

CRIMINAL CODE AMENDMENT (GRAFFITI) BILL 2009

Second Reading

Resumed from 19 August.

MS M.M. QUIRK (Girrawheen) [11.00 am]: I am not the lead speaker for the opposition, but in the absence of the member for Mindarie I will make a few comments. There is no doubt that graffiti is a real scourge, and many members in this chamber would receive consistent and frequent complaints from their constituents about graffiti vandalism. How we control graffiti is a vexed question. Graffiti is seen by many as being a symbol of broader issues: as a breakdown in law and order, as antisocial, as a defiance of authority, and as a lack of respect for other people's property.

This legislation is part of the government's election commitment and is said to go hand in hand with other measures to combat graffiti, such as creating the Graffiti Taskforce. In this regard, the legislation is narrow in scope, and I will talk a bit more about that shortly. However, because it is part of the government's mandate and was part of the Liberal Party's election policy, we will not oppose it. However, for reasons that I will expand on later, I do not think it is necessarily the way to go.

The scope of the legislation is limited to the sale of graffiti implements to minors, and I will talk about that later. The premise of the legislation is that most graffiti artists—I use the term very loosely—are 18 years of age and younger. I do not necessarily think that is the case. I do not know whether the Attorney General has any specific figures on that, but I think he would be surprised to know that many of the people committing graffiti are older than that.

The opposition particularly wants to make the point that this government is focused on what I call the stick approach. There is, of course, the carrot approach, but this legislation is very much the stick approach as it deals with an offence by imposing harsher penalties and cracking down on crime. Equally, there should be emphasis on the prevention of crime in the first place. This is particularly true in the case of graffiti, which has such a low clearance rate. It is worthwhile noting that in 2003-04 the clearance rate on graffiti was 6.9 per cent. In that year, out of 10 426 reported offences—I suspect there is a very large incidence of under-reporting—only 718 offences were cleared. Similarly, in 2004-05 there were 9 247 reported incidents of graffiti, with only 835 cases being cleared, which is a rate of nine per cent. In 2005-06 there were 9 294 reported offences, with a clearance rate of 962 offences, which is a rate of 10.4 per cent. Similarly, in 2006-07 there were 13 852 offences reported, and 1 260 of those were cleared, at a rate of 9.1 per cent. Finally, in 2007-08 there were 15 972 offences reported and 1 409 offences cleared, at a rate of 8.8 per cent. Therefore, very few offenders are apprehended, so we can identify only where that 10 per cent or so of offenders obtained their graffiti implements, which is a small number overall. It is because so few offenders are caught that we think that prevention is much better than cure, but it would be much better if we worked toward preventing graffiti.

We should encourage programs, such as the one run in conjunction with the City of Bunbury, whereby, over a period of some months, a number of artists worked with kids at risk and planned and constructed a mural on a large wall that they had frequently graffitied. That program worked with private businesses in the City of Bunbury and has been highly successful. Recently, I saw a fantastic *Stateline* program on an underground car park where graffiti artists' talents—if one can use that term—were channelled into productive behaviour.

Members on this side of the house are concerned at the cuts in funding for the Office of Crime Prevention and in programs that allow local communities to combat graffiti at the local level. The opposition will be vigilant in years to come to monitor whether those local communities are able to address these very important issues at a grassroots level.

Before I make some specific remarks on the bill, I want to commend those local community groups that are actively involved in removing graffiti. I am sure that when the member for Mindarie gets a chance to speak, he will talk of a very active group in his community called People Against Vandalism who do great work removing graffiti. Similarly, in my electorate, the Balga Action Group operates without any funding—other than some small amounts from the City of Stirling—and is assiduous in removing graffiti in the Balga area.

One other option for graffiti removal is through the Repay WA program. I do not know whether the Attorney General has had any more success accessing this program than I have. That program utilises offenders who have been issued with community-based work orders to perform various tasks in the community to repay the community for their offending behaviour. It is not limited to graffiti and has a more general focus. However, the Repay WA workers—the offenders who are working under that program—are limited to removing graffiti on public property. Some years ago, a local shopping centre had a large amount of graffiti, including the “C”

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word—I do not mean “commitment”—emblazoned on the side of a wall, probably six foot high. Locals took great offence at that, but I was unable to get Repay WA to remove that graffiti, even though it did impact on the public, as it was on private property. Repay WA needs to take a much more flexible approach. The community would appreciate that. When graffiti constitutes an offence to passers-by generally, the Repay WA guidelines should be a little more flexible. I understand there are legal and public liability issues and so forth, but the Attorney General is a very intelligent and thoughtful lawyer, and I am sure he can work through those.

I will raise one issue with the bill now, as I do not know whether we will debate the bill in consideration in detail. I believe the definition of a graffiti implement is a little narrow. In addition to graffiti there is the increasingly prevalent issue of etching. For example, this bill will not catch etching offences, which, as most members will know, is the scratching of windows. If members are observant, they will have seen etching on most bus windows. I think, and the Attorney General will correct me if I am wrong, the bill may well not cover implements used in etching rather than graffiti offences; however, I am relying on the Latin definition of “graffiti” rather than any other definition that may exist.

Mr C.C. Porter: You are correct.

Ms M.M. QUIRK: Yes. My second point is a little technical; that is, in my very cursory examination of the available graffiti implements, I am not sure that the definition of “marker pen”, in proposed section 216(1)(b), is broad enough. Proposed paragraph (b) states —

a pen, marker pen, or similar implement, that —

...

(ii) contains a fluid that is not water soluble and that is capable of marking a surface.

My enquiries suggest that it is possible to obtain an empty felt tip pen and fill it with an indelible Indian-ink base. In my view, selling that pen without the ink—the offending part of the implement—would not fall foul of this legislation. I am told that the ink used, known as “grog ink”, is particularly hard to remove. Feedback from some people indicates that grog ink poses a real problem. Despite that, the sale of a potential container will not fall foul of this particular definition of “graffiti implement”.

My second point is that, as so often happens, the law lags behind technology: it is now possible to buy these implements on the internet. Effectively, this legislation will penalise those persons who sell certain graffiti implements to persons under the age of 18; however, there is nothing to stop those implements being purchased over the internet. I understand that there is, in most cases, very little to prohibit the import of such implements and that it would be very difficult to apprehend people who sell them in that way. For example, if someone were to walk into a shop such as the one in the member for Perth’s electorate that specialises in providing this equipment, and the proprietor were to sell that person an implement, the proprietor would be guilty of an offence if the person buying the implement was under 18 year’s of age and the proprietor had no reasonable grounds to think the purchaser was over the age of 18. However, that same purchaser does not have to walk into a shop on William Street; he can use his computer to order the implement on the internet. There are no checks and balances to inquire about the purchaser’s age; all he needs is his credit card details.

I believe this legislation will be ineffective, because many of these purchases will be made not in person, but over the internet. For those cases in which the provider of the implement is based interstate or overseas, the offence is not of such severity that—to use the Attorney General’s words—it could be pursued through normal police channels. It cannot and it will not be pursued.

Despite those reservations, the opposition will not oppose this legislation; however, opposition members are not sure that the legislation will make a huge difference. We are keen for the government to pursue what I call the “carrot” end of the equation, which is much more about prevention. The quoted figures demonstrate that the clearance rate for such offences has consistently been between seven per cent and 10.4 per cent in the last decade or so. We really need to make sure that these offences are not committed in the first place rather than concentrate on such a small number being apprehended and convicted in the long run.

