



Speech by

## John-Paul Langbroek

MEMBER FOR SURFERS PARADISE

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### SUMMARY OFFENCES (GRAFFITI REMOVAL POWERS) AMENDMENT BILL

**Mr LANGBROEK** (Surfers Paradise—Lib) (5.36 pm): On 18 March 2004 I stood in this House for the first time to speak to Queenslanders about the issues that were important to me and my community as the newly elected member for Surfers Paradise. Graffiti was one of those issues.

Graffiti is a curse on our communities. It offends the very fabric of our society, as the honourable member for Gympie has just pointed out. The seemingly innocuous tags that plague our parks, public toilet blocks and street signs are usually far more sinister. Graffiti is a hallmark of contempt for the social wellbeing of the collective and an insidious symbol of the anti-Establishment. Graffiti and other petty crime is recognised by leading criminologists as a launching pad for more serious offences. When it comes to graffiti, every member of this parliament and indeed every Queenslanders is a stakeholder. We should all be concerned about graffiti because the experts tell us that graffiti is a slippery slope to hardened crime.

Over the past six months I have witnessed a massive spike in the amount of graffiti on the Gold Coast. In my electorate of Surfers Paradise bus stops, residential homes and even street lights have become targets for vandals. The damage is unsightly and expensive to remove. Ratepayers get slugged with the expense of removing the graffiti or, as is too often the case, it is the homeowners who end up bearing the cost. A couple of weeks ago my wife and I came back from a trip and in our local area of Clear Island Waters there had been a massive amount of tagging done all over fences. It was like being physically assaulted in terms of the visual assault that we felt.

I notice that in Estimates Committee B, which we are going to be talking about tomorrow, the honourable police minister, who brought in this bill, repeated something that she said in a press release in May.

**Mr DEPUTY SPEAKER** (Mr Hoolihan): Order! Perhaps we could deal with the bill.

**Mr LANGBROEK:** It is to do with the bill. It is referring to the bill, as you will hear. It is in reference to—

**Mr DEPUTY SPEAKER:** We are debating estimates tomorrow, member for Surfers Paradise.

**Mr LANGBROEK:** This is about graffiti. She stated—

After the introduction of the paint sale ban legislation, which we passed in parliament, from July to December 2007 there were 5,546 reported graffiti offences and a clear-up rate of 44 per cent. This is a reduction from the period before where there were 9,202 reported graffiti offences and a clear-up rate of only 35 per cent. What we have seen since the introduction of the paint sale ban is a reduction in the number of reported graffiti offences statewide and an improvement in the clear-up rate for those offences.

I note what the honourable police minister said; I just do not agree with her. I do not believe that most Queenslanders would believe that there has been a reduction in graffiti offences, especially such a sizeable decrease: from 9,202 graffiti offences to 5,546. Maybe in the honourable member's electorate of Mount Gravatt that is happening, but it clearly is not happening on the Gold Coast.

As we have heard from mayors around the state, the cost of cleaning up graffiti is significant for them. Brisbane Lord Mayor Campbell Newman put a cost of \$10 million per year on the removal of graffiti.

That is \$10 million of ratepayers' money, obviously, that is wasted on cleaning up after criminals. Queensland Rail, the primary target of graffiti in this state, invests a huge amount of taxpayers' money addressing the problem of graffiti. That is clearly outlined in the Queensland Parliamentary Library research brief that contains an excellent summary of the issues. Geoff Chambers wrote in the *Gold Coast Bulletin* a couple of weeks ago—

The council has also expressed its dismay at the record spike of graffiti across the Coast.

Councillor Ron Clarke said—

I just don't know how we're going to stop it. It's getting worse and these people are getting more resourceful.

The statistics that were contained in that article showed that from 2004-05 there were 6,000 call-outs on the coast for graffiti; in 2005-06, 5,600 call-outs; in 2006-07, 7,200 call-outs; and in 2007-08, 11,000 call-outs—up from 6,000 call-outs in 2004-05. The article in the *Bulletin* stated—

Compared with the previous year, graffiti removal requests have increased by 51 per cent for council assets, 71 per cent for private property and 14 per cent for Energex assets. This equates to a total increase in graffiti removal requests by 51 per cent. Expenditure for graffiti removal compared with 2006-07 increased by 15.7 per cent.

Clearly that is at odds with the honourable police minister's words that the notification of graffiti is decreasing. Maybe there are just not enough police to find the people who are committing these offences. Obviously we need to look at what that money could be spent on if we did not have to spend it on removing graffiti—how many computers we could put into our schools, how many playgrounds we could build. I note that we will be debating another bill tomorrow night about the same issue.

