

**NSW PARLIAMENTARY LIBRARY  
RESEARCH SERVICE**

**Dealing with Graffiti in New  
South Wales**

by

**Rachel Callinan**

**Briefing Paper No 8/02**

## **RELATED PUBLICATIONS**

- Marie Swain, *Commentary on the Children (Parental Responsibility) Bill 1994 and Summary Offences and Other Legislation (Graffiti) Amendment Bill 1994*, Briefing Note No 034/94.

**ISSN 1325-5142**

**ISBN 0 7313 17122**

May 2002

© 2002

Except to the extent of the uses permitted under the *Copyright Act 1968*, no part of this document may be reproduced or transmitted in any form or by any means including information storage and retrieval systems, with the prior written consent from the Librarian, New South Wales Parliamentary Library, other than by Members of the New South Wales Parliament in the course of their official duties.

## **NSW PARLIAMENTARY LIBRARY RESEARCH SERVICE**

David Clune (MA, PhD, Dip Lib), Manager ..... (02) 9230 2484

Gareth Griffith (BSc (Econ) (Hons), LLB (Hons), PhD),  
Senior Research Officer, Politics and Government / Law ..... (02) 9230 2356

Rachel Callinan (BA, LLB), Research Officer, Law ..... (02) 9230 2768

Rowena Johns (BA (Hons), LLB), Research Officer, Law ..... (02) 9230 2003

Roza Lozusic (BA, LLB), Research Officer, Law ..... (02) 9230 3085

Stewart Smith (BSc (Hons), MELGL), Research Officer, Environment ... (02) 9230 2798

John Wilkinson (BA (Hons), MA), Research Officer, Economics ..... (02) 9230 2006

**Should Members or their staff require further information about this publication please contact the author.**

Information about Research Publications can be found on the Internet at:

[www.parliament.nsw.gov.au/WEB\\_FEED/PHWebContent.nsf/PHPages/LibraryPublications](http://www.parliament.nsw.gov.au/WEB_FEED/PHWebContent.nsf/PHPages/LibraryPublications)

## CONTENTS

### EXECUTIVE SUMMARY

<b>1.</b>	<b>INTRODUCTION .....</b>	<b>2</b>
<b>2.</b>	<b>WHAT IS GRAFFITI? .....</b>	<b>2</b>
<b>2.1</b>	<b>Hip hop graffiti and tagging .....</b>	<b>3</b>
<b>2.2</b>	<b>Other forms of graffiti .....</b>	<b>4</b>
<b>3.</b>	<b>GRAFFITI IN NSW .....</b>	<b>5</b>
<b>3.1</b>	<b>Incidences.....</b>	<b>5</b>
<b>3.2</b>	<b>Where does graffiti occur – victims of graffiti .....</b>	<b>6</b>
<b>3.3</b>	<b>Who writes graffiti and why? .....</b>	<b>7</b>
<b>3.4</b>	<b>Criminal charges for graffiti activity in NSW.....</b>	<b>9</b>
<b>3.5</b>	<b>Cost of graffiti in NSW .....</b>	<b>9</b>
<b>4.</b>	<b>GENERAL APPROACHES TO DEALING WITH GRAFFITI.....</b>	<b>11</b>
<b>4.1</b>	<b>Deterrence.....</b>	<b>11</b>
<b>4.2</b>	<b>Prevention.....</b>	<b>11</b>
<b>4.3</b>	<b>Focus on youth and their place in society .....</b>	<b>12</b>
<b>4.4</b>	<b>Encouraging and facilitating legal graffiti .....</b>	<b>12</b>
<b>4.4</b>	<b>Removal of graffiti .....</b>	<b>13</b>
<b>5.</b>	<b>NSW STRATEGIES AND INITIATIVES FOR DEALING WITH GRAFFITI.....</b>	<b>14</b>
<b>5.1</b>	<b>NSW Government’s Graffiti Solutions Program.....</b>	<b>15</b>
<b>5.2</b>	<b>Understanding graffiti and developing solutions.....</b>	<b>16</b>
<b>5.3</b>	<b>Criminal offences .....</b>	<b>18</b>
<b>5.3.1</b>	<b>Property offences .....</b>	<b>18</b>
<b>5.3.2</b>	<b>Specific graffiti offences .....</b>	<b>19</b>
<b>5.4</b>	<b>Detection of graffiti offenders.....</b>	<b>20</b>
<b>5.5</b>	<b>Prevention.....</b>	<b>22</b>
<b>5.5.1</b>	<b>Restriction of the sale of spray paint.....</b>	<b>22</b>
<b>5.5.2</b>	<b>Urban design and community crime prevention .....</b>	<b>22</b>
<b>5.6</b>	<b>Removal initiatives.....</b>	<b>23</b>
<b>5.6.1</b>	<b>Community service orders .....</b>	<b>23</b>
<b>5.6.2</b>	<b>Removal of graffiti and local government .....</b>	<b>24</b>
<b>5.6.3</b>	<b>Graffiti removal and harm minimisation technologies .....</b>	<b>27</b>
<b>5.7</b>	<b>Legal graffiti projects .....</b>	<b>27</b>
<b>5.8.</b>	<b>Graffiti and the Internet.....</b>	<b>29</b>
<b>6.</b>	<b>STRATEGIES IN OTHER JURISDICTIONS .....</b>	<b>30</b>
<b>6.1</b>	<b>Other Australian States and Territories.....</b>	<b>30</b>
<b>6.2</b>	<b>Overseas jurisdictions.....</b>	<b>31</b>
<b>7.</b>	<b>CONCLUSION.....</b>	<b>32</b>

## EXECUTIVE SUMMARY

This paper examines the occurrence and practice of graffiti in NSW and the ways in which it has been dealt with in recent years. It is the harm caused by graffiti to the community, in terms of property damage and fear of crime, that is the main focus for state and local government and community groups. Like other types of petty crime, its existence seems to be entrenched and government initiatives tend to focus on controlling graffiti, and minimising the harm caused by graffiti, rather than eradicating it.

The term 'graffiti' is generally used as an all-encompassing label for any illegal writing or drawing on buildings, trains, fences etc. There are various types of graffiti. The most prevalent is the practice of 'tagging' an identifying word, with spray paint or a wide felt tip pen, in a publicly visible place. Tagging is commonly described as being a derivative of the 'hip hop graffiti culture' originating in the USA in the 1970's. Other types of graffiti include, political/social, humorous, racist, malicious and gang graffiti. An understanding of the differences among the types of graffiti is useful for understanding the practice of graffiti and developing and undertaking strategies to deal with it. **Section 2.**

An understanding of various issues provides an overall picture of the practice and impact of graffiti in NSW, including: the incidences of graffiti; where graffiti occurs; who writes graffiti and why; the number of criminal charges for graffiti activity; and the cost of graffiti to the NSW community. **Section 3.**

There are some general approaches to dealing with graffiti that have been employed in various overseas and Australian jurisdictions. Initial efforts to deal with the proliferation of graffiti throughout the 70's and 80's, in NSW and elsewhere, centred on deterrence through criminal offences and law enforcement. However, the necessity for a more wholistic approach to graffiti soon became apparent. New approaches focus on: harm minimisation through the use of protective coatings; prevention through measures such as surveillance, urban design and restriction of the sale of spray paint; improved graffiti removal technology; and focusing on youth, their place in society and the promotion of legal graffiti initiatives. **Section 4.**

A concerted effort to tackle graffiti in NSW was commenced by the Carr Government in June 1997, with the launch of the Graffiti Solutions Program. The Program is described as a state-wide strategy aimed at building a broader understanding of graffiti issues in NSW to better coordinate responses to these issues at all levels of government and the community. **Section 5.1.** As well as the NSW State Government, local government and community groups in NSW also undertake anti graffiti initiatives. The various measures employed in NSW to deal with graffiti are include:

- Initiatives to understand graffiti and to develop graffiti solutions, including the provision of information on graffiti and recent research. **Section 5.2.**
- Several NSW property offences encompass graffiti and, in addition, there are specific graffiti offences in NSW. **Section 5.3.**
- Various methods are used by NSW Police, transport agencies, etc to detect graffiti offenders. **Section 5.4.**
- Prevention initiatives include: a Voluntary Industry Strategy for the responsible retailing of

spray paint; the use of urban design to minimise the opportunity for graffiti; and community crime prevention. A bill currently before the NSW parliament proposes to prescribe the restriction of the display of spray paint for sale in NSW. **Section 5.5.**

- Removal initiatives undertaken in NSW include: the Graffiti Clean-Up Community Service Orders Scheme; the provision of removal information and assistance to private property owners by local councils; the removal of graffiti by local councils; the Graffiti Blasters Program; and the development and promotion of graffiti removal and harm minimisation technology. A bill is currently before Parliament to increase the powers of local government to remove graffiti from private property. **Section 5.6.**
- Legal graffiti projects, such as, graffiti walls, murals and exhibitions and graffiti art classes, are viewed as an important component of a successful graffiti strategy. Many legal graffiti projects have been undertaken in NSW, and, since 1999, the NSW Government's Beat Graffiti Grants Scheme provides financial assistance for legal graffiti projects. **Section 5.7.**
- Several graffiti sites displaying NSW graffiti have surfaced in the last two years, presenting a new dimension to tackling the graffiti problem. **Section 5.8.**

Some other Australian jurisdictions, such as South Australia, have well developed graffiti strategies, while in others, graffiti is dealt with on more of an ad hoc basis, by various state government agencies, local governments and community organisations. Some notable initiatives and strategies in other jurisdictions include: tough custodial penalties for graffiti offenders; restricting the display for sale of spray paint; and banning the sale of spray paint to minors. **Section 6.1.**

The USA is one of the most progressive countries when it comes to anti-graffiti initiatives. Some innovative approaches to dealing with graffiti in the USA include: providing incentives for citizens to use protective coatings to minimise the damage caused by graffiti; revoking graffiti offender's drivers licences; banning the sale of spray paint to minors; and banning the possession of spray paint in public places. **Section 6.2.**

## 1. INTRODUCTION

The term 'graffiti' is generally used as an all-encompassing label for any illegal writing or drawing on buildings, trains, fences etc. There are different forms of graffiti, the most prevalent being the practice of 'tagging' an identifying word with spray paint or a wide felt tip pen in a publicly visible place. Graffiti is a well studied practice, as noted by Alonso: '...psychologists, sociologists, linguists, law enforcement, anthropologists and geographers have studied graffiti. It has been examined to understand adolescent personality, ancient cultures, sexual attitudes, artistic style, gender differences, behaviour, communication, female suppression and territoriality.'<sup>1</sup>

It is the harm caused by graffiti to the community, in terms of property damage and fear of crime, that is the main focus for state and local government. Like other kinds of petty crime, its existence seems to be entrenched and government initiatives tend to focus on controlling graffiti rather than eradicating it. Initial efforts to deal with the proliferation of graffiti in the 80's and 90's, in NSW and elsewhere, centred on law enforcement and deterrence. However, as the problem showed few signs of abating, the necessity of a more holistic approach to graffiti was realised. New approaches and initiatives borrowed in many cases from successful measures employed in various states of the USA have been used. These include a focus on harm minimisation, prevention through urban design and restriction of the sale of spray paint plus initiatives that focused on the motivations of graffiti writers, as well as ever more sophisticated law enforcement techniques and harsher punishments. The NSW Government turned the spotlight on graffiti in the late 90's and has worked to develop a state-wide approach to dealing with graffiti that incorporates many of these elements. Graffiti is a multi faceted practice requiring a multi faceted response.

## 2. WHAT IS GRAFFITI?

With reference to contemporary culture, practice and nomenclature, it is helpful to differentiate the writing of political slogans and humorous, racist or personal graffiti from the form of graffiti commonly described as emerging from New York City in the 1970's. This form of graffiti is related to the style of music called 'hip hop' and is therefore commonly referred to as 'hip hop graffiti'. This form of graffiti and particularly its simplest manifestation - 'tagging' - is the most prevalent form of illegal writing on public spaces in NSW, as it is elsewhere. Knowledge of the background differences in forms of graffiti assists in understanding the practice of graffiti, the motivations of graffiti writers and the strategies that may be useful in dealing with it. All of these forms of graffiti are illegal.

---

<sup>1</sup>

Alonso A, *Urban Graffiti on the City Landscape*, paper presented at the Western Geography Graduate Conference, San Diego State University, 14/2/98, p 1. For other literature on the subject of graffiti see the reading list in *NSW Graffiti Solutions Handbook for Local Government, Planners, Designers and Developers*, New South Wales Premier's Department 2000, pp 105-109.

