

## Removal of Graffiti on Council Assets and Facilities and Private Property

### Version Information

### Scope

This guideline applies to Redland City Council staff responsible for the maintenance of Council assets and facilities and for directing the removal of graffiti from private property.

### Purpose

This guideline is designed to provide direction regarding the timely removal of graffiti on Council assets and facilities and private property.

### Definitions

“Asset Maintenance Manager”                      Manager or Service Level Managers of the areas responsible for maintenance as defined by in the Fixed Asset Assignment Matrix (contained within the Total Asset Management Plan).

“Commissioned artwork”                      Art that is applied to property with the consent of the property owner.

“Graffiti”    The marking of property without the owner’s consent and includes spray painted, etched and drawn words or images.

“Implied Consent”                              Defined according to Section 30(6) of the Summary Offences (Graffiti Removal Powers) Amendment Act 2008 which states that ‘If the owner does not object within 14 days after the graffiti removal notice is given, the owner is taken to have consented to the removal of the public graffiti and to the activities relating to the removal’.

For purposes of this guideline “Implied Consent” would mean if Council has not received any objection within 14 days after the notice of public graffiti has been given, the owner is taken to have consented to the removal of graffiti on publicly accessible private property based on Section 29 Powers of Entry (5) of the Act.

“Inoffensive piece”                              Large, stylised and bright graffiti, often using pictures and with more detail than a tag.

“Inoffensive tagging”                              The name or symbol of the tagger/crew. Tags are often small and simple, making use of fewer colours than a piece.

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“Local graffiti removal officer”	A person appointed as a graffiti removal officer by the Chief Executive Officer under section 37(1) of the Summary Offences (Graffiti Removal Powers) Amendment Act 2008.
“Major Road”	A road designated an Arterial, Sub Arterial or Trunk Collector or Local Collector road under Councils road hierarchy.
“Non-public area”	Council assets which are not visible to the general public and/or may be difficult to access for graffiti removal. For example dam walls, secluded conservation areas and some marine infrastructure.
“Offensive”	Words or images that are discriminatory, sexually explicit and/or contain expletives.
“Priority area”	Areas which are highly visible from a well-used public road or walkway, and assets of a historical or religious significance. For example Council buildings, places of worship and memorials.
“Publicly accessible”	Areas/Surfaces which are accessible to graffiti removal officers without entering into or climbing onto private property. This may include areas that are accessible by leaning or reaching over into private property.
“Working day”	A standard day of Council operation (excluding weekends and public holidays).

## Actions and Responsibilities

### 1. Responsible Areas

Council is responsible for maintaining assets on behalf of the community and this function is performed by a number of areas within Council, as defined by the Total Asset Management Plan.

Groups responsible for undertaking graffiti removal in accordance with this Guideline include but are not limited to:

- Contracts Acquisitions, Fleet and Facilities
- City Infrastructure

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**Group:** Community & Cultural Services  
**Approved by:** General Manager Community & Customer Services  
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**Page:** 2 of 5

### 2. Graffiti Removal Schedule

When a report of graffiti is received, Asset Maintenance Managers are expected to action a request for the removal of graffiti in accordance with the schedule below. The graffiti removal may be carried out by staff or contractors.

Location	Graffiti Type and Amount			
	Offensive	Inoffensive piece	Large amounts of inoffensive tagging	Inoffensive tagging
Priority Area	1 working day	2 working days	2 working days	3 working days
Non-public Area	1 working day	5 working days	5 working days	10 working days
Private property*	5 working days	10 working days	10 working days	15 working days

*\*As defined in section 3. Removal times for private property only apply after the property owner has been given a graffiti removal notice & 14 days to remove graffiti or contact council.*

In most cases, it is expected that the graffiti will be removed from the asset within the timeframe specified above. However if a Council asset is badly vandalised and requires replacement, the timeframe may vary, depending upon availability. It is expected that Asset Maintenance Managers will make every effort to place an order for a replacement asset within the timeframes specified in the action schedule.

### 3. Removal from private property

Council will remove publicly viewable graffiti from private property on request from a member of the public where the property owner has not removed the graffiti within two weeks of notification and the graffiti is on publicly accessible surfaces that face major roads, regional and district parks.

### 4. Owners Consent

On notification of graffiti on publicly accessible surfaces that face major roads, regional and district parks a Graffiti removal officer will contact the owner alerting them to the graffiti and asking they remove the graffiti from their property. If the owner does not remove the graffiti within a two week period, or inform Council that the graffiti is a commissioned artwork, or otherwise respond within 14 days of being contacted, consent for the removal of the graffiti is implied, and removal of the graffiti can proceed.

### 5. Owners Objection

On notification of graffiti, the owner may object to the removal of the graffiti on publicly accessible areas by indicating that:

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- They are willing to undertake the removal themselves. In this case Council would provide a two week period for graffiti to be removed from the property.
- If the graffiti has not been removed after 14 days, Council would then undertake the necessary steps to remove the publically accessible graffiti from the property.
- The graffiti is commissioned artwork. The artwork will be added to Council's commissioned Street Art Register.

### 6. Standard of removal

In removing public graffiti from private property, a graffiti removal officer must take reasonable steps to leave the property in the condition it would be in if the graffiti had not been placed on the property. However if it is not practicable to leave the property in this condition, it is sufficient for the graffiti removal officer to leave the property in a state that is reasonably acceptable in all the circumstances. For example:

*Graffiti is placed on part of a wall. Reinstating the wall requires the whole wall to be freshly painted. However, painting over the graffiti only may leave the wall in a state that is reasonably acceptable in all the circumstances.*

### 7. Appointing a Graffiti Removal Officer

The Chief Executive Officer may appoint a person with the necessary expertise or experience as a graffiti removal officer. The graffiti removal officer will hold office on any conditions stated in the officer's instrument of appointment.

The graffiti removal officer will be issued with an identity card which will:

- a. contain a recent photo of the graffiti removal officer; and
- b. contain a copy of the graffiti removal officer's signature; and
- c. identify the person as a graffiti removal officer under the Act; and
- d. state an expiry date for the card.

### 8. Asset Exclusions

- Graffiti at skateparks is excluded from this schedule and will be maintained on a periodical as needs basis, providing the graffiti is inoffensive and rider safety is not compromised.
- Graffiti on asbestos fences requiring abrasive removal techniques is excluded from the schedule. Graffiti removal officers will be provided training to assist in the identification of asbestos fences.
- Graffiti on property belonging to other government organisations and public utilities is excluded from the schedule except where a formal Memorandum of Understanding is agreed upon.
- Graffiti on Council owned property that is occupied by another organisation is excluded from the schedule.
- Adshel Street Furniture Pty Ltd managed bus shelters

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### Reference Documents

This Guideline has been developed to support the objectives of the Graffiti Management and Prevention Policy (POL-3022).

### Associated Documents

- Graffiti Management and Prevention Policy POL 3022
- *Summary Offences (Graffiti Removal Powers) Amendment Act 2008*

### Document Control

- Only the General Manager of Community & Customer Services can approve amendments to this guideline. Please forward any requests to change the content of this document to the Manager Strengthening Communities.
- Approved amended documents must be submitted to the Corporate Meetings & Registers Team to place the document on the Policy, Guidelines and the Procedures Register.

### Version Information

Version Number	Date	Key Changes
6	December 2014	<ol style="list-style-type: none"><li>1. Clear definition to private property timeframes;</li><li>2. Asset exclusions;</li><li>3. Changes to skateparks to as needs basis and other agencies assets only with formal agreements.</li></ol>

[Back to Top](#)

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