MR D.A. TEMPLEMAN (Mandurah) [11.15 am]: I am very keen to make some comments about the Criminal Code Amendment (Graffiti) Bill 2009. The opportunity to do so is quite timely because, I am pleased to say, I have some guests from Mandurah and the Peel region in Parliament House this morning. I welcome a delegation from the Mandurah Performing Arts Centre that includes Lyn Kitto, the group’s president. They represent the nearly 300 people from the Peel region who voluntarily support our performing arts centre in Mandurah. I welcome them very warmly! We were discussing the issue of graffiti over morning tea. Graffiti is viewed with abhorrence in our community. Like many communities in Western Australia, we find it very sad and indeed sickening to see the wanton vandalism that occurs. I call it wanton vandalism. These spates of wanton vandalism that include the defacing of peoples’ personal property and indeed the defacing of public property—property that

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ultimately belongs to all of us—are quite abhorrent. Certainly in terms of local issues, graffiti is one subject that generates a range of emotions when people discuss the sorts of penalties, programs and other things that should be done to try to prevent what I think is quite frankly an abhorrence. Earlier this morning, our “think tank” discussed what can be done and how we can address what is in fact an issue that goes back to ancient times. That is, people have inscribed a range of things on cave walls and, later, public buildings. You, Mr Acting Speaker, may be well aware that above your head is the press gallery bench—a very interesting bench to look at! If members and visitors ever get the chance to view that bench, they will see that some of our eminent journalists, both past and present, have etched comments into the Parliament’s furniture.

Mr P. Abetz: Interesting!

Mr D.A. TEMPLEMAN: Interesting people, and some of them very famous. Liam Bartlett, for example, is one such eminent journalist whose graffiti—if we are going to talk about definitions—is etched on the bench. Some of the comments are quite derogatory—particularly those about members of Parliament observed over decades. I see one member of the press now. He has probably come to see whether there are any fresh comments up there! Quite frankly, if we look at the definition, that is an example of graffiti, because this is a public place. Obviously, many of those journalists—here they are! They are all arriving! They arrive in throngs as I speak. Goodness me! I must remember to do something like this more often to get the attention of our journalist friends! Mr Acting Speaker (Mr J.M. Francis), you will note that with a full house of media people, I now have an audience. I am so pleased about that! However, up there in the press gallery, and in the press gallery in the other place, some very interesting observations and comments about members, both past and present, are etched on public furniture.

Point of Order

Ms J.M. FREEMAN: Can the member table the bench?

The ACTING SPEAKER (Mr J.M. Francis): It is not a very practical point of order, but I ask the member for Mandurah to choose his words carefully. I am getting very nervous sitting below the press gallery!

Debate Resumed

Mr D.A. TEMPLEMAN: So the Acting Speaker should be! We are losing a few journalists now. They have obviously lost interest in my wonderful speech.

This demonstrates the problem we face of how we define “graffiti”. What is inscribed in the press gallery bench and what is inscribed in many wooden desks in classrooms is probably now considered to be historic heritage etchings. If we sought to remove some of them, it could raise the ire of the Heritage Council and others who seek to preserve our cultural heritage. That is true. I am serious; that could be the case. It demonstrates the conundrum of what is graffiti—for which we have a definition, and which is recognised as wanton vandalism—and what is not. There is no doubt among all members that it is offensive to see in our communities graffiti tags on public buildings, on walls and on people’s personal property. I do not believe that there is any disagreement about that. This bill seeks to impose some additional penalties for this type of vandalism, and I am not opposed to that at all. I have used the word “gutful” in this place before about a number of things but I certainly have had a gutful of graffiti. It sickens me when I see the type of graffiti that I have just described because I consider it to be pointless vandalism. The approach to this issue is twofold. Yes, we need penalties and we need to make sure that they are targeted so that they hopefully address the issue of graffiti and result in a reduction of graffiti. It is absolutely critical to also look at preventive measures. Ultimately, we must provide and support programs that are aimed at channelling the energy of the people who do graffiti. They obviously have a lot of energy. I cannot believe that they sneak out at all hours of the night with their texta, spray can or whatever. I cannot believe that they are out there while I am in bed, and possibly you are in bed too, Mr Acting Speaker (Mr J.M. Francis), although you do have some interesting nocturnal habits, which I will not go into. I should have not said that and I withdraw it; that is not appropriate. People go out at night and do those things and, in the morning, the general public report the graffiti to the local council and hopefully it can then be removed. I have not said “young” people; there is a presumption that they are all young people. Predominantly they are, but it is not always young people. We need to find ways to channel that energy and enthusiasm into making a positive contribution to the community. If that means we need to support crime prevention programs, let us look at those and evaluate them realistically. One of problems is that although we have had a lot of programs in the past, have we evaluated them realistically? I suspect that we have not realistically evaluated some of the things that could and should work and that may need to be supported with further services.

I am aware that this legislation is the result of an election commitment. I accept that and that is why the member for Girrawheen has said that the opposition will not oppose the Criminal Code Amendment (Graffiti) Bill. I know that the Attorney General considers these types of things seriously. After yesterday’s debacle over

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breastfeeding, I hope that the Attorney General will consider this matter carefully. Before he speaks, he might give it serious consideration, which I am sure he will. I am sure he will consider the laws and the penalties. The Attorney General is trying to target in this legislation the people who sell the implements that are used to create graffiti. Let us look at taking a cohesive and holistic approach to this matter. During the election campaign the Liberal Party announced that it would take a holistic approach to graffiti vandalism. Let us make sure that the Attorney General does not just focus on locking up people, because he will then have to deal with the problem of overcrowded jails, which is a problem he already has.

A lady from Mandurah with whom I had tea this morning had been to America recently. She said that she saw a magnificent, brand-new bus when she was there. The bus had a sign saying that people who vandalised the bus would receive a \$250 000 fine and/or a number of years in jail. It was reported to me this morning that that is the approach taken by some of the counties and states in the US. Mr Rod Patterson from Peel told me of an interesting concept that is worthy of further exploration. We must think outside the square when dealing with a range of these types of issues. He suggested that a whistle could be built into the spray can so that when it was used, it would make a sound.

Mr M.P. Whitely: You could find a use for the bells for the upper house.

Mr D.A. TEMPLEMAN: I agree that we could get better bells for the upper house. They sound like —

The ACTING SPEAKER: An emergency station's alarm.

Mr D.A. TEMPLEMAN: Yes. If I were Pavlov's dog, I would probably start salivating as soon as the bells began ringing. We could have saved the money that was spent on those bells if we had simply abolished the upper house, which is something that a future government might consider. I think we could gain some support for that. Of course, I would not accuse our learned friends in the upper house of not working hard, but certainly their bells are not too flash, let me just say that. While the Clerk is pondering my contribution this morning, I must say that the Council and Assembly bells have not been tested at the same time when Parliament has been sitting. I think we should do that, because I remember very well the infamous incident a few months ago when the bells chimed and I had my first victory as opposition Whip when seven members of the government side did not turn up to a division. My good friend the government Whip has entered the chamber. He is very disgruntled because he does not have his train station yet, but I will not go into that. We should test the Assembly and the Council bells together when Parliament is sitting. We have not yet heard them both chime at the same time. I am interested in the contrast between the dull, dulcet tone of the upper house bells and the bright and energetic tone of the traditional heritage bells that are used for the Assembly.

The ACTING SPEAKER: You know what I am going to say to you, member.

Mr D.A. TEMPLEMAN: I do. I am deviating, am I not?

The ACTING SPEAKER: I am failing to see any parallel between the member's comments about the bells and the legislation before us.

Mr D.A. TEMPLEMAN: I can understand why you might draw that view, Mr Acting Speaker.

