



Kristina Keneally MP

Thursday, 10th March 2011

Mr Tony Harris *2-30pm 10/3*
Acting Parliamentary Budget Officer
NSW Parliament
Macquarie Street
SYDNEY NSW 2000

Dear Mr Harris

I am writing to you to formally request, under Part 4 (Election policy costings) of the Parliamentary Budget Officer Act 2010, an official costing for the *Towards graffiti free streets* policy, publicly announced on 19 February 2011.

This policy document includes commitments under Section 18(2) of the Act, specifically:

- Make more offenders clean up graffiti
- Increase the penalty for obscene, racist or indecent graffiti
- Create the NSW Graffiti Unit
- Stopping graffiti in our communities – Blockout Trailers
- Research the graffiti subculture

Please find attached a copy of this policy outlining the purpose of the policy and relevant details required to complete the costing as per the requirements of the Act.

A copy of the NSW Treasury costing and budget impact statement for the policy has also been included for your reference.

Should you require any further information on this request, please contact my office on (02) 9228-5239.

Yours sincerely

Kristina Keneally
Premier of NSW
Leader of NSW Labor Party





Towards graffiti free streets

February 2011



Towards graffiti free streets

Graffiti vandalism is not a victimless crime.

Graffiti makes people feel unsafe and chips away at the community pride.

It destroys property and costs taxpayers and property owners hundreds of thousands of dollars in clean up costs each year.

It can also be a precursor to more serious acts of crime and violence.

That's why NSW Labor has taken tough and decisive action against graffiti vandalism.

And that's why we are investing more than \$10 million to prevent it, remove it and prosecute its perpetrators, including more than \$4 million in new initiatives.

We have a comprehensive Graffiti Action Plan in place to tackle graffiti on all fronts.

Under the Plan, we've established the Anti-Graffiti Action Team, banned the possession of spray paint cans by juveniles, doubled penalties and given courts additional powers to order vandals to clean up their graffiti.

We've also made it a requirement for planners of all new state government buildings to take anti graffiti designs into consideration.

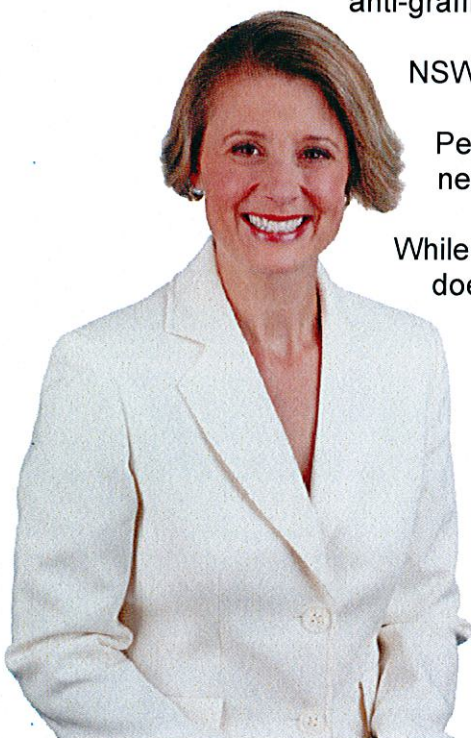
In addition, we set up a \$1 million annual grants program to fund the implementation of anti-graffiti design treatments in hotspot locations.

NSW Labor has taken action to rehabilitate juvenile graffiti vandals.

People rightly feel upset about the presence of graffiti in their neighbourhoods and on trains and buses.

While eliminating graffiti presents significant challenges, NSW Labor does not accept it is a part of everyday urban life.

The new measures detailed here build on our already strong anti-graffiti commitments, and will ensure those responsible for it are held accountable. It must be removed from our streets.



Kristina Leneally

What this policy means for you

This policy will drive down levels of graffiti and get graffiti cleaned off buildings faster.

