensions, including framework or supporting wooden stake(s), of 900mm x 1200mm.
- (2) Business signs must be an A-frame construction.
- (3) Real estate signs, community signs and electoral advertising signs may be either A-frame construction or in the form of a board mounted on to one or more wooden stakes driven into the ground and must not exceed a dimension of 900mm x 1200mm.
- (4) All movable signs must be constructed to be stable in windy conditions and not require support from any other object.
- (5) Movable signs may be of any shape but must have smooth edges and no protrusions, which could be a danger to the public.
- (6) Sheet metal is not to be used in construction of movable signs mounted on stakes.
- (7) A self adhesive sign is not a moveable sign and is not included in this code.

### **4. Content of movable signs**

- (1) Movable signs must not display words or images likely to cause offence to a reasonable adult to the extent that the movable sign should not be displayed in a public place.
- (2) The name of the business, estate agency, charity, school or community group responsible for placing the movable sign must be displayed on the movable sign for identification.

## Schedule 1

- (3) Electoral advertising signs must comply with the requirements of any of the following provisions:
- (i) section 292 of the *Electoral Act 1992*;
  - (ii) section 292 of the *Electoral Act 1992* as applied by the *Referendum (Machinery Provisions) Act 1994*;
  - (iii) section 321D of the *Commonwealth Electoral Act 1918* (Cwlth); or
  - (iv) section 110C of the *Referendum (Machinery Provisions) Act 1984* (Cwlth).

### 5. Insurance requirements

- (1) A person who places a movable sign in a public place must have a current public liability insurance policy of at least \$10,000,000 limit of liability, which would include any liability to the public or the Territory arising out of such a sign, its design, construction or placement.

### 6. Number of movable signs and time limits

- (1) Business signs –  
Each business may display a maximum of two (2) movable signs while the business is open for trading. Business signs must be kept within the boundaries of the commercial or industrial trading area in which the business is physically located [see also Clause 7, Placement of movable signs].
- (2) Real estate signs –  
Direction signs indicating open home or display home exhibitions may only be displayed during the hours the exhibition is open for viewing.
- (3) Community signs –  
Schools, community groups and registered charities may display a maximum of twenty (20) movable signs for a period of two (2) weeks prior to the advertised event.
- (4) Electoral advertising signs –  
(a) For Territory and Commonwealth elections only, the number of electoral advertising signs placed on unleased Territory land must not exceed two hundred and fifty (250) per individual and entity.

For the purposes of this Code and where it relates to electoral advertising signs:

- (i) “individual” means a Member of the Legislative Assembly (MLA), candidate or prospective candidate; and
- (ii) “entity” means a political party or third-party campaigner (e.g., lobby group).

#### Example – entities with candidates

a political party with five candidates in five electorates must not exceed 6,500 signs (250 for each of the individual candidates and 250 for the entity).

## Schedule 1

- (b) Electoral advertising signs may only be displayed for a period of up to six (6) weeks. The 6 week period is the 6 weeks immediately preceding the election date.
- (c) Election 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 sign not removed within 48 hours of the close of polling booths will be considered to be an illegal sign or poster and the Territory will implement provisions to remove the offending sign.

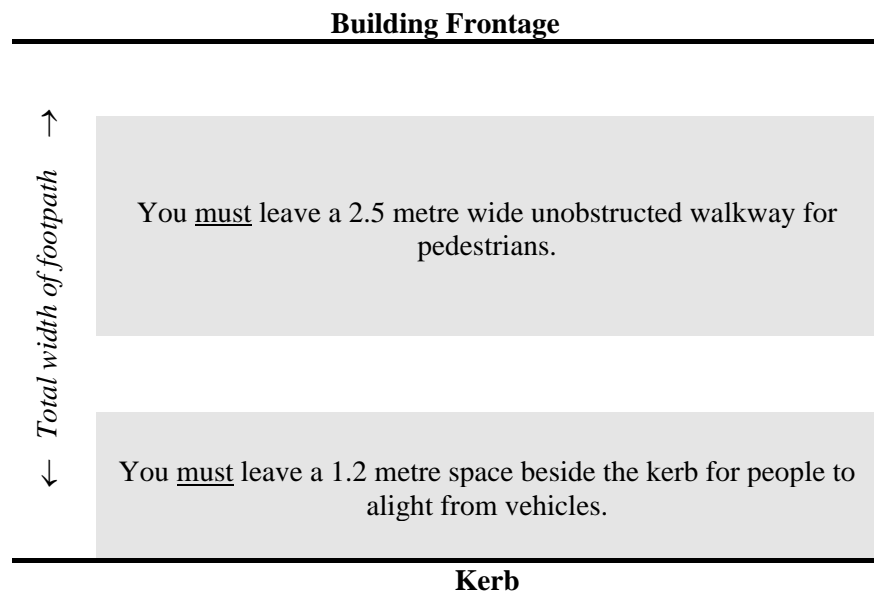
### **7. Placement of movable signs**

- (1) Movable signs may be placed on unleased Territory Land subject to the following restrictions –
  - (a) Movable signs must not be placed in the following areas:
    - (i) Designated Areas, ie areas with the special characteristics of the National Capital – except with the express approval of the National Capital Authority [see also Clause 8, Designated Areas];
    - (ii) in the case of electoral advertising signs – on or adjacent to Designated Public Roads, ie roads with a speed limit that would ordinarily be 90km/h or more [see also Clause 9, Designated Public Roads];
    - (iii) in the case of business signs – outside the boundaries of the commercial or industrial centre in which the business is physically located. These boundaries are defined by the land use policies shown on the Territory Plan maps;
    - (iv) in the case of home business signs – all residential areas (real estate signs exempt);
    - (v) roundabouts;
    - (vi) median strips of roads (schools and charities exempt);
    - (vii) within 20 metres of traffic lights;
    - (viii) on residential nature strips (real estate signs exempt);
    - (ix) within 20 metres of the apex of the kerb lines at an intersection (real estate directional signs exempt);
    - (x) where an arcade directory sign is installed for the arcade building that a business is located in; or

