



Summary Offences Amendment (Spray Paint Cans) Bill

Second Reading
In Committee

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03/12/2002

SUMMARY OFFENCES AMENDMENT (SPRAY PAINT CANS) BILL

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Second Reading

The Hon. IAN MACDONALD (Parliamentary Secretary) [3.25 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The bill that I introduce into the Legislative Council today on behalf of the Government will ban the sale of spray paint cans to young people under the age of 18 years.

The bill is 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 Orders arrangements for juvenile offenders to paint out graffiti, new anti graffiti initiatives by the State Rail Authority, and 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 those introduced by this bill already exist in several US jurisdictions, have been proposed by the *UK London Local Authorities bill 2002*, and commenced in South Australia earlier this year.

In almost all these jurisdictions, the ban on sale of spray paint cans to minors has been set at the age of 18 years.

The bill that we introduce into the Legislative Council today 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 restriction on the sale of knives which the Government introduced in 1997.

Schedule 1 of the bill introduces a new section 10C which provides for a maximum penalty of \$1100 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, the employer will also have a defence to any charge arising from actions of their employee if the employer 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 may 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 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 for employment, for education purposes, or for use at home.

But it 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 be asking 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, then we will certainly be giving consideration to further legislative measures.

This could include consideration of an outright ban on spray paint cans.

I commend the bill.

The Hon. JAMES SAMIOS [3.25 p.m.]: The Coalition does not oppose the Summary Offences Amendment (Spray Paint Cans) Bill, the purpose of which is to make it an offence to sell spray cans of paint to people aged under 18 years. The bill amends the Summary Offences Act 1988 and authorises the issuing of penalty notices. Under regulations to be included under the Summary Offences Act, the offence of selling spray paint cans to people under 18 years will attract a penalty of 10 penalty points. The bill will not commence until at least six months after assent to give retailers time to introduce measures to prevent the sale of spray cans of paint to minors, including putting in place the necessary safe storage facilities to meet requirements. The bill will not prevent adults from buying spray paint cans on behalf of a minor; nor does it prevent a minor from possessing spray paint cans.

The Carr Government's proposal to ban the sale of spray paint cans to people under 18 years, without securing cans against theft, will simply increase the level of shoplifting. For that reason the

Opposition will move an amendment to ensure that spray paint cans are locked in cabinets. Honourable members will no doubt be aware that in another place the honourable member for The Hills, Michael Richardson, introduced a private member's bill which would not only ban the sale of spray paint cans to people under 18 years but also prohibit retailers from displaying spray paint cans if they are not properly secured against shoplifters. As I indicated, the Opposition will not oppose this bill.

The Hon. IAN COHEN [3.28 p.m.]: While not opposing this bill, the Greens do not have much faith that in the overall scheme of things this legislation will lead to any significant reduction in graffiti in New South Wales. Young people who engage in graffiti will find other ways to obtain spray paint to engage in those activities. Certainly, however, the Greens are pleased that this legislation does not create a criminal offence to apply to young people who are in possession of spray paint cans; nor does it make it an offence for a young person to buy spray paint cans. Instead, an offence is committed by the person who sells a spray paint can to a young person. The Greens have often made the point that creative and innovative programs are the best way to deal with graffiti.

To the Government's credit, it has introduced a number of excellent initiatives that are designed to reduce the incidence of graffiti in our community, especially the Graffiti Solutions Program. The Greens would suggest that that is the way to go. Programs that seem to work involve the graffiti artists themselves. For instance, if graffiti artists are involved in the painting of murals on walls used predominantly for graffiti the work is rarely defaced. There are many examples of murals and controlled graffiti activities. Certain councils have done quite a bit to positively redirect graffiti artists away from their previous damaging activities.

In May 2001 we debated the graffiti removal bill, which the Greens supported. We congratulated the Government on focusing on a non law and order approach to graffiti. The Government, through the Attorney General's Department, was adopting a sensible and realistic approach to graffiti. The debate allowed us to consider why graffiti vandalism occurs. In my speech on that bill I quoted an interesting article on graffiti entitled "Hip Hop Graffiti Culture: Addressing Social and Cultural Aspects". It stated:

Graffiti is evident in all communities throughout Australia and manifests itself at every level of society. Graffiti can be defined as occurring in four distinct forms, toilet, community, political and gang related. There is only one such manifestation that typically draws a reactive commitment from police and the community, that being graffiti committed by young people.

