

6 May 2010

Standing Committee on Public Works  
Parliament House  
Macquarie Street  
Sydney  
NSW 2000

**Response by AlburyCity to the Legislative Assembly's Standing Committee on Public Works  
Inquiry into the effects of graffiti on public infrastructure**

Albury is extremely concerned about the effects of graffiti on public infrastructure.

***Social and Economic Impacts of graffiti on public infrastructure***

- The economic impact of graffiti on AlburyCity is considerable. In the first nine months of the 2009 / 2010 financial year, the cost of graffiti, as separate to other forms of malicious damage, was \$85,000. The real cost includes loss of opportunity for city development because of the need to spend this amount on removal of damage rather than provide new facilities etc.
- Research indicates that community perception of safety is compromised by the presence of graffiti, and this in turn could impact on tourism, home values and attraction of businesses to the city. These social impacts may be affecting Albury, even though at this stage this has not been measured.

***Anti graffiti policies and practices to protect public infrastructure***

- A draft AlburyCity Graffiti Management Policy has been formulated and is attached.
- AlburyCity is currently developing a Crime Prevention Plan focusing on Graffiti Management as the most significant crime in the Albury LGA. This plan will document a range of strategies to be implemented over the next three years.
- Albury PCYC has developed a program working with young graffiti offenders to develop their skills into legal artistic practice, and subsequently into employment.
- AlburyCity is supporting young people by providing neighbourhood public space for them to showcase their artwork and to promote legal forms of street art.

***Anti graffiti practices used by AlburyCity***

- AlburyCity has used graffiti resistant surfaces on pedestrian walkways, major signs and outdoor areas. Such practices will be formalised through a Graffiti Management implementation procedure over the coming months.

***Graffiti resistant finishes and other building materials suitable for public infrastructure***

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

***Other relevant issues***

- The Albury Crime Prevention Committee was re-formed in December 2009, consisting of members of NSW Police, AlburyCity Council and Youth Council, Albury and Northside Chambers of Commerce, an indigenous representative, the local Member of Parliament for Albury and an Albury Liquor Accord representative. The committee decided to focus on graffiti as their first issue. This followed a report which indicated that graffiti had cost AlburyCity \$85,000 in the first nine months of the 2009 / 2010 financial year.
- AlburyCity Council and the Department of Juvenile Justice are in the process of establishing a partnership whereby AlburyCity and Department of Juvenile Justice staff will supervise young offenders, who are given a court order, in the cleaning off of graffiti.
- The Albury and Northside Chambers of Commerce actively encourage their members to remove graffiti rapidly and have graffiti removal kits available for sale.
- AlburyCity has considered the authority given to Councils through the NSW Graffiti Control Act. Part 4 of this Act gives Councils the opportunity to remove graffiti from private property, at Council's cost. Any damage to property done via the graffiti removal is also to be compensated at Council's cost. If Council was to determine to act in this matter there would be significant cost implications for Council and the community.

Thank you for the opportunity to comment on the effects of graffiti in the Albury Local Government Area.

Yours faithfully



L G Tomich  
**General Manager**

|                    |   |                    |
|--------------------|---|--------------------|
| <b>CATEGORY</b>    | Community (C)                           |                    |
| <b>GROUP TEAM</b>  | Community & Recreation                  |                    |
| <b>POLICY NAME</b> | <b>Draft</b> Graffiti Management Policy | <b>TRIM No</b> TBA |



## PURPOSE

The Graffiti Management Policy has been formulated to enhance Albury's environment by minimising the impact of graffiti. This policy provides AlburyCity with a framework through which to respond to the appearance of graffiti in Albury, while ensuring adequate opportunities for the display of street art.

## SCOPE

AlburyCity seeks to reduce the social, environmental and economic impacts of graffiti in the Albury district.

This policy will apply to the following sections of AlburyCity:

- Engineering
- Community & Recreation
- Corporate Services - Finance
- Planning & Economic Development

## INTRODUCTION

Graffiti is evident throughout Australia regardless of social, economic or cultural status within the community.

Graffiti is variously described as crime, defacement, property vandalism or street art. Residents are often legitimately angry when vandals deface their homes, business premises, public places and open space. Graffiti vandalism adds to an atmosphere of neglect and urban decay, and distorts perceptions regarding the actual level of crime and safety.

Graffiti is illegal in New South Wales. Damaging or defacing property by means of chalk, paint, felt tip markers or any other material is an offence. This offence is reported by the NSW Police as malicious damage.

