

**Question on Notice
No. 573
Asked on 17 April 2008**

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

QUESTION:

In drafting the Criminal Code and Other Acts (Graffiti Clean-Up) Amendment Bill—
Has he considered the costings involved in implementing the Bill and will he advise the House of these costings?

ANSWER:

I would like to thank the Member for Ipswich for her 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 her 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."

I can assure the Member for Ipswich that in preparing the *Criminal Code and Other Acts (Graffiti Clean-Up) Amendment Bill* I have not adopted the titular standards of transparency and accountability that are the hallmark of this Queensland Labor Government. Similarly, I have not used the comparative resource disparity between my office and that of the Queensland Attorney-General and Minister for Justice's Office (at least 2,537 public servants, as well as an undisclosed number of political staffers) as an excuse for not answering the Member for Ipswich's Question on Notice. This is in contrast to the Minister for Transport, Trade, Employment and Industrial Relations, who used this as an excuse to avoid answering a Question on Notice earlier this year (see QON – No.: 325), or the Queensland Treasurer who made a funding source magically disappear to avoid answering a Question on Notice (see QON - No.: 198). And, unlike the Queensland Treasurer's rationale for not releasing costings on Payroll Tax Harmonisation Bill, I have not claimed there is a "cost neutral" impact and then used this as an cynical excuse for being less than honest and upfront about potential impacts on the community.

As the Member for Ipswich is no doubt aware there is a real and visible graffiti problem in the area she represents. I note the honourable member does not share my concerns about the growing graffiti problem – raising the graffiti issue just once in Queensland Parliament more than six years ago to praise the government for an apparent reduction. Unfortunately, positive thinking and a chain of positive media releases from the Beattie-Bligh Government spin doctors will not shift these ugly urban stains. The honourable member should be aware the stain of graffiti costs hardworking Queenslanders a lot of money and is an ugly eyesore on the urban landscape. A 2005 crime and safety survey by the Australian Bureau of Statistics found 25 per cent of Australians believed 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 the Mayor of Ipswich seemingly shares the Queensland Coalition's disdain for graffiti. "Graffiti affects the whole community at the hip pocket as the cost of cleaning up the mess is paid for by every ratepayer... I am also calling on magistrates to treat the crime of graffiti as serious and hand down sentences that will send a clear message that the community has had enough," Cr Pissale said last year. While I have not personally discussed this with Mayor Pissale, I would expect the Queensland Coalition's proposed *Criminal Code and Other Acts (Graffiti Clean-Up) Amendment Bill* largely targets this aspect of Ipswich City Council's appeal.

According to figures released by the Attorney-General (Question on Notice 1467), 600 offenders were found guilty of a graffiti offence in 2005-06 and 743 offenders were found guilty of a graffiti offence in 2006-07.

The *Penalties and Sentences Act* states in regard to Community Service Orders -
(2) The total number of hours stated in the order —
(a) must not be less than 40 and not more than 240; and
(b) must be performed within one year from the making of the order, or another time allowed by the court.

Clearly, this Private Member's Bill could save Queenslanders the cost of 29,720 hours of graffiti removal that would otherwise be performed by their local council, or state government agencies (40 hours x 743 offenders). The 2008 Productivity Commission report on Government Services showed Queensland Community Corrections paid just \$8 per day (for each offender) to supervise offenders in the community. However, while there would be an opportunity cost in establishing a mandatory graffiti cleanup regime for convicted vandals, the cost implications for community service orders specifically targeting graffiti cleanup is immaterial. This is largely because a mandatory cleanup community service order is already part of the existing menu for corrective orders. The Member for Ipswich should also be aware that there was a Corrective Services pilot program established in Mackay in 2001, which reportedly saved the Mackay City Council \$40,000 in graffiti removal costs.

As the Member for Ipswich 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 convicted graffiti vandals are made to spend time cleaning up after themselves. I also 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 Honourable Member to represent the interests of her constituents, as well as the lobbying efforts of Ipswich 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 for Ipswich is interested in helping me fight Queensland's graffiti problem.

I refer the Honourable Member to Questions on Notice No. 552, No. 569 and No. 577 for more information.