Law and order approaches fail to address the cultural and social aspects of graffiti. An article written by Jenny Barga when she was a lecturer at the University of New South Wales entitled "Law Enforcement: Court—The Last Resort" saw graffiti as a symptom of broader problems. Ms Barga put forward employment, homelessness, boredom and alienation from traditional education as some of the factors that can contribute to graffiti. She pointed out that the most sensible approach to dealing with graffiti is to address the motivation of young people to engage in graffiti and the opportunities available to do so. She argued:

Rather than process all young graffiti "artists" through the criminal justice system, police should work with community members who are affected by graffiti and with young people who engage in graffiti-related activities.

Recently I have received correspondence from people upset that the walls of their shops or houses have been the subject of graffiti. Such mindless graffiti is certainly a negative in society, but we need to keep it in perspective. In some cases graffiti has had positive results. The Hon. Dr Arthur Chesterfield-Evans has raised a number of times in the House the activities of Billboard Utilising Graffitiists Against Unhealthy Promotions or BUGA-UP. I happily admit to being a graffiti artist against the tobacco industry for a period of years. I and many people like me changed billboards—artfully I might add—promoting tobacco. At one stage I travelled around with a group of doctors and medical students to do that type of graffiti. I think that it directly saved lives. It was also an outlet for many young people who wanted to express a political view.

There are times when graffiti is appropriate. The Greens certainly encourage moves that would direct young people into that type of positive activity rather than making it a destructive activity. It is a shame to see mindless graffiti that destroys people's property. However, in some instances it is part of the on-the-street art of society. In many cases the Government would be well advised to direct its attention to far more weighty matters in regard to the betterment of society rather than targeting young people and graffiti art on the streets. If enough resources were directed to those young people and they were given opportunities to express their art in other more socially acceptable ways and to burn off some of their energy in more productive ways, the Government would get a far greater dividend from the potential of those artists in Australia's society.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.35 p.m.]: I oppose this bill on behalf of the Australian Democrats. I am mindful of a quote that used to be on the toilet wall when I was in university, "A man's ambition must be small to write his name on a dunny wall." It seems to sum up the situation that if the best thing you can do in life is simply write your name on a wall you have a problem. It is effectively saying, "I exist." People leaving graffiti tags are saying, "I exist. Please notice me." It is somewhat pathetic that they need to do that to be recognised. We should look at graffiti in a broader context. During my youth the Vietnam war was on and a great deal of graffiti was political. People were concerned about people writing on walls. They were not concerned about the fact that we were in a silly war we never should have been in, that our young people were being killed, and that the Vietnamese were being brutally killed in large numbers. But they were concerned about people writing on the walls! People wrote on walls to communicate when the media would not cover demonstrations against the Vietnam war except to regard them as a threat to law and order and people's ability to drive down the street without being obstructed by marchers. So graffiti at the time was important politically.

I used to write on tobacco billboards with the Billboard Utilising Graffitiists Against Unhealthy Promotions [BUGA-UP] group. We took on the tobacco industry because there was no other way to attack it. The industry was spending millions and millions of dollars advertising cigarettes, saying that they were terrific. We were made criminals when we wrote the truth on cigarette billboards. We have now triumphed. The people in the tobacco industry are regarded as the criminals, which of course they are. Although the Government does not have the guts to take them on, they are at least stopped from advertising. Advertising of tobacco has now become illegal and the people who wrote the graffiti are vindicated. Believe it or not, some of them are members of Parliament.

A political result of the campaign was the Victorian Tobacco Act, which was the first Act to ban tobacco advertising and to devote funds from tobacco licensing fees to the sponsoring of health promotions. Another form of graffiti is the "John loves Susan" variety. Sometimes John wrote it, sometimes Susan wrote it, and sometimes someone who wanted to tease John and Susan wrote it. But it was at least an expression of some meaning to the people who wrote it. It is disappointing that young people are turning inward and have the small ambition to write their names on walls. That is unfortunate but we need to address the problem far more globally than simply by banning spray cans.

