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GRAFFITI

The purpose of this Circular is to advise councils about new strategies recently introduced by the NSW Government to reduce the incidence of graffiti, particularly those aimed at assisting councils to reduce graffiti in their areas.

Power to issue penalty notices for offences relating to sale or display of spray paint cans

The Graffiti Control Regulation 2009 has been amended to give councils the power to issue penalty notices to retailers who sell spray paint to persons under 18 years or who fail to securely display spray paint. The amendment was assented to by the Governor and commenced on 30 November 2009.

Penalty notices can be issued by authorised officers under section 16 of the *Graffiti Control Act 2008*. Section 16 defines an authorised officer as a police officer or a person prescribed by the regulations. Clause 11 of the Graffiti Control Regulation has been amended to include employees of a council (who are authorised persons for the purposes of section 679 of the *Local Government Act 1993*) as authorised persons for the purposes of section 16 of the Graffiti Control Act. Investigators within the meaning of the *Fair Trading Act 1987* are also authorised officers for the purposes of this section.

Councils are encouraged to use this power where appropriate.

New offences and increased penalties

The Graffiti Control Act has been amended to introduce two new offences:

- a person under 18 years of age may not be in possession of a spray paint can in a public place unless it is for the purpose of their occupation, education, training, or legitimate artistic activity (section 8B)
- a spray paint may not be supplied to a person under the age of 18 years unless it is for a purpose mentioned in relation to section 8B (section 8A).

The Graffiti Control Act has also been amended to increase some penalties. These changes mean:

- intentionally damaging or defacing any premises or other property using a graffiti implement can result in a term of imprisonment up to 12 months (6 months previously)

- possession of a graffiti implement with the intention to use it to damage or deface any premises or other property can result in a term of imprisonment of up to 6 months (3 months previously).

Courts have also been given the power to order graffiti vandals to pay off their fines by cleaning up graffiti at a rate of \$30 per hour. The provisions regarding community clean up orders are expected to commence in early 2010.

Graffiti removal

A coordinated graffiti removal approach, in which a single agency is responsible for managing graffiti removal on all NSW Government assets in a specific area, will be trialled by Blacktown City and Mosman Councils.

A scheme to increase the use of Community Service Order offenders to remove graffiti will be implemented in two locations initially with possible further expansion. Corrective Services is currently negotiating with the two councils to assist in implementing the scheme.

Crime Prevention Through Environmental Design (CPTED)

A number of strategies to reduce graffiti based on CPTED principles will be implemented:

- incorporate CPTED principles in the existing Infrastructure State Environmental Planning Policy (SEPP) so that they are considered and applied consistently to infrastructure developments in NSW. The SEPP will be supported by more detailed guidelines.
- a program of education, training and expert advice on CPTED to council planners and other groups. The program will be delivered at no cost to participants for the first three years and then transfer to a user pays model.
- an annual grants program of \$1 million to fund the implementation of CPTED treatments in identified hotspots. The Attorney General has identified the 10 local government areas with the highest reported levels of graffiti as Blacktown, Blue Mountains, Campbelltown, City of Sydney, Gosford, Lake Macquarie, Newcastle, Penrith, Sutherland and Wollongong

Public information campaign

A public information campaign is currently being developed to raise awareness about new anti-graffiti laws and penalties, encourage the community to prevent graffiti by playing an active role in its prevention, and deter those involved in illegal graffiti. Some councils already produce information about graffiti for their communities. Councils are encouraged to support the campaign, for example, by placing information on their websites and distributing information at council facilities such as libraries.

Graffiti Action Day

Australia's first Graffiti Action Day will be held in May 2010 in association with Keep Australia Beautiful. Similar to Clean Up Australia Day, the purpose of the Graffiti Action Day is to work with local communities to raise awareness about how to prevent graffiti and remove graffiti from public places. Councils are encouraged to work with Keep Australia Beautiful to implement Graffiti Action Day.



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