I know that the Attorney General has been listening intently to my contribution. Although I have lost the members of the press, I have gained a larger collection of members who are interested in listening to my contribution. I am sorry to disappoint members, but I will have to sit down in a moment.

I will finish by saying, in all seriousness, that this issue is very, very important. The opposition will not be opposing this measure. But I urge the Attorney General, if he is dinkum about taking a holistic approach to this problem, to please ensure that prevention forms a clear part of this bill. If the Attorney General does that, he will find that there will be broad support from members on all sides of Parliament for this bill to address what I think is—I say this unashamedly—an abhorrence. I get very angry about it when I see it. Members have not seen me get angry in this place. One day they will!

Mr M. McGowan: Last week!

Mr D.A. TEMPLEMAN: Yes, perhaps last week!

Mr M. McGowan: Would it be fair to say that you were incandescent with rage?

Mr D.A. TEMPLEMAN: I think it would be fair to say that!

With those comments, I want to again thank the “think tank” from Mandurah for helping me to shape my argument this morning. That was a very good contribution from my friends from Friends of the Mandurah Performing Arts Centre. I am very proud to be the patron of that group. I am sure that I have been able to weave a number of themes together this morning.

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The ACTING SPEAKER (Mr J.M. Francis): Before I give the call to the member for Mount Lawley, I am hoping that someone in this house will draw it to my attention if there are any journalists sitting above me with a brick in their hand!

MR M.W. SUTHERLAND (Mount Lawley — Deputy Speaker) [11.30 am]: I am very pleased to have the opportunity to speak on the Criminal Code Amendment (Graffiti) Bill 2009. Graffiti is a bipartisan problem, and any solution to the problem of graffiti will need to be a bipartisan solution. Graffiti costs the community some \$25 million per annum. As a person who has come from local government, I know the huge impost that is placed on local councils in having to clean up the mess that is caused by these louts who think that they can walk the streets and deface whatever property takes their interest. Even worse is the fact that often the people who are defacing public transport by tagging buses and etching bus windows are school children who are getting subsidised transport.

We now face the vexed question of how we can address this issue. Unfortunately, after the Labor Party came to power in 2001, it disbanded the Graffiti Taskforce. The Graffiti Taskforce was having strong success at the time. This government has now reinstated the Graffiti Taskforce. The Graffiti Taskforce is looking at various options to deal with the scourge of graffiti. We all know that we need to take a multifaceted approach to this problem. The first part of that approach must be education. We must send a message to the community that graffiti and vandalism will not be tolerated. That message needs to go out not only through our primary and secondary schools, but also on radio and television. The second part of that approach must be the imposition of punitive sanctions for graffiti vandals. I have been told in my discussions with the WA Police Union that it wants juvenile cautions to be done away with. That is because often the same people are cautioned time and time again and they just carry on their merry way and continue to undertake acts of graffiti and vandalism. The other problem is that the police often do not see graffiti as a high priority and do not follow up on that as well as they should.

The Graffiti Taskforce is looking at developing a computer program that will analyse graffiti tags to see whether there are any matches. That will enable the police and local councils to identify people who may be tagging in a particular area and to home in on the more serious culprits.

Mr A.P. O’Gorman: The problem is that they are now sharing tags.

Mr M.W. SUTHERLAND: Yes, they are sharing tags. However, this new technology will allow the police and local government to target the main culprits and try to catch them. They will be able to put a clean bus on a run and target that bus and catch any people who do graffiti on that bus and prosecute them vigorously. The problem is that the councils are basically acting on their own. They need to target specific spots, perhaps by using mobile cameras, and when they catch the culprits, they need to make sure that those culprits are dealt with severely.

Another problem is urban art. I have had some discussions with my friend the member Forrestfield about having designated areas in which people can do urban art. A good example is the electricity boxes in parks and on streets. The type of art I am talking about is not images of things like Metallica, but images of things like soccer balls or footballs, or something that will fit in with the local area. That art will last for 10 years. At the moment I am working with the City of Bayswater and the Town of Vincent in trying to have sort of urban art put onto the Mt Lawley subway. That subway is covered in posters. A big problem now is not only graffiti but also the illegal plastering of posters. I was really shocked to find that a federal government anti-drugs advertisement had been plastered all over the walls of the Mt Lawley subway. There is a group of people who think they can go around with impunity and plaster posters on whatever they like, deface whatever they like, scratch the windows of shops whenever they like, and do whatever they like on the buses and trains, and they will get away with it and all will be well. I am, therefore, very pleased that the Graffiti Taskforce is up and going again. Last week I went to a presentation in Armadale by a group that is engaging youngsters in urban art and trying to channel their energies into activities that are more constructive than tagging buildings and destroying urban infrastructure.

Everyone has had a gutful of graffiti. Graffiti is not a political issue. It affects people on all sides of politics. We need to work together to address this problem. I heard the comments of the member for Mandurah. I must say that the member for Mandurah is starting to sound more and more like Dame Edna! The member for Mandurah made a very interesting comment about spray cans that whistle. A whole raft of inventions are coming out. The City of Stirling has been trialling a new device that is able to pick up the smell of paint and send a signal to the council. However, all these things place an impost on local councils, because they cost money, and that means that people’s rates have to go up. Graffiti affects a wide range of people. People who have saved up to have a wall built around their home or people who are running a business face a huge cost when their properties are defaced. Graffiti is a negative not only because of the monetary cost, but also because of the cost to people’s lives when they have to spend their time cleaning up graffiti. It defies logic that we have come to this sad point in our society.

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This bill deals also with the sale of graffiti implements. I know of a number of shops in the city that are selling graffiti implements such as pens. Recently I went into a hardware store in my electorate of Mount Lawley, and I was concerned to see big, thick, felt pens that were lying on the counter for sale. Two new businesses—an art gallery and a real estate agency—have just started up in Beaufort Street. Those businesses are just down the road from that hardware store. These businesses, and other businesses in Beaufort Street, are being tagged day after day. I recently got yet another complaint from a business in Beaufort Street that had been tagged. People need to be responsible. People cannot run a business and be totally callous and not realise what they are doing when they sell these types of products. The member for Girrawheen said that this legislation will not help to any great extent, because these graffiti implements are becoming more and more sophisticated. People are able to go on the internet and buy empty marker pens that they can fill with a special ink and use to deface property. We need to look at these things as and when they come along. We need to try to plug the gaps all the time and make things more and more difficult for these graffiti vandals. It is important that when these people are caught, they are prosecuted to the nth degree. It is no good having all these laws and all this feel-good stuff if people are not prosecuted. That is why, when I deal with any council, I say, “It’s up to you now to find somebody that is doing this. Catch them, prosecute them and find out what happens throughout the courts”, so that we know at the end of the day that we have got a result.

Mr J.E. McGrath: Does the member know the penalty for a first offence?

Mr M.W. SUTHERLAND: I do not know. The offence can also be damage to property. There are various penalties. There are a lot of ways that these people can make good. They can go and clean up the mess. It would be great to make these people wear a pink vest, like Sheriff Arpaio does. He makes offenders wear pink, and paint out and make good the messes that they make from time to time. It is a really sad indictment on our society that we have got to the stage where it is costing us, conservatively, \$25 million a year. Members can imagine how that money could be spent and put to good use by having infrastructure and other buildings built and positive things done.