Far more important than the aesthetic assault and expense of cleaning up graffiti, graffiti threatens our sense of safety and wellbeing in the community. This mindless vandalism raises questions about whether we are safe in our neighbourhoods when people can seemingly get away with wilfully destroying public and sometimes private property. In recent times, particularly in south-east Queensland, we have witnessed the increasing numbers of people in youth gangs who model themselves on notorious US gangs like the Bloods and the Crips. They leave their virulent tags in prominent public places in a bid to incite fear in the community. Mindless graffiti not only destroys public amenities but also disenfranchises the community. People no longer feel safe in a community where graffiti is rife.

As a long-term member of the Surfers Paradise Community Consultative Committee I can report that graffiti is one of the biggest concerns of residents. Apart from the obvious safety aspect, the often unspoken effect of graffiti is that which it has on property value. Once vandals target a bus stop or train, it does not take long for them to pervade the whole area. Wilson and Kelling examined this proposition in their broken windows theory. An article in the March 1982 edition of the *Atlantic Monthly* states—

Consider a building with a few broken windows. If the windows are not repaired, the tendency is for vandals to break a few more windows. Eventually, they may even break into the building, and if it's unoccupied, perhaps become squatters or light fires inside.

The solution is to fix the windows before it becomes free game for vandals. It is a simplistic solution but one that has been proven on a number of occasions. When the broken windows theory was first floated in the 1980s, one of its authors was hired by the New York City Transit Authority to undertake the task of stamping out graffiti. When I was a child and visited New York a number of times through the seventies, it was frightening to go onto the subway. In fact, many Australians I travelled with refused to travel on the subway, partly because of the air of unease one felt when one saw how much graffiti was on the trains.

As is the case with Queensland Rail, which spends in excess of \$1 million per year getting rid of graffiti on trains, vandals were targeting trains in subway networks and there was a great prevalence of graffiti. For many years the tendency had been to wait until graffiti had accumulated sufficiently before the authorities cleaned it off in order to save on costs. However, whilst it might have seemed economically prudent to get rid of it in the one go, it had the unintended effect of indirectly encouraging more graffiti as per Kelling's theory. When the transit authority changed its approach and adopted the principles of the 'broken windows' theory, within five years the system was relatively devoid of vandalism. This approach remains in practice today and is credited for the significant improvement in public amenity and safety.

The most remarkable recent example of this was the renaissance of New York which, of course, has come to be much safer since those times that I spoke about in the seventies and eighties. People who go there now speak about the fact that the zero tolerance of petty crime such as fare evasion, drinking in public and graffiti has led to a significant drop in crime rates. The idea is to fix the windows, or in this case graffiti, before it becomes a magnet for criminal activity.

That is what the perpetrators of graffiti are—criminals. Queensland legislation is filled with provisions designed to tackle graffiti. Section 469 subsection (9) of the Queensland Criminal Code 1899 makes it an offence to cause destruction or damage to property by spraying, writing, drawing, marking or otherwise applying paint or another marking substance. The penalties contained therein are not insignificant: up to seven years imprisonment for aggravated offences. The Summary Offences Act, which is the subject of the amendments currently before the House, and the Transport Infrastructure Act also contain provisions which make graffiti a crime. Yet we continue to see graffiti occur, often performed by kids not yet old enough to form the necessary criminal intent. We know that petty offences can lead to more serious

crimes. That is why it is vital that we tackle graffiti and rehabilitate the perpetrators before they do end up in our jails.

As I said in my maiden speech, if we can deal with the issues leading to graffiti rather than concentrating on punishment after the fact, graffiti is less likely to occur and the problem will be easier to control. However, we do need to consider that as a last option.

We are committed to cracking down on vandals. I note that there is bipartisan support for the bill. I note that the bill allows state government and local council officers to enter premises to remove graffiti. What it does not make clear, however, is who will be responsible for the clean-up of graffiti. This will cause the same confusion that already exists in the community about who will clean up after vandals—the council, the state or individual homeowners. I have noticed when I have been driving around the Isle of Capri and I have dropped in a council ‘clean up graffiti’ card that many homeowners are not aware of the services that are offered by the council, are not sure who will do it and obviously end up sometimes doing it themselves.

The LNP proposes that the person who should be responsible for the clean-up is the graffiti artist. I use that term very loosely. We do not think that individual homeowners and businesses should have to cop the cost of graffiti, particularly when there are laws in place banning such behaviour. Clearly the laws are not being enforced. I have mentioned before that perhaps we could have more police to give us the best chance of stamping out crime, not just graffiti, in our communities. If members opposite are serious about doing something to address the problem of graffiti I look forward to their support for tomorrow night’s initiative. I look forward to hearing their thoughts. I commend the bill to the House.