

1. PURPOSE

The purpose of this policy is to establish a coordinated approach to managing, preventing and removing unauthorised graffiti within Horsham Rural City Council municipality. This Policy aims to support the purposes of the *Graffiti Prevention Act 2007*, in the following key areas:

- Reducing the incidence of graffiti
- Outlining the basis on which Council would remove graffiti from private property.

2. INTRODUCTION

Graffiti is the act of marking or defacing property of a building without permission.

There are many different forms of graffiti, with one common form being a “tag”.

The *Graffiti Prevention Act 2007* is a key piece of legislation that graffiti related local government local laws and policies must be consistent with.

For the purposes of this policy, approved public art works are not considered to be graffiti.

3. SCOPE

This policy establishes the approach that Council will endeavour to implement to minimise the proliferation of graffiti in the municipality on Council property, private property and the property of other public agencies, utilities or authorities.

4. PRINCIPLES

Council’s policy is to remove graffiti as quickly as possible to reduce the proliferation of graffiti, and to discourage its repeated occurrence. Council will aim to respond quickly to any reports from the community of the presence of graffiti on Council property and remove it.

Council will endeavour to remove any graffiti on Council assets within five working days. If the graffiti is considered offensive the goal for removal will be within two working days.

Graffiti on private property is nominally the responsibility of the owner, however, Council will take a proactive approach to the removal of graffiti on private property, to discourage its proliferation. Council will no longer charge for graffiti removal where it is visible to the public, this includes plant hire and staff time for the removal. This rate is effective from adoption of this policy.

The *Graffiti Prevention Act 2007* gives a range of powers to Councils for removal of graffiti from private property, subject to a range of conditions. Based on these powers, Council’s approach will be as follows:

- Council will seek to assist or will remove or obliterate graffiti on private property if the graffiti is visible from a public place, subject to
- Where entry to private property is required, Council will request this from the owner or occupier of the property, and seek written consent for this graffiti removal
- Whether access to private property is required or not, Council will seek to obtain consent for the removal or obliteration of the graffiti in an appropriate manner, in consultation with the owner or occupier

- Council will take due care in the conduct of the removal works.

Note that nothing in the Act imposes a duty on Council to remove graffiti from private property.

Graffiti on other public property is the responsibility of the relevant authority. Council will endeavour to establish agreements with other authorities to assist in the prompt removal of graffiti from these facilities, where visible to the public.

The process required to remove graffiti can be harsh and can leave residual surface damage on some surfaces. Council will only undertake removal of graffiti on private property, or other public property, on a basis of no liability for any such damage. Council officers will explain the potential for damage when requested to undertake graffiti removal on non-Council assets.

Council will remove graffiti on fencing facing the public areas on sporting reserves.

The community is encouraged to report graffiti either by phoning the Council office with relevant information, or by using the “Lodge a Service Request” link on Council’s web site.

5. COMMUNICATION

This policy and procedure will be circulated to:

- Victoria Police, Horsham and Natimuk
- Police Community Consultative Committee
- Relevant public authorities, including GWMWater, ARTC, VicTrack, PowerCor, Telstra.

The policy will also be posted on Council’s web and intranet sites.

6. RESPONSIBILITY

Policy Owner: Director Infrastructure

This Policy will be reviewed every 4 years or earlier as required by changed circumstances including changes to legislation and plans, strategies, or policies of HRCC.

7. DEFINITIONS

Definition	Meaning
Authorised Officer	An authorised officer appointed under section 224 of the Local Government Act 1989
Council	Horsham Rural City Council
Council Property	Property owned by Horsham Rural City Council
Mark Graffiti	Write, draw, mark, scratch or otherwise deface property by any means so that the defacement is not readily removable by wiping with a dry cloth.
Other Public Property	Property owned by an organisation other than Council
Private Property	Property owned by ratepayers
The Act	<i>Graffiti Prevention Act 2007</i>

8. SUPPORTING DOCUMENTS

Document	Location
<i>Graffiti Prevention Act 2007</i>	www.legislation.vic.gov.au
Graffiti Removal Consent Form – Form No F04/115	Intranet

9. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment	Review Date
01	February 2020	EMT	New policy	February 2023
02	21 October 2024	N/A	No changes required, confirmed by Dir Infr.	21 October 2028

It is recognised that from time-to-time circumstances may change leading to the need for minor administrative changes to Council and Administrative Policies. Where an update does not materially alter a Policy, such a change may be made administratively, without the need for formal adoption by EMT or Council. Examples include a change to the name of a Council Department/Position Title, a change to the name of a Federal or State Government Department, and a minor update to legislation which does not have a material impact. However, all changes will be noted in the document control section and version number updated.