Less graffiti means:

- Increased community pride stemming from cleaner neighbourhoods, public transport and community facilities.
- Greater public order and respect as young people learn that crime is not tolerated.
- Rising property values resulting from better neighbourhood amenity.

ACTION:

Make more offenders clean up graffiti

- Amend the Graffiti Control Act to increase the number of graffiti vandals required to clean up graffiti under graffiti clean-up orders.
- Expand the scheme under which graffiti vandals and other offenders are required to clean up graffiti to include Wollongong, Newcastle and Gosford.

Increase the penalty for obscene, racist or indecent graffiti

- Amend the Graffiti Control Act to increase the penalty for obscene, racist or indecent graffiti.

Create the NSW Graffiti Unit

- Create the NSW Graffiti Unit – a new single contact point for the reporting and removal of graffiti across the state.

Stopping graffiti on our trains

- Commence 'Rapid Removal' graffiti pilot program from March 2011.
- Trial real-time graffiti detection technology.
- Increasing public awareness through advertising and targeted education in schools.

Stopping graffiti in our communities

- Rollout of 20 Graffiti Blockout trailers, operated by community volunteers, in key local government areas across NSW to paint over graffiti in combination with proactive policing of graffiti hot spots identified by Blockout teams

\$1 million annual graffiti hotspot funding

- Continue the \$1 million annual grants program that funds the implementation of anti graffiti design treatments in hotspot locations.

Anti Graffiti Action Team

- Continue the Anti-Graffiti Action Team, a panel of experts from Government agencies, retailers and the paint industry, responsible for coordinating our anti-graffiti response and for developing new initiatives.

\$2 million anti graffiti public campaign

- Implement a \$2 million public campaign to deter graffiti vandalism.

Renew the Anti-Graffiti Action Day

- Renew our commitment to the Anti-Graffiti Action Day, an opportunity for the community to clean up graffiti in partnership with Keep Australia Beautiful.

Research the graffiti subculture

- Research the graffiti subculture and develop programs that divert young people from this criminal activity.

Labor and Graffiti

The Keneally Government has taken a hardline approach to graffiti.

We've cracked down on graffiti criminals and imposed tough sanctions against those who deface public property and public spaces.

Graffiti law reforms instituted by this government include doubling the penalties for graffiti vandalism from 6 months to 12 months imprisonment and for the possession of a graffiti implement (with the intent to do graffiti) from 3 months to 6 months imprisonment.

We have banned the possession of spray paint cans by juveniles other than for a lawful purpose, punishable by up to 6 months imprisonment.

We have introduced graffiti clean-up orders and put in place a scheme to increase the use of graffiti clean up for offenders sentenced to community service.

We have also stopped children purchasing spray cans from shops by prohibiting the supply of spray paint cans to persons under the age of 18 years.

As well as the criminal law we have used planning policy to attack graffiti and require planners of all new government buildings to take graffiti prevention measures into consideration.

