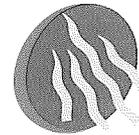




Hon Judy Spence MP
Member for Mt Gravatt



Queensland
Government

Minister for Police, Corrective Services
and Sport

Ref: 7326 F2 LT

26 SEP 2008

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000



Dear Mr Laurie

Thank you for your letter of 27 August 2008 in relation to Petition No. 1027-08 received by the Queensland Legislative Assembly. The Petition requests the House to enact legislation so that any person found guilty of a graffiti offence or a graffiti related offence must be required to remove the graffiti or such other graffiti as required.

The administration of the *Criminal Code Act 1899* and the *Penalties and Sentences Act 1992* falls within the responsibilities of the Honourable Kerry Shine, Attorney-General and Minister for Justice and the Minister Assisting the Premier in Western Queensland.

I have however, as Minister for Police, introduced the *Summary Offences (Graffiti Removal Powers) Amendment Act 2008* (the Act). The Act is in response to requests from constituents, other government agencies and local councils seeking greater graffiti removal powers to assist the fight against graffiti. A copy of my Media Statement of 27 August 2008 in relation to these new laws is attached for your information.

Prompt removal of graffiti is essential as it discourages the graffitist whose 'work' is no longer on display. If graffiti vandals were required to remove their own graffiti or indeed any graffiti, the community would have to wait until the court process is complete for the graffiti removal process to commence. Meanwhile, the graffiti will remain in situ severely diminishing the deterrent effect that the rapid removal of graffiti holds. I am therefore unable to support a proposition suggesting that graffiti remains in place for lengthy periods of time.

Level 24 State Law Building
50 Ann Street Brisbane 4000
PO Box 15195 City East
Queensland 4002 Australia
Telephone +61 7 3239 0199
Facsimile +61 7 3221 9985
Email police@ministerial.qld.gov.au
ABN 65 959 415 158

Nevertheless, the Government and the police share the concerns about property crimes. Graffiti is an eyesore, creating an atmosphere of decline and clean-up is costly to the community. In recognition of the seriousness with which these offences are viewed, Queensland has introduced the toughest anti-graffiti laws in Australia. Offenders face up to seven years imprisonment if the graffiti is obscene or indecent, or the property affected is an educational institution.

In addition to the changes to the *Summary Offences Act 2005* mentioned previously, this Government has already introduced legislation aimed at reducing the prevalence of graffiti offences committed by young people. Tough new laws which commenced on 3 September 2007 ban the sale of spray paint cans to minors. Under these laws, shop owners and their employees must request proof of age before selling spray paint to a person, unless satisfied the buyer is an adult.

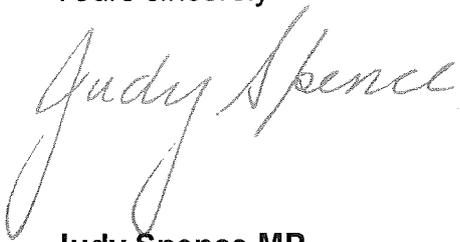
The Queensland Police Service uses a number of strategies to combat graffiti offences. Intelligence officers in various police districts monitor the incidence of graffiti within their areas. The intelligence generated by these officers is used to initiate intelligence-driven patrols targeting identified problem areas. Profiles of suspected and known graffiti offenders are also produced and circulated to patrol crews. Problem areas may also be targeted through special operations by divisional police or district-based Tactical Crime Squads.

In addition to operational measures, the Police Service actively addresses graffiti through educational programs conducted by crime prevention officers, school based police officers, "adopt-a-cops" and community beat officers.

The Police Service is committed to working in close partnership with local government authorities in using surveillance technology and to facilitate information-sharing intelligence to increase the capacity for apprehending graffiti offenders.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in cursive script that reads "Judy Spence". The signature is written in black ink and is positioned above the printed name and title.

Judy Spence MP
Minister for Police, Corrective Services and Sport

Encl

Minister for Police, Corrective Services and Sport
The Honourable Judy Spence
27/08/2008

Spence: New laws passed to clean up graffiti across Queensland

New laws to allow for the rapid removal of graffiti were passed by State Parliament last night.

Police Minister Judy Spence said: "The *Summary Offences (Graffiti Removal Powers) Amendment Bill* allows authorised government and council officers to remove graffiti that is in a public place or readily visible from a public place.

"As graffiti is often done on industrial sites and at deserted properties, making contact with owners can be extremely difficult.

"A number of local councils and Queensland Rail have raised concerns about their inability to contact occupiers of these premises to obtain consent for entry.

"In recognition of these problems, I have extended the application of graffiti removal powers to any graffiti readily visible from a public place.

"These provisions will allow graffiti removal officers to remove the public eyesore.

"Graffiti removal officers will not have authorisation to enter the actual premises associated with a graffiti offence, unless seeking consent or leaving a notice with the owner.

"The owner will then have the opportunity to respond and raise an objection to the graffiti removal.

"Should no objection be raised after 14 days, it is deemed that the owner's consent was given and a graffiti removal officer may then enter the private land to remove the graffiti.

"Officers must have the consent of owners to enter the yards of homes to clean up graffiti.

"Research indicates that graffiti can cause residents to be more fearful of crime and encourage offenders to commit further crimes.

"Graffiti offences nearly always involve considerable and costly damage to the property of innocent people.

"Addressing the graffiti issue through these amendments will enhance the feeling of safety for members of the community by ensuring unsightly graffiti is removed more quickly.

"The vandals who consider their 'tag' to be a work of art can expect to see a freshly painted space where their rubbish once appeared.

"Graffiti removal officers will also be protected through the introduction of an offence, making it illegal to obstruct, intimidate, hinder or prevent an authorised officer from removing visible graffiti.

"This Bill will ensure that the fight against graffiti crime is effective and the negative perception created by graffiti-related offences among the Queensland community is minimised," Ms Spence said.