



Local Government Amendment (Graffiti) Bill.

Second Reading

Mrs HOPWOOD (Hornsby) [10.20 a.m.]: I move:

That this bill be now read a second time.

Issues associated with graffiti continue to arise on a regular basis, and once more I speak to endorse the tenet of the Local Government Amendment (Graffiti) Bill 2003—reintroduced from the 2002 bill known as the Local Government Further Amendment (Graffiti) Bill 2002—as presented at the beginning of the new session of the New South Wales State Parliament. The content of the bill has not altered; it continues to seek to amend the Local Government Act 1993 to enable local councils to remove graffiti from the property of a public authority or to order removal of graffiti from property owned or occupied by a public authority.

The bill also seeks to enable the local council to recover from a public authority any expenses incurred by the council for removal of graffiti from property similarly owned or occupied. To repeat, under section 67A of the Local Government Act a council may, by agreement with the owner or occupier of any private land, carry out graffiti removal work on the land. Under section 67B of the Act a council may also, without the agreement of the owner or occupier of any land, carry out at the council's expense graffiti removal work to property on the land. Further, the council may do the removal work if the graffiti is visible from a public place and the graffiti removal can be carried out from a public place.

The new bill seeks to remove the reference to "private" in relation to land in respect of which a council may enter into an agreement with the owner or occupier for graffiti removal work. The council will be able to enter into agreements with public authorities for graffiti removal work on lands that are not private land within the meaning of the Local Government Act. The bill also seeks to allow councils to recover from a public authority—that is, the owner or occupier of the property from which graffiti is removed—the cost of the graffiti removal work carried out from a public place, without the consent of the public authority. Further, the bill will enable a council to order a public authority to remove graffiti on property owned or occupied by the public authority. The council may issue this order if, first, the graffiti is visible from a public place; second, the public authority does not agree to have the graffiti removed; and, third, the graffiti removal work cannot be carried out from a public place. Additionally, the bill makes failure to comply with such an order an offence.

Councils expressed great frustration at the time taken for State Rail and other organisations, such as electricity companies, to remove graffiti from their property. Local residents have spoken to me on a number of occasions about their concerns with the amount of graffiti appearing in suburbs and also about the slowness of its removal. Many councils have embraced the need to remove graffiti as soon as possible as a major component in discouraging the person applying the graffiti. In order to ensure a uniform approach to the removal and application of the deterrent policies of council, immediate action in relation to graffiti is essential. Previous amendments dealing with graffiti have not gone far enough. This is a proactive initiative. Councils want to remove graffiti immediately and have the necessary equipment to do so. Residents dislike the graffiti and local communities associate it with other activities that compromise their safety.

The term "graffiti" is generally used as an all-encompassing label for any illegal writing or drawing on buildings, fences, stationary government objects and equipment, bridges and any number of structures. There are many different types of graffiti, the most prevalent being the practice of tagging, that is, an identifying word applied with spray paint or a wide felt-tip pen in a publicly visible place. Green substation boxes are a favourite site for such graffiti. The harm caused by graffiti to the community and to property and the fear of crime are the main concerns of governments and those matters are the focus of intervention.

A number of managers in councils are determined to improve graffiti removal. Currently there are two initiatives, one being the Graffiti Blaster program, which has been on trial in a number of areas and which has been shown to be very successful. I spoke about this last year. Under that program the graffiti is removed within 48 hours. The aim is to discourage graffiti perpetrators by removing graffiti as soon as possible. This has had success, with graffitiists moving on after realising they will not be successful in maintaining their art form because of persistent removal. The second initiative is the Beat Graffiti program, which consists of a graffiti hotline and legal graffiti walls. Councils have also been encouraged to formulate a graffiti management policy and strategies inclusive of a rapid response approach to graffiti removal.

I refer now to the latest issue of the Mt Colah Neighbourhood Watch newsletter, the whole front page of which is

devoted to graffiti. I am a member of this Neighbourhood Watch group and a street co-ordinator. The newsletter states in part:

Many people are turned off by graffiti. This is mostly psychological—people spray their tags around the place to mark it, and when an area becomes vandalised to a certain extent with graffiti other residents of the area tend to feel unsafe, or unwelcome, and they avoid it.

The graffiti we see in Mt Colah is simply vandalism. There is no art in it, and none of it reflects any artistic talent in those that do it. It is spoiling our parks, our little shopping centre, and damaging some private property...

We need to clean up the mess. We will be approaching government authorities and business owners to remove the current nonsense that is sprayed and scribbled in our public places.

The next thing is to maintain a graffiti-free environment. This involves monitoring public spaces, and removing any graffiti as soon as possible after it is done. This may involve painting over it, or scrubbing it out, depending on the surface. The idea is to deprive the vandals of the pleasure of seeing their handiwork. The theory is that eventually the vandals will tire and give up or go elsewhere.

That direct quotation from the latest newsletter of the Mt Colah Neighbourhood Watch group reflects general community attitude and concern. I reiterate that in my electorate Hornsby Shire Council has taken the progressive step of providing graffiti artists and others who wish to paint walls and other surfaces in the area with opportunities to express their art forms. The three locations selected in the area are Montview Oval at Hornsby Heights, Greenway Park at Cherrybrook and Ruddock Park at Westleigh. A number of schools also provide walls for students to paint their pictures. Those walls were provided in recognition that some young people need an opportunity to express themselves in this way. The strategies are designed to address the needs of young people through a mutually beneficial relationship with the wider community.

Whilst a number of responses can be made in relation to graffiti, it is important to have a consistent approach. I have noticed a spate of graffiti in the Hornsby electorate that of late has not been removed in a timely fashion, that is, as quickly as possible and preferably within 24 hours. A number of people commented to me about this during the recent election, and I sought the assistance of Hornsby Shire Council to rectify the problem. The security of many people relies on a safe environment. To community members, the appearance of graffiti signifies a dangerous area. When the graffiti is removed people begin once more to feel safe. Councils are best positioned to keep track of graffiti occurrence, as well as to remove it as soon as possible. It is well known that graffiti is a significant environmental, social and economic problem and that everyone in the community is affected by it. It is estimated that graffiti removal costs the community about \$100 million each year.

The Local Government Amendment (Graffiti) Bill aims to improve the ability of councils to react quickly to graffiti on government-owned equipment, so that it can be removed almost as soon as it is placed on the surface. The proposed legislation will add to recent changes in this area: the Local Government Amendment (Graffiti) Act 2002 and the Local Government (Graffiti Removal) Act 2001. The aim of the amendment is to assist councils to control graffiti and relieve the frustration of council officers, who do a great job with the current legislation but who could make a big difference in fast graffiti removal should the bill be passed. It is essential that the Government do everything in its power to decrease graffiti. I commend the bill to the House.

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