## 2.1 Hip hop graffiti and tagging

This form of graffiti involves a person using spray paint, or wide felt tip pens, to write or draw an identifying word, similar to a nickname, on a space that is generally exposed to the public, most infamously on trains and the walls of buildings. Its origin is generally identified to be New York City of the 1970's. It is closely aligned with hip hop music culture, in that people who practice graffiti are also interested in hip hop music and associated activities such as break dancing. It is therefore referred to commonly as 'hip hop graffiti'. Over the years, hip hop graffiti has developed its own culture, including history, rules, language and legends.<sup>2</sup>

Graffiti artists commonly refer to themselves as 'writers' and the act of graffiti as 'writing'. Graffiti ranges from basic 'tags', which are short stylised signatures of a writer comprising letters and/or numbers, to larger 'bubble' styled outlines called 'throw-ups' and more complex 'pieces' which incorporate the writer's tag in a more sophisticated fashion and may include characters as well. When reference is made to 'graffiti art' or 'aerosol art' it is generally pieces that are referred to. Graffiti may occasionally include statements about the writer, or an element of graffiti culture, but will generally not be political, racist or humorous. The aim for writers is to make their own tags known by writing in as many places as possible and to improve their skills to gain a reputation as a talented graffiti writer. The degree of difficulty of writing a particular tag, throw up or piece in hard to reach, prominent places earns the writer credibility amongst other writers. Writing pieces is more prestigious, but due to time and opportunity constraints, tags are more common. Graffiti writers often work in groups called 'crews' which can be very well organised.<sup>3</sup> Graffiti crews are often confused in the press with criminal gangs. However, the sole purpose of a graffiti crew is to write graffiti and unlike gangs, graffiti crews rarely engage in violence or other criminal activities (gang graffiti is discussed briefly below).<sup>4</sup> The dedication required to perfect graffiti skills, cooperation with and respect for other members of a group, are all things that are desired in young people and in this respect have been identified as positive aspects of this activity.

The graffiti culture has a forum in books, films, magazines and Internet sites dedicated to graffiti. There are thousands of graffiti sites on the Internet, some of which are NSW based, displaying illegal (and some legal) graffiti work, interviews, articles, and facilitating online forums. Some sites also sell magazines, clothing, video's and graffiti equipment such as spray can caps and felt tip pens. Acknowledging that hip hop graffiti has its own 'culture' may be offensive to those who believe that, by doing so, the practice is lent a degree of credibility or acceptance that it does not deserve. However, others argue that not acknowledging this background alienates those involved in it, precludes an understanding of why young people write graffiti and prevents government from harnessing the positive aspects of graffiti to develop strategies that benefit young people.

---

<sup>2</sup> For recent research into Australian graffiti culture see: Halsey M and Young A, *Graffiti Culture Research Project, Final Report*, March 2002. For information about graffiti culture in the USA, see: Powers S, *The Art of Getting Over – Graffiti at the Millennium*, St Martin's Press, New York, 1999, which documents the graffiti writing of several famous US graffiti writers.

<sup>3</sup> See, for example, the news report of a graffiti crew in Newcastle that stored spray paint cans in a false floor of a van and kept photographs of their work: 'Graffiti gang hid cans in van floor', *The Daily Telegraph*, 28/3/01, p 22.

<sup>4</sup> For an interesting analysis of the difference between graffiti crews and gangs in Los Angeles see: Phillips S, *Wallbangin' – Graffiti and Gangs in LA*, The University of Chicago Press, 1999.



The proliferation of tags, which are usually illegible to the general public, has provoked the strongest reaction from the NSW community and government. It appears that many people are choosing to engage solely in tagging rather than involving themselves in the hip hop graffiti culture which, putting aside its illegality for a moment, arguably has some positive elements for young people. Even some adherents of the hip hop graffiti culture view tagging in this way with disdain.<sup>5</sup>

## 2.2 Other forms of graffiti

There are a variety of other forms of graffiti that have been around a lot longer than hip hop graffiti and which are differentiated by the motivations of those who do them. These forms can be opportunistic in the sense that the decision to do it is made because an opportunity presents itself, while others may be more deliberate acts designed to convey a specific message.

*Political/social:* This form of graffiti involves words expressing a political or social viewpoint displayed in a prominent public place. Political/social graffiti can be random or organised. Many will be familiar with the Billboard Utilising Graffiti's Against Unhealthy Promotions ('BUGA UP') movement in the 1980's. BUGA Up was responsible for attacking the advertising billboards of cigarette companies all over Sydney and in other parts of NSW and Australia by spray painting slogans and the BUGA UP name.<sup>6</sup>

*Humorous:* Opportunistic writing of a humorous nature often appears on advertising billboards, bathroom doors and walls.

*Racist:* Racist graffiti vilifying certain groups in the NSW community occurs frequently in many parts of Sydney on walls, bathrooms, and public transport.

*Malicious:* Pointless, malicious graffiti includes scratches, names, obscenities and other words written or marked into a variety of surfaces including seats on public transport, school yards, public toilets etc. As noted above, it appears that the practice of 'tagging' is becoming more and more distinguished from hip hop graffiti culture and can more accurately be located within this category of malicious graffiti. Some other forms of vandalism, such as slashing seats on trains, are closely related to this form of graffiti.

*Gang graffiti:* Graffiti is used by some gangs as a method of marking out territory and intimidating rival gang members. While this form of graffiti is widespread in many American cities, it is not as common in Australia. This is primarily because there are not as many gangs operating in Australian cities and those that do, such as bkie gangs, do not generally use graffiti.<sup>7</sup>

---

<sup>5</sup> The practice of tagging in Australian is described in detail in: Halsey and Young, n 2, pp 6 and 9.

<sup>6</sup> 'Extra Mild', *The City Weekly*, 10-16/9/98, p 18. For other examples of political and social graffiti see the speech given by Richard Neville at the Keep Australian Beautiful Seminar in June 1997 which can be viewed at: [www.graffiti.nsw.gov.au/ruchardnevillespeech.htm](http://www.graffiti.nsw.gov.au/ruchardnevillespeech.htm).

<sup>7</sup> Much has been written about gangs and gang graffiti in the US, but little specific to Australia. For an interesting account of the use of graffiti by gangs in Los Angeles see: Phillips, n 4.

*Advertising*: The influence of graffiti has also been seen lately in advertising. For example, last November, hundreds of fluorescent green crosses advertising Microsoft's new games system *Xbox*, appeared on footpaths in some Sydney suburbs.<sup>8</sup> This form of advertising has emerged in the last couple of years and either washes away over time, or is removed by local councils.

### 3. GRAFFITI IN NSW

Graffiti attracts a fairly high level of media attention in NSW, with the state and local newspapers frequently reporting graffiti incidences, the death or injury of graffiti writers, and new initiatives to combat graffiti. An overview of the graffiti problem in NSW is set out in this section. Unfortunately there seems to be few available statistics concerning graffiti in NSW, although, in March 2000, the NSW Bureau of Crime Statistics and Research ('limited information available on graffiti incidences, distribution of occurrence and offender characteristics in NSW (which are indicative of trends, rather than conclusive).<sup>9</sup> The lack of statistical information was noted in 1990 by Geason and Wilson in their report for the Australian Institute of Criminology on preventing graffiti and vandalism. This still seems to be the case despite their recommendation that: 'comprehensive statistics should be kept on vandalism so the scope of the problem can be understood and methods of preventing vandalism and graffiti and repairing vandalised property should be shared among victims'.<sup>10</sup> More comprehensive statistical information is needed to establish the precise nature and extent of the graffiti problem in NSW and to measure the effectiveness of the recent anti-graffiti strategies outlined in Section 5.

#### 3.1 Incidences

The BOCSAR report states that in 1999, NSW Police recorded 6,870 separate incidents of graffiti in NSW.<sup>11</sup> It went on to note that while there was some fluctuation in the number of recorded incidences between 1995 and 1999, there was been no apparent upward or downward trend and that generally, the recorded incidences of graffiti did not fluctuate greatly from month to month. The report warns, however, that these figures should be viewed with caution because only a very small proportion of graffiti incidents are reported to police.<sup>12</sup> BOCSAR speculates that this may be because only a small proportion of all criminal incidents are ever reported to

<sup>8</sup> 'X marks the spot of bother which makes cleaner cross', *The Sydney Morning Herald*, 14/11/01, p 5 and 'Microsoft outlook', *The Sydney Morning Herald*, 15/11/01, p 26. See also: 'Is the writing on the wall for graffiti ads', *The Australian Financial Review*, 19/6/01. It was reported that effected Councils threatened legal action, but later reports indicated that the company removed the logo's before this occurred: 'Microsoft outlook', *The Sydney Morning Herald*, 15/11/01, p 26.

<sup>9</sup> Fitzgerald J, 'Graffiti in New South Wales', *NSW Bureau of Crime Statistics and Research*, Issues Paper No 5, March 2000. The main data source for the information presented in this paper is the Computerised Operational Policing System, Local Court appearances and the Australian Bureau of Statistics' annual Crime and Safety Survey.

<sup>10</sup> Geason S and Wilson P, *Preventing Graffiti and Vandalism*, Australian Institute of Criminology, Crime Prevention Series, 1990, p 71.

<sup>11</sup> Fitzgerald, n 9, p 3.

<sup>12</sup> *ibid*, p 2.

police, the perception being that there is often nothing the police can do, or that the offence is too trivial to report.

Apart from NSW Police statistics, another way of gathering information about the level of graffiti was employed by the Rockdale City Council in 1998. In April and again in October that year, the Council conducted an *audit* of graffiti its local government area.<sup>13</sup> The audit provided a snapshot of the extent, type and sites of local graffiti and changes between the audit periods. The Council concluded that ‘while the audit process is relatively time consuming, a great deal of social environment data can be collected. Issues about graffiti can be readily cross-referred with planning, safety, youth recreation, and tourism and inter-generational relations issues.’<sup>14</sup> Further audits have not been undertaken and the Council advises that it is unaware of similar audits being undertaken in NSW.<sup>15</sup> Ongoing audits are a good way of monitoring the number of graffiti incidences in a local government area and can assist in assessing the effectiveness of various anti-graffiti initiatives employed in that area.

High profile graffiti incidences in NSW have highlighted the effect of graffiti in terms of property damage as well as community pride and have also draw strong responses from law enforcement and members of the public and political parties alike. One such example is the graffiti attack on the War Memorial in Hyde Park, Sydney, in February 1999, where over 50 tags were drawn onto the side of the Memorial with black and blue felt tip pens.<sup>16</sup> This attack saddened and offended many members of the public, particularly returned servicemen and their families.

### 3.2 Where does graffiti occur – victims of graffiti

Broadly, graffiti is more common in large urban cities than rural towns. Certain suburbs of a city and areas within them have more of a graffiti problem than others. There are 172 Local Councils in NSW and it is not uncommon that one local government area will have a serious graffiti problem while the bordering local government will not. The BOCSAR report noted that in 1999, the Illawarra Statistical Division had the highest rate of recorded graffiti in NSW, followed by Outer South Western Sydney and Outer Western Sydney.<sup>17</sup>

Graffiti is written on various surfaces, including walls, fences, telephone booths, public transport, street furniture, bus shelters, public conveniences, conveniences in hospitality venues, and buildings and doors. Generally graffiti is written in a publicly visible place, although hip hop graffiti writers are not always concerned that their graffiti can be seen by the general public: it is more important that it can be seen by their fellow writers. Therefore, graffiti also appears in abandoned buildings, railway tunnels etc known to graffiti writers. Interestingly, for those belonging to the hip hop graffiti culture, there are also rules to graffiti writing that including what is considered to be a legitimate target. As one NYC graffiti writer has written: ‘Don’t write on

---

<sup>13</sup> See Graffiti Solutions Handbook, n 1, pp 74-78 for a description of the audit.

<sup>14</sup> Graffiti Solutions Handbook, n 1, p 77.

<sup>15</sup> Personal Communication with an officer of the Rockdale City Council, 30/4/02.

<sup>16</sup> ‘War Memorial on guard after graffiti attack’, *The Daily Telegraph*, 11/2/99.

<sup>17</sup> Fitzgerald, n 9, p 3.

houses of worship, people's houses in general, other writers names and tombstones. Writing on memorial walls and cars is beef beyond belief.'<sup>18</sup>

The three main victims of graffiti are the Department of Education and Training, private property owners and the Department of Transport. According to the BOCSAR analysis, the recorded incidents of graffiti in 1999 show that graffiti is most likely to occur in educational premises (40.4%), followed by residential (15.6%) and transport premises (14.8%).<sup>19</sup> The most infamous target of graffiti writers are trains because pieces or tags drawn on the side of trains can roll through the city spreading a writer's notoriety and prestige. This fascination with trains stems from the early days of graffiti culture in New York where writing graffiti on trains and throughout the subway system was the most common and effective way to gain notoriety. In NSW the State Rail Authority ('State Rail') provides passenger transport in NSW through its CityRail and Countrylink services, with a train fleet comprising 1,514 electric rail cars and 114 diesel rail cars.<sup>20</sup> State Rail estimates that repair due to vandalism and removal of graffiti on trains costs in excess of \$3 million per year.<sup>21</sup> The State Transit Authority of NSW, which operates Sydney Buses, Sydney Ferries and Newcastle Bus and Ferry Services with a fleet of 1900 buses and 30 ferries, has advised that it does not experience a serious graffiti problem.<sup>22</sup>

### 3.3 Who writes graffiti and why?

Hip hop graffiti (incorporating tags, throw-ups and pieces) is most commonly, but not exclusively, written by teenage males. In this respect, BOCSAR reported that of the 1339 suspected offenders in graffiti incidences known to NSW Police in 1999 81.3% were males and that persons under the age of 18 account for three quarters of graffiti offenders known to police.<sup>23</sup> Recent Australian research into graffiti culture, by Halsey and Young, was based on interviews with 44 graffiti writers in South Australia. The research drew the following conclusions about demographics:<sup>24</sup>

- writers are most likely to be between 12 and 25 years;
- those who do tags are almost always in their teenage years (except that older writers engaged in 'piecing' will still incorporate tags into the piece);

<sup>18</sup> Powers, n 2, p 154.