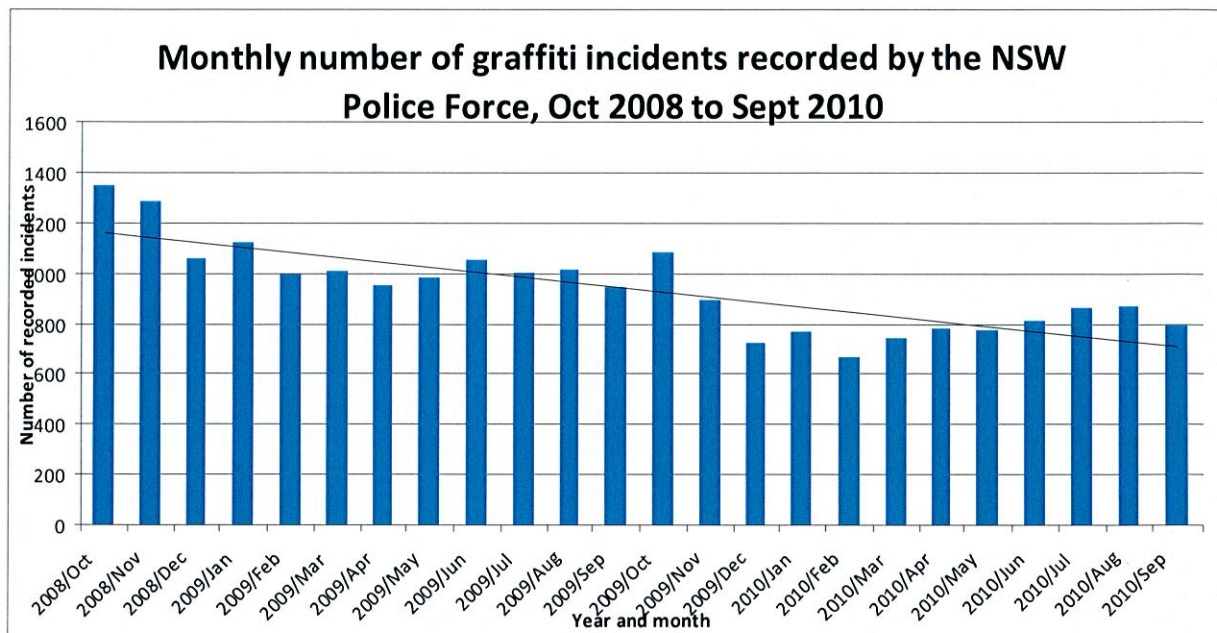
Our challenges

Reducing graffiti is a difficult challenge that can only be met by attacking it on all fronts.

To address this challenge we put in place the Anti-Graffiti Action Plan, a comprehensive action plan to tackle graffiti and the people, the Anti-Graffiti Action Team, to tackle graffiti in a comprehensive manner.

The positive news is that, latest figures available report, in the 12 months to September 2009, there has been a 23% drop in police recorded graffiti incidents in NSW compared to 12 months before, which represents a significant downward trend, and graffiti rates at 9 of the 10 worst local government areas have dropped¹.

¹ According to advice provided to the Attorney General by the independent Bureau of Crime Statistics and Research.



Juveniles are mostly responsible for graffiti vandalism. But this does not mean a soft approach is the best approach.

Young people must be made to understand that their behaviour has consequences and that graffiti is not acceptable.

The police can refer young offenders to a juvenile conference where an offender can be forced to clean up the graffiti they have created as well as other graffiti.

A youth justice conference requires an offender to meet with the victim in the presence of their family and the police. The offender must agree to abide by an Outcome Plan under which their clean up of graffiti can be ordered and monitored.

A conference not only enables victims to participate directly in the justice process, it drives home to the offender the impact of their behaviour on the community.

In addition, we have given the courts the power to impose graffiti clean up orders when sentencing graffiti offenders.

Where offenders are not suitable for a youth justice conference, offenders can be given up to 12 months jail for graffiti vandalism and up to 6 months jail for the possession of a graffiti implement with the intent to do graffiti.

Our Record

LABOR

- Established the Anti-Graffiti Action Team which brings together experts from Government agencies, retailers and the paint industry to coordinate graffiti initiatives and develop new ones.
- Doubled penalties for graffiti vandalism to 12 months in prison and 6 months for the possession of a graffiti implement with intent to do graffiti.
- Banned the possession of spray paint cans by minors punishable by 6 months in prison
- Banned the supply of spray paint cans to minors punishable by a fine of \$1,100.
- Made it an offence for retailers to not properly secure spray can paint displays (to prevent customer access without assistance) punishable by a fine of \$1,100.
- Gave council officers the power to issue on the spot fines to businesses that fail to properly secure their spray can paint displays.
- Empowered courts to issue graffiti clean-up orders to graffiti vandals instead of fines.
- Increased the use of community service orders to make offenders clean up graffiti, through a Department of Corrective Services scheme.
- Created the Graffiti Action Day – a dedicated day each year for community based graffiti clean-up in partnership with Keep Australia Beautiful.
- Introduced a requirement for planners of all new government buildings to take into account anti graffiti designs.
- Established the \$1 million annual grants program to fund the implementation of anti-graffiti design treatments in hot spot locations.