As I say, I am on the Graffiti Taskforce. I am looking at it with great interest. The answer might be for councils to have ownership of the computer database with some type of program to match the tags to people; then the police would not have the mundane job of linking up the tags. That could be done by civilians. The main thing in all of this issue is to prosecute people and to get the message out that if a person does this, he or she is affecting everybody in society and the impost on the community is great. I, as a member of the Graffiti Taskforce, am watching this issue with a beady eye. I am always pleased to discuss matters with other members who might have ideas. I do not have all the answers to this issue. Like everybody else, it is a team effort. If anybody has any suggestions, please come and see me. We all know that there could be holes in the legislation. We can never plug every hole. Let us try and send the message out there. Let us encourage businesses to stop selling implements. Anybody could take a key, a sharp stone or anything and etch into a window. We can never get rid of it 100 per cent. I support this legislation. There has to be a strong bipartisan approach to graffiti in this house to rid us of the scourge.

MR A.J. WADDELL (Forrestfield) [11.42 am]: I have made it clear in the past how I feel about graffiti—I am not a big fan! Occasionally, I see a piece of artwork that impresses me—I like the colours, I like the style, and sometimes I even like the message. I feel slightly guilty that I like such a vile and hateful thing. We need to recognise that occasionally there is some artistic merit in what some people are trying to achieve.

That comes to the crux of the comments I would like to make today; that is, that the Criminal Code Amendment (Graffiti) Bill is really the “Criminal Code Amendment (Graffiti—Can’t Sell a Couple of Items to Minors) Bill”. It really covers a tiny subset of the problem. Although we support it, it is really unlikely to make any real difference to the problem we face. We need to really ask ourselves: where is the graffiti coming from? It is not happening because people can buy marker pens. It is not happening because spray paint exists. If we were to somehow decide that we were going to ban those items from sale altogether, I do not think we would actually have a significant impact on the graffiti problem. Alternative tools would be found. I think that something far more tragic would occur; that is, the entire mode of graffiti would move to that of etching.

One of the biggest complaints that I often receive within my electorate is that of etching, where people go to community centres and scratch messages into windows. When we talk about the costs of clean-up, the cost of repainting a wall or cleaning up a sign is quite small relative to the cost of removing etching from a window. I cannot think of a single school within my electorate that does not have etched windows. When I speak to the principals, I ask, “What can you do about it?” They say, “There’s absolutely nothing we can do about it because the education department obviously can’t afford to replace every bit of glass that is etched. Obviously we have higher priorities.” I must say I have cheekily suggested to some principals that they might like to schedule a cricket match near some of the etched windows so that there may be another reason for replacing the glass! That

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is obviously not a practical solution. To the best of my knowledge there are such diligent principals within my electorate that none has taken up my absurd suggestion.

We have to ask ourselves: what is the culture that makes graffiti permissible? I would like to make a distinction at this point. There is a tendency to talk about children in relation to graffiti. Unless there are some pretty damn tall children out there, I think a lot of it is happening in the adult side of things. I am talking about people in their 20s and 30s; people who, incidentally, will not be caught by the provisions in this bill whatsoever but who are responsible for a lot of graffiti we see. What motivates them to feel the need to mark the territory in such a way? What is it that makes them think that it is permissible or even desirable to behave in such a way?

What we have got to get down to is the fundamental root of the problem. How do we address that? Can we have educative programs? Can we turn society's views around in such a way that we invest in our youth culture a respect for public property and a respect for the cleanliness of the city in which we live? How do we invest that pride back into our youth culture? How do we take away the "coolness" factor from people who thumb their nose at precisely what we are trying to do with this bill today? I suspect the tougher we make the graffiti laws, the more attractive we make graffiti to a certain element of people within our society. They want to send the message to us in the way that we want to send the message to them. We want to send the message to them that it is unacceptable and we will not stand for it. They want to send the message to us that they do not care what we think. That is essentially what is going on. We need to say, "Why do you feel the need to send the message to the community? Why do you feel the need to send a message to authority that says you do not care?" I really think that we have to get in at the root level and start talking to kids in our schools about community pride. We really need to talk to them about being involved in their community and how we are one society, committed to a common goal that is to the betterment of our fellow citizens. We have lost a lot of that in recent years. We have moved towards a very individualistic society. We have moved to a culture that is concerned primarily with commerce. We have lost a lot of what I think a lot of people would respect and like to hold dear in our culture. That is one element that we need to seriously consider.

The other thing that we need to recognise is the fact that unfortunately in the twenty-first century our ability to regulate items that are sold is severely limited by access to the internet and to a global market. Items like those that we are talking about, particularly marker pens, I could pick up from China very cheaply. I spoke to a number of graffiti artists at a forum that I ran. One of the interesting comments made to me was that there was an economic cost to them. They were very concerned about the cost of their implements because they had a limited budget. A person can only buy so much paint or so many marker pens if that person is on a budget. I suspect that a lot of these people who are doing this have relatively limited budgets. Is there again a mechanism to actually deal with that? We will always have a problem with people having access to the internet and with regulating this market in that way. We need to look at prevention and not necessarily at restricting control of both spray paint and the market. In that way we will end up with alternatives.

One of the things I would like members to think about as an alternative is chalking. I am sure members have seen some of the most amazing artwork that is done in the Hay Street Mall. It is done by very talented artists who chalk the sidewalk. Sometimes they do it on a large sheet of paper. I have seen some of this artwork sold for a reasonable amount of money. Of course that occurs only when the chalking is done on paper; we tend not to sell the sidewalk! However, it presents an opportunity to recognise that work as a legitimate art form and to encourage people to do that.

At times I see graffiti that I think is amazing, but to other people it might be an eyesore. If we could encourage a culture of chalking, we would be but one Rone away from a clean-up. They can still express themselves, do what they need to do and thumb their nose at us if they feel the need to do that, but it can be done without significant damage to property. The question is: how do we start to encourage that? Should we offer art prizes? Are there measures we could implement in our society that would put a value on people who chalking skills as opposed to graffiti skills?

The member for Mount Lawley talked about a computer database of all the tagging. The idea of tracking the tagging to individuals is fairly valuable. I have taken the time to get out into my electorate with a digital camera and take photos of tags. We are building up a database. We started to generate "Wanted" posters. We use a traditional western poster and stick a tag in the middle of it with the caption "Wanted" and refer people to the reward that is available for the potential conviction of the graffiti artist. My thinking behind that was that if we could present it in a fun way and get it out to high school kids and point out to them that potentially there is a little bit of money at the end of that, somebody who might be eyeing off that new iPod could be tempted to say, "Actually, I know who does that tag", and let us know. Again, we should use youth culture to our advantage in that respect. Members must bear in mind that this behaviour is not endemic in youth culture. I would hazard a

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guess that 98 per cent of our youth never do anything like this. However, they are constantly painted—excuse the pun—in that particular light; that is, that it is entirely a youth problem.

An issue I face with graffiti within the seat of Forrestfield is that of inertia. I refer to inertia by the local government or its inability to deal with the problem. It is well established that a way to avoid graffiti is to have quick clean-up. That does not seem to happen in my electorate. I have seen signs that have been covered in graffiti for years. I have had an ongoing battle with Telstra, which has two large telephone exchange buildings within my electorate that have been covered in graffiti. They are located in main thoroughfares and people can see the graffiti quite clearly. When I talked to Telstra about it, I said, “You guys can afford it. Come and clean your building.” They asked whether it was offensive. I told them that I found it offensive. They then asked whether there were offensive words on the building. It reached the point that unless I was prepared to scrawl “Mexicans go home” or something like that on the building, they would not come and clean it.

Mr C.C. Porter: It is a big problem that you are raising. As I understand it Telstra’s standard policy is that it will not clean up graffiti on its buildings. The member for Mount Lawley and I are looking at how we can lobby Telstra to reverse its policy.

