

Trim Container	FOL/17/1001
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1. PREAMBLE

This policy outlines Council’s responsibilities and powers in relation to the control and removal of graffiti within the city; Council’s commitment to employ crime prevention measures; and intention to identify and implement such mechanisms that will aid Council, members of the community and regulatory authorities in combating instances of graffiti related vandalism within its jurisdiction.

1.1 Background

Graffiti is a criminal offence that detracts from the visual amenity of the area, is destructive to property and is a cost burden to the community;

Council aims to assist in creating a graffiti free environment and endeavours to encourage and support community groups and individuals that wish to assist in implementing graffiti prevention initiatives.

1.2 Purpose

The purpose of this policy is to provide a framework for the exercise of the City of Holdfast Bay’s powers regarding to the management and minimisation of graffiti within its jurisdiction. In conjunction with the Local Government Act 1999 and the Graffiti Control Act 2001, this document seeks to:

- a. define the specific powers possessed by the City of Holdfast Bay to both implement the removal of graffiti, and that which enforces property owners to rectify or obliterate graffiti associated vandalism from private property;
- b. set precedent for the implementation of standard practices that provide services and standard operating procedural guidelines for the removal of graffiti;
- c. implement further Crime Prevention Through Environmental Design (CPTED) measures that will deter people from committing illegal graffiti activity;
- d. develop appropriate local responses to graffiti prevention as well as management through education and engagement mechanisms for local schools and groups;
- e. identify integral social factors that may influence people to commit graffiti and implement appropriate responses that combat these issues.

1.3 Scope

This document applies to all areas within the City of Holdfast Bay and relates to all community, business, volunteer and/or other groups affected by or involved in the management of graffiti;

This document however (as outlined in section 2.1.4 and 2.1.5) specifies that while Council may remove graffiti from a privately owned land/property (under section 12(1) of the Graffiti Control Act 2001 and sections 244-255 of the Local Government Act 1999), it holds no obligation or responsibility to remove, obliterate or paint over graffiti associated vandalism from any privately owned residence or property within its governed area;

Further to section 1.3.2, in exercising its authority under this policy, section 12(5) of the Graffiti Control Act 2001 negates any civil liability attached to Council for anything done by a worker when in the course of their official capacity through graffiti removal duties.

1.4 Definitions

Council means a council within the meaning of the Local Government Act 1999;

Council owned land/property means all buildings, land, reserves, structures, community centres etc. owned and maintained by the City of Holdfast Bay and its Staff;

Crime Prevention Through Environmental Design (CPTED) refers to the design of an environment and/or the implementation of specific infrastructure that encourages desirable behaviour, and functionality, and decreases antisocial behaviour (e.g. close circuit television networks, security lighting design, landscape design etc.);

Graffiti is a form of vandalism that includes written, scribbled, scratched or painted damage on property or any surface;

Complex Graffiti denotes that which requires the use of strong chemicals (not those included in Council supplied Community Graffiti Removal Kits) , high pressure spraying equipment, replacement of panelling(s), and/or requires specialist attention to remove. Complex graffiti is also that which is out of 'easy reach' and requires the use of ladders to remove;

Simple Graffiti denotes minor instances of graffiti (small tags, throw-ups etc.) that are committed under quick opportunistic circumstances (e.g. on stobie poles, public surfaces, fences and/or private property); that is in 'easy reach' (within 2 metres from the ground); takes little physical exertion to remove; and can be removed with a 'Graffiti Removal Kit';

Private Property means any property which is not owned by Council or an agency of the Crown;

Vandalism is the wilful or malicious damage or destruction of property;

Worker means a person engaged through an employment agency, a contractor or volunteer who acts/works on behalf of Council;

1.5 Strategic Reference

Culture: Supporting excellent, efficient operations

2. PRINCIPLES

- 2.1 Council will support anti-graffiti initiatives which aim to:
 - a. Reduce the incidence of graffiti vandalism in Holdfast Bay;
 - b. Increase community reporting of graffiti;
 - c. Increase community participation in anti-graffiti programs;
 - d. Encourage businesses to comply with the Graffiti Code of Practice.
- 2.2 Council workers will undertake the removal of 'general' graffiti from Council owned land/property within 48 hours (where practicable) of it being reported;
- 2.3 Council workers will undertake the removal of graffiti from Council owned land/property when it is deemed to be of an offensive nature within 24 hours (where practicable) of it being reported;
- 2.4 Council workers may undertake action to remove graffiti from private property and/or local business within in the jurisdiction (as per section 1.3 of this policy) within seven working days (where applicable) of it being reported when Council deems its' removal to be appropriate and restorative of the localities natural amenity;
- 2.5 Council reserves the right to pursue a property owner for the purpose of recovering any/all costs incurred by Council in association with the removal of graffiti from a private residence/property;
- 2.6 Council may order the owner of a private property within it the City to remove, obliterate or paint over graffiti from the premises when it is considered necessary by Council to remove an unsightly condition, structure or object on a private premises in accordance with section 12 of the Graffiti Control Act 2001 and section 254 of the Local Government Act 1999;
- 2.7 Council workers will be responsible for the removal of all complex & simple graffiti from Council owned land/property, road signs, road asphalt, reserves and structures, community fencing, bus stops, public telephone boxes, stobie poles and/or community buildings;
- 2.8 Council will undertake audits of graffiti 'hotspots' and when possible, undertake surveillance and/or apply CPTED principles to reduce incidences of graffiti;
- 2.9 Council workers will compile graffiti 'tag' register (where practicable) to log the occurrences, frequencies and migration patterns of offenders within its jurisdiction, reporting the information to the South Australian Police;

- 2.10 Council workers will work with the South Australian Police, local community groups and local schools to deliver anti-graffiti messages with an emphasis on community responsibility and prevention;
- 2.11 Council will support Neighbourhood Watch and other community groups who undertake graffiti prevention projects;
- 2.12 Council will monitor local businesses who sell potential graffiti implements such as cans of spray paint for compliance with the graffiti code of practice.

3. REFERENCES

3.1 Legislation

- *Graffiti Control Act 2001*
- *Graffiti Control Regulations 2002*
- *Local Government Act 1999*

3.2 Other References

- Graffiti Code of Practice
- City of Holdfast Bay Graffiti Removal Indemnity Form