



Speech by

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MEMBER FOR SURFERS PARADISE

Hansard Tuesday, 6 February 2007

SUMMARY OFFENCES AND OTHER ACTS AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—Lib) (9.32 pm): Mr Deputy Speaker, with your indulgence, I welcome some friends to the public gallery: Bill and Boo Brett, Andrew and Julie Donne and Jasmine Griffiths, who I am sure are in a state of torpor up there in the public gallery. I welcome them to the Queensland parliament.

The current bill before the parliament will effect a ban on the sale of spray-paint cans to persons under 17 years old, which is something that I have been advocating since I was elected to the seat of Surfers Paradise in 2004. I am pleased that the government is finally taking action to strengthen the laws with regard to the sale of paint products to children in a bid to stamp out graffiti, albeit three years after the coalition raised its concerns about graffiti.

I often mention the Surfers Paradise Community Consultative Committee, which meets at the police station every two months. Apart from hooning in vehicles, the biggest concerns of residents on the Gold Coast at these sorts of community consultative meetings are graffiti and its prolificacy throughout the neighbourhoods on the Gold Coast. I commend the government for bringing in this legislation. In my electorate and certainly across the state graffiti leaves a pernicious stain on our community, particularly in public areas where the community seeks reassurance that its safety and wellbeing is being protected.

Throughout Queensland there are a number of measures being taken to stamp out graffiti. In Brisbane, Lord Mayor Campbell Newman recently indicated that the significant social and economic cost of the graffiti problem to the community is about \$10 million every year, not to mention the human effect on perceptions of public safety. Queensland Rail, the primary target of graffiti in this state, invests significant funding in attempting to address this problem through a comprehensive graffiti management strategy focusing on enforcement and preventative measures. Other local governments, such as the Gold Coast City Council, have also taken positive steps towards the elimination of this scourge in society through public awareness campaigns and clean-up task forces. However, there appears to be no real whole-of-government strategy to deal with the problem.

Contrary to popular belief, the community generally does not report graffiti. Police statistics do not accurately reflect the amount of graffiti crime in this state, which would perhaps allow police and governments to develop more effective enforcement and/or crime prevention strategies. Research in the United States, England and to a limited degree in Australia has shown that graffiti is often linked to antisocial behaviour, criminal and gang activity and drug use. This is of serious concern to the community, particularly as Queensland Police Service statistics indicate that minors and young adults are the main perpetrators of this petty crime, which studies have identified as a launching pad into other areas of crime.

Recently, in south-east Queensland we have witnessed the uprise of youth gangs who model themselves on notorious US gangs terrorising our streets and leaving their virulent 'tags' in public spaces. These pervading symbols are designed to incite fear amongst members of these communities and we must do whatever we can to prevent this from happening. Mindless graffiti destroys public amenity and disenfranchises the community, who no longer feel safe to use these areas. The problem we have in Queensland is that there appears to be no absolute effective strategy to deal with this issue. I find

it amazing that in 2007 we are only just now looking at measures to limit minors' access to graffiti materials to prevent a crime that is as old as civilisation itself. It is unreasonable to expect retailers in this state to adopt and enforce voluntary codes of practice restricting the sale of spray-paint cans to minors, which has been the case up until now.

Retailers and employees have been reluctant to adopt the voluntary practice for fear of being accused of discrimination, which we must make sure will not happen under the new legislation. We have a responsibility to engage the whole of the community to deal with this scourge to ensure that its effects are minimised. Specifically, the state government needs to enact feasible legislation that will limit youth access to graffiti materials, as I hope this bill will do, as well as working more closely with local governments to address this issue. To this end, there is a real need to stop the sale of spray-paints to minors, which the amendments to the Summary Offences Act 2005 bring about. Once again, I applaud the government for moving this action and I say that it is about time. Other measures that the police minister should be looking at to eliminate this problem are improving intelligence and reporting systems for police, dedicating more police resources to target this problem, adopting a policy on the timely cleaning of the tags and graffiti in public spaces, encouraging legal art in appropriate places and targeting gang and antisocial behavioural problems. I look forward to seeing the outcomes of this legislation.

I am also interested in the legislation dealing with the unauthorised SMS messaging of alerts of traffic enforcement sites. I note the concerns of the shadow minister, the member for Burnett. I believe it is necessary that the government take every measure to shut down irresponsible entrepreneurs profiteering from being a threat to public safety. However, I mirror the concerns of my coalition colleagues with respect to a number of shortcomings in the creation of this offence. While the coalition generally supports the principle behind the legislation because of the potential for misuse of this technology, such as by Road Spy, a commercial operation informing drivers of the location of traffic enforcement sites, there are a number of problems with this legislation.

The first problem that arises is with the definitions contained within the proposed legislation. I reiterate the shadow minister's concerns that the focus of this clause is far too narrow to prevent this offence from occurring. The legislation in its current form outlaws 'relevant messages' containing information on police traffic enforcement activities from being transmitted via an internet message, text message or any other message that may be heard, read or otherwise viewed by a person using a mobile phone. This clause neither makes reference to other forms of technology nor includes new and emerging technologies that are changing the way we go about our lives on a daily basis. By ignoring technologies such as GPS devices and personal digital assistants—PDAs—the legislation currently before the parliament is at best irrelevant and at worst redundant.

The second problem with the proposed amendment on which I seek clarification from the minister as to its application is that it will not stop commercial operations like Road Spy from carrying out their business interstate. It would not be difficult for the Gold Coast based Road Spy to move its operations to Tweed Heads and be perfectly legal. As we are dealing with technology where messages can be broadcast and received over great distances, I would be interested to know where the minister perceives the offence to occur and whether there is any criminality on the part of the receiver for procuring this information by subscribing to services that would be illegal under this new legislation.

Technology is not defined by borders and it appears that the police minister has considered this, given the explicit reference to the service operating in 'Queensland or elsewhere'. As I have mentioned, the clause is both impractical and impossible to enforce.

Until a similar offence is enacted in other states or is contained within the National Road Rules or other legislation, crafty businesspeople trading in sensitive information pertaining to police traffic enforcement activities will continue to get a green light. On the one hand, I applaud the government for taking steps towards legislating this potentially dangerous business but, on the other hand, I am reticent to support this amendment in its current ill-considered state.

This amendment before parliament, I submit, is nothing more than redundant lip-service aimed at creating a perception that the government is cracking down on these activities whilst being fully aware that from a practical perspective the law just does not stack up. Unenforceable laws are worse than no law at all. Until the government can produce something that has even a minute chance of being enforced the coalition cannot support the amendment.