

Program: Parks & Open Space
Date of Adoption: 26 June 2024
Resolution Number: ORD-2024-91
Review Date: 26 June 2027

Scope

This policy applies to graffiti on all Mackay Regional Council ("MRC") assets, private property visible from high profile public areas, and any assets covered by relevant Memorandums of Understanding between Council and third-party asset owners (e.g. Port Authority).

This policy applies to all MRC Employees involved in asset management, planning, design, redesign and refurbishment of MRC assets.

Objective

To provide support to:

- remove graffiti as quickly as practicable as a strong deterrent;
- reduce the incidence and visibility of graffiti;
- work with Police, the community and other government agencies in identifying graffiti offenders and to deal with them via legal and remedial means;
- improve community perceptions of safety in the Mackay region; and
- engage community support and participation in graffiti removal and prevention.

Policy Statement

MRC is committed to the rapid removal of graffiti from MRC owned and MRC managed property and actively encouraging community involvement in reporting and providing the community with information to help with prevention and removal.

Council considers that to the extent this policy engages and limits, or potentially limits, any human rights, that limitation is reasonable in that it is proportionate and justified.

This process to remain in force until otherwise determined
by Mackay Regional Council

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1.0 Principles

Graffiti vandalism refers to the illegal defacing of public and private property with markings or graphics without the owner's consent. Graffiti vandalism costs Queensland local governments millions of dollars each year. These are funds that would otherwise be spent on providing local projects such as parks, walkways, and improved roads.

This policy provides a set of principles covering both the removal of graffiti and the creation of conditions that will contribute to a reduction in the amount of new graffiti.

1.1 Removal

MRC will remove graffiti from the following:

1. MRC property;
2. Private property boundaries where graffiti is directly accessible from public property, for example from a footpath or park;
3. Community leasehold sites; and
4. Other publicly owned infrastructure in accordance with approved Memorandums of Understanding between MRC and other asset owners.

MRC, where possible, will encourage property owners to remove graffiti from private property by providing advice on removal techniques.

Where possible, Employees are to remove graffiti as per the following target removal timeframes.

Priority 1 – removal within 1 working day. Applies to obscene, racist or other offensive material;

Priority 2 – removal within 3 working days. Applies to highly visible sites; and

Priority 3 – removal within 5 working days. Applies to all other graffiti.

It may be necessary to deviate from these timeframes on a case-by-case basis, e.g. due to resource constraints.

Exceptions include, but are not limited to:

- murals where an artist is required to repair the mural;
- sites that require a risk assessment or have access and or workplace health and safety constraints (e.g. working at heights or on a roadway); and
- private property, if MRC deems that the graffiti removal may cause more damage to the surface (MRC will suggest the private owner seek specialist advice).

In instances where graffiti on private property requires significant repairs, MRC will provide access to a graffiti removal grant program with applications

accepted at any time and approved by the Executive Manager Community Lifestyle up to the value of \$500 per event and \$2,000 per property.

1.2 Prevention

MRC is committed to strategies that reduce and prevent graffiti.

MRC recognises the importance of developing and maintaining community partnerships to assist in the effort to reduce graffiti. This particularly applies to the reporting of graffiti, the removal of graffiti and the identification and implementation of potential reduction strategies.

MRC recognises that any strategy to reduce the incidence of graffiti should contain an enforcement element to ensure that serious offenders are appropriately dealt with through proper legal channels. MRC will share information with the Queensland Police Service regarding graffiti offenders and graffiti "hotspots".

MRC will promote design strategies that reduce opportunities for graffiti on public and private assets. For example, Crime Prevention Through Environmental Design (CPTED).

MRC will not provide walls or surfaces for unregulated 'legal' graffiti, as a prevention strategy.

The design and application of appropriate murals on MRC property may be used at selected locations to reduce the likelihood of graffiti vandalism. Proposed murals will need Council approval and the responsibility for maintenance of murals will lie with the MRC Program responsible for that asset.

1.3 Reporting

Employees and residents are encouraged to report graffiti to a MRC Customer Service Centre.

Citizens are encouraged to ring or SMS 1300graffiti (1300 472 334) and report what they know.

MRC supports a working partnership with Crime Stoppers Queensland to encourage the reporting of graffiti offenders.

