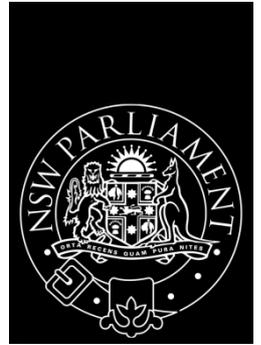


LEGISLATIVE ASSEMBLY



Standing Committee on Public Works

Report on Graffiti and Public Infrastructure

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Terms of reference

The Public Works Committee is to inquire and report on:

- Social and economic impact of graffiti on public infrastructure;
- Anti graffiti policies and practices to protect public infrastructure;
- Anti graffiti practices such as mural painting programs employed NSW state and local government agencies;
- Graffiti resistant finishes and other building materials suitable for public infrastructure;
- Anti graffiti approaches taken in other jurisdictions to protect public infrastructure;
- Other relevant issues.

Chair's foreword

The NSW Standing Committee on Public Works undertook this inquiry to assess the impact of graffiti and consider best practice methods to reduce and mitigate the effects of graffiti on public infrastructure.

In its discussions with various councils, public utilities and members of the public, the Committee was made aware of the far-reaching concern about the overall impact of graffiti on the community and the huge cost to government agencies in dealing with it. The Committee recognises that graffiti is a consequence of anti-social behaviour, that it compromises the aesthetic of any given community and has the potential to threaten the sense of personal security.

In this respect, the Committee is strongly against graffiti and encourages all appropriate steps to be taken to reduce graffiti vandalism from occurring. The Committee supports the view that the Government consider whether current penalties for graffiti-related offences should be increased. This would also involve amending the *Graffiti Control Act 2008* to introduce an offence of secondary supply of graffiti implements to minors who are known graffiti offenders.

Further, given the ongoing community concern over continued graffiti vandalism, the Committee supports a public education campaign to promote the use of the Crime Stoppers hotline as a method of reporting graffiti and encourages councils' use of the Australian Graffiti Register.

During the course of this inquiry, the Committee was particularly keen to understand the economic impact of graffiti on public infrastructure. In particular, the total cost of cleaning up graffiti vandalism together with protecting public infrastructure from further graffiti attacks.

The Committee was made aware of the suite of the resources and techniques at the disposal of councils and public utilities to help counter the graffiti scourge. Of particular note was the effective use of 'green screening' graffiti targets and hotspots, coating public infrastructure in graffiti resistant finishes, adopting design protocols to make graffiti less effective on certain surfaces and adopting colour palettes for developments to ensure the cleaning up of graffiti is less obvious. The Committee also were informed about more creative ways of combating graffiti, including the pre-emptive use of murals and other artistic approaches to deter graffiti vandals.

Given the scope of anti-graffiti measures adopted by relevant authorities, it is therefore not surprising that local government authorities and public utilities spend considerable sums each year on cleaning, restoring and protecting public infrastructure from graffiti vandalism. As a result, the Committee recommends that the NSW Government state infrastructure providers establish an allocated budget for graffiti prevention and clean up and that local councils affected by graffiti vandalism consider adopting special levies as a method of providing additional funding.

The Committee is also aware that many councils have rapid removal programs to ensure that graffiti is speedily obliterated, but that was only successful where the council was made aware that the graffiti had taken place. To this end, the Committee supports that, where

Chair's foreword

appropriate, councils should consider providing a dedicated graffiti hotline to encourage the reporting of graffiti within council boundaries. The Committee also encourages that councils report the incidence of graffiti to the NSW Police.

The Committee also canvassed the use of partnerships between local councils and public utilities to provide a joint approach in cleaning up graffiti in any one given area. To this end, the Committee supports the current trials of single site graffiti clean-ups by the Anti Graffiti Action Taskforce within the councils that they take place and encourages the program's expansion.

Graffiti is a serious concern, one that requires constant attention. The Committee believes that the strategies identified in this report will go some way to ameliorating the problem and reducing the incidence of graffiti and its effects on society.

Ninos Khoshaba MP
Chairperson

List of recommendations

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RECOMMENDATION 10: The Committee supports and encourages the use of Crime Prevention Through Environmental Design through State Environmental Planning Policies, Development Control Plans and other planning instruments.	43
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Chapter One - Graffiti and Public Infrastructure

What Constitutes Graffiti?

- 1.1 Section Four of the *Graffiti Control Act 2008 (NSW)* defines graffiti as "intentionally damaging or defacing property by means of a graffiti implement". A "graffiti implement" is defined under the Act as either spray paint, a marker pen or "any implement designed or modified to produce a mark that is not readily removable by wiping or by use of water or detergent".
- 1.2 Most councils which submitted to the inquiry also included advertising posters which are adhered to public infrastructure such as walls and electricity poles as graffiti.
- 1.3 What actually constitutes graffiti is a matter of opinion which was tested throughout this inquiry. The actual line between aerosol, street or spray art and graffiti seems very much a matter of opinion and councils such as Marrickville have celebrated some of their illegally done street art pieces and placed conservation orders on them while other councils such as Bankstown do not tolerate aerosol murals or "pieces" whatsoever.
- 1.4 However, parties who submitted to the inquiry agreed that individual markings such as slogans, slurs, political statements and individual marks such as tags constituted graffiti.
- 1.5 There are three major recognised types of modern graffiti. The most basic type is a 'tag', in which the artist writes his name in his own unique style. A more advanced form of tagging is a 'throw-up,' in which the artist may use bubble-letters or 'wild style' to create a more intricate design. The next type of graffiti is a 'piece' or 'masterpiece,' which usually depicts a scene or well-known characters with some sort of slogan. This type of graffiti often requires the collaboration of multiple artists. These are most often found on subway trains (often taking up an entire car) or on private walls.¹
- 1.6 Stencil graffiti makes use of a paper, cardboard etc to create an image or text that is easily reproducible. A design is cut out of the selected medium and then the image is transferred to a surface through the use of spray paint or roll-on paint. Multiple layers of stencils can be used on the same image to add colours to create the illusion of depth.
- 1.7 Paste-ups are printed images which can be quickly pasted onto surfaces and are intended to be of an ephemeral nature.

The Extent of the Problem

- 1.8 There were a total of 56,675 incidents of graffiti reported to NSW Police between January 2005 and December 2009. The number of graffiti incidents reported to police increased from 9,143 in 2005 to 13,953 in 2008 before falling to 11,691 in 2009. According to the NSW Government submission, it is likely that NSW recorded crime statistics capture only a small percentage of graffiti incidents because of low levels of reporting. For example, many local councils keep registers of graffiti removal work

¹ Werwarth, T, *Art Crimes: The Culture and Politics of Graffiti Art*
<http://www.graffiti.org/faq/werwath/werwath.html>

but do not report graffiti incidents to police unless they are of a significant or recurring nature.²

- 1.9 In 2008, the Australian Bureau of Statistics (ABS) conducted a national crime and victim survey, which found that more than half (55%) of people in NSW did not think there were crime or public nuisance problems in their neighbourhood. The most commonly identified problems in the 2008 survey were vandalism/graffiti/damage to property (26%).³
- 1.10 The vast majority of graffiti offenders proceeded against by police are young males. In 2009, police proceeded against 1,206 males under the age of 18, representing 78% of the total.⁴
- 1.11 The Australian Institute of Criminology estimated the national cost of criminal damage, which includes graffiti, at \$1,340,000,000 in 2003.⁵ The non-government organisation, 'Graffiti Hurts' has claimed that local councils across Australia currently spend \$260 million a year removing graffiti.⁶
- 1.12 Estimates of the overall cost of graffiti to NSW are in the hundreds of millions of dollars. It is difficult to quantify the exact cost incurred by the NSW public sector in repairing damage caused by graffiti. However, there are clear examples that illustrate the impact of graffiti on the public purse.
- 1.13 In 2006 The NSW Anti Graffiti Action Team (AGAT) attempted to measure the extent of graffiti vandalism across NSW, its impact on the community as well as the costs associated with graffiti removal. This was done through a state-wide survey of local councils and members of AGAT. Survey respondents were asked to indicate how much was spent on the removal and prevention of graffiti vandalism from 2001 to 2005. They were also asked to indicate whether the reported figure was actual or estimated.
- 1.14 Table 1 shows the range and median of local government and AGAT member expenses on graffiti cleanup and prevention for the years 2001-2005. Just over one-third of councils (n=43, 37.1%) and four AGAT members reported keeping accurate records of how much is spent cleaning up graffiti.
- 1.15 Councils' reported costs associated with the cleaning of graffiti remained relatively stable between 2002 and 2005, with the median reported cost at around \$20,000 per annum. The median annual amount reported by the AGAT members as spent on cleaning graffiti increased between 2002 to 2005, with the median reported cost in 2002 being \$395,000, increasing to \$668,500 in 2005.
- 1.16 Councils who spoke to the Committee throughout the inquiry outlined substantial costs as a result of graffiti related crime. The council with the largest expenditure was Blacktown, currently spending over \$800,000 a year.
- 1.17 Of the state government infrastructure providers, the biggest spender was RailCorp, expending a massive \$55 million per annum.

² NSW Government Submission No. 47 p. 1

³ ABS, *Crime and Safety*, Cat. No. 4509.1 (2008)

⁴ NSW Government Submission No. 47 p. 1

⁵ Pat Mayhew, AIC Technical and Background Paper Series #4, *Counting the Costs of Crime in Australia* (2003)

⁶ <http://www.graffitihurts.com.au/fast.php>

Table 1. Cost of Graffiti Clean Up (2006 Survey of Councils and AGAT Members)

Amount spent cleaning graffiti						
	Councils			AGAT members		
	n	range	median	n	range	median
		(\$)	(\$)		(\$)	(\$)
2001	36	0-532,944	15,000	1	31,000	
2002	39	0-529,023	20,000	2	340,000-405,000	395,000
2003	48	0-500,195	21,717	2	385,000-405,000	395,000
2004	55	0-606,124	21,000	3	430,000-12,683,001	436,000
2005	72	0-650,000	20,000	4	300,000-15,338,683	668,500
Amount spent preventing graffiti: Councils						
	n	range	median			
		(\$)	(\$)			
2001	22	0-60,000	10,000			
2002	21	0-85,000	18,000			
2003	29	0-115,000	15,000			
2004	39	0-130,000	5,000			
2005	44	0-135,000	5,500			

7

Culture of Graffiti

- 1.18 The origins of modern graffiti are largely attributed to the hip-hop culture which began in New York City in the 1960s.
- 1.19 The Crime Prevention Division of the NSW Department of Justice and Attorney General undertook a Graffiti Offender Research Project in 2008-2009 in order to better understand what drove offenders to undertake graffiti.
- 1.20 In particular, the research sought to inform the government on:
- Motivations for, and perceived benefits of, graffiti activities;
 - Trends in the graffiti activities conducted by individuals;
 - Main type(s) of graffiti drawn;
 - Common locations and peak periods to engage in graffiti;
 - Practices and measures used to overcome barriers to graffiti vandalism and avoid being caught and seen.⁸
- 1.21 In-depth semi-structured face-to-face interviews were conducted with 52 participants between March 2008 and February 2009.

⁷ NSW Government Submission No. 47 p. 4

⁸ *Ibid* p. 4

1.22 The research corroborated a number of previous findings in identifying reasons why people participate in graffiti. These include:

- Pursuit of "illegal fame" or recognition;
- An adrenaline rush;
- Emotional expression;
- Malicious damage;
- Art;
- Fun;
- Political expression;
- Competition;
- A hobby;
- To meet people or for social reasons;
- Because it is funny.⁹

1.23 The pursuit of illegal fame and peer recognition were the motivations most commonly identified by interview participants. However, those who identified pursuit of illegal fame were immersed in, and identified with, graffiti culture to a greater extent than those who sought peer recognition alone. These people typically choose hard to reach, high visibility or mobile targets.

1.24 A significant number of participants indicated that their motivation for doing graffiti was an adrenaline rush or thrill arising from the risk of being caught or suffering personal injury while another common motivation was emotional expression. Interestingly, few interview participants indicated malicious damage as their motivation for doing graffiti.

1.25 Few participants nominated artistic expression as a motive. However, those that did were passionate about graffiti as an art form, although there was division amongst participants as to whether they would confine their graffiti to legal walls, if they were provided.¹⁰ Interview participants who identified as "piecers" were typically motivated by fame or artistic expression.

1.26 The most common form of graffiti done by interview participants was tagging.¹¹

Legal Walls

1.27 The Youth Action and Policy Association of NSW (YAPA) was very much in favour of the use of legal walls as a way to address the problem of graffiti. YAPA recommended that:

That time and space be provided to produce legal graffiti murals on public infrastructure to enhance the aesthetics of the infrastructure and to increase ownership of, and engagement with, young people and artists in public space.¹²

⁹ NSW Government Submission No. 47 p. 8

¹⁰ *Ibid* p. 12

¹¹ *Ibid* p. 15

¹² YAPA Submission No. 19 p. 5

1.28 However, the Anti Graffiti Action Taskforce did not support the use of legal walls to practice graffiti, contending that they only contributed to the problem.

