

**CRIMINAL CODE AMENDMENT (SALE OF SPRAY PAINT CANS) BILL 2007**

*Second Reading*

**MR T.R. SPRIGG (Murdoch)** [4.00 pm]: I move -

That the bill be now read a second time.

This bill is motivated by the scourge of graffiti that is growing throughout our suburbs and the state. There seems to have been a big increase in graffiti this calendar year. In my electorate it is likely that it will get worse. When one travels interstate and goes to places such as Victoria, particularly Melbourne, one sees a lot of graffiti along the railway lines. I think the situation will get worse in my electorate when the southern suburbs railway finally opens.

First of all, I would like to congratulate the minister and the government on the proactive way that they have started to attack the scourge of graffiti with the introduction of the graffiti hotline. I know that it has already had some success. Members appreciate the packs that have arrived in their offices today so that we can promote the initiative, which will help get rid of the scourge of graffiti. We thank the minister for that.

This bill is a different way of attacking graffiti, which is based on prevention rather than cure. We base our thoughts on the fact that once graffiti is there we have to get rid of it. It would be great if we did not have to get rid of it because it was not there in the first place. This bill, which I am introducing, will hopefully lead to less graffiti.

The bill makes it an offence for retailers to sell spray cans of paint to minors; that is, children under the age of 18 years. There are plenty of precedents for this. New South Wales, Queensland and South Australia have legislation that makes it an offence for anybody to sell spray cans of paint to people under the age of 18 years. This bill is modelled on the New South Wales legislation. I understand that the Victorian Parliament is currently debating whether it should implement this proposal in its Graffiti Prevention Bill. There is similar legislation in many parts of the United States and the United Kingdom.

In researching this matter I was interested to learn that Western Australia does not have laws that deal specifically with graffiti. The graffiti laws fall under the Criminal Code of 1913. This bill amends section 1 of the Criminal Code by inserting the definition of a spray paint can. It also provides for proposed sections 447 and 448 to be inserted into the Criminal Code. Proposed section 447, "Sale of spray paint cans to a child", which is a person under the age of 18 years, carries a fine of \$1 100. Proposed section 448, "Unsecured display by retailers of spray paint cans", also carries a fine of \$1 100. The proposed section defines how spray paint cans can be stored, such as being above a height of two metres where they cannot be easily reached by a child or in a locked cabinet behind a counter. In other words, the spray paint cans have to be handed in person to a customer. I understand there is some sort of self-regulation by the people who currently sell spray paint cans under which the cans are supposed to be in a locked cabinet. However, I have done some research and have heard of experiences in which it is not difficult at all to get spray cans from major hardware stores. There have been many instances of half a dozen kids going into a shop, grabbing cans, and away they go.

This bill is just part of a much wider package to combat graffiti. Obviously, we need to reduce graffiti vandalism because it is very costly. A lot of it is caused by the misuse of spray paint cans. I accept that graffiti is created by other means, such as with felt-tipped pens. However, this legislation is a chance to reduce it to some significant degree.

There is a conservative estimate that it costs \$10 million each year to remove graffiti from private and public assets in Western Australia. That is an absolutely amazing figure. As I said, that is a fairly conservative estimate.

Graffiti has a negative impact on society. I have mentioned in this place before that when I have interstate and international visitors they all say what a lovely city and state we have but that the graffiti is very obvious.

This bill does not prevent an adult from buying spray paint cans on behalf of a minor if there is a genuine reason why a person needs a can of spray paint. It may be for employment or education purposes. There is no reason that cannot still happen.

I will conclude by making an aside. In researching this issue I have found that many councils, contractors and government departments are using caustic and unsafe products to remove graffiti. Currently, there is no legislation that forces graffiti removers to use environmentally safe products. Indeed, there was an incident in the eastern suburbs in which children at a day care centre were coughing and had watering eyes as a result of a graffiti cleanup just a few hours before. A company called Cosmic Products apparently has a safe, organic non-toxic and non-acidic graffiti removal product. When we debate this subject later we should look at introducing legislation - it is not in this bill - to make sure that the products used to clean up graffiti are friendly to the

environment. I look forward to debating the Criminal Code Amendment (Sale of Spray Paint Cans) Bill 2007 at the appropriate time in this place. I commend the bill to the house.

Debate adjourned, on motion by **Mr J.C. Kobelke (Leader of the House)**.