<sup>19</sup> Fitzgerald, n 9, p 3. Note that the report points out that graffiti occurring in certain locations is more often reported than in others. For example, schools are required to report significant graffiti incidents to the police for insurance purposes.

<sup>20</sup> State Rail Authority of NSW, *2000-2001 Annual Report*, p 3.

<sup>21</sup> *ibid*, p 22. Note that the previous years report stated that '...the cost of graffiti removal in 1999-2000 was in the vicinity of \$4m': State Rail Authority of NSW, *1999-2000 Annual Report*, p 21.

<sup>22</sup> Personal communication with the State Transit Authority, 30/4/02. See also *Graffiti Solutions Handbook*, n 1, p 42.

<sup>23</sup> Fitzgerald, n 9, p 4.

<sup>24</sup> Halsey and Young, n 2, p 9.

- those who piece are more likely to be aged 15 up to, and in some cases in excess of, 30 years of age (the older age of those who ‘piece’ is due primarily to the time it takes to learn how to do a ‘proper’ or successful piece and to the motivations underpinning this activity as opposed to tagging);
- in the overwhelming majority of instances, writers are male (of the 44 interviewees, only 1 was female);
- writers occupy a broad range of social backgrounds; and
- the majority of those who write do it for a limited period of time (perhaps 2-3 years).

The outline of the various types of graffiti in Section 2, described what the motivations of those who write graffiti are. Some involve getting a particular message across, such as racist and political/social graffiti, while others, particularly hip hop graffiti, are often said to be about gaining notoriety and respect. It has been suggested that hip hop graffiti and the desire of graffiti writers for fame and respect among other writers, is a symptom of the ‘extensive alienation, hostility and social malaise on the part of growing numbers of youngsters’.<sup>25</sup> In this regard, graffiti appears to be attractive to young people for many reasons including: it provides an outlet for rebellion and for an artistic skills and self expression; and membership of a graffiti crew provides them with a sense of belonging.

Through their recent research, Halsey and Young made the following claims about why young people write hip hop graffiti:<sup>26</sup>

- the causes of graffiti are multiple but mainly stem from a lack of ‘legitimate’ activities for young people to immerse themselves in;
- the vast majority of persons are introduced to graffiti through friends or acquaintances;
- once exposed to the techniques of illicit writing, many make a conscious decision to continue engaging in such activities because of the pleasure they derive from it;
- graffiti writing should not be seen solely in terms of the desire to be recognised – instead, it is also an activity that evokes strong feelings of self-esteem, satisfaction, and happiness within those who write;
- the stereotype of graffiti writers as ‘mindless hooligans’ is inapplicable; and
- in the majority of cases, the fact that graffiti is proscribed by law was not a deterrent to participants. Indeed, the risk of being arrested did not factor into the decision to write graffiti illegally for most participants.

---

<sup>25</sup> Geason and Wilson, n 10, p 12.

<sup>26</sup> Halsey and Young, n 2, p 9 and 41.

### 3.4 Criminal charges for graffiti activity in NSW

There are long standing criminal property offences in NSW that cover acts of graffiti, as well as specific graffiti offences introduced in 1994 (these offences are outlined in Section 5.3). The BOCSAR report speculates that: ‘...persons suspected of performing acts of graffiti may be more commonly charged with general malicious damage under the Crimes Act rather than with the spray-paint offences under the Summary Offences Act.’ The report provides some statistics of appearances in the Local Court for 1998 (note that the Local Court does not hear charges against juveniles). The offence under the *Crimes Act 1900* of maliciously destroying or causing damage to property is frequently heard in the NSW Local Courts with 5,207 charges finalised in 1998. However, very few people appear in the Local Court charged under the specific graffiti offences under the *Summary Offences Act*, with seven charges of wilful damage with a spray paint heard in 1998 and another seven charges of spray paint possession with intent to deface or damage property.<sup>27</sup>

### 3.5 Cost of graffiti in NSW

The cost of graffiti has a variety of components, some are direct costs and others are indirect. and while the components can be readily identified, their actual cost is more difficult to quantify. The Hon Harry Woods MP, Minister for Local Government, advised Parliament in April this year that graffiti costs the NSW community up to \$100 million per year.<sup>28</sup> The cost of removing graffiti and repairing surface damage caused by graffiti is the most significant cost factor. Mr Woods advised of the following recent graffiti clean up expenditures incurred by the Government:

The State Government already spends up to \$60 million a year cleaning graffiti off trains and railway corridors. We have provided \$25,000 graffiti blasters to 13 councils. They are Auburn, Bankstown, Blacktown, Blue Mountains, Campbelltown, Gosford, Hornsby, Hurstville, Lake Macquarie, Penrith, Ryde, Sutherland and Wollongong councils. Through Juvenile Justice we provide clean-up crews to assist councils in graffiti removal. From July to December last year clean-up crews spent 16,000 community service order hours removing graffiti. There is also the \$900,000 Beat Graffiti program covering legal graffiti art, development of graffiti prevention plans, and removal of graffiti from business and residential property. Some 42 councils have received funding under that program.<sup>29</sup>

In its 2000-2001 Annual Report, State Rail reported that vandalism and graffiti are major contributors to fleet maintenance activities and that the cost of repair due to vandalism and the removal of graffiti on trains exceeds \$3 million a year.<sup>30</sup> The cost of removing graffiti by private property is difficult to assess, but as the former Parliamentary Secretary to the Federal Minister for the Environment, Senator Ian Campbell, remarked in his address to the First National Conference on Graffiti Control, ‘graffiti on the back fence of a pensioner’s house makes them worried about their own safety and has a major impact on a tight household budget.’<sup>31</sup>

<sup>27</sup> Fitzgerald, n 9, p 5. Note that not all of these will be for graffiti offences.

<sup>28</sup> NSWPD, 9/4/02, p 1125.

<sup>29</sup> *ibid.*

<sup>30</sup> State Rail Authority, n 20, p 22.

<sup>31</sup> Address by Senator Ian Campbell, Parliamentary Secretary to the Minister for the Environment, to *The First National Conference on Graffiti Control*, All Seasons Freeway Hotel, South Perth, 4/9/96, was held in 1996.

As also noted by Senator Campbell, another cost of graffiti is its contribution to a general sense of apprehension about society and, in particular, a fear of crime. It has also been argued that graffiti creates the impression that crime is out of control and that this in turn may encourage other criminal activity. The NSW Police have advised that 'it is a well researched and recognised fact that the prevalence of graffiti within sections of the community impacts on the feelings of safety within that community.'<sup>32</sup> Interestingly however, the BOCSAR report concluded that graffiti is not perceived as a major crime or public nuisance problem in the neighbourhoods of most NSW residents. In the 1999 Australian Bureau of Statistics survey of *Crime and Safety*, 25% of persons reported vandalism, graffiti, or damage to property to be among the problems in their neighbourhood but only 4.9% perceived the *main* problem in their neighbourhood to be vandalism, graffiti or damage to property.<sup>33</sup> The areas that had the highest proportion of persons identifying vandalism, graffiti or damage as the main problem were the Northern Beaches and the Eastern suburbs. BOCSAR concluded that graffiti seems to be of the highest concern in regions without other major public order concerns.<sup>34</sup>

Another kind of cost is the harm suffered by, or death of, graffiti writers through their activities. In December last year the CEO of State Rail, Mr Howard Lacy, advised that in the last 18 months nine people had either died or been seriously injured while writing graffiti on trains and other rail property.<sup>35</sup> In 1990, Geason and Wilson reported that '...by 1988 six youths had been killed on NSW railways while painting graffiti on carriages...'<sup>36</sup> The latest reported incident occurred in March this year when a graffiti writer was struck and killed by a train near a railway station on the line between Flemington and Homebush.<sup>37</sup> In September last year, a man who suffered brain damage as a teenager when he hit his head leaning out the window of a moving train to spray graffiti on the roof sought damages from the State Railway Authority for negligence.<sup>38</sup> There is also a perception that graffiti activity may lead graffiti writers into other types of crime although this theory is disputed by others.<sup>39</sup>

Other cost components include: increased insurance premiums and government taxes due to the expense of removing graffiti; the negative impact on the viability of business due to possible decreases in property values, loss of customers because of fear for safety, and theft of graffiti

---

<sup>32</sup> Personal communication with Superintendent A J Clarke, Local Area Commander, Tuggerah Lakes Command, 1/5/02.

<sup>33</sup> Fitzgerald, n 9, p 5

<sup>34</sup> *ibid.*

<sup>35</sup> 'Public deputised to fight train graffiti scourge', *The Daily Telegraph*, 18/12/01, p 4.

<sup>36</sup> Geason and Wilson, n 10, p 7.

<sup>37</sup> 'Graffiti gear near Body', *The Daily Telegraph*, 21/3/02, p 23.

<sup>38</sup> 'Graffiti artist sues State Rail for \$1m', *The Sydney Morning Herald*, 4/9/01, p 3. The Supreme Court found that State Rail was not negligent in the circumstances of the case: *Kane Rundle by his next friend Gail Rundle v State Rail Authority of New South Wales* [2001] NSWSC 862 (5 October 2001).

<sup>39</sup> 'Graffiti prevents hard-core crime', *The Australian*, 12/6/01, p 7.

materials; and the cost of analysing and developing strategies to deal with graffiti.<sup>40</sup>

#### **4. GENERAL APPROACHES TO DEALING WITH GRAFFITI**

A range of approaches have been developed and used to deal with the graffiti problem over the years. Initial efforts to deal with the proliferation of graffiti throughout the 70's and 80's, in NSW and elsewhere, centred on deterrence through criminal offences and law enforcement. However, as graffiti showed few signs of abating despite these efforts, the necessity for a more holistic approach to graffiti became apparent to many. New approaches and initiatives, generally developed and trialed in various states of the US and adopted in NSW, focused on harm minimisation through the use of protective coatings, prevention through urban design and restriction of the sale of spray paint, and the promotion of legal graffiti initiatives. Ever more sophisticated law enforcement techniques and harsher punishments have also been developed and implemented in some jurisdictions.

Graffiti is a multi faceted practice requiring a multi faceted, but cohesive, response from state and local governments and the community. Broad categories of approaches to dealing with graffiti and some initiatives are outlined below. Some of these approaches contain elements of others, for example, some prevention techniques also operate as deterrents. Initiatives that may be useful in one area may not be as useful in another, therefore, an understanding of the area in question, the motivations of graffiti writers in the area and the rationale for, and the effectiveness of, various initiatives is required.

##### **4.1 Deterrence**

The main method of deterring graffiti writers is the operation of criminal offences and other penalties. In most jurisdictions, general criminal offences relating to property damage will cover graffiti. In more recent years, however, specific graffiti offences have been enacted in many jurisdictions, including NSW. Specific offences identify graffiti as a particular property offence and attract punishments, such as harsh custodial sentences and community service orders requiring the removal of graffiti, to reflect the seriousness of graffiti as a crime and to force offenders to make retribution to the community. It is generally recognised, however, that reduction in graffiti needs strategies with a broader focus than policing and punishment alone.<sup>41</sup>

##### **4.2 Prevention**

Several methods are employed to prevent graffiti writers from being able to write graffiti or reduce the number of opportunities to write graffiti, as outlined below.

*Restricting the sale of spray paint:* it has been documented that much of the spray paint used in

---

<sup>40</sup> For example, it was reported that a graffiti report commissioned for the NSW Department of Urban Affairs in 1999 cost \$25,000: 'Costly truth on graffiti', *The Sun Herald Sunday*, 19/9/99, p 41.

<sup>41</sup> Graffiti Solutions Handbook, n 1, p 19.



graffiti is stolen and that in fact part of the thrill of writing graffiti is stealing the paint.<sup>42</sup> Therefore prevention methods include restricting the sale of spray paint by: banning its sale to minors; requiring retailers to display spray paint out of reach of public; requiring retailers to display warning signs about the illegal use of spray paint.