Mr A.J. WADDELL: I commend the Attorney General for that. I admit that I have had successes. Telstra people did clean up the two exchanges in my electorate but that was after months of cajoling them. In fact, I got the local Lions Club people on board and they agreed to repaint the exchanges. I wrote to Telstra and said, “Look, I’ve got the people to do it. I’m going to pay for the paint to repaint the exchanges. We will get out there and do it.” Suddenly it had a change of heart. It decided that as the buildings belonged to Telstra, it would clean them. It is ridiculous that we need to go to those lengths to achieve that kind of a change.

We need to encourage a rapid clean-up of graffiti. Some of the money that goes into the clean-up programs needs to be diverted to groups committed to a rapid clean-up. In my electorate the Lions Club has been excellent. People are painting over walls in an endeavour to keep the area as clean as they can. I think they have been involved with a group called People Against Vandalism that has done excellent work, not just in my electorate. However, representatives from PAV spoke to people in my electorate to try to encourage them to get involved. We need to dig into the collective pocket of the state and create grants that could be made available to the groups who, out of the goodness of their heart, are taking part in the clean-up process. We need to look at it in the way we look at disease. For example, there is a virus out there in the community in the form of graffiti and we need to encourage the antibodies to clean it up; these groups are the antibodies.

What happened to the mobile closed-circuit television—CCTV—that was spoken about some time ago? Both parties made great play about that prior to the last election. Local government was supposed to be given money to implement that system. I am yet to see the implementation of anything like that. It was a valuable idea and it is still worth pursuing.

In summary, graffiti is a large problem that we need to address at many levels of government. We need to talk to people in the corporate world and encourage them to take responsibility. We certainly need to look at prevention by getting into schools and injecting into the youth culture a sense of community ownership. I commend this bill as one tiny drop in the huge bucket that is needed to be delivered to achieve our ultimate outcomes, and I hope that there is much more to follow.

MR W.R. MARMION (Nedlands — Parliamentary Secretary) [11.58 am]: I will make a brief contribution to the second reading debate on the Criminal Code Amendment (Graffiti) Bill 2009. Like all members of this house, graffiti irks me. When I go for a jog or a walk to the local shop in my electorate and I see a piece of graffiti, I have the urge to paint it out. If I had a can of spray paint, I would like to get rid of it. Members know that if we get rid of graffiti within 24 hours, precedence shows that the repetition of graffiti is severely constrained.

I have had some experience, not that I really wanted it at the time, in this area. As a public servant I was for a brief period the chairman of the Graffiti Taskforce, which was set up by Premier Richard Court. Having taken over the chairmanship of the task force from a former Commissioner of Health, Mike Daube, I found that graffiti was a growing problem. Jointly with the City of Stirling, the government, through the Graffiti Taskforce, set up a program. We had teams of people who removed the graffiti. These groups comprised people who had been redeployed and would rather work and get paid than sit at home. At one stage we had 20 state government people removing graffiti. That was one arm of my team. The other arm was the education arm. Its aim was to get to the graffiti artists. We even provided funding to the then department for the arts to the tune of \$5 000 to be used as a prize for the best graffiti artist. There was a fair bit of conflict between those people who cleaned up graffiti and the graffiti artists. Indeed, as some members may understand, we basically needed a person to manage each of them and keep them separate. The jury is out for me on whether graffiti is art. Some of it is rather good, but some of it may be seen as art only through the eye of the beholder. I have experience from a

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practical point of view. I was fortunate enough to be involved in building the belltower. I see a lot of members opposite laughing. We actually paid some money to graffiti artists—it may have been thousands of dollars—to get very tasteful graffiti art, featuring colours such as pale blue, painted around the barricades of the building site of the belltower. No graffiti at all was painted on the billboards—not one. There was certainly a benefit in paying graffiti artists to paint some public buildings to prevent graffiti.

I commend the new state government for re-establishing the Graffiti Taskforce. It has four aims, which I think are very similar to those of the previous task force: prevent and reduce graffiti vandalism—an absolute must—and ensure the rapid removal of graffiti. I think we should try to implement the 24-hour rule, particularly in the metropolitan area. The third point is to ensure that sanctions for offenders are appropriate and enforced and to support local government and communities in antigraffiti measures. Indeed, the only way we can eradicate graffiti or get it removed in 24 hours is by supporting local government and the people at the coalface. I support the bill.

MS A.R. MITCHELL (Kingsley) [12.02 pm]: I rise to support this legislation. I must say from the start that I do not believe graffiti is art. Art is done on our own property or our own canvases. When it is on someone else's property, I call that a lack of respect and it is certainly not art. I therefore certainly support the member for Forrestfield's comments that the lack of respect is a much wider societal issue that must be addressed. In the meantime, we must do something about the graffiti, and we need legislation such as this. I cannot condone any sort of graffiti; it is an absolute waste of money that many councils, agencies and businesses are spending most inappropriately and in a negative way. The City of Joondalup spends \$900 000 a year on graffiti removal. I am sure that money could be much better used in a more positive way throughout that local government authority. That is only one council. Then there are state government agencies, businesses, community groups and other people spending an inordinate amount of time and resources attending to this matter.

As I drive around the streets in my electorate most mornings and on weekends, it is abhorrent to see what is done by a number of people—I accept that many of them are not necessarily children—to people's private property, public walls and buildings. It is not just the paintwork that is the problem; it is the damage that is caused by etchings. It is very disappointing to go out on a Saturday or Sunday morning and see that they have done it yet again. Schools now have to build fences to stop graffiti in school environments. It is not good for our students to see the result of this sort of behaviour. We need to attend to it sooner rather than later. I refer also to one of my local tennis clubs, Kingsley Tennis Club, although it is in Woodvale. As many members know, competition exists between tennis clubs and when other club members visit the Kingsley Tennis Club, it is extremely embarrassing for that club that its club has been vandalised by graffiti and broken windows. It is very unattractive, and it should not happen, especially in the suburb of Woodvale. Recently, the City of Joondalup spent quite a bit of money refurbishing the building associated with the tennis club, but within a week the whole building was vandalised and graffitied again. I am not talking about only the walls and the new windows; I am talking about the roof and right around the building. Once again, a complete refurbishment has been a waste of money and it is once again looking very unattractive.

I understand the member for Forrestfield's comments when he said that some of the graffiti is done in very dangerous places. When I am driving around and I see it, I have to ask, "How did they get there?" or "When did they get there?" What bothers me is that at some time or other, in response to people taking risks in dangerous situations, we will be told we need to legislate to make sure they are protected. I will be very honest; I have trouble with the fact that we need to protect people who do that.

Mr A.P. O'Gorman interjected.

Ms A.R. MITCHELL: Yes. We know who will be seen as responsible when something happens, and that is the dilemma we face.

I acknowledge the work Constable Care does in this area. It is one of the few organisations that provide education to students at primary school. In fact, the antigraffiti program is the second most popular program in years 5 to 7. The most popular is bullying. I commend Constable Care and the work it is doing in this area as it endeavours to send a positive message about the lack of respect that graffiti reflects in the community. I applaud the work of Constable Care.

MS J.M. FREEMAN (Nollamara) [12.06 pm]: I rise to speak on this Criminal Code Amendment (Graffiti) Bill. In particular I note the Attorney General's second reading speech and the intention to implement a whole-of-government approach. I commend that and believe that, indeed, the speeches we have heard today have been about a whole-of-government approach. I particularly note the member for Girrawheen's comments that prevention is better than cure. I agree with the member for Forrestfield's comment that sometimes in passing these laws we risk actually creating an incentive for exactly the offences we are trying to prevent.