OPPOSITION

- Will not commit to keeping the Anti-Graffiti Action Team, and instead will replace it with initiatives that don't have a graffiti prevention element.
- Refuse to commit to equipment or training for any volunteer anti-graffiti groups.
- Have called for a graffiti hotline when there already is one: Crime Stoppers 1800 333 000
- Will remove Police discretion in dealing with offenders, binding the hands of Police to take action against graffiti criminals and likely to lead to increased juvenile offending.
- Want to impose graffiti community service orders on offenders to recompense and clean up graffiti, a power the courts already have under existing legislation going back to 1987.
- Have no commitment to a major graffiti clean-up day, or a partnership with an experienced organisation. Proposal to form voluntary graffiti removal squads, but no proposal to support these squads with equipment or training.

Make more offenders clean up graffiti

NSW Labor agrees that graffiti vandals should be forced to clean up their graffiti and that other suitable offenders should be made to help with the effort.

Graffiti vandals can also be charged with malicious damage and with other offences that prohibit the damage of certain property.

In 2009, to increase the amount of graffiti cleaned up by offenders the NSW Government:

1. Gave courts the power to issue graffiti clean-up orders to graffiti vandals charged under the Graffiti Control Act.
2. Introduced a scheme to increase the number of graffiti vandals and other suitable offenders cleaning up graffiti under community service orders.

NSW now has a significant number of offenders removing graffiti from problem areas.

The graffiti removal scheme currently operates in Campbelltown, Mt Druitt, Blacktown and Bankstown and soon in Newtown.

In 2010 alone around 250 offenders were required to clean up graffiti under the graffiti removal scheme. Recent figures from Juvenile Justice for the period 1 July 2009 to 16 December 2010 show that juvenile offenders have spent more than **11,413 hours** or around **1500 days** cleaning up graffiti in NSW.

But the graffiti removal task is a significant one, and as many offenders as possible should be made to clean up graffiti.

If re-elected NSW Labor will:

- Expand the power of the courts to issue graffiti clean up orders beyond the Graffiti Control Act to vandals charged under other legislation (such as malicious damage under the Crimes Act).
- Expand the scheme under which offenders are required to clean up graffiti from \$1.7 million to the program to 2014 by a further \$2.4 million. This will enable it to service the 3 additional areas of Wollongong, Newcastle and Gosford and will be expanded to cover a further 960 offenders.

ACTION:

- Amend the Graffiti Control Act to increase the number of graffiti vandals required to clean up graffiti under graffiti clean-up orders
- Expand the scheme under which graffiti vandals and other offenders are required to clean up graffiti to Wollongong, Newcastle and Gosford.

Increase the penalty for obscene, racist or indecent graffiti

All graffiti vandalism is destructive and deserves a tough punishment, but a particularly heinous form of graffiti is that which is obscene or indecent such as pictures and words that are overtly pornographic or incite racial hatred or advocate drugs or violence.

People do not deserve to be exposed to such material, in particular children and young people. With this type of graffiti, a tougher punishment is required to ensure there is a sufficient deterrent against it.

If re-elected NSW Labor will enact legislation that makes obscene, racist or indecent graffiti an aggravating factor on sentencing.

The Australian Jewish community reports that there are between 15 to 20 serious anti-Semitic graffiti incidents a year in NSW.

ACTION:

- Amend the Graffiti Control Act to increase the sentence for obscene, racist or indecent graffiti.

Create the NSW Graffiti Unit

Research shows that the rapid removal of graffiti significantly reduces the chance of graffiti reoccurring². The establishment of a NSW Graffiti Unit will ensure graffiti is removed as quickly and efficiently as possible.