1.29 The Anti Graffiti Action Taskforce argued that:

AGAT does not support legal graffiti art. There is no evidence that legal graffiti art projects reduce the incidence of illegal graffiti vandalism. There is anecdotal evidence that it increases the incidence of graffiti vandalism. This may be due to individuals creating illegal graffiti on their way to and from the legal graffiti walls, legal walls blurring the line between legal and illegal graffiti, or offenders using legal walls as practice for illegal graffiti. The *Motivations and Modus Operandi of Persons Who Do Graffiti Report* (2009) found that persons who use legal walls also commit illegal graffiti.¹³

1.30 This view was supported by Parramatta City Council which had established six legal graffiti walls between 2004 and 2009 and has now demolished them:

PCC established and maintained six legal graffiti walls between 2004 and 2009 within the LGA. Such legal graffiti walls have been identified by NSW Attorney General's Department research as increasing rather than mitigating the problem of illegal graffiti vandalism within communities, particularly around the vicinity of the legal walls themselves. Issues such as inappropriate environmental designs and locations, and lack of PCC resources have all been seen to contribute to the failure of legal graffiti walls in reducing graffiti vandalism, however, it has also been identified that a key factor in the increase of illegal graffiti associated with legal walls is the exposure such walls give the public to this activity. Illegal graffiti 'art' is not the problem that Council is faced with, rather it is illegal graffiti 'tagging', and such legal walls, while catering for a small minority of genuine artists within the community, may inadvertently serve to promote graffiti to the wider non-artistically inclined community. Consequently, PCC took the decision to demolish the legal graffiti walls and this was carried out during the course of 2009.¹⁴

Government Approaches to Date

Anti Graffiti Action Team

1.31 Since establishment in 2006, the NSW Government's Anti Graffiti Action Team (AGAT) has overseen the Government's comprehensive strategy to combat graffiti vandalism. The Department of Justice and Attorney General (DJAG) leads AGAT, which includes membership from:

- Department of Justice and Attorney General (Attorney General's and Corrective Services NSW);
- NSW Police Force;
- Department of Transport and Infrastructure (Rail Corporation NSW, Roads and Traffic Authority of NSW and State Transit Authority of NSW);

¹³ NSW Government Submission No. 47 p. 19

¹⁴ Parramatta City Council Submission No. 28 p. 3

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- Department of Premier and Cabinet (Local Government);
 - Department of Education and Training;
 - Department of Services, Technology and Administration (Fair Trading);
 - Department of Planning;
 - Department of Human Services (Juvenile Justice);
 - EnergyAustralia;
 - Australian Paint Manufacturers Federation;
 - Local Government and Shires Association of NSW;
 - Australian Retailers Association;
 - Telstra Corporation Limited;
 - Sydney Water Corporation;
 - Aerosol Association of Australia;
 - Keep Australia Beautiful.
- 1.32 AGAT has undertaken a suite of research to improve understanding of graffiti vandalism, and to ensure that legislation, policy and practice are evidence-based and reflect best practice in preventing and managing graffiti vandalism.
- 1.33 The *Review of Graffiti Reduction Demonstration Projects 2007-2008* was prepared by DJAG's Crime Prevention Division under the auspices of AGAT. This paper reviewed the effectiveness of eight graffiti reduction demonstration projects, which were implemented during 2007 and 2008 to build an evidence base for graffiti management strategies. The paper also reviewed the effectiveness of Crime Prevention Through Environmental Design, rapid removal and volunteer programs.
- 1.34 *The Motivations and Modus Operandi of Persons Who Do Graffiti* (2009) report was likewise prepared by DJAG's Crime Prevention Division under the auspices of AGAT. This report aimed to inform NSW Government policy by increasing the knowledge of: motivations for and perceived benefits of graffiti activities; trends in the graffiti activities conducted by individuals; main type(s) of graffiti; common locations and peak periods to engage in graffiti; and practices used to overcome barriers to graffiti vandalism and avoid being caught.¹⁵

Recent Legislative Changes

- 1.35 In 2008, AGAT undertook a comprehensive review of graffiti related legislation, which culminated in the *Graffiti Control Act 2008* ('the Act'). This consolidates past graffiti legislation into a specific Act that deals solely with graffiti vandalism. Under the Act:
- It is an offence to possess graffiti implements such as marker pens or etching implements with the intention of using them to damage or deface premises;
 - It is illegal to sell spray paint cans to minors; and

¹⁵ NSW Government Submission No. 47 pp. 6-7

- Retailers are forced to store and display spray paint cans securely;
- Police were given new powers to issue on-the-spot fines to retailers who fail to properly secure spray paint can displays, or where spray paint cans are sold to persons under 18 years of age;
- Councils are empowered to remove graffiti from private property if the graffiti is visible and accessible from public space.

1.36 In November 2009, the *Graffiti Control Amendment Act 2009* took effect, amending both the Act and the *Graffiti Control Regulation 2009* ('the Regulation') to:

- Increase the maximum penalty for graffiti vandalism from 6 months to 12 months imprisonment;
- Increase the maximum penalty for possession of a graffiti implement from 3 months to 6 months imprisonment;
- Enable local councils to designate officers to issue on the spot penalty notices to stores that fail to comply with restrictions on the sale and storage of spray paint cans;
- Prohibit the secondary supply of spray paint to persons under the age of 18 years unless it is for a lawful purpose such as education, employment and legal art;
- Allow people fined for graffiti offences to do community cleanup work with an education component in lieu of a fine; and,
- Recognise the offences under section 4 (damaging or defacing property by means of a graffiti implement) and section 5 (possession of a graffiti implement) of the Act as offences to which the existing powers of City Rail Transit Officers to demand personal details apply.

Graffiti Related Offences

- 1.37 Damaging or defacing property by means of a graffiti implement may attract a penalty of up to 20 penalty units (\$2,200) or 12 months imprisonment. This offence replaces section 10A of the *Summary Offences Act 1988*. There are also stringent penalties in the *Crimes Act 1900* to deal with graffiti crime. For example, section 195 of the *Crimes Act 1900* provides for up to 5 years imprisonment for maliciously damaging property.
- 1.38 Possessing a graffiti implement with the intention to damage or deface property may attract a fine of up to 10 penalty units (\$1,100) or 6 months imprisonment. The *Graffiti Control Act 2008* also defines graffiti implements as including spray paint, marker pens and other implements designed or modified to produce a mark that is not readily removable by wiping or by use of water or detergent.

Sale and Confiscation of Spray Cans

- 1.39 Section 7 of the Act provides for fines up to 10 penalty units (\$1,100) if the matter proceeds to Court and \$550 if the matter is dealt with by way of a penalty notice for the sale of spray paint cans to persons under the age of 18 years.

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- 1.40 Section 8 of the Act requires retailers to properly secure spray paint displays to prevent customer access without assistance, and provides for fines up to 10 penalty units (\$1,100) for non-compliance.
- 1.41 Under Section 8A of the Act a person who supplies a spray paint can to a person under the age of 18 years will be guilty of an offence with a maximum penalty of 10 penalty units (\$1,100). It is a defence (proof of which lies with the person supplying the spray paint can) to a prosecution for an offence under this section that:
- the person believed on reasonable grounds that the recipient intended to use the spray paint can for a defined lawful purpose, being the lawful pursuit of an occupation, education or training; or
 - the supply occurred in a public place and the person believed on reasonable grounds that the recipient intended to use the spray paint can at or in the immediate vicinity of the place where the supply occurred for another defined lawful purpose; or
 - the supply occurred in a private place and the person believed on reasonable grounds that the recipient intended to use the spray paint can at or in the immediate vicinity of the place where the supply occurred for an activity that does not constitute an offence against this Act or any other law.
- 1.42 Section 8B of the Act makes it an offence for persons under 18 years to carry spray paint cans in public spaces. The maximum penalty is 10 penalty units (\$1100) or 6 months imprisonment. It is a defence (proof of which lies with the person in possession of the spray paint can) to a prosecution for an offence under this section if the person:
- (a) had the spray paint can in his or her possession for a defined lawful purpose, being the lawful pursuit of an occupation, education or training; or
 - (b) had the spray paint can in his or her possession for another defined lawful purpose and was at or in the immediate vicinity of the place where the spray paint can was being used or intended to be used for that defined lawful purpose.
- 1.43 Section 16 of the Act provides for authorised officers to issue penalty notices for breaches of Section 7 and Section 8. The Regulation specifies that authorised officers may issue a penalty notice for \$550. Retailers may pay this amount within the date specified by the penalty notice to avoid court proceedings.
- 1.44 Under Section 9 of the Act a police officer may seize a spray paint can in the possession of a person in a public place if the officer suspects on reasonable grounds that the person is under the age of 18 years, unless the person satisfies the officer that the person's possession of the spray paint can does not constitute an offence under this Act.
- 1.45 Under Clause 11 of the Regulation penalty notices for offences relating to the sale or display of spray paint cans may be issued by:
- (a) Investigators within the meaning of the *Fair Trading Act 1987*; or

- (b) Employees of a local council who are authorised persons for the purposes of Section 679 of the *Local Government Act 1993*.

Local Government Powers

- 1.46 Section 12 of the Act empowers local councils to remove graffiti on private property without the owner or occupier's consent if the graffiti is visible from a public place. Removal without consent must be carried out from public land at the council's own expense. The local council removing the graffiti must, within a reasonable period, give the property owner or occupier written notice of the removal work. This replicates and replaces the scheme previously set out under sections 67A-67C of the *Local Government Act 1993* for the carrying out of graffiti removal work by local councils.
- 1.47 Under the scheme, a local council may also remove graffiti from a property by agreement with the property owner or occupier.
- 1.48 Section 13 of the *Graffiti Control Act* provides that local councils must keep a register of graffiti removal work. The register must include specific details about who owns/occupies the property vandalised by graffiti, the nature of the work carried out, the actual cost (or an estimate) of the graffiti removal and, if any charge is levied, the actual amount charged by the council for removing the graffiti.

The Children (Community Services Orders) Act 1987

- 1.49 On 8 November 2009, the Government announced its Anti Graffiti Action Plan. The plan was developed by AGAT, and includes a number of anti graffiti policies and measures to protect public infrastructure. Under the plan the NSW Government is:
- Implementing a coordinated graffiti removal approach, in which a single agency is responsible for the removal of graffiti from all NSW government assets in a specific area (see paragraphs 63 - 66);
 - Incorporating Crime Prevention Through Environmental Design (CPTED) principles into the existing Infrastructure State Environmental Planning Policy (SEPP), including requiring consideration of CPTED principles for all new State Government buildings and infrastructure assets in NSW (see page 17, 'Crime Prevention Through Environmental Design')
 - Establishing a Crime Prevention Through Environmental Design (CPTED) Unit within the Department of Justice and Attorney General to provide expert advice on design options that minimise the opportunity for vandalism and other crime;
 - Establishing CPTED guidelines to provide guidance on the use and application of CPTED principles in planning instruments and development application assessments;
 - Implementing a program of education, training and expert advice on CPTED to professional organisations, planners, engineers, architects and designers;
 - Implementing \$1,000,000 of CPTED treatments in identified hotspots annually;

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- Implementing legislative amendments to both the *Graffiti Control Act 2008* and the *Graffiti Control Regulation 2009* (see paragraphs 24 and 25);
- Establishing a consistent, co-ordinated, scalable scheme to increase the use of Community Service Order (CSO) offenders to remove graffiti and improve community amenity;
- Developing procedures, standard forms and operating protocols for the owners of property that is vandalised to present to the court as evidence of the harm and costs incurred to them by graffiti;
- Developing a public information campaign to deter graffiti vandals; and
- Implementing the 'Graffiti Action Day' proposed by Keep Australia Beautiful NSW

Enforcement

- 1.50 In addition to the enforcement of graffiti laws by Operational Police, RailCorp Security works closely with NSW Police through the Rail Vandalism Task Force (RVTF) to gather extensive intelligence on the activities of vandals. The RVTF regularly conducts joint operations with RailCorp's plain clothes Transit Officers to detect, apprehend and prosecute these vandals.
- 1.51 In relation to offenders apprehended either by Transit Officers or NSW Police for graffiti offences committed on RailCorp property, the RailCorp Security Division assists with the preparation of statements and assessment of damage, and this material is provided to the Police Prosecutors as evidence for the final prosecution.
- 1.52 In addition, investigators appointed under the *Fair Trading Act 1987* and officers designated by local councils are empowered to issue penalty notices to retailers who breach the provisions of the *Graffiti Control Act 2008* pertaining to the storage and sale of spray paint cans. Under that Act retailers cannot sell spray paint cans to minors, and cans must be securely stored in a locked cabinet or within or behind a counter in such a manner that members of the public are not able to gain access to the cans without assistance. This aims to reduce the incidence of graffiti by restricting access to spray paint cans, which are one of the primary implements used to commit graffiti vandalism.
- 1.53 The vast majority of retailers comply with the legislation. Follow up inspections of previously non-compliant retailers conducted in February 2010 found that 100% were compliant.¹⁶

The Graffiti Reduction Demonstration Project

- 1.54 The *Graffiti Reduction Demonstration Project* was conducted in 2007-08 to test which graffiti prevention measures, if any, were successful at reducing the incidence of graffiti vandalism.
- 1.55 The Department of Justice and Attorney General (DJAG) contributed \$382,590 to local councils to implement eight graffiti reduction demonstration projects: three using Crime Prevention Through Environmental Design (CPTED), three rapid removal and two volunteer projects. The evaluation of the project found that CPTED measures

¹⁶ NSW Government Submission No. 47 pp. 8-11

such as green screening walls, non-aerosol murals, landscaping and access control effectively prevented graffiti vandalism. The evaluation also found that volunteer programs were ineffective and unable to substitute for contract or maintenance staff for timely and consistent removal of graffiti. While rapid removal did not reduce the incidence of graffiti vandalism, the project found rapid removal to be good practice in graffiti management. This research informed the development of the CPTED funding program included in the Graffiti Action Plan.

- 1.56 *The Graffiti Reduction Demonstration Project* showed that simple and inexpensive measures can be employed to significantly reduce the incidence of graffiti vandalism. Penrith City Council practically eliminated graffiti from a sandstone retaining wall at Glenmore Park by installing a trellis and planting quick growing vegetation in front of the wall.
- 1.57 *The Graffiti Reduction Demonstration Project* also found that rapid removal is a good graffiti management practice. Rapid removal practices have a number of benefits. It enables easier removal of graffiti, for example, chemical solvents used in the removal of graffiti are more effective at removing fresh spray paint than paint that is old. Further, by reducing the amount of visible graffiti substantially, the aesthetics of an area are much improved.
- 1.58 The NSW Government has set a 48 hour best practice removal standard. Several best practice case studies including practices employed by Sydney Water Corporation, and Blacktown City Council informed this decision.

Co-ordinated Graffiti Removal Approach Trial

- 1.59 In late 2010 a co-ordinated removal approach in which a single agency is responsible for managing graffiti removal on all NSW Government assets will be trialled within Blacktown and Mosman local government areas.
- 1.60 This trial aims to establish whether it is more cost effective, faster and consistent for one agency to remove all graffiti from all public assets in a single area and whether this results in an overall reduction in graffiti in that area.

Removal By Offenders

- 1.61 Courts may impose Community Service Orders (CSOs) and Community Clean Up Orders on graffiti offenders.
- 1.62 A CSO is a penalty that is imposed by a court for an offence. These orders require offenders to repay the community for his/her crime. The Department of Justice and Attorney General (Corrective Services) estimates that over 8,000 hours of CSO offender hours were spent cleaning up graffiti within the Blacktown local government area last year. Further, offenders spent more than 6,000 hours removing graffiti within Campbelltown local government area in the last year.
- 1.63 According to the Department of Human Services (Juvenile Justice), young offenders on CSOs completed more than 7,000 hours of graffiti removal work across NSW last financial year.
- 1.64 Community Clean Up Orders were introduced through the *Graffiti Control Amendment Act 2009* as a means of maximising the number of graffiti offenders who

participate in graffiti removal work by enabling a court to order an offender to remove graffiti in lieu of a fine at the rate of \$30 per hour.¹⁷

Graffiti Action Day

- 1.65 The NSW Government in partnership with Keep Australia Beautiful NSW held the inaugural 'Graffiti Action Day' in May 2010.
- 1.66 Graffiti Action Day engaged councils, community organisations and community members in the voluntary removal of graffiti across some 237 sites, resulting in approximately 4,178 square metres of graffiti being removed.