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We need to gain a better understanding of the people who commit these crimes. I agree that graffiti vandalism is a crime. It certainly is having a serious impact on the residents in the electorate of Nollamara; they are clearly very concerned about it. It is one of the other major issues that were raised with me, and it continues on an ongoing basis to be raised with me as the local member for the Nollamara electorate. However, we need to understand the culture surrounding graffiti. It may seem like a digression from this issue, but I am absolutely amazed every day when I see predominantly young people who are wearing what is called sleeved tattoos. I would like to think I have a relatively contemporary attitude, but it has made me realise that I am old. I am amazed that these people can do something to their bodies that they will never get rid of. In some ways that is the community we are dealing with. They see it as attractive, appropriate and something they want to display on their bodies. Perhaps some of that culture is something we need to understand when we look at a whole-of-government approach and at prevention of graffiti. It was certainly one of the first issues that were raised with me as a new member. With the member for West Swan, I took the time to visit the Office of Crime Prevention pretty much as soon as we had been elected. I note with concern that the Office of Crime Prevention has somewhat changed but I hope it continues to gain the resources and support of the current government that it had previously. We had an enlightening discussion about how I could work with the communities that were concerned about graffiti in the areas that encompass the seat of Nollamara, in particular Alexander Heights, where residents raise serious concerns on an ongoing basis. One of the issues they raise, and it has been raised in this debate, is cleaning and removing graffiti vandalism, in particular tagging, as soon as possible. Quickly removing graffiti from state government property such as bus stations, bus stops, Synergy power boxes and various other things is a difficult issue. At that stage, there were ongoing discussions between the state government and local government to reach an agreement so that local government workers were able to go onto those sites and clean graffiti off those facilities and be able to bill government departments. I understand there was a proposal for that to occur. One of the problems arising from graffiti vandalism is the cost of cleaning it up, and who bears that cost is a contentious issue because that is a resource lost from somewhere. Local government wants the capacity to bill those government agencies. I am not aware of where those discussions stand, and the cost issue is not covered by this bill. However, as the representative of the people in Nollamara, it would be a good thing if I could report through a whole-of-government approach the action that has been taken on that to enable local governments to clean the affected areas.

Those discussions also covered the strategy of “designing out” crime, which is a strategy for reducing the opportunities for crime through the design and management of the built and landscape environments. A great example of designing out crime is on Servetus Street, where West Coast Highway goes through Swanbourne to the rail line. At the time that part of the highway was constructed I was living in Leederville and I thought it was a fantastic design utilising brick and limestone. Freeways are usually grey—grey bollards, grey bridges—which give people a blank canvas where we are saying, “Come on, here it is, here is the canvas!” Let us think about locations where we have been able to design projects so they do not offer a blank canvas that invites graffiti—for example, the mural on Murray Street. I do not believe that gets graffitied over.

Mr C.J. Barnett: The latest section of the freeway in the Connolly area has an antigraffiti surface. It seems to be working well.

Ms J.M. FREEMAN: The antigraffiti surface is a great idea, but we should also be providing facilities. We stand here and say that graffiti vandalism looks terrible and that tagging, etching and all of that sort of stuff is ugly and does not create a sense of safety in our community. I am amazed that at the same time that we allow the visual pollution of signage in our community, we stand here saying to some people in our community that they cannot write all over property—which they cannot—but we allow some of the most God-awful signs and huge placards to go up advertising all sorts of things. That sort of visual pollution is everywhere.

Mrs L.M. Harvey: Some people do not like politicians’ signs.

Ms J.M. FREEMAN: In fact politicians’ signs are a contentious issue. I now have what I think is a very attractive photograph of me on the sign outside my office. It is a large sign! It is pretty frightening having to drive up to it every morning, but I have to say that the residents of the area are able to identify me and where my office is and, thankfully, they visit my office as much as I go out to them. I understand the benefits of signage. I was in a quandary, member for Scarborough. Some people in this place would say that I am a bit of a hippie.

Mr C.C. Porter: But without the tattoo?

Ms J.M. FREEMAN: Do hippies have tattoos? That is a question I cannot answer. I was in a quandary, as I am concerned about visual pollution, whether it be graffiti, how we design our cities or even the design of our nature strips and that sort of stuff. I believe that if an area is a pleasant place to be, that can build community spirit. I was in a quandary when I was confronted with deciding about advertising myself on a mighty big sign—or not. But I must say that the political aspects of the decision won over, which is probably a bit of a problem. I raise

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this issue because as a member of the Joint Standing Committee on Delegated Legislation, I had to deal with the concept of local government making laws about signs.

One argument is that the City of Joondalup cannot make laws about not having political signage, as it is not within the parameters of its local laws. There are many local councils that take that position, and I am sure that came about after a lot of debate in their council rooms—as it should—and a wish to reflect what the community wants. I am saying that it is important, if we are saying that graffiti vandalism is a crime and we associate penalties with that crime, that we also give our community the capacity to discuss laws that affect the community at that local level and to talk about the sort of visual amenity that they want in their community as a whole, not just about graffiti vandalism. That is a fascinating aspect of this debate.

I also took the opportunity to meet with the group People Against Vandalism. Given that the member for Mindarie, who has had the greatest involvement with PAV, is not here today, I would like to sing its praises. I was lucky enough to visit its facilities in Clarkson—great part of the world that it is. And I thought the seat of Nollamara was far away! I visited its storeroom and working area. PAV is not just about the rapid clean-up process, which it does very well and which we know is so valuable, but it also does great work with the community and with schools. Its efforts are making our community a safer and friendlier place in which live. The People Against Vandalism group is very much grounded in that whole idea of making our community a safer place to live and is working towards ensuring that. It has a number of vans and a Graffiti Busters Brigade. I met some of the People Against Vandalism volunteers. One bloke told me that he used to ring the council and complain about graffiti all the time until he thought that he should do something about it himself. That is a very positive contribution. We should encourage people to do that and ensure that funding is provided to allow them to do that. PAV has a contract with the City of Wanneroo. I was very keen to discover whether it was contracted to work in Alexander Heights but unfortunately it is not. PAV was eager to set up a link with people from Alexander Heights and establish a similar facility in that area. Unfortunately, when I contacted the people who so actively complained to me about graffiti and asked whether they would be interested in setting up something like that, and told them that we could talk to some of the seniors with whom I am actively engaged and who are very good people, they said that it was someone else's problem. We all know that it is our problem. It is about how we talk to our children, how we accept it in the community and how we ensure that local communities are able to make laws on urban planning, visual pollution and development. It was disappointing to get that type of reaction but it is an issue that I will continue to work on. One of the problems with our contemporary society is that it is difficult to get people to volunteer for many things because of the hours they work and their responsibilities to their families.

I also went to the Office of Crime Prevention's conference on antisocial behaviour and heard about the program in Bunbury that the member for Girrawheen spoke about earlier. A fantastic mural was painted on an area that was previously constantly targeted with graffiti. The people at the conference talked about not only how they got the children together to do a fantastic painting, but also the programs that were developed to get the children to work together, such as the program on dispute resolution and on addressing community concerns regarding youth behaviour.

I strongly believe that some places suffer from vandalism more than others because of the facilities of the area and how they are downgraded and kept in a poor state. Koondoola shopping plaza is one such area. I welcome the Minister for Planning's decision to continue to fund the Koondoola area and his active encouragement of the Koondoola shopping plaza owners to continue to look at what work can be done on the area. I have raised this matter before.

[Member's time extended.]

