



“No ‘write’ to tag!”

**Criminal Code Amendment
(Graffiti) Bill 2009**

**Legislative Assembly
Exercise LA PS
(First & Second Reading)**

**Adapted by the Parliamentary Education Office from the
original text of the Western Australian Parliamentary
Debates, 2009.**

“No ‘write’ to tag!”
TEACHER’S NOTES

Introduction

2009 saw the introduction and passage of legislation of a bill linked to graffiti offences. The prevalence of graffiti in most city electorates meant that the bill received strong bi-partisan support. The bill, Criminal Code Amendment (Graffiti) Bill 2009, was introduced by the Attorney General of the day, Hon. Christian Porter. It made provision for doubling existing penalties for graffiti vandalism in terms of property damage within the *Criminal Code* (WA). Imprisonment was increased to 2 years and the maximum fine doubled to \$24,000.

Another focus of the bill was to restrict supply of graffiti implements. The bill creates a new criminal offence and penalty directed at persons selling graffiti implements to children. Fines related to this offence were inserted into the bill with a first offence set at \$6000 and \$12,000 for a subsequent offence.

It was significant that the Government identified a disproportionate percentage of juveniles being charged with graffiti offences despite the Opposition alluding to the fact that those over 18 were more likely to be the main culprits, but escaping detection and arrest. As reference is made by a number of Members to the importance of educating young people about the relevant charges, this bill makes an interesting study for both teachers and school-age children. An existing clause of the bill which remains as part of this Graffiti Amendment Bill states:

s. 446 Costs of cleaning graffiti

- (2) A court convicting an offender may order the offender to pay to any person who has obliterated the graffiti, or caused it to be obliterated, a reasonable amount for doing so.

and

- (3) Such an order is in addition to any penalty imposed for the offence.

The text of this role-play has been adapted from the Parliamentary Debates (Hansard) record of the first and second readings in the Legislative Assembly (the Lower House). It is designed for use during the class visit to Parliament and aids in explaining the key workings of the Parliament. However, the script and glossary can also be used by the class teacher as a springboard or adjunct to programs aimed at achieving outcomes set out in the Society & Environment Learning Area of the Curriculum Framework.

Preparation for Role Play

It is important that the background information contained in the Introduction and the listed glossary terms be discussed with the students. Roles can be allocated and rehearsed prior to the visit to Parliament so that the students can read their part with confidence and understanding. This not only avoids potential embarrassment on the part of the reader, but also enables those students who do not have reading roles to better understand and follow the debate.

Glossary

(Concepts and vocabulary within the context of this exercise)

Vocabulary	Meaning	Usage
bill	a proposed or draft law.	<i>The bill was debated yesterday.</i>
commend	to give approval and support - (base word in <i>recommend</i>).	<i>I commend this film to you all. It's a fantastic thriller.</i>
motion	a formal proposal - an application for a ruling.	<i>The motion is, we all wear uniform to the parade.</i>
adjourn (v)	to close a session of discussion.	<i>We will adjourn the meeting.</i>
[to] table (v)	in Parliament it means to officially present something in the House by placing it on the central 'table of the House'. Usually a report but sometimes an object.	<i>"I hope the Minister will table the report before continuing."</i>
Aye	the old-fashioned word used for voting "Yes" in Parliament.	<i>All those in favour say "Aye".</i>
vandalism (n)	deliberate damage to property.	<i>It is a shopping centre that attracts vandalism.</i>
implements (n)	items used for a specific purpose.	<i>Modern implements for gold prospecting can be expensive.</i>
mural (n)	a painted picture or design usually on a wall.	<i>Michael Angelo's ceiling mural has incredible detail.</i>
deter (v)	to discourage or stop something happening.	<i>This metal sheeting will deter rock-throwing attacks.</i>
point the finger	to identify some-one; to <i>dob them in</i>	<i>If the reward is right I'm sure he'll point the finger.</i>
minor (n)	a person under 18 years-of-age	<i>You can't sell cigarettes to a minor.</i>

