



Speech by

Hon. Judy Spence

MEMBER FOR MOUNT GRAVATT

Hansard Wednesday, 7 February 2007

SUMMARY OFFENCES AND OTHER ACTS AMENDMENT BILL

Hon. JC SPENCE (Mount Gravatt—ALP) (Minister for Police and Corrective Services) (12.03 pm): I would like to thank all members who spoke on the Summary Offences and Other Acts Amendment Bill. Most members focused on the graffiti part of the legislation, and that is understandable. I think all members have displayed a good understanding of the problem of graffiti in our society and how their constituents are worried by this unhealthy trend. Members have also displayed the fact that they are working closely with community organisations, councils and chambers of commerce. We all have to acknowledge that there are many people in our community who are working hard to try to diminish the problem of graffiti.

Members have also acknowledged the work that the police do in tackling this problem. The police have many creative and inventive ways to catch graffiti vandals in our society and they are getting some good prosecutions. One of the most innovative ones that I have learnt about—and I will not say in which area it occurred—is a police station that invites all their local youth, particularly the graffiti artists, to a party once a year and they give them spray-cans to have a bit of a fun time with. In that way, they work out whose tag belongs to whom when they see it in the community. That is just an example of the innovation that the police are using to try to get these culprits.

At the end of the day, we are not winning the battle against graffiti. I actually have to agree with the member for Gladstone, who expressed the sentiment that it is a sad and sorry day when the Queensland parliament has to pass legislation to ban the sale of spray-cans to young people. It is a right that young people have always enjoyed—the right to go down to the shop and legitimately buy a can of spray-paint and engage in a hobby. In the future, they will have to get their parents to do that for them. That is sad because we know that it is only a minority of young people who engage in this illegal behaviour and that the majority of young people are good kids who would never contemplate going out and vandalising our public spaces. Obviously, the problem is that large and we are forced to go down this route because we believe it is necessary to tackle this problem yet again.

I thank all members for their contributions. I will not comment on every individual member's contribution but I do want to answer some of the questions and issues that were raised generally during the debate. I acknowledge the member for Burnett is providing general support for this legislation on behalf of the coalition. The member for Burnett has raised a number of issues concerning the bill. The first was the sale of spray-cans to minors and the second was the sending of SMS and other messages for the purpose of trade by individuals or corporations. This legislation means that if a text message is sent for trade or commerce then prosecution can occur even if the sender is based out of Queensland.

I can assure the member for Burnett that the removal of the expiry of the volatile substance misuse provisions has occurred because we are committed to making these VSM areas permanent. We are not removing VSM areas, as he contends; rather, we are making them permanent. The current use of police powers to police VSM expires on 1 August this year, so by removing this passage from the bill we will not have to keep renewing them. The government has continually renewed and expanded police powers to enforce the VSM for every 12 months for several years. With these powers giving police the power to take a person affected by drugs to a place of safety, we believe they are so important that we want to continue with them.

The Scrutiny of Legislation Committee inquired as to whether the Commonwealth Age Discrimination Act affects the operation of the provisions that exempt the spray-paint provisions from the Anti-Discrimination Act Queensland. I can assure members that the Commonwealth act does not affect this exemption. The member for Burnett was concerned that he had not seen a copy of my response to the Scrutiny of Legislation Committee's concerns with regards to this bill, so I will table that now for all members.

Tabled paper: Letter, undated, from Hon Spence, Minister for Police and Corrective Services to Mrs C Sullivan, Chair Scrutiny of Legislation Committee re matters raised in Alert Digest 10 of 2006.

In answer to the member for Gregory's question about penalties, the higher penalties for sellers of spray-paint address the requirement to deter the unlawful sale of spray-paints to minors. While the maximum penalty for possessing a graffiti implement under the Summary Offences Act is \$1,500 or one year's imprisonment, the Criminal Code also includes severe penalties for offenders who commit graffiti damage of up to five years imprisonment. I can also advise the member for Gregory and others that it is illegal to flash high-beam lights to oncoming traffic. To do this to warn people of speed cameras is also illegal.

In answer to the question asked by the member for Gladstone about an individual being charged, the offence only relates to people who provide a service of informing another person of the location of a traffic enforcement site in trade or commerce. It will not capture individuals sending SMS text messages to another person outside of trade or commerce.

To clarify for the member for Nanago the situation about an employer being liable for the actions of an employee, it is highly unlikely an employer would be liable for the actions of their employee—in this case, the selling of spray-paint cans to minors—if they take appropriate preventive measures as outlined in the bill such as educating their employees, giving them a direction not to sell spray-paint to minors, putting up signs to notify potential spray-paint buyers who are minors that this is an offence. If an employer does not do this, then he is liable as the employee has not been properly trained.

The member for Clayfield raised the issue of a police station for Nundah. I can tell the member for Clayfield I am advised by police that there has been no significant trend in relation to reported offences against the person in the Nundah area in the past three years. While the recent tragedy is a terrible situation, police advise that overall rates of crime are actually consistent with the rates across the entire North Brisbane Police District. There are no plans to establish a police station or beat in the Nundah Village. Nundah Village, which is in the North Brisbane Police District, is surrounded by three police facilities that are located close by. The Toombul Police Beat shopfront is less than one kilometre away.

The Hendra Police Station is four kilometres from Nundah Village. Hendra is a major station within the district which also houses CIB and Child Protection and Investigation Unit officers. In addition, the district headquarters situated at Boondall is approximately six kilometres from the Nundah Village. This station contains additional resources, including the North Brisbane Traffic Branch and the Tactical Crime Squad. I am advised that the Nundah Village area is regularly patrolled by police from the Hendra station and that police will continue this level of policing. I can say to the member for Clayfield that he represents one of the luckiest areas in the state in terms of police resources and many people would be very comforted by having so many police stations in close proximity.

I hope I have addressed the major areas of concern for many of the members. One more issue I would like to address is one that has been raised by a number of speakers and that is the issue of how we choose the location of speed cameras. I am disappointed that members of parliament are not better informed about this and that they cannot provide their constituents with good answers when they are asked the question. I know that people in Queensland get cranky when they receive a speeding ticket. They write to me often enough about it. They get crankier when they think that a speed camera is being suspiciously located and should not be in that location.

I do ask members to inform themselves so they can explain to their constituents that the speed camera location sites are determined by local area committees which include Department of Transport people, police and others. The sites are determined by these committees using road accident information. So they cannot locate a speed camera in an area where there have been no accidents. It is on that basis. If people have concerns that police are locating their speed cameras in unfair locations they really should contact the local police, find out who this local area committee is that is making the determinations and get themselves briefed about the traffic accident data that is informing this committee when making these decisions. Please come to me and get the explanation. We will put them in touch with the local police so they can be better informed. I commend the bill to the House.