Tag graffiti originated in the New York subways, where gangs used to see how quickly they could write their names all over rail cars. Almost all of the trains in New York are covered in graffiti. The gangs wanted to show how tough they were by escaping from security men. Interestingly, they did not write on the advertising, even though the advertising was highly capitalist—it was mainly for cigarettes in those days—but only wrote on parts of the carriage. In a sense they were making an unconstructive statement of their power. This was in the days before spray cans were widespread so most of the graffiti then was not done with spray cans.

These days we want to criminalise everybody. If we want to stop something we simply make it a crime. Rather than adopting a more intelligent approach to the consideration of why people do things, the Government is criminalising everything. Our goals are bursting at the seams, but we continue with the fine rhetoric and build more goals. I received a press release from the manufacturers of spray cans: the Australian Paint Manufacturers Federation Incorporated, the Aerosol Association of Australia Incorporated, the Australian Retailers Association and the Hardware Association of New South Wales Ltd. Those organisations said they did not want kids

banned from purchasing spray cans. The current thinking that children under 18 should not be allowed to buy spray cans is only another step towards criminalising them. Adults will still be able to buy them.

The Opposition suggests that spray cans should be locked up. That is a lock-up mentality designed to demonise kids. I have never known a generation to be more scared of its young people than the present generation. I wonder why adults have lost the ability to talk to kids. It is a worry if we cannot say to kids: What is your problem? What do you want to do? What facilities can we give you? Why do we not live together happily? At the end of the day we will be dead and they will run the show. We should adopt a far more intelligent approach to our youth and to society generally. To suggest banning spray cans is, once again, part of the unintelligent approach of the Government. The Democrats do not support the legislation.

The Hon. MALCOLM JONES [3.40 p.m.]: The purpose of the Summary Offences Amendment (Spray Paint Cans) Bill is to make it illegal to sell spray paint cans to those under 18 years of age. The bill intends to stop graffiti crime. I cannot agree with the Hon. Ian Cohen that defacing property is in any way desirable, and I cannot agree with the "I BUGA-UP, therefore I am" contribution of the Hon. Dr Arthur Chesterfield-Evans. Not even the Government has gone so far as to provide sentencing provisions for offences committed using spray paint cans. Parliamentary Library research document No. 8/2002 entitled "Dealing with Graffiti in NSW" by Rachel Callinan, revealed that most of the aerosol paint cans utilised in the application of graffiti are stolen or shoplifted from retail establishments.

The Government briefing note says that it will try new approaches. However, the Government's proposal to ban the sale of spray paint cans may not be the only solution to the graffiti problem. What is the point of banning people from buying spray paint cans if the vast majority of spray paint cans used for graffiti are stolen? Several months ago a constituent came into my office to discuss an immobiliser aerosol can security system. I have never met the inventor of the system. An officer from the Premier's Department who is on the secretariat of the graffiti task force had heard about the proposal, but nothing had come of it. I have again forwarded documentation to the Premier's office so the merits of the project can be reconsidered.

Last night I heard that the Hon. Peter Primrose had become involved in consideration of this system, which I commend to the House. If anyone wants further information about it, they can access it in my office. The technology is reasonably straightforward. The system immobilises paint aerosols until the point of purchase. A security nozzle renders aerosol cans unusable until the retailer, with a specific tool, installs a special nozzle at the point of sale. The system will allow both wholesalers and retailers to stock aerosol paint cans without the threat of theft.

The immobiliser provides a three-pronged attack: the system restricts the availability of aerosol paint cans to genuine purchasers; the nozzle is easily applied by the retailer using a special tool; and the value of paint products is preserved by making theft unattractive. The Government briefing paper states that it is proposed to sell aerosol cans without the standard nozzle and provide the nozzle only at the point of purchase. However, not only are nozzles freely available on the Internet, they can be taken off old aerosol cans and screwed on to new ones. The Government claims that the bill will prevent graffiti. However, as the research of Rachel Callinan shows, the bill will do little to prevent graffiti because virtually all graffiti is perpetrated by offenders using stolen spray paint cans. Notwithstanding that, I support the bill.