Ms J.M. FREEMAN: The member for Wanneroo probably has been to the Koondoola shopping plaza and would know how poor the facilities are. It is a very bad privately owned community facility. I met with the owners of the plaza this week. They are in a difficult situation. They told me that they do not get the sort of returns from the shopping centre that would enable them to pump money back into it and upgrade it. Meanwhile, most of the residents of the small suburb do not go to the plaza because it is so downgraded and people feel unsafe when they go there. It is constantly graffitied. Thankfully, a number of the shop owners have employed people to paint over the graffiti, but that leaves paint spots that are not particularly attractive. The plaza has various drainage problems. One person spoke of the lakeside view in the car park. That is what this inner-city community must deal with. The community has come together through various mechanisms, such as the Koondoola Ratepayers and Tenants Action Group Inc and the Koondoola Advancement Committee. They will tell members that there are many good things about living in the community. However, when people drive past the plaza, the plaza tags Koondoola as being a disadvantaged and downtrodden place because of the state of the privately owned facilities. When we look at graffiti prevention and the whole-of-government approaches to it,

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we must consider how we can assist and help the urban environment and help the community to fix those types of problems. All members probably experience that type of issue in their electorates. We must ensure that facilities do not invite graffiti vandalism to occur on an ongoing basis, which the Koondoola shopping plaza does.

I was pleased to hear the member for Mount Lawley discuss the Graffiti Taskforce. As a relatively new member of Parliament, it would be great to have some resources for that and to take the taskforce out into the community. I would be more than willing to set up stalls in shops to talk about that type of graffiti prevention. I am yet to find any of those types of resources. I have used some of the resources of the New South Wales government to assist people design out graffiti and crime from their communities.

I will again refer to my personal experiences on these matters. The member for Mount Lawley was surprised that people can go into a number of shops in Perth and buy big marker pens and spray cans. I was not surprised. A good friend of mine was appalled to find out that her son was involved in graffiti. He is a nice middle-class kid who is doing well at school. She could not get over how easy it was for him to purchase those implements.

Dr M.D. Nahan: Why did her son get into graffiti, do you know?

Ms J.M. FREEMAN: I think it was peer pressure and it was just what he and his friends did. It was also about breaking out. My own son and his friends went through a stage of tagging. They would tag their pencil cases. We have a tag on our bin. I told him that he could tag the bin, the chair and some other things but that if I found him tagging anywhere else, I would tag his backside. There is a perception that it is fun to do. I am sure that it is similar to the type of risky behaviour that we probably engaged in as adolescents. I went to Scarborough Senior High School and used to go to Trigg Beach to do some risky surfing. It was unusual for a girl to get on a surfboard at that time. I was not very good at it and it was not a pleasant sight!

Several members interjected.

Ms J.M. FREEMAN: Car surfing too. I have a lot in common with *Puberty Blues*. Doing graffiti is a type of risky behaviour. It might even be attention-seeking behaviour. The Cities of Wanneroo and Stirling, which have great programs that receive federal and state funding, told me that the real problem repeat taggers are among the 18 to 20-year-old cohort. A whole bunch of kids will experiment. My son's comment was, "Oh, no, mum; I wouldn't tag because I don't have a good enough tag." The fact that he felt that way made me feel much better. I am concerned that if we make laws that people want to break, we may encourage that behaviour. I had a look at the legislation on which this sits to determine whether community service orders are involved or whether this is a natural part of the justice system. I note that New South Wales has legislated for etching. I have a piece of graffiti art on my electorate office door; unfortunately, the doors have now been etched and that is not something about which I feel too grand. Etching is pretty difficult to get rid of and it is not particularly attractive. I have already noted that New South Wales has legislation that goes to etching; it also goes to on-the-spot fines for retailers. I do not think that this legislation allows for on-the-spot fines for retailers. The New South Wales legislation allows for on-the-spot fines for retailers who fail to properly secure spray paint cans or who sell paint cans to persons under the age of 18. I commend the capacity of this legislation to stop the sale of these implements to minors.

Earlier I mentioned the outrage of a friend when she found out about her son's graffiti. Obviously, she reacted appropriately and disciplined her son appropriately—as one still can in the case of adolescents; it is not so easy in the case of 20-year-olds. My friend was outraged that her son could purchase graffiti implements—that he could procure and purchase this stuff easily, without any questions being asked about what the material would be used for. I have listened to other members' quotes and was particularly heartened by that of the member for Jandakot. I have my own quote for the day. We need to be careful about our laws because—

The greater the number of laws and enactments, the more thieves and robbers there will be.

So says Lao-tzu. I am not sure I have said his name correctly.

A government member interjected.

Ms J.M. FREEMAN: I thank the member; one should not quote unless one can say the person's name!

I have said this before: while we need laws, and good laws—I commend this bill for restricting the sale of graffiti implements—we also need prevention. We need to ensure that we understand the culture of the cause and address that culture to grow our community so that these sorts of offences do not occur.

MR A. KRSTICEVIC (Carine) [12.33 pm]: I rise to support the Criminal Code Amendment (Graffiti) Bill 2009. Graffiti is an extremely serious problem. It is disappointing to hear some members of the opposition refer to graffiti as art. Graffiti is not art. Graffiti is the defacing of private and public property by people who are committing criminal acts. That is a very clear message that needs to be stated in this Parliament. It is a clear

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message that needs to be understood by members on both sides of the house. People in the community suffer every day with graffiti on the walls of their homes, on their cars and on community property. Graffiti is a very serious problem. The member for Mount Lawley said that it costs in excess of \$25 million a year to clean up graffiti; however, the social cost for people who have to look at graffiti day in, day out on the streets and in their communities is much higher. The social cost in terms of the destruction of and the lack of enjoyment in surrounding amenities is very serious. I was disappointed to discover that the previous government disbanded the Graffiti Taskforce in 2001. That task force, implemented by the Court government, is now being re-implemented by the Barnett government. That just goes to show how seriously the issue was taken during those eight years and explains why it has reached this stage; that is, resources were taken away because graffiti was not considered an important issue. I commend the Barnett government for implementing the Graffiti Taskforce in December 2008 as the first step in a whole-of-government approach; obviously, the Criminal Code Amendment (Graffiti) Bill is the second step.

I was a little disappointed that some members of the opposition were not overly enthusiastic about the bill on the basis that products can be purchased over the internet. Members opposite believe that things should not be banned in this state or country because they can be purchased over the internet. Everything can be purchased over the internet! Does that mean we should not ban drugs, that we should not ban dangerous weapons and that we should not have laws for gun control? I think that is a disappointing excuse. The bottom line is that everything can be purchased on the internet. A law is not made on the basis of whether something can be purchased over the internet. We need to restrict the supply of products that can be used by people for illegal activities; their supply needs to be controlled. We need to realise there are ways in which people can get around such restrictions, but that should not mean that we do nothing. To go soft on this sort of activity is a dangerous practice because lives can be at risk. We have all seen on the news reports of kids hanging off the back of trains, applying graffiti to moving trains. Doing such stupid things not only causes damage to property, but also risks lives. This is a serious issue. How do we overcome this? Obviously, education is one such factor that comes into play; another is to have appropriate regulations and fines to control this behaviour. This government is looking at a number of measures that are a step in the right direction, and I commend the work that has been done to date. Certain pockets in my electorate of Carine have serious graffiti problems. I have had meetings with the City of Stirling and local residents, as well as numerous government organisations, to try to deal with these issues. They are not issues that can be easily dealt with. Tags are sometimes removed and replaced the next day. When I talk about tagging, I am talking about entire streets being tagged—that is, dozens of houses and rubbish bins being tagged overnight. These properties are tagged and retagged on a continuous basis. It does not matter what we do, we cannot deal with the problem under the current rules and regulations. If I were to tell the people I have met that members in this Parliament call tagging art, they would be appalled. It is not art; it is vandalism. We need to be very clear that art is art and graffiti is a crime. We need that clear distinction. We should not use those two words in the same sentence. I believe that our first mistake is to say graffiti is art, because it sends the wrong message to the community. I implore all members to separate art and graffiti and talk about them in different contexts. Yes, some people who graffiti are very talented and their work can be very artistic. We need to encourage them to take up that activity on a legal level. There may well be community facilities where their talent can be used to add value to the aesthetics of our streets and buildings. I think that is a fantastic idea that we should pursue. However, we should not mix the two together, because it definitely sends the wrong message. We need to talk to schools and the local community to better understand why children graffiti. I do not know that we necessarily understand the graffiti culture, and without that understanding, we cannot put in place the right strategies to deal with the problem in its entirety. A lot of work is still to be done in this area. We are heading in the right direction. Some of these new ideas and laws will have an impact, but that they are by no means the final solution. I commend this bill to the house. Members need to strongly support this legislation and to encourage the government to take further measures.