Environmental Design

- 1.67 There are a number of ways in which to protect public infrastructure from graffiti vandalism, either by reducing the opportunity for offenders to target the infrastructure or by minimizing the damage caused. Research has proven that there are simple, and often inexpensive, steps that government can take to protect public infrastructure:
 - **Avoid blank canvasses.** Large flat surfaces are vulnerable to graffiti. Many graffiti vandals see a rendered brick wall as a blank canvas. By using broken or non-continuous fencing, rough render on walls, planting vines, or considering mural or mosaic finishes government can protect public infrastructure by depriving vandals of a canvas.
 - **'Green screens'.** Plants such as vines and shrubs can limit access to vulnerable walls and clearly mark property boundaries. Fast growing, long lasting, low maintenance vines and shrubs are the most cost effective.
 - **Defensible space.** Public infrastructure such as rail stock may be protected from graffiti vandals by the erection and maintenance of fences and other barriers to entry.
 - **Properly maintain public property.** Public infrastructure that is well maintained and regularly used is less likely to be targeted by graffiti vandals.
 - **Protective coatings.** Coatings such as laminate are easier and cheaper to replace than glass. Sealing solid surfaces with protective coating makes graffiti easier to remove.
 - **Improve lighting.** A well-lit area will promote natural surveillance and deter vandalism. For example, installation of sensor lights can protect vulnerable areas.

Development Control Plans

- 1.68 All development proposals in New South Wales must be assessed to ensure they comply with relevant planning controls. This process is set out in the following legislation:

¹⁷ NSW Government Submission No. 47 p. 15

- Environmental Planning and Assessment Act 1979; and the
- Environmental Planning and Assessment Regulation 2000

- 1.69 Local government has considerable power through Development Control Plans (DCPs) to require the application of Crime Prevention Through Environmental Design (CPTED) principles to prevent, and facilitate the easier removal of graffiti.
- 1.70 The use of CPTED involves using elements of physical design to influence behaviour. CPTED has been shown to be effective in reducing the opportunity for crime to occur and reducing the rewards for the commission of crimes. *The Graffiti Reduction Demonstration Project 2007-08* found that CPTED interventions such as green-screening walls, improved lighting, non-aerosol arts murals, and landscaping effectively prevented graffiti vandalism.
- 1.71 DCPs regulate allowable densities, height, external design and siting, building materials, open space provisions, and in some jurisdictions the level of developer contribution required to cover physical and/or community infrastructure costs arising from the proposed development. This gives local government considerable ability to apply graffiti prevention measures in the design and construction of new buildings.
- 1.72 In 2007, the Department of Justice and Attorney General conducted a review of 15 DCPs from a range of NSW local councils. The major limitation of the DCPs reviewed was identified to be the lack of information in the DCPs about CPTED principles. Some DCPs include general crime prevention sections, some have specific graffiti prevention requirements, and others have none at all.¹⁸
- 1.73 The Department of Justice and Attorney General found the following examples of Graffiti Prevention Controls contained council DCPs:

Landscaping

- Prickly plants can be used as effective barriers. Species include bougainvilleas, roses, succulents, and berberis species.

General Design to Facilitate Territorial Reinforcement

- Blank walls facing a rear laneway or alleyway should be avoided as these encourage graffiti;
- Except when subject to heritage limitations, development must not create large blank walls facing or abutting the street. If unavoidable, the wall is to be modulated (ie: by creating a slight recess) to avoid the creation of a large flat surface.

Fences

- Front fences should be predominantly open in design (e.g. picket or wrought iron fencing) to allow sight through the fence and to minimize opportunities for intruders to hide;

¹⁸ NSW Government Submission No. 47 p. 17

- Fence design (height and construction) must maximise natural surveillance from the street to the building and from the building to the street. High blank walls facing the street are not permitted.

Anti-Graffiti Paints and Coatings

- The exterior to a building wall on the ground floor must be painted in a colour from Council's approved colour palette where the building wall is set back less than two metres to the primary and secondary frontages;
- Where large walls are unavoidable, consider the use of vegetation or anti-graffiti paint. Alternatively, modulate the wall, or use dark colours to discourage graffiti on vulnerable walls.

Materials

- Strong, wear resistant laminate, impervious glazed ceramics, treated masonry products, stainless steel materials, anti-graffiti paints and clear over sprays will reduce the opportunity for vandalism. Flat or porous finishes should be avoided in areas where graffiti is likely to be a problem;
- The development should utilise materials (e.g. solid core doors, steel frame doors, laminated glass, impervious glazed ceramics, anti-graffiti paints and clear over-sprays) and/or incorporate design aspects that minimise the opportunity for vandalism;
- Use strong, wear resistant materials (e.g. masonry) where possible to reduce maintenance costs and provide the basis for an attractive, well cared for development.

Maintenance and removal of graffiti

- Developments required to submit a Plan of Management must detail the maintenance aspects of the land use such as a protocol (including timeframe) for the fast repair or cleaning of damaged or vandalised property, and for regularly checking and maintaining light fixtures and promptly replacing these if broken or faulty.

Security Devices

- The security door or grille to a shop front facing the street must be transparent or an open grille type shutter. A solid roller door or shutter is not permitted.

State Environmental Planning Policy

1.74 The *State Environmental Planning Policy (Infrastructure) 2007* provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP (Infrastructure) supports greater flexibility in the location of

infrastructure and service facilities along with improved regulatory certainty and efficiency.

- 1.75 In the NSW Government's view, incorporation of CPTED principles in the SEPP (Infrastructure) will ensure the consistent consideration and application of CPTED principles to State Government buildings and infrastructure developments in NSW.
- 1.76 The Department of Planning, with the support of the Department of Justice and Attorney General, is to establish best practice CPTED Guidelines and a model DCP for NSW that local councils may use to encourage best practice graffiti reduction and management practices in their Local Government Acts during the Development Application process. It is proposed that the guidelines be developed under the auspices of the Government funded Designing Out Crime Research Centre at the University of Technology, Sydney.
- 1.77 DJAG and the Department of Planning will implement a program of education, training and expert advice on CPTED to professional organisations, planners, engineers, architects and designers.¹⁹

¹⁹ *NSW Government* Submission No. 47 p. 19

Chapter Two - Local Government Approaches

Approach of Local Government

- 2.1 It became apparent during the course of the inquiry that Local Government authorities are at the forefront of graffiti vandalism and take a significant burden of the responsibility for graffiti removal.
- 2.2 As almost every council that provided a submission to the inquiry noted, graffiti affects the aesthetic of local shopping plazas, community hubs and transport shelters. Graffiti engenders the belief that anti-social behaviour is endemic in the local area and adversely affects the personal security of individual citizens.
- 2.3 Graffiti has been noted as a significant problem for councils in metropolitan and other largely populated areas with the bulk of submissions coming from these. It is notable that rural councils appear to have had less concern with graffiti vandalism than their metropolitan counterparts. Throughout the inquiry it has also been noted that each council approached the issue of graffiti within its boundaries differently.
- 2.4 The lack of a coordinated or consistent approach both has its merits and restraints. While it enables each council to tailor their own policies specific to the needs of the community and allows each council to experiment in determining the best approach, the lack of information-sharing and formation of best-practice methodology is unfortunate. Some councils indicated frustration with their neighbouring councils at the lack of pooling resources and knowledge, and generally failing to formulate a common approach.
- 2.5 The methods councils have adopted in combating graffiti can broadly be divided into two categories: reactive and proactive. Reactive measures are those which take place after the graffiti vandalism has occurred. These include rapid response clean ups, the use of established paint colour palettes to better paint over graffiti and use of sacrificial surfacing on infrastructure to aid in graffiti removal. Proactive measures include infrastructure design features to deter graffiti vandalism, such as green screening walls or constructing building surfaces with less smooth continuous surfaces, as well as artistic measures such as murals to cover and protect 'blank canvass' walls from graffiti vandalism, adopting better lighting and encouraging more foot traffic in otherwise isolated areas.
- 2.6 These twin approaches are discussed further below.

Rapid Response Clean Ups

- 2.7 Certain councils have advocated a zero tolerance approach, employing a rapid response to remove all graffiti. Most councils have a tiered process of graffiti removal, with priority removal for all graffiti deemed highly visible and which uses explicit or offensive language, with a staggered removal for all remaining graffiti.
- 2.8 For example Tweed Shire Council submitted that:

Budgetary constraints dictate that the current practice for response to graffiti is to provide priority response only to those areas containing offensive words or images.

Other areas are treated during normal asset maintenance – for example, graffiti is covered when a road is resurfaced or a building repainted.²⁰

2.9 Similarly, Parramatta City Council submitted that it:

... has a rapid removal policy for all graffiti on public infrastructure. Graffiti that is deemed racist, sexist, defamatory, inciting, threatening, politically inappropriate, vulgar or otherwise offensive graffiti is removed within 24 hours and non-offensive graffiti removed within 72 hours.²¹

2.10 Although many councils have a tiered removal process, the criteria used to determine priority differs amongst council. For example, Newcastle City Council provided that:

Council is exploring all avenues for funding of rapid removal of graffiti from property including private and commercial. Council currently has a graffiti hotline for reporting all graffiti. Matrices are employed for priority of removal. If the reported graffiti is on a Council asset it is removed as per the removal matrix. If it is a public utility it is referred to that utility for removal. Commercial and private property is referred to the business/tenant/owner with a request for them to remove promptly. Council also offers some graffiti removal products to private and commercial property owners to aid in removal. In some cases Council will remove graffiti from property that it doesn't own if that graffiti is offensive (or similar) or is having a noted high impact. Newcastle City Council's referral system has proven very successful and successful partnerships have been forged with removal commitments from other agencies being fulfilled. With some agencies unfortunately, they do not have the resources to remove graffiti rapidly, and in some cases not remove at all. This means that reported items are referred but without the expectation of any action by the agency. Council is currently working with these agencies in order to meet our resident's and visitor's expectations when they make a report to the Hotline.²²

2.11 Of the many councils the Committee heard from throughout the course of the inquiry, it was not uncommon to find that many employed a zero tolerance approach to graffiti. This generally constituted a quick deployment to remove graffiti, limited differentiation of the aesthetic of the graffiti or its location when determining whether it should be removed, and the refusal to adopt legal walls.

2.12 A common thread of concern amongst these councils was that graffiti begets more graffiti, and that a zero tolerance approach to all forms of graffiti presents the best defence against its proliferation. It has also been suggested that councils which border other councils that have a less stringent or otherwise more tolerant approach to tackling graffiti found a higher incidence of graffiti vandalism in the vicinity of their borders.

2.13 As noted, most councils the Committee spoke with advised that the quick removal of graffiti is instrumental in discouraging further graffiti. This works on the assumption that graffiti vandals intend for their graffiti to be highly visible and, often, semi-

²⁰ Tweed Shire Council Submission No. 14 p. 2

²¹ Parramatta City Council Submission No. 28 p. 2

²² Newcastle City Council Submission No. 44 p. 2

permanent. Its rapid deletion therefore discourages graffiti vandals from further activity if their graffiti is cleaned off.

- 2.14 The speed at which councils seek to remove graffiti was impressed upon the Committee. Rockdale City Council submitted that its:

... graffiti removal services removes graffiti from all private and public properties in the Council area at no charge. A rapid removal strategy has been adopted, which ensures all offensive graffiti is removed within 24 hours and non-offensive graffiti removed within 72 hours.²³

Environmental Design Features

- 2.15 As previously mentioned, it is common for councils employ design features on their infrastructure to help protect against graffiti vandalism. Many of these features stem from Crime Prevention Through Environmental Design principles, a protocol developed on the basis that the creation of certain environments through special design features can deter criminal activity. A program, pioneered by the Department of Justice and Attorney General (DJAG), has assisted in developing ways in which to reduce the incidence of graffiti through such design features.

- 2.16 Mr Brendan Thomas, Assistant Director of the Crime Prevention program at DJAG told the Committee that:

'Our research found that crime prevention through environmental design was effective in reducing graffiti. We tested those approaches in two specific locations. The first location was in Gosford, in an area that had a sporting shed type complex controlled by Gosford council. A number of specific crime prevention environmental design aspects were used in that trial. Let me give you a preview of what they were. It involved some landscaping, that is, planting some native plants to block access to the building walls. It involves additional lighting to boost surveillance of the area. There was an installation of CCTV cameras and the council improved also the way in which it monitored its CCTV cameras.²⁴

- 2.17 Similarly, Sutherland Shire Council submitted:

'We have expertise in using crime prevention through environmental design, the application of graffiti preventive coating, and we also undertake a series of reactive treatments at existing locations based on hot spot analysis. So we may go back and retrofit an area with anti-graffiti coating or we might green screen and add lighting, et cetera.²⁵

- 2.18 A notable design feature is the use of green screening. This is effectively where woody shrubs or vines are allowed to grow before or across public walls that could be targets for graffiti. The advantage of green screening is that it blocks or restricts access to target areas making graffiti vandalism more difficult to achieve.

²³ *Rockdale City Council* Submission No. 48 p. 1

²⁴ Evidence given to the Committee by Brendan Thomas, Department of Justice and Attorney General Transcript 11 August 2010 p. 2

²⁵ Evidence given to the Committee by Marissa Racomelara, Sutherland Shire Council Transcript 11 August 2010 p. 15

- 2.19 A second advantage is that, as graffiti generally operates on the basis that it is to be seen by others, green screening provides an inappropriate canvass for graffiti. Whereas brick walls, picket fences and metallic signal boxes are all appropriate targets for graffiti, greenery provides a poor graffiti canvass.
- 2.20 Green screening improves the aesthetic of the area and helps promote a friendlier environment.
- 2.21 Another design feature is increased use of lighting to discourage night time anti-social activity. This operates on the basic premise that the more exposure an individual receives or is likely to receive, the less likely they will engage in criminal activity. By maximising sight lines, this allows for observation and natural surveillance of problem locations from publicly accessible areas, thereby discouraging anti-social behaviour.
- 2.22 Leichhardt Council identified other various environmental design features it uses to reign in the rate of graffiti:

Examples of CPTED principles are

- Utilising landscaping as an anti graffiti device i.e. planting vines against the walls that might otherwise be tagged;
- Creating spaces which are well lit and well utilised and feel safe;
- Increasing natural surveillance by designing adequate sightlines into public space;
- Installing motion detection lighting in under-utilised spaces;
- Attracting the community to public spaces which receive low level usage by introducing 'activity generators' such as community art, cafes and play equipment.²⁶

Graffiti Resistant Surfaces

- 2.23 The use of graffiti resistant surfaces was also noted as a widespread design control that helped in graffiti removal. Appropriate coatings on building surfaces and signage enables easier removal of graffiti vandalism once it occurs.
- 2.24 Lake Macquarie City Council submitted that:

Many materials can be used to deter graffiti, by treating them with a finishing product that makes it easier to remove graffiti. This is effective as vandals are less willing to put the effort into defacing property if their work is removed quickly and relatively easily. There are a large number of these products available, with different properties. In the past, many of the products used have been 'sacrificial', in that, the coating must be removed along with the graffiti applied to it. These products last only about 5 years, and must be re-applied after each graffiti incident is removed. However, some more recent products do not require the removal of the entire coating to remove the graffiti, but in fact only the top layer. In many cases these products provide a waterproof coating to

²⁶ Leichhardt Municipal Council Submission No. 34 p. 9

the infrastructure they are applied to, they rejuvenate the paint on the surfaces they cover, so it lasts much longer and is therefore cost effective.²⁷

- 2.25 Albury City Council went one step further, encouraging all new private developments to include sacrificial coatings:

A condition of development consents issued by Albury City encourages the use of graffiti resistant materials and the adoption of Safer by Design principles on commercial and public developments.²⁸

- 2.26 However, the use of graffiti resistant surfaces also have their limitations, as identified by Newcastle Council:

Many changes and advances in this field have occurred in the last decade. In the past, paint finishes, sacrificial and non sacrificial coatings have dated quickly and been rendered impotent as protectors against graffiti. In using these coatings, the expense is always a factor as it may be more cost effective in time, materials and labour, to paint over or remove repeatedly from a large number of substrates. Current figures claiming up to 60% of graffiti can be eradicated with a simple colour matched paint out does not eliminate the need to remove and protect surfaces where paint outs are not applicable or possible.

