POLICY TITLE | Graffiti Management Policy
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POLICY TYPE | Council
DIRECTORATE | Environment & Lifestyle Directorate

1. Background

Moonee Valley City Council’s goal is to create a community that is vibrant and diverse; clean, green and beautiful; sustainable; and friendly and safe. Through a strategic prevention and early intervention graffiti management approach, Council aims to reduce negative impacts and ongoing costs associated with removal and enforcement of illegal graffiti and to promote a sense of safety and pride in our community.

2. Purpose

The Graffiti Management Policy outlines Council’s commitment to:

2.1 Support safety and pride in the community through promoting a safe, clean and welcoming environment where people feel confident and safe.

2.2 Ensure an effective, coordinated and proactive approach to graffiti management through prevention, education, removal and enforcement.

2.3 Support a whole of community, multifaceted approach through:
   2.3.1 Prevention and early intervention by: eliminating illegal graffiti before it occurs, education campaigns, implementing urban design principles that reduce opportunities for graffiti and enabling street art where appropriate.
   2.3.2 Removal of illegal graffiti through creating partnership projects with local traders, community groups, service providers and other levels of government and by empowering residents through use of removal kits.
   2.3.3 Enforcement via proactive monitoring measures of graffiti to reduce illegal graffiti offences.

3. Scope

This Policy defines Council’s approach to illegal or offensive graffiti and the associated removal and responses within the capacity of Council’s General Purpose Local Law and the Graffiti Prevention Act 2007. It also outlines
Council’s approach to graffiti prevention including street art and murals in appropriate locations to activate and create vibrant urban spaces in Moonee Valley.

4. Definitions

Graffiti Defined in the *Graffiti Prevention Act 2007*, to “write, draw, mark, scratch or otherwise deface property by any means so that the defacement is not readily removable by wiping with a dry cloth.”

It can include spraying, writing, scratching or slashing an identifying mark or symbol on someone else’s property without their consent.

Materials commonly used to do graffiti include spray cans, felt tip markers, any form of paint or sharp instruments.

Illegal graffiti Placing graffiti on someone else’s property without their consent is a criminal offence under the *Graffiti Prevention Act 2007*.

Offensive graffiti Obscene in nature and has the potential to cause offence to the community or certain groups within the community. In particular, it often includes defamatory remarks about race and gender and includes offensive words, phrases or graphics.

Tagging Style of calligraphy writing that depicts the initials or nickname of the person responsible.

Throw-ups ‘Fat’ bubble style outline of a word (usually a tag name) drawn quickly.

Crew tagging The tag represents the name of a crew of graffiti writers rather than an individual.

Political or social comments Slogans used to show concern about particular issues

‘Piece’ Generally a more complex work involving some form of ‘artistry’. They are usually a highly stylized and colourful version of a tag or crew name

Mural A mural is any piece of artwork painted or applied directly on a wall, ceiling or other large permanent surface. A distinguishing characteristic of mural painting is that the architectural elements of the given space are harmoniously incorporated into the art.

Stencilling Pre-formatted template placed on the wall or footpath and sprayed over with a spray can (There is an emerging...
problem of private organisations paying graffers to spray stencils or their logo for advertising purposes).

Stickering
Placing stickers on structures.

Postering
Involves gluing posters to structures.

Street art
Refers to artistic work implemented with the permission of the person/authority who owns the surface/wall where the artwork is located, and with the permission of Council.

Illegal Street art
Refers to artistic work implemented without the permission of the person/authority who owns the surface/wall where the street artwork is located. (Particular identified sites may also require approval by Council where heritage and or signage controls are stipulated in the Planning Scheme).

Graffiti Prevention Act 2007
The Act is to reduce the incidence of graffiti by creating graffiti-related offence; and providing search and seizure powers for members of the police force and providing power for a Council to enter private property for the purpose of removing graffiti.

Crime Prevention Through Environmental Design (CPTED)
A planning approach to deter illegal behaviour through the design of the built environment that address perceptions of safety and fear of crime. CPTED has been used extensively to reduce incidences of graffiti.

5. Responsibility

The implementation of this policy is managed via an organisation wide approach, with coordination managed via the Streetscape Working Group, whose membership comprises management and operational staff from each of Council’s Directorates.

In relation to graffiti, the Streetscape Working Group is responsible for:

- Coordinating the implementation of the policy and its review in a consultative and collaborative process at identified periodic intervals; and
- Annually planning and advocating for new initiatives and continuous improvement responses to resource graffiti management.

