



Election Signage outside Rental Premises

Tenants Queensland received numerous inquiries from tenants who were given breach notices for having displayed election signage outside their rental premises. Additionally, some tenants have received a request from the lessor to remove the signage and in some instances the lessor/agent had removed the signage without consent.

Right to political expression

Australians have a right to political expression. In 1992 in *Nationwide News Pty Ltd v Wills and Australian Capital Television Pty Ltd v Commonwealth (ACTV)* 177 CLR 1 the High Court made a decision confirming that right despite there not being a specific constitutional protection as in other countries like the USA. Read more [here](#).

Council requirements

In Brisbane, the Brisbane City Council permits election signs on private property without approval from the council during the permitted exhibition period, for more detail click [here](#). If you reside outside Brisbane please check the local laws set by your council.

Elections signs on private property must not constitute a safety hazard for any person using the footpath or public space adjoining the property where the sign is located.

Body Corporate By-laws

Most unit complexes have by-laws that restrict you from changing the external appearance of the lot without first gaining consent of the owner or Body Corporate. It is suggested that you first check the Body Corporate bylaws for your building before

installing any election signage outside your premises.

Tenancy Rights

The lessor/agent have an obligation to provide "quiet enjoyment" and must not interfere with a tenant's reasonable peace, comfort or privacy. It underlies the notion that the premises is the person's home while they are renting there.

In relation to election signage, we consider it a breach of a tenant's reasonable peace, comfort and privacy for a lessor or agent to demand the removal of political signage so long as the signs are legal, and not causing damage to the property or making the sign a fixture of the property.

Additionally, lessors/agents cannot enter the premises to remove election signage without your consent, if this occurs it may constitute an offence under the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld) or may be an act of trespass. Please see our fact sheets for more information regarding entries.

However, these rights may not prevent a lessor giving you a "Without Grounds" termination notice, and the retaliatory provisions may not help prevent a termination. Keeping all evidence of the dispute and putting things in writing is helpful.

Further help

TQ telephone advice service

1300 744 263

**Statewide: 9am – 5pm Monday to Friday
and extended hours Tuesday and
Wednesday until 7pm**

Tenants Queensland is a specialist Community Legal Centre that provides free advisory services for renters in Qld. TQ aims to improve and protect the rights of all people who rent their home
www.tenantsqld.org.au

Disclaimer: This flyer provides information only and is not intended to provide legal advice