Council is trialing new products as they are developed. They are assessed across a range of criterion including cost, ease of application and removal, toxicity and OH&S issues, durability and lifespan. Most important to Council's assessment is to effectively test samples before placing orders. Sales representatives may at times overstate a products scope effectiveness and capability, so testing leads to a decision based on fact rather than promotional material. Council also endeavours to purchase current inks and markers and spray cans from 'aerosol art supply' stores for testing purposes. Due to the rapidly changing market for these products for vandalism, it is not enough to test with office supply grade permanent markers when the graffiti vandal is using aggressive blends of inks with chemical make ups designed to leave remnants. Some brands often claim 'scarring' or 'unbuffable' status. Most of these inks are imported so this may be another avenue where restrictions could be placed. It may not eliminate the availability but could certainly go a long way in reducing it.²⁹

- 2.27 Although sacrificial surfaces are generally seen as an important mechanism in dealing with graffiti vandalism, they do not actively prevent the graffiti, just provide an easier way to deal with the problem once it has occurred. In this respect, although it is considered an important step in achieving a holistic approach to anti-graffiti management, it is therefore a largely reactive measure.

Colour Palettes

- 2.28 A similar reactive measure adopted by some councils is the use of specified colour palettes. This is where a council nominates specific paint shades to use on all

²⁷ *Lake Macquarie City Council* Submission No. 13 p. 3

²⁸ *Albury City Council* Submission No. 20 p. 2

²⁹ *Newcastle City Council* Submission No. 44 p. 4

council owned or maintained infrastructure. When graffiti vandalism occurs, the affected area of the infrastructure is simply painted over with one of the designated paints.

- 2.29 The advantage of using a designated colour palette that it is a cost effective and easy way to cover-up graffiti. The feature works by allowing the new coat of paint to blend in appropriately with the surrounding paint on the infrastructure and therefore the risk of paint mismatch is minimised.
- 2.30 Although this itself does not reduce the rate of graffiti, it helps not only obliterate actual graffiti, but any evidence that graffiti had once taken place at a certain location.

Legal Walls and Artistic Approaches

- 2.31 Some councils have adopted a differentiated approach to graffiti, removing unlawful and unsightly graffiti while actively encouraging graffiti on certain council infrastructure. For example, a common approach by some councils was to have council infrastructure - such as bare brick walls – covered over in artistic graffiti or murals.
- 2.32 The rationale behind this is that it would seek to protect infrastructure from unsightly graffiti by covering up what would otherwise be a blank canvass.
- 2.33 The second rationale is that it harnesses the creative talents of local youth and, in a coordinated approach, enables them to produce artistic murals on designated walls or infrastructure.
- 2.34 Mural projects have been met with varying success and each council's experience has proven to be considerably different to the next.
- 2.35 Liverpool City Council is one such authority that has adopted a mural project, outlined below, which it has found to be broadly successful:

Council has facilitated a number of mural projects in that past which have been highly effective in reducing graffiti. The Warwick Farm Railway Station pedestrian underpass is a successful example of minimising graffiti vandalism, and working in partnership with key agencies in order to maintain a graffiti free area. Prior to 2002, the tunnel was constantly tagged, particularly because of a lack of natural surveillance at the site. In late 2002, a project delivered by Council in partnership with the RTA and a local youth organisation led to the production of murals in the tunnel and at the entrance as a graffiti prevention measure. Following the painting of the murals, Council received zero reports of graffiti in the tunnel for a period of seven years. Council is about to work in partnership with another local organisation and the NSW RTA to refresh the artwork.³⁰

- 2.36 Leichhardt Municipal Council engaged in a similar project for cultural amenity to be enhanced by public art. It submitted:

In contrast to other forms of graffiti such as tagging, legal graffiti pieces and mural art substantially enhance the experience of public and open space. Place-making through public art and cultural programs is a proven means of improving neighbourhood amenity, and creating a personality, look and feel for a particular domain. The act of producing the work, as well as the completed piece, can connect people to each other

³⁰ *Liverpool City Council* Submission No. 45 p. 4

Chapter Two

as well as connecting people to a place. In the Leichhardt LGA, this has been a principal outcome of the Wall 2 Wall and Out of Sight art programs.

Two surveys conducted in 2007 and 2008 indicate that 100% of those consulted showed a preference for public art over graffiti in public space, with a further 94% believing that public art can act as an aid in the Council's graffiti reduction strategy.³¹

2.37 Campbelltown City Council is another council to adopt this policy, although it has illustrated its problems with the policy in their submission:

Council had discussed the provision of "legal graffiti walls" or commission graffiti style works however these facilities are seen by a large part of the community as providing legal solutions to an illegal public nuisances.

Council does, where possible incorporate public art by local artists. This is not only for aesthetic objectives but as a strategy to reduce the probability of being defaced with graffiti as offenders often respect the art works.

Campbelltown has had success for a number of years with murals for example the Campbelltown Bus Rail Interchange.

2.38 Council continued, though, noting that:

... after several years offenders appear to lose the respect for the works and start to graffiti. Art work needs to relate positively to the community to limit the likelihood of graffiti attack. Unfortunately most art works are still subject to the opportune texta pen writer.³²

2.39 The City of Sydney similarly noted that murals and street art have their limitations in protecting public infrastructure from graffiti vandalism:

The City is in the process of engaging a consultant to assist in the review of processes and policy documents regarding street art, graffiti and murals, as well as establish a local mural Register. Murals and street art have limited graffiti vandalism, however, if left untreated it is not unusual for additional graffiti to be added.³³

2.40 The mixed reaction by councils in the use of artistic approaches indicates that this policy is not appropriate for across-the-board adoption and that each local authority needs to make judgement calls about its usefulness in its own area.

Partnerships

2.41 One of the distinct concerns by many councils was their inability to remove graffiti on property that is not council property but still within the public domain. This principally

³¹ *Leichhardt Municipal Council* Submission No. 34 p. 9

³² *Campbelltown City Council* Submission No. 42 p. 2

³³ *City of Sydney* Submission No. 46 p. 2

relates to infrastructure owned by utility companies, such as CityRail, Sydney Water and energy companies.

- 2.42 The inability to remove such graffiti stems from the simple fact that they do not own the property, and therefore they do not have the authority to remove the graffiti. Further, various occupational health and safety issues could potentially arise.
- 2.43 However, the Committee was made aware that some agreements have been put in place between certain councils and some utility providers that allows for councils to remove the graffiti from utility infrastructure and then subsequently recoup the cost.
- 2.44 For example, EnergyAustralia advised that Committee that:

'We have entered into an agreement with Mosman council for one of our sites, the site for a new zone substation that will be built in the future. There have been lots of graffiti vandalism reports at that site, so we have an agreement that they will clean the graffiti from that site, but usually we like to do it ourselves. Under the Electricity Supply (Safety and Network Management) Regulation 2008, anyone that works on our assets has to be trained and authorised to do that, so we do not really want to lose control of that. There have been instances where others have painted our assets, but we have spoken to councils about the risk they bear by allowing their contractors to do that, so we will mostly look after it ourselves.'³⁴

Conclusion

- 2.45 Councils have been engaged with developing plans and policies for confronting graffiti. The Committee has discovered that a suite of approaches exist, from the reactive to proactive, and from rapid response removal to the use of murals and artistic approaches.

Case Studies

1. Blacktown City Council – A Highly Coordinated Approach

Blacktown City Council has set up a number of partnerships to assist in dealing with the problem of graffiti.

In February 2008, the Council resolved to establish a Taskforce Against Graffiti (TAG) for the Blacktown Local Government Area. The Taskforce is made up of external stakeholders, including businesspeople, police, youth groups, government agencies and utilities. The TAG assists Council by providing feedback on proposed strategies, assisting in developing a Graffiti Management Plan, implementing graffiti management strategies and offering suggestions for improvement.

The TAG works with the Council's own Internal Taskforce Against Graffiti (I-TAG) which is made up of Council staff and also meets to improve Council's internal graffiti reporting procedures and implement, discuss, and improve the Council's Graffiti Management Plan.

³⁴ Evidence given to the Committee by Gregory Ross, EnergyAustralia Transcript 11 August 2010 p. 25

Council staff attend local Chamber of Commerce meetings to further discuss any issues local businesses have with graffiti. They also have partnerships and agreements with certain local businesses to maintain 'clean areas' and instil 'business pride', which includes the reporting and removal of graffiti.

While creating the Graffiti Management Plan, Council consulted widely with local residents, the TAG, Local State and Federal MPs, building owners, the police and also made an effort to gain input from youth and former and current offenders.

Council liaises frequently with the police and reports all incidences of graffiti to the Police Assistance Line and recommends that residents do the same. They also enter all incidents into the Australian Graffiti Register.

Since 1998, Council has had a programme in place, in partnership with Probation and Parole and Juvenile Justice, in which offenders are required to clean up graffiti. This operates in various sites in the area and in 2009/10 1892 sites were cleaned.

A pilot is currently being run in 10 – 15 primary schools which involves the Warner Awareness Education Group delivering activity classes to Year 5 and 6 students which inform them of the problems with graffiti.

In September 2010, in partnership with local police, a trial of E-nose was started in three confidential locations. This is an artificial olfactory detection system which detects solvents in spray paint and can alert the police.

Along with Telstra, Integral Energy, and the RTA the Council has commenced the Electric Art Project which paints murals on utility boxes and other high incidence areas.

Council has run a volunteer graffiti removal program since 1998, providing induction and safety training and also free paint and removers. In 2009/10, there was 188 volunteers.

Blacktown also participates in Graffiti Action Day, and in 2010 registered 7 sites and attracted 50 participants.

Council provides free labour and material to residents to remove graffiti and promotes awareness of anti-graffiti strategies, reporting mechanisms and cleaning techniques through the distribution of fliers and magnets. Some residents have also been provided with free vegetation to help block graffiti-prone fencing.

2. Marrickville Council – A More Tolerant View

Marrickville Council has a more lenient approach to graffiti than many other Councils. The Council explained that Marrickville has a cultural history of street art and recognises its importance to various members of the community. The Council recognises certain pieces of street art in its LGA as a cultural asset and includes it in Council's Public Art Register.

As part of its Graffiti Management Plan, Council agreed to differentiate between 'tagging' and 'street art'. Tagging is considered to be quicker and simpler works, normally done in one

colour primarily made by spray paint or marker pen. Tags are usually the signature of the graffiti offender.

Street art is defined as any visual image or written work that has more aesthetic or cultural value and has been placed with creative purpose into a public space. Examples of different forms of street art include stencils, murals, guerrilla knitting and paste ups.

Where possible, Marrickville chooses to leave street art undisturbed, although they also recognise its ephemeral nature and on the whole do not prevent it from being painted over. Some exceptions to this are made, however, such as the 'I Have a Dream' mural in Newtown which is protected by Council. Tagging on the other hand is usually removed.

Marrickville sees street art as one of the defining features of the area and has noticed and encouraged cultural tourism based on this art.

As part of the support and promotion of quality street art, Marrickville offers grants and funding, for example they helped to create a book on "Street Art of the Inner West" which sold very well in local bookshops, and organise tours of significant works. They also fund various clubs and mentoring programmes for local youth which they feel help them to evolve as artists but also discourage illegal activity such as tagging.

One area which is particularly popular with street artists is May Lane where a number of businesses have commissioned pieces. Council used this area as a case study and found that most residents surveyed appreciated the street art and didn't feel that it detracted from the area or made it more unsafe.

Council has found that certain private property owners, including businesses have encouraged murals on their properties to fit in with the local aesthetic and as protection against tagging.

As part of the process of cleaning off unwanted tags Council Staff operate out of highly visible 'graffiti stopper' vans. The branded vans demonstrate to the community that action is being taken and reinforces the idea that not all graffiti is acceptable.

These staff are given training not only in the cleaning process but also in which graffiti in the area is deemed appropriate and is protected.

Due to budgetary constraints, Council concentrates on certain hot-spot areas which it keeps clean but will make detours if graffiti is reported by members of the public.

3. Bankstown City Council – Targeting Graffiti By Understanding Its Culture

Bankstown City Council have tried a different approach to graffiti management after hiring a youth worker as a consultant. Following his advice Blacktown have been pleased with the results and after being the second worst area for graffiti in the State in 2000, they were out of the top 25 by 2008.

Council had previously operated a rapid removal policy and also experimented with legal murals but did not see the benefit as they often found graffiti on nearby property.

Council staff learnt about the 'culture' of graffiti, including its origins in hip-hop culture and this was important and useful knowledge in their efforts to eradicate graffiti in the area.

According to the consultant, graffiti breeds graffiti, and Council therefore concentrated on removing all large scale graffiti in their area, even that which some people considered to have artistic merit.

This was done repeatedly if necessary but the smaller 'tags' which were found in the same areas were initially ignored. After removing the large pieces several times, Council found that they no longer returned and at that point they then cleaned off the tags which also did not return.

The Committee learnt that graffiti offenders would often come to admire a larger piece of work (legal or otherwise) and on their journey to and from the piece they would leave their tags. Therefore by concentrating on removing the larger pieces and identifying and targeting graffiti 'crews' Council reduced the number of areas for taggers to congregate and operate. The aim was to destroy the 'culture' of graffiti. This was seen to be a better use of time and resources than removing all tags immediately as they were found.

