

Stop graffiti vandalism

Fact sheet 1: Managing graffiti vandalism in NSW

WHAT IS GRAFFITI VANDALISM?

The term 'Graffiti' generally refers to illegally defacing private and public property with markings and/or graphics without the owners consent. Graffiti vandalism can take multiple forms including designs, words or images using chalk, paint, scratching, textas, acid etching or other material such as stickers and billposters.

GRAFFITI VANDALISM IS A CRIME

In NSW, all graffiti on public or private property, unless the property owner has given permission, is a crime punishable by imprisonment, community service orders or fines of up to \$2,200.

THE COST OF GRAFFITI VANDALISM

In April 2002 the Honourable Harry Woods MP, then Minister for Local Government advised Parliament that graffiti vandalism costs NSW up to \$100 million per year. For instance, the City of Sydney Council in the 2005/06 financial year removed 242,797 incidents of graffiti vandalism and currently spends around \$3 million per year on cleaning up graffiti vandalism. Estimating the true cost of graffiti vandalism is complicated by the fact that many people do not report it and there is no central record keeping of incidents. For example, property owners may choose not to report graffiti vandalism to police or local councils, preferring to address the problem themselves. Estimates of costs incurred by utilities or councils may include clean up costs but not necessarily factor in costs of prevention or surveillance strategies.

In addition to the monetary costs of graffiti vandalism removal and prevention, there are also the environmental and physical harms to consider. Graffiti

vandalism its removal involve chemicals that can be harmful to the environment. These same chemicals can affect the physical wellbeing of perpetrators of graffiti vandalism. Currently these harms are not measured.

WHAT THE GOVERNMENT IS DOING ABOUT GRAFFITI VANDALISM

The Government takes graffiti vandalism seriously and has introduced a range of legal provisions to tackle this problem.

In 2002, the Government introduced legislation to restrict the sale of aerosol spray paints in NSW. Section 10C of the *Summary Offences Act 1988* now bans the sale of spray paints to people under the age of 18 years and carries a maximum penalty of \$1,100.

To ensure that retailers and their employees understand and comply with the law, the Government and the Australian Retailers Association jointly developed and distributed a Retailers Anti-Graffiti Resource Kit. The kit includes information about the legislation, the rights and responsibilities of retail staff, staff training aids on how to respond to customers purchasing spray paint or other products for graffiti use, various point of sale signage for display and the Anti-Graffiti Industry Strategy.

The Government recently introduced legislation to restrict access to spray paint cans at retail shops. This new legislation commenced in November 2006.

The Government also introduced stringent penalties in the *Crimes Act 1900* and in the *Summary Offences Act 1988* to deal with graffiti vandalism. Under section 195 of the *Crimes Act 1900* a person who maliciously destroys or damages property belonging to another is liable to a maximum penalty of imprisonment for 5 years.

Graffiti facts

1. Graffiti is a crime punishable by imprisonment, community service orders or fines of up to \$2,200.
2. Graffiti costs NSW up to \$100 million per year.
3. Graffiti and graffiti removal involve chemicals harmful to the environment.



In the *Summary Offences Act 1988* the penalties for graffiti vandalism offences are:

- Section 10A - damaging and defacing property by means of spray paint, maximum penalty \$2,200 or imprisonment for 6 months, or a period of community service work.
- Section 10B - possession of spray paint, maximum penalty \$1,100 or imprisonment for 3 months, or a period of community service work.
- Section 7 - damaging fountains erected in a public place, maximum penalty \$440.
- Section 8 - damaging or desecrating protected places, maximum penalty \$2,200.
- Section 9 - wilfully marking, by means of chalk, paint or other material, any premises, where the marking is within view from a public place unless the consent of the occupier or person in charge of the premises is first obtained. The maximum penalty is \$440.

These laws provide the courts with a number of ways to deal with graffiti vandals ranging from fines, bonds, community service orders to prison sentences.

Where a young person commits an offence involving graffiti vandalism and that young person appears before the Children's Court, the Court is able to make an Order under section 5 of the *Children (Community Services Orders) Act 1987* requiring the person to perform community service work. The Order may also require the young person to:

- remove graffiti vandalism from buildings, vehicles, vessels and places; and
- restore the appearance of buildings, vehicles, vessels and places after removal of the graffiti vandalism.

In May 2006, the Government announced its comprehensive strategy to drive down the incidence of graffiti vandalism on trains, public transport infrastructure and other community facilities. A major component of this strategy is the establishment of a multi-agency Anti-Graffiti Action Team to develop and oversee the implementation of key initiatives to stamp out graffiti vandalism, including:

- Increasing the use of Community Service Orders to make offenders repair the damage caused by graffiti vandalism;
- Identifying graffiti vandalism "hot spots" and stepping up enforcement and surveillance;

- Assisting councils and government utilities with the development of Graffiti Management Plans targeting high graffiti environments; and
- A scheme for local councils to accredit community groups and volunteers to remove graffiti vandalism

RailCorp and NSW Police continue to work in partnership on Operation Chalk crackdown on graffiti vandals in the train network.

Local Government is also implementing strategies to manage graffiti vandalism. Changes to the *Local Government Act 1993* came into effect in July 2002. These changes give councils discretionary power to remove graffiti vandalism from private property without the owner or occupier's consent if the graffiti can be seen and accessed from a public place. Local Councils are also conducting other graffiti vandalism removal and management strategies in line with the strategies identified in the Framework for Managing Graffiti in NSW.

WHAT YOU CAN DO ABOUT GRAFFITI VANDALISM

There are a number of ways you can assist in combating graffiti vandalism in your local area. These include:

- Reporting graffiti vandalism and graffiti vandals to NSW Police through the Police Assistance Line on 131 444 or anonymously to Crime Stoppers on 1800 333 000 or at www.police.nsw.gov.au;
- Removing graffiti vandalism from your own property quickly (within 24-48 hours) as rapid removal significantly reduces the chance of graffiti vandalism reoccurring. For more advice on removing graffiti vandalism see *Fact sheet 6 – Graffiti vandalism removal options*;
- Ensuring paint and especially spray cans on your property are locked up and disposed of carefully to avoid theft and environmental damage;
- Using Crime Prevention Through Environmental Design (CPTED) strategies to minimise the likelihood of your property being damaged by graffiti vandalism. For more information on how you can do this see *Fact sheet 5 - Preventing graffiti vandalism: Crime Prevention Through Environmental Design*;
- Participating in volunteer programs to remove or manage graffiti vandalism. You can contact your local council to see if they run a volunteer program. For more information on volunteer programs see *Fact sheet 7 - Volunteer removal programs*.



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