

HUME CITY COUNCIL

Graffiti Management Policy

Policy reference No:	POL/172
File No:	< Insert file number >
Strategic objective:	SO 1.3 - Safe and well maintained places
Adopted by Council:	< Date Month Year >
Re-Adopted:	< Date Month Year >
Date for review:	< Date Month Year >
Responsible officer:	Manager Waste and Sustainability
Department:	Waste and Sustainability

1 Policy Statement

- 1.1 The Graffiti Management Policy has been developed to guide Council's response to Graffiti in accordance with the requirements of the Graffiti Prevention Act 2007.

2 Purpose

- 2.1 The purpose of the Graffiti Management Policy is to:
- 2.1.1 Distinguish between various forms of Graffiti.
 - 2.1.2 Outline Council's role in managing Graffiti, including removal.

3 Scope

3.1 In Scope

- 3.1.1 This Policy relates to unauthorised Graffiti only.

3.2 Out of Scope

- 3.2.1 Public Art, including murals and street art, commissioned or authorised by Council is not covered under this policy and will be supported under the Art in Public Places Policy (POL/148).
- 3.2.2 Graffiti on Private Property that is not visible from a Public Place.

4 Objective

- 4.1 Council recognises that Graffiti can contribute to poor visual amenity and negative perceptions of safety.
- 4.2 The objective of this policy is to minimise the negative impacts of illegal Graffiti and provide clarity on Council's approach to graffiti management, including removal.
- 4.3 The objective of the Graffiti Management Policy aligns to Council's Strategic Objective to be a liveable city of well designed and connected places (Council Plan 2025-2029).

5 Policy Implementation

5.1 Community Education

- 5.1.1 Council will encourage the community to report Graffiti to Council and other appropriate agencies by providing contact information and education programs.
- 5.1.2 Council will promote community pride messages and encourage the community to assist in the removal of Graffiti.

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- 5.1.3 Council will seek to undertake education programs within the community and schools to highlight the financial and emotional damage that results from Graffiti vandalism.
- 5.1.4 Council will provide education and information to residents, businesses, and property owners, on what to do if their property has Graffiti, including the most effective ways to remove Graffiti from their property.

5.2 Graffiti Prevention

5.2.1 Public Art

- 5.2.1.1 Council recognises and values the contribution that residents and young people can make to the appearance of the municipality through community artworks in public spaces.
- 5.2.1.2 Well delivered Public Art, including murals, can provide a sustainable approach to prevent Graffiti, improve amenity, strengthen community pride and improve local relationships (Community Crime Prevention Victoria).
- 5.2.1.3 In accordance with Council's Art in Public Places Policy (POL/148), locations linked to public safety outcomes, including those subject to anti-social behaviour, repeated acts of Graffiti vandalism, and litter hot spots, are considered priority locations for Public Art.

5.2.2 Closed Circuit Television (CCTV) Camera Surveillance

- 5.2.2.1 Council's CCTV Camera Policy (POL/256) identifies protecting Council assets from vandalism, Graffiti, and damage, and enhancing community safety and preventing crime as policy objectives.
- 5.2.2.2 In accordance with the CCTV Camera Policy, the CCTV Steering Committee will base the decision to implement CCTV systems on the purpose and objectives of the Policy, taking into account all relevant material.

5.2.3 Public Lighting

- 5.2.3.1 Community Crime Prevention Victoria provides information on design principles which can help make public environments safer.
- 5.2.3.2 Community Crime Prevention Victoria states that potential offenders can be deterred through visibility and natural surveillance, provide spaces where activities can be easily seen.
- 5.2.3.3 Council's Public Lighting Policy (POL/276) provides a policy for the consistent approach in the provision of public lighting in streets and public places.
- 5.2.3.4 In accordance with the Public Lighting Policy, public lighting is only provided in certain locations and situations, and where possible is subject to approval through the Capital Works budget process or Council's Manager Assets.

5.2.4 Restricting access to large surfaces

- 5.2.4.1 Victoria Police provide tips to prevent Graffiti, including reducing access to large surfaces.
- 5.2.4.2 Victoria Police recommend:

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- 5.2.4.2.1 painting large surfaces, like walls, fences and garage doors, with an easy clean coating, including anti-Graffiti coatings.
- 5.2.4.2.2 Install fences or planting of vegetation to make large surfaces difficult to access.
- 5.2.4.2.3 Cover walls with textured or rough surface coatings.
- 5.2.4.2.4 Painting of murals as this can deter tagging.

5.3 Graffiti Removal

5.3.1 Council-owned or managed property and assets

- 5.3.1.1 Council is responsible for the removal of Graffiti from its property and assets.
- 5.3.1.2 When notified of Offensive Graffiti on Council-owned or managed property and assets, Council will take action to have the Offensive Graffiti removed, obliterated, covered or otherwise obstructed from view within 2 business days of it being reported to Council.
- 5.3.1.3 When notified of Graffiti on Council-owned or managed property and assets, Council will take action to have the Graffiti removed, obliterated, covered or otherwise obstructed from view within 5 business days of it being reported to Council.

