



Speech by

Andrew Cripps

MEMBER FOR HINCHINBROOK

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CRIMINAL CODE AND OTHER ACTS (GRAFFITI CLEAN-UP) AMENDMENT BILL

Mr CRIPPS (Hinchinbrook—NPA) (7.58 pm): I rise to make a contribution to the debate on the Criminal Code and Other Acts (Graffiti Clean-up) Amendment Bill. In doing so, I commend the member for Caloundra for his initiative in introducing this bill into the parliament, which prompted the state Labor government to reflect on its own lack of action in respect of the serious issue of graffiti in many communities across Queensland.

Yesterday this parliament considered the Summary Offences (Graffiti Removal Powers) Amendment Bill introduced by the government two months after the opposition introduced this bill. Yesterday the government elevated its bill from eighth under 'Government Business' on the *Notice Paper* to second to ensure that it would be debated before the opposition's bill, which was due to be debated tonight. The state government is obviously embarrassed that the opposition has acted first to draw this matter to the attention of the House and acted opportunistically to try to secure some political mileage. I am pleased that the opposition has prompted some action from the state Labor government on the issue of graffiti.

Although a similar government bill was debated yesterday, debate on this bill is important because the opposition bill moves much more explicitly towards providing for strong sanctions on and ramifications for perpetrators who deface public and private property with graffiti as an effective deterrent to this type of behaviour. Previous amendments to the Criminal Code have introduced a provision that allows for the ordering of community service at the discretion of the court for graffiti offences. The objective of the bill is to amend the Criminal Code, Summary Offences Act and Regulatory Offences Act to make community service clean-up orders for all graffiti offences compulsory for all offenders in addition to any other penalty issued by the courts—and that is the critical difference between this bill and the government's bill, the Summary Offences (Graffiti Removal Powers) Amendment Bill, that was passed yesterday. The opposition's bill being debated today is a fair dinkum bill and is focused on holding graffiti offenders to account.

Graffiti in Queensland accounts for millions of dollars in damage to public and private property each year. This bill seeks to ensure that a person guilty of a graffiti offence is made to contribute to cleaning up graffiti in the community. Clause 3 of the bill outlines how this will be done via amendment. That clause amends section 469 of the Criminal Code by removing the word 'may' and inserting the word 'must' to leave no doubt that all persons sentenced for a graffiti offence under this section will be sentenced to some form of community service. When terms of imprisonment are imposed it will be expected that the community service will still need to be undertaken at the completion of the term of imprisonment. Clause 6 of the bill inserts provisions that would see even minor graffiti offenders ordered to undertake community service. All graffiti offenders found guilty will be dealt with in the same way. This ensures that all graffiti offenders participate in some form of community service, making it clear that just because the offence is relatively minor the crime of vandalism will not be tolerated under the provisions of this bill.

During the debate on this bill and the debate on the government's bill yesterday many members from urban electorates spoke about the impact of graffiti on the urban landscape and in many ways

presupposed that the problem of graffiti is predominantly an urban problem. Graffiti is a problem that affects all communities, both urban and regional and rural, and sadly it affects both the built environment and the natural environment. I will give an example of a particularly regrettable instance of graffiti vandalism. Earlier this year in my electorate of Hinchinbrook graffiti vandals defaced the stone boulders at the Little Crystal Creek swimming hole within the Paluma Range National Park between Townsville and Ingham. This beautiful and popular swimming area was disgracefully vandalised on several boulders adjacent to swimming holes. The graffiti had to be subsequently cleaned off by Queensland Parks and Wildlife Service rangers who had any number of better things to do than scrub graffiti off stone boulders. The stone boulders and landscape at Little Crystal Creek have been magnificently shaped by thousands of years of flowing water running off the adjacent Paluma Range. As the offences took place in a national park, the offenders were in breach of the Nature Conservation Act.

This bill proposes changes to the current legislation that will draw a line in the sand as far as the treatment of graffiti as an offence is concerned. These changes propose to make provisions in the legislation to ensure these vandals are held to account and are required to remove the graffiti that they so callously and indifferently leave on public and private property in many areas of Queensland. The opposition has brought forward a proposition that addresses an issue of real concern to many communities throughout Queensland. The opposition believes that the sanctions on and ramifications for perpetrators of graffiti vandalism need to be more serious to be an effective deterrent against this unacceptable behaviour. The state Labor government should support this initiative to shake graffiti vandals out of their complacency and disregard for the law, which is evident given the ongoing problem of graffiti vandalism in this state.