2.0 Definitions

To assist in interpretation the following definitions shall apply:

Community Leasehold Sites shall mean sites held under leasehold tenure to community groups ('not for profit' groups or incorporated associations) for land owned or under the control of MRC or the state government.

Employee shall mean all persons employed by MRC on a permanent, temporary, or casual basis and includes persons engaged under a contract of service, and volunteers.

MRC shall mean Mackay Regional Council.

Private property shall mean property not owned by MRC, within the MRC boundaries, and for which rates are paid to MRC (excludes State Government owned property).

3.0 Review of Policy

This policy will be reviewed when any of the following occur:

- The related documents are amended or replaced.
- Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

4.0 Reference

- *Local Government Act 2009*
- *Queensland Criminal Code Act 1899*, section 469 (Wilful Damage)
- The *Summary Offences Act 2005* Part 3 prescribes powers of entry for authorised officers with respect to “public graffiti” which is defined as:
 - (a) Graffiti in a public place; or
 - (b) Graffiti in another place but only to the extent the graffiti can readily be seen from a public place

5.0 Attachments

- Graffiti Removal Grant Application Form

Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
1	New Policy		Council	26.08.15
2	Review		Council	27.09.17
3	Policy Review		Council	28.10.20
4	Review		Council	26.06.24



Graffiti Removal Grant Application Form

Guidelines and Conditions

The Mackay Regional Council Graffiti Grant is provided to businesses and/or organisations as a means of supporting the removal of graffiti from non-Council owned facilities, so as not to create a visual or general impact on the community.

Conditions of the funding are as follows:-

- The graffiti must be deemed by Council to be considered to have a community impact; and
- Quotes to the satisfaction of Council should be obtained for the cost of removal of the applicable graffiti; and
- Council's commitment to each facility for each graffiti event is to a maximum of \$500 (plus GST); and
- It is possible for a single facility to occur a number of graffiti events, with Council's commitment to each facility to be a maximum of \$2,000 (plus GST) within a 12 month period; and
- Funding may be provided to either the facility owner or tenant; and
- Graffiti is required to be removed within 14 days of approval of funding (unless a longer period is specifically approved); and
- Council reserves the absolute right and discretion whether to grant the applicable funding to a facility and/or graffiti event.

Please ensure all requirements are fulfilled as any incomplete applications will be returned unactioned.

Details of Business or Organisation	Business/Organisation	
	Address	
	Postal Address	
	Telephone	
	Fax	
	Email	
Contact Person for this Application	Name	
	Telephone	
	Email	
	Occupancy Status	<input type="checkbox"/> Tenant <input type="checkbox"/> Owner
Business or Organisation Status	Incorporation Number: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
	or Australian Business Number (ABN): <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
	Is your Business or Organisation registered for GST?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Civic Precinct, Gordon Street
PO Box 41 | Mackay | QLD 4740 | Australia

Telephone 1300 622 529
Facsimile 07 4944 2400

Email council@mackay.qld.gov.au
www.mackay.qld.gov.au

Details of Graffiti	Location of Graffiti			
	Approximate Size			
	Medium Used (Paint, Nikko, etc)			
	Cheapest Quote	\$		
	Method of Removal (from Quote)			
	Timeframe for Removal (from Quote)			
	Photographic Evidence of Graffiti	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	Have the Police been notified	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	If yes: Name of Officer			
	Contact Number			
	Incident Report Number			
Eligibility Criteria and Checklist	Please answer the following in relation to your Business / Organisation:			
		Yes	No	N/A
	Do you operate within the Mackay Regional Council boundaries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Have you acquitted any previous Mackay Regional Council Graffiti Grants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Do you have 2 quotes for graffiti removal costs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Have you attached a photo of the graffiti to be removed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Have you completed and attached the relevant tax form?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has an Authorised Person signed the application form?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

I hereby certify that I have been authorised to prepare and submit this application on behalf of the above mentioned Business / Organisation and the information contained herein is a true and correct record to the best of my knowledge. On behalf of the above mentioned Business / Organisation, I agree to accept funding in accordance with the Graffiti Grants Guidelines and Conditions.

Signature: _____ Date: _____

Name: _____ Position: _____

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You are required to complete one of the following forms. Please read for more information.

