1. THE NSW COMMISSION FOR CHILDREN AND YOUNG PEOPLE

The NSW Commission for Children and Young People (‘the Commission’) promotes the safety, welfare and well-being of children and young people in NSW.

The Commission was established by the Commission for Children and Young People Act 1998 (NSW) (‘the Act’). Section 10 of the Commission’s Act lays down three statutory principles which govern the work of the Commission:

   a) the safety, welfare and well-being of children are the paramount considerations;
   b) the views of children are to be given serious consideration and taken into account; and
   c) a co-operative relationship between children and their families and community is important to the safety, welfare and well-being of children.

Section 12 of the Commission’s Act requires the Commission to give priority to the interests and needs of vulnerable children. Children are defined in the Act as all people under the age of 18 years.

Section 11(d) of the Act provides that one of the principal functions of the Commission is to make recommendations to government and non-government agencies on legislation, policies, practices and services affecting children.

2. GENERAL COMMENTS

The Commission is pleased to make a submission to the review of laws relating to graffiti.

Laws that protect private and public property are supported. Appropriate punishments, such as community service including work restoring property damaged by graffiti are also supported.

The Commission is concerned that laws restricting the sale of spray paint cans to people over 18 and provision of powers to police to confiscate spray paint cans from people under 18 are discriminatory. It is not only people who are under 18 that are involved in graffiti.

The banning of the sale of spray paint cans is not supported. Spray paint cans have legitimate uses. Spray paint cans are not the only tool used in graffiti and banning their sale is unlikely to stop graffiti.
3. CONSULTATION

In preparing this response, the Commission for Children and Young People consulted three young people in a youth centre who do graffiti (three boys aged 15 and 16) and with year six and year seven school students (6 boys and 10 girls). The views they expressed in these consultations are summarised below.

Laws that protect property

The school groups were not in favour of graffiti and supported strict laws to stop it.

They felt that graffiti showed disrespect for their environment and a lot of graffiti in an area made them feel unsafe, particularly the younger students.

Banning spray paint cans

Kids in the youth centre group noted that spray paints have legitimate uses and were not in favour of the ban. While they liked using spray cans for graffiti they noted they could use other tools so could not see that this ban would be useful to anyone.

The school group also noted that spray cans have legitimate uses and felt that a total ban was inappropriate. They suggested the possibility of licensing legitimate spray can users to enable only these people to purchase the cans.

Possible strategies to stop graffiti

The youth centre group noted that the only way to stop graffiti in a particular area was the placement of 24 hour guards. They mentioned the various tools available to them to make graffiti including markers, pens, paint, water pistols and ink. Perhaps the most telling comment was made when discussing the etching of glass using rocks. One of the young people said “the government should ban rocks” then he laughed.

The stated reasons for doing graffiti were various and included the thrill of possibly being caught, accolades from friends, the possibility of becoming well known and an interest in the artistic aspects of graffiti.

Workers at the youth centre provide legal spaces to kids, usually as a reward for some positive work from the kids. For example if a person does not do any illegal graffiti for two weeks they will be provided with legal wall space to work on and the design will be left on display for an extended period of time. This practice was popular with both staff and young people at the youth centre.

The youth centre group seemed to have an ambivalent attitude to graffiti that lasted longer periods of time. While they liked the graffiti work to be on display for longer, they also said it did not matter if it was quickly removed.

They did not understand why graffiti was a problem for anyone; they saw it as an improvement to any area. They did acknowledge that some graffiti work was
better than other graffiti work and noted that it was considered inappropriate to paint over someone else’s work if you were not going to do something better.

The school group noted the need to find out why young people were doing graffiti and to help them solve any personal problems they may have and steer their artistic talents into lawful areas. These young people were also supportive of public mural type projects. Inclusion of graffiti related topics in personal development classes at school was also suggested. Generally, it was suggested that higher levels of education would lead to decreasing graffiti.

The school group noted that graffiti in Bankstown was decreasing. This was thought to be due to public areas becoming more populated so there was very little chance for people to do graffiti without someone seeing them.

4. CONCLUSION

The need for laws to protect property is recognised as is the need to provide appropriate punishment to those that break these laws. Community service, including work restoring damage done by graffiti, is also supported for offenders.

Laws which discriminate against young people, such as limiting the sale of spray paint to those over 18 and allowing confiscation of spray paint from those under 18, are not supported. There are people both over and under 18 who are involved in doing graffiti. In addition, persons both over and under 18 may have legitimate use for spray cans, such as painting models or bicycles for example.

Because spray paint has legitimate uses the total ban of spray paint is not supported. Given the large range of graffiti tools available it is not likely that banning spray paint cans will stop graffiti.