

Graffiti Control (Spray Paint Can Display) Bill 2001

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to prevent retailers of spray paint cans from displaying full spray paint cans to the public in the course of their business if those cans are not properly secured against shoplifting.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act 3 months after it receives assent unless commenced sooner by proclamation.

Clause 3 defines terms such as *publicly display*, *sell*, *spray paint* and *spray paint can*.

Clause 4 makes it an offence for any person who, in the course of any business in which spray paint is sold (which, as defined, includes offer or expose for sale), publicly displays a spray paint can containing spray paint unless the can is displayed:

- (a) in a locked cage or cabinet, or
- (b) within or behind an attended counter, or
- (c) in any other manner prescribed by the regulations.

The maximum penalty for an offence under the proposed section is 3 penalty units (currently \$330).

Clause 5 provides for authorised officers to issue penalty notices to persons who appear to have committed offences under the proposed Act. A penalty notice given to any such person provides the person with the option of paying the fine specified in the notice without having the matter determined by a court.

Clause 6 provides that proceedings for an offence under the proposed Act are to be dealt with summarily by a Magistrate sitting alone.

Clause 7 confers a regulation-making power on the Governor.