MR M. MCGOWAN (Rockingham) [12.40 pm]: I support the Criminal Code Amendment (Graffiti) Bill 2009. However, I suggest that this legislation will have only a marginal impact. This legislation proposes to ban the sale of graffiti implements to people under the age of 18. Most of the people who do graffiti are 18 years of age, or older. We were all young once. We know that young people can find a way of getting around any law. We all know that 15, 16 and 17-year-olds seem to find a way of getting hold of alcohol, even though it is unlawful for them to drink alcohol. That is absolutely true. No matter where we are in Australia, it is easy to get hold of things that are unlawful.

I will start from the premise that I do not like graffiti. I particularly do not like it when it is scratched on glass, because the damage is so much greater than when it is painted on a surface. Many of the people who do etching on train and bus windows use compact disks. It is difficult to outlaw the sale of compact discs. People also use spray cans or large texta pens that are difficult to erase. The best way of dealing with that type of graffiti is to get rid of it as soon as possible. I have been involved with the Repay WA program. That program was set up when

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Geoff Gallop was Premier. He brought the Premier of South Australia, Mike Rann, to Rockingham, and we had the Repay WA van there, and some of the people who had been doing graffiti came to Rockingham and painted out the graffiti on some of the walls around Rockingham. That is a very innovative and sensible way of dealing with this problem. I think Mike Rann actually went back to South Australia and implemented a similar program there based on his experiences in Rockingham.

The member for Mandurah spoke about what we might regard as historic graffiti. One of the things he spoke about was the etchings in the desk upstairs in the press gallery. I am aware of the etchings in the desk at the Albany courthouse. Many of the journalists who have been to that courthouse have written their names on that desk and perhaps made comments about the judges and the magistrates. That includes a former journalist at the *Albany Advertiser* who is now a member of this Parliament. Apparently his name is also etched in the desk at the Albany courthouse. If we go upstairs to the press gallery, we will see etched into the desk the names of some of this state's finest journalists over a long period of time. That is now almost an item of interest. At the time people were doing that, it would have been something that people would not have liked. Now that those etchings are 30 or 40 years old, it is very interesting to go to the press gallery and see the names that have been etched into that desk. It is funny how things can start off being unlawful and become things of historic interest. The Great Pyramid of Giza, which is just outside Cairo, has carvings on it from soldiers who came to Egypt during the French invasion of 1802. It also has carvings on it from some of the Australian soldiers who went through Egypt on their way to Gallipoli.

Mr A.J. Carpenter: Are you talking about the Bedouins?

Mr M. McGOWAN: The Bedouins would not have been very happy when that was taking place! Of course, those sorts of things would now be regarded as historically interesting. However, if someone were to deface the Great Pyramid or some magnificent ancient building today, we would say it is terrible. I would love to see those carvings of the Australian soldiers and read what they wrote on the walls before they went to Gallipoli, in some cases never to return. Those members who have been to the great Tower of London, as I have, may have seen on the walls some carvings that were done by some of the prisoners. Those carvings have been revealed only recently. Those prisoners obviously had plenty of time on their hands, and they carved onto the walls pictures of their ships or their home towns. The names and the dates go back 400 or 500 years. That is historically interesting, but of course if someone were to do that now, we would say it was a terrible act of vandalism.

Graffiti is an interesting issue. I do not like it when people paint graffiti on houses, fences, public buildings or public signs. I do not like glass etching on buses and trains. It is very annoying. It is an antisocial crime that really upsets people. Is it as serious as other offences such as assaults, sexual offences, theft and so on? No, it is not. But it does get into people's heads and upset them. Can we jail all these people? No, we cannot. The people who do graffiti are generally young people from a certain subculture. That is the point I really want to talk about. There is a subculture of people who find this activity—as inconceivable as it is to me—rewarding and exciting. It is probably difficult for anyone in this chamber to understand that type of mindset, but there are people—predominantly young people—who have the mindset that this is what they want to do and this is how they want to express themselves. They know that graffiti is unlawful. They know that they can get in trouble if they are caught. If they are caught, they should get into trouble. They should have the full force of the law brought to bear upon them.

The problem is: how can we stop these people from doing graffiti? We do have penalties, and people are charged and prosecuted. But that does not stop this activity. How can we stop this activity? We can paint over the graffiti, and we can replace the windows—at great cost, I might add—and we can make the young people who do graffiti take part in programs such as Repay WA. But how can we stop people who have this mindset from thinking that this is a cool thing to do? I do not know that we are approaching this problem in the right way. There has been much talk about the Graffiti Taskforce. The problem is that the Graffiti Taskforce is full of middle-aged people who have never engaged in graffiti in their lives. I think a better solution would be to ask the people who are engaged in graffiti and who have this mindset what we can do to make graffiti uncool. We have largely made smoking uncool through our public campaigns. We have also succeeded in making uncool other activities that once were prevalent in our society. Drink-driving was very prevalent when I was young. It is now something that is frowned upon by the vast majority of people.

How can we make graffiti uncool? I do not think the solution can be found by asking a group of people who have no experience of graffiti. I think the solution can be found by asking people who may be reformed graffiti artists how we can make graffiti uncool. The solution is about getting into schools and asking 16 and 17-year-olds for innovative ideas about how we can turn graffiti into an activity that is socially unacceptable. That is the way we should deal with this problem. I do not think that blokes in their forties and fifties in suits know what the answers are. Perhaps we are asking the wrong people to come up with solutions. Perhaps we need to ask young people who are doing graffiti and who might want to give it up to help us devise mechanisms by which we can

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deal with this problem. That is my proposal. I am loath to propose yet another committee or task force—particularly when this government is creating them at the rate of one every two days—but perhaps we can invite some of these young people to join the Graffiti Taskforce. Perhaps the Attorney General could ask some of the young people who have been charged in the courts with graffiti offences how we should deal with this issue, because what we are doing now is obviously not working.

I do not like graffiti around my suburb. At one point in time I had graffiti on my house as part of a political attack. I did not particularly enjoy that. It cost me a fair bit of money to have it removed. It was a very unpleasant experience, for my wife in particular. I know it is very unpleasant for people in the broader community. We need a more innovative and smarter approach to dealing with graffiti. Having said that, we will support this legislation. It might stop a tiny bit at the edges, but I doubt it will stop it to any great degree.

Debate interrupted, pursuant to standing orders.

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