*Urban design:* Research has shown that past urban design techniques, such as those used in public housing estates built in the 60's and 70's, provide many opportunities for people to write graffiti undetected.<sup>43</sup> Those working in the field of urban design are now being encouraged to consider graffiti in the development of new designs. As Geason and Wilson recommended in their 1990 report: 'planners, builders and architects can play a vital role in reducing vandalism and graffiti in public housing and public places by designing spaces which are attractive, which foster a sense of ownership in users and which are defensible – that is, which incorporate design factors which minimise the opportunities for vandalism and graffiti.'<sup>44</sup>

*Surveillance:* Video and human surveillance has also been used in hot spots such as on trains and in rail yards. Improved opportunities for informal surveillance as part of urban design is also being used for new developments. Encouraging community surveillance is another technique employed to combat graffiti. Programs such as Neighbourhood Watch or Crimestoppers, or providing specific graffiti hot lines to report graffiti writers or new graffiti work, encourages the community to become involved in defending their own property as well as public space.

### **4.3 Focus on youth and their place in society**

If, as noted in Section 3.3, graffiti is often described as a symptom of the 'extensive alienation, hostility and social malaise on the part of growing numbers of youngsters', long term strategies focused at youth participation in society should have a beneficial effect on graffiti. A number of approaches can be taken including: raising the self esteem of young people; promoting in them a sense of responsibility for and ownership of community resources; providing alternative activities for young people; and developing a positive profile for young people in the community. These measures are beneficial to young people and the community in relation to all sorts of anti-social activity and petty crime. One approach specifically related to graffiti is the provision of opportunities for legal graffiti work, as described below.

### **4.4 Encouraging and facilitating legal graffiti**

One strategy designed to encourage graffiti writers to stop illegal activity, and also to harness the positive aspects of graffiti, is to involve them in legal graffiti projects, such as graffiti walls and murals, graffiti art exhibitions, and courses on graffiti art skills. Graffiti walls are sites provided for writers to work with little supervision and which after a time are made available for other writers to paint over. Graffiti murals are generally large, permanent graffiti art works. Legal graffiti projects are usually funded by local or state government or community groups and in

---

<sup>42</sup> Geason and Wilson, n 10, p 11.

<sup>43</sup> *ibid*, pp 14-26.

<sup>44</sup> *ibid*, p 70.

some cases by private property owners.

This strategy acknowledges that for some writers, graffiti is a form of artistic expression, and that providing them with a legal outlet removes the necessity for illegal activity. In this regard, legal projects recognise and support the positive aspects of graffiti – artistic talent, dedication, discipline – in an attempt to draw them out into legal avenues. As most graffiti writers eventually ‘grow out’ of illegal graffiti activity, many talented writers may not pursue an art education or a career in the arts without the kind of support that legal projects provide. Graffiti murals also reduce graffiti at mural sites because other writers generally do not write over the work of others, especially the larger pieces. In this respect graffiti murals are useful in repeatedly targeted sites. Graffiti art exhibitions encourage the perception and practice of graffiti as a form of (legal) art.

It is generally accepted in NSW and other jurisdictions that, used in conjunction with other approaches outlined in this section, legal graffiti initiatives are of value to an overall graffiti strategy.<sup>45</sup> To some however, legal graffiti projects send the wrong message to graffiti writers by encouraging them in their activities and providing them with opportunities to improve their skills which they can then use illegally. Other perceived disadvantages of legal graffiti projects include the fact that such projects do not generally attract taggers who have no interest in graffiti as art (nor would this strategy be useful in relation to political, humorous, racist graffiti) and that writers may only be diverted from illegal activity for a short time.<sup>46</sup>

Some graffiti writers also reject the idea of legal projects as inherently opposed to the fundamental nature of graffiti, the illegality of which is one of the main draw cards. So, while legal graffiti projects find support among many graffiti writers,<sup>47</sup> others view them as a ‘cop out’. Claims that graffiti has an artistic element have provoked some extreme reactions. These are countered by the argument that recognising the artistic merit in some graffiti does not excuse its illegality and that many claimed art forms do not find favour or acceptance among all parts of the community.

#### 4.4 Removal of graffiti

It is well accepted that an effective way to frustrate graffiti writers, and reduce graffiti, is to remove it as quickly as possible and to keep removing it when it reappears – this is referred to<sup>48</sup> as rapid removal is successful because it undermines the prime motivation of graffiti writers, which is to display their work for themselves and other writers to see. As

<sup>45</sup> Graffiti Solutions Handbook, n 1, pp 5-6, Geason and Wilson, n 10, p 72; and Australian Capital Territory, Legislative Assembly, Standing Committee on Planning and Environment, *The Environmental, Social and Financial Impact of Graffiti in Canberra and Appropriate Means of Preventing Graffiti Damage*, Report No 9, March 1996, pp 16-17.

<sup>46</sup> *Graffiti Prevention – A report on Local Government Responses in South Australia 1998*, Crime Prevention Unit, South Australian Attorney-General’s Department.

<sup>47</sup> In their recent research, Halsey and Young interviewed 44 South Australian graffiti writers, finding that there was ‘...near unanimous support for legal walls and other initiatives which would allow the artistic skills for writers to be displayed to wider audiences’: Halsey and Young, n 2, p 9.

<sup>48</sup> See for example, Graffiti Solutions Handbook, n 1, p 20.

graffiti in most public places is generally removed anyway, usually by local councils or private property owners, rapid removal has the added advantage of removing it quickly and deterring graffiti writers with scarce resources from replacing their work. Graffiti is also easier to remove if the paint has not completely dried and swift removal of graffiti is particularly important where the graffiti is obscene, racist or otherwise inflammatory.

Rapid removal is not always successful, however, as some graffiti writers will continue to re-graffiti newly cleaned walls. As noted by Halsey and Young, 'whilst rapid response strategies are successful in some instances, they are highly unlikely to deter those strongly committed to writing.'<sup>49</sup> Note also, that the large number of graffiti sites on the Internet showing photographs of graffiti pieces is beginning to circumscribe the effectiveness of rapid removal - although the full effect of this remains to be seen (see Section 5.8 for further information on graffiti and the Internet).

Innovative approaches to removal include requiring summary offenders, particularly those convicted of graffiti offences, to remove graffiti via community service orders and agreements with local councils. This measure punishes offenders and also reduces the cost of graffiti removal to the community. Providing members of the public with removal equipment and advice free of charge is also undertaken by some local government bodies. Technological advances have better equipped authorities and private property owners to remove graffiti by identifying and developing the most effective removal products. Protective coatings, which prevent spray paint from seeping into the surface making it easier to remove graffiti, have also been developed.

## 5. NSW STRATEGIES AND INITIATIVES FOR DEALING WITH GRAFFITI

A concerted effort to tackle graffiti in NSW was commenced by the Carr Government in June 1997, with the launch of the Graffiti Solutions Program. The Program is described as a state-wide strategy, aimed at building a broader understanding of graffiti issues in NSW, to better coordinate responses to these issues at all levels of government and the community.<sup>50</sup> The Graffiti Solutions Program builds on deterrence and law enforcement, and focuses on prevention, harm minimisation and removal of graffiti. The Program has established a more cohesive state-wide approach to dealing with graffiti in NSW. The Coalition has also, over the years, identified graffiti as an important issue. However, it has been critical of the Government's graffiti strategy, stressing the need for tougher penalties for offenders and improved law enforcement.<sup>51</sup> For example, the Shadow Minister for Police, Mr Andrew Tink MP, was critical that the NSW Police Graffiti Taskforce, set up under the Fahey Government in the early 1990's, had been abolished under the Carr Government in 1996. This section explains the development of the Graffiti Solutions Program and also examines the various strategies and initiatives employed, and proposed, to deal with graffiti in NSW over the past few years.

---

<sup>49</sup> Halsey and Young, n 2, p 9.

<sup>50</sup> Graffiti Solutions Handbook, n 1, p 2.

<sup>51</sup> Bennet S and Newman G, *New South Wales Election 1999*, Research Paper 22, 8 June 1999, Canberra, Department of the Parliamentary Library. See also: A Tink MP, 'State Government Policies Underwrite Graffiti', *Media Release*, 12/12/01. Note that the minor parties have been relatively quiet on the issue of graffiti.

## 5.1 NSW Government's Graffiti Solutions Program

The Graffiti Solutions Program was launched in June 1997. All government agencies whose property is affected by graffiti, or who have a role in the enforcement of laws dealing with graffiti, are actively involved in the program. The program is aimed at developing and implementing multifaceted initiatives and best practice approaches to deal with graffiti and is based on four key elements: improved coordination between local and state government agencies and the community; enforcement and monitoring of legislation; partnership with industry; and partnership with local government.<sup>52</sup> The emphasis on partnership with local government has been one of the key elements of the Government's strategy. The Government has since come under attack from the Opposition, however, for allegedly not providing sufficient financial assistance to local councils for funding for graffiti removal programs.<sup>53</sup> The program was originally coordinated by the Strategic Projects Division of the Premier's Department. In May 2002, however, the Attorney General's Department is to take responsibility for all activities associated with the Graffiti Solutions Program.<sup>54</sup>

In February 1999, the Government announced a range of ongoing initiatives to deal with graffiti throughout NSW, with a focus on removing and preventing graffiti. The initiatives were the culmination of the work of the Graffiti Reference Group (comprised of state and local government, industry and community representatives) and managed by the Crime Prevention Unit, Attorney General's Department, in collaboration with the Premier's Department and NSW Police. In April 2000, some of these initiatives were expanded and others introduced. The key initiatives are listed below (and described elsewhere in **Section 5**):

- Beat Graffiti Grants Scheme;
- Graffiti Blasters Program;
- Graffiti Clean-Up Community Service Orders Scheme;
- Graffiti Information Line;
- Introduction of a voluntary code of practice for the sale of equipment used for graffiti; and
- A 72 hour rapid removal program for rail corridors (commencing in the 2000/01 financial year).

When the first raft of initiatives were introduced in February 1999, the *Graffiti Solutions Taskforce* was set up to coordinate these clean up and prevention plans. The Taskforce was chaired by the Georges River Region Commander Ike Ellis, who is also the NSW Police Service Sponsor for Youth Affairs. Members of the Taskforce include representatives of several agencies including: NSW Probation and Parole Service; Department of Juvenile Justice; Australian Retailers Association NSW Branch; local government; Premier's Department; Youth Advisory Council and the Police and Community Youth Clubs.<sup>55</sup> When it was established, the Taskforce was criticised by the Opposition which claimed it was '...about clean up and prevention, not

---

<sup>52</sup> Graffiti Solutions Handbook, n 1, p 2.

<sup>53</sup> D Gay MLC, 'Government passes the buck (but not the bucks) on graffiti removal', *Media Release*, 1/6/2001.

<sup>54</sup> Personal communication with the NSW Premier's Department, 14/5/02.

<sup>55</sup> B Carr MP, 'Carr Labour Government's Plan to Clean-Up Graffiti: Graffiti Wipe-Out', *Media Release*, 10/2/99.

about catching graffiti offenders where there is still no specialised police focus.’

In February 2000, the *Graffiti Strategy Taskforce*, a State Government CEOs group with members from all relevant government agencies, was established by the Premier’s Department and the Cabinet Office. The Taskforce was charged with overseeing and evaluating the Government’s graffiti initiatives and monitoring individual agency graffiti initiatives. In June 2001, the Taskforce held a meeting to review the Graffiti Solutions Program initiatives, provide a status report on individual agency graffiti initiatives and report on future initiatives. The Premier addressed the taskforce requesting a number of actions across government.<sup>56</sup>

Due to the duplication of the work undertaken by the Graffiti Solutions Taskforce and the Graffiti Strategy Taskforce, it was agreed, in June 2001, to restructure the consultative mechanisms operating under the Graffiti Solutions Program. It was determined that the Graffiti Strategy Taskforce would continue to meet 1-2 times per year and that a Senior Government Officers Group be formed to drive the Graffiti Solutions Program.<sup>57</sup> The Group includes representatives from the Attorney-General’s Department (Crime Prevention Division); the Department of Local Government; Premier’s Department, NSW Police and the transport portfolio agencies. The Group closely monitors agency initiatives and has responsibility for working with local government, industry and the community. The Group also convenes issues based seminars with stakeholder groups to further information gathering and dissemination.<sup>58</sup>

## 5.2 Understanding graffiti and developing solutions

As noted in the introduction, graffiti, and in particular hip hop graffiti, has been a much studied cultural and social phenomenon. And, much work has been, and still is being, undertaken in NSW and other jurisdictions to develop the best approaches to dealing with graffiti and to raise awareness about graffiti issues among the community, retailers, private property owners and government. Some recent initiatives are outlined below.