The Hon. RICHARD JONES [3.45 p.m.]: The legislation is a direct crib from the Summary Offences Amendment (Selling Spray Paint to Minors) Bill, which I introduced into this House in 1997. Like the Government, I had a rush of blood to the head and, again like the Government, I did not consult adequately with the community. Subsequently, I received a flood of letters but the one that influenced me the most was a letter from Justice for Young People. I knew the people involved, Peter O'Brien and Kilty O'Gorman. The letter stated:

Dear Richard

We are surprised to hear of your *Summary Offences Amendment (Selling Spray Paint to Minors) Bill*. It comes as a surprise because you don't seem to realise that really isn't going to solve the problem, if there is a problem in the first place.

Your stance on this issue is hypocritical and cynical. Is it not your contention that current prohibitive drug laws do not work, haven't you argued that such laws create more problems than they solve? Isn't your proposed legislation prohibitive? Can't you see any difficulty in reconciling these two stances?

When I settled down a little and talked to more people about it I did see a difficulty. I introduced the legislation because I felt the same as so many others in our community: I was shocked by the number of cityscapes that graffiti was destroying and I wanted to take some action. The legislation was not a good idea. The letter continued:

How can you expect young people to take it seriously when one bill you are preparing to introduce relates to reducing the voting age to 16, and another attempts to treat young people as irresponsible, destructive, and laden with criminal intent? Are you suggesting that while young people are responsible enough to take part in the future of our State, they are not responsible enough to purchase spray paint?

Apparently one of your arguments is that graffiti is ugly and costs too much. Graffiti is a form of art, a creative expression we should be encouraging and accommodating for, not criminalising. As for your argument as to the health effects of spray paint, what a furphy! This is an appalling attempt to legitimise this piece of anti-youth legislation by promoting it on the basis of "protecting" young people—isn't this exactly the same argument which your friends at the Local Government Association, and the ALP and the Liberals are using to implement the oppressive *Children (Protection and Parental Responsibility) Bill*?

They were right and I was wrong. I got a call from the Premier's office saying, "We will support your legislation." The Government always supports extreme right-wing legislation. It supported the four or five bills introduced by the Hon. John Tingle that have gone through this House. The Government rarely supports moderate and progressive legislation, but it always supports right-wing legislation. My bill would have sailed through this House in no time at all. Legislation I have proposed has not gone through, but legislation introduced by the Hon. John Tingle has gone through because it is all about law and order and putting people in gaol for longer and longer periods. His legislation has nothing to do with progressive policies, which I would have thought the Hon. Ian Macdonald would have been more interested in because that is what he has shown throughout the years. I was wrong then and the Government is wrong now. In addition to young people who wrote to me, put their case fairly eloquently and highlighted what an idiot I was to introduce the legislation, I also received a letter from the Retail Traders Association of New South Wales which stated:

This Bill has significant ramifications for retailers and it is a concern to this Association that there appears to have been no consultation with industry groups on the need for and content of the Bill.

The association was right. I had intended to consult with interested parties before I introduced the bill. Subsequently I did so. I am sure that the Retail Traders Association would now say the same thing to the Government as it said to me. I am sure the association, which consists of a number of organisations, has not been consulted. The letter refers to a graffiti scheme which is supported by the Australian Paint Manufacturers Federation Incorporated, the Aerosol Association of Australia, the Hardware Association of New South Wales, the Food Retailers Association of New South Wales, the Newsagents Association of New South Wales and Australian Capital Territory Incorporated, the Service Stations Association Ltd, the Motor Traders Association of New South Wales, the Pharmacy Guild of Australia and the Retail Traders Association of New South Wales. The scheme was a non-prescriptive but punitive method of reducing the graffiti problem. It certainly did not attempt to ban the sale of aerosol cans, which I tried to do for a brief moment in time five and a half years ago. I received a letter from the Aerosol Association of Australia Incorporated which also condemned me for my attack on the industry. The letter stated:

As a major stakeholder in the issue and as the representative voice of the manufacturers and marketers of the 16.5 million spray paints produced in Australia annually I am concerned that we were not consulted in the stages prior to the Bill's introduction.

More importantly, we have grave concerns about the likely (in)efficacy of the proposed measure in addressing the graffiti issue.

Yet again that was correct. The letter also referred to the experience in the United States of America. The association was eloquent in its opposition to the legislation. I also received a letter from the Hardware Association of New South Wales Ltd, which stated:

The hardware industry is tackling the issue with graffiti by participating with an overall graffiti strategy including a point of sale poster, "Graffiti, and you pay", highlighting the penalties. We are committed as an industry to assist in part resolving graffiti problems in the community.