This policy has been developed in response to the increasing acts of graffiti vandalism within Albury. Illegal graffiti is of ongoing concern to the general community and within the Albury Local Government Area (LGA). Graffiti incurs substantial social and economic costs to the community. In the first nine months of the 2009 / 2010 financial year, graffiti removal cost AlburyCity \$85,000. AlburyCity has an active removal process which involves AlburyCity staff and the use of local contractors where necessary.

The aim of this policy is to create and maintain a safer, more attractive environment for residents, businesses and visitors by effectively preventing and managing graffiti vandalism. This will in turn promote increased levels of pride, confidence and ownership of local neighbourhoods.

## OBJECTIVES

- To enhance Albury's built and natural environment by reducing incidents of graffiti.
- To remove graffiti as quickly as possible as a deterrent to graffiti vandals.
- To involve the local community and young people as partners in reducing graffiti, and
- To remove graffiti using environmentally sustainable methods to minimise harm to the environment.

## POLICY PRINCIPLES

AlburyCity's Graffiti Management Policy is based on the following principles:

- The need for a holistic program that considers a broad range of community interests.
- Residents' concerns about graffiti and owner/occupier rights to graffiti free assets.
- Efficient and cost effective graffiti management strategies.
- The importance of community consultation and solutions relating to graffiti and programs for youth.
- The involvement of various groups within Council and key government agencies regarding innovations to deter graffiti, by way of design and planning concepts.
- The four key elements recognized to have effect on minimization of the impact of graffiti:
  - prevention
  - continual removal
  - prosecution and
  - education.

## DEFINITIONS

For the purposes of the AlburyCity's Graffiti Management Policy:

### **"The Act"**

Means the NSW *Graffiti Control Act 2008*

### **Graffiti**

Means any inscription, word, figure or word design that is marked, etched, scratched, drawn, sprayed, painted, pasted, applied or otherwise affixed to or on any surface of any structure and includes any remnants of same such as adhesives, glues, tape, shadows or colour variations remaining after removal.

### **Graffiti Register**

Means the register that is required to be developed and maintained in accordance with Part 4, No 13 of the *Graffiti Control Act 2008*

### **Owner's Consent**

Means the consent required from the owner/occupant in order to remove graffiti from a property.

## LEGISLATION

### Graffiti Control Act 2008

The Graffiti Control Act 2008 received Royal Assent on 3 December 2008. Subsequently the Graffiti Control Amendment Act received Royal Assent on 30 November 2009 and introduced the following amendments which:

- Make it an offence for a person under the age of 18 years to be in possession of a spray paint can, unless the spray paint can is possessed for a lawful purpose such as education, employment and legal art on site.
- 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 or legal art.
- Allow people fined for graffiti offences to do community clean-up work with an education component in lieu of the fine amount.
- Increase the maximum penalty for graffiti vandalism from 6 months to 12 months jail and possession of a graffiti implement from 3 months to 6 months jail.
- Approve the drafting of a regulation or legislation to include certain council officers as 'authorised persons' to issue penalty notices under section 16 (8)(b) of the *Graffiti Control Act 2008*.
- Establish a consistent, co-ordinated, scaleable scheme to increase the use of Community Service for offenders.

## POLICY IMPLEMENTATION

### Key Elements

While it is not possible to eliminate graffiti altogether, the following elements are considered important in the control and determent of graffiti crime.

These elements aim to:

- Prevent the recurrence of illegal graffiti through rapid removal;
- Educate the community about the illegality of graffiti;
- Prevent the recurrence of illegal graffiti through the diversion or prosecution of offenders;
- Lessen the negative financial and social impact of illegal graffiti; and
- Reduce the fear of crime in the community.
- Consider local opportunities for residents to perform legitimate street art.

### Implementation Strategies

AlburyCity's Graffiti Management Policy when implemented will focus on the following fundamentals:

- Regular inspection regime and removal of graffiti based on assessment.
- Photographic recording of graffiti to assist when requested by police in the process of identifying offenders.

- Promoting the reporting of graffiti within community safety promotional material developed in collaboration with AlburyCity Engineering Services
- Consideration of opportunities in key areas for legitimate street art.

## **POLICY GUIDELINES**

### **Rapid Removal**

An effective strategy against illegal graffiti is to remove it as quickly as possible and to persist in removing it. Removal of graffiti should be done as soon as possible because:

- Graffiti removal products dissolve paint more easily if it is not completely dried and hardened;
- The appearance of the property and the neighbourhood is improved making it a less likely target for illegal graffiti and dumped waste;
- Illegal graffiti vandals will be deprived of the reward/satisfaction of recognition.