The Council learnt from local youth and the consultant that any publicity for the work of graffiti offenders was seen as a good thing. It was common for them to create scrapbooks including articles cut from newspapers.

In order to stop this Bankstown made serious efforts to prevent graffiti offences been reported or shown in the local press, or on television, and similarly dissuaded politicians from using graffiti in photo opportunities.

They also did not promote their strategies and successes as they thought this may come across as a challenge to graffiti crews. As part of this, graffiti removal vehicles in Bankstown are unmarked.

The Council has a colour palette for council property but also encourages private businesses to choose colours from this palette. Therefore if there is an incident the graffiti can be easily painted over rather than the whole wall.

4. Rockdale City Council – A Zero Tolerance Approach

Rockdale City Council told the Committee that they have a zero-tolerance approach to Graffiti. This, in addition to a rapid removal strategy which removes offensive graffiti within 24 hours and all other graffiti within 72 hours, has helped Council reduce graffiti from 8,000 m² per month to approximately 1,000 m² per month since the initiative began in 2004 - In 2004, Rockdale developed its Safer City Program and was granted approval by the NSW Department of Local Government to fund the initiative through a Special Rate to council residents. This was partly in response to concerns in the community that there was an upward trend in graffiti incidents at the time.

There are four key components of the Safer City Program and of these graffiti removal is the biggest cost. Council was pleased to note, however, that costs had dropped recently as the amount of graffiti had been reduced.

Council employs two contractors as part of its rapid removal response team. They will remove all graffiti from private and public properties free of charge. The team often patrols areas which are known to be targeted by graffiti offenders but will also react to calls from council residents.

The contractors also record all incidents of graffiti and before cleaning, submit them to the Australian Graffiti Register.

Council has a number of fixed CCTV cameras which they have deployed in sensitive areas, some of which are also common areas for graffiti offenders. They also have several temporary cameras which they can move around the area as they are needed, for example if a large number of complaints are made in a short period of time. These portable units were particularly successful in the Rockdale skate park which was heavily targeted by graffiti offenders when it was initially opened. Following a period of CCTV surveillance, however, the number of incidents dropped and the skate park is now graffiti free.

Rockdale has no legal walls or public art. The Council believes that the need for murals and public art as decoration is superseded by the need for a graffiti-free region, although they admitted that this was a point of discussion within the Council.

Another key element to Council's zero-tolerance approach to graffiti is the use of Crime Prevention Through Environmental Design. Where graffiti is a common problem, for example, Council has planted thick vegetation in front of walls to restrict access. When new buildings are being considered, Council recommends the use of materials which are easier to clean or replace and also the creation of uneven surfaces which are less attractive to graffiti offenders.

Council and its contractors constantly collect and analyse statistics on the number and location of graffiti incidents in order to measure the rate of reoccurrence and devise new strategies to combat graffiti. For example, an increase in tagging led Council to introduce a tag reduction education programme.

Chapter Three - State Government Infrastructure Providers

Problems Facing State Infrastructure Providers

- 3.1 During the inquiry the Committee took evidence from Sydney Water, the Roads and Traffic Authority (RTA), RailCorp and EnergyAustralia regarding the problems their agencies faced in dealing with graffiti damage. While all agencies faced significant challenges, the extent of the problem varied from agency to agency depending upon the nature of their infrastructure.
- 3.2 RailCorp faced extremely large issues regarding both their rolling stock and built infrastructure. This was probably largely due to the visibility and accessibility of their assets.
- 3.3 The following chart shows malicious damage to RailCorp property (including graffiti) from 2006 to 2009:

**Malicious Damage
Incidents to RailCorp Property 2006/07 to 2008/09**

Financial Year	2006/07	2007/08	2008/09
Malicious damage to property incidents	1613	1613	1640

Source: Bureau of Crime Statistics and Research NSW (BOCSAR)

- 3.4 Andrew Byford, Chief Operating Officer, RailCorp explained the extent of the problem which is currently costing RailCorp a massive \$55 million per year:

'It might help the Committee if I talk about the types of graffiti that we incur. First of all, within our trains we have vandalism of walls and floors, which is typically application of tags or murals, murals being the bigger artistic—when I say artistic, not artistic, but images on to the trains. To give you an indication of the scale of the problem, the tags, which are typically scribbles onto trains, my presentation services team remove, on average, between 85,000 and 90,000 tags per month. So, it is a huge and ongoing problem.

Obviously the fact that I had to maintain a team of dedicated and professional cleaning staff is itself quite a cost. The overall cost that I quoted of \$55 million per year, 36 per cent of that cost is taken up either by removal of tags—so typically graffiti within the trains—but also the remedial work that we are undertaking, which includes application of a more graffiti-resistant paint within the vestibules, which is typically where people apply these tags. It is a mixture really of not just reactive action, that is, removing the mess in the first place, but also proactive measures designed to make the trains themselves more resistant to graffiti and to apply paint that is easier to clean and does not leave a residue, a shadowing effect, if you like, of where the tags have been applied. That is the first element.

In terms of seats, approximately 17 per cent of that total is taken up by repairs to seats and that again is typically where people either slash the seats or where they apply graffiti onto the seats. The largest chunk is actually windows where people scratch the windows, what is known as Dutch graffiti or etched graffiti. Typically they use either bits of diamond drills, ballasts or lumps of stone and they scratch the windows. There comes a point at which you have to replace the window and that takes up 39 per cent of that total. That relates to inside the carriage. We also have graffiti on the outside of the trains and we have had a lot of success in dealing with that. Typically the way we have mitigated against that is better protection of our sidings, yards and depots so that people cannot get in to actually graffiti the trains. As to station assets, again graffitiing, either applying tags or scratching windows in the station complexes and precincts and then line side in the rail corridors where people graffiti, applying tags and murals to line side walls or infrastructure. It is a widespread problem that we fight every day.³⁵

- 3.5 Similarly, graffiti vandalism was a significant and increasing problem for the Roads and Traffic Authority (RTA), largely due to the extent and exposure of their assets. While not currently costed separately, the RTA estimates that graffiti removal is costing "a few million dollars per annum":

'The RTA manages—and obviously the latest figures would be in our annual reports—17,981 kilometres of the main strategic road network in New South Wales, referred to as State roads, and 2,946 kilometres of other roads in the unincorporated area of New South Wales where there is no local council. These highly visible community assets fundamentally support the national, State and local economy, and help rural and urban communities access services. Assets include approximately 5,051 bridges and major culverts, including the Sydney Harbour Bridge, 22 tunnels, 12 vehicular ferries, about 50,000 transverse culverts, half a million signs, 50,000 kilometres of markings, two million raised pavement markers, 2,500 kilometres of safety barriers, 100,000 slopes, cuttings and retaining walls, over 1,000 rest areas, toilets, cameras, a transport management centre, 3,751 traffic signals, electronic traffic management systems, tidal flow facilities, et cetera. The Roads and Traffic Authority's infrastructure has a written down value of \$52 billion, excluding the value of land under roads.

Graffiti vandalism can occur anywhere across the State—for example, a water tank in a rest area near Tibooburra, a ferry boom-gate on the Clarence River, a picnic table on the Hay plains, even rocks used for erosion control in a drain on the Hume Highway, lane management structures on the Sydney Harbour Bridge, a school-zone camera, the tunnel lighting in the M5 East tunnel, or a traffic signal control box on any local road intersection. Graffiti vandalism can occur on pavements as well as kerbs and gutters, but it usually occurs on off-pavement sites, including medians in between carriageways termed for these purposes as roadsides. It is important to recognise that, apart from exceptional routes like freeways or motorways, most of the roadsides on what are perceived as Roads and Traffic Authority roads are actually managed by councils—the Roads Act is primarily an act to empower councils—with the Roads and Traffic Authority controlling and caring for the built infrastructure itself.³⁶

- 3.6 EnergyAustralia assets were less affected due to the safety security fencing required around much of the infrastructure. However, the agency was still concerned with the cost and resource impact of graffiti which is currently totalling around \$612,000 to remove each year:

³⁵ Evidence given to the Committee by Andrew Byford, RailCorp Transcript 11 October 2010 pp. 15-16

³⁶ Evidence given to the Committee by Neil Walker, RTA Transcript 11 October 2010 p. 7

'The EnergyAustralia network operates over approximately 22,200 square kilometres, distributing electricity to 41 local government areas in the Sydney, Central Coast and Hunter regions. Our assets include approximately 240 zone or subtransmission substations, 13,500 kiosk or ground substations, 40,000 low-voltage pillars, around half a million poles, and we also have 60 customer service centres.

EnergyAustralia has responded to more than 10,000 reports of graffiti vandalism over the last five years, and the number of incidents being reported and remedial costs have generally been increasing over this period. During 2009-10 EnergyAustralia responded to 2,658 reports of graffiti vandalism of our assets; that is a 19 per cent increase on the number reported the previous year. The direct cost to remove graffiti during 2009-10 was \$612,000, with an average cost of \$230 per report. Over 85 per cent of the reports were in the Sydney region.

We do not have a separate budget for graffiti; it is built into our facility's manageable network asset budget for property maintenance. I am sorry, I cannot give you the figure off the top of my head, but I think it is around \$2 million a year. Again, that is off the top of my head; I do not have the exact figures.³⁷

- 3.7 Sydney Water was the least effected agency, spending only around \$325,000 out of a budgeted \$500,000 last financial year. This was largely attributed to the difficulty of accessing their assets and the often remote location of infrastructure:

'Our main attacks are on some pipelines. We have some large overland pipelines, particularly in the Woronora area and in Como-Jannali. The big water mains that go across the river tend to be targeted. Most other attacks are on our surface reservoirs, steel tanks and some concrete tanks. It is mainly that type of stuff. We rarely get graffiti hits on pumping stations, but it does happen occasionally. When that happens they tend to target some of electrical kiosks on site.

Most of our stuff is behind security fencing; so they are going to have to get over chain wire fencing to get to it—and that does not stop them from doing it, but it does limit the number of occasions where we do get hit. It tends to be more in remote locations where they are prepared to climb over a security fence and get onto a reservoir site. We will find that they will get on there and put tags on the side of the reservoir.

(The fact that Sydney Water infrastructure is not often a target) ...is a combination of the fact that the great majority of our assets are behind security fencing and that most of the stuff is located in areas where it is not normally visible to the public. Even most of the water reservoirs are in bushland somewhere or, particularly in more densely populated areas, it is going to be amongst homes, so those sorts of sites are a lot harder to hit. They will tend to hit more the Colorbond fencings around properties near our assets before they try to get into the reservoir site itself.³⁸

Clean-Ups

- 3.8 Different agencies had different approaches to how they dealt with the cleaning up of graffiti from their assets and the priority given to this task. However, offensive graffiti was always given first priority.

- 3.9 Sydney Water told the Committee:

³⁷ Evidence given to the Committee by Neil Walker, RTA Transcript 11 October 2010 p. 7

³⁸ Evidence given to the Committee by John Sampedro, Sydney Water Transcript 11 October 2010, pp. 1,3

'It very much depends on what the graffiti is and where the graffiti is. We have a priority 1 to 4 process. Priority 1 means that it is offensive language, anti-Australian remarks or racist type comments. I think that is a two-hour or a four-hour response—yes, it is a four-hour response. Our priority 2, which is high-visibility commercial buildings or some of our elevated reservoirs where we particularly do not want to have that graffiti there, that is removed within two working days. For priority 3, which is medium- or low-visibility sites, they can be programmed for anywhere up to 10 working days. For priority 4, if it is, say for argument's sake, on a remote reservoir site out at Dural somewhere, it might not be removed until the next time we actually paint the tank.'³⁹

- 3.10 Sydney Water was cited as a Good Practice Case Study within the NSW Government submission.
- 3.11 In 2007-08 the Sydney Water Corporation adopted a Graffiti Management Policy. The policy includes a graffiti removal contract worth \$3.3 million over 8 years. To increase efficiency and decrease the cost of graffiti removal Sydney Water introduced a formal priority process. The steps of this process are as follows:
- i. First, all graffiti incidents are formally reported by email;
 - ii. Second, the graffiti is categorised either (1) anti-Australian/terrorism related, (2) high visibility, (3) medium visibility or (4) low visibility. This categorisation determines the removal timeframe;
 - iii. Third, the graffiti contract coordinator issues a work order to Sydney Water Corporation's graffiti removal contractor;
 - iv. Finally, the graffiti removal contractor removes the graffiti according to the agreed timeframes and notifies the graffiti contract coordinator when the work is completed.

Category	Removal Time
1. Anti-Australian/Terrorism related	4 –12 hours
2. High visibility	48 hours following report
3. Medium visibility	10 days following report
4. Low visibility	10 days following report

- 3.12 In addition, if small incidents of graffiti are identified by Sydney Water Corporation staff during site inspections, they are painted over at the time. This new system has halved the cost of graffiti management for the Sydney Water Corporation and facilitates the removal of highly visible graffiti within 48 hours.⁴⁰
- 3.13 The Roads and Traffic Authority tend to have graffiti cleaned off as part of routine road maintenance unless it is highly offensive or requires road closures:

'The routine maintenance service requirements relevant to graffiti include searching for and removing graffiti to service requirements that reflect the exposure, for example major traffic exposure on the Warringah freeway, and the consequence of the graffiti, for example creating a safety or traffic hazard or if it is obviously very offensive, so there are likelihood and consequence dimensions. These risk-based service arrangements target removal of hazardous graffiti within four hours, offensive and visible graffiti within

³⁹ Evidence given to the Committee by John Sampedro, Sydney Water Transcript 11 October 2010 p. 2

⁴⁰ NSW Government Submission No. 47 p. 13

two days and other graffiti within seven days of a defined inspection period, but the inspection period varies depending upon where you are across the State. It can be up to four months, depending upon remoteness. To meet those requirements it is important that graffiti response be promptly available locally and be affordable.⁴¹

- 3.14 RailCorp face the added problem of being forced to take carriages out of service to clean offensive or dangerous graffiti. While it responded to offensive graffiti immediately, there was not a specific timeframe for other types of graffiti:

'If the graffiti is offensive in any way the train will come out of service immediately so that the graffiti can be photographed, handed over to the police and rectified. If it is an issue of tagging, the issue for me as the service delivery chief and also as the representative of the customer is to get the balance right between wanting to offer carriages to my customers that are ambient and pleasant to use but also offsetting that against the dis-benefit of immediately pulling a train out of service which is of inconvenience to my customers. We aim to clean the graffiti off every night.

