



NSW Legislative Assembly Hansard

Summary Offences Amendment (Display of Spray Paint Cans) Bill

Extract from NSW Legislative Assembly Hansard and Papers Wednesday 10 May 2006.

Second Reading

Ms DIANE BEAMER (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [9.58 p.m.]: I move:

That this bill be now read a second time.

Graffiti is a problem which costs New South Wales tens of millions of dollars each year. In 2004-05 alone RailCorp spent \$2.3 million removing graffiti from trains, thus using up valuable tax dollars that could have been better spent on other services. Local councils, private organisations and individuals spend millions more removing graffiti from public and private property. The bill I introduce today aims to reduce the amount of graffiti in the community by reducing the theft of spray paint cans. To do this, the bill requires retailers to keep these cans either in a locked cabinet or behind a counter in such a manner that members of the public cannot gain access to them without assistance. The bill forms part of the Government's comprehensive strategy to drive down the incidence of graffiti on trains, public transport infrastructure and other community facilities. We are now asking retailers large and small to assist our efforts by depriving would-be graffiti perpetrators of easy access to spray paint cans.

The strategy is a key plank in the Government's respect and responsibility reforms, focussing on instilling greater respect for public property and placing responsibility squarely on the shoulders of those who disregard it. The Government's anti-graffiti strategy is comprehensive. It includes the establishment of an anti-graffiti action team, which brings together experts from NSW Police, transport agencies, the Attorney General's Department, local government, the Roads and Traffic Authority, retailers and the paint industry to co-ordinate and implement new graffiti initiatives; increasing the use of community service orders to make offenders repair the damage caused by graffiti vandalism; identification of graffiti "hot spots" and stepping up enforcement and surveillance, especially through closed-circuit television [CCTV]; assisting councils and government utilities to develop graffiti management plans targeting high graffiti environments; local councils accrediting community groups and volunteers to remove graffiti; and a \$500,000 funding contribution from Railcorp to NSW Police to continue the work of Operation Chalk to crack down on graffiti vandals.

The Government is working hard to wipe out graffiti from our streets and has had some good results. As part of its Graffiti Solutions Program, the Government introduced a range of initiatives, including the Graffiti Community Service Orders Clean-up Scheme, which encourages councils to establish graffiti clean-up teams, and provides opportunities for offenders to remove graffiti as part of their community service work. This initiative has seen 60,000 hours of graffiti removal work completed, and the orders are currently in use in 20 local government areas. The Government plans to expand them to other identified hotspots. Other initiatives have included the Beat Graffiti Grants Program, which funded legal art projects for young people, and other anti-graffiti projects; the Graffiti Information Line, to give businesses, community organisations and residents a chance to report graffiti and access information about removal services; the Graffiti Blasters Initiative, which targeted 13 local government areas and provided grants of \$25,000 for the purchase of graffiti blasting equipment; a Retail Traders Voluntary Industry Strategy, to inform retailers of their right to refuse to sell graffiti equipment, and how to avoid theft of graffiti equipment; and an information program which included the New South Wales Government graffiti information website and the Graffiti Solutions Handbook for Local Government, Planners, Designers and Developers.

In 2003 the Government introduced legislation banning the sale of spray paint to persons under 18 and, prior to the introduction of the legislation, distributed a retailers anti-graffiti resource kit. The kit provided retailers with information and resources to help them fulfil their obligations under the legislation and reduce the incidence of graffiti in the community. More recently, the Government has had good results from its Operation Chalk graffiti crackdown. Operation Chalk involves covert operations on RailCorp property, including railway stations, stabling yards, commuter car parks and the rail corridor. Twelve police officers are working with RailCorp and the network's 600 transit officers, proactively deploying resources to target vandals. Teams are able to monitor vandals' every move via CCTV or other technology, with the aim of making arrests before a spray can is even uncapped. So far Operation Chalk has resulted in 24 people being arrested, 300 charges being laid and two well-established vandalism crews being disbanded.

The bill and the Government's anti-graffiti strategy will add to these successes in eliminating the scourge of graffiti from our communities. By reducing the theft of spray paint cans, the bill aims to reduce the amount of graffiti on our streets. Before drafting the bill, the Government consulted widely with retailers and spray paint suppliers. As a result, retailers have been given the option of keeping spray paints in a locked cabinet or behind

a counter. Retailers expressed support for building as much flexibility as possible into the bill so that different stores can choose the option which best suits their circumstances. Consequently, the bill also contains a power to make regulations to allow for further options for displaying spray paints, if these are considered appropriate in the future. The consultation process also resulted in the inclusion in the bill of the following provisions: a provision allowing for regulations to be made to exclude any specified class or description of spray paint from the bill's operation, and a provision requiring the operation of the bill to be reviewed after two years.

The exemption provision will allow spray paints that are not used for graffiti to be excluded from the bill's operation, if this is considered appropriate. The Government will hold further consultations before providing for any exemptions, but it seems that small craft aerosols or paints that do not contain any pigment may be suitable for exemption. The review provision will enable the Government to examine the effect of the legislation on retailers and the community, and consider whether the restrictions should be continued. The Government has also agreed that, prior to the commencement of the bill, the Office of Fair Trading will conduct a comprehensive education campaign which provides information not just about the new provisions but also about the full range of measures being used to combat graffiti. This will ensure that retailers and consumers understand that restricting access to spray cans is an important part of an overall anti-graffiti strategy.

When announcing the proposals in the bill the Premier made a commitment that the Government would work with retailers and the spray paint industry to ensure that the legislation is workable. As part of this commitment, the Government has agreed to a commencement date of 1 November 2006. While we would like to have the bill's provisions in place as soon as possible, retailers have expressed strong concerns about their ability to ensure compliance by 1 September, which was the original date nominated. The Government has listened to these concerns and has agreed to postpone commencement until 1 November to give retailers time to have cabinets and other shelves made if necessary, re-arrange their stores and train staff.

The Government acknowledges that the honourable member for The Hills introduced a bill into this House in 1995 with similar effect to this one. The Government argued at the time that there were other priorities in a whole-of-government approach to graffiti. Ten years on, in a refined and improved form, it is time to introduce legislation that addresses the supply of and access to spray cans at the shopfront. The Government will also provide retailers with a more flexible framework in which to operate than was proposed in the Opposition's bill. As I have outlined earlier, the bill adds to the Government's now comprehensive anti-graffiti strategy. I commend the bill to the House.