- The NSW Government’s Graffiti Solutions Program has produced the NSW Graffiti Solutions Handbook for Local Government, Planners, Designers and Developers.<sup>59</sup> The Handbook contains information about graffiti and presents strategies and project ideas ranging from legal graffiti art projects to designing buildings to lessen opportunities for graffiti. In the foreword the Premier states: ‘In the advice presented here there is a clear emphasis on the value of clean up and rapid removal. There is also recognition that marks on the wall are neither the beginning nor the end of the problem. Community attitudes toward young people, in particular their use of public space, must be given serious consideration. The need to listen to and work constructively with young people to find answers is of equal importance to policing and law enforcement measures.’<sup>60</sup>

---

<sup>56</sup> Personal communication with the NSW Premier’s Department, 14/5/02.

<sup>57</sup> *ibid.*

<sup>58</sup> *ibid.*

<sup>59</sup> Graffiti Solutions Handbook, n 1.

<sup>60</sup> *ibid.*, Foreword.

- The Graffiti Solutions Program maintains a web site - [www.graffiti.nsw.gov.au](http://www.graffiti.nsw.gov.au) - and has published information brochures on 'Preventing Illegal Graffiti' and 'Protection and
- The NSW Government has established a NSW Graffiti Information Line – 1300 132 580 – to enable people to report graffiti to the Police or get information about state government or local council clean up and abatement programs, commercial abatement products and services providers. The line is operated as part of the Police Assistance Line.
- The Graffiti at Large: Local Issues – Local Solutions Conference, held in August last year, was an initiative of the Graffiti Solutions Program organised in conjunction with the Local Government and Shires Associations. The Conference provided an opportunity for establishing partnerships and gaining an understanding of the very latest local and state government, community and industry approaches to tackling graffiti in towns and cities.<sup>61</sup>
- The first (and only) National Conference on Graffiti Control was held in 1996. The Conference was organised and hosted by the West Australian Government.
- The Crime Prevention Workshops Program has been developed by the Department of Education and Training and NSW Police. The program teaches secondary students about the consequences of engaging in crime, for young people and the community as a whole. The program includes a graffiti module which contains activities forming part of a student workbook showing the effect of graffiti on the community. It also includes a video segment in which young people talk about their admiration for graffiti art and contempt for illegal graffiti.<sup>62</sup>
- As mentioned in Section 2.1, audits of local government areas have been useful in gaining a picture of graffiti in particular areas, and the information has then been used for various strategies.
- NSW Police advise that one of the key strategies it employs in relation to graffiti is involvement in community projects including education and compliance. Local Area Commands ('LACs') have also been involved in community reduction campaigns such as 'paint out programs', 'legal art locations' and 'crime prevention workshops'.<sup>63</sup>
- A research project which involved interviewing 44 graffiti writers in South Australia was conducted last year by researchers from Flinders University and the University of Melbourne. The research was commissioned by South Australia's Graffiti Collaborative Strategies Committee. According to the researchers this represents the largest sample of graffiti writers interviewed to date in Australia. The final report was released in early May 2002 and contains

---

<sup>61</sup> At the time of writing the conference papers had not yet been made publicly available. They are due to appear on the NSW Government's Graffiti web site at: [www.graffiti.nsw.gov.au](http://www.graffiti.nsw.gov.au).

<sup>62</sup> Department of Education and Training, *Abstract of material presented to the Graffiti at Large: Local Issues – Local Solutions Conference*, 26/11/01.

<sup>63</sup> Personal communication with Superintendent A J Clarke, Local Area Commander, Tuggerah Lakes Command, 1/5/02.

many useful insights into the practice of graffiti.<sup>64</sup>

### 5.3 Criminal offences

#### 5.3.1 Property offences

There are several offences concerning damage to property in the NSW *Crimes Act 1900* that would encapsulate acts of illegal graffiti as set out below. The BOCSAR report notes that, in particular, the offence of maliciously destroying or damaging property is frequently heard in the NSW local Court with 5207 charges finalised in 1998.<sup>65</sup>

- *Damaging fountains*: It is an offence to wilfully damage, deface, enter upon, or cause any foreign material or substance to enter into, any part of a fountain erected in a public place.<sup>66</sup> The maximum penalty is a fine of \$440.<sup>67</sup>
- *Damaging or desecrating protected places*: It is an offence to wilfully damage or deface any protected place. 'Protected place' means a shrine, monument or statue located in a public place, including war memorials.<sup>68</sup> The maximum penalty is a fine of \$2200.
- *Defacing walls*: It is an offence to wilfully mark, by means of chalk, paint or other material, any premises, where the marking is within view from a public place, unless he or she first obtained the consent of the occupier or person in charge of the premises.<sup>69</sup> The maximum penalty is a fine of \$440.
- *Maliciously destroying or damaging property*: It is an offence for a person to maliciously destroy or damage property belonging to another. An offender is liable to imprisonment for 5 years.<sup>70</sup> BOCSAR reported that this offence is frequently heard in the NSW Local court with 5207 charges finalised in 1998.<sup>71</sup>
- *Possession, custody or control of an article with intent to destroy or damage property*: A person who has possession, custody or control of an article with the intent to maliciously to

---

<sup>64</sup> Halsey and Young, n 2.

<sup>65</sup> Fitzgerald, n 9, p 5. Note that the report does not state what percentage of these charges were for graffiti.

<sup>66</sup> *Summary Offences Act 1998* (NSW), s 7.

<sup>67</sup> In the legislation the penalties are expressed in 'penalty units'. A penalty unit is \$110: *Crimes (Sentencing Procedures) Act 1999* (NSW), s 17.

<sup>68</sup> *Summary Offences Act 1998* (NSW), s 8.

<sup>69</sup> *Summary Offences Act 1998* (NSW), s 9. If the premises are unoccupied, the consent of the owner or person in charge of the premises.

<sup>70</sup> *Crimes Act 1900* (NSW), s 195. If the destruction or damage is caused by means of fire or explosives, the person is liable to imprisonment for 10 years.

<sup>71</sup> Fitzgerald, n 9, p 5.

destroy or damage property belonging to another is liable to imprisonment for 3 years.<sup>72</sup>

There is also a penalty for writing graffiti on trains or railway infrastructure. Under the *Rail Safety Regulation 1999*, a person who ‘writes, draws or affixes any word, representation, character or poster onto, or destroys, damages or defaces, any train, any part of the infrastructure of a railway or any property on railway land or the monorail works’ is liable to a penalty of \$550. Possession of an implement to do so also attracts a fine of \$550.<sup>73</sup>

### 5.3.2 Specific graffiti offences

Specific graffiti and spray can offences were introduced into the *Summary Offences Act 1998* in 1994;<sup>74</sup>

- *Damaging and defacing property by means of spray paint*: The wilful damage or defacement of any premises or other property by means of *spray paint* without reasonable excuse (proof of which lies on the person) attracts a maximum penalty of \$2200 or imprisonment for 6 months,<sup>75</sup> or a period of community service work. A court cannot sentence a person to imprisonment unless the person has previously been convicted of an offence under this section on so many occasions that the court is satisfied that the person is a serious and persistent offender and is likely to commit such an offence again.
- *Possession of spray paint*: It is also an offence for a person to have spray paint in their possession with the intention that it should be used to damage or deface premises or other property.<sup>76</sup> The maximum penalty is \$1100 or imprisonment for 3 months, or a period of community service work. A court cannot sentence the person to imprisonment unless the person has previously been convicted of an offence under this section on so many occasions that the court is satisfied that the person is a serious and persistent offender and is likely to commit such an offence again. If a person is convicted of an offence under this section, the court may, in addition to any other penalty it may impose, make an order that the spray paint be forfeited to the Crown, and the spray paint is forfeited accordingly.

<sup>72</sup> *Crimes Act 1900* (NSW), s 1.

<sup>73</sup> *Rail Safety Regulation 1999* (NSW), clause 34.

<sup>74</sup> *Summary Offences and Other Legislation (Graffiti) Amendment Act 1994*. Note that Queensland, South Australia, Victoria, and Western Australia also have specific graffiti related offences (as well as general property offences that would cover graffiti). A comparative table of specific graffiti offences in Australian jurisdictions and their penalties is set out in APPENDIX 1. For a 1997 review of review of legislative measures to combat graffiti in Australian jurisdictions see: Sampford K, *Graffiti and the Criminal Law Amendment Bill 1996*, Legislation Bulletin No 1/97, Queensland Parliamentary Library, March 1997, pp 6-15.

<sup>75</sup> *Summary Offences Act 1998* (NSW), s 10A.

<sup>76</sup> *Summary Offences Act 1998* (NSW), s 10B.



These graffiti offences were introduced against a backdrop of heightened concern about law and order and public safety, particularly in relation to juvenile crime.<sup>77</sup> In the second reading speech of the amendment bill, the former Premier, Mr John Fahey MP, stated that: ‘the Government wants to make it plain that graffiti is considered so serious that extra provisions focused specifically on graffiti artists are necessary to protect the community interests.’<sup>78</sup> Originally, the Government’s bill provided for maximum penalties of 12 and 6 months imprisonment for the two offences respectively. The offences and particularly their penalties were criticised as an over reaction.<sup>79</sup> The Opposition successfully moved amendments to reduce the maximum terms of imprisonment by half and to introduce the requirement that only serious and persistent offenders can be given a custodial sentence.<sup>80</sup>

Since then the Coalition has, on several occasions, called for tougher penalties for graffiti crimes. For example, following the graffiti attack on the War Memorial in February 2000, the Coalition proposed giving judges the discretion to jail first time graffiti offenders.<sup>81</sup> In December last year, the Shadow Minister for Police, Mr Tink MP, criticised the Government for continuing to ‘underwrite’ graffiti, by, among other things, requiring that a graffiti offender must be a serious and persistent offender before a jail penalty can be imposed.<sup>82</sup> During the recent debate on the Local Government Amendment (Graffiti) Bill, Mr Barry O’Farrell MP suggested that ‘young people, particularly those who are younger than the age of legal criminal responsibility and who are actually caught...[should be] given a penalty or fine that is imposed not just on the offender’<sup>83</sup> The amendment bill is examined in Section 5.6.2.

BOCSAR reports that very few appearances for the specific graffiti offences come before the NSW Local Court. For example, in 1998 only seven charges of wilful damage with spray paint were heard and another seven charges were heard for spray paint possession.<sup>84</sup>

#### 5.4 Detection of graffiti offenders

---

<sup>77</sup> Marie Swain, *Commentary on the Children (Parental Responsibility) Bill 1994 and Summary Offences and Other Legislation (Graffiti) Amendment Bill 1994*, Briefing Note No 034/94.

<sup>78</sup> NSWPD, 24/11/94, p 5821. See also J Fahey MP, ‘Fahey introduces new laws on graffiti’, *Media Release*, 24/11/94.

<sup>79</sup> Jenny Bargaen, workshop presentation at the *Keep Australia Beautiful Council (NSW) Graffiti: Off the Wall Seminar* June 1997. The transcript of her address can be viewed at: [www.graffiti.nsw.gov.au/Bargkabc.htm](http://www.graffiti.nsw.gov.au/Bargkabc.htm).

<sup>80</sup> NSWPD, Summary Offences And Other Legislation (Graffiti) Amendment Bill 1994, Second Reading, In Committee, 1/12/94. See also: J Fahey MP, ‘Labor Waters Down Graffiti’ *Media Release*, 1/12/94.

<sup>81</sup> Bennet and Newman, n 51. See also, ‘Chikarovski’s graffiti spray: jail first time offenders’, *The Australian*, 10/3/02, p 5.

<sup>82</sup> A Tink MP, ‘State Government Policies Underwrite Graffiti’, *Media Release*, 12/12/01.

<sup>83</sup> NSWPD (LA Proof), 7/5/02, p 61.

<sup>84</sup> Fitzgerald, n 9, p 5.

The NSW Police advise that the enforcement, investigation, detection and arrest of graffiti offenders is conducted through the LACs.<sup>85</sup> Some strategies employed by various LACs include investigating the tags of recidivist offenders and patrols of hot spot locations. Police intelligence on tags and graffiti crews is not centralised and NSW Police advise that it generally isn't practical to do so, rather that such information is collected and used locally at the LAC's discretion.<sup>86</sup> For example, the Liverpool area command has established a Graffiti Register to record graffiti and other information about graffiti writers to assist the detection and conviction of offenders.<sup>87</sup> The exception to this is the Traffic Services Branch which centralises some graffiti information regarding trains and transport links.

Other government agencies operate their own detection measures, sometimes in conjunction with NSW Police. For example, CityRail, one of the major victims of graffiti, undertakes several initiatives to combat graffiti on its trains, including those set out below.<sup>88</sup>

- Security staff and video surveillance on trains and platforms.
- A plain-clothed graffiti and vandalism squad patrols trains and the taskforce monitors platforms and trains.
- Gathering intelligence on graffiti writers and planned graffiti from graffiti web sites (see Section 5.7 for further information on graffiti web sites in NSW).
- 'Operation Tag', a six week operation that commenced in December 2001 which offered passengers a \$500 reward for reporting information to Crimestoppers that lead to the conviction of a graffiti writer or vandal. An important message conveyed by the campaign was that CityRail has a zero-tolerance approach to graffiti on trains and stations. The cash reward were the first such rewards offered in NSW and are similar to rewards offered in Europe.<sup>89</sup> CityRail considers the operation a success and may run it again this year.
- Research initiatives are also undertaken including investigating where the paint used by graffiti writers comes from.

