

Graffiti Policy

Council Policy

1. Purpose

The purpose of this policy is to provide a framework for Council to respond to instances of graffiti within the City of Holdfast Bay and establish a commitment to the reduction of graffiti in our community.

2. Scope

This policy outlines the approach the City of Holdfast will adopt to manage graffiti.

3. Roles and Responsibilities

Council Members	Adoption of the policy and the administration's approach to the management of graffiti.
Chief Executive Officer	Allocation of resources and development of sound graffiti management across the organisation as well as ensuring that all graffiti mitigation activities are consistent with the objectives of Council's strategic plan.
Manager Community Safety & Manager Field Services	Accountable for the policy and graffiti management within the City of Holdfast Bay.
Employees	Will be tasked with delivering the levels of service defined in the policy.

4. Policy Statement

The Council Graffiti policy affirms Council's commitment to maintaining the visual amenity of the City through the removal and/or referral of graffiti to appropriate property owner or agency.

We work very closely with businesses, security companies and the police to identify and apprehend graffiti vandals.

We are committed to:

- Proactively identifying graffiti hot spots and implementing site-specific mitigation measures to reduce the occurrence of graffiti as deemed appropriate.
- undertaking surveillance
- providing information to SA Police to assist in the apprehension and prosecution of offenders.

Removal of Graffiti from Council Owned Infrastructure

- 4.1 Graffiti will be removed from any Council owned infrastructure, buildings, structures, fences, facilities, common boundary fences (where these abut Council land), roadways, paths and lanes.
- 4.2 Council will strive to promptly remove graffiti in the specified areas, provided there are no restrictions regarding access and workplace health and safety. Priority will be given to removing obscene and explicit graffiti over standard tagging, with a target response time of 48 hours.

Removal of Graffiti from Infrastructure owned by other Government Agencies and Utility Providers

- 4.3 Graffiti on infrastructure owned by other government agencies and Utility Providers that is reported to Council will be referred to the relevant owner for removal. Council expects that the relevant government agency/utility provider will remove graffiti from their premises within a practical time frame.
- 4.4 At Council's discretion, Council may remove publicly visible graffiti on infrastructure owned by other government agencies and utility providers in accordance with powers granted under the *Graffiti Control Act 2001* and associated Graffiti Control Regulations 2013.
- 4.5 Council may negotiate directly with the owner of the premises or infrastructure so that Council or its approved contractors can enter the premises and/or remove the graffiti on their behalf from their property or infrastructure, subject to execution of an appropriate Graffiti Removal Agreement.
- 4.6 Council reserves its rights to recover the cost of graffiti removal in cases where graffiti is removed from commercial and business premises and/or private infrastructure by Council staff or Council's approved contractors.

Removal of Graffiti from Private Premises (Residential and Business)

- 4.7 Council recognises that on most occasions the property owner of a graffitied premises is a victim of the crime. The removal of the graffiti is the responsibility of the property owner. Council will endeavour to work cooperatively with property owners to have graffiti removed within a practical timeframe.
- 4.8 In exceptional circumstances, at Council's discretion, Council may assist property owners by removing graffiti from private premises subject to:
 - the property owner signing a suitable Graffiti Removal Indemnity Form
 - the extent of the graffiti not being excessive (in the sole opinion of Council staff)
 - reasonable and safe access being available
 - the work not involving an unreasonable Workplace Health & Safety risk.

4.9 In circumstances in which Council is unable to resolve graffiti removal collaboratively, it has additional powers to manage graffiti in the community under the *Local Nuisance & Litter Control Act 2016*. Specifically:

- When graffiti is present on a premises, an authorised officer can declare that unsightly conditions exist and hence, local nuisance is being caused.
- Council has the authority to issue the owner of the premises with a Nuisance Abatement Notice, which will specify a certain period within which the offender must remove the graffiti.
- A Nuisance Abatement Notice may be issued orally in the first instance if the authorised officer considers the matter to be severe.
- If the property owner does not comply with Nuisance Abatement Notice within the specified timeframes, penalties can be applied as described in the *Local Nuisance & Litter Control Act 2016*.

Graffiti Removal Kits

4.10 Graffiti removal kits are available from the Council Civic Centre and Glenelg Library, free of charge.

5. Definitions

Key term or acronym	Definition
Authorised Graffiti	For the purposes of Schedule 1, Clause 1 Interpretation of the <i>Local Nuisance & Litter Control Act 2016</i> : (a) Graffiti commissioned for the premises by a public authority as public art; or (b) Graffiti that is on the premises with the consent of the owner or occupier of the premises (other than offensive graffiti or graffiti comprised only or principally of words, symbols or tags).
Authorised Officer	A person appointed to be an authorised officer under section 12 of the <i>Local Nuisance & Litter Control Act 2016</i> .
Graffiti	The illegal defacement of public and/or private property with markings or graphics. Graffiti can take many forms including words, or images using paint, permanent markers, scratching or other materials such as stickers and posters. In South Australia, graffiti is considered a crime (vandalism) and is punishable by fines, community service orders or imprisonment. Graffiti is defined as an unsightly condition, a form of local nuisance under Schedule 1, Clause 3(a)(iii) and for the purposes of section 17(1)(c) of the <i>Local Nuisance & Litter Control Act 2016</i> – this does not include ‘Authorised Graffiti’.
Graffiti Removal Indemnity Form	A legal agreement between a property owner which authorises Council to undertake graffiti removal activities on private property.

Offensive Graffiti	For the purposes of Schedule 1, Clause 1 Interpretation of the <i>Local Nuisance & Litter Control Act 2016</i> , graffiti that a reasonable person would consider to be obscene or offensive.
Premises	Any land, building (including residential premises) or place (including a public place, or a movable building or structure); or a part of premises.

6. Administration Use Only

Reference Number:	Document Set ID 5207647
Strategic Alignment:	Graffiti may have a negative impact on Council's vision for 2050+ is, to create "a welcoming and healthy place for all in South Australia's most sustainable city"
Strategic Risk:	Insufficient or ineffective asset management and planning
Responsible Officer(s):	Manager Community Safety & Manager Field Services
Approval Date and Council Resolution Number:	08/07/2025, C080725/9094
Approval History:	09/12/2013 09/05/2017
Review Cycle:	Three years
Applicable Legislation:	<i>Graffiti Control Act 2001</i> Graffiti Control Regulations 2013 <i>Local Nuisance and Litter Control Act 2016</i>
Related Policies:	Council Enforcement Policy
Other Reference Documents:	Graffiti Removal Indemnity Form