The development, implementation and evaluation of approaches and processes are the responsibility of several service Departments inclusive of Arts & Culture, Economic Development & City Sustainability, Leisure & Open Space Planning, Parks & Gardens, Infrastructure, Operations, Governance & Local Laws, Community Planning & Development and Citizen and Information Services.
All Council Officers and Council contractors are responsible for implementation and/or adherence to this policy.

6. Legislation

The aim of the Graffiti Prevention Act 2007 is to reduce the incidence of graffiti by creating graffiti-related offence, providing search and seizure powers for members of the police force and providing power for a Council to enter private property for the purpose of removing graffiti.

Graffiti Prevention Act 2007 adopts a zero-tolerance approach towards graffiti and focuses on policing and enforcement. Offences included in the Act are:

- Marking graffiti meaning “a person must not mark graffiti on property if the graffiti is visible from a public place unless the person has first obtained the express consent of the owner, or an agent of the owner, of the property to do so”

- Marking offensive graffiti meaning “a person must not mark graffiti that is visible from a public place if the graffiti, or any part of the graffiti, would offend a reasonable person”.

- Possessing a prescribed graffiti implement which states that “A person must not, without lawful excuse, possess a prescribed graffiti implement— (a) on property of a transport company; or (b) in an adjacent public place; or (c) in a place where the person is trespassing or has entered without invitation.”

The Graffiti Prevention Act 2007 also carries significant penalties, including up to 2 years’ imprisonment and a fine of up to $26,428.

7. Policy

Council recognises that illegal graffiti (such as tagging) can contribute to poor perceptions of safety. In other contexts, commissioned or authorised street art can play a role in creating vibrancy and diversity in an area.

Different organisations have varying approaches to graffiti management depending on the community’s tolerance to graffiti as contributing to the urban and social character of a community. However, councils generally hold a zero tolerance to tagging, offensive graffiti and illegal murals, stickering and postering.

Positive effects of legal graffiti/street art expressions include:

- Opportunities for artists to develop their skill and creativity;

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Opportunity for community to experience the artistic work of others;
- Contribution to the vibrancy of an area; and
- Creation of local identity, pride and character of local neighbourhoods via supported legal street art forms.

Negative impacts include:
- Economic impacts associated with the removal of illegal graffiti;
- Contributing to poor perceptions of safety; and
- Contributing to a reduction in local pride via views of cleanliness and the quality of the physical environment.

The objective of this policy is to support safety and community pride, manage the negative impacts of illegal graffiti and recognise the need for a coordinated management approach to graffiti through:
- prevention and early intervention
- removal, and
- enforcement.

7.1 Prevention and early intervention

Whilst there is no definitive best-practice approach to graffiti management, there is general agreement that illegal graffiti will never be eliminated and therefore, graffiti management rather than eradication is the most practical and reasonable approach.

Council acknowledges that one of the effective strategies in illegal graffiti prevention is active engagement and development of partnerships to create a broader approach to the management and removal of graffiti across the municipality.

Council recognises the role community education plays in empowering our community to appreciate and respond to impacts and opportunities associated with graffiti. Council will provide the following local graffiti prevention strategies:

7.1.1 Active engagement with artists and other community members to promote and provide appropriate avenues for creativity and skill development opportunities.

7.1.2 Consideration of murals and commissioning of legal street art in appropriate locations that contribute to the amenity of the area and prevent illegal graffiti on the site.

7.1.3 Work with businesses and private property owners to develop and/or commission murals and legal street art in appropriate locations.

7.1.4 Develop and maintain a registry of approved locations and street art works in Moonee Valley to encourage protection.
7.1.5 Community education and partnership approaches to support a coordinated response that develops solutions and opportunities for graffiti prevention, education, removal and enforcement. Council will consider opportunities to support or facilitate clean up days that enable engagement with community members, business and influential local leaders.

7.1.6 Urban Design Guidelines to inform built form to develop safe and welcoming spaces through the implementation of CPTED principles. These include landscape plantings, surface finishes (i.e. texture and colour), and incorporating graffiti reduction principles in the design of buildings, walls, fences, etc.

7.1.7 Support rapid removal of illegal graffiti to discourage the recurrence of graffiti, as it reduces exposure time of the graffiti and makes the graffiti physically easier to remove.

