

CRIMINAL CODE AMENDMENT (GRAFFITI) BILL 2009

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Michael Mischin (Parliamentary Secretary)**, read a first time.

Second Reading

HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary) [9.37 pm]: I move —

That the bill be now read a second time.

During the last election, the state government made an election commitment to implement a whole-of-government approach to tackle the problem of graffiti vandalism in our community. While there may be graffiti of artistic merit, what this bill seeks to address is graffiti vandalism, which can be defined as the defacing of private and/or public property without consent from the property owner.

Sadly, graffiti vandalism is nothing new, but for as long as it has been around, so too have there been efforts from local community members and governments to rectify the problem. This bill will complement the efforts of the community's long fight against graffiti vandalism by strengthening the deterrent effect of the law by increasing existing statutory penalties and introducing new ones. The bill will also introduce a preventive function by curbing the availability of what the bill terms graffiti implements.

The seriousness of graffiti vandalism as an issue to be dealt with is highlighted by the costs it incurs to society. Based on reported incidents only, it is estimated that it costs governments in Western Australia, at both the state and local level, a bare minimum of \$25 million per annum to clean up and remove graffiti. Of course, apart from the economic costs, there are also the personal costs to victims of graffiti crime, as families and individuals suffer the vandalising of their homes and businesses.

In December 2008, the state government implemented the first part of its whole-of-government approach to tackling graffiti by re-establishing the Graffiti Taskforce. The Graffiti Taskforce was originally constituted by the Court government and was subsequently disbanded by the former Labor government. As the Minister for Police has previously informed members, the Graffiti Taskforce is coordinated by the Office of Crime Prevention and will deliver a four-year action plan to combat graffiti. The aims of the Graffiti Taskforce are to prevent and reduce graffiti vandalism; ensure the rapid removal of graffiti; ensure sanctions for offenders are appropriate and enforced; and support local government and communities in their antigraffiti measures.

Agencies and stakeholders such as local governments, Main Roads Western Australia, Perth Transit Authority, Water Corporation, Western Power and Telstra all operate programs to combat graffiti. To assist and complement the efforts of these groups, this bill seeks to enshrine in law a preventive function by proposing to limit the availability of graffiti implements. These are defined in the bill and include cans of spray paint and marker pens or similar implements that have a tip of over six millimetres wide, contain a fluid that is insoluble in water, and are capable of marking a surface.

The bill will also amend the Criminal Code WA by creating a new offence and penalty for persons who sell these items to a child. The penalty will be a maximum fine of \$6 000 for a first offence, and \$12 000 for a subsequent offence. The bill also contains a defence provision that may be relied upon if the accused believed on reasonable grounds that the person who purchased the graffiti implements was not a child. In order to deter potential first-time offenders and those who may reoffend, the bill will also double the penalty in the Criminal Code WA so that graffiti offenders will now face a maximum penalty of two years' imprisonment and a fine of \$24 000.

The proposals in the bill demonstrate this government's real commitment to combat graffiti crime through both deterrent and preventive measures, and I commend the bill to the house.

Debate adjourned, pursuant to standing orders.