The fact that we are faced with 90,000 tags per month means that trains will sometimes enter service with some tagging on them but not if it is offensive. The other caveat I put on that would be if, for example, the graffiti impinged upon the windows. There is no way that train should come into service. If I or any of my colleagues see a train with graffiti over the windows it comes out of service.⁴²

- 3.15 EnergyAustralia told the Committee:

'Generally we have two priorities, that is, offensive or inoffensive. Offensive ones we aim to do within two days. With the inoffensive ones it is seven days. We do not prioritise one over the other, it depends on what the customer is reporting the graffiti to be—offensive or inoffensive—so we rely on them giving us the priority, I suppose.⁴³

Reporting

- 3.16 All four agencies had telephone numbers which allowed councils and customers to report graffiti, although most of these were not dedicated only for this purpose.

- 3.17 RailCorp was the only agency with a dedicated hotline number:

'We do have a number within the carriage which advises customers who to contact if they see antisocial behaviour going on; so typically if someone is vandalising a train there is a number for customers to call but also if a carriage is found to be completely trashed in terms of application of tags, again there is the number for customers to call so that our teams can take remedial action.

(The reporting figures) ...include figures on internal and external reporting. We do not break them down necessarily. On average the order of magnitude is 600 to 700 reports a month, so there is a lot of internal reporting and a lot of internal vigilance as well, because we have raised awareness about the need to report internally. There is also an intelligence system around this. We have a hotline number which is an 1800 number

⁴¹ Evidence given to the Committee by Neil Walker, RTA Transcript 11 October 2010 p. 7

⁴² Evidence given to the Committee by Andrew Byford, RailCorp Transcript 11 October 2010 pp. 15-16

⁴³ Evidence given to the Committee by Gregory Ross, EnergyAustralia Transcript 11 October 2010 p. 25

that people can use, plus we have an internal reporting number. It is staffed 24 hours a day and if people report incidents occurring in the act, we have a security response.⁴⁴

Preventative Measures

3.18 All agencies were either employing or trialling a range of preventative measures to deter graffiti.

3.19 Sydney Water is using various measures such as protective coatings:

'We are being more proactive on the type of protective coatings that we are putting on our assets now. We started originally applying just a sacrificial wax application onto the assets so that when they come along to actually remove the paint it tends to remove the sacrificial coat as well, and that is tending to be a bit expensive because you have got to reapply the wax coat. We have now started looking at putting epoxy or polyurethane non-sacrificial protective coats on it so that when we can hit it with chemicals and hot water washes to remove the paint it will remove the paint but not the coating. It is a little bit more expensive but obviously in the long term it will be more cost beneficial.'⁴⁵

3.20 The Roads and Traffic Authority is also employing the use of protective coatings as well as other measures such as murals:

'To my knowledge, we have been exploring different opportunities. This is a learning experience and it is still going on. There are some materials that are very absorptive and that can certainly create some problems. There are other materials that are less absorptive, but they then create the blank canvas opportunities so that one ends up with, at times, a bit of a trade-off. Some products have been marketed to us for putting on sacrificial coatings so that when you are cleaning up you are not damaging the actual infrastructure or material and it is very easy to clean off. Then you have to balance the capital investment in those sacrificial coatings compared to the actual clean-up costs.

Again, it is one that at a local basis usually tends to work where people look at the individual circumstances. We would have some sites where there is significant and repeated graffiti and we try to encourage other initiatives that would minimise that sort of damage. We have had some very innovative activities that have been initiated, for example, with community and/or cultural-heritage murals in different sites. We have had mixed experience with those sorts of situations. Again, that is part of a learning exercise. In many areas we would have just simple paint-over type arrangements and in other areas, depending upon the aesthetic requirements of the assets, a clean-up arrangement. In other areas we will try to be proactive and initiate murals.'⁴⁶

3.21 Similarly, EnergyAustralia told the Committee:

'We have trialled things in the past. Most recently, in regard to the kiosk substations, we have trialled a two-part paint to paint existing substations. We have found that because it was two-part paint, the contractor had to go there, apply a coat of paint and go back a couple of hours later to apply another coat. For existing substations we usually will not do it, but for any new kiosks that we get from our manufacturer, the manufacturer will

⁴⁴ Evidence given to the Committee by Andrew Byford, RailCorp Transcript 11 October 2010 pp. 16-17

⁴⁵ Evidence given to the Committee by John Sampedro, Sydney Water Transcript 11 October 2010 p. 2

⁴⁶ Evidence given to the Committee by Neil Walker, RTA Transcript 11 October 2010 p. 10

apply the specific graffiti-resistant paints that we have asked for. We have also trialled coatings for buildings and that sort of thing. They did not work as well as we had hoped initially. With a lot of those, it depends on getting there reasonably quickly before it sinks into the coating, from what I understand. I was not involved at that time, but that is what I have been told.⁴⁷

- 3.22 RailCorp were employing a range of measures, including the use of films for windows to deal with etching, CCTV, fencing, murals on blank walls, graffiti resistant paint in train vestibules, the use of hard to penetrate vegetation and upgrading security at sidings, yards and stabling points.

Crime Prevention, Apprehension and Enforcement

- 3.23 All agencies faced significant problems in apprehending offenders in the act of creating graffiti due to how quickly it can be done.
- 3.24 RailCorp, through a variety of measures, such as CCTV, plain clothes transit officers and the Rail Vandalism Taskforce, were having some success:

'We have found that most of our customers either embark on or disembark from trains at a gated station. All those stations now have identification-quality CCTV. That means that if a vandal commits an offence downstream our surveillance operators can track them to that point and get a picture of their face and pass that to the police. We have had a lot of success in the enforcement space. That investment in CCTV has led to improvements. Transit officers started work in 2002. Since then we have had a 200 per cent increase in proceedings in court for malicious damage. We had about a 100 per cent increase, in round figures, in proceed against by other means.

If you take 2005, which was the year that we started working with the Rail Vandalism Task Force, which is a dedicated police unit, there has been an increase of about 100 per cent and proceed against a court 53 per cent. So our enforcement activity is probably one of the areas that we have done quite well in. The challenge is the mitigation in this continuous clean-up that we are engaged in and we are just continuously doing it. But there has been a big investment in CCTV. It has paid dividends, but there are limitations to it. One of the challenges with CCTV in a train environment is you have got to be able to pinpoint within a reasonable period of time when an offence occurs. That is a challenge; there is a lot of labour. The more CCTV you put out there you have got to be able to actually monitor it. You have got to be mindful of the whole cost and the whole commitment to that. But it has definitely been something that we have invested in strongly and we have got good results.⁴⁸

- 3.25 RailCorp advocated for a more complete costing on graffiti to be placed before magistrates to stress the actual overall price to government:

'... one of the lessons I brought with me from the UK is that I believe we should capture the whole cost of graffiti attacks because that then carries greater weight with magistrates courts. So that if you can say, for example, "Okay at face value you did X number of dollars of damage on this train by applying those tags", that might not in itself add up to much but if you add in the cost of the overheads of maintaining teams to clean all this mess off, the costs of running the CCTV systems and potentially the cost

⁴⁷ Evidence given to the Committee by Gregory Ross, EnergyAustralia Transcript 11 October 2010 p. 24

⁴⁸ Evidence given to the Committee by Paul Passmore, RailCorp Transcript 11 October 2010 p. 20

of a train coming out of service, then the economic impact that that has carries much greater weight and therefore attracts a greater penalty. That has been done in the UK with some effect.⁴⁹

Interaction with Local Government

- 3.26 All four agencies told the Committee they would advocate a more holistic approach to graffiti prevention and clean-up across state and local government while stressing the possible safety issues involved.
- 3.27 For example, RailCorp told the Committee:

'We participate in the Attorney Generals' graffiti action task force. They have been working up some projects on that basis. They may be going to give evidence or have given evidence that that is one of the activities that they are pursuing. We have expressed interest in being involved in one that they are planning for the Mt Druitt area—the Dawson Mall area. We are looking at being involved in that in terms of having a parallel activity on the station. It is something that we are interested in. It is not something that we have done a lot of but we are interested in pursuing it.

One of the challenges, though—and this is also a factor that has to be considered in the context of removing graffiti from the corridor—is that we have got a very dangerous environment and you have to have certain qualifications to work particularly in the corridor where you have got power and you have got rolling stock moving around. Safety is a very big issue for us and we never compromise safety to remove graffiti. Sometimes that does affect our ability to quickly remove something but it is also an issue for us in terms of how far we can go with a scheme working with councils because you cannot just have anyone coming on to the rail corridor. So it is certainly something we are interested in, particularly in areas where we are not in the danger zone—interchanges and those sorts of areas are something we are interested in being involved in, but it is not something we have gone too far down at this stage.⁵⁰

- 3.28 Similarly, EnergyAustralia told the Committee:

'We have entered into an agreement with Mosman council for one of our sites, the site for a new zone substation that will be built in the future. There have been lots of graffiti vandalism reports at that site, so we have an agreement that they will clean the graffiti from that site, but usually we like to do it ourselves. Under the Electricity Supply (Safety and Network Management) Regulation 2008, anyone that works on our assets has to be trained and authorised to do that, so we do not really want to lose control of that. There have been instances where others have painted our assets, but we have spoken to councils about the risk they bear by allowing their contractors to do that, so we will mostly look after it ourselves. Can I just add that next week my manager is going to a meeting for the graffiti action plan. There are two trial areas—one at Dawson Creek, Mount Druitt, and the other one at Mosman. Mosman is in our geographical area, so we will be involved with that. It is early days; it is just commencing.⁵¹

⁴⁹ Evidence given to the Committee by Andrew Byford, RailCorp Transcript 11 October 2010 p. 22

⁵⁰ Evidence given to the Committee by Paul Passmore, RailCorp Transcript 11 October 2010 p. 22

⁵¹ Evidence given to the Committee by Gregory Ross, EnergyAustralia Transcript 11 October 2010 p. 25

Chapter Four - A Whole of Government Approach

Interagency Partnerships and Single Site Clean-Ups

- 4.1 As discussed in Chapter Two, councils continually expressed frustration to the Committee about the demarcation between the cleaning of graffiti from their infrastructure and state government infrastructure and many suggested that a sensible approach would be for councils to clean all government infrastructure and recoup the cost from the relevant agency.
- 4.2 Further, it was widely recognised that the public often did not make a distinction between who actually owned the infrastructure in a particular area. Some councils, such as Blacktown, Penrith and Rockdale, were already cleaning off state owned infrastructure, where possible.
- 4.3 Many councils also expressed frustration at the time some state government agencies took to clean graffiti off their infrastructure following it being reported to them. The priorities of these agencies were seen to be out of synch with councils' own clean-up time frames.
- 4.4 The Committee accepts the argument as well that cost savings may be made by one agency conducting all graffiti clean ups within an area.
- 4.5 As discussed in Chapter Three, neither Sydney Water, RailCorp, EnergyAustralia or the Roads and Traffic Authority were adverse to the idea of partnerships between agencies to target and clean up graffiti. However, they did express the following reservations:
- **Safety Considerations:** Most state government utilities possess infrastructure involving high levels of electrical currents such as signal boxes and electricity substations. There are also inherent dangers in accessing some of this infrastructure. For the major transport infrastructure providers such as the Roads and Traffic Authority and RailCorp there is the added problem of having to sometimes close transport corridors.
 - **Different Priorities Between Agencies:** As previously outlined in Chapter Two, different councils have different tolerance approaches to graffiti and thus varying clean up timeframes. Agencies such as Sydney Water raised the issue that they may be billed by councils for clean-ups that they did not see as particularly necessary.
- 4.6 As discussed in Chapter One, the NSW Government Anti Graffiti Action Team is currently coordinating a single-site clean-up trial in both the Blacktown and Mosman local government areas:

'The second issue you mentioned was the level of frustration that a number of local governments have with State-owned property or property owned by State utilities. We know that there is a lot of frustration with the public when they see graffiti in a particular street and different properties on that street are owned by different people. One part will be cleaned up, another part will be cleaned up in a week and another part will be cleaned up in a month and another part will stay uncleaned for a period. People ask,

rightly, why that is the case when they are all owned or paid for by the State. That is a problem because different agencies and utilities have different policies around how they manage these assets.

Our team, again based on a Western Australian example, is coordinating a single-site clean-up, which will start in Blacktown and Mosman local government areas later this year. One agency in both those local government areas will take responsibility for cleaning all public assets in particular areas. At the moment we are working with some utilities, State Government agencies and Federal Government agencies about renegotiating some of their maintenance contracts to enable people to be able to do that. In doing that, we want to see whether it is more efficient to have one group of people clean up graffiti in a particular area—we think it probably is more efficient, quicker and cheaper. But there are some safety issues that we need to be aware of. For instance, some of our transport colleagues are reluctant to have council people cleaning up things on the sides of railway tracks if trains are going past, and so forth. Some of those things still need to be worked out.

We are well aware of the frustration and it is quite legitimate, but these two particular activities that will be happening this year will be assessed early next year to determine whether they are viable. If they are, we will look at ways in which we can expand that type of approach to other areas.⁵²

4.7 The Committee supports these trials and intends to revisit the outcomes in 2011.

RECOMMENDATION 1: The Committee supports the current trials of single site graffiti clean-ups by the Anti Graffiti Action Taskforce within the Blacktown and Mosman local government areas.

The Committee intends to revisit the outcomes in 2011 with a view to this approach being expanded into other local government areas.

Existing Legislation and Penalties

- 4.8 Chapter One outlined the current legislation and penalties which apply to persons undertaking graffiti.
- 4.9 Many submissions received by the Committee expressed frustration at the level of the penalties set for graffiti vandalism, considering them ineffective.
- 4.10 Blacktown City Council, for example, undertook a survey of its community in regard to existing penalties:

Council (has) undertaken a questionnaire on Council's website gathering the views of residents on graffiti since mid 2009. The overwhelming response from respondents is that the punishment for graffiti offenders is too lenient, particularly for juvenile offenders. In this regard, Council recommends the NSW Government consider reducing the number of allowable cautions from three (3) to one (1) for the same offence, increase the penalties for graffiti related offences and require graffiti offenders to pay the full cost

⁵² Evidence given to the Committee by Brendan Thomas, Department of Justice and Attorney General Transcript 11 August 2010 p. 5

of repairing the damages to property resulting from the graffiti offence, regardless of whether it exceeds 20 penalty units.⁵³

- 4.11 Others acknowledged the tough legislative stance that had been taken but questioned whether sufficient penalties would ultimately be imposed on offenders by the courts:

Recent legislative changes made by the State Government to control graffiti including increased penalties are of course most welcome.....Only time will tell whether the judicial system in particular has taken advantage of those new penalty provisions to give a strong message that the community will not tolerate graffiti vandalism.⁵⁴

- 4.12 Manly, Pittwater, Randwick, Sutherland, Warringah and Waverley Councils expressed frustration about the policing priority given to graffiti:

The community's prioritisation of graffiti as a key issue of concern is often at odds with the priorities of the NSW Police Force and therefore, at odds with the level of resources assigned to the investigation.