### **Council Property**

- AlburyCity officers or contracted companies will inspect areas in response to reporting.
- AlburyCity officers or contracted companies will remove graffiti on priority basis from Council assets or public places as soon as practical after identification
- AlburyCity staff or companies contracted will remove offensive, racist or obscene graffiti on council assets or public property usually within 24 hours of being reported.
- Residents/ratepayers will be encouraged to call AlburyCity Customer Service to report graffiti on public property.
- All products designed for the removal of graffiti and used by AlburyCity should be handled under OH&S principles and used in accordance with manufacturers' recommendations.
- Removal of graffiti will be within resource constraints.

### **Private Property**

The legislation below, which outlines councils' authority to remove graffiti from private property, has potential implications for councils. As such, there needs to be serious discussion and investigation before AlburyCity determines future actions. Two options are presented below:

#### **Option 1**

Under Part 4 of the *Graffiti Control Act 2008*, AlburyCity may remove graffiti on private property with or without the agreement of the owner or occupier, where the graffiti is visible from a public place. This graffiti removal can only be carried out from a public place.

For each incident of graffiti removed from publicly accessible private property, AlburyCity will:

- Take photographic and written evidence of the graffiti incident (pre and post removal) and the state of structure;
- Update the graffiti register (as per Part 4 of the *Graffiti Control Act 2008*) within a reasonable period of the removal of the incident;

- Within a reasonable period of removal, provide the owner/occupier of the property concerned with written notice that the removal has occurred; and
- Meet all costs associated with the removal of the graffiti, including compensation for any damage caused by AlburyCity in carrying out graffiti removal work.

**OR**

## **Option 2**

AlburyCity staff may remove graffiti from private property by cooperation and discussion with owners.

## **GENERAL**

### **Public Enquiries**

Members of the community can report incidents of graffiti to the NSW Police on the Police Assistance Line on 131444. Graffiti on council property should be reported to AlburyCity on 02 60238111. AlburyCity staff should also keep records of and provide information to NSW Police or any other appropriate organization when requested.

### **Heritage Structures**

Special care is to be taken in removing graffiti from heritage structures and monuments. Contact should be made with AlburyCity's town planning team to determine if any approval is required to be obtained prior to the removal of the graffiti from heritage structures. Should the graffiti be located on private property, AlburyCity will consider Part 4 of the Graffiti Control Act, as appropriate.

### **Community Education / Awareness**

AlburyCity's graffiti management program will be promoted to residents and ratepayers during regular community forums and in AlburyCity's publications.

AlburyCity currently offers a reward of up to \$2000 to members of the public for information and evidence provided which could be used by the relevant authorities for identification and arrest of any offender(s) who take an active part in any act of vandalism, including graffiti or wilful damage.

Promotional material will also be developed and distributed to increase community awareness of graffiti removal and prevention strategies, to assist with the management of graffiti on private property.

### **Engaging The Youth Community**

Evidence indicates that social connectedness and community involvement leads to improved wellbeing and positive perceptions of safety through increased knowledge, skills and confidence to deal with local safety concerns.

AlburyCity will investigate partnerships with appropriate youth organizations to develop initiatives which discourage graffiti, foster art skills or involvement in graffiti removal programs.

## Juvenile Justice Program

AlburyCity has approved the development of a partnership with the Department of Juvenile Justice whereby teams of 4-5 juvenile offenders, who have received court mandated Community Service Orders, will work with a supervisor to monitor and remove graffiti from Council sites. The Department's objective is to give young offenders the best possible opportunity to choose positive alternatives to re-offending.

## PLANNING

AlburyCity will promote the use of innovative graffiti prevention techniques in the planning of new public buildings and infrastructure. At the time of submitting a Development Application or seeking building approval, AlburyCity will discuss with developers and owners of private commercial buildings design aspects and building finishes which may minimize the opportunity of structures to be targeted by graffiti vandals.

## AUTHORISATION

|                        |  |  |
|------------------------|--|--|
| <b>Status</b>          | <b>Committee</b>   | Community & Cultural Committee Meeting |
|                        | <b>Manex</b>   | 4 May 2010                             |
|                        | <b>Council</b>   | TBA                                    |
| <b>Owner</b>           | Community & Recreation – Community Development           |  |
| <b>Compliance</b>      |  |  |
| <b>History</b>         | This is a new Policy developed by Community Development. |  |
| <b>Other</b>           | This policy incorporates the 2007 Vandalism Policy       |  |
| <b>Last issued TBA</b> |  | <b>Review TBA</b>                      |