The State Transit Authority has a much smaller graffiti problem than CityRail. Nonetheless, close circuit television has been installed on all State Transit's 1926 buses since January 2000.<sup>90</sup>

After a graffiti attack on the War Memorial in Hyde Park, Sydney, the Premier, Bob Carr, in consultation with his fellow trustees of the Memorial Committee, introduced a number of measures to protect the memorial from desecration. These measures including installing new

<sup>85</sup> Personal communication with Superintendent A J Clarke, Local Area Commander, Tuggerah Lakes Command, 1/5/02. The other being community projects including education and compliance.

<sup>86</sup> *ibid.*

<sup>87</sup> A Megarry MP, 'Crackdown on graffiti', *Media Release*, 13/8/0.

<sup>88</sup> Personal communication with Mark Able, Acting Revenue Protecting Manager, CityRail, 3/5/02 and personal communication with Ms Justine Adkins, Communications and Marketing Division, 4/5/02.

<sup>89</sup> 'Look up commuters, its \$500 if you bad a tagger', *The Sydney Morning Herald*, 18/12/02, Public Deputised to fight train graffiti scourge', *The Daily Telegraph*, 18/12/01, p 4.

<sup>90</sup> State Transit Authority of NSW, *Annual Report 2000-2001*, p 24.

security barriers at the bases of the north and south podiums and installing surveillance equipment.<sup>91</sup>

## 5.5 Prevention

### 5.5.1 Restriction of the sale of spray paint

A *Voluntary Industry Strategy* for retailers merchandising and serving products that may be used for graffiti was developed in 1997 by the NSW Branch of the Australian Retailers Association ('ARA'), in consultation with retailing and manufacturing industries and the NSW Government. The strategy was implemented as part of the Graffiti Solutions Program. It was primarily aimed at reducing the incidence of shop theft of products than can be used for graffiti purposes. The strategy includes recommendations concerning the display and sale of products used in graffiti, theft prevention, and the display of warning signs about illegal graffiti activity.<sup>92</sup> A review of the strategy in February 1999 resulted in the inclusion of a 'responsible retailing' clause that allows retailers to refuse the sale of graffiti products if they suspect they are going to be used for illegal activity. The ARA and the NSW Government informed retailers at the time of legal advice that confirms that shopkeepers are entitled to refuse to sell material such as spray paint to people they suspect may engage in graffiti.<sup>93</sup>

The Opposition has introduced a bill that would give aspects of this strategy legislative force. The Graffiti Control (Spray Paint Can Display) Bill 2001, sponsored by Michael Richardson MP, Shadow Minister for Corrective Services, was introduced in April last year.<sup>94</sup> The bill lapsed on prorogation at the second reading speech stage, in February this year, and was restored in March. The object of the bill is to prevent retailers from displaying spray paint cans to the public in the course of their business if those cans are not properly secured against shoplifting. The bill creates an offence for any person who, in the course of any business in which spray paint is sold (which, as defined, includes offer or expose for sale), publicly displays a spray paint can containing spray paint unless the can is displayed: in a locked cage or cabinet; or within or behind an attended counter; or in any other manner prescribed by the regulations. The maximum penalty for an offence under the proposed section is \$330. The proposals are similar to the requirements imposed by South Australian legislation on retailers of spray paint (see Section 6.1). An initial version of the bill was introduced in the Legislative Assembly in October 1995, and was rejected in 1996 by the Government.

### 5.5.2 Urban design and community crime prevention

As noted in Section 4.2, urban design techniques and encouraging community surveillance can

---

<sup>91</sup> New South Wales Premier's Department, *Annual Report 1999-2000*, p 29.

<sup>92</sup> J Watkins MP, Minister for Fair Trading, 'Scheme makes it harder to get tools of the graffiti trade', *Media Release*, 3/12/00. 'Retailers to be graffiti watchdogs', *The Sydney Morning Herald*, 4/12/00, p 4. The strategy is set out in the Graffiti Solutions Handbook, n 1, p 103.

<sup>93</sup> B Carr MP, 'Shopkeepers refuse to sell graffiti materials to people they suspect may graffiti', *Media Release*, 10/2/99.

<sup>94</sup> NSWPD, 5/4/01, p 13313. See also 'Spray call', *The Sunday Telegraph*, 9/9/01, p 41.

assist in reducing opportunities for writing graffiti (and other crime). The NSW Government encourages the consideration of graffiti prevention in the urban design context. In this regard, the NSW Graffiti Solutions Handbook contains a section which examines the way in which government or private interests may use the principles and techniques of urban design and management to reduce opportunities for graffiti writers.<sup>95</sup>

Crime Prevention Through Environmental Design ('CPTED') is said to be a key element in any graffiti plan.<sup>96</sup> Adopting a CPTED approach to analysing a graffiti trouble spot, or new development, helps to identify the factors which either encourage or prevent graffiti. CPTED takes into account factors such as: surveillance opportunities by residents, local workers and passers by; lighting in the area; proximity to places where potential vandals congregate; speed of maintenance; and aesthetic appeal of the area.<sup>97</sup> This information can be used to inform decisions about ways to change an existing environment, or develop a new one, to reduce the opportunities for writing graffiti. Through CPTED '...urban spaces are controlled so that the activities of the type that would tend to discourage graffiti are promoted in old environments or designed into new environments.'<sup>98</sup>

Crime prevention organisations in NSW, such as Neighbourhood Watch and Crimestoppers, enlist members of the public in the fight against graffiti and other forms of crime.<sup>99</sup> These programs promote '...a sense of responsibility and ownership in the whole community for those services and facilities which belong to everyone...[to] help reduce intentional damage.'<sup>100</sup>

## 5.6 Removal initiatives

Responsibility for removal of graffiti in NSW generally rests with the public and private owners of the property upon which graffiti is written. Local councils bear a large part of responsibility for removal of graffiti and encouraging private property owners to remove graffiti. Some interesting and innovative removal initiatives used in NSW are outlined below.

### 5.6.1 Community service orders

The Government introduced the Graffiti Clean-Up Community Service Orders Scheme, as part of the Graffiti Solutions Program, in early 1999. Under the scheme the Government dedicated

---

<sup>95</sup> Graffiti Solutions Handbook, n 1, pp 26-34.

<sup>96</sup> Professor Paul Wilson, 'Keynote Address: Approaches to Tackling Graffiti', *Graffiti at Large: Local Issues – Local Solutions Conference*, 26/11/01.

<sup>97</sup> Geason and Wilson, n 10, p 68.

<sup>98</sup> Professor Paul Wilson, 'Keynote Address: Approaches to Tackling Graffiti', *Graffiti at Large: Local Issues – Local Solutions Conference*, 26/11/01.

<sup>99</sup> Anyone with information about illegal activity or suspected perpetrators are encouraged to call Crimestoppers on the toll free number: 1800 333 000. Information about Crimestoppers can be obtained from the NSW Police web site:  
[www.police.nsw.gov.au/crimestoppers/crimestoppers.cfm](http://www.police.nsw.gov.au/crimestoppers/crimestoppers.cfm)

<sup>100</sup> Geason and Wilson, n 10, pp 70-71.

up to 66,000 hours per year to be spent by graffiti offenders (and other people serving community service orders or those sentenced to periodic detention) removing graffiti in supervised clean up teams. NSW courts have the power to order offenders to undertake community service work, including the removal of graffiti from buildings, vehicles, vessels and places, and the restoration of the appearance of those surfaces consequent on the removal of the graffiti instead of (or as well as) imposing a fine or sentence.<sup>101</sup> The scheme is designed to ‘...teach young people respect for their community and other people’s property’.<sup>102</sup> Expressions of interest from local government organisations interested in conducting Graffiti Clean Up Community Service Order projects in their local area are submitted to the Crime Prevention Unit of the Attorney-General’s Department.<sup>103</sup> The Department of Corrective Services and Department of Juvenile Justice have responsibility for the administration of the projects. 24 councils and several community groups are currently involved in the scheme.

### 5.6.2 Removal of graffiti and local government

Local government in NSW works in cooperation with the State Government on many aspects of the Graffiti Solutions Program. The State Government provides some form of financial and resource equipment such as the man hours used in the Community Service Orders Scheme outline above, and the provision of graffiti blasters as outlined below. Some local councils in NSW run their own graffiti removal programs, as individual programs or as part of wider community based programs. Many local councils in NSW have also developed their own graffiti policy. In this regard, the Department of Local Government reports that: ‘42 councils have adopted at least one crime specific plan, for example in relation to graffiti/vandalism and/or alcohol-related crime.’<sup>104</sup> Graffiti clean up days have also been run by local councils as well as community groups and some local MPs.<sup>105</sup> Some aspects of graffiti removal by local councils are set out below.

*Removing graffiti and providing rate payers with graffiti removal assistance:* Some councils provide cleaning products and information about graffiti removal directly to rate payers to encourage and help them remove graffiti, as well as removing graffiti from private property themselves with the permission of the owner/occupier (as discussed in the following subsection). For example, one of the aims of the Blacktown City Council Community Pride Movement, which assists residents to better their local area for the benefit of the whole community, is to achieve

---

<sup>101</sup> *Crimes (Sentencing Procedure) Act 1999* (NSW), s 91, *Children (Community Service Orders) Act 1987* (NSW), s 5, *Summary Offences Act 1998* (NSW), ss 10A(2) and s 10B(2).

<sup>102</sup> B Carr MP, ‘Offenders clean-up graffiti to teach them respect for community and property’, *Media Release*, 10/2/99. Similar arrangements exist in other States and Territories including Queensland and South Australia, and also in overseas jurisdictions such as the American states of California and New Jersey.

<sup>103</sup> The Graffiti Clean-Up Community Service Orders Scheme Project Guidelines are displayed on the Government’s graffiti web page at: [www.graffiti.nsw.gov.au](http://www.graffiti.nsw.gov.au).

<sup>104</sup> Department of Local Government, *Annual Report 2000-2001*, p 60. Note that this information comes from a Departmental survey with a response rather of 80%.

<sup>105</sup> P Debnam MP, ‘Community attacks graffiti ask Government to clean up as well’, *Media Release*, 23/11/01 and P Debnam MP, ‘Community attacks graffiti & asks Government to clean up as well’, *Media Release*, 30/11/00.

a graffiti free environment and encourage residents to become involved in graffiti removal. As part of the Movement, the Council has set up a Graffiti Help Line and a Volunteer Graffiti Removal Program providing residents with paint or graffiti remover, brushes, gloves, safety glasses and a bucket. The Council takes part in the Graffiti Community Service Orders Clean-Up Scheme and also removes graffiti free of charge from private property after obtaining the permission of the owner/occupier.<sup>106</sup> At the Graffiti At Large Conference (described in Section 5.2) an officer of the Council, Mr Rick Wiesel, said that the Community Pride Movement had been very successful, even more so than previous remedies such as security guards, graffiti blasters and video surveillance.<sup>107</sup> Mr Wiesel informed the conference that in the previous year 473 new sites were targeted for graffiti removal and in the April 2001, when an audit was carried out, 90.5% of those sites were graffiti free.<sup>108</sup>

*Power of local councils to remove graffiti on private property:* In 2001, the Government, with the support of the Opposition, amended the *Local Government Act 1993* to enable local councils to enter into agreements with private landowners to remove graffiti swiftly.<sup>109</sup> Councils can now, by agreement with the owner or occupier of any private land, carry out graffiti removal work on private land. Councils must keep a register of graffiti removal work carried out in accordance with any agreements made.<sup>110</sup> The Minister for Local Government, Hon Harry Woods MP, recently advised Parliament that these amendments were received favourably by local government and the community, and that several councils are using the laws.<sup>111</sup>

Mr Woods also advised, however, that many councils have reportedly experienced difficulties in forming agreements quickly with landowners which frustrates the rapid removal of graffiti. To this end the Government introduced the Local Government Amendment (Graffiti) Bill in April this year.<sup>112</sup> The bill will enable councils to remove graffiti on private property without the agreement or prior notification of the owner or occupier, if the graffiti is visible and accessible from a public place. The bill does not require councils to remove graffiti, but rather provides them with the power to do so in certain circumstances, at the council's own cost. The new powers

<sup>106</sup> For further information about these programs see the Blacktown Council's web site at: [www.blacktown.nsw.gov.au/en\\_community\\_pride.html](http://www.blacktown.nsw.gov.au/en_community_pride.html).

<sup>107</sup> Giving graffiti the brush-off', *The Sydney Morning Herald*, 27/11/01, p 5.

