



Summary Offences Amendment (Spray Paint Cans) Bill

Second Reading

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SUMMARY OFFENCES AMENDMENT (SPRAY PAINT CANS) BILL

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Bill introduced and read a first time.

Second Reading

Mr CRITTENDEN (Wyong—Parliamentary Secretary), on behalf of Mr Woods [1.13 p.m.]: I move:

That this bill be now read a second time.

The Summary Offences Amendment (Spray Paint Cans) Bill will ban the sale of spray paint cans to young people under the age of 18 years. The bill is a part of the Government's wider package of new proposals being announced today to up the ante in the fight to stamp out graffiti crime. The package also includes proposals to further extend the community service order arrangements for juvenile offenders to paint out graffiti, to introduce new anti-graffiti initiatives by the State Rail Authority, and to permit direct involvement by the new police community accountability teams in reporting on graffiti crime. The Government is committed to reducing graffiti vandalism in the community, particularly the costly and damaging graffiti caused by misuse of spray paint cans. This requires constantly trying new and innovative approaches to reinforce and strengthen earlier anti-graffiti initiatives.

Similar legislative provisions to that introduced by this bill already exist in several United States of America jurisdictions. They have been proposed by the United Kingdom London Local Authorities Bill and commenced in South Australia earlier this year. In almost all these jurisdictions, the ban on the sale of spray paint cans to minors has been set at the age of 18 years. The bill will therefore amend the Summary Offences Act 1988, restricting the sale of spray paint cans to anyone under the age of 18 years. The legislation generally mirrors the legislation for the restriction on the sale of knives, which the Government introduced in 1997. Schedule 1 to the bill introduces a new section 10C, which provides for a maximum penalty of \$1,100 for anyone who sells a spray paint can to a minor. However, it will be a defence for any person charged under the new section to demonstrate that he or she believed on reasonable grounds that the person buying the spray paint can was 18 years of age or over.

As in the case of the laws banning the sale of knives to young people, the bill also provides that an employer will be responsible for any illegal sale by an employee. However, employers will also have a defence to any charge arising from actions of their employee if the employers had no knowledge of the illegal sale, and if they could not, by the exercise of due diligence, have prevented the illegal sale. Provision has also been made in the bill for the issue by police of penalty notices where the law has been breached. It is intended that a fine of \$110 by way of penalty notice will be included in regulations to be made under the Act. The bill also provides at clause 2 (2) that the Act must not commence until at least six months after assent. The six-month pause will give retailers time to put into place necessary safe storage requirements and other procedures to prevent the sale to minors. The Government will work closely with retail traders and other stakeholders over this period to assist them in putting into place new procedures, information and guidelines to prevent minors from illegally purchasing spray paint cans.

The bill will not prevent adults from buying spray paint cans on behalf of a minor, nor does it prevent a minor from possessing a spray paint can. There are clearly circumstances where a minor may need access to a spray paint can for employment, for education purposes or for use at home. But the bill will substantially reduce access to spray paint cans by young criminals, and it is clearly aimed at reducing the vandalism caused by these repeat offenders, who are costing the community more than \$60 million per annum. The Government will also ask the Bureau of Crime Statistics and Research to evaluate the effectiveness of the legislation over the two years following commencement. The Government remains committed to evidence-based policy. If the legislation does not make significant inroads into the level of graffiti crime caused by young criminals using spray paint cans, we will certainly give consideration to further legislative measures. These measures could include consideration of an outright ban on spray paint cans. I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

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