



Speech by

**Carolyn Male**

**MEMBER FOR GLASS HOUSE**

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## **SUMMARY OFFENCES AND OTHER ACTS AMENDMENT BILL**

**Ms MALE** (Glass House—ALP) (9.48 pm): I rise to support the Summary Offences and Other Acts Amendment Bill 2006. This bill includes amendments to the Summary Offences Act 2005 to strengthen existing antigraffiti laws by banning the sale of spray-paint to minors, who are people aged 17 years and under. These amendments were included in the government's 100-day action plan and are listed as election commitment No. 77. It has been interesting to listen to the other members of the graffiti task force that was formed in the last parliament. It is great to see the sorts of results that are coming out of the recommendations that we put forward. In this bill spray-paint is defined to include any liquid or other substance in a spray-can that, if applied to a surface, is designed to colour, stain, mark or corrode the surface.

The amendments will require retail outlets to display prohibition signs and for employers to take standard prevention measures toward their employees who sell spray-paint cans. The amendments will also provide offences relating to sellers generally and to employers and employees in specific circumstances. These amendments are justified given that the state government, local authorities, private industry and members of the general public have to spend millions of dollars annually to repair graffiti damage in Queensland. The Brisbane City Council has recently reported that graffiti vandalism costs the Brisbane community an estimated \$10 million every year and that it significantly reduces the amenity, perceived safety and liveability of the city. It is estimated that Queensland Rail will spend about \$2 million this financial year alone removing graffiti from carriages and from other railway property.

In Caboolture I recently met with the CBD traders regarding the problems in our area. We all realise that a significant proportion of this graffiti damage is caused by minors misusing aerosol spray-paint cans to produce personalised tag symbols. What we have to remember is that we all have a role to play. Property owners need to realise that effective immediate clean-up is very important so that the graffiti vandals do not have a chance to idolise the work that they put out there. Parents need to know where their kids are and also need to know what they are doing when they are not around. It is very important that they take that responsible role, because many young people that I see causing these sorts of offences are the ones who are not adequately supervised. So we as a community need to work together to help them improve their parenting skills, but at the end of the day they still need to take responsibility to know where their under 17-year-olds are, what they are doing, who they are with and make sure that they are abiding by the law.

It is also about teaching them respect for themselves and respect for other people's properties, and I think that that is something that has been missing a lot. I see that in my community as well. It has also been interesting to note that some of the police officers who work within the schools—for example, Senior Sergeant Andy and Constable Andrea—with the local schoolchildren are really focusing on that issue. They are not just talking about spray-paint cans or graffiti or chroming or whatever the other issues are; they are actually talking to the children about respect and respecting themselves, how they build up confidence in themselves and how they deal with other issues of substance abuse—that is, trying to give

them the life skills that they need so that they will become good members of our communities as they grow older. I would certainly like to commend them for that and also the non-profit community organisations that are working with them such as Bar Gomara and other ones like that.

A number of retailers in the state currently have voluntary codes of practice restricting the sale of spray-paint cans to minors. However, sales staff may be reluctant if challenged by a customer to adhere to a voluntary code of practice for fear of being accused of discrimination. To more effectively combat spray-paint graffiti crime, the Summary Offences Act will be amended accordingly. The new provisions will operate in conjunction with the existing section 17 graffiti instrument of the Summary Offences Act that contains offences in connection with the possession of a graffiti instrument including a spray-paint can that a police officer reasonably suspects has been used for graffiti or was being used for graffiti. The prohibition on the sale of spray-paint cans to minors will complement section 23 relating to the sale of potentially harmful things of the Summary Offences Act by further limiting the opportunity for minors to engage in chroming through inhaling the propellant gases used in spray-paint cans.

Section 27 relating to forfeiture of the Summary Offences Act will be widened to authorise courts that find persons guilty of the new offences under section 23B and section 23C of that act to order spray-paint cans which either offence relates to be forfeited to the state. Importantly, this bill also amends the Police Powers and Responsibilities Act 2000 to widen section 30 relating to prescribed circumstances of searching persons without warrant and prescribed circumstances for searching a vehicle without warrant of that act. The amendments will empower police officers to stop, detain and search persons and vehicles without warrant and to seize spray-paint cans as evidence of the proposed new offences.

The bill also inserts a new section 43A relating to unlawful sale of spray-paint to minors in the Police Powers and Responsibilities Act to empower police officers to ask suspected minors who are observed being sold or who are reasonably suspected of just having been sold spray-paint cans to show acceptable evidence of age and to produce that which was sold to them. A police officer may seize the spray-paint can if the suspected minor either refuses or is unable to comply with the request or shows acceptable evidence of age that they are a minor and the police officer reasonably suspects that the spray-paint can is evidence of an offence against sections 23B and 23C of the Summary Offences Act. These powers will be the same as those currently available to police officers under section 43 relating to unlawful supply of smoking products to children of the Police Powers and Responsibilities Act. These amendments are essential to ensure that police officers may more effectively combat graffiti crime in this state, and I commend the bill to the House.