<sup>108</sup> *ibid.*

<sup>109</sup> *Local Government Amendment (Graffiti Removal) Act 2001* (NSW). Similar legislation introduced in South Australia last year confers power upon local councils to enter private property and remove graffiti visible from a public place. A notice must be served on the owner/occupier ten days previously and no objection made. A council must take reasonable steps to consult with the owner/occupier in relation to the manner in which the action is to be taken; and must ensure, as far as is practicable, that the work is carried out expeditiously and in such a way as to avoid unnecessary inconvenience or disruption to the owner or occupier of the property; and with reasonable care and to a reasonable standard *Graffiti: Control Act 2001* (SA), s 10.

<sup>110</sup> *Local Government Amendment (Graffiti Removal) Act 2001* (NSW), s 67A(2).

<sup>111</sup> NSWPD, 9/4/02, p 1125.

<sup>112</sup> NSWPD, 12/4/02, p 1466. 'Councils target graffiti on private land', *The Sydney Morning Herald*, 10/9/01, p 3.

will be similar to those in major US cities such as Los Angeles, Chicago, Seattle, Portland and Oklahoma City.<sup>113</sup> Mr Woods, in the second reading speech described the bill as follows:

One of the most effective strategies in reducing graffiti is to remove it as quickly as possible, that is within 48 to 72 hours, and to persist in removing it...some councils have occasionally found it difficult to obtain agreements in some instances with private property owners, particularly of commercial blocks. In some cases this is due to the fact that a number of different entities may be partly responsible for the maintenance of building walls and other surfaces. Therefore, it can be difficult and time consuming to obtain consent from all responsible parties. Consequently the proposed additional powers will allow the removal of graffiti, without having to first obtain the agreement of an owner or occupier. I should stress this is only in cases where the graffiti is visible from a public place and it can be removed from a public place

Following graffiti removal, council will be required to notify affected owners or occupiers of its action. This will inform owners or occupiers of the work that has been undertaken to their property and provide an opportunity for them to raise any concerns about damage if applicable. Furthermore, council will be liable for any damage caused as a result of activities to remove graffiti, such as damage to the property subject of the removal activity, and any other property...When a dispute arises concerning damage caused by the graffiti removal work, the parties may agree to refer the matter to arbitration for resolution. If agreement cannot be reached the parties can refer the matter to the Land and Environment Court for determination...It should be remembered that these provisions confer an ability on councils to remove graffiti—not an obligation. The provisions of this bill are, therefore, consistent with the principle that councils are autonomous organisations that have the ability and capacity to spend their resources in the most appropriate way in which they see fit for their communities.<sup>114</sup>

The bill was passed by the Legislative Assembly on 8 April 2002. During the second reading debate several Opposition Members and independents, while supporting the bill, expressed reservations that the bill creates an ‘unfunded mandate’ for Councils to remove graffiti and that this will place a substantial financial burden on Councils and raise the expectations of rate payers that Councils will remove graffiti. Concern was also expressed over the provisions of the bill making councils liable for any damage caused as a result of activities to remove graffiti, because of the likelihood of disputes arising about what constitutes ‘damage’.<sup>115</sup>

The bill was also welcomed by the Lord Mayor of Sydney, Mr Frank Sartor.<sup>116</sup> However, a Sydney graffiti artist who is active in organising and participating in legal graffiti projects, suggested that the Government should spend more money on providing legal spaces for young people with an interest in graffiti and that this would illegal graffiti (legal graffiti is examined below).<sup>117</sup>

*Graffiti Blasters Program:* As part of the Graffiti Solutions Program, the State Government provides some assistance to local councils for removal efforts. For example, in 1999, the Government trialed a successful rapid removal ‘Graffiti Blasters’ cleaning program run in Chicago, USA.<sup>118</sup> The program involves the use of ‘Graffiti Blasters’, high powered cleaning

<sup>113</sup> Hon H Woods MP, Minister for Local Government, ‘NSW Graffiti Laws on Par with Chicago and LA’, *Media Release*, 9/4/02.

<sup>114</sup> NSWPD, 12/4/02, p 1466. See also NSWPD, 9/4/02, p 1125, Hon H Woods MP.

<sup>115</sup> NSWPD (LA Proof), 7/5/02, pp 54-64 and NSWPD (LA Proof), 8/5/02, pp 9-28 and 75-77.

<sup>116</sup> ‘Councils target graffiti on private land’, *The Sydney Morning Herald*, 10/9/01, p 3.

<sup>117</sup> *ibid.*

<sup>118</sup> Information about the Chicago program can be viewed on the City of Chicago, Department of Streets and Sanitation web site at: [www.ci.chi.il.us/StreetsAndSan/Overview.html](http://www.ci.chi.il.us/StreetsAndSan/Overview.html).

machines that use food grade baking soda to scrub painted graffiti from brick stone, cement and other mineral surfaces.<sup>119</sup> Parliament was informed in April this year that the Government has provided graffiti blasters costing approximately \$25,000 each, to 13 NSW local councils.<sup>120</sup> Several councils that have been supplied with Graffiti Blasters have indicated that they have been a success.<sup>121</sup>

### 5.6.3 Graffiti removal and harm minimisation technologies

The State Government has encouraged the use of protective and sacrificial coatings, producing a brochure that recommends their use and includes information about the available products. The State Government has included a database of cleaning products and services in various areas of NSW on its graffiti information web site.<sup>122</sup>

The Australian Paint Manufacturers Federation, which represents the interests of paint manufacturers in Australia, has been working with the NSW Government on graffiti strategies.<sup>123</sup> The Federation publishes information on anti-graffiti technologies, such as a variety of protective coatings for walls and fences, on its web site.<sup>124</sup> At the Graffiti at Large Conference, in November last year, the Federation raised the possibility of prescribing the incorporation of anti-graffiti technologies such as protective top coats in development applications for new buildings.<sup>125</sup>

## 5.7 Legal graffiti projects

NSW Government policy recognises that legal alternative activities involving community arts and, in particular, graffiti art, are a valuable part of broader crime prevention strategies to re-direct behaviour away from illegal activity.<sup>126</sup> This recognition has been incorporated into the

<sup>119</sup> B Carr MP, 'US-Style Graffiti Blasters trial for NSW', *Media Release*, 10/2/99.

<sup>120</sup> Auburn, Bankstown, Blacktown, Blue Mountains, Campbelltown, Gosford, Hornsby, Hurstville, Lake Macquarie, Penrith, Ryde, Sutherland and Wollongong councils: NSWPD, 9/4/02, p 1125. The Government was criticised in May last year for not providing graffiti blaster grants to more than half of the councils in the Western Sydney area, which, it was claimed, has one of the highest rates of graffiti: K Rozzoli MP, 'Graffiti abounds and Carr doesn't care', *Media Release*, 25/5/01.

<sup>121</sup> See, for example, the reference made by several Members to local councils in their electorates that have reported the success of the Graffiti Blasters Program during the second reading debate on the Local Government Amendment (Graffiti) Bill: NSWPD (LA Proof), 8/5/02, p 13 and 15.

<sup>122</sup> The web site can be viewed at: [www.graffiti.nsw.gov.au](http://www.graffiti.nsw.gov.au).

<sup>123</sup> Graffiti Solutions Handbook, n 1, p 53.

<sup>124</sup> This information is obtained from the APMF web site at: [www.apmf.asn.au/html/graffiti.html](http://www.apmf.asn.au/html/graffiti.html).

<sup>125</sup> Australian Paint Manufacturers Federation, *Abstract of material presented to the Graffiti at Large: Local Issues – Local Solutions Conference*, 26/11/01.

<sup>126</sup> Graffiti Solutions Handbook, n 1, p 6. For a review of some legal graffiti projects in Western Australia and Queensland see: Sampford, n 74, pp 23 and 24. For a review of some recent legal graffiti projects in South Australia see: *Graffiti Prevention News*, Crime Prevention Unit of



Government Graffiti Solutions Program, particularly through the Beat Graffiti Grants Scheme which was set up in 1999, with funding of \$900,000 over three years, to steer young people away from illegal graffiti by funding legal art and other youth centred anti-graffiti projects.<sup>127</sup> Under the scheme, which is administered by the Crime Prevention Unit of the Attorney General's Department, funds are available to local councils, police and community youth groups and community organisations.<sup>128</sup> In the first two years of operation the scheme funded 84 projects across metropolitan, regional and rural NSW. 102 applications for grants were made for the third round of grants late last year and 52 grants were made. The number of applications indicates the level of interest in the NSW community in fostering legal graffiti projects.

Many legal graffiti projects have been undertaken in NSW in the past few years with the assistance of Beat Graffiti Grants as well as community groups and private organisations. The Graffiti Handbook describes three such projects run in 1998 - the Kempt Field Legal Wall Project run by the Hurstville City Council; the Guilford Graffiti Project run as a Parramatta City Council pilot project; and a mural project undertaken by the Port Stephens Shire Council.<sup>129</sup> Several graffiti art exhibitions have also been held in NSW over the past few years.<sup>130</sup> The effectiveness of legal graffiti projects in decreasing illegal graffiti in NSW is uncertain. As reported by the NSW Government: '...many projects have demonstrated positive outcomes for the participants and have registered a decrease in the incidence of illegal graffiti. However, the long term effectiveness of these measures remains an area of intense debate.'<sup>131</sup> Positive outcomes experienced by participants include: increased self esteem, improved skills, positive interaction with other graffiti writers, law enforcement, community groups etc; and a sense of community pride.

---

the South Australian Attorney-General's Department, June 2001.

<sup>127</sup> B Carr MP, '\$900,000 program to steer young people away from graffiti vandalism', *Media Release*, 10/2/99.

<sup>128</sup> Graffiti Solutions Handbook, n 1, p 51. See the unit's newsletter for information about recent Beat Graffiti projects conducted by the Albury City Council and the Holroyd City Council: 'Graffiti Partnerships...A Tale of Two Councils', *Partners in Crime Prevention*, Newsletter of the Crime Prevention Division of the NSW Attorney General's Department, April 2002, pp 1-2. Information about the Scheme can also be found on the NSW Government graffiti website: [www.graffiti.nsw.gov.au](http://www.graffiti.nsw.gov.au).

<sup>129</sup> Graffiti Solutions Handbook, n 1, pp 62 and 80. Other NSW legal graffiti projects are described on the NSW Government graffiti web site: [www.graffiti.nsw.gov.au](http://www.graffiti.nsw.gov.au).

<sup>130</sup> For example, the Sydney Theatre Company held an exhibition last year called *Sake of Name – Australian Graffiti Now* and a show titled *The Good Graffiti Exhibition* which was the culmination of a legal graffiti project run by the Shellharbour City Council, was held at Wollongong University in July 2000. See also 'Good Graffiti goes on show', *Illawarra Mercury*, 27/700.

<sup>131</sup> Graffiti Solutions Handbook, n 1, p 6.

However, not all are receptive to legal walls and murals, as the following example shows.<sup>132</sup> In 1997, the North Sydney Police Community Youth Club gave graffiti artist's permission to create graffiti walls and several murals on its building. In June last year, it was reported that residents had formed a lobby group to campaign for the removal of the graffiti, arguing that it defaced the building and devalued surrounding properties.<sup>133</sup> Despite anecdotal evidence that the project had a positive effect on participants and reduced the amount of local illegal graffiti, changes were eventually made to the building to make it more acceptable to the residents.<sup>134</sup>

## 5.8. Graffiti and the Internet

As noted in Section 2.1, there has been a proliferation of graffiti web sites in the past few years, some of which contain photographs of graffiti in NSW.<sup>135</sup> For example, a site displaying illegal graffiti in Newcastle and Lake Macquarie was launched early this year. It was quickly criticised in the media for encouraging illegal activity and, at the time of writing, it was no longer possible to access the site.<sup>136</sup> In 2001, a graffiti web site hosted by Sydney University displayed photographs of local graffiti, maps of the CityRail system and the CityRail logo. When media reported the issue, a spokesperson for CityRail stated that the site not only breached copyright but was effectively encouraging graffiti by giving them ready access to the station maps to help them target trains.<sup>137</sup> The site was brought to the attention of the University and it was subsequently taken down. State Rail has also advised that the NSW Transit Police recently brought the content of another web site to its attention. The main feature on this site was an online 'gallery' of illegal graffiti pieces, one section of which is dedicated to vandalised panels of CityRail rolling-stock. State Rail established the name of the host of the site and sent a letter to the head office of the company explaining that they were hosting a site which displays illegal activity and asking them to shut it down. This site has also been removed.<sup>138</sup>

Graffiti web sites are a new dimension to the graffiti problem and people are beginning to turn their minds to how to deal with it. One method used successfully by State Rail was to simply request the Internet Content Host or the Internet Service Provider to take down the site. If a site can be judged to be an incitement to crime there may be room for legal regulation under either

<sup>132</sup> See also, 'Graffiti removalist gives art installation a spray', *The Sydney Morning Herald*, 9/1/01, p 7.