Currently, people can call the Crime Stoppers Hotline or the Police Assistance Line to report graffiti and have it investigated. Removal is typically undertaken at a local level by local council and by property owners.

The Crime Stoppers Hotline and the Police Assistance line have served as a useful immediate contact points for graffiti concerns. The NSW Graffiti Unit will not only replicate the success of this approach by serving as a new single contact point for the reporting of graffiti, it will also serve as a single contact point for the removal of graffiti. The Unit will refer a graffiti report to the police, local council and government property owners and will co-ordinate with these bodies to have graffiti removed.

ACTION:

- Create the NSW Graffiti Unit a new single contact point for the reporting and removal of graffiti across the state.

² NSW Department of Justice and Attorney General (Oct 2009), "Graffiti Vandalism – The Motivations and Modus Operandi of Persons who do Graffiti"p.9.

Finding new ways of stopping railway graffiti

The Keneally Government is working to ensure that commuters on public transport enjoy all aspects of their travel around Sydney and NSW, and takes graffiti and other forms of vandalism very seriously.

RailCorp security works closely with the NSW Police to gather extensive intelligence concerning the activities of vandals.

Specialist graffiti removalists operate **7 days a week out of 25 stations across the network**, employing effective solvents to remove graffiti from stabled rolling stock.

The NSW Government recognises that this type of vandalism is an ongoing problem and the war to eliminate this kind of behaviour cannot be won without firm and immediate action.

To accompany increased penalties for graffiti vandalism, from March a re-elected Keneally Government will trial a new **'Rapid Removal' graffiti pilot program**. This pilot program uses 'paint patching' to drastically increase the rate and effectiveness at which graffiti can be removed from trains.

In addition, the NSW Government is investing in **new real-time detection technology** that will allow the presence of graffiti vandalism to be detected and used to ensure that security resources are immediately employed in target areas.

The NSW Government will also target the social aspects of this kind of behaviour through a new public awareness advertising campaign from mid 2011.

Supporting this will be a schools program, targeting Years 8/9 students and covering off all elements of acceptable behaviour when travelling on the network.

ACTION:

- Commence 'Rapid Removal' graffiti pilot program from March 2011.
- Trial real-time graffiti detection technology.
- Increasing public awareness through advertising and targeted education in schools.

Stopping graffiti in our communities

The Keneally Government, through NSW Police, will commission the construction of **20 purpose built graffiti response trailers** equipped with generators and airless spray equipment for rapid response to graffiti vandalism.

Trailers will be staffed by volunteer teams organised and deployed by local councils in key local areas.

Graffiti response teams will use the trailers to spray over graffiti vandalism with a primer undercoat as a priority response to graffiti. Police would conduct proactive policing of graffiti hotspots painted over by response teams to prevent reoffending.

The Graffiti Blockout trailers eliminate the motivation for graffiti vandals to commit the crime by removing public display of the vandal's individual design or tag as soon as possible.

ACTION:

- Rollout of 20 Graffiti Blockout trailers, operated by community volunteers, in key local government areas across NSW to paint over graffiti in combination with proactive policing of graffiti hot spots identified by Blockout teams

\$1 million annual graffiti hotspot funding

Under the annual graffiti hotspots grants program, \$1 million a year has been allocated to local councils in hotspot areas to fund the implementation of anti graffiti design treatments.

The current year 2010/11 is the first year of funding. The 10 worst areas for graffiti have been identified based on BOCSAR statistics and after the submission of satisfactory project plans were given a grant.

The 10 graffiti hot spots this year

Campbelltown	\$57,240
Blacktown	\$111,500
Penrith	\$103,833
Blue Mountains	\$130,300
Sutherland	\$120,997
Wollongong	\$78,295
Sydney	\$47,744
Lake Macquarie	\$84,600
Gosford	\$98,500
Newcastle	\$149,137

The first year of the program has been an outstanding success.