5.3.2 State and/or Federal Government and/or Utilities property and assets, including public transportation assets and infrastructure

- 5.3.2.1 The managing authority is responsible for the removal of Graffiti from its property and assets.
- 5.3.2.2 When notified of Graffiti, including Offensive Graffiti, on State and/or Federal Government and/or Utilities property and assets, Council will endeavour to report the Graffiti to the correct managing authority, requesting prompt removal.

5.3.3 Graffiti on Private Property

- 5.3.3.1 The removal of Graffiti, including Offensive Graffiti, from Private Property is primarily the responsibility of the property owner/occupier. If Graffiti on Private Property is reported to Council, it will seek to obtain approval from the property owner or occupier to remove the Graffiti. Such approval is subject to receipt of the required consent, in accordance with the Graffiti Prevention Act 2007.
- 5.3.3.2 In addition to 5.3.3.1, in accordance with the Graffiti Prevention Act 2007, Council cannot take any action to remove Graffiti, including Offensive Graffiti, from Private Property without first serving a Notice to the owner or occupier of the property, receiving permission or not receiving an objection within the required period.
- 5.3.3.3 For clarity, the Fences Act 1968 sets out the rights of land owners with respect to dividing fences. The meaning of 'owner' given by s 4(2)(c) of the Fences Act specifically excludes a council in respect of land owned by the council for the purposes of a public park or reserve. Accordingly, a fence bordering Council land is solely owned by the private land owner who owns the relevant 'bordering' land.

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- 5.3.3.4 For removal or obliteration of Graffiti on Private Property, where the removal can be undertaken from Council owned or managed land:
- The Council must serve a Notice to the property owner or occupier at least ten (10) days before the action to remove or obliterate the Graffiti is proposed to be taken; and
 - Council may take the action if the owner or occupier of the property - gives written consent, or does not object, in accordance with the notice, to the taken being taken.
 - There may be circumstances where the removal of Graffiti is not possible due to physical limitations to access the Graffiti, previous unsuccessful attempts to remove the Graffiti or other special circumstances.
- 5.3.3.5 For removal or obliteration of Graffiti on Private Property that is visible from a Public Place, where the removal requires access to Private Property to undertake the removal:
- Council must serve a Notice to the property owner or occupier at least twenty-eight (28) days before the action to remove or obliterate the Graffiti is proposed to be taken; and
 - Council may take the action if the owner or occupier of the property - gives written consent to the removal or obliteration of the Graffiti and gives written consent for entry to the property for that purpose. If written consent is not received for both, Council can take no further action.
 - Where consent is received for Council to enter Private Property to undertake removal or obliteration of Graffiti, the work must be carried out by an Authorised Person.
 - Where Council has removed Graffiti under a Notice, Council may take further action to remove additional Graffiti within a 12-month period without giving additional notice or obtaining consent from the adjoining property owners. However, Council may not take further action if it receives and objection from the owner or occupier during that period.
- 5.3.3.6 To support property owners/occupiers to undertake removal of Graffiti, Council will make Graffiti Removal Kits and/or paint vouchers available for collection upon request to Hume residents/property owners.

6 Definitions and Abbreviations

- 6.1 Authorised Person(s)** means a person authorised under Section 19, of the Graffiti Prevention Act 2007.
- 6.2 Council** means Hume City Council.
- 6.3 Graffiti** is any writing, painting, poster or other defacement applied to any surface that is not readily removable by wiping with a dry cloth, without the prior consent of the owner.

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- 6.4 Notice** means written correspondence as described in Section 18 of the Graffiti Prevention Act 2007.
- 6.5 Offensive Graffiti** is Graffiti that could be offensive to particular members of the general public or discriminates against any person or group. This may include any obscene, racist, political or religious words, symbols or illustrations.
- 6.6 Private Property** means property that is owned by an entity other than Council, or where Council is not the Committee of Management. For clarity, this includes fences adjoining Council owned or managed land, including where Council has contributed to the cost through Council's Half Cost Fencing Policy (POL/173) as per Fences Act 1968.
- 6.7 Public Art** means any deliberately commissioned, locally resonant artwork, in any medium and of any scale, situated in the public realm as described in Hume City Council's Art in Public Places Policy (POL/148).
- 6.8 Public Place** carries the same meaning as provided by the Summary Offences Act 1966.
- 6.9 Special Circumstances** carries the same meaning as provided by the Infringements Act 2006.

7 Related Documents

7.1 Legislative

- 7.1.1 Graffiti Prevention Act 2007
- 7.1.2 Infringements Act 2006
- 7.1.3 Local Government Act 2020
- 7.1.4 Fences Act 1968
- 7.1.5 Summary Offences Act 1966

7.2 Policies

- 7.2.1 Art in Public Places Policy (POL/148)
- 7.2.2 CCTV Camera Policy (POL/256)
- 7.2.3 Half Cost Fencing Policy (POL/173)
- 7.2.4 Public Lighting Policy (POL/276)

7.3 Other supporting information

- 7.3.1 Corrections Victoria – Community Correctional Services
- 7.3.2 Victoria Police – Home and Property Safety: Prevent and remove graffiti
- 7.3.3 Community Crime Prevention Victoria – Fact Sheet: Delivering a public art or mural project to prevent graffiti vandalism

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