7.1.8 Encourage use of graffiti resistant materials or protective coatings to assist with removal.

7.2 Removal

Removal involves the elimination of illegal graffiti including directly by Council or empowering residents by providing graffiti removal kits.

7.2.1 Removal of Illegal graffiti from Council and public property:

Council property includes but is not limited to Council-owned buildings, parking meter, bench, waste bin, public artwork, bridge or street sign.

Council will proactively remove illegal graffiti from its property in a timely manner. Once reported, rapid removal of offensive graffiti on Council property will take place within 48 hours via its Graffiti removal team and other service contractors.

7.2.2 Removal of illegal graffiti on private property and assets:

Graffiti on private property includes a house, shop, office, factory or other building, fences, walls, garage or a private letter box.

Removal on private property and assets is reliant on property owners. For numerous reasons property owners do not always remove the graffiti promptly.

In support of private property owners and our community, Council will:
- Provide and promote graffiti removal kits to residents and businesses for removal of graffiti. These kits are available from Council’s Civic Centre.
• Support community groups to access Council’s graffiti removal trailer to assist with clean up days.

• Proactively use the provisions *Graffiti Prevention Act 2007* to remove offensive graffiti from private property and assets.

Council will utilise the provisions of the *Graffiti Prevention Act 2007* to remove graffiti by gaining consent from such entities through issuing of notices under Sections 18(2) and 18(3) of the *Graffiti Prevention Act 2007*.

Under the provisions of the *Graffiti Prevention Act 2007* Council can take action to remove or obliterate graffiti from private property when graffiti is deemed ‘offensive in nature’ or ‘when it is affecting community perceptions of safety.’ The removal of obscene or offensive graffiti will be fast-tracked through immediate contact with the property owner or their representative. The *Racial and Religious Tolerance Act 2001* may be used to support fast removal. The Act makes it illegal to write racist graffiti in public places.

According *Graffiti Prevention Act 2007*, Council officers will provide written notice to the owner or occupier of our intention to remove graffiti. Once consent is obtained (or once ten days has passed) Council can arrange for the graffiti to be removed. The removal of obscene or offensive graffiti will be fast-tracked through immediate contact with the property owner or their representative.

• For residents who are Pensioner Concession Card holders or who are unable to remove the graffiti themselves, Council will assist with the removal of the graffiti.

7.2.3 Council will work with traders and other private property owners to identify hotspots and options to address graffiti-related issues. Such options will include limiting access to hotspot areas (e.g. above shop fronts), prevention through commissioning of works and encouraging CPTED design principles including the use of materials to discourage graffiti.

7.2.4 In terms of reporting, community members are encouraged to report graffiti to Council if on Council property or directly to asset managers or owners as promoted on Council’s website.

7.2.5 Council will support where available and appropriate, the utilisation of the Department of Justice’s Graffiti Offenders Program (or alike programs) to assign graffiti offenders to
impacted sites within the municipality, to assist with graffiti removal.

7.3 Enforcement

To deter illegal graffiti and support the apprehension of offenders, Council will:

7.3.1 Promote the Snap Solve Send phone application for community members to take photos on their smart phone of graffiti and send it directly to Council to support removal and/or build a database of graffiti.

7.3.2 Identify and liaise with Victoria Police on local graffiti hot spots to enable proactive patrols in an attempt to apprehend offenders and where appropriate re-direct to other community activities.

7.3.3 Work with local business to ensure they are not selling spray cans to minors - the Graffiti Prevention Act 2007 prohibits the sale of aerosol paint containers to persons under 18 years old, unless proof is provided that it is for his or her employment.

8. Consultation

Council has undertaken consultation on a number of policies, plans and strategies, where graffiti was identified, including:

- The Council Plan 2013-17
- Moonee Valley 2035 Community Vision (MV2035)
- Public Health and Wellbeing Plan 2013 - 17
- Arts and Culture Strategy 2014 - 18
- Economic Development Strategy 2014
- Youth Engagement Plan (under development).
- Community Safety Program (under development).
- Structure plans, Master Plans and Precinct plans.

9. Related Documents

- General Purpose Local Law 2008
- Local Government Act 1989
- Graffiti Prevention Act 2007
- Arts and Culture Plan 2014 - 18
- Public Health and Wellbeing Plan 2013 - 17
- Economic Development Strategy 2014
- Open Space Asset Management Plan
- Community Safety Program (under development).
- Youth Engagement Strategy (under development).