



Public Graffiti Management Policy

Summary Offences Act 2005

1. POLICY STATEMENT

Townsville City Council (Council) will ensure a managed response for the removal and reporting of graffiti on Council assets and other places where graffiti can be readily seen from a public place and will promote preventative strategies to minimise graffiti throughout Townsville City.

2. PRINCIPLES

Council is committed to:

- remove graffiti as quickly as practicable;
- reduce the incident and visibility of graffiti;
- work with the Queensland Police Service, the community and other government agencies in identifying graffiti offenders and supporting appropriate legal and remedial means;
- improve community perceptions of safety;
- encourage community pride and a sense of ownership; and,
- engage community support and participation in graffiti removal and prevention.

The reporting and removal of public graffiti in Townsville will be managed in accordance with a Graffiti Management Plan.

3. SCOPE

This policy applies to the reporting and removal of public graffiti within the City of Townsville. It applies to graffiti on Council assets, assets owned by other governmental agencies and privately owned assets.

4. RESPONSIBILITY

The Chief Executive Officer, Director Infrastructure & Operations, General Manager Property, Fleet and Emergency Management and Coordinator Community Safety are responsible for ensuring this policy is understood by relevant workers.

Council's Property, Fleet and Emergency Management will coordinate graffiti management across all relevant Council departments to ensure efficient and effective removal and reporting of graffiti.

Managers and supervisors are responsible for ensuring their workers adhere to this policy. All Council workers and the public are encouraged to promptly report public graffiti.

5. DEFINITIONS

Graffiti – means the destruction of property caused by spraying, writing, drawing, marking or otherwise applying paint or another marking substance, or scratching or etching, which has been done without the consent of the owner of the property.

Local Graffiti Removal Officer – means a person appointed as a graffiti removal officer by the Chief Executive Officer of Council.

Manager – includes persons appointed to positions including with the title, Team Manager, General Manager, Principal, Director and Chief.

Public Graffiti – means for the purposes of this policy graffiti in a public place, or graffiti in another place but only to the extent the graffiti can visibly be seen from a public place.

Public Place – is as defined in the *Summary Offences Act 2005* (Qld)

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Workers – includes employees, contractors, volunteers and all others who perform work on behalf of Council.

6. POLICY

This policy applies to reporting and removal of public graffiti within the City of Townsville. It applies to graffiti on Council assets, assets owned by other governmental agencies and privately owned assets.

This policy does not apply to urban, or street art which Council has commissioned, or Council is otherwise aware, that the urban or street art is not graffiti.

Council will remove public graffiti from the following, in accordance with its Graffiti Management Plan:

- Council property;
- Private property boundaries including private commercial building which aligns with the boundary (where the graffiti is accessible from a public place);
- Community leasehold sites (in accordance with any applicable terms of the lease); and,
- Other publicly owned infrastructure in accordance with approved memorandums of understanding between Council and other asset owners.

Council encourages property owners to remove graffiti from their property by providing free graffiti removal kits and advice about removal techniques.

Targeted removal timeframes for Council's Local Graffiti Removal Officer to remove graffiti from when it is reported are below:

Removal within 1 working day	Removal within 3 working days	Removal within 5 working days
Applies to sites with obscene or offensive material	Applies to highly visible sites	Applies to all other graffiti

6.1 EXCEPTIONS

It may be necessary to deviate from these timeframes on a case-by-case basis. Exceptions include, but are not limited to:

- Surfaces which require specialised treatment, including chemical removal (e.g. skate bowls, brick, concrete);
- Temporary fences – these are to be referred to the property owner or fence hire company;
- Temporary memorials – where a sensitive approach may be appropriate;
- Graffiti removal may cause damage to the surface (Council will suggest the asset owner seeks specialist advice).
- If colour matching to the asset is required;
- Where notice or consent is required by law;
- Sites that present work health and safety constraints (e.g. graffiti that is more than two metres above the ground or close to a roadway); and
- Private property – in exceptional cases, highly visible graffiti within private property (e.g. ahead of major events, to respond to community concern or if graffiti is obscene/offensive).

6.2 ENTRY AND CONSENT TO REMOVE GRAFFITI

Council will obtain the consent of the owner of private property prior to removal of the Graffiti where it is practicable to do so.

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However, where appropriate to do so under the *Summary Offences (Graffiti Removal Powers) Amendment Act 2008*, Council may remove graffiti without consent or notice from the owner of private property where the Local Graffiti Removal Officer and any person helping the officer, are in a public place and entry to the owner's private place is limited to either of the following:

- leaning or reaching over into the private place; or
- working on property that creates a border along the public place.

Other entries are permitted to remove graffiti under the *Summary Offences (Graffiti Removal Powers) Amendment Act 2008* with notice in an approved form or for purposes of providing notice in an approved form.

7. LEGAL PARAMETERS

Criminal Code 1899

Local Government Act 2009

Local Government Regulation 2012

Summary Offences Act 2005

Summary Offences (Graffiti Removal Powers) Amendment Act 2008

Workplace Health and Safety Act 2011

Environmental Protection Act 1994

8. ASSOCIATED DOCUMENTS

Crime Prevention Through Environmental Design (CPTED)

Street Art Activation Framework

Australian Graffiti Register (AUSGR) User Manual

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