

Resolution of Council

13 May 2024

Item 15.4

Improved City Hate-Speech Graffiti Removal and Reporting

The original motion was moved by Councillor Scott, seconded by Councillor Kok.

It is resolved that:

(A) Council note:

- (i) the City of Sydney values and respects the range of identities, perspectives, experiences and lifestyles of our community, including those from multi-cultural backgrounds, different religions, all ages, people with disability, people with diverse gender identities, LGBTIQ+ communities and those who have experiences of advantage or disadvantage;
- (ii) everyone has the right to feel safe in our City;
- (iii) under the NSW Anti-Discrimination Act 1977, Section 20C, it is unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group and on the basis of homosexuality, transgender status, and HIV/AIDS vilification;
- (iv) there are also criminal protections in section 93Z of the Crimes Act 1900 which address protections for matters of race, religion, sexual orientation, gender identity, intersex status and HIV/AIDS status;
- (v) under the NSW Anti-Discrimination Act 1977, Section 2B, in this division, public act includes:
 - (a) any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, telecasting, screening and playing of tapes or other recorded material;

- (b) any conduct (not being a form of communication referred to in (a)) observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia; and
 - (c) the distribution or dissemination of any matter to the public with knowledge that the matter promotes or expresses hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the grounds of the race of the person or members of the group;
- (vi) under the NSW Anti-Discrimination Act 1977, and according to the Anti-Discrimination Guidelines for Local Councils, legal responsibility for unlawful discrimination committed by, or on behalf of, the Council usually rests with Council itself;
- (vii) City staff have analysed the available data and estimate that there have been 25 incidents of hate-speech graffiti in 2023/24 out of a total of 2,771 (nine months to 31 March), occurring within the boundaries of the City of Sydney, compared to 53 for 2022/23 (12 months to 30 June) out of a total of 4,371;
- (viii) currently, reporting hate graffiti for removal to Council goes through the same process as reporting any other graffiti or posters/bills through the 'report illegal graffiti' online form;
- (ix) community members are advised through this process, Council will complete graffiti removal in up to two business days and offensive or hateful graffiti will be 'prioritised'. The reporting party is asked whether the graffiti is hateful or offensive and they must explain why it is offensive;
- (x) the City's Graffiti Management Policy and maintenance program enables the City to remove particularly offensive graffiti within four hours of it being reported to the City, requires priority zones with high pedestrian counts to be inspected every 24 hours, and that graffiti in City-managed parks and open spaces is removed within 24 hours; and
- (xi) the removal process of graffiti is work carried out by City of Sydney contractors; and
- (B) the Chief Executive Officer be requested to:
- (i) review the City's existing process and policy for reporting and removing graffiti that is hateful, discriminates, vilifies or is offensive; and
 - (ii) investigate how the process can be improved including:
 - (a) ensuring community members making reports of hate-speech receive a response indicating the Council takes discrimination very seriously and will urgently respond;
 - (b) confirming that new key performance indicators (KPIs) for contractors employed by the City of Sydney, are in line with Council's legal and moral obligations to uphold anti-discrimination laws; and
 - (c) consulting with all relevant stakeholders and City of Sydney inclusion groups prior to finalising updated reporting and graffiti removal mechanisms;

- (iii) ensure City staff continue to action reports of discriminatory graffiti immediately on receiving them and communicate with the community when such graffiti is cleared; and
- (iv) report back to Council via CEO Update with progress of new reporting and graffiti removal mechanisms.

The amended motion was carried unanimously.

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