<i>Hansard</i>	the official written record of the debate speeches from Parliament and so named after the first British family who printed the transcript of the House of Commons.
Introduction and first reading	the House formally grants permission to a Member to introduce a bill and the Clerk then reads the long title.
Second reading speech	a second reading of the bill at which time the principle or purpose of the Bill is summarised and explained by the Minister or Parliamentary Secretary introducing it.
Second reading debate	the debate of a bill by members of the House where they express their views and may hint at changes or amendments they would like to make.
Consideration in Detail [not occurring in this role play]	a committee stage (and not technically a debate) where the Bill is considered clause by clause and changes can be suggested through motion and then voted on.
Third reading [not occurring in this role play]	the formal final reading of the Bill's long title by the Clerk in readiness for it to be delivered to the other House of Parliament, with a message seeking agreement and acceptance of the Bill.

CAST DATA SHEET
PARLIAMENTARY DEBATES EXERCISE
"No 'write' to tag!"
(14 reading roles)

Mr Peter McHUGH
Clerk of Legislative Assembly

Mr Paul PAPALIA
Member for Warnbro
Party affiliation: Labor

Hon. Grant WOODHAMS
SPEAKER
Member for Moore
Party affiliation: National Party

Ms Janine FREEMAN
Member for Nollamara
Party affiliation: Labor

Hon. Christian PORTER
Attorney General
Member for Bateman
Party affiliation: Liberal

Mr Tony KRSTICEVIC
Member for Carine
Party affiliation: Liberal

Mr David TEMPLEMAN
Member for Mandurah
Party Affiliation: Labor

Mr Bill JOHNSTON
Member for Cannington
Party Affiliation: Labor

Ms Margaret QUIRK
Member for Girrawheen
Party affiliation: Labor

Mr John HYDE
Member for Perth
Party Affiliation: Labor

Mr Michael SUTHERLAND
Member for Mount Lawley
Party affiliation: Liberal

Mr John McGRATH
Member for South Perth
Party affiliation: Liberal

Mr Andrew WADDELL
Member for Forrestfield
Party Affiliation: Labor

Mr Albert JACOB
Member for Ocean Reef
Party affiliation: Liberal

Additional roles allocated on the day:
2 **Hansard Reporters**
1 **Sgt-at-Arms**

LEGISLATIVE ASSEMBLY

Graffiti**“No ‘write’ to tag!”**

The following role-playing exercise is based on the original text from the Parliamentary Debates of the 38th Parliament of Western Australia, Legislative Assembly 2009. It has been adapted by the Parliamentary Education Office to suit the needs of students.

Best results occur when the reading roles are allocated and rehearsed beforehand.

LEGISLATIVE ASSEMBLY

Introduction and First Reading**SPEAKER**

(Hon. Grant Woodhams)

The Attorney General.

ATTORNEY GENERAL

(Hon. Christian Porter)

Mr Speaker, I move a bill for an act to amend the Criminal Code (WA) in relation to graffiti vandalism.

I present a copy of the bill.

Presents the bill document**SPEAKER**

The question is that the bill be read a first time.

Those in favour say “Aye” (*most members say “Aye”*).
Those against, “Noe” (*nobody says “Noe”*)

I think the “Ayes” have it.

The “Ayes” have it.

The bill is delivered to the Clerk for its First Reading**CLERK**

(Mr Peter McHugh)

Criminal Code Amendment (Graffiti) Bill 2009, a bill for an act to amend the Criminal Code (WA) to create new criminal offences and penalties in relation to graffiti vandalism.

ATTORNEY GENERAL

Mr Speaker, I move that the bill be now read a second time.

The Minister commences the Second Reading speech.

ATTORNEY GENERAL

Mr Speaker, what this bill seeks to address is graffiti vandalism.

It costs Western Australia \$25 million a year to remove graffiti.

This bill will limit the availability of graffiti items such as spray paint, marker pens and chemical fluids that mark surfaces.

Any person who is caught selling these items to a child will be fined \$6,000 a first time and \$12,000 for a further offence.

Graffiti offenders will face two years' jail and a fine of \$24,000.

I commend the bill to the House.

Most Members

Hear, hear!

MEMBER for MANDURAH
(Mr David Templeman)

Mr Speaker?

SPEAKER

The Member for Mandurah.