More than 40 anti-graffiti design projects are being carried out with the funding include a community mosaic and green screening in Blacktown, the installation of glazing and protective film to numerous sites in the Blue Mountains including bus shelters city wide, and community art projects, anti-graffiti lighting and signage in Gosford.

ACTION:

- Continue the \$1 million annual grants program that funds the implementation of anti graffiti design treatments in hotspot locations.

Anti-Graffiti Action Team

The Anti-Graffiti Action Team is a panel of experts from Government agencies, retailers and the paint industry, responsible for coordinating our anti-graffiti response and for developing new initiatives.

The Department of Justice and Attorney General leads the Anti-Graffiti Action Team, which also includes membership from the NSW Police Force; RailCorp; Roads and Traffic Authority; State Transit Authority of NSW; Department of Local Government; NSW Department of Education and Training; Australian Paint Manufacturers Federation; Local Government and Shires Association of NSW; NSW Office of Fair Trading; NSW Department of Corrective Services; Australian Retailers Association; Energy Australia; Telstra Corporation Limited; and Sydney Water.

The work of the Anti-Graffiti Action Team has included:

- Increasing the use of Community Service Orders to make offenders repair the damage caused by graffiti vandalism.
- The identification of graffiti “hot spots” and stepping up enforcement and surveillance.
- Assistance to councils and government utilities with the development of Graffiti Management Plans targeting high graffiti vandalism environments.
- A scheme for local councils to accredit community groups and volunteers to remove graffiti vandalism.

ACTION:

- Continue the Anti-Graffiti Action Team, a panel of experts from Government agencies, retailers and the paint industry, responsible for coordinating our anti-graffiti response and for developing new initiatives.

\$2 million anti-graffiti public campaign

Developed by the NSW Government, in association with the Anti-Graffiti Action Team, the overarching objective of this public education campaign will be to decrease the incidence of graffiti in New South Wales by targeting offenders and potential offenders, and their peers, to either prevent the behaviour developing or modify existing behaviour.

Some of the key messages the public campaign will tackle include:

- Graffiti is dangerous
- It's permissible to speak out against friends who graffiti
- Graffiti is a crime
- Penalties for graffiti can be up to 12 months in prison and 6 months in prison for possession of a graffiti implement
- Graffiti vandals are often made to clean up graffiti

This initiative has already been committed to, and creative agencies have been invited to tender for this work. NSW Labor will ensure its implementation is a priority for the first year of Government if re-elected.

ACTION:

- Implement a \$2 million public campaign to deter graffiti vandalism.

Renew the anti-graffiti action day

The graffiti action day is a dedicated day each year for community based graffiti clean up in partnership with Keep Australia Beautiful.

The first day was held on 2 May 2010 and was an outstanding success. **4,178 square metres of graffiti was removed from 237 public sites.**

If re-elected, NSW Labor will continue to fund this outstanding initiative. The NSW Government has already planned the next day for 2 May 2010.

ACTION:

- Renew our commitment to the Anti-Graffiti Action Day – a dedicated day each year for the community to clean up graffiti in partnership with Keep Australia Beautiful.

Undertake research that profiles the graffiti subculture

In order to graffiti occurring in the first place, it is important to understand the way that graffiti crime is committed and the motivation of people involved in it.

Complementing the Government's tough approach will be a renewed focus on preventing graffiti.

This will see extensive research into the graffiti subculture and analytical profiling of the perpetrators who engage in this behaviour.

The intelligence derived from this research will be a useful tool for law enforcement authorities conducting operations against the graffiti underworld. It will also enable crime prevention initiatives aimed at diverting young people into more socially productive activities and away from graffiti crime before they become involved in it.

This research will be undertaken by the independent Bureau of Crime Statistics and Research for the Government.

ACTION:

- Research the graffiti subculture and develop programs that divert young people from this criminal activity.



www.kristinakeneally.com.au



Authorised and printed by Michael Lee, 377 Sussex Street Sydney NSW 2000.