## Schedule 1

- (xi) 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](http://www.transport.act.gov.au)
- (b) Movable signs must not be attached to, affixed to under any circumstances, or obstruct any part of the following objects:
  - (i) bridges or overpasses;
  - (ii) Government property;
  - (iii) trees or other vegetation; or
  - (iv) traffic lights or street lights;
  - (v) Other infrastructure which 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 control of ACTEW or the ACT Government.
- (c) Prohibited Actions:
  - (i) movable signs must not cause a danger or restrict pedestrian access on walkways or nature strips;
  - (ii) movable signs must not cause a danger or restricted access for visually or physically impaired pedestrians, or pedestrians pushing a stroller, pram trolley or any other object;
  - (iii) placement of movable signs must be a minimum of 1.2 metres back from the back of the street kerb to allow persons free access when alighting from a vehicle;
  - (iv) movable signs must not encroach on to or cause an obstruction on pedestrian or bicycle footpaths;
  - (v) in commercial areas pedestrians must have access to a minimum of a 2.5 metres wide walkway free of movable signs or other obstructions, in addition to 1.2 metres back from the top of the street kerb. The walkway should allow pedestrians to walk either in a straight line or in a line which follows the street contour (see Fig. 1).

**Figure 1**



- (vi) movable signs must not be placed in pedestrian access under awnings which are 2.5 metres or less in width;
  - (vii) the use of metal pickets, rope, wire, chains, padlocks or any other device must not be used to secure movable signs in the ground or to another object;
  - (viii) movable signs must not be placed in front of, over the top of, or in a position that will restrict access to fire hydrants, above-ground and in-ground access to services; and
  - (ix) movable signs must not be placed in emergency vehicle access routes.
- (d) The placement of movable signs must not impede maintenance activities (eg the mowing of grass).
- (2) In relation to movable signs in the immediate vicinity of polling places –
- (a) In this paragraph:  
“Polling place” means
    - (i) For Territory elections, the same as “polling place” in section 291 of the *Electoral Act 1992*;
    - (ii) For Commonwealth elections, a place appointed as a polling place in pursuance of section 80 of the *Commonwealth Electoral Act 1919* (Cwlth);

## Schedule 1

- (iii) For Territory referendums, section 291 of the *Electoral Act 1992* as applied by the *Referendum (Machinery Provisions) Act 1994*; and
- (iv) For Commonwealth referendums, section 80 of the *Commonwealth Electoral Act 1918* (Cwlth) as applied by section 16 of the *Referendum (Machinery Provisions) Act 1984* (Cwlth).

“Polling hours” means the hours for which a polling place is open and taking votes.

- (b) Paragraphs 7 (1) (b) (ii), 7 (1) (b) (iii) and 7 (1) (c) (vii) of this Code do not apply to polling places during polling hours.
- (c) Paragraph 3 (3) of this Code does not apply to the area within 25 metres of the entrance to polling places during polling hours.
- (d) Sheet metal is not to be used in the construction of any movable sign under this paragraph other than signs of A-frame construction.

### **8. Designated Areas**

- (1) Movable signs must not be placed in public places in Designated Areas without the approval of the National Capital Authority.
- (2) Designated Areas are areas that have the special characteristics of the National Capital and are identified in both the National Capital Plan and the Territory Plan. They include:
  - (a) the Parliamentary Zone;
  - (b) the War Memorial surrounds;
  - (c) Commonwealth and Kings Park; andthe following Main Avenues and Approach Routes:
  - (d) Adelaide Avenue;
  - (e) Ainslie Avenue;
  - (f) Anzac Parade;
  - (g) Barton Highway;
  - (h) Brisbane Avenue;
  - (i) Canberra Avenue;
  - (j) Commonwealth Avenue;
  - (k) Constitution Avenue;
  - (l) Edinburgh Avenue;
  - (m) Fairbairn Avenue;



## Schedule 1

- (n) Federal Highway;
- (o) Hobart Avenue;
- (p) Kings Avenue;
- (q) Limestone Avenue (south of Ainslie Avenue);
- (r) Melbourne Avenue;
- (s) Monaro Highway;
- (t) Morshead Drive;
- (u) Northbourne Avenue;
- (v) Perth Avenue;
- (w) Pialligo Avenue;
- (x) State Circle;
- (y) Sydney Avenue;
- (z) University Avenue;
- (aa) Wentworth Avenue

### **9. Designated Public Roads**

- (1) Electoral advertising signs must not be placed in public places on or adjacent to Designated Public Roads.
- (2) For section 28(2) of the Act, a length of public road with a speed limit of 90km/h or more is prescribed as a Designated Public Road. This does not include roads within Designated Areas, which are already prohibited areas for placing electoral signs [see Clause 8, Designated Areas].
- (3) For the purposes of the code, a public road which has a temporary reduced speed limit applied (e.g., for road works or events) but would ordinarily have a 90km/h or higher speed limit outside of the temporary traffic management is a Designated Public Road.