MEMBER for MANDURAH

Mr Speaker, I move that the debate be adjourned.

SPEAKER

The question is that the debate be adjourned?

Those in favour say "Aye" (*most members say "Aye"*).
Those against, "Noe" (*nobody says "Noe"*)

I think the "Ayes" have it. The "Ayes" have it.

Debate is adjourned.

SECOND READING DEBATE RESUMES 3 WEEKS LATER

MEMBER for GIRRAWHEEN
(Ms Margaret Quirk)

Mr Speaker?

SPEAKER

The Member for Girrawheen

MEMBER for GIRRAWHEEN

This legislation assumes that most graffiti offenders are under 18, but most people who graffiti are older than that.

Under this bill, people who sell graffiti implements to children over the shop counter will be penalised. But, to get around that, most purchases will be made over the internet.

Only 10 percent of offenders are caught, yet the government wants harsher penalties when it should encourage reducing graffiti.

We will not oppose this bill.

MEMBER for MANDURAH
(Mr David Templeman)

Mr Speaker?

SPEAKER

The Member for Mandurah

MEMBER for MANDURAH.....

I ask the question: "Is there acceptable graffiti?"

This issue goes back to ancient times when people drew things on cave walls and, later, public buildings.

Above your head Mr Speaker is the press gallery with its long writing bench. Some of our best journalists, past and present, have etched witty comments into that furniture.

MEMBER for WARNBRO
(Mr Paul Papalia)

Point of order Mr Speaker.
Can the member table the bench?

SPEAKER

That is not a very practical point of order.

MEMBER for MANDURAH

My point, Mr Speaker, is that there is playful graffiti and deliberate vandalism. But I do agree it's wrong to see our communities tagged with offensive graffiti.

One suggestion to reduce graffiti is to build a whistle into spray-paint cans. When the can is sprayed the air pressure makes a whistle sound. The noise would alert people to the crime and deter taggers.

Now that's thinking outside the square!

We will not oppose the bill, but I urge the Attorney General to please consider ideas for prevention ahead of penalties.

MEMBER for MT LAWLEY

(Mr Michael Sutherland)

Mr Speaker.

SPEAKER

The member for Mount Lawley.

MEMBER for MT LAWLEY

We must send a message out through our schools that graffiti vandalism will not be tolerated.

The Government's Graffiti Taskforce with computer technology will analyse graffiti tags, match them up and identify the person tagging in a particular area.

MEMBER for WARNBRO

(Mr Paul Papalia)

The problem is that they share tags.

MEMBER for MT LAWLEY

Yes, they are sharing tags, but this technology will allow the police to catch the main offenders.

Everyone's had a gutful of graffiti. The message must be this: If a person does graffiti then he or she will be prosecuted.

I support this legislation.

MEMBER for FORRESTFIELD
(Mr Andrew Waddell):

Mr Speaker.

SPEAKER

The member for Forrestfield.

MEMBER for FORRESTFIELD

Selling marker pens and spray paint doesn't cause graffiti. It's the attitude and actions of a small section of our society saying: "we don't care!" that causes it!

So, how do we change things? My idea is to take digital photos of tags. Then make up a 'Wanted' poster with a tag featured in the centre. The poster offers a reward.

Some school kid sees the poster. If the reward is, say a new iPod, he might then be tempted to point the finger and say, "Actually, I know who did that tag!"

I commend this bill.

MEMBER for SOUTH PERTH
(Mr John McGrath)

Mr Speaker.

SPEAKER

The member for South Perth.

MEMBER for SOUTH PERTH

I do not want to brand all young people as graffiti artists, but for those who are, the City of South Perth suggests that young offenders' possessions should be taken from them and sold off to pay for any clean-up costs.

That's pretty tough. I personally recommend a delayed repayment scheme. Those who can't pay the fine will pay back the debt out of their wages once they get a job. That would be a clear financial reminder to them about their wrong-doings.

I support the legislation. It is a step in the right direction.

MEMBER for PERTH
(Mr John Hyde)

Mr Speaker.

SPEAKER

The member for Perth.

MEMBER for PERTH

Let's tread carefully here. Not all graffiti is illegal. In my electorate, the Perth Arena stadium has boards surrounding it decorated with some amazing legal graffiti. Interestingly, no unwanted graffiti has been added.