<sup>133</sup> 'Youth club graffiti is driving residents up the wall', *The Sydney Morning Herald*, 4/6/01, p 9.

<sup>134</sup> Personal communication with Acting Senior Sargent Michelle Weidenhoffer, North Sydney Police and Community Youth Club, 15/04/02.

<sup>135</sup> See for example: [www.go.to/photofreaks](http://www.go.to/photofreaks) which contains links to several Australian graffiti sites, including Sydney based sites.

<sup>136</sup> 'Web site exports for local graffiti – Anger as vandals star on Internet', *The Sydney Morning Herald*, 8/3/01, p 20. See also reports of a similar web site posted at the beginning of 2000: 'Spray can gangs brag on the net', *The Daily Telegraph*, 5/1/00, p 5.

<sup>137</sup> 'Graffiti vandals plotting online – Police to investigate uni web site', *The Daily Telegraph*, 2/5/01, p 15.

<sup>138</sup> Personal communication with Ms Justine Adkins, Executive Officer, Communications and Marketing, State Rail, 3/5/02.

the existing Australian Broadcasting Authority regulated scheme introduced in 1999, or the proposed NSW State based regime for regulating creators of Internet content.<sup>139</sup>

## 6. STRATEGIES IN OTHER JURISDICTIONS

### 6.1 Other Australian States and Territories

Governments and local governments in other Australian States and Territories undertake many of the initiatives outlined in the preceding pages. Some state governments, like South Australia and Western Australia have coordinated graffiti strategies, while in other jurisdictions graffiti is dealt with on more of an ad hoc basis by various state government agencies, local governments and community organisations.<sup>140</sup> Some notable initiatives and strategies in other jurisdictions are noted below. Unfortunately, there appears to be a lack of information about how successful these strategies are.

- *Tough penalties for graffiti offenders*: In 1997, the then Queensland Coalition Government introduced a specific graffiti offence with a maximum term of five years. Graffiti involving obscene or indecent representations, attracts a maximum of seven years imprisonment.<sup>141</sup> The severity of these penalties was criticised by some media, youth advocacy groups and the Civil Liberties Council and by members of the Labor Opposition for being disproportionately severe.<sup>142</sup> Comparisons were made to other, more serious, offences, such as assault which attract less severe penalties than the new graffiti offences. The Strategic Policy Division of the Queensland Department of Justice advises, however, that custodial penalties for this offence have been quite rare.<sup>143</sup>
- *Restricting the display for sale of spray paint*: Under legislation introduced in South Australia last year, retailers of spray paint are required to store spray paint in a way that does not permit public access without the assistance of the retailer.<sup>144</sup>

---

<sup>139</sup> For further information about these schemes see: 'Censorship in Australia: Regulating the Internet and other recent developments', by Gareth Griffith, *NSW Parliamentary Library Research Service*, Briefing Paper No 4/02.

<sup>140</sup> The Crime Prevention Unit of the South Australian Attorney General's Department coordinates the Government's graffiti prevention strategy. For further information on the SA G strategies see the Crime Prevention Unit's web site at: [http://www.cpu.sa.gov.au/sa\\_gp.htm](http://www.cpu.sa.gov.au/sa_gp.htm).

<sup>141</sup> *The Criminal Code* (Qld), s 469 (9). A comparative table of specific graffiti offences in Australian jurisdictions and their penalties is set out in APPENDIX 1.

<sup>142</sup> 'Positive way to settle crime', *Courier Mail*, 02/01/97, p 15 and 'Child commissioner praises hard line on graffiti crimes', *Courier Mail*, 17/01/97, p 7. See also the articles referred to in Sampford, n 74, p 20 and QLDPD, 19/3/97, pp 609-612.

<sup>143</sup> Personal communication with the Strategic Policy Division of the Queensland Department of Justice, 1/5/02.

<sup>144</sup> *Graffiti Control Act 2001* (SA), s 4. The penalty for contravening this provision is a fine of \$1250.

- *Offence of selling spray paint to a minor*: In 2000, the South Australian Government introduced an offence of selling spray paint to a minor.<sup>145</sup> There is some public support for this measure to be introduced in NSW and some people have mooted even more drastic measures such as banning the sale of spray paint altogether.<sup>146</sup> The Australian Retailers Association, however, has argued that any restriction on the sale of graffiti products would penalise the vast majority of consumers who use them for legal purposes.<sup>147</sup>

## 6.2 Overseas jurisdictions

The United States of America is the most progressive and experimental country in regard to graffiti initiatives. Some innovative approaches to dealing with graffiti in the USA are set out below.

- *Encouraging citizens to protect themselves against graffiti*: In California, USA, there is a sales tax exemption for anti-graffiti coatings.
- *Revoking graffiti offender's drivers licences*: Several states in the USA including New Jersey and Indiana have legislated to enable the courts to suspend the licence of convicted graffiti writers.<sup>148</sup> Some of these jurisdictions allow the suspension of licences for juvenile offenders only, while others permit the suspension of licences of all offenders. And, in some states such as Arizona, suspension is *mandatory* if a person under the age of 18 is convicted of a graffiti offence.<sup>149</sup> For example, since November 1996, Californian courts are able to strip graffiti offenders of their driver's licence for one year. If the offender is under 16, his or her license is deferred for one year. Discretion applies where a personal or family hardship would require the offender to have a license for either employment or medical purposes. Offenders can reduce the length of their suspension by performing community service at a reduction rate of one day per hour of service. A suspension period can also be extended an additional year in the event of another offence.
- *Restrictions on sale of spray paint to minors*: Several US jurisdictions have banned the sale of spray paint to minors, including New York, California and Chicago.<sup>150</sup> Chicago has in fact banned the sale of spray paint within city limits entirely, an action which was challenged in court by the paint industry but upheld by the US Court of Appeals.<sup>151</sup>

<sup>145</sup> *Graffiti Control Act 2001 (SA)*, s 5. The penalty for contravening this provision is a fine of \$1250.

<sup>146</sup> 'Writing on the wall: business and property owners in Newcastle and Lake Macquarie say rampant graffiti has got to go', *The Newcastle Herald*, 15/4/00.

<sup>147</sup> Australian Retailers Association NSW and the Department of Fair Trading, *Abstract of material presented to the Graffiti at Large: Local Issues – Local Solutions Conference*, 26/11/01.

<sup>148</sup> New Jersey 2A: 4A-43.2 and *Indiana Code* (IC 35-43-1-2).

<sup>149</sup> Arizona 28-3320 and 13-1602.

<sup>150</sup> California Code 594.1.

<sup>151</sup> This information is taken from the web site of the Chicago City Council, Department of Streets and Sanitation web site at: [www.ci.chi.il.us/StreetsandSan/Overview.html](http://www.ci.chi.il.us/StreetsandSan/Overview.html).

- *Ban on possessing spray paint:* In California USA there are several offences relating to carrying or possessing spray paint or other graffiti or vandalism equipment in various places.<sup>152</sup>
- *A graffiti eradication fee:* In Texas, USA, a person convicted of an act of graffiti must pay a \$5 Graffiti Eradication Fee as part of their court costs.<sup>153</sup> The fund is used to repair damage caused by graffiti as well as to provide relevant educational programs and for any public rewards to those who aid in the apprehension and prosecution of persons who commit graffiti offences.
- *Requiring offenders to keep specific property clean of graffiti:* In California USA, in areas where a graffiti abatement program has been adopted, a court may order a graffiti offender and his or her parents or guardian if the defendant is a minor, to keep the property damaged, or any other specified property, free of graffiti for up to one year.<sup>154</sup>

## 7. CONCLUSION

Graffiti strikes at one of the core aspects of our society: the value we ascribe to the ownership of private property. From this point of view alone, it is not difficult to understand why many people advocate tough penalties for graffiti offenders. Graffiti has many dimensions, however, and the contemporary approach to dealing with graffiti is multifaceted and needs to be tailored for specific local areas. Since 1997, the NSW Government has made a concerted effort to tackle graffiti, with wide ranging initiatives that focus on harm minimisation, graffiti removal, reducing opportunities for writing graffiti and harnessing the positive aspects of graffiti writing through legal graffiti projects. Many anti-graffiti programs run in NSW have reported success in reducing graffiti within the local area. Since the total eradication of graffiti is unlikely, graffiti can at least be controlled by utilising various methods as outlined in this paper, to find the right balance over time for each local area.

---

<sup>152</sup> California Code 594.1. and 594.2.

<sup>153</sup> Article 102.0171 of the Texas Code of Criminal Procedures authorises counties to establish a graffiti eradication fund. Provision for the fee is set out in the Code of Criminal Procedure Article. 102.0171.

<sup>154</sup> California Penal Code, section 594. Participation of a parent is not required, however, if the court deems this participation to be detrimental to the offender or if the parent is single parent who must care for young children.

**APPENDIX 1**  
**Specific graffiti related offences in Australian States and Territories**

<b>JURISDICTION</b>	<b>OFFENCE</b>	<b>LEGISLATION</b>	<b>MAXIMUM PENALTY</b>
<b>NSW</b>	Wilful damage or defacement of property by means of spray paint without reasonable excuse.	<i>Summary Offences Act 1998</i> , s 10A	\$2200 or 6 months imprisonment (for serious and persistent offenders only). A court can order community service.
	Possession of spray paint with the intention that it should be used to damage or deface premises or other property.	<i>Summary Offences Act 1998</i> , s 10B	\$1100 or 3 months imprisonment (for serious and persistent offenders only). A court can order community service and that spray paint can be forfeited.
<b>QUEENSLAND</b>	General wilful damage to property offence with specific punishment for graffiti done on property in a public place.	<i>Criminal Code</i> , s 469(9)(1)	5 years imprisonment. A court can order community service eg. cleaning graffiti, or compensation.
	If the graffiti involves obscene or indecent representations.	<i>Criminal Code</i> , s 469(9)(2)	7 years imprisonment. A court can order community service eg. cleaning graffiti, or compensation.
	If the graffiti is written on the property of an educational institution.	<i>Criminal Code</i> , s 469(10)	7 years imprisonment. A court can order community service eg. cleaning graffiti, or compensation.
	Possession of a graffiti instrument under circumstances that give rise to a reasonable suspicion that the instrument has been used or is intended to be used to commit a graffiti offence.	<i>Vagrants, Gaming and Other Offences Act 1931</i> , s 37C	\$5250 or 2 years imprisonment. A court can order community service eg. cleaning graffiti, or compensation.
<b>TASMANIA</b>	No specific graffiti offences.		
<b>ACT</b>	No specific graffiti offences.		
<b>NT</b>	No specific graffiti offences.		

<b>JURISDICTION</b>	<b>OFFENCE</b>	<b>LEGISLATION</b>	<b>MAXIMUM PENALTY</b>
<b>SA</b>	Marking graffiti.	<i>Graffiti Control Act 2001, s 9(1)</i>	\$2500 or 6 months imprisonment. A court can order the offender to remove the graffiti or pay compensation.
	Aiding, abetting, counselling or procuring the commission of an offence of marking graffiti.	<i>Graffiti Control Act 2001, s 9(2)</i>	\$2500 or 6 months imprisonment. A court can order the offender to remove the graffiti or pay compensation.
	Carrying a graffiti implement with the intention of using it to mark graffiti..	<i>Graffiti Control Act 2001, s 10(1)(a)</i>	\$2500 or 6 months imprisonment.
	Carrying a graffiti implement of a prescribed class without lawful excuse in a public place or a place on which the person is trespassing or has entered without invitation..	<i>Graffiti Control Act 2001, s 10(1)(b)</i>	\$2500 or 6 months imprisonment.
<b>VICTORIA</b>	Injuring, damaging or defacing property belonging to the Public Transport Corporation, or adjacent property, by marking with graffiti, without lawful excuse and where the market cost of repairing or making good the property is less than \$5000.	<i>Transport Act 1983, s 223B(1)</i>	\$2500 or 6 months imprisonment. A court may order that a child who is guilty of this offence take part in a graffiti clean up program. Graffiti implements can be seized and destroyed.
	Possession, by a person who is on the property of the Public Transport Corporation or adjacent property, of graffiti implements without lawful excuse.	<i>Transport Act 1983, s 223B(3) and (4)</i>	\$1000. A court may order that a child who is guilty of this offence take part in a graffiti clean up program. Graffiti implements can be seized and destroyed.
	Aiding and abetting anyone to commit any of the above offences.	<i>Transport Act 1983, s 223B(5)</i>	Same penalty as principal offender.
<b>WA</b>	General wilful damage to property offence with a specific punishment for graffiti.	<i>Police Act 1892, ss 80 &amp; 80A</i>	\$1000. A court can order that the offender pay compensation..
	Possession of any thing with the intention of using it to cause damage consisting of graffiti..	<i>Police Act 1892, s 65(2).</i>	\$500 or 6 months imprisonment.