Current reporting mechanisms are resource intensive and uncoordinated. The policing of malicious damage cannot effectively occur if they do not have the required evidence. Currently, very few cases of graffiti on Council property are reported to Police due to the difficulty involved in providing these reports.

Enforcement of recent legislative changes is not occurring, especially with regards to the display and sale of spray cans to minors.

The response to new graffiti tools is cumbersome. Adequate responses to etching have not yet been developed and the use of coloured hairspray seems to fall outside the legislation.⁵⁵

- 4.13 The NSW Department of Justice and Attorney General acknowledged the difficulty in catching and charging offenders:

'One challenge with this offence is that it is done so quickly that without someone being caught in the act it is often quite difficult to prosecute someone for that particular crime. For example, some years ago the Western Australian Government invested quite heavily in a graffiti tag database, where people would take photos of graffiti tags and upload them to that database. The view was that if you could get a significant body of the same tag you would be able to prosecute a person for all those tags once you caught them doing it. But in Western Australia they found some quite difficult legal difficulties in proving that a particular individual had committed all those offences when no-one had seen that person doing it. While there is a significantly increasing amount of effort being put on the law enforcement side, trying to clean up the law so it is clearer, we have done some articles and some training for the police around the law, so that they are clear about the types of charges that they can lay.

It is quite difficult unless someone is caught in the act to bring enough evidence to prosecute someone. I understand there have been increases in the number of apprehensions and prosecutions. The level of penalty does differ, depending on the nature of the offence, the size of the offence and, in particular, on the criminal record of

⁵³ *Blacktown City Council* Submission No. 17 p. 3

⁵⁴ *The Hills Shire Council* Submission No. 31 p. 2

⁵⁵ *Sutherland Shire Council* Submission No. 24 Attachment A p. 8

the apprehended person. Some of our research on looking at graffiti offenders shows that people committing graffiti offences are involved in other types of offences. A magistrate will look at a person's criminal history, not just for their graffiti offences but their whole criminal history in imposing a particular penalty. The magistrate will look also at the age of the offender in imposing a penalty. All those factors will vary from offender to offender, and will influence the type of penalty that is imposed.⁵⁶

- 4.14 The Committee understands the problems in apprehending perpetrators in the act of undertaking graffiti and it acknowledges the reasonably recent changes to legislative and punitive framework. It also acknowledges that most offenders are relatively young and may not necessarily move on to other types of crime.
- 4.15 However, given the large financial and social cost of graffiti on the community the Committee considers that the NSW Government should review the current level of penalties for offenders.

RECOMMENDATION 2: The NSW Government should consider increasing current penalties for graffiti offences.

- 4.16 Many councils acknowledged to the Committee that they had seen a decrease in spray can graffiti since the introduction of laws which make it an offence to sell spray cans to minors. The Department of Justice and Attorney General raised the issue of taking the law one step further by penalising secondary suppliers of graffiti implements to minors:

'In recent years there has been a lot of effort in trying to limit the use of spray cans, and we think that has had an effect. I mentioned that we did a study of graffiti offenders in which we interviewed a range of graffiti offenders and they told us that it was difficult to get their hands on spray cans. They said that they were getting older people to purchase spray cans on their behalf, which led us to recommend to the Government to introduce an offence of secondary supply, to try to prevent that.'⁵⁷

- 4.17 The Committee supports the idea of creating an offence of secondary supply of graffiti implements to minors in instances where a person knows that that implement is likely to be used for the purposes of graffiti.

RECOMMENDATION 3: The NSW Government should amend the Graffiti Control Act 2008 to introduce an offence of secondary supply of graffiti implements to minors who are known graffiti offenders.

⁵⁶ Evidence given to the Committee by Brendan Thomas, Department of Justice and Attorney General Transcript 11 August 2010 p. 3

⁵⁷ *Ibid* p. 4

Graffiti Reporting

- 4.18 Some councils such as Lane Cove and Kiama and state government agencies such as RailCorp have dedicated graffiti hotlines which they actively promote. Other councils and agencies provide more general numbers or websites where graffiti can be reported.
- 4.19 The Committee considered the issue of whether there should be one dedicated graffiti hotline. However, many councils expressed the view that they preferred their community to call them directly and were concerned about the delays in receiving reports that a centralised system could create. The current system by which councils pass on reports to major state infrastructure providers also seemed to be working well.
- 4.20 In response to a question put to the NSW Police Minister, the Hon Michael Daley MP, in NSW Parliament on 28 October 2010, it was made clear that the NSW Government considers that Crime Stoppers is the appropriate hotline to use for reports of graffiti.⁵⁸
- 4.21 The Committee is concerned that the use of Crime Stoppers for this purpose is not well known within the community. It considers that the NSW Government should promote the use of Crime Stoppers as a method of reporting graffiti more widely.

RECOMMENDATION 4: The NSW Government should conduct a public education campaign to promote the use of the Crime Stoppers hotline as a method of reporting graffiti.

- 4.22 The Committee found that councils who had dedicated hotlines found them useful as they focussed the public's attention on the need to report graffiti and lessened confusion about how it should be reported.
- 4.23 However, the Committee accepted the argument that not all council areas, particularly regional and rural, experienced enough graffiti to warrant a dedicated hotline. Further, it should always be left up to individual councils to ascertain resident demand for such a facility in their area.

RECOMMENDATION 5: Where appropriate, councils should consider providing a dedicated graffiti hotline to encourage the reporting of graffiti within their area.

- 4.24 Several councils such as Blacktown and Penrith had formed strong partnerships with their local police area command in order to attempt to apprehend graffiti offenders. Similarly, RailCorp has strong partnerships with NSW Police.

⁵⁸ Hansard 28 October 2010 p. 23

- 4.25 The Committee consider that partnerships between infrastructure providers and law enforcement are essential in attempting to tackle the graffiti problem. Messages must be sent to offenders that police are taking graffiti crime seriously.
- 4.26 Accordingly, the Committee recommends that all councils develop policies and practices which require them to report all significant instances of graffiti within their local government area to NSW Police.

RECOMMENDATION 6: All councils and NSW state infrastructure providers should actively report significant graffiti damage to NSW Police.

- 4.27 Several of the bigger councils, such as Blacktown and Penrith, were making use of the Australian Graffiti Register which is an online database which allows for sharing of Critical Tag and Graffiti Photographic Data between its subscribers, assisting with the tracking of serial graffiti offenders.
- 4.28 For instance, Lane Cove Council told the Committee:

'We have got our own graffiti registered—we are part of the Australian Graffiti Register. One of the reasons we joined that is because both Willoughby and North Sydney councils are both part of that and we work with the local police in that respect. It sort of covers most of our northern suburb area there with respect to all the tags—they tend to be in the same area. A lot of that information that we record does help the police when they are trying to get convictions when they actually catch some of the culprits.'⁵⁹

- 4.29 The Committee supported this idea but did note the Department of Justice and Attorney General's view that it was difficult to bring a conviction without catching the actual perpetrator in the act.

RECOMMENDATION 7: All councils and NSW state infrastructure providers should subscribe to the Australian Graffiti Register.

Graffiti Funding

- 4.30 The Committee is concerned that some significant state government infrastructure providers such as the Roads and Traffic Authority do not have allocated budgets for graffiti prevention and clean-up work. The Committee consider that this is essential to accurately track what graffiti is actually costing agencies, and ultimately, the public.
- 4.31 The Committee therefore recommends that all state government infrastructure providers maintain allocated budgets for this purpose.

⁵⁹ Evidence given to the Committee by Wayne Rylands, Lane Cove Council Transcript 11 August 2010 p. 24

RECOMMENDATION 8: All NSW government state infrastructure providers should establish an allocated budget for graffiti prevention and clean-up.

- 4.32 The Committee noted that both Lane Cove and Rockdale Councils had been successful in applying for a special levy to deal with the problem of graffiti.
- 4.33 Rockdale City Council raised a special levy through their Safer City Program following concerns expressed by its residents which is currently levied as a rate of one per cent per annum.
- 4.34 Lane Cove Council offsets its costs of removing and preventing graffiti through a sustainability levy. While the levy is 6%, only approximately 0.05% of that is spent on graffiti.

RECOMMENDATION 9: Local Councils which are facing significant costs as a result of graffiti vandalism should consider the use of special levies as a method of providing additional funding.

Development Controls

- 4.35 Chapter One and Three discussed the development controls which are currently in place to deter graffiti on new developments.
- 4.36 In particular, the Committee notes the NSW Government's new Infrastructure State Environment Planning Policy (SEPP) that provides:
- (1) This clause applies to development carried out by or on behalf of a public authority.
 - (2) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies unless the authority or person has taken the following graffiti and crime prevention measures into consideration:
 - (a) site planning, orientation and design of any facilities to:
 - (i) maximise sight lines, including allowing for observation and natural surveillance of and from publicly accessible areas, entry points and adjoining areas such as neighbouring streets and buildings,
 - (ii) minimise opportunities for access through any point other than designated entry points.
 - (b) provide for effective lighting and security surveillance systems.
 - (c) maximising deterrence and deflection of graffiti damage in the design and construction of the development by considering:
 - (i) minimising areas containing smooth continuous surfaces that are accessible from the ground,

- (ii) the use of landscaping to limit access to vertical surfaces,
 - (iii) the use of building materials resistant to graffiti damage, are easily repaired, cleaned or replaced,
 - (iv) the use of graffiti – resistant surface coatings,
 - (v) the use of colour schemes that will deter and deflect graffiti.
- (d) provide for a maintenance regime so that any graffiti damage that is visible from a public place should be removed or repaired as soon as is practicable.
- (3) Before carrying out development to which this clause applies, the public authority, or a person acting on behalf of a public authority, must take into consideration any guidelines that are issued by the Director General for the purposes of this clause and published in the Gazette.

- 4.37 Incorporation of Crime Prevention Through Environmental Design (CPTED) into the Infrastructure SEPP should ensure the consistent consideration and application to NSW state government buildings and infrastructure developments in NSW.
- 4.38 The Committee also notes the extensive incorporation of anti graffiti principles by councils in their Development Control Plans (DCPs). The Department of Planning, with the support of the Department of Justice and Attorney General, is to establish best practice CPTED Guidelines and a model Development Control Plan for NSW that local councils may use to encourage best practice graffiti reduction and management practices during the Development Application process. It is proposed that the guidelines be developed under the auspices of the Government funded Designing Out Crime Research Centre at the University of Technology, Sydney.
- 4.39 The Department of Justice and Attorney General and the Department of Planning will implement a program of education, training and expert advice on CPTED to professional organisations, planners, engineers, architects and designers.

RECOMMENDATION 10: The Committee supports and encourages the use of Crime Prevention Through Environmental Design through State Environmental Planning Policies, Development Control Plans and other planning instruments.

Appendix 1 – Submissions

1. Mr Iain Gray
2. Mr Lachlan Fountain
3. Mr Ron Bush
4. Mr Stuart Brown
5. Mr Louis Collier
6. Kuring-gai Council
7. Byron Shire Council
8. Vitragroup
9. Mr Garry Hancock
10. Mr Peter Conroy
11. Mr Edward Bickford OAM
12. Holroyd City Council
13. Lake Macquarie City Council
14. Tweed Shire Council
15. Minister for Community Services
16. Kiama Municipal Council
17. Blacktown City Council
18. Graffiti X
19. Lane Cove Council
20. Albury City Council
21. Fairfield City Council
22. Mr Kerry Hickey MP
23. E-Nose Pty Ltd
24. Sutherland Shire Council
25. Integral Energy
26. Manly Council
27. Great Lakes Council
 - 27a Great Lakes Council Supplementary Submission
28. Parramatta City Council
29. Gosford City Council
30. Penrith City Council
31. The Hills Shire Council
32. Armidale Dumaresq Council
 - 32a Armidale Dumaresq Council Supplementary Submission
33. Minister for Energy
34. Leichhardt Council
35. Minister for Police
36. Corowa Shire Council
37. YAPA – Youth Action & Policy Association NSW Inc
38. Mr John Turner MP
39. Wyong Shire Council
40. Bligh Park Community Services Inc

- 41. Action for Public Transport
 - 41a Action for Public Transport Supplementary Submission
- 42. Campbelltown City Council
- 43. Randwick City Council
- 44. Newcastle City Council
- 45. Liverpool City Council
- 46. City of Sydney
- 47. NSW Government
- 48. Rockdale City Council
- 49. Vandaltrak

Appendix 2 – Extracts of Minutes

Minutes of Proceedings of the Public Works Committee

10.07 am Thursday 18 March 2010

Room 1254, Parliament House

Members Present

Mr Khoshaba, MP (Chair)

Ms Andrews, MP

Mr Baumann, MP

The Hon Grant McBride, MP

Mr Page, MP

Apologies

Apologies were received from Mr Ashton and Mrs Fardell.

1. Confirmation of Minutes from previous meeting, 11 March 2010

Resolved on a motion by Mr McBride, seconded by Mr Page, that the Minutes for the previous meeting of 11 March 2010 be confirmed.

2. New Committee Inquiry into Graffiti

Resolved on a motion by Ms Andrews, seconded by Mr McBride, that the Committee conduct an inquiry into the impacts of graffiti on public infrastructure and also methods employed to protect public infrastructure from graffiti, with particular focus on:

- Social and economic impact of graffiti on public infrastructure;
- Anti graffiti policies and practices to protect public infrastructure;
- Anti graffiti practices such as mural painting programs employed NSW state and local government agencies;
- Graffiti resistant finishes and other building materials suitable for public infrastructure;
- Anti graffiti approaches taken in other jurisdictions to protect public infrastructure;
- Other relevant issues.

3. Briefing Paper on the Office of Public Works and Services

The Committee noted the Briefing Paper on the Office of Public Works and Services prepared by the Committee Manager.

The Committee adjourned at 10.25 am

Minutes of Proceedings of the Public Works Committee

10.35 am Thursday 20 May 2010

Room 814/815, Parliament House

Members Present

Mr Khoshaba, MP (Chair)

Mr Ashton, MP

Mrs Fardell, MP

Ms Andrews, MP

Mr Baumann, MP

Apologies

Apologies were received from Mr Page and Mr McBride

1. Confirmation of Minutes from previous meeting, 18 March 2010

Resolved on a motion by Ms Andrews, seconded by Mr Baumann, that the Minutes for the previous meeting of 18 March 2010 be confirmed.

3. Proposed Deliberative Meeting Dates for 2010

Resolved on a motion by Mr Baumann, seconded by Mr Ashton, that the Committee agree to meet on the proposed dates for the remainder of 2010.

