



Queensland

Criminal Code and Other Acts (Graffiti Clean-up) Amendment Bill 2008



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2008

A Bill

for

An Act to amend the Criminal Code, *Regulatory Offences Act 1985* and *Summary Offences Act 2005*

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3
This Act may be cited as the *Criminal Code and Other Acts* 4
(*Graffiti Clean-up*) *Amendment Act 2008*. 5

Part 2 Amendment of Criminal Code 6

Clause 2 Code amended in pt 2 7
This part amends the Criminal Code. 8

Clause 3 Amendment of s 469 (Wilful damage) 9
(1) Section 469, punishment in special cases, clause 9(3), 10
‘may’— 11
omit, insert— 12
‘must’. 13
(2) Section 469, punishment in special cases, clause 9— 14
insert— 15
‘(4) Subclause (3), as amended by the *Criminal Code and Other* 16
Acts (Graffiti Clean-up) Amendment Act 2008, section 3(1), 17
applies in relation to an offence whether the offence was 18
committed before or after the commencement of this 19
subsection.’. 20

Part 3	Amendment of Regulatory Offences Act 1985	1 2
Clause 4	Act amended in pt 3	3
	This part amends the <i>Regulatory Offences Act 1985</i> .	4
Clause 5	Amendment of s 7 (Unauthorised damage to property)	5
	Section 7—	6
	<i>insert—</i>	7
	‘(2) Subsection (3) applies if—	8
	(a) the property in question is in a public place, or visible from a public place; and	9 10
	(b) the destruction or damage is caused by—	11
	(i) spraying, writing, drawing, marking or otherwise applying paint or another marking substance; or	12 13
	(ii) scratching or etching.	14
	‘(3) The court must, whether or not it imposes any other penalty for the offence, order the offender—	15 16
	(a) to perform community service under the <i>Penalties and Sentences Act 1992</i> , part 5, division 2 including, for example, removing graffiti from property; or	17 18 19
	<i>Editor’s note—</i>	20
	<i>Penalties and Sentences Act 1992</i> , part 5 (Intermediate orders), division 2 (Community service orders)	21 22
	(b) to pay compensation to any person under the <i>Penalties and Sentences Act 1992</i> , part 3, division 4.	23 24
	<i>Editor’s note—</i>	25
	<i>Penalties and Sentences Act 1992</i> , part 3 (Releases, restitution and compensation), division 4 (Orders for restitution and compensation)	26 27 28

[s 6]

	‘(4) Subsection (3) applies in relation to an offence whether the offence was committed before or after the commencement of this subsection.’.	1 2 3
Clause 6	Amendment of s 9 (Further power to fine)	4
	Section 9—	5
	<i>insert—</i>	6
	‘(3) This section does not limit section 7(3).’.	7
Part 4	Amendment of Summary Offences Act 2005	8 9
Clause 7	Act amended in pt 4	10
	This part amends the <i>Summary Offences Act 2005</i> .	11
Clause 8	Amendment of s 17 (Graffiti instrument)	12
	(1) Section 17(2), ‘may’—	13
	<i>omit, insert—</i>	14
	‘must’.	15
	(2) Section 17—	16
	<i>insert—</i>	17
	‘(4) Subsection (2), as amended by the <i>Criminal Code and Other Acts (Graffiti Clean-up) Amendment Act 2008</i> , section 8(1), applies in relation to an offence whether the offence was committed before or after the commencement of this subsection.’.	18 19 20 21 22