



Speech by

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SUMMARY OFFENCES (GRAFFITI REMOVAL POWERS) AMENDMENT BILL

Mr CRIPPS (Hinchinbrook—NPA) (6.16 pm): I rise to make a brief contribution to the debate on the Summary Offences (Graffiti Removal Powers) Amendment Bill. In doing so, I make the observation that the state government has brought forward this bill on the *Notice Paper* to allow it to be debated by the parliament before the opposition's private member's bill, the Criminal Code and Other Acts (Graffiti Clean-up) Amendment Bill, which was introduced by the member for Caloundra in late February this year.

The Summary Offences (Graffiti Removal Powers) Amendment Bill was introduced in early June this year and was, until last night, listed as the eighth item of government business to be debated on the *Notice Paper*. The state Labor government is clearly embarrassed that it has failed to recognise the issue of graffiti as one of concern in the community and that the opposition has acted to address those concerns before the government. Opportunistic political manoeuvring will see the government's bill debated before the opposition's bill, but Queenslanders know that this government is increasingly lazy and slow to respond to issues which are of importance to the wider community.

Government members interjected.

Mr CRIPPS: Honourable members can complain, but they know that I am right.

The Summary Offences (Graffiti Removal Powers) Amendment Bill 2008 proposes to create a legislative framework to allow state government and local government officers to be given the responsibility and authority to remove public graffiti from public and private property. The bill proposes to support efforts to ensure the swift removal of publicly visible graffiti where it occurs.

The explanatory notes accompanying the bill state that this proposed legislation responds to requests from the community for legislative change to give property owners recourse from graffiti inflicted by these vandals. As I pointed out earlier, the government acted on this issue and introduced this bill only after it had been canvassed by the opposition in its own private member's bill, which is due to be debated tomorrow night. I am pleased that the opposition's efforts have prompted the state government to do something about graffiti.

The bill defines 'public graffiti' as graffiti which has occurred in a public place or that is readily seen from a public place. The bill indicates that efforts to remove graffiti under this bill could be satisfied by concealing or covering the graffiti as opposed to actually removing it.

I hope these provisions are only in place to address circumstances where the safety of graffiti removal officers in undertaking the full removal of graffiti is compromised or the cost to taxpayers of the full removal of graffiti is prohibitive rather than allowing this program to fall into the practice of certain jobs being put in the too-hard basket for the full removal of graffiti. The bill asserts that the graffiti removal officer must take reasonable steps and care to restore the surface from which the graffiti was removed to its pre graffiti condition or, if it is not possible, to an appropriate condition relative to the surrounding environment. Graffiti removal officers will certainly face a range of different circumstances when they move to satisfy this

option. So it is reasonable for there to be a degree of flexibility provided for in the legislation outlining how this can be achieved.

The shadow minister for police and corrections, the member for Gregory, indicated that the opposition feels that the provisions of this bill could certainly be tougher as far as requiring those caught for graffiti to undertake the actual removal of the graffiti on the public or private property that they have defaced. I certainly support that point of view very strongly and ask that the minister seriously consider enhancing the provisions of this bill to provide for stronger penalties and sanctions on perpetrators to that end whilst we have this legislation before the House.

There has been a curious debate in the community about the relative merits of categorising graffiti as a legitimate artistic medium. To my mind, this is a simple matter to resolve. If a person defaces public or private property by way of graffiti without the express permission of the private property owner or the public authority that owns the relevant public property then this is clearly an act of vandalism which is a criminal act and the penalty should reflect that fact.

In no way can that type of graffiti be considered a legitimate artistic medium. In contrast, if a person has the express permission of the private property owner or the public authority that owns the relevant public property to undertake an activity on that property that would otherwise be described as graffiti, that is clearly what has long been referred to as street art and that certainly has a place in our community. This distinction should settle the curious debate where some have tried to act as apologist for the perpetrators of graffiti by peddling a ridiculous proposition that graffiti is a legitimate artistic medium.

In view of these observations, surely this bill ought to be more explicit in its provisions to ensure these vandals are held to account and required to remove graffiti from the public eye on private and public property. The opposition has indicated its support for this legislation because it takes some steps to address the serious problem of graffiti that affects a number of communities across Queensland. Certainly the opposition believes that the sanctions on and ramifications for perpetrators should be more serious to be an effective deterrent to these common vandals.