1. Statement by a supplier.

- To be completed if you have **no ABN and are not registered for GST.**
- Please tick one category only.
- There are penalties for making a false declaration on this form.
- If you do not qualify for one of the categories, 48.5% of the payment is required to be withheld and forwarded to the Australian Tax Office. You will then need to claim this amount in your next tax return.

2. Agreement for creation of a tax invoice on behalf of a payee.

- To be completed if you **have an ABN and are registered for GST.** (This will allow Council to generate a Tax Invoice on behalf of the supplier and therefore conform to ATO procedure.)

3. Declaration by a Supplier – ABN (Not registered for GST).

- To be completed if you have an ABN but are not registered for GST.

NOTE: If you are still unsure in regard to your circumstances relating to GST contact the Australian Taxation Office.

**AGREEMENT FOR CREATION OF A TAX INVOICE
ON BEHALF OF A PAYEE**

ABN Number	
Name of Payee	
Address of Payee	
Telephone Details	
Purpose of Payment	

NOTE: Where the ABN is not supplied Mackay Regional Council is obliged to deduct 48.5% of any payments for the above purpose and remit it to the Australian Taxation Office. You will be then required to claim this amount in your annual taxation return.

In order for Mackay Regional Council to create a tax invoice on your behalf ("RCTI") for the above supply, Mackay Regional Council and the Payee/s agree that Mackay Regional Council can issue tax invoices in respect of the supplies on the following conditions:-

- The Payee/s will not issue tax invoices in respect of the supplies;
- The Payee/s acknowledges that it is registered for GST and that it will notify Mackay Regional Council if it ceases to be registered;
- Mackay Regional Council acknowledges that it is registered for GST and that it will notify the Payee/s if it ceases to be registered or if it ceases to satisfy any of the requirements of the RCTI Ruling issued by the Australian Taxation Office; and

This authority remains in place unless it is amended **in writing** by the Payee/s.

I hereby certify the information in this authority is correct and the ABN quoted is the ABN of the Payee/s identified in this authority.

Dated this _____ day of _____ 20

.....
Signature of Payee/s

.....
Signature of Payee/s

Statement by a Supplier

Reason for not quoting an Australian Business Number (ABN) to an Enterprise

Name of Supplier	<input type="text"/>
Address of Supplier	<input type="text"/>

Under the Pay As You Go legislation and guidelines produced by the Australian Taxation Office I provide you with a written statement that, for the supply I am making and further supplies of this type that I make to you: Tick the Appropriate Box

The supply is made to you in my capacity as an individual, and the supply is made in the course of an activity that is a private recreational pursuit or hobby	<input type="checkbox"/>
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The supply is made to you in my capacity as an individual, and the supply is wholly of a private or domestic nature for me	<input type="checkbox"/>
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I (or the supplier that I represent) am/is a non-resident who is not carrying on an enterprise in Australia	<input type="checkbox"/>
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The whole of the payment that I (or the supplier that I represent) will receive for the supply is exempt from income tax	<input type="checkbox"/>
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I (or the partnership that I represent) have no reasonable expectation of profit or gain from the activity undertaken and consider that I (or the partnership that I represent) do not meet the definition of enterprise for tax purposes	<input type="checkbox"/>
---	--------------------------

Therefore, I am not quoting you an ABN. You should not withhold an amount from the payment you make to me for the supply. I agree to advise you in writing if circumstances change to the extent that this statement becomes invalid.

Name of Authorised Person (if not the supplier)	<input type="text"/>
Signature of Supplier of Authorised Person	<input type="text"/>
Date	<input type="text"/> / <input type="text"/> / <input type="text"/>
Daytime Contact Phone Number	<input type="text"/>
It is an offence to make a false or misleading statement	

The person / entity to whom this statement is made should retain the statement for 5 years

DECLARATION BY A SUPPLIER – ABN (NOT REGISTERED FOR GST)

Name of Supplier	
Address of Supplier	
ABN	

I hereby certify that the information and ABN quoted above is correct and that the above named supplier is not registered for GST.

Therefore GST is not required to be paid for a supply.

Name of Authorised Person <i>(if not the supplier)</i>	
Signature of Supplier or Authorised person	
Date	