I received a letter from the Retail Traders' Association of New South Wales which stated:

The Association believes that Graffiti is primarily a community based problem that requires a comprehensive Government strategy if a significant reduction is to be achieved. Any restrictions on the sale of products used for graffiti will merely penalise the vast majority of consumers who do not use them for illegal purposes.

That letter was accidentally sent to the Hon. John Tingle, who immediately responded that he would support my legislation in spite of the association's concerns. That is not surprising, given that his philosophy is so far to the right of the political spectrum. After receiving advice from the industry, the community and young people, I realised that I had made a serious error and I promptly withdrew my legislation. It has been sitting in a dusty file ever since. Lo and behold, after a rush of blood to the head, someone in government has decided that prohibition is a good idea. I am sure that there has been no consultation with the industry, young people or any of the organisations I have mentioned. I am also sure that they are writing the same letters today that they were writing in 1997, pointing out that they were not consulted, that legislation such as this will harm them and that it will not work. It was a ridiculous idea when I introduced my bill and it is still a ridiculous idea today.

Reverend the Hon. Dr GORDON MOYES [3.53 p.m.]: The Christian Democratic Party [CDP] supports the Summary Offences Amendment (Spray Paint Cans) Bill. The objects of the bill are clear. It will be an offence to sell spray paint cans to persons under the age of 18 years and police officers will be authorised to issue penalty notices to offenders. Graffiti is an ancient art form. Earlier in my life I was involved in large-scale archaeological excavations in the Middle East. It was interesting to note the amount of graffiti found at Greek and Roman sites put there by the original inhabitants 2000 or more years ago. However, we do not want that graffiti in our cities. We must make it an offence to sell spray paint cans to persons under the age of 18 and also restrict the purchase of such products by underage persons.

Members of the Retail Traders Association might consider displaying spray paint cans in glass cabinets in the same way that many other products are displayed. Yesterday I noted that the spray paint section of the Big W store near my home is covered with paint; it has been put there by people testing the cans. I am sure that the retailers are not happy about that. The CDP is interested in helping retailers and this legislation will go some way towards achieving that. If the cans were displayed in glass cabinets theft would be reduced. That would help because most graffiti artists steal the spray cans they use. There is no question that cities deteriorate when graffiti is rampant. Honourable members need only do as I have done and study some of the rust bucket cities of the United States of America such as Detroit to see how widespread graffiti leads to the deterioration of the rest of the community. People living in affected environments seem to take less care of everything in the area.

Over the years some people have encouraged spray painting on walls by young people to provide them with an outlet. I remind the House that the Graffiti Solutions Program, which involves costly prevention and clean-up strategies, was introduced by the Government in 1997 and has been under

way for the past five years. Prevention strategies include the voluntary industry strategy that was developed in consultation with the Australian Retail Traders Association of New South Wales, the Graffiti Traineeship Grants Scheme to help local councils divert young people from illegal graffiti to acceptable graffiti, a \$900,000 Beat Graffiti Scheme to fund projects by councils, schools, police and communities to divert young people from illegal graffiti, and so on. It is obvious that those programs have not worked. In fact, some honourable members who have spoken in this debate have been rather hypocritical in encouraging people to make use of graffiti while decrying the result.

The signs put up by graffiti artists can be offensive, if one knows how to read them. Often they are anti-Semitic; an increasing number of neo-Nazis are using graffiti to spread their message. I remind the House that young people also endanger themselves by placing graffiti on the sides of moving trains and in hazardous locations such as the walls along the Gore Hill Freeway. I do not believe that the bill will prevent graffiti. However, it will restrict the availability of spray paint cans, and their availability encourages their misuse. Graffiti may be long lasting; a few "Pig Iron Bob" signs can still be seen. Sydney was home to the country's most famous graffiti artist whose tag has now become acceptable and the stuff of legend. Of course, I refer to Arthur Stace and his chalk "Eternity" signs. One of the signs can still be seen after 55 years. Graffiti may be interesting, but it does not do much for the character of a city.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 3 agreed to.