In regard to the sale of graffiti items – we don't want art teachers and tutors to become victims of this legislation just because they supply or sell art materials to students for genuine art projects.

This bill needs to show that there can be legal graffiti which is art and illegal graffiti which is vandalism.

MEMBER for CARINE

(Mr Tony Krsticevic)

Mr Speaker.

SPEAKER

The member for Carine.

MEMBER for CARINE

Let's be very clear – art is art and graffiti is crime. Saying graffiti is art is a mistake.

The penalties this government is looking at for graffiti crime are a step in the right direction. I commend the bill.

MEMBER for CANNINGTON

(Mr Bill Johnston)

Mr Speaker.

SPEAKER

The member for Cannington.

MEMBER for CANNINGTON

A police sergeant in my electorate of Cannington, told me about tagging in South Africa. In Johannesburg criminal gangs use tagging as a sort of language. One tag can mean 'drugs available here', another means 'guns sold close by'. Our police need to look deeper into tagging. There's much more to the squiggles on buildings than we understand.

The Labor Party supports the bill, but I am not sure it will have as much effect as the government hopes.

MEMBER for NOLLAMARA
(Ms Janine Freeman)

Mr Speaker.

SPEAKER

The member for Nollamara.

MEMBER for NOLLAMARA

Graffiti vandalism is a crime and it's having a serious impact. We need ideas that will 'design out' graffiti.

Most freeways are usually totally grey, with grey concrete and grey bridges. It's a huge grey, blank canvas that says to graffiti vandals, "Come on, here it is, here's the canvas. Come and draw on it!"

Clever urban designs can make sure there is no blank canvas. A good example is the mural on the walls of the Murray Street under-pass. That never gets tagged.

MEMBER for OCEAN REEF
(Mr Albert Jacob)

Mr Speaker

SPEAKER

The member for Ocean Reef.

MEMBER for OCEAN REEF

Mr Speaker, graffiti rates as one of the top community issues. The vast majority of graffiti is nothing more than tagging with a fat, black pen.

In Ocean Reef, I mostly see the tag 'NSC', which means 'northern suburbs crew', or '6025'.

It's the way gangs mark their territory.

MEMBER for WARNBRO

Congratulations, you just gave them extra publicity!

MEMBER for OCEAN REEF

Oh come on!

You can see the '6025' tag all around Perth!
 Besides, I don't think taggers will bother to read my words in Hansard!

People want action. In Joondalup, a petition for greater powers to be given to police and courts to combat graffiti, got 1700 signatures in the space of a week!

This bill is a good answer to the problem and provides tougher penalties. I support the bill.

SPEAKER

The member for Bateman, the Attorney General.

ATTORNEY GENERAL

Thank you Mr Speaker. I thank all members for their comments.

Some members challenged that graffiti is mostly done by those 18 years and over. Just let me say that of the 1,147 people convicted of property damage last year, almost 18 per cent of them were under 18. That is easily double the proportion of juvenile's in Perth's overall population.

8.4% of Australia's population is aged between 6 – 17.

And if adults profit by on-selling items to juveniles they will indeed be charged.

This legislation is trying to get reported graffiti down to a level that is acceptable.

Mr Speaker, I move that this bill be read a second time.

SPEAKER

The question is that the bill be read a second time.

Those in favour say "Aye" (*most members say "Aye"*).
Those against, "Noe" (*nobody says "Noe"*)

I think the "Ayes" have it. The "Ayes" have it.
The bill will be read a second time.

CLERK

(Mr Peter McHugh)

Criminal Code Amendment (Graffiti) Bill 2009, a bill for an act to amend the Criminal Code (WA) to create new criminal offences and penalties in relation to graffiti vandalism.

This bill went on to receive its third and final reading in the Legislative Assembly.

On motion by the Attorney General, it was then transmitted to the Legislative Council for their consideration.

In the Legislative Council, after debate, it was passed without amendment on Wednesday, 11 November 2009.

The bill was given Royal Assent by the Governor, His Excellency Dr Ken Michael on 17 November, 2009.

It is now a law that is in force in Western Australia.