

**Question on Notice  
No. 569  
Asked on 17 April 2008**

MR HINCHLIFFE asked the Leader of the Liberal Party, Shadow Attorney-General and Shadow Minister for Justice and Fair Trading (MR. MCARDLE) -

QUESTION:

With reference to the Criminal Code and Other Acts (Graffiti Clean-Up) Amendment Bill—

- (1) As part of his preparation of the Bill, were other States or Territories consulted?
- (2) Will he advise the House of similar legislation currently in force in other jurisdictions?

ANSWER:

I would like to thank the Member for Stafford for his Question on Notice and for recognising the important role the Queensland Coalition is playing in providing a strong and united alternative government with policies worthy of his consideration and interest. This Question on Notice is also an extraordinary testimonial from a Government Member of Parliament who now chooses to direct important questions about policy to the alternative government. This in no small way reflects an underlying lack of confidence in the Bligh Government's ability to provide honest and reliable information about matters of public importance. It is also a view shared by the Queensland Coalition and the Queensland Auditor-General. As the Member is no doubt aware, the Auditor-General's Report to Parliament No.1 for 2008 (Enhancing Accountability through Annual Reporting: A Performance Management System Audit) released on 17 April 2008 found: "Guidance provided by the Department of the Premier and Cabinet and the Treasury Department is not sufficient to support accountability and promote a culture of performance management...[And] The information provided to the Parliament through departmental annual reports does not fully comply with legislation, is incomplete and ambiguous in the portrayal of agency accountability and performance."

The Member for Stafford should be aware the stain of graffiti costs hardworking Queenslanders a lot of money and is an ugly eyesore on the urban landscape, including in Brisbane's northern suburbs. Brisbane residents are not alone – the Gold Coast, Ipswich, the Sunshine Coast, Cairns, Townsville and just about everywhere else in Queensland that has public and private property exposed to the elements is a target for these vandals. A 2005 crime and safety survey by the Australian Bureau of Statistics found 25 per cent of Australians believed graffiti was a major problem in their local neighbourhood. And, the costs to our communities for graffiti cleanup are enormous – at least \$100 million every year (Queensland-wide) according to the former Police Minister (McGrady) in 2003. While there is little quantitative data to support this statement, Victoria's Graffiti Management Website claims the cost of graffiti clean-up across Australia was \$300 million a year (in 2003 dollars). The cost of graffiti crime is passed on to the community through higher service costs, insurance premiums and council rates – to say nothing of the costs of cleanup and surface and paint repair work.

I note that Brisbane Lord Mayor Campbell Newman has tirelessly fought the scourge of graffiti – increasing graffiti cleanup flying squads in consecutive budgets in the Member for Stafford's own local government area. There has even been a Memorandum of Understanding (MOU) signed between Brisbane City Council and the State Government to tackle graffiti, although a cursory look at rail and other traffic corridors throughout South East Queensland evidences a failure of the Beattie-Bligh Government to honour this commitment. It is clear, however, that through signing this MOU, the State Government at least recognised the war on graffiti should not be left up to councils alone to tackle. Importantly, when the honourable Member for Stafford was actively campaigning in the recent Brisbane City Council elections he should have been aware that he was giving tacit endorsement for a bipartisan approach to tackle the growing graffiti problem. Specifically, this included lobbying 'the State Government to provide structures and supervised graffiti clean up programs for all convicted graffiti offenders to repay their debt to the community by removing graffiti either as, or part of, their sentence'.

1. In drafting the *Criminal Code and Other Acts (Graffiti Clean-Up) Amendment Bill*, the Queensland Coalition listened to the growing concerns of Queenslanders who are just fed up with having their property vandalized and their neighbourhoods infected by this out-of-control urban stain. I was even interested in what the Member for Stafford had to say about graffiti and was somewhat shocked to discover the only time he had been recorded in Queensland Parliament raising his concerns about the graffiti problem in Brisbane's northern suburbs was to complain about someone raising their concerns about the local graffiti problem. I can advise the honourable member that the Queensland Coalition looked at West Australia, New South Wales and Victoria for what was occurring in other Australian jurisdictions with regards to graffiti cleanup action. As discussed above, we also looked at what some local governments were doing. Ipswich and the Gold Coast seemingly have a major graffiti problem – as does the Member for Stafford's own local government area.

2. Many States around Australia have extensive graffiti websites that outline in great detail the laws and programs running to address graffiti. With the disbanding of the Office of Crime Prevention, there is no such website facility supported by the Queensland Government and the Queensland Police website does not have a dedicated graffiti information link.

### **New South Wales**

In New South Wales, two pieces of legislation deal specifically with graffiti, these are the Crimes Act 1900 and Summary Offences Act 1988.

The member should look at [www.graffiti.nsw.gov.au](http://www.graffiti.nsw.gov.au)

This website provides a comprehensive overview of NSW Government efforts to combat graffiti crime. This site also contains up-to-date statistics on Graffiti Crime. This same information is not widely available to Queensland residents. The Children's Court in NSW can also order juvenile offenders to perform community service, which can include a requirement for convicted graffiti offenders to remove graffiti on buildings.

### **West Australia**

In Western Australia, the Government has an extensive anti-graffiti website at [www.goodbyegraffiti.wa.gov.au](http://www.goodbyegraffiti.wa.gov.au).

This website gives an extensive overview of graffiti laws and initiatives that the West Australian Government are undertaking. The legislation in West Australia that deals with graffiti comes under the Criminal Code. Under the WA Criminal Code offenders can be ordered to pay for damages caused by graffiti. And, the WA Sentencing Act allows a court to impose a community service order on the offender as part of their sentence. The Repay WA graffiti removal program is a branch of the Community Justice Services. Repay WA's graffiti removal service gives fine defaulters and offenders an opportunity to repay the community for their crimes.

### **Victoria**

The Graffiti Prevention Act 2007 is the legislation that deals with graffiti crime in Victoria. Victoria's State Government provides a comprehensive overview of graffiti management in that state.

<http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/Home/Crime/Graffiti+Management/>

The Victorian Government have a dedicated Community Graffiti Clean up program that utilizes low risk offenders. This program was established in November 2005 in the lead up to the Commonwealth Games and has since been expanded. In the last three years the Victorian Program has seen offenders remove 264,200 square metres of graffiti. 7,500 offenders participated in the programs and over 84,100 hours of unpaid community service work was undertaken.

As the Member for Stafford should be aware, the current Queensland Government does not have a good track record on tackling graffiti. Indeed, the Attorney-General has even refused to answer questions about how many graffiti vandals were made to spend time cleaning up after themselves. I ask the honourable member to consider the words of the father of a graffiti vandal who committed at least 350 offences throughout Brisbane and Ipswich, including destroying the 1919 Bundamba Memorial Park statue. "What baffles me is that no one's ordered him to clean up his damage," he told the Sunday Mail. I encourage the Member for Stafford to represent the interests of his constituents, as well as the bipartisan lobbying efforts of Brisbane City Council, in supporting the *Criminal Code and Other Acts (Graffiti Clean-Up) Amendment Bill* when it is debated in Queensland Parliament. I have also sponsored an e-petition if the Member Stafford is interested in helping me fight Queensland's graffiti problem.

I refer the Honourable Member to Questions on Notice No. 573, No. 577 and No. 552 for more information.