3. Inquiry into Graffiti and Public Infrastructure

Resolved, on a motion by Mr Baumann, seconded by Ms Andrews that the Committee accept and publish the Submissions No. 1 – 36 on the Committee's website.

The Committee had some concerns at the vulgar nature of some of the graffiti depicted in the submissions and did not wish to give further publicity to 'taggers' and agreed to leave it to the discretion of the Committee Manager as to which images to publish.

The Committee adjourned at 10.42 am

Minutes of Proceedings of the Public Works Committee

10.35 am Thursday 3 June 2010

Room 1136, Parliament House

Members Present

Mr Khoshaba, MP (Chair)

Mr Ashton, MP

Mrs Fardell, MP

Mr Page, MP

Ms Andrews, MP

Mr Baumann, MP

The Hon Grant McBride, MP

1. Confirmation of Minutes from previous meeting, 20 May 2010

Resolved on a motion by Mr Baumann, seconded by Ms Andrews, that the Minutes for the previous meeting of 20 May 2010 be confirmed.

2. Inquiry into Graffiti and Public Infrastructure

Resolved, on a motion by Mr Page, seconded by Mrs Fardell that the Committee accept and publish the Submissions No. 37 – 45 on the Committee's website.

The Committee heard that it was still expecting some more submissions from organisations which had asked for extensions.

3. Consideration of Draft Report on Conference Attendance: 14th Annual Conference of Parliamentary Public Works and Environment Committees

Resolved, on a motion by Mr Ashton, seconded by Mr Page that the Committee adopt the Chair's draft report and agrees to the Chair tabling it.

4. 15th Annual Conference of Parliamentary Public Works and Environment Committees to be held in Canberra

The Committee discussed members' availability to attend the Public Works and Environment Committees Conference to be held in Canberra in July 2010.

Resolved, on a motion by Mr McBride, seconded by Ms Andrews that the Chair of the Committee should attend the Conference, along with one government member and one non-government member subject to availability.

The Committee adjourned at 11.05 am

Minutes of Proceedings of the Public Works Committee

10.45 am Thursday 10 June 2010

Room 814/815, Parliament House

Members Present

Mr Khoshaba, MP (Chair)

Ms Andrews, MP

Mr Ashton, MP

Mr Baumann, MP

Mrs Fardell, MP

Apologies

Apologies were received from Mr McBride and Mr Page.

1. Confirmation of Minutes from previous meeting, 8 June 2010

Resolved on a motion by Ms Andrews, seconded by Mrs Fardell, that the Minutes for the previous meeting of 8 June 2010 be confirmed.

2. Inquiry into Graffiti and Public Infrastructure

Resolved, on a motion by Mr Ashton, seconded by Mrs Fardell that the Committee accept and publish Submission No 46 from the City of Sydney on its website.

3. Future Events for the Inquiry

The Committee discussed potential witnesses for future public hearings and also destinations for visits of inspection.

The Committee adjourned at 10.55 am

Minutes of Proceedings of the Public Works Committee

10.45 am Thursday 24 June 2010

Room 814/815, Parliament House

Members Present

Mr Khoshaba, MP (Chair)

Ms Andrews, MP

Mr Baumann, MP

Mrs Fardell, MP

The Hon Grant McBride, MP

Apologies

Apologies were received from Mr Ashton and Mr Page.

1. Confirmation of Minutes from previous meeting, 10 June 2010

Resolved on a motion by Ms Andrews, seconded by Mrs Fardell, that the Minutes for the previous meeting of 10 June 2010 be confirmed.

2. Inquiry into Graffiti and Public Infrastructure

Resolved, on a motion by Ms Andrews, seconded by Mr McBride that the Committee accept and publish Submission No 47 from the NSW Government on its website.

3. Future Events for the Inquiry

The Committee discussed potential witnesses for future public hearings and also destinations for visits of inspection.

The Committee adjourned at 10.50 am

Minutes of Proceedings of the Public Works Committee

10.00 am Wednesday 11 August 2010

Room 814/815, Parliament House

Members Present

Mr Khoshaba, MP (Chair)

Ms Andrews, MP

Mr Baumann, MP

Mrs Fardell, MP

Mr Page, MP

Apologies

Apologies were received from Mr Ashton and Mr McBride.

Public Hearing

The Chair opened the Public Hearing.

Mr Brendan Thomas, Assistant Director General, Crime Prevention and Community Programs, Department of Justice and Attorney General was sworn and examined.

Evidence completed, the witness withdrew.

Mr David Dwyer, Director Community Services, Dubbo City Council was sworn and examined.

In support of his evidence, Mr Dwyer tabled documents including Dubbo City Council's Vandalism Policy.

Evidence completed, the witness withdrew.

Mr Tarek Barakat, Community Safety Officer, Community Services Department and Ms Marissa Racomelara, Crime Prevention and Youth Projects Manager of Sutherland Shire Council were affirmed and examined.

In support of their evidence Ms Racomelara tabled a 'graffiti pack' available to Sutherland Shire residents.

Evidence completed, the witnesses withdrew.

Mr Wayne Rylands, Executive Manager, Open Space and Urban Services Division, Lane Cove Council was sworn and examined.

In support of his evidence, Mr Rylands tabled a letter and documentation of graffiti incidents in the Lane Cove area.

Evidence completed, the witness withdrew.

Ms Leah Weber, Western Sydney Project Coordinator, Youth Action and Policy Association NSW, Mr Stuart Barber, Youth Worker, and Dr Kurt Iverson, Senior Lecturer in Urban Geography, School of Geosciences, University of Sydney were affirmed and examined.

Dr Iverson undertook to send the Committee a copy of an article he referred to entitled "War Is Over".

Evidence completed, the witnesses withdrew.

Mr Philip Mitchell, Maintenance Manager and Mr Peter Donohue, Coordinator, Building Operations of Gosford City Council were affirmed and examined.

Evidence completed, the witnesses withdrew.

The Committee adjourned at 2.43 pm until Thursday 2 September.

Minutes of Proceedings of the Public Works Committee

10.41 am Thursday 2 September 2010

Room 814/815, Parliament House

Members Present

Mr Khoshaba, MP (Chair)

Ms Andrews, MP

Mr Baumann, MP

Mr Page, MP

Apologies

Apologies were received from Mr Ashton, Mrs Fardell and Mr McBride.

1. Confirmation of Minutes from previous meetings, 24 June 2010 and 11 August 2010

Resolved on a motion by Ms Andrews, seconded by Mr Baumann, that the Minutes for the previous meetings of 24 June 2010 and 11 August 2010 be confirmed.

2. Inquiry into Graffiti and Public Infrastructure

Resolved, on a motion by Mr Page, seconded by Ms Andrews that the Committee accept and publish the following Submissions on its website:

- Supplementary Submission No 41a – Action for Public Transport (NSW) Inc
- Submission 48 – Rockdale City Council

3. Graffiti and Public Infrastructure Public Hearing

Resolved, on a motion by Mr Page, seconded by Ms Andrews that the Committee agrees to the publication of the corrected transcript from its Public Hearing on 11 August.

4. Future Events for the Inquiry

The Committee discussed potential witnesses for future public hearings and timelines for the conclusion of the inquiry.

The Committee adjourned at 10.50 am

Minutes of Proceedings of the Public Works Committee

10.45 am Thursday 9 September 2010

Room 814/815, Parliament House

Members Present

Mr Khoshaba, MP (Chair)

Ms Andrews, MP

Mr Baumann, MP

Mr Page, MP

Apologies

Apologies were received from Mr Ashton, Mrs Fardell and Mr McBride.

1. Confirmation of Minutes from previous meetings, 2 September 2010

Resolved on a motion by Ms Andrews, seconded by Mr Page, that the Minutes for the previous meeting of 2 September 2010 be confirmed.

2. Inquiry into Graffiti and Public Infrastructure

The Committee discussed potential dates and witnesses for a Public Hearing on the Inquiry into Graffiti and Public Infrastructure and agreed to attempt to organise it for 24 September 2010

3. Future Events for the Inquiry

The Committee discussed timelines for the conclusion of the inquiry.

The Committee adjourned at 10.51 am

Minutes of Proceedings of the Public Works Committee

10.41 am Thursday 23 September 2010

Room 814/815, Parliament House

Members Present

Mr Khoshaba, MP (Chair)

Ms Andrews, MP

Mr Baumann, MP

Mrs Fardell, MP

Mr Lalich, MP

Apologies

Apologies were received from Mr McBride and Mr Page

1. Change in Committee Membership

The Chair welcomed new member, Mr Nick Lalich MP, appointed to replace Mr Alan Ashton MP, discharged.

2. Confirmation of Minutes from previous meetings, 9 September 2010

Resolved on a motion by Mr Baumann, seconded by Ms Andrews, that the Minutes for the previous meeting of 9 September 2010 be confirmed.

3. Inquiry into Graffiti and Public Infrastructure

Resolved on a motion by Mrs Fardell, seconded by Mr Lalich that the Committee accept Submission No. 49 from Vandaltrak and publish it on its website.

4. Graffiti and Public Infrastructure Public Hearing

The Committee discussed potential dates for the postponed Public Hearing on the Inquiry into Graffiti and Public Infrastructure.

The Committee adjourned at 10.50 am

Minutes of Proceedings of the Public Works Committee

10.02 am Monday 11 October 2010

Room 814/815, Parliament House

Members Present

Mr Khoshaba, MP (Chair)

Ms Andrews, MP

Mrs Fardell, MP

Mr Lalich, MP

The Hon Grant McBride, MP

Mr Page, MP

Apologies

An apology was received from Mr Baumann.

Public Hearing

The Chair opened the Public Hearing.

Mr John Sampedro, Manager Resource and Allocation, Sydney Water was sworn and examined.

Mr Sampedro undertook to send the Committee further information in support of his evidence.

Evidence completed, the witness withdrew.

Mr Neil Walker, Principal Advisor Asset Management, Roads and Traffic Authority was sworn and examined.

Evidence completed, the witness withdrew.

Mr Andy Byford, Chief Operating Officer and Mr Paul Passmore, General Manager Innovation of RailCorp were sworn and examined.

Evidence completed, the witnesses withdrew.

Mr Greg Ross, Operations Investment Manager – Distribution Mains, Maintenance & Replacement Planning, Energy Australia was sworn and examined.

Evidence completed, the witness withdrew.

Following the Public Hearing, the Committee conducted a brief deliberative meeting where it discussed a potential timeline for concluding the current Inquiry into Graffiti and Public Infrastructure and tabling its report.

The Committee adjourned at 1.12 pm until Thursday 21 October.

Minutes of Proceedings of the Public Works Committee
10.33 am Thursday 21 October 2010

Room 814/815, Parliament House

Members Present

Mr Khoshaba, MP (Chair)

Ms Andrews, MP

Mr Baumann, MP

Mrs Fardell, MP

Mr Lalich, MP

Mr Page, MP

Apologies

An apology was received from Mr McBride.

1. Confirmation of Minutes from previous meetings, 23 September 2010 and 11 October 2010

Resolved on a motion by Mr Baumann, seconded by Mrs Fardell, that the Minutes for the previous meetings of 23 September 2010 and 11 October 2010 be confirmed.

2. Graffiti and Public Infrastructure Public Hearing

Resolved on a motion by Mr Lalich, seconded by Mr Page that the Committee agrees to the publication of the corrected transcript from its Public Hearing on 11 October on the Committee's webpage.

3. Inquiry into Graffiti and Public Infrastructure

The Committee discussed draft recommendations and subjects for the upcoming report on the Inquiry into Graffiti and Public Infrastructure.

The Committee adjourned at 11.20 am

Minutes of Proceedings of the Public Works Committee

10.33 am Thursday 28 October 2010

Room 814/815, Parliament House

Members Present

Mr Khoshaba, MP (Chair)

Ms Andrews, MP

Mr Baumann, MP

Mr Lalich, MP

Apologies

Apologies were received from Mrs Fardell, Mr McBride, and Mr Page

1. Confirmation of Minutes from previous meeting, 21 October 2010

Resolved on a motion by Mr Lalich, seconded by Mr Baumann, that the Minutes for the previous meeting of 21 October 2010 be confirmed.

2. Graffiti and Public Infrastructure Public Hearing

The Committee noted the further information provided by Mr Greg Ross of EnergyAustralia and agreed to keep it confidential.

3. Inquiry into Graffiti and Public Infrastructure

The Committee discussed further draft recommendations and subjects for the upcoming report on the Inquiry into Graffiti and Public Infrastructure.

The Committee adjourned at 11.01 am

Minutes of Proceedings of the Public Works Committee

10.31 am Thursday 11 November 2010

Room 814/815, Parliament House

Members Present

Mr Khoshaba, MP (Chair)

Ms Andrews, MP

Mr Baumann, MP

Mr Lalich, MP

The Hon Grant McBride, MP

Mr Page, MP

Apologies

An apology was received from Mrs Fardell.

1. Confirmation of Minutes from previous meeting, 28 October 2010

Resolved on a motion by Mr Lalich, seconded by Ms Andrews, that the Minutes for the previous meeting of 28 October 2010 be confirmed.

2. Inquiry into Graffiti and Public Infrastructure

The Committee adopted the draft recommendations and outline for the upcoming report on the Inquiry into Graffiti and Public Infrastructure and discussed a timeline for completing and tabling the report.

3. Next Meeting

The Committee agreed to conduct a brief deliberative meeting on Tuesday 23 November at 12.30 pm.

Remembrance Day: At 11.00 am, meeting interrupted and members and officers stood in silence for one minute in memory of those who had made the supreme sacrifice.

The Committee adjourned at 11.03 am

Minutes of Proceedings of the Public Works Committee

12.32 pm Tuesday 23 November 2010

Room 1136, Parliament House

Members Present

Mr Khoshaba, MP (Chair)

Ms Andrews, MP

Mr Baumann, MP

Mr Lalich, MP

Mr Page, MP

Apologies

Apologies were received from Mrs Fardell and Mr McBride.

1. Confirmation of Minutes from previous meeting, 11 November 2010

Resolved on a motion by Mr Lalich, seconded by Mr Baumann, that the Minutes for the previous meeting of 11 November 2010 be confirmed.

2. Consideration of Draft Report into Graffiti and Public Infrastructure

Mr Page proposed that the Report be amended as follows:

Insert further information prior to Recommendation 6 regarding reporting graffiti damage to NSW Police.

The Committee agreed to this amendment.

Ms Andrews proposed that the Report be amended as follows:

Remove the word 'consider' from Recommendation 7 so that it reads 'All councils and NSW state infrastructure providers should subscribe to the Australian Graffiti Register.'

The Committee agreed to this amendment.

Appendix 2

Resolved on the motion of Mr Lalich, seconded by Mr Baumann that the Committee agree to the Chair tabling the report as amended subject to typographical corrections and formatting by the secretariat.

The Committee adjourned at 12.43 pm