Schedule 1

The Hon. JAMES SAMIOS [3.59 p.m.]: I move:

Page 3, schedule 1 [1], proposed section 10C. Insert after line 8:

- (2) The occupier of any shop or retail premises from which spray paint cans are sold must not display a spray paint can on the premises in the view of customers except:
- (a) in a locked cage or other locked display cabinet, or
 - (b) within or behind any counter that is attended by the occupier or by any member of the occupier's staff, or
 - (c) in any other manner prescribed by the regulations.

Maximum penalty: 10 penalty units.

This is an important amendment. It is not much good introducing legislation until we can prevent people under the age of 18 accessing spray cans. This amendment addresses that issue.

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.00 p.m.]: The Government opposes the amendment. The Government's approach has been consistent; it is committed to working with retail traders in implementing this ban. The Government will target offenders not small business owners, and that is why the ban will not start for at least six months. I seek leave to incorporate in *Hansard* the remainder of my responses to this amendment.

Leave granted.

This will give retailers time to educate their staff and to put in place procedures to effect the ban.

The Government has already worked with retail traders to implement our Voluntary Industry Strategy designed to reduce the misuse of spray cans.

Under the Strategy, retailers avoid the display of products in areas outside of the sight of staff.

Where commercially viable, retailers either physically secure products behind the counter, remove self service access to the products, locate the products in areas visible from a service point and maintain regular staff supervision of these products.

Retailers are also encouraged to display empty cans or markers and make sure staff are aware of penalties for unlawful possession or misuse.

The Department of Fair Trading will keep working with the Australian Retailers Association of NSW to encourage more shop owners to adopt the strategy; for example, by targeting retailers from non-English speaking background. The Government will closely monitor the impact of the strategy and continue to work with retail traders to implement it.

We will not shy away from our evidence-based approach in fighting graffiti.

According to estimates provided by the Australian Retailers Association, these display cabinets cost around \$700 to \$800.

They are an onerous burden on small businesses and there is no conclusive evidence as to the effectiveness of such measures.

However, the Government is committed to trailing measures that will drive down graffiti.

We will be led by the evidence and the international experience and we will closely monitor the effectiveness of this Bill.

We are prepared to look at further measures if necessary in light of the evaluation of this legislation.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [4.01 p.m.]: This amendment is very important. Government members can talk all they like about this bill, but the fact remains: if spray cans are to be left on shelves in stores people will be able to steal them and use them for graffiti purposes. If the Government is fair dinkum about eradicating graffiti, it will agree to the amendment, which provides that spray cans cannot be displayed unless in a locked cabinet.

The Hon. Michael Costa: Why don't you just cut their hands off?

The Hon. DUNCAN GAY: The Minister for Police interjected "Why don't you just cut their hands off?" What a silly comment from a silly man. He rides the hard line. He is the Government's hard man, day after day. This is a sensible amendment. Spray cans should be displayed in locked cabinets. If the Government is not fair dinkum about eradicating graffiti, it will continue to allow spray cans to be placed in a position from where they can be stolen. The Government can pass any bill it likes, it can pontificate and claim that it is cleaning up graffiti, but it is not fair dinkum unless it supports this amendment.

Reverend the Hon. FRED NILE [4.02 p.m.]: The Christian Democratic Party supports this very practical amendment. It is far better than cutting off people's hands.

The Hon. IAN MACDONALD (Parliamentary Secretary) [4.02 p.m.]: The Government is working with various stakeholders on this issue. The Opposition's suggestion of locked display cabinets would cost small business operators between \$700 to \$1,000, and that would be an onerous burden on those operators. The Government is of the view that this is an inappropriate way to solve the

problem.

Amendment negatived.

Schedule 1 agreed to.

Title agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

Pursuant to sessional orders business interrupted.

Bill Name: Summary Offences Amendment (Spray Paint Cans) Bill
Stage: Second Reading, In Committee
Business Type: Bill
Keywords: 2R, COMM
Speakers: Nile, Reverend The Hon Fred; Macdonald, The Hon Ian; Samios, The Hon James; Cohen, The Hon Ian; Chesterfield-Evans, The Hon Dr Arthur; Jones, The Hon Malcolm; Jones, The Hon Richard; Gay, The Hon Duncan
Database: LC Hansard Extracts - 52nd Parliament of NSW / 523pc066 / 17

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