

POLICY

Policy Name	Graffiti Management Policy
Policy Category	Service Provision
Department / Officer	Environment and Infrastructure/Director Environment and Infrastructure
Date Adopted	18 June 2004
Date/s Reviewed	25 February 2013; 24 August 2015, 25 September 2017; 27 June 2022
Review Frequency	Every three years
Attachments	Nil

1. Purpose

The purpose of this policy is to outline framework for managing the removal of graffiti on Council owned and/or controlled property and private property.

2. Scope

This Policy applies to Council owned and/or controlled property within the City of Victor Harbor and private property, This Policy does not apply to approved public art or displays which are in accordance with the Public Art Policy

3. Policy Statement (Summary)

The City of Victor Harbor is committed to:

- Providing community leadership to keep the City of Victor Harbor free of graffiti to ensure it is safe, clean and friendly.
- The apprehension and prosecution of offenders and will co-operate with any lawful request of the South Australian Police which may include the use of Closed-Circuit TV (CCTV) footage in order to assist the reduction of graffiti.

4. Legislation and Compliance

Under the *Graffiti Control Act 2001A* a person who marks graffiti is guilty of an offence, which may attract a maximum penalty of \$5,000 or imprisonment for 12 months. This may include a person marking graffiti within a cemetery, or within a public memorial, or on or within a place of public worship or religious practice.

A person who aids, abets, counsels or procures the commission of an offence (as stated above) is liable to be prosecuted and punished as a principal offender.

A graffiti offence also means an offence against Section 85 of the *Criminal Law Consolidation Act 1935* where the conduct constituting the offence consists of, or includes, the marking of graffiti.

Council may enter private property and take any action necessary to remove or obliterate graffiti on the property that is visible from a public place if the appropriate notices are served on the owner or occupier of the property.

Note: Although Council may remove graffiti from privately owned land/property under the Graffiti Control Act 2001 it has no obligation or responsibility to do so.

5. Definitions

Graffiti means a widespread term for any kind of markings as initials, slogans or drawings, lettering, written, spray painted or sketched that is marked on property without the permission of the property owner. To mark graffiti under the *Graffiti Control Act 2001* is to deface property in any way.

Property means a building, structure, road, paved surface or object of any kind.

Public Place means a place (including a place on private land) to which the public has access.

6. Policy Content

6.1 Rapid Response approach

The following strategies are utilised to assist a 'rapid response' process:

- Monitoring of regularly targeted sites and structures.
- Community, security and/or volunteer involvement in both reporting and responding.
- Notifying utilities, where necessary, in relation to reports of Graffiti within the Council area.

6.2 Removal on Council Property

Council aims to remove and report graffiti as follows:

- Racist and obscene graffiti from Council property with 24 hours.
- Other graffiti within 5 working days, considering the type and extent of the damage.

All instances of graffiti are recorded, reported and followed up with the Police as appropriate.

6.3 Graffiti removal from Private Property

In accordance with Section 12 of the *Graffiti Control Act 2001*, Council may elect to remove graffiti from private residences, business, commercial or industrial premises where graffiti is visible from a public place.

Where it is desirable that Council remove graffiti from private property the permission of the building owner must be sought, particularly where the Council will either contribute to the cost or seek to recover costs by undertaking private works. This arrangement should be in writing to avoid any confusion regarding property damage.

Council will not carry out the works if the owner or occupier objects unless the graffiti is deemed offensive in which instance Council may exercise powers under legislation.

7. Implementation/Delegations

The Chief Executive Officer is delegated authority to implement this Policy and to sub-delegate powers or functions as necessary under the *Local Government Act 1999* (S101).

8. Related Documents

Public Art Policy
Risk Management Policy and Strategy
WHS - Hazardous and Dangerous Substances procedure
WHS - Hazardous Work Policy

9. Availability of Policy

This policy is available on Council's website at www.victor.sa.gov.au.